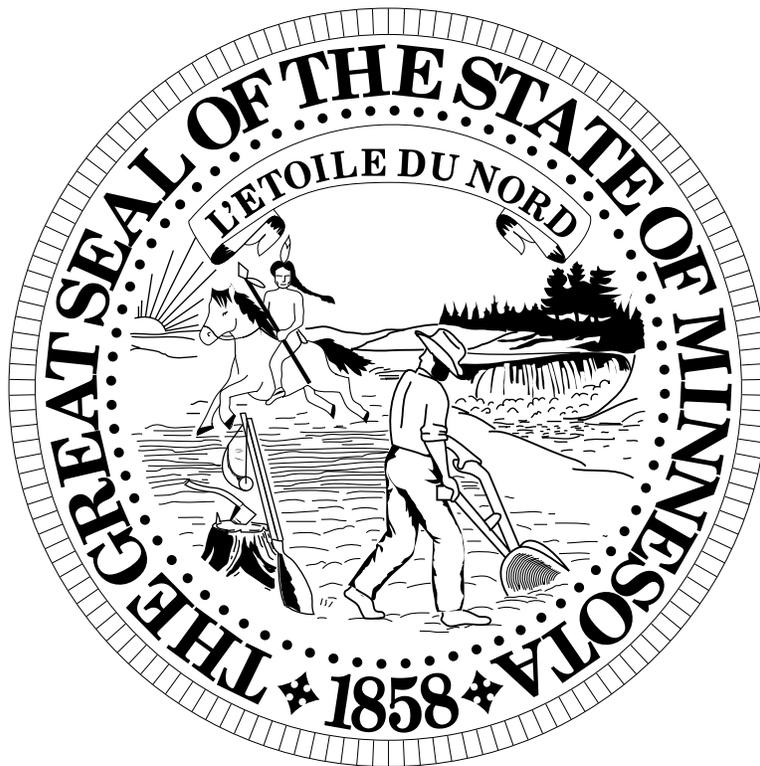


State of Minnesota

# State Register

Rules and Official Notices Edition



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# State Register

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules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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#40	Monday 3 April	Noon Wednesday 22 March	Noon Tuesday 28 March
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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issue 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 (651) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

# Board of Pharmacy

## Proposed Permanent Rules Relating to Fees

### 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 Fees, *Minnesota Rules*, 6800.0400, 6800.1150, 6800.1300, 6800.1400, and 6800.3850

**Introduction.** The Board of Pharmacy intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on April 28, 2000, a public hearing will be held in Conference Room A, University Park Plaza, 2829 University Avenue SE, Minneapolis, Minnesota 55414, starting at 9:30 AM on Wednesday, May 17, 2000. 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 April 28, 2000 and before May 17.

**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: David E. Holmstrom at Minnesota Board of Pharmacy, 2829 University Avenue SE #530, Minneapolis, Minnesota 55414, phone, (612) 617-2201, fax, (612) 617-2212. TTY users may call the Board of Pharmacy at (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about proposed fee increases for pharmacists, pharmacies, drug wholesalers and manufacturers and pharmacy technicians. The statutory authority to adopt the rules is *Minnesota Statutes*, section 214.06, 151.06, 151.12, 151.13, 151.19, 151.25, and 151.47-49. A copy of the proposed rules is published in the *State Register*. The Board's proposal would increase fees as follows:

Type of license/registration	Current Fee	Proposed Fee
Pharmacist	\$95	\$105
Pharmacy	\$150	\$165
Reciprocity candidate	\$195	\$205
Wholesaler/Manufacturer	\$150	\$180
Pharmacy Technician	\$15	\$20

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, April 28, 2000, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on April 28, 2000. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for 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 written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. 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 May 17, 2000, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (612) 617-2201 after April 28, 2000 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit 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 Barbara Nielson is assigned to conduct the hearing. Judge Nielson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7604, and fax (612) 349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response 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 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response 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 either the agency or the Office of Administrative Hearings.

**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: First Floor South, 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.

Dated: 13 March 2000

David Holmstrom  
Executive Director

#### **6800.0400 ANNUAL LICENSE RENEWAL DATE AND FEES.**

Each pharmacy license shall expire on June 30 of each year and shall be renewed annually by filing an application for license renewal, on or before June 1 of each year, together with a fee of ~~\$150~~ \$165. Renewal applications received on or after July 1 are subject to a late filing fee of ~~\$75~~ an amount equal to 50 percent of the renewal fee in addition to the renewal fee.

#### **6800.1150 ANNUAL RENEWAL, FEES, AND POSTING.**

A pharmacist license expires on March 1 of each year and shall be renewed annually by filing an application for license renewal on or before February 1 of each year, together with a fee of ~~\$95~~ \$105. A pharmacist license renewal application received after March 1 is subject to a late filing fee of an amount equal to 50 percent of the renewal fee in addition to the renewal fee.

A pharmacist shall post the license or renewal most recently issued by the board or a copy of it in a conspicuous place within the pharmacy in which the pharmacist is practicing. For community pharmacies, this place shall be a place which is readily visible to the public.

#### **6800.1300 RECIPROCITY.**

Subpart 1. **Applications.** An application for reciprocal licensure (licensure as a pharmacist on the basis of licensure as a pharmacist in another state) together with a fee of ~~\$195~~ \$205 shall be filed with the director of the board at least 30 days before the date the application is to be considered by the board. The board will consider applications for reciprocity in at least January and June of each calendar year.

