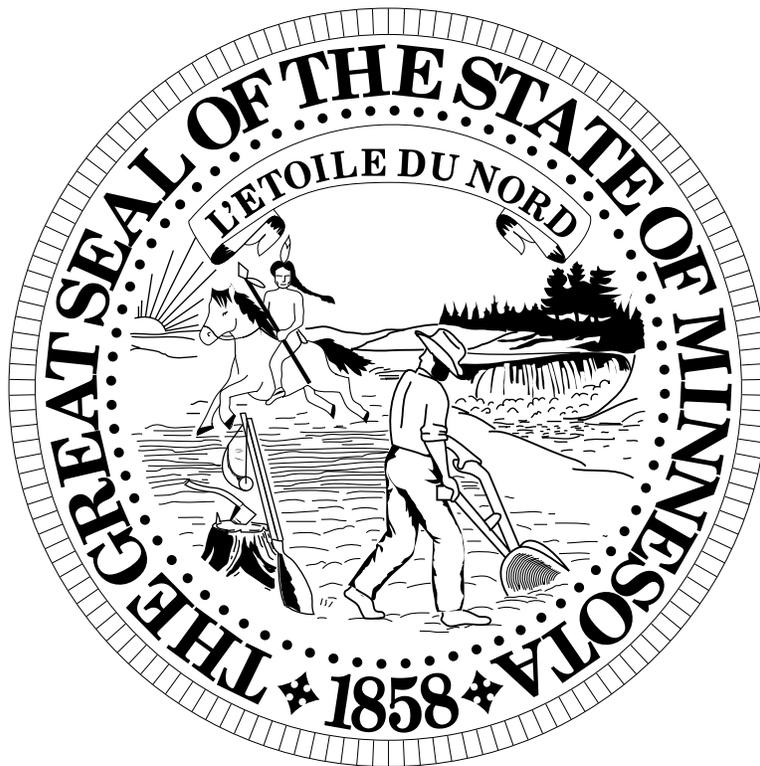


State of Minnesota

State Register

Rules and Official Notices Edition



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Monday 3 April 2000
Volume 24, Number 40
Pages 1375-1436

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- proposed, adopted, exempt, expedited emergency and withdrawn rules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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Vol. 24 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#40	Monday 3 April	Noon Wednesday 22 March	Noon Tuesday 28 March
#41	Monday 10 April	Noon Wednesday 29 March	Noon Tuesday 4 April
#42	Monday 17 April	Noon Wednesday 5 April	Noon Tuesday 11 April
#43	Monday 24 April	Noon Wednesday 12 April	Noon Tuesday 18 April

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- **Single issues** are available for a limited time: *State Register* \$5.00, *Contracts Supplement* \$1.00. Shipping is \$3.00 per order.

PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to 651-297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$115.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

An "Affidavit of Publication" can be obtained at a cost of \$10.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

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

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (651) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (651) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Individual copies and subscriptions are available through Minnesota's Bookstore, (651) 297-3000, or 1-800-657-3757

Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 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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4600.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .4000; .4100; .4200; .4300; .4400; .4500; .4600; .4700; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600; .5700; .5800; .5900; .6000; .6100; .6200; .6300; .6400; .6500; .6600; .6700 (**proposed repealer**) 1379

4601.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2525; .2550; .2600; (**proposed**) 1379

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8820.0100; .0600; .1400; .1500; .2300; .2500; .2700; .3100; .9920; .9926; .9936; .9946; .9956; .9961; .9981; .9986; .9990; .9995 (**proposed**) 1404

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*.

Department of Health

Proposed Permanent Rules Relating to Vital Statistics

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 Repeal of Rules Governing Vital Records, *Minnesota Rules*, Chapter 4600 and replacing it with *Minnesota Rules*, Chapter 4601

Introduction. The Department of Health 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 May 3, 2000, a public hearing will be held in the Chesley Room, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota, 55414 starting at 10:00 a.m. on Thursday, May 18, 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 May 3, 2000 and before May 18, 2000.

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 Gloria Haluptzok at the Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota, 55414, phone: 612-676-5109, FAX: 612-676-5264, or email: gloria.haluptzok@health.state.mn.us. TTY users may call the Department of Health at 651-215-5800.

Subject of Rules and Statutory Authority. According to the Vital Statistics Act, *Minnesota Statutes*, sections 144.211 to 144.227, the Minnesota Department of Health (MDH) is responsible for creating and maintaining the official records of each birth and death that occurs in Minnesota. MDH collects descriptive and medical information about births and deaths for civil registration, public health initiatives, statistical analysis, and research activities. The proposed rules govern the collection, filing, registering, maintenance, and reporting of vital statistics information including duties of the state and local registrars, fees, filing documentation of births and deaths, filing delayed registrations for births and deaths, amendments to birth and death records, fetal death reporting, the roles of funeral homes, hospitals and physicians in the filing, registration, and amendment processes, standardized format for certified birth and death certificates as required by *Minnesota Statutes*, section 144.225, subdivision 8, and demonstration of tangible interest as required by *Minnesota Statutes*, section 144.225, subdivision 7. The statutory authority to adopt the rules is *Minnesota Statutes*, section 144.12, subdivision 1, clause 11; *Minnesota Statutes*, section 144.213, subdivision 1, *Minnesota Statutes*, section

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

144.215, subdivision 2, and *Minnesota Statutes*, section 144.221, subdivision 2. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, May 3, 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 May 3, 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 18, 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 612-676-5109 after May 3, 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 Phyllis Reha is assigned to conduct the hearing. Judge Phyllis Reha can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, 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 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: 16 March 2000

Julie Brunner
Deputy Commissioner

4601.0100 DEFINITIONS.

Subpart 1. Scope. For purposes of parts 4601.0100 to 4601.2600, the terms used have the meanings given them in this part.

