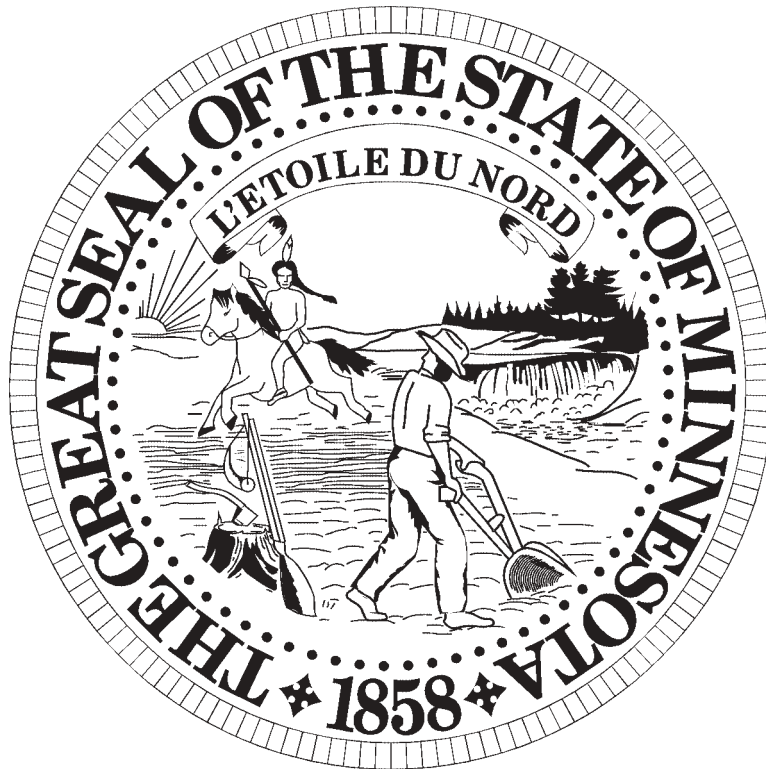


State of Minnesota

State Register



Rules and Official Notices Edition

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State Register

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

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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

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# 5	Monday 31 July	Noon Tuesday 25 July	Noon Wednesday 19 July
# 6	Monday, 7 August	Noon Tuesday 2 August	Noon Wednesday 26 July
# 7	Monday, 14 August	Noon Tuesday 9 August	Noon Wednesday 2 August
# 8	Monday, 21 August	Noon Tuesday 16 August	Noon Wednesday 9 August

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Website: www.senate.leg.state.mn.us/departments/secretary/seninfo.htm

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100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
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U.S. Government Printing Office – Fax: (202) 512-1262
Website: http://www.access.gpo.gov/su_docs/aces/aces140.html

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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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Commodity, Service and Construction Contracts information is available from the Materials Management Helpline (651) 296-2600, or Web site:

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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.

Emergency Executive Order 06-06 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 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 for at least the next few days; 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 July, 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 17th day of July, 2006.

Tim Pawlenty, Governor
Filed According to Law:
Mary Kiffmeyer, Secretary of State

Executive Orders

Emergency Executive Order 06-07

Providing for Personnel and Equipment for the Prairie Island Nuclear Power Plant Drill and Exercise

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 Minnesota Department of Public Safety, Homeland Security and Emergency Management, has requested assistance in providing personnel and equipment to support the Prairie Island Nuclear Power Plant Drill and Exercise; and

WHEREAS, adequate personnel and equipment are not available from the Department of Public Safety, other participating agencies, Goodhue and Dakota Counties of Minnesota, and other local authorities;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty as needed during the period July 18, 2006 to July 19, 2006, in the service of the State, such personnel and equipment of the military forces of the State needed by the Department of Public Safety and Goodhue and Dakota Counties to successfully complete the Prairie Island Nuclear Power Plant Drill and Exercise.
2. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be paid by the Department of Public Safety, Division of Emergency Management, as provided by an interdepartmental agreement dated August 7, 1995.

Pursuant to Minnesota Statutes 2004, Section 4.035, subd. 2, this Order shall be effective July 18, 2006 through July 19, 2006.

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

Tim Pawlenty, Governor
Filed According to Law:
Mary Kiffmeyer, Secretary of State

Proposed Rules

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

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

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

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

Minnesota Department of Labor and Industry

Division of Labor Standards and Apprenticeship

Request for Comments: Planned Amendment to Rules Governing Prevailing Wage Determinations, *Minnesota Rules*, Parts 5200.1000 5200.1120

Subject of Rules. The Minnesota Department of Labor and Industry, Labor Standards Division, requests comments on its planned amendments to rules governing Prevailing Wage Determinations. The Department is again considering rule amendments that relate to the master job classifications for which the Department makes prevailing wage determinations, definitions, corrections of rate determinations, and possibly the minimum number of hours of work required for a worker to be included in the wage survey process. These amendments would apply primarily to highway and heavy construction, but also would have application to commercial construction. Examples of job classification issues to be considered include, but will not be limited to, combining two or more classifications in the general class of Laborer, creating separate classifications and or rates for pieces of equipment used in highway-heavy and commercial construction; creating new classes for or altering the classifications applying to landscaping and seeding; creating new classes for or altering the classifications applying to painting and striping of roads; creating new classes for or altering the classifications applying to warning lights, warning signs and other methods of traffic control supplied to a project during construction; creating new classes for or altering the classifications applying to survey workers and quality testers; and, articulated haulers and offroad trucks. Examples of definitions issues to be considered for inclusion are commercial construction and highway-heavy construction.

Previous Request for Comments. This request is a follow up to a similar requests published on October 25, 2004 in the *State Register* at 29 S. R. 454 and on July 30, 2001 in the *State Register* at 26 S. R. 107. The rule amendments contemplated in the earlier requests were put on hold because the Department's advisory committee on master job classifications took longer than anticipated to appoint and conduct its meetings and because of budget priorities. The comments received in response to the earlier Requests for Comments have been retained, but the department encourages interested parties to submit new comments on the issues raised. The Department's advisory committee on master job classifications met in February, March, and April of 2002. Transcripts of the meetings are available for review at the Department and photocopies will be supplied at the expense of the requester. The advisory committee meetings were open to the public.

Persons Affected. The amendments under consideration to the rules would likely affect laborers and mechanics engaged in construction, unions whose members are laborers and mechanics employed in construction, general contractors, construction managers and subcontractors, and the owners of construction projects financed wholly or in part with state funds.

Statutory Authority. *Minnesota Statutes*, sections 171.41 to 177.44 and 175.71 authorize the Department to adopt rules for prevailing wage determinations.

Proposed Rules

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on Friday September 22, 2006. The Department encourages written comments. Comments received after that date and before further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules may be considered, but comments should be received by Septemeber 22, 2004 in order to be assured of consideration in determining what rule amendments to propose.

Rules Drafts. The Department has a preliminary draft of the planned rule amendments, not in Revisor of Statutes form, but expects that at least some changes will be made from the preliminary draft based on comments received to this Request for Comments and changes in construction since 2004. Any person interested may request to receive a copy of the preliminary draft rules by reaching the agency contact person listed below. Also, interested persons may check the Department's website at <http://www.doli.state.mn.us/laborlaw.html> where the preliminary draft rules are available.

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

Erik Oelker, Senior Labor Investigator
Department of Labor and Industry
Labor Standards Division
443 Lafayette Road
St. Paul, MN 55155
phone: (651) 2845269
fax: (651) 2845740
E-mail: erik.oelker@state.mn.us
TTY users may call the department at (651) 2974198

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, Or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: July 18, 2006

M. Scott Brener, Commissioner
Department of Labor and Industry

Minnesota Pollution Control Agency

Municipal Division

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

Proposed Amendment to Rules Governing Hazardous Waste Fees, Minnesota Rules, Chapter 7046

Introduction: The Minnesota Pollution Control Agency (MPCA) 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 Wednesday August 23, 2006, a public hearing will be held on Wednesday September 20, 2006, commencing at 10:00 am in the Central Board Room of the MPCA St Paul Office, 520 Lafayette Rd N, St. Paul, Minnesota 55155. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the MPCA contact person after August 23, 2006, and before Wednesday September 20, 2006.

MPCA Contact Person: Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the MPCA contact person. The MPCA contact person is:

Matt Herman
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Phone 651-296-6603

Proposed Rules

Fax: 651-297-8676

E-mail: matthew.herman@pca.state.mn.us

TTY users may call the MPCA at TTY 651-292-5332 or 800-657-3864.

Subject of Rules: The MPCA is proposing to amend the hazardous waste fee formula rules. The proposed rule will amend the hazardous waste fee formula. The rule revisions will change the system and formula used to assess and collect hazardous waste fees from generators and treatment storage and disposal facilities (TSD's) in both the metro and non-metro areas. This rulemaking will not affect the fees assessed to generators by individual metro counties.

The proposed formula uses a number of values to distribute portions of the total fee target; these values may change as a result of the public comment process. Changes to the formula could increase the fee levels for some generators and decrease fee levels for others.

Statutory Authority: Minnesota Statutes, section 116.12, authorizes the MPCA to establish the hazardous waste generator and facility fees.

Rule Availability: The proposed changes to Minn. R. ch. 7046 are published after this notice in the *State Register* or they can be viewed on the MPCA web site at <http://www.pca.state.mn.us/waste/swrules.html>. A free copy of the proposed rules is available upon request by calling the MPCA contact person. Only one copy will be sent per request.

Comments: You have until 4:30 p.m. on Wednesday August 23, 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 MPCA 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 MPCA contact person by 4:30 p.m. on Wednesday August 23, 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 MPCA 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 MPAC must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA 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 MPCA 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 MPCA 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.

Cancellation of Hearing: The hearing scheduled for Wednesday, September 20, 2006, will be canceled if the MPCA does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the MPCA contact person at 651-296-6603 after August 23, 2006, to find out whether the hearing will be held.

Notice of Hearing: If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in Minnesota Statutes, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen D Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-138, telephone 612-341-7602, 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

Proposed Rules

at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the MPCA 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 MPCA 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 MPCA contact person at the address stated above.

Statement of Need and Reasonableness: The MPCA has prepared a Statement of Need and Reasonableness (SONAR). This SONAR 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 SONAR is now available for viewing in the MPCA library in the St Paul office, 520 Lafayette Rd N, St Paul, MN 55155. The SONAR is also available on the MPCA's website at: <http://www.pca.state.mn.us/waste/hwrules.html>. Documents cited in the SONAR are available for review in the MPCA library; certain of these documents are available for review with the SONAR as published on the MPCA's website. You may obtain a copy of the SONAR from the MPCA for the cost of reproduction by contacting the MPCA contact person.

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 MPCA 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 MPAC to receive notice of future rule proceedings, submit your request to the MPCA 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 MPCA 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 MPCA contact person stated above.

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

Sheryl A Corrigan
Commissioner

Proposed Permanent Rules Relating to Hazardous Waste Fees

7046.0010 DEFINITIONS.

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

Subp. 10b. Metropolitan area generator. "Metropolitan area generator" means a generator whose hazardous waste generation site is located in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County.

For text of subs 11 to 25, see M.R.

7046.0020 HAZARDOUS WASTE FACILITY FEES.

Subpart 1. **Fee schedule for fiveyear permits.** A person applying for issuance, reissuance, or major modification under part 7001.0190, subpart 1, of a fiveyear permit for a hazardous waste facility shall remit the applicable fee given in items A to D. A person who owns or operates a hazardous waste facility shall remit an annual facility fee for the fiscal year beginning on July 1 and ending on June 30, if during that year the facility was treating, storing, or disposing of hazardous waste, had not obtained closure approval, or had closed as a land disposal facility with hazardous waste remaining in place. A facility that meets the annual facility fee payment criteria for less than a full year shall be assessed a prorated facility fee. A facility in which hazardous waste remains after closure continues to be subject to the annual facility fee until the owner or operator is exempted under subpart 8.

Facility fees for fiscal year 1994 are as provided in items A to D. ~~Beginning July 1, 1994,~~ Fees will be examined annually and adjusted, as necessary, under part 7046.0060, subpart 1, steps 1 to 6 7.

Permit	Annual
Application Fee	Facility Fee

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

For text of subs 2 to 8, see M.R.