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

#### **6800.1400 DRUG MANUFACTURER OR WHOLESALER LICENSE.**

Subpart 1. **Licensing; fees.** Every person engaged in manufacturing, wholesale distribution, or selling of drugs, medicines, chemicals, or poisons for medicinal purposes other than to the consuming public or patient shall annually be licensed by the board. Upon the filing of an application, and upon payment of a fee of ~~\$150~~ \$180 for manufacturing or wholesale distribution of prescription drugs only, not including medical gases; ~~\$150~~ \$180 for manufacturing or wholesale distribution of prescription and nonprescription drugs, not including medical gases; ~~\$125~~ \$155 for manufacturing or wholesale distribution of nonprescription drugs or veterinary drugs only; ~~\$100~~ \$130 for manufacturing or wholesale distribution of prescription medical gases only; and ~~\$75~~ \$105 for licensed pharmacies engaged in wholesale distribution, the board may issue or renew a license in such form as it may prescribe to the manufacturer or wholesale distributor. The license shall be exposed in a conspicuous place in the manufacturer's or wholesaler's place of business for which it is issued, shall expire at midnight on June 1 of each year, and shall be renewed annually upon

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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the filing of an application therefor, on or before May 1 of each year together with the applicable fee. Renewal applications received after June 1 shall be subject to a late filing fee of one-half of the renewal fee in addition to the amount of the renewal fee.

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

### 6800.3850 PHARMACY TECHNICIANS.

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

#### Subp. 1c. **Registration fee, late fee.**

A. The fee for an initial registration is \$15. Effective July 1, 2000, the initial registration is \$20.

B. The fee for each annual renewal is \$15. Effective July 1, 2000, the annual renewal is \$20.

C. The fee must be paid at the time when a new application or a renewal application is submitted to the board.

D. Persons required to renew their registration under this part, who file an application which is received by the board after the date at which it is due, must pay a late fee of ~~one-half~~ 50 percent of the renewal fee in addition to the renewal fee.

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

## Board of Veterinary Medicine

### Proposed Permanent Rules Relating to Application and Examination Fees

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

#### Proposed Amendment to Rules Governing Application and Examination Fees for Licensure to Practice Veterinary Medicine Chapter 9100.0400

**Introduction.** The Board of Veterinary Medicine intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

**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:

Dr. Roland Olson, Executive Director  
Minnesota Board of Veterinary Medicine  
2829 University Avenue SE, Ste. 540  
Minneapolis, MN 55414  
612-617-2170 (phone)  
612-617-2172 (fax)  
*vet.med@state.mn.us* (email)

**Subject of Rules and Statutory Authority.** The proposed rules are about application fees for examinations and licensure to practice veterinary medicine. The statutory authority to adopt the rules is *Minnesota Statutes*, section 156.02, 156.03 and 156.072. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Monday, May 1, 2000, to submit written comment in support of or in opposition to the proposed rules and 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 comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 1, 2000. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for 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 written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format.** 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.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different from these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

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

**Adoption and Review of Rules.** 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.

Dated: 13 March 2000

Roland C. Olson, DVM  
Executive Director

#### **9100.0400 APPLICATION AND EXAMINATION FEES FOR LICENSURE TO PRACTICE VETERINARY MEDICINE.**

##### Subpart 1. ~~Amount~~ **Application fee.**

A. A person applying for a license to practice veterinary medicine in ~~this state~~ Minnesota or applying for a permit to take the national veterinary medical examination must pay the following fees as determined by the board:

~~A. \$190 for the National Board Examination;~~

~~B. \$155 for the Clinical Competency Test; and~~

C. \$50 application and administrative fee for the Minnesota Veterinary Jurisprudence Examination a \$50 nonrefundable application fee to the board. Persons submitting concurrent applications for licensure and a national examination permit shall pay only one application fee.

B. The application fee received supports only the application with which the fee was submitted. A person who applies more than once must submit the full application fee with each subsequent application. Fees for the National Board Examination and Clinical Competency Test are waived if valid scores for these examinations are reported to the Minnesota board through the official score reporting agency.

Subp. 2. [See repealer.]

##### Subp. 3. **Examination fees.**

A. All applicants for veterinary licensure in Minnesota must successfully pass the Minnesota Veterinary Jurisprudence Examination. The fee for this examination is \$50, payable to the board.

B. An applicant participating in the national veterinary licensing examination must complete a separate application for the national examination and submit the application to the board for approval. Payment for the national examination must be made by the applicant to the national board examination committee after the application for examination has been approved by the board.

**REPEALER.** Minnesota Rules, part 9100.0400, subpart 2, is repealed.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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*Pursuant to Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

### Department of Children, Families and Learning

#### Food and Nutrition Service

#### Notice of a Request for a Federal Waiver Concerning State Agency Requirements For Reviews of Sponsoring Authorities of USDA Child Nutrition Programs

**NOTICE IS HEREBY GIVEN** that the Food and Nutrition Service is requesting a waiver from the U.S. Department of Agriculture to reduce the number of administrative reviews performed by Food and Nutrition Service during Federal Fiscal Year 2000 for sponsoring authorities of the following U.S. Department of Agriculture programs: National School Lunch Program, School Breakfast Program, Food Distribution Program, Child and Adult Care Food Program, Special Milk Program, Summer Food Service Program. The affected federal regulations are *Code of Federal Regulations*, title 7, parts 210, 215, 220, 225, 226, and 250. The purpose of the proposed waiver is to facilitate the development of a Child Nutrition Programs Integrity and Management Improvement Plan by the Food and Nutrition Service.

A copy of the waiver request may be obtained from, and comments submitted to:

Mary Begalle  
Food and Nutrition Service Director  
Minnesota Department of Children, Families & Learning  
1500 Highway 36 West  
Roseville, MN 55113  
651-582-8526  
Fax: 651-582-8501  
Email: [fns@state.mn.us](mailto:fns@state.mn.us)  
**Comments will be accepted until April 10, 2000.**

### Department of Children, Families and Learning

#### Division of Special Education

#### Special Education Advisory Council Vacancies

The Minnesota Department of Children, Families & Learning has opened the application process for the Special Education Advisory Council (SEAC). The purpose of SEAC is to assist the state in developing policies, plans and practices that will assure effective and efficient special education programs for students with disabilities. Advisory council members are expected to participate in approximately 7 sets of two-day meetings held in the metro area during each fiscal year. Your assistance is requested in recruiting prospective members of Minnesota's federally mandated special education advisory council. Interested applicants apply through the office of the Secretary of State and are appointed by the Commissioner of the Minnesota Department of Children, Families & Learning.