Subp. 2. Amendment. "Amendment" has the meaning given in *Minnesota Statutes*, section 144.212, subdivision 1a.

Subp. 3. Certified birth certificate. "Certified birth certificate" means the portion of a registered birth record, certified by a registrar, printed in a standardized format according to parts 4601.2500 and 4601.2525 and *Minnesota Statutes*, section 144.225, subdivision 8, and subject to tangible interest requirements under part 4601.2600 and *Minnesota Statutes*, section 144.225, subdivision 7.

Subp. 4. Certified death certificate. "Certified death certificate" means the portion of a registered death record, certified by a registrar, printed in a standardized format according to parts 4601.2500 and 4601.2550 and *Minnesota Statutes*, section 144.225, subdivision 8, and subject to tangible interest requirements under part 4601.2600 and *Minnesota Statutes*, section 144.225, subdivision 7.

Subp. 5. Civil registration information. "Civil registration information" means the portion of a birth record describing the registrant and the date and place of birth. Civil registration information includes fact of birth and demographic information. Civil registration information does not include health information as defined under subpart 14.

Subp. 6. Date. "Date" means month, day, and year.

Subp. 7. Date filed. "Date filed" means the date a vital record is presented for registration.

Subp. 8. Delayed registration. "Delayed registration" has the meaning given in *Minnesota Statutes*, section 144.212, subdivision 2a.

Subp. 9. Demographic information. "Demographic information" means information required by the state registrar to describe characteristics of a registrant, the family of a registrant, and geographic locations pertinent to a registrant and a birth or death. Demographic information does not include health information as defined under subpart 14.

Subp. 10. Fact of birth information. "Fact of birth information" means information required by the state registrar to record the time and place a birth occurs and to identify the person born. Fact of birth information does not include health information as defined under subpart 14.

Subp. 11. Fact of death information. "Fact of death information" means information required by the state registrar to record the time and place a death occurs and to identify the person who is deceased. Fact of death information does not include cause and manner of death information.

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Proposed Rules

Subp. 12. Fetal death. “Fetal death” means death of a product of human conception before the complete expulsion or extraction from its mother, irrespective of the duration of pregnancy, that is not an induced termination of pregnancy. The death is indicated by the fact that after expulsion or extraction, the fetus does not breathe or show any other evidence of life, including beating of the heart, pulsation of the umbilical cord, or definite movement of the voluntary muscles. Heartbeats are to be distinguished from transient cardiac contractions. Respirations are to be distinguished from fleeting respiratory efforts or gasps.

Subp. 13. Funeral establishment. “Funeral establishment” has the meaning given in *Minnesota Statutes*, section 149A.02, subdivision 20.

Subp. 14. Health information. “Health information” means medical or statistical information from which an identification of risk for disease, disability, or developmental delay in a mother or child can be made.

Subp. 15. Induced termination of pregnancy. “Induced termination of pregnancy” means the purposeful interruption of an intrauterine pregnancy, with the intention other than to produce a live-born infant, that does not result in a live birth. This definition excludes management of prolonged retention of products of conception following fetal death.

Subp. 16. Institution. “Institution” has the meaning given in *Minnesota Statutes*, section 144.215, subdivision 5.

Subp. 17. Live birth. “Live birth” means the complete expulsion or extraction of a product of human conception from its mother, irrespective of the duration of pregnancy, that, after expulsion or extraction, breathes, or shows any other evidence of life, including beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. Heartbeats are to be distinguished from transient cardiac contractions. Respirations are to be distinguished from fleeting respiratory efforts or gasps.

Subp. 18. Notarized statement. “Notarized statement” means a statement attested by a notary public who has fulfilled the requirements of *Minnesota Statutes*, sections 358.41 to 358.50 and chapter 359.

Subp. 19. Physician. “Physician” means a person with a valid license in good standing under *Minnesota Statutes*, chapter 147, to practice medicine as defined under *Minnesota Statutes*, section 147.081, subdivision 3, or a person currently licensed in good standing to practice medicine under the laws of the person’s resident state or the state where the person is actively practicing medicine.

Subp. 20. Register. “Register” means the acceptance of a birth or a death record by a registrar as the official record of the birth or death.

Subp. 21. Registrant. “Registrant” means the subject of a birth or death record.

Subp. 22. Registrar. “Registrar” means a local registrar as defined under *Minnesota Statutes*, section 144.212, subdivision 10, or the state registrar as defined under *Minnesota Statutes*, section 144.212, subdivision 6.

Subp. 23. Subregistrar. “Subregistrar” means a licensed mortician who is authorized to issue a disposition permit or a transit permit as required by *Minnesota Statutes*, section 149A.93.

Subp. 24. System of vital statistics. “System of vital statistics” has the meaning given in *Minnesota Statutes*, section 144.212, subdivision 7.

Subp. 25. Vital record. “Vital record” has the meaning given in *Minnesota Statutes*, section 144.212, subdivision 8.

Subp. 26. Vital statistics. “Vital statistics” has the meaning given in *Minnesota Statutes*, section 144.212, subdivision 9.