7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

Subpart 1. **Basis of fees.** Nonmetropolitan area generators must pay a hazardous waste generator fee that consists of an annual fee under subpart 4 and a statewide program fee under part 7046.0040. The agency shall charge nonmetropolitan area generator fees based on the license application and licensing reports submitted by generators or other appropriate information available to the agency. Beginning July 1, 1994, Fees will be examined annually and adjusted, as necessary, under part 7046.0060.

Subp. 4. **Annual fees.** The annual fee is the minimum sum of the base fee in item A or and the total waste generation quantity fees fee in item B, whichever is greater. Very small quantity generators pay the minimum base fee and are exempt from the quantity fees fee.

A. **Minimum fee:** The minimum fee for fiscal year 1994 is \$66. Beginning July 1, 1994, the minimum base fee will shall be examined calculated annually and adjusted, if necessary, under part 7046.0060, subpart 1, step 16 19.

B. **Quantity fee:** The quantity fee is assessed for each waste stream according to the quantity rate table and management method factors. To determine the quantity fee, the applicable rate from the table in subitem (1) is applied to each waste stream quantity, and the result multiplied by the

applicable management factor in subitem (2) for that waste stream. The quantity fee for a sewered waste stream is determined under item C: calculated annually using the per pound quantity rate under part 7046.0060, subpart 1, step 20, and the total amount of waste that counts toward the generator's size determination under part 7045.0206 that is generated in a year, based on the most recent license application and licensing reports submitted by the generator or other appropriate information available to the agency. To determine the quantity fee, the per pound quantity rate under part 7046.0060, subpart 1, step 20, is multiplied by the total quantity of waste that counts toward the generator's size.

(1) **Quantity rate table.** A generator may report quantities in pounds or gallons. For the purposes of this part, one gallon of hazardous waste equals ten pounds of hazardous waste:

	POUNDS/GALLONS	POUNDS	GALLONS
STEP 1	\$0.052 / \$0.52	0-4,000	0-400
STEP 2	One-fourth of step 1 rate	4,001-26,400	401-2,640
STEP 3	One-half of step 2 rate	26,401-100,000	2,641-10,000
STEP 4	One-tenth of step 3 rate	100,001-500,000	10,001-50,000
STEP 5	\$0.00 / \$0.00	> than 500,000	> than 50,000

Beginning July 1, 1994, the quantity rate table will be examined annually and step 1 will be adjusted, if necessary, under part 7046.0060, step 18:

(2) **Management method factors.** The commissioner will reduce fees for generators who use hazardous waste management methods that are environmentally beneficial by the following factors:

(a) hazardous waste managed in the following ways has a management method factor of 0.5: recycled, neutralized and is not hazardous for any other reason or burned for fuel under part 7045.0692;

(b) hazardous waste managed in the following way has a management method factor of 0.7: items containing hazardous waste laundered by a commercial service; and

(c) all other management methods have a management factor of 1.0.

C. **Sewered waste streams.** The quantity fee for hazardous waste that is discharged to a sewer system is assessed according to subitems (1) to (5):

(1) For hazardous waste that is not pretreated prior to discharge, the quantity fee is assessed under item A or B, whichever is greater.

(2) For hazardous waste that is managed in a closed system and that is pretreated to a nonhazardous state prior to discharge where the pretreatment process produces residuals classified as hazardous, the quantity fee is assessed based on the quantity of the residuals. The quantity fee is determined under item B using the quantity of the residuals after pretreatment and not the quantity of hazardous waste generated before retreatment.

(3) For hazardous waste that is managed in a closed system and that is pretreated to a nonhazardous state prior to discharge where the pretreatment process does not produce residuals or produces residuals that are nonhazardous, the quantity fee is determined by dividing the quantity of hazardous waste generated before pretreatment by a factor of 600. The quantity rates in item B are then applied to the result to determine the quantity fee.

(4) For hazardous waste that is not managed in a closed system and that is pretreated to a nonhazardous state prior to discharge, the

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quantity fee is assessed under item A or B, whichever is greater. If assessed under item B using the quantity rate table, the fee for that sewerage waste stream will be reduced by a management factor of 0.5:

(5) For hazardous waste that is managed in either a closed or an open system and that is pretreated and remains hazardous prior to discharge, the quantity fee is assessed under item A or B, whichever is greater. If assessed under item B using the quantity rate table, the fee for that sewerage waste stream will be reduced by a management factor of 0.7:

If the quantity fee for pretreated sewerage waste is assessed on the quantity of hazardous waste generated before pretreatment, the portion of the residual attributable to that waste stream is exempt from fees under this chapter:

Pretreated sewerage waste is presumed to be hazardous until the generator provides adequate documentation to the commissioner that the waste is pretreated to a nonhazardous state. The generator may provide documentation under the licensing procedures provided in parts 7045.0225 to 7045.0250 or under the appeal procedure provided in part 7046.0070.

Subp. 6. **Payment schedule.** Large and small quantity generators must submit fees within 50 days of the postmark date of the notice from the commissioner that the fees are due. Very small quantity generators must submit fees within 35 days of the postmark date of the notice from the commissioner that fees are due.

A nonmetropolitan area generator must submit a check for the required amount ~~to the commissioner, made payable to the Minnesota Pollution Control Agency as directed on the invoice.~~ The fee submittal must be postmarked or hand delivered not later than the due date ~~in this subpart on the invoice.~~

Subp. 7. **Penalty for late payment of fees.** If a nonmetropolitan area generator fails to submit the required fees by the due date provided in ~~subpart 6 on the invoice,~~ the generator shall pay the fees plus a late fee as provided in ~~item items A or and B and item C.~~

A. ~~Large quantity and small quantity~~ Generators will be assessed a late fee for each 30day period or fraction of that period that the fee remains unpaid. The late fee is calculated as a percentage of the annual fee as follows: ten percent of the annual fee for each of the first two 30day periods, and 15 percent of the annual fee for each 30day period, or fraction of a 30day period, thereafter.

~~B. Very small quantity generators shall be assessed a onetime late fee of 50 percent of the annual fee.~~

~~C. B.~~ If a nonmetropolitan area generator fails to submit the required fees by the due date, the generator is liable for reasonable additional expenses the agency incurs in collection of the fee, in addition to the annual fee and any applicable late fees.

For text of subp 8, see M.R.

7046.0040 METROPOLITAN AREA GENERATOR STATEWIDE PROGRAM FEE.

Subpart 1. **In general: Basis for fees.** All generators in Minnesota are subject to an annual statewide program fee equal to a percentage of the hazardous waste fee paid annually to the agency under part 7046.0031 or to the metropolitan counties under their respective hazardous waste ordinances. Payment must be made as provided in subparts 2 and 3. ~~The statewide program fee for fiscal year 1994 is 51 percent. Beginning July 1, 1994, the statewide program fee will be examined annually and adjusted, if necessary, under part 7046.0060, step 10:~~ Metropolitan area generators must pay a hazardous waste generator fee that consists of an annual fee under subpart 2. The agency shall charge metropolitan area generator fees based on the license application and licensing reports submitted by generators to the county where the hazardous waste generation site is located or other appropriate information available to the agency. The metropolitan counties must provide this data to the agency in the time and manner required by the agency to facilitate collection of the fees. Fees shall be examined annually and adjusted, as necessary, under part 7046.0060.

Subp. 2. **Nonmetropolitan area generators: Annual Fees.** Nonmetropolitan area generators shall pay the statewide program fee to the commissioner at the time of payment of the annual fee. A nonmetropolitan area generator who fails to pay the annual statewide program fee is considered delinquent and subject to the late fee provided in part 7046.0031, subpart

7: The annual fee is the sum of the base fee in item A and the quantity fee in item B. Very small quantity generators pay the minimum fee and are exempt from the quantity fee.

A. The base fee is calculated annually and adjusted, if necessary, under part 7046.0060, subpart 1, step 13.

B. The quantity fee is calculated annually using the per pound quantity rate under part 7046.0060, subpart 1, step 14, and the total amount of waste that counts toward the generator's size determination under part 7045.0206 that is generated in a year based on the most recent license application and licensing reports submitted by the generator or other appropriate information available to the agency. To determine the quantity fee, the per pound quantity rate under part 7046.0060, subpart 1, step 14, is multiplied by the total quantity of waste that counts toward a generator's size.

Subp. 3. **Metropolitan area generators: Payment schedule.** Metropolitan area generators shall pay the statewide program fee to the county in which the generating site is located along with the hazardous waste fee collected annually by that county. The metropolitan area counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) that are responsible for collecting the statewide program fee shall remit the statewide program fee to the commissioner not later than the last day of the month following the month of collection:

A. Large and small quantity generators must submit fees within 50 days of the postmark date of the notice from the commissioner that the fees are due. Very small quantity generators must submit fees within 35 days of the postmark date of the notice from the commissioner that

fees are due.

B. A metropolitan area generator must submit a check for the required amount as directed on the invoice. The fee submittal must be postmarked or handdelivered not later than the due date on the invoice.

Subp. 4. **Penalty for late payment of fees.** If a metropolitan area generator fails to submit the required fees by the due date provided on the invoice, the generator shall pay the fees plus a late fee as provided in items A and B.

A. Generators shall be assessed a late fee for each 30day period or fraction of that period that the fee remains unpaid. The late fee is calculated as a percentage of the annual fee as follows: ten percent of the annual fee for each of the first two 30day periods and 15 percent of the annual fee for each 30day period, or fraction of a 30day period, thereafter.

B. If a metropolitan area generator fails to submit the required fees by the due date, the generator is liable for reasonable additional expenses the agency incurs in collection of the fee, in addition to the annual fee and any applicable late fees.

7046.0045 RETROACTIVE FEE.

Subpart 1. **Applicability.** For large quantity and small quantity generators, the commissioner shall assess annual ~~and statewide program~~ fees retroactively for each calendar year, up to a maximum of three calendar years, prior to the most recent calendar year subject to fees. Retroactive fees for waste produced for less than the maximum retroactive period may be prorated based on actual months of production if documented by the generator under the appeal notification of error procedure provided in part 7046.0070. Retroactive fees apply according to items A to C.

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

Subp. 3. **Fee calculation.** Retroactive fees shall be calculated as described in item A, B, or C.

A. For persons subject to fees under subpart 1, item A, the fee is calculated by multiplying ~~the sum of the most recent annual fee and the statewide program fee that would be required under the license~~ by the number of retroactive calendar years established under subpart 1.

B. For persons subject to fees under subpart 1, item B, the fee is calculated by multiplying ~~the sum of the most recent quantity annual fee and statewide program fee~~ that would be required for the waste omitted from the license by the number of retroactive calendar years established under subpart 1.

C. For persons subject to fees under subpart 1, item C, the fee is calculated by subtracting the ~~minimum base~~ fee from the quantity fee under part 7046.0031, ~~subpart 4, item B or 7046.0040~~. If the result is less than zero, no retroactive fee is due. If the result is greater than zero, ~~the statewide program~~ a fee shall be applied to the resulting difference. ~~The sum of the resulting difference and the applicable statewide program~~ fee shall be multiplied by the number of retroactive calendar years established under subpart 1.

7046.0050 GENERATOR FEE EXEMPTIONS.

Subp. 1a. **Exemption for 100 pounds or less.**

Nonmetropolitan and metropolitan area generators that generate less than or equal to 100 pounds or ten gallons of hazardous waste and no acute hazardous waste per year are exempt from the fees under this chapter.

Subp. 1b. **Metropolitan area generator quantity rate cap exemption.** An individual metropolitan area generator shall not be charged a quantity rate fee on any wastes generated in excess of 2,000,000 pounds.

Subp. 1c. **Nonmetropolitan area generator quantity rate cap exemption.** An individual nonmetropolitan area generator shall not be charged a quantity rate fee on any wastes generated in excess of 1,000,000 pounds.

Subp. 2a. **Special waste.** For nonmetropolitan generators, the following waste is exempt from fees under this chapter: —A. fluorescent lamps and high intensity density lamps;

B. ~~batteries;~~

C. ~~wastes containing elemental mercury, which means waste electrical relays or switches, thermostats, thermometers, thermocouples, manometers, and gauges containing elemental mercury;~~

D. ~~elemental mercury;~~

E. ~~antifreeze;~~

F. ~~circuit boards, printed circuit boards, and circuit board trimmings;~~

G. ~~photographic negatives;~~

H. ~~fluorescent light ballasts;~~

I. ~~capacitors from white goods;~~

J. ~~waste that is exempt from regulation under part~~

~~7045.0120, subpart 1; and~~

~~K. waste that is exempt from regulation under part 7045.0125, subparts 3a, items A and C, and 4. **PCB waiver exemption.** Polychlorinated biphenyl (PCB) waste associated with oilfilled electric equipment is eligible for a waiver from annual hazardous waste fees according to Minnesota Statutes, section 116.07, subdivision 2b, paragraph (b).~~

Subp. 3. **Wastes generated as a result of response action.** A waste that is generated as a result of a response action is exempt from the generator fee. A response action is removal or remedial action taken according to the Environmental Response and Liability Act, Minnesota

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Statutes, sections 115B.01 to 115B.24 115B.20, or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510 United States Code, part 42, sections 9601, et seq.