Currently, we have opened five (5) positions for a commitment of a four-year term from July 1, 2000 to June 30, 2004. Applicants should be knowledgeable of issues, laws and policies pertaining to the education of students with disabilities and their families. Members must represent one or more of the following areas: parents of children with disabilities; consumers; advocacy organizations; school boards; special education teachers and administrators; regular education teachers and administrators; higher education teacher training programs; private and charter schools; vocational, community or business organizations concerned with transition; state juvenile and adult correction facilities; and other state agencies. Membership will be racially diverse and to maintain geographic balance, individuals from all congressional districts are encouraged to apply.

An Open Appointment Application form is available from the Open Appointment Division of the Secretary of State, and must be **received by May 1, 2000**. The official Notice of Vacancy is published in the *State Register*. For more information or an application form, please contact one of following:

Open Appointment Office at (651) 297-5845, website: [www.sos.state.mn.us](http://www.sos.state.mn.us)

Mary McDevitt Kraljic at (651) 582-8589, Email: [mary.mcdevitt-kraljic@state.mn.us](mailto:mary.mcdevitt-kraljic@state.mn.us)

Stefanie Moss at (651) 582-8696, Email: [stefanie.moss@state.mn.us](mailto:stefanie.moss@state.mn.us)

## Minnesota Department of Economic Security

### State Unified Plan Authorized Under Title V, Section 501 of the Workforce Investment Act of 1998

The Workforce Investment Act (WIA) of 1998 Section 112 requires the state to provide an opportunity for public comment on the *State Unified Plan*. The *State Unified Plan* is a single plan which can include several federal education and training programs specified at 501(b) (2). A state unified plan provides states with the opportunity to maximize joint planning and coordination among federal education and training programs. WIA is the primary federal workforce development delivery system. Each state is required to submit a plan describing how the state will implement the federal workforce investment system.

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Economic Security, designated by the Governor as the state agency responsible for implementing WIA, is providing the public with an opportunity to review and comment on the *State Unified Plan*.

If you are interested in reviewing and commenting on the *State Unified Plan* you may do so through March 31, 2000, during regular business hours at:

The Minnesota Department of Economic Security  
390 North Robert Street  
Saint Paul, MN 55101

If you would like more information, please contact:

Mary Ellen Novotny, Project Manager  
Minnesota Department of Economic Security  
390 North Robert Street  
651-296-3505 voice  
651-282-6927 fax

In addition, this document and the opportunity to comment, as well as other information on the implementation of WIA in Minnesota is available at the following web site: <http://www.des.state.mn.us/wia/>

This information is available in alternative formats upon request.

## Department of Health

### Health Technology Advisory Committee

#### Notice of: 1) Availability of Preliminary ASurgical Alternatives to Hysterectomy for Abnormal Uterine Bleeding Report; and 2) Solicitation of Written Comments

The Health Technology Advisory Committee (HTAC) is charged under *Minnesota Statutes* 62J.152 with conducting evaluations of specific technologies and their specific use and application. For the purposes of evaluation, the definition of technologies in statute includes “ ... drugs, devices, procedures, or processes applied to human health care ... .” As part of the evaluation process, HTAC is required to submit a report to the Legislative Oversight Commission on Health Care Access and to solicit written com-

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ments on the report. Before completing its final comments and recommendations on the HTAC technology evaluation report, HTAC solicits public comment on the report.

The Health Technology Advisory Committee (HTAC) has recently completed the preliminary evaluation report, "Surgical Alternatives to Hysterectomy for Abnormal Uterine Bleeding".

Brief Summary of the Preliminary HTAC Report: Surgical Alternatives to Hysterectomy for Abnormal Uterine Bleeding.

This report concludes that for carefully selected patients with symptomatic, objectively confirmed menorrhagia and uterine size <12 week's gestation (or 10 to 12 cm in length), endometrial ablation by TCRE, ELA, or TBEA is a safe alternative to hysterectomy.

### Recommendations

The medical community should establish guidelines to objectively measure menorrhagia.

Additional data from well-designed, randomized controlled trials comparing the different techniques of endometrial ablation with drug therapies, hysterectomy, and each other should be undertaken to determine the most effective, safest, and least costly alternative to hysterectomy.

Physicians should discuss risks and benefits of all options, including endometrial ablation techniques and hysterectomy, with each patient in order to choose the procedure which will best suit each individual patient's needs.

Because the uterus is still in place following endometrial ablation, the possibility of endometrial cancer still exists. There is also a concern that the diagnostic evaluation for endometrial cancer in women who have undergone endometrial ablation may be more difficult. Therefore, all women presenting with suspicious symptoms should be evaluated.

Individuals or organizations requesting information or a copy of the report should contact HTAC. Written comments regarding the report are due within 30 days from the publication of this notice. Any written material received by HTAC shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13) and should be forwarded to:

Nancy Cusick  
Health Technology Advisory Committee  
121 East 7th Place, Suite 400  
St. Paul, MN 55101  
Phone: 651-282-6374  
Fax: 651/282-5628  
<http://www.health.state.mn.us/htac/index.htm>

## Department of Health

### Environmental Health Division, Asbestos/Lead Compliance Unit

#### REQUEST FOR COMMENTS on Planned Amendment to Rules Governing Asbestos-Related Work: Certified Work Experience Requirements - *Minnesota Rules*, part 4620.3300.

#### Annual Recertification Requirements - *Minnesota Rules*, parts 4620.3300 to 4620.3350

**Subject of Rules.** The Minnesota Department of Health (Department) requests comments on its planned amendment to rules governing Certified Work Experience Requirements for asbestos workers and Annual Recertification Requirements for all asbestos-related disciplines. The Department is considering three basic rule amendments.