4601.0200 DUTIES OF STATE REGISTRAR.

According to parts 4601.0100 to 4601.2600 and the Vital Statistics Act, *Minnesota Statutes*, sections 144.211 to 144.227, the state registrar must:

A. administer and enforce parts 4601.0100 to 4601.2600 and the Vital Statistics Act and issue instructions for the efficient administration of the system of vital statistics;

B. work in partnership with local registrars to maintain a system of vital statistics;

C. be the custodian of records of the system of vital statistics, including establishing a retention schedule for all information maintained in the system of vital statistics;

D. establish operating procedures for the system of vital statistics;

E. conduct training programs to promote uniformity of policy and procedures throughout the state in matters pertaining to the system of vital statistics;

F. develop and make available electronic and paper input and output forms for the submission, processing, and issuance of birth and death records;

G. establish a centralized electronic system for the processing of birth and death records, including reports of fetal deaths;

H. approve and order security paper for statewide use to print certified birth or death certificates according to part 4601.2500 and *Minnesota Statutes*, section 144.225, subdivision 8;

I. develop and implement procedures for local registrars to order the security paper described in item H;

J. obtain legal interpretations from the Office of the Attorney General when needed for issues related to processing birth, death, and fetal death records and receiving marriage and divorce data according to *Minnesota Statutes*, sections 144.223 and 144.224, and relay legal interpretations to local registrars; and

K. delegate duties and responsibilities to local registrars to ensure the efficient and secure operation of the system of vital statistics.

4601.0300 DUTIES OF LOCAL REGISTRARS.

According to parts 4601.0100 to 4601.2600 and the Vital Statistics Act, *Minnesota Statutes*, sections 144.211 to 144.227, a local registrar must:

A. work in partnership with the state registrar to maintain a system of vital statistics;

B. attend training conducted by the state registrar at least once per year;

C. actively support and promote uniformity of policy and procedures throughout the state in matters pertaining to the system of vital statistics;

D. use and actively support the use of the centralized electronic system of the state registrar for all vital records processing, including:

(1) actively promote the use of the system by funeral directors, hospitals, physicians, and other health care providers in the local registrar's county; and

(2) support electronic ordering of and payment for certified death certificates by funeral directors;

E. be in compliance with the requirements of parts 4601.0100 to 4601.2600; the Vital Statistics Act; the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13; and other state or federal laws or regulations that apply to the system of vital statistics;

F. refuse to accept a birth or death electronic or paper input form if the form is incomplete, inaccurate, illegible, or mutilated. The registrar must clearly communicate to the person filing the birth or death record why the electronic or paper input form is not acceptable and must provide the person with refiling instructions;

G. process birth, death, and fetal death records, including entering the data into the electronic system of the state registrar;

H. maintain paper birth and death records that are not part of the electronic system of the state registrar according to the retention schedule established by the state registrar;

I. issue certified birth and death certificates;

J. issue noncertified copies of birth and death records and provide other services related to vital records;

K. order security paper approved by the state registrar to print certified birth and death certificates;

L. amend and replace birth records and amend death records as instructed by the state registrar;

M. act as an agent of the state registrar and provide assistance to funeral directors, hospitals, physicians and other health care providers, and other individuals in matters related to the system of vital statistics;

N. refer matters related to the system of vital statistics according to parts 4601.0100 to 4601.2600 and as instructed by the state registrar;

O. comply with the procedures established by the state registrar; and

P. perform other duties as instructed by the state registrar.

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4601.0400 FEES.

Subpart 1. Statutory fees. Fees for the following services related to vital records are in the amounts prescribed under *Minnesota Statutes*, section 144.226:

- A. for issuing a copy, verification, or certification of a vital record, including a certification that a record cannot be found;
- B. for replacing a birth record;
- C. for filing a delayed registration;
- D. for amending a vital record; and
- E. for copying a document pertaining to a vital record.

Subp. 2. Multiple copies. If a person requests multiple copies of a record or certified birth or death certificate in the same transaction, the fee for each additional copy of an identical record or certified birth or death certificate is \$2, plus any applicable surcharges under *Minnesota Statutes*, section 144.226.

Subp. 3. Replacing a birth record; adoption. The fee for replacing a birth record following adoption is \$20.

Subp. 4. Expedited fee. For a service that is not requested in person, a registrar may charge a fee of \$20 to expedite the completion of a service related to a vital record if the requester wants the service completed faster than the service would be completed during the ordinary course of business. If a person is requesting multiple services related to the same record, the expedited fee is \$20 for that record. If the person is requesting a service for multiple records, the expedited fee is multiplied by the number of records. A registrar must not expedite a service and must not accept or must refund an expedited fee if the applicable requirements of parts 4601.0100 to 4601.2600 are not met by the requester at the time of the request.

Subp. 5. Reports of vital record data. A registrar must charge a fee of \$15 for a report that displays public birth or death data if the generation of that report is an automated feature of the electronic system of the state registrar. Data included in a report under this subpart are limited to one type of record, a time span of no greater than one year, and one county. Upon request, a registrar must provide a list of reports available.

Subp. 6. Fees waived.

A. When a fee for an amendment is charged according to *Minnesota Statutes*, section 144.226, and a certified birth or death certificate is issued in the same transaction, a registrar must waive the fee for the certified birth or death certificate if the person requesting the amendment and the certified birth or death certificate surrenders a previously issued certificate that is in error. Surcharges under *Minnesota Statutes*, section 144.226, apply.

B. A registrar must waive the fee for a report described in subpart 5 if:

- (1) the report will be used by the Department of Health or by local government in the county where the report is generated; or
- (2) the report will be used by the state registrar to fulfill a contractual obligation.

4601.0500 NO FURTHER DOCUMENTATION REQUIRED.

The state or local registrar is not required to obtain further documentation to verify the contents of a birth or death record, except as provided under parts 4601.0100 to 4601.2600.