For text of subs 4 to 6, see M.R.

Subp. 7. Waste exempt from size determination. The agency bases the generator fees in this chapter only on those wastes used to determine generator size.

7046.0060 FEE FORMULA.

Subpart 1. Formula. Beginning ~~July 1, 1994~~ February 1, 2006, the commissioner shall follow the steps in this part to determine the fee assessment under this chapter for facilities and generators.

Step 1. The total amount appropriated by the legislature ~~to the agency for the hazardous waste program for facilities and generators for the new fiscal year (fiscal year target) is obtained. If the agency determines that projected program expenditures will be less than the legislative appropriation, the commissioner will use the lesser expenditure amount as the new fiscal year target.~~

Step 2. \$2,000,000 is added to the amount appropriated by the legislature according to Laws 2003, chapter 128, article 2, section 55.

Step 3. For any year, the commissioner may increase the fiscal year target by up to five percent to reflect the anticipated fee nonpayment rate.

Step 4. The carryover from the previous fiscal year is determined and the carryover out of the new fiscal year is estimated. Both carryovers are applied to the step 1 amount. This amount is the adjusted fiscal year target for the hazardous waste program.

~~Step 3. (a) The total hazardous waste program staff time in terms of fulltime employees for the new fiscal year is estimated and the percentage of staff time allocated between facilities and generators is determined.~~

~~(b) The percentage of staff time within the generator category allocated between metropolitan and nonmetropolitan generators is determined.~~

~~(c) Under the nonmetropolitan generator category, the percentage of time allocated among large, small, and very small quantity generators is determined.~~

Step 4 5. The amount of revenue that would be generated by existing facilities using baseline facility fees in part 7046.0020 is estimated.

Step 5 6. The new fiscal year target for facilities is calculated by multiplying the adjusted fiscal year target (step 2 4) by the ~~percentage of staff time estimated for facilities under step 3(a)~~ 0.19.

Step 6 7. The fee assessment for facilities for the new fiscal year is calculated by dividing the new fiscal year target for facilities (step 5 6) by the estimated amount of revenue for facilities (step 4 5). The resulting ratio is multiplied by each of the baseline fee amounts in part 7046.0020 to determine the new fee amounts. Each fee amount is rounded up to the nearest tendollar increment.

Step 7 8. The new fiscal year target for all generators is calculated by multiplying subtracting the new fiscal year target for facilities (step 6) from the adjusted fiscal year target (step 2 4) by the percentage of staff time estimated for generators under step 3(a).

~~Step 8. The total annual fees that metropolitan counties will collect from their generators in the new fiscal year is estimated.~~

~~Step 9. The new fiscal year target for metropolitan county generators is calculated by multiplying the new fiscal year target for all generators (step 7 8) by the percentage for metropolitan generators estimated under step 3(b) 0.40. Step 10. The statewide program fee rate is calculated by dividing the metropolitan county generators' new fiscal year target (step 9) by the estimated metropolitan counties' annual fee revenues (step 8). This figure is rounded to the next highest whole percentage point. Step 11. The new fiscal year target for nonmetropolitan county generators is calculated by multiplying the new fiscal year target for all generators (step 7) by the percentage for nonmetropolitan generators estimated under step 3(b). Step 12. The new fiscal year target for nonmetropolitan county generators' annual fees is calculated by dividing the new fiscal year target for nonmetropolitan county generators (step 11) by a factor of 1 plus the statewide program fee rate (step 10).~~

~~Step 13. The new fiscal year target for small and large quantity nonmetropolitan county generators is calculated by multiplying the new fiscal year target for all sizes of nonmetropolitan county generators (step 11) by the percentage for small and large quantity nonmetropolitan generators estimated under step 3(c).~~

~~Step 14. The new fiscal year target for very small quantity nonmetropolitan county generators is calculated by multiplying the new fiscal year target for all sizes of nonmetropolitan county generators (step 11) by the percentage for very small quantity nonmetropolitan generators estimated under step 3(c).~~

~~Step 15. The number of nonexempt nonmetropolitan area very small quantity generators is estimated for the new fiscal year.~~

~~Step 16. The minimum fee is calculated by dividing the new fiscal year target for very small quantity generators (step 14) by the estimated number of nonexempt nonmetropolitan area very small quantity generators (step 15). The result is divided by a factor of 1 plus the statewide program fee rate (step 11), then rounded to the nearest whole dollar.~~

~~Step 17. New fiscal year revenue from small and large quantity generators is estimated under part 7046.0031, subpart 4, using the baseline quantity rates from part 7046.0031, subpart 4.~~

~~Step 18. Determine quantity rates for small and large quantity generators by dividing the new fiscal year target for small and large quantity generators (step 13) by the estimated fiscal year revenue from small and large quantity generators in (step 17). This ratio is then multiplied by the step 1 quantity rate under part 7046.0031, subpart 4, item B, subitem (1), and rounded to two significant digits.~~

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Step 19. The total fee for very small quantity generators is determined by multiplying the minimum fee for very small quantity generators (step 16) by a factor of 1 plus the statewide program fee (step 10). This figure is rounded to the nearest whole dollar.

Step 10. The total amount of waste in pounds generated by metropolitan area small and large quantity generators that are subject to a fee under this part is estimated.

Step 11. The total number of metropolitan area generators that are subject to a fee under this part is estimated.

Step 12. The total amount of base fee collections for all metropolitan area generators is calculated by multiplying the new fiscal year target for metropolitan area generators (step 9) by 0.52.

Step 13. The individual base fee for each metropolitan area generator is calculated by dividing the total amount of base fee collections for all metropolitan area generators (step 12) by the total number of metropolitan area generators that are subject to a fee under this part (step 11). This number is rounded to the nearest dollar.

Step 14. The per pound quantity rate for metropolitan area small and large quantity generators is determined by using the following formula:

$$\text{\$P} = \mathbf{n} \text{ (x)(b)} / \mathbf{q}$$

where:

\\$P = per pound dollar amount for metropolitan county generators n = metropolitan county generator new fiscal year target (step 9) x = total number of metropolitan county generators (step 11) b = metropolitan area generator base fee (step 13) q = total pounds of waste generated by metropolitan area small and large quantity generators (step 10).

Step 15. The new fiscal year target for nonmetropolitan area generators is calculated by multiplying the new fiscal year target for all generators (step 8) by 0.60.

Step 16. The total amount of waste (pounds) generated by nonmetropolitan area small and large quantity generators that are subject to a fee under this part is estimated.

Step 17. The total number of nonmetropolitan area generators that are subject to a fee under this part is estimated.

Step 18. The total amount of base fee collections for all nonmetropolitan area generators is calculated by multiplying the new fiscal year target for nonmetropolitan area generators (step 15) by 0.53.

Step 19. The individual base fee for each nonmetropolitan area generator is calculated by dividing the total amount of base fee collections for all nonmetropolitan area generators (step 18) by the total number of nonmetropolitan area generators that are subject to a fee (step 17). This number is rounded to the nearest dollar.

Step 20. The per pound quantity rate for nonmetropolitan area small and large quantity generators is determined by using the following formula:

$$\text{\$P} = \mathbf{n} \text{ (x)(b)} / \mathbf{q}$$

where:

\\$P = per pound dollar amount for nonmetropolitan area generators n = nonmetropolitan area generator new fiscal year target (step 15) x = total number of nonmetropolitan area generators (step 17) b = nonmetropolitan area generator base fee (step 19) q = total pounds of waste generated by nonmetropolitan area small and large quantity generators (step 16).

Subp. 2. Phasein effects of revised fee formula.

A. For a period of four billing cycles after the effective date of this part, the agency must adjust the annual fees charged to metropolitan and nonmetropolitan area small and large quantity generators to ensure that no individual small or large quantity generator's fee increases by more than 100 percent per year, from the initial year's base fee, as a result of the revised fee formula and collect the resulting shortfall from generators whose fees were reduced by 25 percent or more as a result of the revised formula. The following steps shall be followed to collect the resulting shortfall from generators whose fees were reduced by 25 percent or more as a result of the revised fee formula:

Step 1. The total dollar amount not collected by limiting the fee increases to 100 percent is calculated.

Step 2. The total pounds generated by generators whose fees were reduced by 25 percent or more is calculated.

Step 3. The supplemental quantity rate is calculated by dividing step 1 by step 2.

Step 4. For each generator identified in step 2, the supplemental quantity rate (step 3) is multiplied by the pounds generated and the result is added to the generator's fee.

B. Only those generators whose fees increased by more than 100 percent as a result of the new formula in the first year of implementation are eligible for this annual adjustment and only those generators whose fees decreased by more than 25 percent as a result of the new fee formula in the first year of implementation are eligible for this annual adjustment. During the second, third, and fourth billing cycle following the effective date of this part, the agency shall apply the phasein provisions to those generators who both qualified during the first billing cycle and still qualify for the phasein provisions based on their fees calculated during the second and third billing cycle.

7046.0065 ADOPTION OF CHANGES TO FEE MODIFICATION
SCHEDULE FORMULA.

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The agency must approve and adopt fee adjustments under part 7046.0060. Beginning July 1, 1994, the commissioner will annually apply the fee formula in part 7046.0060 to determine if the fee revenues will equal or nearly equal the legislative appropriation for the new fiscal year. The fees must be adjusted if the fee revenues will not equal or nearly equal the legislative appropriation. If an adjustment to fees is necessary, the commissioner will prepare a fee modification schedule. The fee modification proposal will include the proposed new rates for facilities and generators and will be published in the State Register at least 20 days before the proposal is presented to the agency board for approval. Procedural rules for agency meetings are in chapter 7000: Modification to the fee formula must be made through rule amendments.
7046.0070 APPEAL PROCEDURE NOTIFICATION OF ERROR.

If a generator believes that the fee requested by the commissioner is in error, then the generator may appeal the fee levy. Within ten days of receipt of the fee statement from the commissioner, the generator shall provide a written appeal which includes the fee the generator has calculated and the method used by the generator in calculating the fee. After review of the appeal, the commissioner shall send the generator a decision letter regarding the appeal. In the decision letter, the commissioner shall specify the fee to be remitted by the generator. The generator shall submit the specified fee within 30 days of receipt of the commissioner's decision letter or by the original due date, whichever is later. A generator who fails to submit the specified fee by the required date is delinquent and must pay the late fee, specified in part 7046.0031, subpart 7. A generator or facility owner or operator that believes that the assessed annual fee is in error shall submit a written explanation of the person's position to the commissioner within ten days of receipt of the invoice. The assessed fee shall be paid as required in part 7046.0020, 7046.0031, or 7046.0040 within the deadline for payment. The commissioner shall, within 60 days of the timely receipt of the person's written explanation, either provide a written explanation of why the fee was not in error and will not be refunded or refund the overpayment if the commissioner finds that the assessed fee was in error.