The first rule amendment relates to *Minnesota Rules*, part 4620.3300, subpart 2. The current rule requires completion of a two-year apprenticeship program for general commercial construction trades which is either approved by the Minnesota Department of Labor and Industry or registered with the United States Department of Labor. The rule amendment would expand eligibility to individuals who are enrolled in, but have not completed, one of these types of apprenticeship programs. Persons who have completed an apprenticeship program would still be eligible to become asbestos workers.

The second rule amendment relates to *Minnesota Rules*, part 4620.3300, subpart 4, item C, subitem 1. The current rule requires a document be submitted with the application for initial asbestos worker certification to show the completion of the apprenticeship attendance requirement. The rule amendment would correspond to the expanded eligibility mentioned above, so that the applicant would only need to provide documentation showing that they are enrolled in an apprenticeship program. The rule would maintain the option of providing documentation of completion if the applicant wished to complete the program prior to applying for certification.

The third rule amendments relate to *Minnesota Rules*, parts 4620.3300, subpart 5; 4620.3310, subpart 6; 4620.3330, subpart 6; 4620.3340, subpart 6; and 4620.3350, subpart 6. The current rules require that individuals certified as an asbestos worker, site supervisor, inspector, management planner, or project designer submit their renewal application and receive their respective new certification before the expiration date of their current certification in order to continue working. *Minnesota Statutes*, section 326.73, subdivision 1 and *Minnesota Rules*, part 4620.3250, item B require certified individuals to have their certifications at the site where they are conducting asbestos-related work. Because of this statute and rule, individuals were forced to complete their respective refresher training course several weeks prior to their current certification expiring.

The rule amendments would allow these individuals to submit their application for renewal and still continue to work provided they maintain a copy of their diploma, which is received after completing the appropriate refresher training course, at the work site and make it available for review by the commissioner. All other application requirements for renewal are unchanged.

**Persons Affected.** The amendments to *Minnesota Rules*, part 4620.3300, subparts 2 and 4, would likely affect the following individuals and groups:

- Individuals who are not currently certified as asbestos workers in the state of Minnesota.
- Asbestos contracting companies who are licensed by the state of Minnesota to conduct asbestos-related work.
- Apprenticeship programs for general commercial construction trades which are either approved by the Minnesota Department of Labor and Industry or registered with the United States Department of Labor.

The amendments to *Minnesota Rules*, parts 4620.3300 to 4620.3350 would likely affect the following individuals and groups:

- Current Minnesota certified asbestos workers, site supervisors, inspectors, management planners and project designers.
- Asbestos contracting companies who are licensed by the state of Minnesota to conduct asbestos-related work.

**Statutory Authority.** *Minnesota Statutes*, section 326.78, subdivision 1, requires the Department to adopt and enforce rules necessary to implement *Minnesota Statutes*, sections 326.70 to 326.81.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department does not contemplate appointing an advisory committee to comment on the planned rules. Comments should be directed to the agency contact person, and may be submitted by mail, fax, or e-mail.

**Rules Drafts.** The Department has prepared a draft of the planned rule amendments. A copy of the draft rules is available upon request.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be directed to:

Nancy La Plante  
Minnesota Department of Health  
Environmental Health Division  
P.O. Box 64975  
St. Paul, MN 55164-0975  
Phone: (651) 215-0905  
FAX: (651) 215-0975  
email: [nancyjo.laplante@health.state.mn.us](mailto:nancyjo.laplante@health.state.mn.us)

**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: 20 March 2000

Patricia A. Bloomgren, Director  
Division of Environmental Health

## Department of Health

### Division of Environmental Health

#### REQUEST FOR COMMENTS on Planned Repeal of Rules Governing Migrant Labor Camps, *Minnesota Rules, Parts 4630.4800 to 4630.6550*

**Subject of Rules.** The Minnesota Department of Health (department) requests comments on its planned repeal of rules governing migrant labor camps. The current rules regulate the permitting of migrant labor camps along with establishing requirements for siting, water supply, waste disposal, housing, heating, electricity, toilets, bathing, laundry, cooking and eating facilities, refuse disposal, insect and rodent control, and sleeping facilities. The department has reviewed these rules and found them to be out-of-date and in conflict with other state and federal laws.

The department adopted the Migrant Labor Camp Rules in 1968. At that time migrant housing was most often provided by the employer and located on or near the work site. This is not the case today. Migrant workers are living in apartments, motels, private and rental homes, manufactured housing, cabins, and a variety of other types of housing. Some of these housing units are provided by the employer, some are owned by the migrant workers, and others are supplied by third parties. The migrant labor camp rules do not adequately cover this broad spectrum of migrant housing.

A repeal of the rule is being proposed based on a program evaluation by the department indicating that migrant labor housing issues would be better served by the wide range of rules and regulations that address housing. These existing laws include county planning and zoning ordinances, the State Building Code where adopted, manufactured home park regulations, the State Plumbing Code, the Manufactured Home Building Code, the State Fire Code, and county public health nuisance ordinances. Most of these laws were promulgated after the migrant labor camp rules. These laws are in most cases more restrictive and offer better protection for migrant workers and their families than the department's migrant labor camp rules.

**Persons Affected.** The repeal of the rules would primarily affect migrant laborers, employers of migrant laborers, and third parties who provide housing to migrant laborers. Also affected are regulatory agencies with migrant labor responsibilities such as local health departments, U.S. Occupational Safety and Health Administration, MN Department of Administration, MN State Fire Marshal's office, MN Department of Economic Security (Alien labor certification), and local building, planning and zoning officers. The repeal will be of interest to agencies that offer assistance to migrants such as county family service agencies, local public health nursing, Migrant Legal Services, MN Department of Children, Families and Learning, and MN Department of Human Services.