BIRTH RECORDS

4601.0600 FILING DOCUMENTATION OF BIRTH WITHIN FIRST YEAR OF BIRTH.

Subpart 1. Births occurring in institution. According to *Minnesota Statutes*, section 144.215, subdivision 5, the person in charge of an institution or that person's authorized designee must collect the required birth information, verify the accuracy of the information, and file documentation of birth with a registrar according to parts 4601.0100 to 4601.2600 for each birth that occurs in the institution and for each birth that occurs en route to the institution.

Subp. 2. Births occurring outside institution. According to *Minnesota Statutes*, section 144.215, subdivision 6, when a birth occurs outside of an institution, one of the following persons, in the indicated order of preference, must collect the required birth information, verify the accuracy of the information, and file documentation of birth with a registrar according to subpart 6:

- A. the physician or certified nurse midwife present at the time of the birth or immediately thereafter;
- B. in the absence of a physician or certified nurse midwife, a person present at the time of the birth or immediately thereafter;
- C. the father or mother of the child; or
- D. in the absence or inability of the father or the mother, the person with primary responsibility for the premises where the child was born.

Subp. 3. Infants of unknown parentage. According to Minnesota Statutes, section 144.216, subdivision 1, whoever finds a live born infant of unknown parentage must file documentation of the birth with a registrar according to parts 4601.0100 to 4601.2600. Whoever assumes custody of a live born infant of unknown parentage must contact the state registrar and provide any information required that was not provided by the person who found the infant.

Subp. 4. Birth information required. The person filing the documentation of birth must include the following birth information:

A. For a birth filed under subpart 1 or 2 or part 4601.0900, fact of birth, demographic, and health information associated with the birth as prescribed on an input birth record form supplied by the state registrar. A registrar may waive a birth information requirement if the person filing the documentation of birth can demonstrate that:

- (1) the information is not available through reasonable inquiries;
- (2) providing the information endangers the safety of the mother or child;
- (3) the mother of the child refuses to provide the information; or
- (4) the services of a health care provider were not used for prenatal care or delivery.

B. If birth information requirements are waived according to item A, at least the following information must be provided:

- (1) date and county of birth;
- (2) child's sex;
- (3) birth order if multiple birth; and
- (4) first name, middle name, and maiden surname of mother.

C. For infants of unknown parentage, the persons identified in subpart 3 must provide as much fact of birth information as possible. A registrar must register a birth record according to the following:

- (1) if the actual date of birth cannot be determined, the date found must be recorded as the date of birth;
- (2) if the actual place of birth cannot be determined, the place found must be recorded as the place of birth;
- (3) the name given to the child by the custodian of the child must be recorded as the child's legal name; and
- (4) the name and address of the custodian must be recorded as the name and address of the attendant.

Subp. 5. Recognition of parentage. If the mother and father of a child are not married at the time of birth and there is no presumption of paternity according to Minnesota Statutes, section 257.55, the father's name must not be entered on the birth record unless, at the time of filing, a recognition of parentage prepared according to Minnesota Statutes, section 257.75, accompanies the filing of birth documentation.

Subp. 6. Additional evidence required. To file documentation of birth with a registrar for a birth occurring outside an institution according to subpart 2:

A. The person filing documentation of birth must include the information required in subpart 4 and must present evidence that:

- (1) the mother was pregnant;
- (2) the child was born alive; and
- (3) the mother was present in Minnesota on the date of the birth.

B. The registrar must determine if the evidence presented verifies the facts listed in item A. A document listed in subitems (1) to (3), if it meets the requirements of part 4601.1100, subpart 1, may be submitted:

- (1) a notarized statement from a person who attended the birth that attests to item A, subitems (1) to (3);
- (2) a postnatal medical record from a clinic or a hospital; or
- (3) a prenatal medical record from a clinic or other health care provider that verifies that the mother was pregnant.

C. If a registrar determines that the documentation of birth meets the requirements of this part, the registrar must register the birth.

D. If a local registrar determines that the documentation of birth does not meet the requirements of this part, the local registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the

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requirements of this part. The local registrar must notify the person of the option to file the documentation of birth with the state registrar.

E. If the state registrar determines that the documentation of birth presented does not meet the requirements of this part, the state registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements of this part and must notify the person of the right to petition a court to establish the record according to *Minnesota Statutes*, section 144.215, subdivision 7.

4601.0700 BIRTHS IN MOVING CONVEYANCE.

When a birth occurs in a moving conveyance within the United States, while in international waters or air space, or in a foreign country or its air space and the child is first removed from the conveyance in Minnesota, the birth must be registered in Minnesota and the place where the child is first removed is considered the place of birth. The birth record must include the type of conveyance.

4601.0800 MONTHLY REPORT OF BIRTHS.

This part applies only to an institution that does not file documentation of birth through the centralized electronic system of the state registrar. The person in charge of the institution or that person's authorized designee must submit to the state registrar, on or before the tenth day of each month, a report of all births occurring in the institution and all births occurring en route to the institution during the previous month. The report must be in a format approved by the state registrar.

4601.0900 DELAYED BIRTH REGISTRATION.

Subpart 1. Delayed registration. For a person born in Minnesota whose birth is not recorded, the registrant age 18 or older, parent, guardian, or legal representative who demonstrates tangible interest may file with a registrar documentation of birth for a delayed registration of birth. The person filing the documentation of birth must use a form prescribed by the state registrar and provide a certified statement that a birth record is not on file in Minnesota. In addition to meeting the requirements of part 4601.0600, subpart 4, documentation of birth for a delayed registration must meet the requirements of this part.

Subp. 2. Verification by registrar. Before registering the birth record, the registrar must ensure that no prior birth record is registered for the person whose birth is to be registered.