Minnesota Racing Commission

Dual 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 a Hearing are Received

Proposed Amendment to Rules Governing:

M.R. 7869.0100 - DEFINITIONS

M.R. 7869.0420 - PAYMENT OF CLASS A & B LICENSE FEES

M.R. 7873.0188 - SUPERFECTA

M.R. 7873.0190 - PICK SIX

M.R. 7877.0110 - PROCEDURE FOR OBTAINING CLASS C LICENSE

M.R. 7877.0130 - STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES

M.R. 7877.0170 - DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES

M.R. 7877.0175 - DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS

M.R. 7884.0120 - ELIGIBILITY AND ENTERING

M.R. 7884.0125 - ENTERING AND DRAWING OF HORSES AT CLASS D FACILITIES

M.R. 7884.0140 - COUPLED ENTRIES

M.R. 7884.0190 - QUALIFYING RACES

M.R. 7884.0120 - CLAIMING RACES

M.R. 7884.0230 - RACING EQUIPMENT

M.R. 7890.0100 - DEFINITIONS

M.R. 7890.0110 - MEDICATIONS PROHIBITED

M.R. 7890.0120 - REPORTING PROCEDURES

M.R. 7890.0130 - FINDINGS OF CHEMIST

M.R. 7890.0140 - BLEEDERS

M.R. 7890.0150 - DISCLOSURE OF APPROVED MEDICATIONS TO PUBLIC

M.R. 7890.0160 - RESPONSIBILITY OF VETERINARIAN

Introduction: The Racing Commission intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedures Act, Minnesota Statutes, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 pm on Thursday, August 24, 2006, a public hearing will be at the Canterbury Park Boardroom, 1100 Canterbury Road,

Shakopee, MN 55379, starting at 1:00 pm on Thursday, September 14, 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 August 24, 2006 and before September 14, 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 Richard G. Krueger at Minnesota Racing Commission, P.O. Box 630, Shakopee, Minnesota 55379, 952-496-7950, FAX 952-496-7954 and email richard.krueger@state.mn.us. TTY users may call the Racing Commission at 800-627-3529.

Subject of Rules, Summary, and Statutory Authority: The proposed rule amendments of the Minnesota Racing Commission are intended to modify definitions as needed to facilitate Class B harness horse racing in Minnesota, to clarify procedures regarding the payment of Class A & B license fees, to make changes in wagering rules that allow the Class A racetracks to remain competitive with the types of wagering offered at other racetracks across the country, and to make housekeeping type changes to the procedural rules for obtaining Class C licenses. The proposed rule amendments are also intended to assure that harness drivers meet the qualifications adopted by the United States Trotting Association, to permit jockeys to display the Jockeys' Guild patch and their name on their riding britches and to prevent physical contact between jockeys prior to, during, and after a race. In addition, the rule amendments will assure that the requirements for jockeys in the jockeys' room also pertain to harness race drivers during the conduct of a race meeting. Another change will require licensed bloodstock agents to file monthly reports of their activities to the Stewards and Racing Commission personnel. Other changes to the racing rules are intended to accommodate harness horse racing and insure that it is conducted in a manner that protects the integrity of racing and the wagering public.

The proposed rule amendments contain modifications to the medication rules and are intended to make Minnesota's rules more consistent with those of other racing jurisdictions across the country, while not diminishing any of the Commission's regulatory oversight ability with regard to the health and safety of horses racing at licensed racetracks in Minnesota. Specifically, the rules include new definitions for certain drugs and procedures, establishing specific levels for testing for certain drugs, prohibiting the use of blood doping agents, and regulating the use of nasogastric tubes, extracorporeal shock wave therapy or radial pulse wave therapy. The reporting procedures for veterinarians are being modified to insure that horse medication records are complete and accurate at all times. Another change to the medication rules deals with restrictions on confirmed bleeders and when those horses may run at licensed racetracks in Minnesota.

The Commission's statutory authority to adopt the rules is set forth in Minnesota Statutes section 240.23, which provides: The Commission has the authority, in addition to all other rulemaking authority granted elsewhere in this chapter to promulgate rules governing a) the conduct of horse races held at licensed racetracks in Minnesota, including but not limited to the rules of racing, standards of entry, operation of claiming races, filing and handling of objections, carrying of weights, and declaration of official results, b) wire communications between the premises of a licensed racetrack and any place outside the premises, c) information on horses races which is sold on the premises of a licensed racetrack, d) liability insurance which it may require of all racetrack licensees, e) auditing of the books and records of a licensee by an auditor employed or appointed by the Commission, f) emergency action plans maintained by licensed racetracks and their periodic review, g) safety, security, and sanitation of stabling facilities at licensed racetracks, h) entry fees and other funds received by a licensee in the course of conducting racing which the Commission determines must be placed in escrow account, i) affirmative action in employment and contracting by licensed racetracks, and j) any other aspect of horse racing or pari-mutuel betting which in its opinion affects the integrity of racing or the public health, welfare, or safety. Further statutory rulemaking delegation relating to the amendments contained herein include M.S. 240.08, Occupational Licensing; M.S. 240.13, Subd. 3, (Types of betting) and Subd. 4 (Takeout; Distribution of Winnings); and M.S. 240.24, Subd. 1, (Medication Rules). Under these statutes, the Commission has the necessary statutory authority to adopt the proposed rules.

Comments: You have until 4:30 p.m. on Thursday, August 24, 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 proposed portion of the rules addressed, the reason for the comment, and any change proposed. You are also 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 made in writing and must be received by the agency contact person by 4:30 p.m. on Thursday, August 24, 2006. Your written request for a public hearing must include your name and address. You must identify the proposed 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 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

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

Cancellation of Hearing. The hearing scheduled for September 14, 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 date whether or not the hearing will be held. You may also call the agency contact person at 952-496-7950 after August 24, 2006 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid 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 David Ramp is assigned to conduct the hearing. Judge Ramp can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7666 and FAX 612-341-2665.

Hearing Procedure: If a hearing is held, you and all interested persons 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 response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:00 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 files them 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.

Richard G. Krueger
Executive Director

Proposed Permanent Rules Relating to Horseracing

7869.0100 DEFINITIONS.

For text of subs 1 to 50, see M.R.

Subp. 51. **Race.** “Race” means a contest among horses for purse, stakes, premium, or wager for money, run in the presence of racing officials of the association and the commission. The following are categories of races:

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

J. “Qualifying race” means a non-pari-mutuel wagering race in which a standardbred horse must compete to establish or reestablish its eligibility to enter a race on which pari-mutuel wagering will be conducted, or a race for the purpose of qualifying drivers and/or to improve a driver’s eligibility to move up in class.

For text of items K to N, see M.R.

O. “Mixed race” means a race conducted between two or more different breeds of horses. In the case of harness races, mixed race means a race conducted between trotters and pacers.

P. Early-closing race means a harness race for a definite purse to which entries close at least six weeks preceding the race. The entrance fee may be on the installment plan or otherwise, and all payments are forfeits.

For text of subs 51a and 52, see M.R.

Subp. 53. **Recognized racetrack.** “Recognized racetrack” means a racetrack where pari-mutuel wagering is authorized by law, or which is recognized by the American Quarter Horse Association or, the United States Trotting Association, or the Thoroughbred Racing Association.

For text of subs 54 to 69, see M.R.

7870.0420 PAYMENT OF CLASS A AND B LICENSE FEES.

A Class A or B license does not become effective until the commission receives a certified check or bank draft to the order of the state of Minnesota in the amount of the license fee as follows and is prescribed by Minnesota Statutes, section 240.10, and is not refundable. The Class A and B licenses are void if the license fee is not received within ten days, as computed pursuant to Minnesota Statutes, section 645.15, after issuance:

A. a nonrefundable fee of \$10,000 for a Class A license;

B. a fee for a Class B license equal to \$100 for each live racing day and \$50 for each televised racing day sought in the license application. The commission must refund promptly to the licensee any amount by which the Class B license fee paid exceeds the number of actual days of racing sponsored and managed by the licensee.

7873.0188 SUPERFECTA.

For text of subpart 1, see M.R.

Subp. 2. **Price of tickets.** Superfecta tickets must be sold singly in not less than \$2 ten cent denominations. A minimum of two \$1 combinations resulting in a minimum wager of \$2 may be made and will return to the bettor one-half of the minimum payoff.

For text of subs 3 to 6, see M.R.

Subp. 7. **Restrictions on superfecta races.** In no event shall superfecta wagering be designated on a race with fewer than eight betting interests. If a designated superfecta race is reduced to seven betting interests after the horses in the designated superfecta race have left the paddock, superfecta wagering may be allowed. If a designated superfecta race is reduced to seven betting interests before the horses in the designated superfecta race have left the paddock, superfecta wagering must be canceled. In no event shall superfecta wagering be allowed with fewer than seven betting interests. If for any reason superfecta wagering is canceled, all superfecta wagers must be refunded.

For text of subp 8, see M.R.

7873.0190 PICK SIX.

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

Subp. 10. **No pick six ticket to be exchanged or canceled.**
No pari-mutuel ticket for the pick six pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the six races comprising the pick six, except for the refunds on pick six tickets as required by this part, and no person shall disclose the number of tickets sold in the pick six pool or the number or amount of tickets selecting winners of pick six races until such time as the stewards have declared “official” the last race comprising the pick six.

For text of subp 11, see M.R.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

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

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Subp. 4. **Racing officials.** Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

- A. assistant racing secretary;
- B. association veterinarian;
- C. claims clerk (thoroughbred, quarterhorse, or arabian);
- D. clerk of course (harness);
- E. clerk of scales (thoroughbred or, quarter horse, or arabian);
- F. clocker (thoroughbred or, quarter horse, or arabian);
- G. director of security;
- H. ~~equipment inspector (harness)~~;
- I. general manager;
- J. ~~I.~~ identifier;
- K. ~~J.~~ jockeys' or drivers' room custodian;
- L. ~~K.~~ mutuels manager;
- M. ~~L.~~ paddock judge;
- N. ~~M.~~ patrol judge;
- O. ~~N.~~ placing judge;
- P. ~~O.~~ program director (harness);
- Q. ~~P.~~ outrider;
- R. ~~Q.~~ racing secretary;
- S. ~~R.~~ starter;
- T. ~~S.~~ steward;
- U. ~~T.~~ timer; and
- V. ~~U.~~ track superintendent.

The list of racing officials' names shall be submitted to the commission in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license with respect to each nominee who has not been previously licensed by the commission as a racing official. The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of said examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent him or her from performing the duties of a racing official.

The commission shall act on the association's list of officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

Under no circumstances shall an identifier, placing judge, or patrol judge be approved by the commission unless he or she has satisfactorily passed an optical examination within 90 days prior to approval evidencing 20-20 vision (corrected) and the ability to distinguish colors.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

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

Subp. 8. **Harness driver.** Applicants for a harness driver's license must be at least 16 years old ~~and must pass a physical examination administered by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to drive.~~ In addition:

A. The applicant must have been licensed previously as a harness driver by the commission or another racing jurisdiction, or the USTA. When licensed by the USTA and applying to drive at a Class D race meet, the USTA license classifications shall apply.

B. If the applicant has never been licensed as a harness driver, ~~he or she must demonstrate to the stewards the ability to drive a horse at training speeds and must pass a written examination demonstrating knowledge of harness racing rules and horsemanship administered by the stewards or their designee~~ the applicant must meet the qualifications of Rule 17 for the current United States Trotting Association (USTA) Charter, Bylaws, Rules and Regulations to qualify for drivers licenses.

(1) If such an applicant successfully completes those prerequisites, he or she shall be issued a "QF" (qualifying fair) license to compete in qualifying and other nonwagering races only.

(2) The holder of a "~~Q~~" "P" (provisional) license must drive in at least 12 qualifying or nonwagering races, under supervision of the stewards, before being eligible to be awarded a harness driver's license.

For text of subs 9 to 16, see M.R.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

For text of subpart 1, see M.R.

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

For text of items A to N, see M.R.

O. A trainer is responsible for having each horse in his or her charge that is racing in Minnesota or stabled on the grounds of an association tested for equine infectious anemia (EIA) once every 12 months. The tests shall be performed by a laboratory approved by the United States Department of Agriculture. A copy of each horse's negative EIA test results must be attached to the horse's foal registration certificate on or before the time of entry into a race or the entry must not be accepted. The EIA test certificates must be dated within a 12-month period prior to the date of entry, and must be renewed or replaced on the foal registration certificate no later than ~~ten days~~ 48 hours following the date of expiration.

For text of items P to T, see M.R.

For text of subp 2a, see M.R.

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

For text of items A to K, see M.R.

L. A jockey must wear the racing colors provided by the owner of the horse he or she is to ride, plus solid white riding pants, top boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth and in the daily program. No symbols, words, or emblems shall be worn which, in the opinion of the commission, are not in keeping with the customs of the turf or are employed for advertising or promotional purposes. Notwithstanding this provision, the Jockey's Guild patch or the jockey's name may be displayed on the solid white pants. The size of the display of the jockey's name on the solid white pants is limited to a maximum of 32 square inches on each thigh of the pants on the outer sides between the hip and the knee, and ten square inches on the rear at the base of the spine.

For text of items M to W, see M.R.