**Statutory Authority.** *Minnesota Statutes*, section 144.12, subdivision 1, item (12), authorizes the department to adopt rules for migrant labor camps:

#### **144.12 Regulation, enforcement, licenses, fees.**

Subdivision 1. **Rules.** The commissioner may adopt reasonable rules pursuant to chapter 14 for the preservation of the public health. The rules shall not conflict with the charter or ordinance of a city of the first class upon the same subject. The commissioner may control, by rule, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

(12) The construction, equipment, and maintenance, in respect to sanitary conditions, of lumber camps, migratory or migrant labor camps, and other industrial camps;

**Public Comment.** Interested persons or groups may submit comments or information on the planned repeal of rules in writing or orally until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. The department does not contemplate appointing an advisory committee to comment on the planned repeal of rules. Instead, the department will consult with existing consortiums, boards, and other groups with identified interests in migrant labor issues. Please contact the department contact person if you or your group has an interest in consulting with the department on the proposed repeal.

**Rules Drafts.** The department does not anticipate that a draft of the rule repeal will be available before the publication of the proposed repeal.

**Department Contact Person.** Written comments, questions, and requests for more information on these planned rules should be directed to:

**Lesli Kramer, R.S.**  
Minnesota Department of Health  
Southwestern District Office  
109 South Fifth Street  
Marshall, Minnesota 56258-1268  
ph. 507-537-7198  
Fax. 507-537-7194  
TTY 651-215-0707  
e-mail: [lesli.kramer@health.state.mn.us](mailto:lesli.kramer@health.state.mn.us)

Additional information on the rulemaking will be posted on the Department of Health's web page under announcements B [www.health.state.mn.us](http://www.health.state.mn.us)

**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 department 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 repeal rules is started. The department is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Patricia A. Bloomgren, Director  
Division of Environmental Health

## Department of Trade and Economic Development Working Group on Minority Business Development

### Notice of Public Meetings

The Working Group on Minority Business Development will be holding a series of meetings in April to solicit input from interested and affected parties on issues facing minority businesses in Minnesota. As announced in the Working Group's announcement of February 28, 2000 (24 *State Register* 1221), the Working Group will consider this input in generating a report to the Governor on the location and characteristics of minority firms, issues affecting minority business growth, and making recommendations for state action to enhance growth and eliminate or reduce barriers to development.

The dates, times and locations of those meetings are:

April 3, 2000 1:00 - 3:00 PM	Hispanic Business Focus Group Conference Room A, Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 7th Place East, St. Paul, MN
April 4, 2000 3:00 - 5:00 PM	African American Business Focus Group Siyeza, Inc., 1000 Humboldt Avenue N., Minneapolis, MN
April 5, 2000 1:00 - 2:30 PM	New Immigrants Business Focus Group Catholic Charities Frogtown Center, 633 University Avenue W., St. Paul, MN
April 5, 2000 3:00 - 5:00 PM	American Indian Business Focus Group Grand Casino Mille Lacs, 777 Grand Avenue, Highway 169, West Shore, Lake Mille Lacs, Onamia, MN
April 6, 2000 3:00 - 5:00 PM	Asian Business Focus Group Conference Room A, Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 7th Place East, St. Paul, MN
April 10, 2000 1:00 - 4:00 PM	Brainerd Region Focus Group Central Lakes College, Room E201 Business and Industry Center, 501 West College Drive, Brainerd, MN

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April 11, 2000 Time to be determined	Mercado Central, Minneapolis. Call the Department of Trade and Economic Development at 651-282-2103 after April 1st for details. .
April 14, 2000 1:00 - 4:00 PM	Duluth Region Focus Group Center for Economic Development, Suite 210 Duluth Technology Village, 11 E. Superior St., Duluth, MN
April 14, 2000 1:00 - 4:00 PM	St. Cloud Region Focus Group Whitney Senior Center, Herberger Room, 1529 Northway Drive, St. Cloud, MN
April 17, 2000 1:00 - 4:00 PM	Rochester Region Focus Group Rochester Community and Technical College, Main Campus (off Hwy. 14 East), Room CF 206 Coffmann Center, Rochester, MN

A record will be made of each meeting, and that record, together with any comments received by mail, fax or e-mail, will be used in the Working Group's deliberations and recommendations. All comments received, by whatever means, will be public information under the Minnesota Data Practices Act (*Minnesota Statutes* Chapter 13).

Parties wishing to present their statements at one of the public meetings are asked to contact the Department of Trade and Economic Development as soon as possible in advance of the meeting by calling (651) 282-2103.

Parties wishing to comment by mail, e-mail or fax should address their comments to:

Working Group on Minority Business Development  
Minnesota Department of Trade and Economic Development  
Attn: C. A. Schaffer  
500 Metro Square  
121 7th Place East  
St. Paul, MN 55101-2146  
Fax: 651-296-1290  
E-mail: [charles.schaffer@state.mn.us](mailto:charles.schaffer@state.mn.us)

The deadline for comments is 5:00 PM, April 20, 2000.

No specific form of oral or written response is required; however, to facilitate understanding and analysis of responses all respondents are asked to:

- Describe their company and industry, years in business and factors affecting business success;
- The top three internal business issues faced by the firm (e.g., financing, markets and marketing, operations, planning, human resources, technology, regulations, accounting), how the firm is affected, how adverse consequences of these issues can be resolved by state government or others;
- The firm's experience with current state policy and regulations and suggestions for improvement;
- The primary social networks for the business and any suggestions for improving or expanding those networks;
- Any model policies or procedures the Working Group might consider in making its recommendations.

All respondents, including those responding by e-mail, should include their actual name and U.S. mailing address. Persons responding on behalf of corporate or other legal entities should be sure to identify both the entity's name and address and their own name and position.

## Department of Transportation

### Appointment and Hearing of State Aid Variance Committee

**NOTICE IS HEREBY GIVEN** that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Wednesday, March 29, 2000 at 10:00 a.m. in Conference Room "A" - Water's Edge Building, located at 1500 West County Road B-2, Roseville Minnesota, 55113.

This notice is given pursuant to *Minnesota Statute 47k.705*.

The purpose of this open meeting is to investigate and determine recommendations for variance requests from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3300 adopted pursuant to *Minnesota Statutes* Chapters 161 and 162.