Subp. 3. Delayed registration within seven years of birth. To file documentation of birth for a delayed registration of birth within seven years of the birth:

A. A person filing the documentation must provide the information required under part 4601.0600, subpart 4.

B. For a birth that occurred in or en route to an institution, the person filing the documentation must provide:

(1) a notarized statement from the person in charge of the institution where the birth occurred or that person's designee responsible for filing documentation of birth for the institution, substantiating the fact of birth and documenting the reason for the delay in filing the documentation of birth; or

(2) a notarized statement from the physician, certified nurse midwife, or other person who attended the birth, substantiating the fact of birth and documenting the reason for the delay in filing the documentation of birth.

C. For a birth that did not occur in or en route to an institution or if the institution cannot substantiate the fact of birth information, documentation must include:

(1) the additional evidence required under part 4601.0600, subpart 6;

(2) a document substantiating the registrant's name, date of birth, name of the mother, and name of the father if the parents were married or if paternity is legally established; and

(3) a notarized statement as described in part 4601.0600, subpart 6, item B, subitem (1).

D. A document submitted must meet the requirements of part 4601.1100, subpart 1.

E. If a registrar determines that the documentation of birth meets the requirements of this part, the registrar must register the birth.

F. If a local registrar determines that the documentation of birth does not meet the requirements of this part, the local registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements. The local registrar must notify the person of the option to file documentation of birth with the state registrar.

G. If the state registrar determines that the documentation of birth does not meet the requirements of this part, the state registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements. The state registrar must notify the person of the right to petition a court to establish the record according to *Minnesota Statutes*, section 144.217, subdivision 2.

Subp. 4. Delayed registration seven or more years after birth. To file documentation of birth for a delayed registration of birth seven or more years after the birth:

A. A person filing documentation of birth must provide the information required under part 4601.0600, subpart 4.

B. The person filing documentation of birth must provide evidence of:

(1) the name of the person at the time of birth;

(2) the date and place of birth;

(3) the name of the mother; and

(4) the name of the father if the parents were married or if paternity is legally established.

C. The following documentation is required:

(1) at least two documents to support the registrant's name, date, and place of birth. If the earliest document presented to substantiate the date or place of birth was established more than seven years after birth, one additional document is required; and

(2) a document to support the facts of parentage.

D. All documents submitted must meet the requirements of part 4601.1100, subpart 1.

E. If a registrar determines that the documentation of birth meets the requirements of this part, the registrar must register the birth.

F. If a local registrar determines that the documentation of birth does not meet the requirements of this part, the local registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements. The local registrar must notify the person of the option to file documentation of birth with the state registrar.

G. If the state registrar determines that the documentation of birth does not meet the requirements of this part, the state registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements. The state registrar must notify the person of the right to petition a court to establish the record according to *Minnesota Statutes*, section 144.217, subdivision 2.

4601.1000 BIRTH RECORD AMENDMENTS.

Subpart 1. Requesting amendment. A registrant age 18 or older or the registrant's parent, legal guardian, or legal representative may request a registrar to amend the civil registration information in a birth record. The person requesting the amendment must demonstrate tangible interest in the birth record to be amended according to part 4601.2600 and *Minnesota Statutes*, section 144.225, subdivision 7.

Subp. 2. Amending within 45 days and before issuance.

A. A parent of the registrant or the person who filed the documentation of birth according to part 4601.0600 or 4601.0900 may request an amendment of the registrant's birth record under this subpart. An amendment requested under this subpart must:

(1) be made to a registrar within 45 days of the date filed and before the date of issuance of the first certified birth certificate; and

(2) be limited to changes to the registrant's name, correction of information originally recorded in error, or the provision of missing information. Changes to the registrant's name are limited to spelling corrections if a document that established the legal name of the child has been processed by a registrar.

B. If the registrar determines that the requested amendment meets the requirements of this subpart, the registrar must amend the record. Amendments to the registrant's birth record made under this subpart must not be noted on a certified birth certificate.

Subp. 3. Amending after 45 days or issuance.

A. If a request to amend a birth record is made more than 45 days after the date filed, if a certified birth certificate has been issued, or if the requested amendment does not meet the requirements of subpart 2, item A, subitem (2), the person requesting the amendment must provide the following documentation:

(1) at least two documents to support the amendment of an item that appears on the standardized format for a certified birth certificate as described in parts 4601.2500 and 4601.2525; or

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(2) a document to support the amendment of any other item on the civil registration information of the birth record.

B. A document submitted to a registrar must meet the requirements of part 4601.1100, subpart 1.

Subp. 4. Adding information after 45 days or issuance. A document to support the addition of an item on the civil registration information of a birth record is required to add missing information to a birth record if the request is made more than 45 days after the date filed or if a certified birth certificate has been issued. A document submitted to a registrar must meet the requirements of part 4601.1100, subpart 1.

Subp. 5. Amending information previously amended. A person must contact the state registrar with a written request for an amendment if the amendment requested is to information that has been previously amended.

Subp. 6. Verification by registrar. Before amending a birth record, a registrar must review the documents submitted. If the registrar determines that the documents presented meet the requirements of this part, the registrar must amend the record. If the requested amendment is to information that has been previously amended or if a local registrar determines that the documents presented do not meet the requirements of this part, the local registrar must notify the person of the option to request the amendment through the state registrar. If the state registrar determines that the documents presented do not meet the requirements of this part, the state registrar must notify the person of the right to appeal to a court of competent jurisdiction.

Subp. 7. Court order. If a court order is presented by a person requesting an amendment according to subpart 1, a registrar must add or change information that the court order specifically directs the registrar to add or change. To add or change information that the court order does not specifically direct, the person must present the evidence required under subpart 3 or 4.