X. No jockey shall willfully or purposely touch, strike, or jostle another jockey or horse, either with hands or whip, before, during, or after a race.

Subp. 4. **Drivers.** In every race a driver shall drive so as to win or to finish as near as possible to first. The driver shall not ease a horse without adequate cause, even if the horse has no apparent chance to earn a portion of the purse. Each driver shall make his or her best effort to control and guide his or her horse in such a way so as not to endanger other drivers or horses, and so as not to cause a foul. A driver shall fulfill a commitment to drive, unless excused by the stewards. A driver unable to fulfill a commitment because of illness or injury must pass a physical examination before resuming race driving.

Each driver shall wear the traditional driver's costume in any prerace warmup, post parade, race, or time trial. The costume shall consist of racing colors, white pants, and a fully padded fiberglass helmet buckled whenever the driver is in a sulky.

A driver reporting to the driver's room must remain there until the driver has fulfilled all of that day's driving engagements. While in the performance of his or her duties, the driver may have no contact or communication with any person outside the driver's room, without the permission of the stewards, other than with an owner or trainer for whom he or she is driving that day, or other commission officials.

For text of subp 5, see M.R.

Subp. 6. **Bloodstock agents.** Every bloodstock agent who participates as an agent in the purchase or sale of a race horse where any warranty of soundness, condition, or racing ability is expressed or implied shall file with the commission within five days of the date of sale a memorandum report of warranty which shall set forth all warranties expressed or implied. In the absence of any such filing it shall be presumed that no warranties were expressed or implied by the seller. A memorandum report of warranty shall be signed by both seller and purchaser or by the bloodstock agent acting in their behalf.

Every bloodstock agent who participates as an agent in the purchase or sale of any race horse eligible to race in Minnesota, where any condition of such purchase or sale includes any lien upon such horse by the seller or other person, shall file a memorandum report of conditional sale with the commission within five days of the date of sale.

Any warranty or condition of sale set forth in any sale catalog, printed offer of sale, or sales agreement shall be considered as a memorandum of warranty or condition of sale, whether or not filed with the commission.

No bloodstock agent shall misrepresent any material fact, nor knowingly withhold any material fact from any person connected with the sale of a horse, nor misrepresent his or her personal interest in any horse. All bloodstock agents licensed pursuant to part 7877.0130, subpart 15, must file with the stewards and commission security personnel by the 30th of each month a report of their activities for the previous month. Failure to provide these reports by the 30th of each month shall result in disciplinary action by the stewards. All bloodstock agents must make available to the stewards and commission security personnel upon request all documents necessary to verify and evaluate the licensee's business activity as a bloodstock agent. If in the opinion of the stewards pursuant to part 7879.0200, subpart 1, it is determined that the licensee's conduct and business activity as a bloodstock agent can be questioned, the stewards shall take appropriate disciplinary action.

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

Subp. 9. **Veterinarians.** The following shall apply to veterinarians licensed by the commission:

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

C. All drugs administered, dispensed, prescribed, or carried by a veterinarian on the grounds of an association must be FDA approved. A veterinarian may possess substances that are FDA approved, but not specifically for use on the horse, only by providing prior notice to the commission's veterinarian and the Board of Stewards. Veterinarians shall not possess medications or substances without a specific manufacturer's name, lot number, and expiration date.

For text of item D, see M.R.

E. Veterinarians must remove from the grounds of an association all discardable equipment and injectable substance containers or make arrangements with the commission veterinarian regarding removal.

F. Veterinarians shall dispense prescription and compounded drugs abiding by the rules of the state of Minnesota, Boards of Pharmacy and Veterinary Medicine, and according to the guidelines of the American Veterinary Medical Association.

For text of item G, see M.R.

H. Veterinarians shall immediately report any horse suspected of harboring a communicable infectious disease to the commission veterinarian.

Subp. 10. **Pony riders.** The following applies to pony riders licensed by the commission:

For text of item A, see M.R.

B. A pony rider is responsible for having each pony horse in his or her charge tested for equine infectious anemia (EIA) once every 12 months. The test shall be performed by a laboratory approved by the United States Department of Agriculture. A copy of each pony horse's current negative EIA test results must be provided to the commission veterinarian at the time of registration pursuant to item A or, if not available at the time of registration, prior to the arrival of the pony horse at the racetrack. Any certificate which expires during the racing season must be replaced with a current EIA test certificate no later than ~~ten days~~ 48 hours following the date of expiration.

C. Anyone bringing any pony horse onto the grounds of the association must provide to stable gate personnel the accurate name of the animal. Each pony horse must be accompanied by an original health certificate completed by an accredited veterinarian and issued not more than ten days prior to arrival. The health certificate must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian. A pony horse which leaves the grounds for a period of ~~72~~ eight hours or less does not have to be accompanied by a new health certificate upon its return.

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

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. **Racing secretary.** The racing secretary shall have the responsibilities in items A to J.

A. The racing secretary shall be responsible for scheduling races during a meeting; compiling and publishing condition books or sheets; assigning weights or making allowances for handicap races; processing all entries; and nominations; and scratches; compiling a registry of all horses and owners participating at the race meeting, plus their corresponding colors and, when applicable, stable names; and establishing a purse structure for the race meeting.

For text of items B to J, see M.R.

For text of subps 2 and 3, see M.R.

Subp. 4. **Paddock judge.** The paddock judge shall have the responsibilities in items A to L.

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

C. The paddock judge shall be responsible for the orderly saddling and equipping of all horses in any race. The saddling and equipping shall, in the case of thoroughbred, quarterhorse, or arabian racing, be open to public viewing and free from interference whenever possible. Horses shall leave the paddock for post in order of their program numbers.

D. The paddock judge shall assemble the horses in the paddock no later than 15 minutes before the scheduled post time for each thoroughbred, quarterhorse, or arabian race, and at least one hour before the scheduled post time for each harness race.

For text of items E to L, see M.R.

Subp. 4a. Paddock judge responsibilities for harness races. Under the direction and supervision of the stewards, the paddock judge will have complete charge of the paddock activities. The paddock judge is responsible for:

A. Getting the field on the track for post parades in accordance with the schedule given by the stewards.

B. Inspection of horses for changes in equipment, broken or faulty equipment, head numbers, or saddle pads.

C. Supervision of paddock gate persons.

D. Proper check-in and check-out of horses and drivers and checking the identification of all horses coming into the paddock including the tattoo or freeze brand number.

E. Directing the activities of the paddock blacksmith.

F. Immediately notifying the stewards of anything that could in any way change, delay, or otherwise affect the racing program. The paddock judge will report to the stewards any cruelty to any horse that the paddock judge observes.

G. Insuring that only authorized persons are permitted in the paddock, and shall notify the stewards of any apparent rule violation occurring in the paddock.

H. Immediately reporting to the commission veterinarian or the association veterinarian the suspected infirmity or unsoundness of any horse.

Subp. 5. **Identifier.** The identifier shall have the responsibilities in items A and B.

A. The identifier shall check the identification of all horses entering the paddock by checking tattoo numbers, sex, color, and markings, and comparing those with documents of registration, eligibility, or breeding, as necessary to ascertain a horse's identity. The identifier shall notify the stewards immediately upon detecting any discrepancy in a horse's tattoo numbers, markings, or other identifying characteristics. The identifier shall supervise the identification of any horse on the grounds of an association before approving the horse for tattooing.

B. Each association shall employ a person in the paddock who shall be responsible to the paddock judge for maintaining a card that will list all equipment worn, including shoes, and the tattoo or freeze brand number for each horse racing at the meeting. This person shall compare the equipment actually being used on the horse with the approved equipment listed on the card.

Subp. 6. **See repealer.**

Subp. 7. **Claims clerk (thoroughbred, quarterhorse, and arabian only).** The claims clerk shall ensure that the claim slip for a horse is deposited in the claim box in accordance with part 7883.0140.

The claims clerk shall open the claim box, search for claim envelopes according to designated race numbers, open any envelopes found, and examine the claim slip inside no sooner than ten minutes before post time for each race.

The claims clerk shall ascertain whether:

- A. errors exist in the form or deposit of the claim;
- B. the claimant has established eligibility to claim;
- C. the claimant has the amount of the claim to his or her credit; and
- D. persons acting on behalf of a claimant are authorized to do so.

The claims clerk shall immediately report all findings to the stewards, and shall issue a written authorization on behalf of the stewards for delivery of a horse to any claimant who is successful.

For text of subs 8 to 15, see M.R.

7877.0180 CONFLICTS.

Subpart 1. **Racing officials.** No racing official, other than a general manager, shall own any interest in a privately held Minnesota racetrack at which he or she is serving as an official. In the case of a publicly held corporation, no racing official, other than a general manager, shall own more than five percent of the outstanding shares of stock. No racing official shall own any interest in a horse eligible to race at a meeting at which he or she serves as an official.

No racing official shall buy or sell for himself or herself, or as an agent for anyone else, any horse eligible to race at a meeting at which he or she serves as an official.

No racing official shall hold any interest in the contract of a jockey or apprentice jockey riding at a meeting at which the official serves.

No racing official shall buy or sell for another person any right to a contract of any jockey or apprentice jockey riding at a meeting at which the racing official serves.

No racing official shall be permitted to compete as a jockey, or in the case of standardbred racing, as a driver, in any race at a licensed racetrack in Minnesota during the term of employment.

No racing official shall wager money or anything of value on any race in Minnesota during his or her term of employment.

No racing official, detention barn employee, commission staff, assistant starter, claims clerk, outrider, association veterinarian, or track superintendent shall request or accept any remuneration or honorarium in payment or kind from any owner, trainer, or other person licensed by the commission.

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

7883.0160 POST TO FINISH.

Subpart 1. **Horse must be tattooed or freeze branded.** No horse shall be permitted to start unless it has been tattooed or freeze branded and fully identified.

Subp. 1a. Horses must have current EIA certificate. No horse shall be permitted to start unless it has a current EIA test certificate.

For text of subs 2 to 14, see M.R.

7884.0120 ELIGIBILITY AND ENTERING.

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For text of subs 1 to 6, see M.R.

Subp. 7. **Conditions precedent to entering.** No horse shall be permitted to enter to race unless:

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

E. the horse has been lip tattooed, or freeze branded;

For text of items F and G, see M.R.

For text of subp 8, see M.R.

Subp. 9. **Entries received after closing time not accepted.** An entry received after the specified time of closing shall not be accepted, ~~except if it was omitted in error or because of an inadvertent mistake by an official or employee of the association.~~

For text of subs 10 to 15, see M.R.

7884.0125 ENTERING AND DRAWING OF HORSES AT CLASS D FACILITIES.

The entering and drawing of horses at Class D licensed facilities shall be governed by the following:

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

E. Entries by mail, ~~telegraph, or telephone, or facsimile~~ actually received and evidence of which is deposited in the entry box before the time specified to enter, shall be drawn in the same manner as the others. Such drawings shall be final. Mail, telephone, ~~and telegraph or facsimile~~ entries must state the name, age, color, sex, sire, and dam of the horse; the name of the driver and driver's colors; the date and place of last start; a current summary, including the number of starts, firsts, seconds, thirds, earnings, and best winning time for current year; and the event in which the horse is to be entered. It shall state any relevant medication information. It shall be the responsibility of the racing secretary to assure that such entries are signed by the person receiving same.

For text of items F to J, see M.R.

7884.0140 COUPLED ENTRIES.

Subpart 1. **Horses to be coupled as an entry.** Horses shall be coupled as an entry if:

A. one person, ~~stable, or partnership~~ is the owner ~~or trainer~~ of two or more horses in a race; ~~provided, however, that when a trainer enters two or more horses in a stakes race, early closing, or other special events under bona fide separate ownerships the said horses may, at the request of the association and with the approval of the stewards, be permitted to race as separate betting entries. The fact that such horses are trained by the same person shall be indicated prominently in the program. If the race is split in two or more divisions, horses in an entry shall be seeded insofar as possible, first by owners, then by trainers, then by stables, but the divisions in which they compete and their post positions shall be drawn by lot. The provisions in this item also apply to elimination heats;~~

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

D. the trainer of one of the horses in a race is the owner, trainer, or driver of another horse in that race. ~~When a driver participates in a purse race in which the driver has an ownership interest in one or more horses, the driver must drive one of the horses in which the driver has an ownership interest.~~

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

7884.0190 QUALIFYING RACES.

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

Subp. 5. **Qualifying drivers.** If a qualifying race is conducted for the purpose of qualifying drivers ~~and/or to improve a driver's eligibility to move up in class, and not to qualify~~ horses, the race need not be charted, timed, or recorded, but this clause does not apply to races qualifying both horses and drivers.