The agenda will be limited to these questions:

- 1. Petition of the City of Red Wing** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project located on Bench Street North (Municipal State Aid Street No. 121), between the south junction with Trunk Highway No. 61 and the north junction with Old West Main Street in the City of Red Wing, Minnesota, so as to allow a vertical and horizontal design speed of 20 mph; in lieu of the required 50 km/h design speed.
- 2. Petition of Aitkin County** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project located on County State Aid Highway No. 8, between Trunk Highway No. 210 and a point approximately 1.43 kilometers southeast through the City of McGregor, Minnesota, so as to allow a 25 mph horizontal design speed at the Burlington Northern Railroad crossing, in lieu of the required 50 km/h design speed; and to allow a 9 ton structural design between Trunk Highway No. 210 and a point approximately 0.22 kilometers southerly, in lieu of the required 9.1 metric ton design.
- 3. Petition of the City of Minneapolis** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project located on Third Avenue South (Municipal State Aid Street No. 305), between First Street South and 12th Street South in the City of Minneapolis, Minnesota, so as to allow variable outside curb reaction distances to a minimum of one foot, in lieu of the required 1.2 meter outside curb reaction distance; and to allow a 9 foot southbound parking lane width, in lieu of the required 3.0 meter parking lane width, from a point approximately 60 feet north of Sixth Street South to a point approximately 240 feet north of Sixth Street South.
- 4. Petition of the City of St. Paul** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project located on Maryland Avenue (Ramsey County State Aid Highway No. 31), between Weide Street and Mendota Street in the City of St. Paul, Minnesota, so as to allow four traffic lanes with 10-foot widths, and outside curb reaction distances of one foot; in lieu of the required traffic lane width of 3.3 meters, and outside curb reaction distance of 0.6 meters.

The cities and counties previously listed are requested to adhere to the following time schedule when appearing before the Variance Committee:

10:00 a.m.	City of Red Wing
10:15 a.m.	Aitkin County
10:30 a.m.	City of St. Paul
10:45 a.m.	City of Minneapolis

Dated: 19 March 2000

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

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### Department of Transportation

#### Petition of the City of Minneapolis for a variance from State Aid requirements for PARKING LANE WIDTH and CURB REACTION DISTANCE

**NOTICE IS HEREBY GIVEN** that the Minneapolis City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed reconstruction project located on Third Avenue South (Municipal State Aid Street No. 305), between First Street South and 12th Street South in the City of Minneapolis, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, as they apply to a proposed reconstruction project located on Third Avenue South (Municipal State Aid Street No. 305), between First Street South and 12th Street South in the City of Minneapolis, Minnesota, so as to allow variable outside curb reaction distances at a minimum of one foot, in lieu of the minimum 1.2 meter outside curb reaction distance; and to allow a southbound parking lane width of nine feet, in lieu of the required 3 meter parking lane width from a point approximately 60 feet north of Sixth Street South to a point approximately 240 feet north of Six Street South.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 19 March 2000

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

### Department of Transportation

#### Petition of the City of Red Wing for a variance from State Aid requirements for DESIGN SPEED

**NOTICE IS HEREBY GIVEN** that the Red Wing City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed reconstruction project located on Bench Street North (Municipal State Aid Street No. 121), between the south junction with Trunk Highway No. 61 and the north junction with Old West Main Street in the City of Red Wing, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, as they apply to a proposed reconstruction project located on Bench Street North (Municipal State Aid Street No. 121), between the south junction with Trunk Highway No. 61 and the north junction with Old West Main Street in the City of Red Wing, Minnesota, so as to allow a vertical and horizontal design speed of 20 mph; in lieu of the required 50 km/h design speed.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 19 March 2000

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

## Department of Transportation

### Petition of the City of St. Paul for a variance from State Aid requirements for TRAFFIC LANE WIDTH and CURB REACTION DISTANCE

**NOTICE IS HEREBY GIVEN** that the St. Paul City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed reconstruction project located on Maryland Avenue (Ramsey County State Aid Highway No. 31), between Weide Street and Mendota Street in the City of St. Paul, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, as they apply to the proposed reconstruction project located on Maryland Avenue (Ramsey County State Aid Highway No. 31), between Weide Street and Mendota Street in the City of St. Paul, so as to allow four traffic lanes with 10-foot widths, and outside curb reaction distances of one foot; in lieu of the required traffic lane widths of 3.3 meters, and outside curb reaction distance of 0.6 meters.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 19 March 2000

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

## Department of Transportation

### Petition of the City of St. Paul for a variance from State Aid requirements for TRAFFIC LANE WIDTH and CURB REACTION DISTANCE

**NOTICE IS HEREBY GIVEN** that the St. Paul City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed sidewalk construction project located on Sibley Street (Municipal State Aid Street No. 196), between Kellogg Boulevard and Fifth Street in the City of St. Paul, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, as they apply to a proposed sidewalk construction project located on Sibley Street (Municipal State Aid Street No. 196), between Kellogg Boulevard and Fifth Street in the City of St. Paul, so as to allow three traffic lanes with widths of 10.5 feet, 10.5 feet and 10 feet, in lieu of the required 3.3 meter traffic lane width; and to allow an outside curb reaction distance of one foot on the Easterly side of Sibley Street, in lieu of the required 0.6 meter outside curb reaction distance.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 19 March 2000

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

## Official Notices

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### Department of Transportation

#### Petition of Aitkin County for a variance from State Aid requirements for DESIGN SPEED and STRUCTURAL DESIGN STRENGTH

**NOTICE IS HEREBY GIVEN** that the Aitkin County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed reconstruction project located on County State Aid Highway No. 8, between Trunk Highway No. 210 and a point approximately 1.43 kilometers southeast through the City of McGregor, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936 and 8820.9920, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, as they apply to the proposed reconstruction project located on County State Aid Highway No. 8, between Trunk Highway No. 210 and a point approximately 1.43 kilometers southeast through the City of McGregor, Minnesota, so as to allow a 25 mph horizontal design speed at the Burlington Northern Railroad crossing, in lieu of the required 50 km/h design speed; and to allow a 9 ton structural design between Trunk Highway No. 210 and a point approximately 0.22 kilometers southerly, in lieu of the required 9.1 metric ton design.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 19 March 2000