Subp. 8. Establishment of paternity. To change the father recorded on a birth record because of establishment or revocation of paternity:

A. if the request is made within 45 days after the date filed and before the issuance of a certified birth certificate and documentation of paternity is provided according to part 4601.1300, subpart 1, items B to D, the registrar must change the father recorded on the birth record; or

B. if the request is made more than 45 days after the date filed or if a certified birth certificate has been issued, the person must request a replacement record under part 4601.1300.

Subp. 9. Amending health information. A person who filed the documentation of birth under part 4601.0600 or 4601.0900 or the biological mother of the registrant may request the state registrar to amend the health information of a birth record according to items A and B.

A. Requests to amend health information on the birth record must be made to the state registrar on a form prescribed by the state registrar and must include a notarized statement of approval from the entity that originally filed the documentation of birth. Upon receipt of a request and a notarized statement, the state registrar must amend the health information on the birth record.

B. If a request to amend health information on the birth record is received directly from the entity that originally filed the documentation of birth, the state registrar must waive the requirement for the notarized statement.

Subp. 10. Corrections and amendments by state registrar. If a birth occurs in Minnesota and the state registrar finds that the information provided in the documentation of birth is not accurate, the state registrar must contact the person who filed the documentation of birth to request correction of the information. If the person who filed the documentation of birth cannot be located, the state registrar must consider the record in error and must not issue a certified birth certificate until corrections are made.

Subp. 11. Amending replaced record. A request for an amendment to a record that has been replaced under part 4601.1300 must be made to the state registrar and must include a notarized statement agreeing to the amendment from the registrant and each parent whose name appears on the birth record or whose name is requested to be added to the birth record through the amendment.

4601.1100 REQUIREMENTS FOR DOCUMENTS SUBMITTED.

Subpart 1. Document requirements. The documents submitted to support a birth registration or amendment must:

A. be legible;

B. be without any sign of erasure, alteration, or change of the pertinent information;

C. indicate the date and by whom the original document was made;

D. be the original document or authenticated as a true document by the issuing agent;

E. for a registrant age seven years or over, have been established at least seven years before the date of the request for a birth registration or amendment or within three years of the date of birth; and

F. for a registrant under seven years of age, have been established at least one year before the date of the request for a birth registration or amendment or within the first year of life.

Subp. 2. Acceptable documents. A registrar may accept a document listed in items A to J if the registrar determines that the document is sufficient to support the requested amendment and that the document meets the requirements of subpart 1:

A. a notarized statement of a physician, certified nurse midwife, or traditional lay midwife who attended the birth;

B. a school record;

C. a social security number history (Numident) printout from the Social Security Administration;

D. a United States military discharge;

E. a valid United States passport;

F. a hospital or clinic record;

G. a United States census record;

H. a marriage certificate;

I. a naturalization certificate, alien registration card, or other documentation issued by Immigration and Naturalization Services; or

J. a tribal enrollment record.

Subp. 3. Other documents. A registrar may accept a document not listed in subpart 2 if the registrar determines that the document is sufficient to support the requested amendment and that the document meets the requirements of subpart 1.

4601.1200 SUMMARY OF DOCUMENTATION SUBMITTED.

A registrar must record on the electronic system of the state registrar a summary of each document submitted to support the facts shown on the birth record being registered or amended, including:

A. the title or description of the document;

B. the source of the document;

C. the name of the person who issued or signed the document;

D. the date the document was created; and

E. the date the document was issued or signed.

4601.1300 REPLACEMENT BIRTH RECORD.

Subpart 1. Registering replacement record. The state registrar must register a replacement record. The state registrar may delegate the responsibility to register a replacement to a local registrar if the state registrar determines that a local registrar has the training and resources to register the replacement records. A replacement record must be registered:

A. upon receipt of a certified copy of an order, decree, or certificate of adoption according to *Minnesota Statutes*, section 144.218, subdivision 1;

B. if a birth record of a child has been registered and the birth parents of the child marry after the birth of the child according to *Minnesota Statutes*, section 144.218, subdivision 3. The state registrar must register the replacement record upon receipt of a certified copy of the marriage certificate of the birth parents and either a recognition of parentage or court adjudication of paternity;

C. upon receipt of a court order according to *Minnesota Statutes*, section 144.218, subdivision 4;

D. upon receipt of a declaration of parentage, a recognition of parentage, or a court order according to *Minnesota Statutes*, section 257.73; or

E. according to any other applicable state or federal statutes or regulations.

Subp. 2. Changing original birth record.

A. A replacement record must contain all of the information from the original record except:

(1) a registrar must change information that a court order specifically directs the registrar to change;

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(2) a registrar must change parent and registrant information provided to a registrar on a certificate of adoption. If the birth mother is not named as a parent on the replacement birth record, health information and any civil registration information that would identify the birth mother will not be included on the replacement record; and

(3) in the case of a paternity adjudication, recognition of parentage, or declaration of parentage, a registrar must add the father's information when creating a replacement record. According to *Minnesota Statutes*, section 144.215, subdivision 3, if the court order does not declare the name of the child, a registrar must change the surname of the child to the surname of the father if both parents request the change in writing.

B. Changes to the replacement record other than those permitted under item A must be requested as an amendment under part 4601.1000.

4601.1400 EXPUNGEMENT OF BIRTH RECORDS.

The state registrar must expunge a birth record if the state registrar finds that the birth documented by the record did not occur in Minnesota. This part does not apply to a birth record registered according to *Minnesota Statutes*, section 144.218, subdivision 2, for a person who was born in a foreign country and adopted in Minnesota.