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

7884.0210 CLAIMING RACES.

Claiming shall be conducted ~~in accordance with part 7883:0140~~ according to Rule 10 from the current United States Trotting Association (USTA) Charter, Bylaws, Rules and Regulations.

7884.0230 RACING EQUIPMENT.

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

Subp. 5. **Broken equipment.** All broken equipment must be reported by the driver, ~~in the first instance,~~ to the outrider or starter, and who must then report it to the paddock judge who and the stewards. The paddock judge shall make an examination to verify the allegation.

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

7890.0100 DEFINITIONS.

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

Subp. 5a. **Blood doping.** "Blood doping" means various techniques used to increase the oxygen-carrying capacity of blood.

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

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Subp. 7a. **Darbepoietin alfa.** “Darbepoietin alfa” is a synthetic analog of erythropoietin that stimulates the bone marrow to produce red blood cells. Chemically, it is a 165 amino acid protein containing five N-linked oligosaccharide chains.

For text of subs 8 to 10, see M.R.

Subp. 10a. **Erythropoietin (EPO).** Erythropoietin (EPO) is a glycoprotein that stimulates the production of red blood cells by stem cells in bone marrow. Produced mainly by the kidneys, it is released in response to decreased levels of oxygen in body tissue. Using recombinant DNA technology, EPO has been synthetically produced and chemically it is a 165 amino acid protein containing three N-linked oligosaccharide chains.

Subp. 10b. **Flunixin meglumine.** “Flunixin meglumine” is a non-steroidal anti-inflammatory drug with the chemical name 3-pyridine-carboxylic acid.

Subp. 10c. **Furosemide.** “Furosemide” means 4-chloro-N-furfuryl-5-sulfamoylanthranilic acid.

Subp. 10d. **Growth factor.** “Growth factor” means a substance that promotes cellular growth.

Subp. 10e. **Hemopure** “Hemopure” is a chemically stabilized bovine cross-linked hemoglobin that carries oxygen to tissues. Chemically it is hemoglobin glutamer-250 (bovine) or HBOC-201.

For text of subp 11, see M.R.

Subp. 11a. **Ketoprofen.** “Ketoprofen” is a nonsteroidal anti-inflammatory drug with the chemical name 2-(3-benzoylphenyl)propionic acid.

Subp. 13. **Medication.** “Medication” is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. The term medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

A. The following NSAIDs:

(1) Bute, provided that the test sample does not contain more than the micrograms of the substance or metabolites thereof per milliliter of blood plasma permitted in Minnesota Statutes, section 240.24, subdivision 3;

(2) Flunixin, provided that the test sample does not contain more than 20 nanograms or metabolites thereof per milliliter of blood plasma; and

(3) Ketoprofen, provided that the test sample does not contain more than ten nanograms or metabolites thereof per milliliter of blood plasma.

B. Furosemide, provided, however, that it is administered pursuant to the provisions of part 7890.0140, subpart 7a, and further provided that the test sample does not contain:

(1) urine specific gravity of 1.010 or less;

(2) more than 100 nanograms per milliliter of plasma furosemide; and

(3) in the absence of urine for specific gravity, no more than 200 nanograms per milliliter of plasma furosemide the specific gravity of the post-race urine sample is not below 1.010 or, if the specific gravity is below 1.010 or a urine sample is unavailable for testing, the concentration of Furosemide may not exceed 100 nanograms per milliliter of serum or plasma in the post-race blood sample.

For text of item C, see M.R.

D. Food additives, such as Vitamins and electrolytes, provided such additives the vitamins and electrolytes are administered orally and do not contain any medications.

For text of subs 13a and 14, see M.R.

Subp. 14a. **NSAIDs.** “NSAIDs” means nonsteroidal anti-inflammatory drugs.

Subp. 14b. **Oxyglobin** “Oxyglobin” is an intravenous solution consisting of chemically stabilized cross linked hemoglobin that carries oxygen to tissues upon infusion. Chemically it is hemoglobin glutamer-200 (bovine) or HBOC-301.

Subp. 15. **Positive test.** “Positive test” means the detection of any medication or metabolites thereof in a test sample or a test level of Bute NSAIDs or furosemide above the allowed level.

For text of subp 16, see M.R.

Subp. 17. **Test level.** “Test level” means the concentration of Bute NSAIDs or furosemide found in a test sample.

For text of subs 18 to 21, see M.R.

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

Subpart 1. Administration. No person shall administer or cause to be administered to a horse within 48 hours of a race in which it is scheduled to run any medication (except as permitted by part 7890.0100, subpart 13, items A to D) by injection, oral or topical administration,

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rectal infusion or suppository, or by inhalation and no horse participating in a race shall carry in its body any substance foreign to the natural horse, except as permitted by part 7890.0100, subpart 13, items A to D. Post-race samples of plasma, serum, or urine must not contain any substances, drugs, medications, or metabolites of substances, drugs, or medications not specifically permitted by commission rule or law.

Subp. 2. Nasogastric tube. The use of a nasogastric tube (a tube longer than six inches, inserted in a horse's nostril) for the administration of any substance to an entered horse within the 24-hour period prior to post time shall not be permitted without prior permission of the commission veterinarian.

Subp. 3. Extracorporeal shock wave therapy or radial pulse

wave therapy. The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted unless the following conditions are met:

A. any treated horse shall not be permitted to race for a minimum of ten days following treatment;

B. the use of extracorporeal shock wave therapy or radial pulse wave therapy machines shall be limited to veterinarians licensed by the commission;

C. any extracorporeal shock wave therapy or radial pulse wave therapy machines on association grounds must be registered with the commission veterinarian prior to use; and

D. all extracorporeal shock wave therapy or radial pulse wave therapy treatments must be recorded on a form prescribed by the commission, and provided to the commission veterinarian prior to use.

Subp. 4. Blood doping agents. The possession or use of blood doping agents, including but not limited to the following blood doping agents, on the premises of a facility under the jurisdiction of the commission is forbidden:

A. Erythropoietin;

B. Darbepoietin;

C. Oxyglobin\A*a; and

D. Hemopure\A*a.

Subp. 5. Presence. The presence of more than one of the three approved NSAIDs or any unapproved NSAID in the post-race serum, plasma, or urine sample is not permitted.

Subp. 6. Possession. The possession or use of a drug, substance, or medication for which a recognized analytical method to detect and confirm the administration of such substance has not been developed, on the premises of a facility under the jurisdiction of the commission is prohibited.

Subp. 7. Use. The use of agents that elevate the horse's bicarbonate level or pH level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited.

7890.0120 REPORTING PROCEDURES.

Subpart 1. **Veterinarians must keep records.** Veterinarians must submit daily to the commission veterinarian, in writing on a prescribed form, a report of all horses treated. The form shall contain the date and time, name of horse treated, trainer of horse, any medications and other, drugs, substances (as provided in part 7890.0100, subpart 13, items A to D) which the veterinarian, or procedures prescribed, administered, or dispensed, or performed for horses registered at a current race meeting, and any other information requested by the commission veterinarian. A logbook detailing other professional services performed while on the grounds of an association must be kept by veterinarians and shall be made immediately available to the commission veterinarian or the stewards upon request. The form must be filed by the treating veterinarian not later than post time of the race for which the horse is entered. The form shall be signed by the treating veterinarian.

Subp. 2. **Administration of Bute NSAIDs to be reported.** If a horse is to race with Bute a permitted NSAID in its system, the trainer shall be responsible for legibly and clearly marking the information on the entry blank for each race in which the horse shall use Bute a permitted NSAID. Changes made after the time of entry must be submitted on the prescribed form to the commission veterinarian no later than scratch time. The specific NSAID to be used must be declared on the entry blank.

7890.0130 FINDINGS OF CHEMIST.

Subpart 1. **Prima facie evidence.** A finding by a chemist of any medication or metabolite, substance foreign to the natural horse, or Bute NSAIDs or furosemide exceeding the allowable test levels provided in part 7890.0100, subpart 13, items item A and B, in the test sample of a horse shall be considered prima facie evidence that the medication, substance, Bute NSAIDs or furosemide was administered to the horse and carried in the body of the horse while participating in a race. Horses racing on NSAIDs or furosemide must show a detectable concentration of the drug or metabolites in the post-race serum, plasma, or urine sample.

Subp. 2. **Distributed purse money.** The fact that purse money has been distributed prior to the issuance of the chemist's report shall not be deemed a finding that no medication or Bute NSAIDs or furosemide exceeding allowable levels was administered to the horse earning such purse money in violation of this chapter.

7890.0140 BLEEDERS.

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

Subp. 5. **Restrictions on confirmed bleeders.** Confirmed bleeders shall be subject to the following restrictions:

A. For the first observed bleeding, the horse shall be placed on the bleeder list and the veterinarian's list and shall not be removed from the veterinarian's list without the approval of the commission veterinarian. Such a horse shall be ineligible to race for at least ~~12~~ 14 days following the observed bleeding.

B. When a horse has been observed bleeding for the second time in the previous 12 months, the horse shall be placed on the veterinarian's list and shall not be removed from the list without the approval of the commission veterinarian. Such a horse shall be ineligible to race for at least ~~21~~ 30 days following the observed bleeding.

C. When a horse has been observed bleeding for the third time in the previous 12 months, the horse shall be placed on the veterinarian's list and shall not be removed from the list for at least ~~six months~~ 180 days, and not until the commission veterinarian has approved its removal.

D. When a horse is observed bleeding a fourth time in the previous 12 months, the horse shall be ~~placed on the veterinarian's list and shall not be removed from the list for at least 12 months, and not until the commission veterinarian has approved its removal~~ barred from further pari-mutuel horse racing in Minnesota.

E. ~~When a horse is observed bleeding a fifth time, the horse shall be barred from further pari-mutuel racing in Minnesota.~~

F. Following a bleeding episode in another jurisdiction, a horse shall not be eligible to race in Minnesota for at least ~~12~~ 14 days or for a longer period if deemed medically necessary in the professional opinion of the commission veterinarian after considering the horse's past bleeding history.

F. For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.

G. The voluntary administration of furosemide without an external bleeding incident shall not subject a horse to the initial period of ineligibility as defined by this subpart.

Subp. 6. **Furosemide may be permitted for certified bleeders.** ~~Upon request, any horse placed on the bleeder list shall, in its next race, be permitted the use of furosemide: A horse is eligible to race with furosemide if the licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide. Notification using prescribed commission forms must be given to the commission veterinarian no later than scratch time for that day's racing.~~ Once a horse has raced with furosemide, it must continue to race with furosemide in all subsequent races unless a request is made to discontinue the use. If the use of furosemide is discontinued, the horse shall be prohibited from again racing with furosemide unless it is later observed to be bleeding pursuant to subpart 1 or meets the requirements of subpart 3. Requests for the use of or discontinuance of furosemide must be made to the commission veterinarian by the horse's trainer or assistant trainer on a form prescribed by the commission on or before the day of entry into the race for which the request is made.

Subp. 7a. **Conditions required for furosemide administration.** Furosemide shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse. The furosemide must be administered a minimum of four hours before scheduled post time for any bleeder entered to race and the dose level of furosemide must be no less than 150 milligrams and must not exceed 250 milligrams (no less than three nor more than five milliliters of a 50 milligram/milliliter or five percent solution) per administration, ~~except in cases where the horse has been determined by the commission veterinarian and the treating veterinarian to be a severe bleeder. In these cases, doses of up to 500 milligrams (no more than ten milliliters of a 50 milligram/milliliter or five percent solution) may be permitted.~~

The practicing veterinarian must deposit with the commission veterinarian an unopened supply of furosemide and sterile hypodermic needles and syringes to be used for the administration. The furosemide must be administered under the supervision of a person employed by the commission. A horse on the official furosemide list must show a detectable concentration of the drug in the post-race serum, plasma, or urine sample.

For text of subp 10, see M.R.

7890.0150 DISCLOSURE OF APPROVED MEDICATIONS TO PUBLIC.

The names of all horses that have been approved for race day use of ~~Bute~~ NSAIDs or furosemide must be identified in the daily racing program. The names of all horses that have been treated with ~~Bute~~ NSAIDs shall be posted on the public information boards in the grandstand by the association by one hour before post time of the first race on the day such horses are to race. Horses that are racing for the first time using furosemide, must be so identified in the daily racing program.