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

### Department of Transportation

#### Petition of Hennepin County for a variance from State Aid requirements for DESIGN SPEED and PARKING LANE WIDTH

**NOTICE IS HEREBY GIVEN** That the Hennepin County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed reconstruction project located on County State Aid Highway No. 12, between the Crow River and County State Aid Highway No. 13 in the City of Dayton, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, as they apply to a proposed reconstruction project located on County State Aid Highway No. 12, between the Crow River and County State Aid Highway No. 13 in the City of Dayton, Minnesota, so as to allow 8 foot parking lane widths on both sides of County State Aid Highway No. 12, in lieu of the required 3.0 meter parking lane width; and to allow a 25 mph horizontal curve at the intersection with Division and Robinson Streets, in lieu of the required 50 km/h design speed.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 19 March 2000

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

## Department of Transportation

### Petition of Hennepin County for a variance from State Aid requirements for STATE AID PLAN APPROVAL AFTER OPENING OF BIDS

**NOTICE IS HEREBY GIVEN** that the Hennepin County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to two construction projects located on County State Aid Highway No. 102 (Douglas Drive) in the City of Golden Valley, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, Subp. 2, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow opening of bids prior to the required approval of plans by the State Aid Engineer on the completed signal construction project on County State Aid Highway No. 102 (Douglas Drive) at Trunk Highway No. 55 (Olson Memorial Highway), known as State Project No. 27-702-17; and on the completed railroad crossing construction project at the Soo Line Railroad crossing, between Hampshire Place and St. Croix Avenue, known as State Project No. 27-702-19.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the State Register, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 19 March 2000

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

## Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 to be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute. In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals are prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

## Department of Administration

### Risk Management Division

**NOTICE IS HEREBY GIVEN** that a request for proposal will appear in the *Minnesota State Register* on Monday, April 3, 2000. This request for proposal is for administrative and brokerage services for an owner controlled insurance program (OCIP) for the Hiawatha Light Rail Transit (LRT) Project.

## Department of Agriculture

### Notice of Request for Proposals, Port Access Study

The Minnesota Department of Agriculture (MDA), in consultation with legislators, farm organizations, affected commodity groups, producers of agricultural crops, and agricultural exporters and handlers, requests proposals from a qualified firm or individuals for a "study of the need for a commercial shipping port at which agricultural cooperatives or individual farmers would have access to port facilities." (*Laws of Minnesota* 1999, Chapter 231, Section 11). In addition, the MDA would like the study to address the issue of handling identity preserved (IP) grains from the origination facility to the final destination and what the State may do to develop the infrastructure needed to facilitate Minnesota producer access to domestic and foreign demands for IP grains.

## Professional, Technical & Consulting Contracts

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Work on this study may begin immediately upon execution of the contract and the final report from this contract must be submitted to the MDA by June 30, 2000. A preliminary progress report and written draft of the project must be submitted to MDA for review no later than May 30, 2000.

All proposals must be received no later than 4:00 pm on Friday, April 14, 2000.

The State estimates that the cost of the contract must not exceed \$50,000.

The following will be considered minimum contents of the proposal:

- A brief outline of the study including summary of research methodology and procedures used in addressing the questions posed above. Potential sources of data should be listed where appropriate. Citations of previous research should be included where appropriate.
- A section describing each of the team members' education, research background, and experience. Curriculum vitae or professional resumes should be provided.

Requests for a complete RFP must be sent to:

David Bullock, Risk Management Specialist  
Commissioners Office  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
E-mail: *david.bullock@state.mn.us*  
Fax: 651-297-5522  
Phone: 651-284-3705

## Colleges and Universities, Minnesota State (MnSCU)

### Owner's Representative Sought for Campus Boiler Replacement at Winona State University

Winona State University is seeking the services of an experienced Owner's Representative Team to guide the planning and construction phases for replacing the existing campus boilers. The Owner's Representative Team must be able to demonstrate having had experience with projects of similar type, size, and complexity.

The engineering firm for the project has not been hired as yet. The Owner's Representative will assist the University in making the final selection of the engineer/design team.

The existing heating plant is a building of 6,750 square feet containing three high pressure and one low pressure boilers. The size and number of new boilers will be determined by the engineering team. No building addition is anticipated.

### Proposals are due April 11, 2000

Firms interested in receiving a formal **Request for Proposal** can contact:

Mr. John Burros  
Director of Facilities  
Winona State University  
P.O. Box 5838  
Winona, MN 55987-5838  
(507) 457-5629

## Minnesota Historical Society

### Notice of Request for Proposals for Preparation of Historic Structure Report for the Alexander Ramsey Historic Site

The Minnesota Historical Society is soliciting proposals from qualified professionals for a fixed-price contract for the research and preparation of a Historic Structure Report for the Alexander Ramsey Historic Site, located at 265 South Exchange Street, St. Paul, Minnesota. The Historic Structure Report is to include: documentation of evolution of development and use of the house and carriage house, physical description, conditions assessment, recommended preservation and restoration treatments including priorities and cost estimates, and a maintenance plan.

The Request for Proposals is available by writing or calling, Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. Telephone (651) 297-5863 or e-mail: [chris.bonnell@mnhs.org](mailto:chris.bonnell@mnhs.org).

A **mandatory** pre-proposal meeting will take place at the **Alexander Ramsey** Historic Site at 1:00 p.m., Local Time, Wednesday, April 12, 2000.

Proposals must be received no later than 2:00 p.m., Local Time, Wednesday, April 26, 2000, and be submitted in the format provided for in the Request for Proposals. Late proposals will not be accepted.