DEATH RECORDS

4601.1500 DOCUMENTATION OF DEATH.

Documentation of death must be filed with a registrar by the mortician, funeral director, or other person in charge of disposition of the body. The fact of death and demographic information must be filed before interment or other disposition of the body. The mortician, funeral director, or other person in charge of disposition of the body must provide the documentation of death to a registrar according to parts 4601.0100 to 4601.2600.

4601.1600 COLLECTING AND PROVIDING DOCUMENTATION OF DEATH.

Subpart 1. Collecting death and demographic information. The mortician, funeral director, or other person in charge of disposition of the body must collect fact of death and demographic information. Fact of death information may be collected from the hospital or nursing home where the death occurred or from the coroner or medical examiner. Demographic information may be collected from relatives or friends of the deceased, hospital or institutional records, the records of a coroner or medical examiner, or another source if the person collecting the information determines that the information provided is accurate.

Subp. 2. Providing information to registrar. The person in charge of disposition of the body must provide to the registrar the fact of death and demographic information and the name of the physician who agrees to provide the cause of death information or the name of the coroner or medical examiner who agrees to or is required to provide the cause of death information. The state registrar or person in charge of disposition of the body must contact the physician to request the cause of death information.

4601.1700 PLACE AND TIME OF DEATH.

The place where death is pronounced is considered the place where death occurred. If the place of death is unknown but the dead body is found in Minnesota, the place where the body is found is considered the place of death. If the date of death is unknown, the date the body is found is considered the date of death. When a death occurs in a moving conveyance and the body is first removed in Minnesota, documentation of death must be filed in Minnesota and the place of death is considered the place where the body is first removed from the conveyance.

4601.1800 PROVIDING CAUSE OF DEATH INFORMATION.

Cause of death information for each death that occurs in Minnesota may be provided only by a physician, coroner, or medical examiner. A physician who provides the cause of death must be a physician present at the time of death, a physician or associate of a physician who provided medical treatment for the deceased before death, or a physician who has direct knowledge of the circumstances and cause of death and has access to the medical record of the deceased. Cause of death information must be provided to a registrar according to parts 4601.0100 to 4601.2600.

4601.1900 MONTHLY FUNERAL ESTABLISHMENT REPORT.

This part applies only to a funeral establishment that does not file documentation of death through the centralized electronic system of the state registrar. The person in charge of the funeral establishment or that person's authorized designee must submit to the state registrar, on or before the tenth day of each month, a report of all deaths during the previous month for which a mortician or funeral director affiliated with the funeral establishment was responsible for collecting and providing documentation of death according to part 4601.1600. The submitted report must be in a format approved by the state registrar.

4601.2000 DOCUMENTATION OF DEATH; DELAYED REGISTRATION OF DEATH.

Documentation of death for a delayed death registration must be filed with a registrar according to parts 4601.1500 to 4601.1800 within five days of the discovery that documentation of death has not been filed. If fact of death, demographic, and cause of death information cannot be provided, a court order establishing the fact of death is required to register the death.

4601.2100 DEATH RECORD AMENDMENTS.

Subpart 1. Requesting amendment. Any person may request a death record amendment. To amend fact of death or demographic information on a death record, a person requesting the amendment must choose one of the options described in subparts 2 to 6. To amend cause of death information on a death record, a person requesting the amendment must comply with subpart 9.

Subp. 2. Amending within 45 days and before issuance.

A. The informant who provided the original information or the person who filed documentation of death according to part 4601.1500 or 4601.2000 may request an amendment of a death record under this subpart. An amendment requested under this subpart must:

(1) be made to a registrar within 45 days of the date filed and before the date of issuance of the first certified death certificate; and

(2) be limited to correction of information originally recorded in error or the provision of missing information.

B. If the registrar determines that the requested amendment meets the requirements of this subpart, the registrar must amend the record. Amendments to the death record made under this subpart must not be noted on a certified death certificate.

Subp. 3. Amending through funeral establishment. To amend fact of death or demographic information through a funeral establishment:

A. A person may contact the funeral establishment that originally filed the documentation of death to request an amendment if the amendment is requested within one year of the death.

B. If the person in charge of the funeral establishment or that person's authorized designee agrees to process the amendment, the person in charge of the funeral establishment or that person's authorized designee must ask the informant who provided the original information for approval of the requested amendment. If the informant approves the amendment in writing, the person in charge of the funeral establishment or that person's authorized designee must request that a registrar amend the record. Upon receipt of a written request on a form prescribed by the state registrar, a registrar must amend the record.

C. If the person in charge of the funeral establishment or that person's authorized designee refuses to process the amendment, the person in charge of the funeral establishment or that person's authorized designee must refer the person requesting the amendment to a registrar according to subparts 5 and 6.

Subp. 4. Amending through informant. If an amendment is requested within one year of a death and the requesting person knows the informant who provided the original information, the person requesting an amendment may contact the informant directly with a request for an amendment. If the informant agrees with the requested amendment, the informant must present to a registrar a notarized statement that states the informant is the informant named on the original documentation of death, that the requested amendment is accurate, and that the informant agrees to the requested amendment. Upon receipt of the notarized statement, a registrar must amend the record.

Subp. 5. Amending through registrar.

A. If an amendment is requested within five years of a death, the person requesting the amendment may contact a registrar to make the amendment. The person requesting the amendment must:

(1) request the amendment on a form prescribed by the state registrar; and

(2) when a change in the deceased name, date of death, place of death, date of birth, parentage, spouse's name, maiden name, marital status, social security number, or sex is requested, present legal documentation that is acceptable under item B.