7890.0160 RESPONSIBILITY OF VETERINARIAN.

No veterinarian may administer a medication or substance foreign to the natural horse to any horse that is scheduled to race within 48 hours, except as permitted in part 7890.0100, subpart 13, or in the case of a medical emergency requiring immediate treatment, without the prior permission of the commission veterinarian. No veterinarian may place a nasogastric tube in a horse that is scheduled to race within 48 hours, except in the case of a medical emergency requiring immediate treatment. No veterinarian may enter the stall of or otherwise handle a horse that

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is scheduled to race within four hours, except in the case of a medical emergency requiring immediate treatment without the prior permission of the commission veterinarian. In emergency cases it is the responsibility of the attending veterinarian to notify the commission veterinarian of the nature of the emergency and the exact treatment provided. The notification must be made as soon as practical (within one-half hour of an emergency that occurs during training or racing hours or by 8:00 a.m. on the morning following an emergency which occurred during evening or night hours) and on a form prescribed by the commission. At the request of the commission veterinarian, the veterinarian must provide radiographs, laboratory tests, and results of other diagnostic procedures within 24 hours.

REPEALER. Minnesota Rules, parts 7877.0175, subpart 6; and 7884.0150, subpart 1, are repealed.

Minnesota Department of Transportation

Office of Aeronautics

Notice of Intent to Adopt Exempt Rules

Adopted Exempt Permanent Rules Relating to Aeronautics, Minnesota Rules, 8800.1600; 8800.1650; 8800.1700; 8800.1800; 8800.1900; 8800.2000; 8800.2100; 8800.2200; 8800.3200; 8800.3800; and 8800.3900.

Introduction. The Department of Transportation intends to adopt rule amendments under the exempt rulemaking process set forth in the rules of the Office of Administrative Hearings, Minnesota Rules, part 1400.2400, and the Administrative Procedure Act, Minnesota Statutes, section 14.388, subdivision 1, clause (4).

Proposed Rule Amendments. A copy of the proposed rule amendments is published in the State Register and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed below.

Comments. You have five business days, until 4:30 p.m. on Monday, July 31, 2006, to submit written comment in support of or in opposition to the proposed exempt rules. Comments on the rules must be submitted to the Office of Administrative Hearings at the following address: Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138. Your comment must be received by the Office of Administrative Hearings by the due date. Comment is encouraged.

Good Cause Exemption Justification. In 2005, the Department of Transportation, Office of Aeronautics completed the updating of Minn. R. Chapter 8800. This was a comprehensive updating of the aeronautics rules since they were last amended in 1980. The rule amendments became effective on September 6, 2005.

Subsequent to the adoption of the rules, the department discovered a few inadvertent, technical drafting errors that were overlooked during the rulemaking process. The department now seeks to correct these errors through the good cause rulemaking exemption under Minnesota Statutes, § 14.388, subdivision 1, clause (4). The department asserts that the full rulemaking provisions of chapter 14 are unnecessary, impracticable, and contrary to the public interest for the attached rule amendments to chapter 8800 and that the requirements of section 14.388 are sufficient for the adoption of these rule changes. The proposed rule changes are changes that do not alter the sense, meaning, or effect of a rule.

Agency Contact Person. Questions regarding the exempt rules can be submitted to the agency contact person. The agency contact person is: Larry Myking, Minnesota Department of Transportation, Office of Aeronautics, Mail Stop 410, 222 East Plato Boulevard, St. Paul, Minnesota, 55107, telephone (651) 296-8056, FAX (651) 297-5643, and e-mail larry.myking@dot.state.mn.us . TTY users may call the Department of Transportation at 1-800-627-3529.

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

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 6512965148 or 18006573889.

Adoption and Review of Exempt Rules. The agency may adopt the rules at the end of the comment period and after the review for legality by the Administrative Law Judge. You may ask to be notified of the date the rules are adopted by the agency. 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.

July 7, 2006

Raymond J. Rought
Director, Office of Aeronautics

Adopted Exempt Permanent Rules Relating to Aeronautics

8800.1600 PUBLIC AIRPORT LICENSING.

For text of subpart 1, see M.R.

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

For text of subs 3 to 16, see M.R.

8800.1650 PUBLIC SPECIALPURPOSE AIRPORT LICENSING.

For text of subpart 1, see M.R.

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

For text of subs 3 to 15, see M.R.

8800.1700 PUBLIC SEAPLANE BASE LICENSING.

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

Subp. 4. **Requirements.** A public seaplane base shall be granted a license when it has shown it has met the general provisions of parts 8800.1400 and 8800.1500 and the ~~following~~ minimum requirements of ~~subparts 5 to 14~~ this part.

For text of subs 5 to 18, see M.R.

8800.1800 PUBLIC HELIPORT LICENSING.

For text of subpart 1, see M.R.

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

For text of subs 3 to 13, see M.R.

8800.1900 PRIVATE AIRPORT LICENSING.

For text of subpart 1, see M.R.

Subp. 2. **Minimum requirements.** A private airport shall be granted a license when it has met the general provisions of parts 8800.1400 and 8800.1500 and the ~~following~~ minimum requirements of this part.

For text of subs 3 to 11, see M.R.

8800.2000 PRIVATE SEAPLANE BASE LICENSING.

For text of subpart 1, see M.R.

Subp. 2. **Minimum requirements.** A private seaplane base will be granted a license when it has shown that it has met the ~~following~~ minimum requirements of ~~subparts 3 to 10~~ this part.

For text of subs 3 to 12, see M.R.

8800.2100 PRIVATE HELIPORT LICENSING.

For text of subpart 1, see M.R.

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

For text of subs 3a to 13, see M.R.

8800.2200 PERSONALUSE AIRPORT LICENSING.

For text of subpart 1, see M.R.

Subp. 2. **Minimum requirements.** Personaluse airports shall be granted a license when they have met the general provisions of parts 8800.1400 and 8800.1500 and the ~~following general~~ minimum requirements of this part.

For text of subs 3 to 8, see M.R.

8800.3200 LICENSING COMMERCIAL OPERATIONS.

For text of subs 1 to 6, see M.R.

Subp. 7. **Place of business.** Each applicant for a commercial operations license must have a place of business. In addition, if the commercial activity includes the operation of aircraft for the purpose of carrying passengers, flight instruction, or aircraft rental or leasing, then the applicant's base of operations must be on an airport licensed for public use by the commissioner as provided by law, or an airport owned by the Metropolitan Airports Commission; or a private airport licensed by the commissioner if that private airport meets the requirements of part 8800.1600, 8800.1650, 8800.1700, or 8800.1800.

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

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

For text of subs 8 to 15, see M.R.

8800.3800 AERIAL SPRAYING OR DUSTING.

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

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

For text of subp 9, see M.R.

8800.3900 AIRCRAFT SERVICING, MAINTAINING, AND REPAIRING.

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

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

Each person who provides aircraft servicing, maintaining, and repairing shall advise each customer in writing if the service provider does not have hangarkeepers insurance in force.

For text of subp 4, see M.R.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

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.

Minnesota Board of Chiropractic Examiners

Adopted Permanent Rules Relating to Continuing Education for Acupuncture Registrants

The rules proposed and published in the *State Register*, Volume 30, Number 34, pages 899-900, February 21, 2006 (30 SR 899), are adopted as proposed.

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 Department of Labor and Industry

Labor Standards Unit

Notice of Correction to Commercial Prevailing Wage Rates

A correction has been made to the Commercial Prevailing Wage Rates certified 12/27/05, for Labor Code 410, Lathers, in Aitkin, Anoka, Becker, Benton, Chisago, Clay, Dakota, Douglas, Goodhue, Hennepin, Kanabec, Kandiyohi, LeSueur, McLeod, Meeker, Nicollet, Ottertail, Pine, Pope, Ramsey, Renville, Rice, Sherburne, Sibley, Stearns, Swift, Todd and Washington Counties.

Corrections have been made to the Commercial Prevailing Wage Rates certified 12/27/05, for Labor Code 415 Painters; 416 Piledriver; 417 Pipefitters-Steamfitters in Faribault County.

A correction has been made to the Commercial Prevailing Wage Rates certified 12/27/05, for Labor Code 435, Asbestos Abatement Worker in Isanti County.

A correction has been made to the Commercial Prevailing Wage Rates certified 12/27/05, for Labor Code 416, Piledriver, in Stevens County.

Corrections have been made to the Commercial Prevailing Wage Rates certified 12/27/05, for Labor Code 304, Group 2, Trucks; and Labor Code 409 Glaziers in Hennepin County.

Copies with the corrected certified wage rates for these Counties 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

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 <http://www.mmd.admin.state.mn.us> for informal solicitation announcements.

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

Colleges and Universities, Minnesota State (MnSCU)

Lake Superior College

Notice of Availability of Request for Proposal (RFP) for Designer Selection for Health and Science Center (State Designer Selection Board Project No. 06-09)

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Lake Superior College, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website: <http://www.facilities.mnscu.edu>, click on "Solicitation Announcements."

An informational meeting is tentatively scheduled for 10:30 AM, August 3, 2006 in Room W-2850 Lake Superior College, 2101 Trinity Road, Duluth, MN 55811. All firms interested in this meeting should contact, Mark Winson at (218) 733.3637 or m.winson@lsc.edu to sign up to attend the meeting.

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, 301 Centennial Office Building in the State Architect's Office, 658 Cedar St., St. Paul, MN 55115-1625 (651.201.2372) not later than 1:00 P.M., Monday, August 14 2006. Late responses will not be considered.

Minnesota State Colleges and Universities 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.

State Contracts

Colleges and Universities, Minnesota State (MnSCU)

Rochester Community and Technical College

Dental Digital X-Ray System: One Time Buy

Solicitation: 071706

Request for bids are sought for purchase of a dental digital x-ray system. To receive a copy of the request for bid (RFB), email june.meitzner@roch.edu or fax your request to 507-285-7104, attention June Meitzner.

Response to the solicitation is due no later than Friday, Aug. 7, 2006, at 4:00 p.m. central daylight time.

Ship to information:

Rochester Community and Technical College
851 30th Ave. SE
Rochester, MN 55904

Minnesota Historical Society

Notice of Request for Proposals for an Enterprise Storage Area Network Solution

The Minnesota Historical Society is seeking bids from qualified individuals or firms to provide an enterprise Storage Area Network solution to accommodate the Society's growing data needs.

It is expected that the project will conclude within 6 weeks of contract execution with the successful vendor.

The Request for Proposals is available from:

Mary Green-Toussaint
Contracting & Purchasing Assistant
Minnesota Historical Society
345 Kellogg Boulevard West
Saint Paul, Minnesota 55102
651-297-7007
E-mail: mary.green-toussaint@mnhs.org.

Proposals must be received no later than 2:00 p.m., Local Time, on Tuesday, August 15, 2006. A public bid opening will be conducted at that time. Late proposals will not be accepted.

Public Employees Retirement Association

Request for Proposals for Administration of PERA Board of Trustees Election

Public Employees Retirement Association of Minnesota (PERA) is soliciting proposals from an independent organization to act as election administrator for the PERA Board of Trustees election for January 2007. The primary duties will include the actual designing, printing, collating, and mailing of the ballots and election material. The election administrator will also receive and securely store the ballots until the election closes; validate the ballots; tabulate the results; and report the results to the Board of Trustees within the requirements established for conduct of this election by the Secretary of State's office.

Prospective responders should request a copy of the complete Request for Proposals by calling or writing to:

Mary Daly, Executive Secretary
PERA
60 Empire Drive – Suite 200
St. Paul, MN 55103 - 2088
Telephone: (651) 296-7489
Fax: (651) 296-8392
E-mail: mary.daly@state.mn.us

All proposals must be received by the Public Employees Retirement Association no later than 3:00 p.m., Central Time, on Thursday, August 31, 2006.

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

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

State Grants & Loans

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

Minnesota Department of Health

Request for Proposals for 2006-2007 Minnesota e-Health Initiative Grant Program

Purpose of the grant program.

As part of the Governor's e-Health initiative, the Minnesota Legislature appropriated \$1,300,000 in grant funding to support the adoption and use of interoperable electronic health records in rural and underserved areas. The intent is to encourage and support community e-Health collaboratives in settings that might not otherwise be able to fully afford the investment in health information technology. The grant program goals include adoption and use of health information technology, as well as health information exchange among different health and health care organizations within a community.