## Perpich Center for Arts Education (PCAE)

### Research, Assessment & Curriculum

#### Notice of Request for Proposal for Statewide Arts Best Practice Facilitation

PCAE is seeking proposals from qualified organizations to develop and facilitate implementation of best practices in arts education. The organization(s) contracted will have content expertise in dance, literary arts, music, visual/media arts and/or theatre. The organization(s) will also have experience with the MN Profile of Learning, developing effective assessments and learning tasks in the arts, facilitating professional growth of teachers best practices in instruction, curriculum, and assessment on a statewide basis.

Specific criteria for services to be provided under this contract(s) may include: 1) Focus on continuing education processes for teachers and artist-educators throughout the state, including, where possible, higher education; 2) Extend best practices for the arts in education throughout the state; 3) Build new networks and collegial relationships; 4) Provide products and processes to be shared; 5) Designed to motivate teachers to examine their practice through a coaching, mentoring, critical friend or collegial model, etc.; 6) Address issues and concerns of teachers and move them to address new challenges; 7) Assist teachers with tools and strategies to address needs of all students to achieve arts standards, with a focus on examining student work; 8) Emphasize arts standards and authentic arts processes such as creating, performing and responding; 9) Reinforce the creativity, energy, and engagement of learning in the arts as described in the FACS standards; 10) Where possible, make connections across subject areas. The formal RFP may be requested from:

Pamela Paulson, Ph.D., Director, Research, Assessment & Curriculum  
PCAE, 6125 Olson Memorial Highway, Golden Valley, Minnesota 55422  
(612) 591-4708 or 1-800-657-3515 (toll free)

Services are to be provided during the contract period, July 1, 2000 to June 30, 2001. It is anticipated that the cost of the contracted services described will not exceed \$10,000, per organization, for the contract dates indicated. Deadline for submission of proposals is 4:00 p.m. Friday, April 21, 2000. Faxed proposals will NOT be considered. It is anticipated selections will be made by May 22, 2000.

# Non-State Public Bids, Contracts & Grants

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

## Metropolitan Council

### Notice of Request for Proposals for Minneapolis Meter Improvements, MCES Project Number 920700, and West Meter Odor Control Phase 1, MCES Project No. 920710

The Metropolitan Council intends to procure meter and odor control improvements for the Minneapolis East and West Meter sites through a design-build delivery process, as authorized by Chapter 471A of the *Minnesota Statutes*. The Council intends to award a single, negotiated lump sum Design-Build contract. The successful Proposer will perform and provide, as the single source of responsibility, all disciplines, management services, and administration for the design and construction of Minneapolis Meter Improvements and the construction of the West Meter Odor Control Improvements. Improvements include access shafts, control chambers, piping improvements, tunnels gate replacements, meter replacements, site work, biofilter, etc. Council staff will operate the new facilities after successful performance testing by the Proposer, as defined in the general conditions and the performance specifications.

The Engineer's estimate is \$4,400,000.

The East and West Meter Site is located in Minneapolis, Minnesota. The East Meter facility is located at East River Terrace and Emerald Street, and has a current annual average flow of about 5 MGD. The West Meter facility, located just north of Lake Street on the west side of the Mississippi River; has two sets of meters serving the Southwest Interceptor with a current annual average flow of 30 MGD, and the Norwest Interceptor with a current annual average flow of 60 MGD.

The West Meter Odor Control Phase 1, Project No. 920710, (WMOC) documents are currently at 50 percent completion. The 100 percent complete plans and specifications will be completed by about April 28, 2000 and distributed by addendum to Plan Holders of Recorder shortly thereafter.

A Preliminary Design Report for the Minneapolis Meter Improvements, Project No. 920700, has been completed and submitted to the Minnesota Pollution Control Agency (MPCA) for review and approval. Further, the project has been approved for funding through the Public Facilities Authority (PFA). The successful Proposer will be required to meet all applicable PFA loan requirements.

Issue Request for Proposals	March 2, 2000
Pre-proposal Conference #1 * 8:00 a.m. - 11:15 a.m.	March 7, 2000
Issue Amendment No. 1	about March 17, 2000
Pre-proposal Conference #2 * 8:00 a.m. - 9:30 noon	April 7, 2000
Receive Proposals	May 16, 2000
Shortlist	May 23, 2000
Interviews	May 30-21, 2000
Final Evaluation & Ranking	June 1, 2000
To Environment Committee	June 13, 2000
Metropolitan Council Authorization	June 28, 2000
Contract negotiated, executed, NTP	July 6, 2000

Conferences to be held at the Council's Regional Maintenance Facility located at 3565 Kennebec Drive in Eagan, MN. A site visit will follow the conference.

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## Non-State Public Bids, Contracts & Grants

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:

Jan Bevins, Senior Administrative Assistant,  
Contracts and Procurement Unit  
Metropolitan Council Environmental Services  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101

The cost of the RFP Package is \$200.00. Checks are to be made payable to the Metropolitan Council.

Inquiries should be directed to Rex Huttes at 651-602-4522.

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

## Paul Bunyan Scenic Byway Association

### Request for Proposals for a Corridor Management Plan

The Paul Bunyan Scenic Byway Association is seeking proposals for a project manager to develop a corridor management plan (CMP) for the Paul Bunyan Scenic Byway located in northern Crow Wing County of Central Minnesota. The CMP will include a strong emphasis on identifying potentially affected interests and balancing their input within the final plan; laying the groundwork for establishing partnerships; identifying and analyzing intrinsic qualities of the byway corridor, establishing a basis for developing a comprehensive and well-leveraged marketing plan and a clearly delineated set of action steps. Further, the plan should fully address the other elements of a scenic byway CMP as set forth by the Federal Highway Administration. Proposals must also include time for attendance of up to 8 meetings per month, varying from 1 to 3 hours in length.

Detailed specifications and submission requirements are available by contacting Lynn Scharenbroich, chairperson, Paul Bunyan Scenic Byway Association, P.O. Box 401, Pequot Lakes, MN 56472, phone: 218-543-4714. Complete proposals must be returned to the above address by 4:00 p.m. CST, Friday, April 7, 2000.

## University of Minnesota

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

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

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