Eligible Applicants. Minnesota Statutes, section 144.366 defines eligible applicants as "community e-Health collaboratives," meaning three or more health care or public health organizations that are distinct corporate or governmental entities. The three organizations must represent at least two of following types of health care settings:

- community clinics;
- hospitals eligible for rural hospital capitol improvement grants;
- physician clinics located in a community with a population of less than 50,000;
- nursing facilities
- community health boards/local health departments
- nonprofit entities with a purpose to provide health information exchange coordination governed by a representative, multi-stakeholder board of directors; and
- other providers of health or health care services approved by the Commissioner of Health for which interoperable electronic health records would improve quality of care, patient safety, or community health.

See the complete RFP for a more complete definition of eligible applicants.

Eligible Activities. Proposed activities seek to improve the implementation and use of interoperable electronic health records including but not limited to the following projects:

- (1) collaborative efforts to host and support fully functional interoperable electronic health records in multiple care settings;
- (2) electronic medication history and electronic patient registration information;
- (3) electronic personal health records for persons with chronic diseases and for prevention services;
- (4) rural and underserved community models for electronic prescribing; and
- (5) enabling local public health systems to rapidly and electronically exchange information needed to participate in community e-Health collaboratives or for public health emergency preparedness and response.

Grant funds may not be used for construction of health care or other buildings or facilities.

Types and Amounts of Grants. A total of \$1,300,000 is available for grants for the period January 15, 2007, through December 31, 2007. It is expected that approximately three to five grants of up to \$50,000 each may be awarded to projects for planning, readiness assessment, and early implementation purposes. Additionally, up to \$250,000 may be awarded to three to four other projects for implementing interoperable health information technology and health information exchanges.

Statutory Authority. Minnesota Statutes, section 144.366.

Access to RFP. The complete RFP, as well as an ongoing Frequently Asked Questions document, are available at www.health.state.mn.us/e-health. They may also be obtained through the contact person listed below.

Grant Program Timeline.

Bidders conference call: August 24, 2006, 10:00 – 11:30 am

Letter of intent due: September 15, 2006

Applications due: October 12, 2006

Anticipated grant awards announced: December 6, 2006

State Grants & Loans

Anticipated grant contract start date: January 15, 2007.

Agency Contact Person. Written comments, questions, requests to receive a draft of the RFP, and requests for more information can be addressed to:

Bill Brand,
Minnesota Department of Health
Center for Health Informatics
85 East 7th Place, Suite 300
P.O. Box 64882
St. Paul, Minnesota 55164-0882
Telephone: (651) 201-5508
Fax: (651) 201-5179
Email: bill.brand@health.state.mn.us

Alternative Format. Upon request this Request for Proposal can be made available in an alternative format, such as large print.

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.

City of Grand Rapids, MN

Grand Rapids Economic Development Authority Planning and Predesign of North Central Bio-Sciences Research and Technology Laboratory

The Grand Rapids Economic Development Authority is seeking assistance from firms with the expertise needed to work with public education and research, private industry research, and public and non-profit business development entities in the Grand Rapids area to develop a strategic and operational plan for the proposed North Central Bio-Sciences and Technology Laboratory, as well as the completion of a/e programming and predesign for the project.

Proposals are due by 4:00 p.m. on August 15, 2006.

Firms interested in receiving the Request for Proposals documents should contact:

Robert Mattei
City of Grand Rapids
420 N. Pokegama Ave.
Grand Rapids, MN 55744
Phone: (218) 326-7622
Fax: (218) 326-7621
Email: rmattei@ci.grand-rapids.mn.us

City of La Crescent, MN

Request for Proposals to Operate Transit System

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the City of La Crescent, at the office of the City Administrator, La Crescent City Hall, 315 Main Street, La Crescent, Minnesota, until 12:00 noon local time, Thursday, September 14, 2006, for the operation of a public transit service titled "Apple Express" for the period beginning January 1, 2007 through December 31, 2009.

Non-State Contracts & Grants

Bids will be publicly opened and read at 12:00 noon on September 14, 2006. The La Crescent City Council may consider the proposals at their September 25, 2006 meeting. The Council reserves the right to review the proposals at a later date if necessary to allow for further consideration prior to taking action.

The City of La Crescent is a citywide bus service provider subsidized with state and federal public transit dollars, which utilizes a small chassis bus to transport passengers.

The RFP documents and forms may be obtained, at no cost, at the office of Bill Waller, 315 Main Street, La Crescent, MN 55947. The contact person for all communication involving the RFP is:

Bill Waller, City Administrator
315 Main Street
La Crescent, MN 55947
(507) 895-2595

Other City personnel are not allowed to discuss the RFP with anyone, including potential responders, before the RFP submission deadline.

The La Crescent City Council reserves the right to waive minor irregularities and informalities therein, and to reject any and all bid proposals.

The contract will be awarded to the bidder whose proposal represents the best value to the City of La Crescent. Best value is a selection process in which proposals contain both price and qualitative components, and award is based

Legislative Coordinating Commission

Contract Available for Providing Legislative Sign Language Interpreter Services

The Minnesota Legislative Coordinating Commission is requesting proposals from qualified individuals and organizations interested in providing legislative sign language interpreting services during fiscal years 2007-08 to individuals who are hard of hearing, deaf, or deafblind. For a copy of the full text of the RFP, please go to <http://www.lcc.leg.mn>, or contact:

Greg Hubinger, Director
Minnesota Legislative Coordinating Commission
Room 72 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-1298
Phone: (651) 296-2963 (voice)
E-mail: greg.hubinger@lcc.leg.mn

All proposals must satisfy the criteria as outlined in the full text of the RFP. At a minimum, proposals must include a plan which details how services will be provided and must clearly state the contractor's proposed hourly rates and other charges for services provided.

Proposals must be received by August 4, 2006, at 4:00 p.m. Late applications may not be accepted. All expenses incurred responding to this notice shall be borne by the responder.

Metropolitan Council

Notice of Request for Proposals (RFP) for Dental Benefits

Contract 06P110

The Metropolitan Council is requesting proposals for Dental Benefits for all employees and certain retired employees. The term of the contract will be three years.

A tentative schedule for the project is as follows:

Issue Request for Proposals	July 25, 2006
Receive Proposals	August 29, 2006
Contract negotiated, executed, NTP	October 16, 2006

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

Harriet Simmons, Senior Administrative Assistant
Metropolitan Council Environmental Services

Non-State Contracts & Grants

390 N. Robert Street
St. Paul, MN 55101
Phone: 651-602-1086
Fax: 651-602-1083
E-mail: harriet.simmons@metc.state.mn.us

Inquiries regarding technical aspects of the project should be directed to Gordon Backlund at 651-602-1801.

Metropolitan Council Notice of Request for Proposals (RFP) for Long Term Disability Insurance Contract 06P111

The Metropolitan Council is requesting proposals for Long Term Disability insurance for all employees. The term of the contract will be three years.

A tentative schedule for the project is as follows:

Issue Request for Proposals	July 25, 2006
Receive Proposals	August 24, 2006
Contract negotiated, executed, NTP	October 16, 2006

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

Harriet Simmons, Senior Administrative Assistant
Metropolitan Council Environmental Services
390 N. Robert Street
St. Paul, MN 55101
Phone: 651-602-1086
Fax: 651-602-1083
E-mail: harriet.simmons@metc.state.mn.us

Inquiries regarding technical aspects of the project should be directed to Gordon Backlund at 651-602-1801.

Metropolitan Council Notice of Request for Proposals (RFP) for Strategic Workforce Analysis Contract Number 05P076

The Metropolitan Council is requesting proposals for Strategic Workforce Analysis. Project will consist mainly of evaluating the MCES' Operation and Maintenance departments and make recommendations for modifications and/or adjustments in staffing levels, organizational structure, training, work processes and practices, policies/procedures and technology.

Issue Request for Proposals	July 24, 2006
Receive Proposals	August 24, 2006
Contract Award	September or October, 2006
Period of performance	October, 2006 to October, 2007

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

Sunny Jo Emerson
Senior Administrative Assistant
Contracts and Procurement Unit
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101-1805
PHONE: 651-602-1499
FAX: 651-602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

Non-State Contracts & Grants

Metropolitan Council

Notice of Request for Proposals (RFP) for HRIS Upgrade & e-Application Implementation Contract Number 06P105

The Metropolitan Council is soliciting proposals for the HRIS Upgrade & e-Application Implementations.

Issue RFP	July 17, 2006
Proposals Due	August 14, 2006
Selection of Firm	September 2006
Project Activities	September – December 2008

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

Harriet Simmons, Senior Administrative Assistant
Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
651-602-1086
FAX: 651-602-1083
e-mail: harriet.simmons@metc.state.mn.us

Minnehaha Creek Watershed District Call For Bids and Bid Notice

The MCWD Board of Managers is currently accepting bids for the Gleason Lake Improvement Project located in the City of Plymouth, Minnesota. The project involves clearing and grubbing of trees, excavation of a pond, moving and stabilization of a channel and native plantings. The project is located at the north end of Gleason Lake immediately north of the Gleason North Townhome Association. Bids will be accepted until 2:00 PM on July 31, 2006. Bid opening will commence immediately thereafter at the MCWD offices located at 18202 Minnetonka Boulevard, Deephaven, MN 55391. Interested parties should request bid specifications from MCWD and submit bids to the MCWD offices by the required deadline. Bid submittals must be labeled "MCWD GLEASON LAKE IMPROVEMENT PROJECT" legibly in large, noticeable print on the outside of the submittal package. Unlabeled submittals will not be accepted. If you have any questions, please contact the MCWD District Office at 952.471.0590.

City of Sartell, MN

Notice of Request for Proposals (RFP) for engineering and planning consulting services for the 50th Avenue Realignment and Roberts Road (East-West Collector) Environmental Assessments

NOTICE IS HEREBY GIVEN that the City of Sartell, MN is requesting proposals to complete alternative scoping, state/federal review and official mapping for 50th Avenue: 4th Avenue/2nd Street S to Stearns CR120/CR 134 and Roberts Road (East-West Collector): CSAH 1 to CSAH 4/322nd Street. These studies will be conducted concurrently, but will have separate deliverables.

The goal of these projects is that a scoping process, Environmental Assessment/Environmental Assessment Worksheet and preliminary design be completed for each project to evaluate alignment alternatives for the proposed corridors as mandated by National Environmental Policy Act (NEPA) and the Minnesota Environmental Policy Act (MEPA) guidance. Official maps for both projects will be surveyed and filed to assist in protecting the preferred alignment alternatives from development.

The following is the anticipated solicitation schedule:

Issue Request for Proposals	July 24, 2006
Receive Proposals	4:00 PM, Friday, August 11, 2006
Award of Contract	August 2006

All firms interested in receiving a RFP may contact:

Non-State Contracts & Grants

Mr. Scott Mareck, AICP
St. Cloud Area Planning Organization
1040 County Road 4
St. Cloud, Minnesota 56303
Phone: 320-252-7568
E-mail: mareck@stcloudapo.org

An electronic copy of the RFP can also be obtain on the St. Cloud Area Planning Organization website (<http://www.stcloudapo.org>)

NOTE: This RFP will not be available by email or fax.

Solid Waste Management Coordinating Board Request for Proposals to Complete a Minnesota Study Evaluating Construction, Demolition and Industrial Wastes

The Solid Waste Management Coordinating Board (SWMCB) is seeking proposals from qualified vendors to complete a statewide study evaluating Minnesota construction, demolition and industrial wastes that can be potentially recovered for reuse, recycling, creation of energy, or compost. The project timeline is September 1, 2006 to July 31, 2007. The maximum contract amount is \$85,000.

The Request for Proposals is available by calling or writing:

Michael Reed
Solid Waste Management Coordinating Board
477 Selby Avenue
St. Paul, MN 55102
Phone: 651-222-7227
E-mail: mreed@richardsonrichter.com
Download at <http://www.swmcb.org>.

Proposals must be received no later than 12:00 noon, Central Standard Time, Monday, August 21, 2006. The SWCMB reserves the right to reject late proposals.

Details concerning submission requirements are included in the Request for Proposals.

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 <http://bidinfo.umn.edu> or call the BIS Coordinator at (612) 625-5534.

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



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