B. To be acceptable legal documentation, the document must support the requested amendment, meet the requirements of part 4601.1100, subpart 1, items A to D, and be one of the following:

(1) a birth certificate;

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(2) a marriage certificate;

(3) a divorce decree;

(4) a legal description of the place of death that has been properly recorded with the county recorder;

(5) a social security number history (Numident) printout from the Social Security Administration;

(6) for date or place of death, a notarized statement from a person who was present at the death that verifies the accuracy of the requested change; or

(7) a court order that instructs a registrar to make the requested change.

C. If the registrar determines that the legal documentation is sufficient to support the requested amendment, the registrar must amend the death record.

D. A local registrar must forward the request for amendment and any supporting documentation to the state registrar to be evaluated according to the criteria in subpart 7 if a request includes one of the following:

(1) an amendment to fact of death or demographic information other than the information listed in item A, subitem (2);

(2) an amendment to information that has been previously amended; or

(3) an amendment requested without sufficient legal documentation.

Subp. 6. Amending through state registrar. A person requesting an amendment must contact the state registrar with a written request for an amendment when:

A. the person is requesting an amendment more than five years after the date of death;

B. the person is requesting an amendment to fact of death or demographic information other than the information listed in subpart 5, item A, subitem (2);

C. the person is requesting an amendment to information that has been previously amended; or

D. the person cannot provide acceptable legal documentation according to subpart 5, item B.

Subp. 7. Evaluation by state registrar.

A. When requesting an amendment through the state registrar according to subpart 6, a person must request the amendment on a form prescribed by the state registrar and provide documentation to support the accuracy of the requested amendment.

B. The state registrar must consider:

(1) the extent and type of documentation presented;

(2) the ability of the state registrar to authenticate the documentation presented;

(3) whether changing the record as requested is prohibited by law;

(4) the impact that the requested amendment would have on the use of the certified death certificate as a legal document; and

(5) the impact that the requested amendment would have on the use of the death record as a statistical or historical record.

C. If the state registrar determines that the supporting documentation is sufficient to justify the requested amendment, the state registrar must amend the death record. If the state registrar determines that the supporting documentation is not sufficient to justify the requested amendment, the state registrar must notify the requester of the option to seek a court order to require the state registrar to amend the record.

Subp. 8. Corrections and amendments by state registrar. If the state registrar finds that the fact of death or demographic information in a death record is not accurate, the state registrar must contact the mortician, funeral director, or other person who filed the original documentation of death to request correction of the information. If the mortician, funeral director, or other person who filed the documentation of death cannot be located or cannot provide the requested correction, the state registrar must consider the record in error and must not issue a certified death certificate until corrections are made.

Subp. 9. Amending cause of death information. Requests to amend cause of death information must be made to the state registrar on a form prescribed by the state registrar and must include a notarized statement of approval from the physician who originally provided the cause of death information or a notarized statement of approval from a coroner or medical examiner of the county where the death occurred. Upon receipt of a request and a notarized statement, the state registrar must amend the cause of death information. If a request to amend cause of death information is received directly from a physician who originally provided the cause of death information or from a coroner or medical examiner of the county where the death occurred, the state registrar must waive the requirement for the notarized statement.

4601.2200 FETAL DEATH REPORTING.

Subpart 1. Filing. A fetal death report must be filed for the death of a fetus for whom 20 or more weeks of gestation have elapsed. All induced terminations of pregnancy must be reported according to *Minnesota Statutes*, section 145.4131, and must not be reported as fetal deaths. A fetal death report must be prepared in a format prescribed by the state registrar and filed according to parts 4601.0100 to 4601.2600 by:

A. a person in charge of an institution or that person's authorized designee if a fetus is delivered in the institution or en route to the institution;

B. a physician, certified nurse midwife, or other licensed medical personnel in attendance at or immediately after the delivery if a fetus is delivered outside an institution; or

C. a parent or other person in charge of the disposition of the remains if a fetal death occurred without medical attendance at or immediately after the delivery.

Subp. 2. Fetus delivered in moving conveyance. When a fetus is delivered in a moving conveyance and the fetus is first removed from the conveyance in Minnesota, the place of delivery is the place where the fetus is first removed.

Subp. 3. Monthly report. This subpart applies only to an institution that does not report fetal deaths through the centralized electronic system of the state registrar. The person in charge of the institution or that person's authorized designee must submit to the state registrar, on or before the tenth day of each month, a report of all fetal deaths occurring in the institution and all fetal deaths occurring en route to the institution during the previous month. The submitted report must be in a format approved by the state registrar.

Subp. 4. Correcting reports. The mother named on the fetal death report or the person who filed the report according to subpart 1 may submit a request to the state registrar to correct information on a fetal death report. Upon receipt of a signed statement identifying the information in error and providing the correct information, the state registrar must correct the fetal death report. If the fetal death report has been destroyed according to subpart 5, the state registrar must notify the person requesting the correction that the record has been destroyed and the correction will not be made.

Subp. 5. Disposition of reports. Reports of fetal deaths are statistical reports only. Retention of fetal death reports is governed by the Department of Health's record retention schedule.

4601.2300 FETAL DEATH NOTIFICATION.

A mortician or funeral director in charge of disposition of the remains must notify the state registrar of a fetal death. The notification must be presented in a medium and format approved by the state registrar.

4601.2400 EXPUNGEMENT OF DEATH AND FETAL DEATH RECORDS.

The state registrar must expunge a death or fetal death record if the state registrar finds that the death or fetal death documented by the record did not occur in Minnesota.

CERTIFICATE FORM AND ISSUANCE

4601.2500 REQUIREMENTS FOR CERTIFIED BIRTH OR DEATH CERTIFICATE.

Subpart 1. Security paper. A certified birth or death certificate must be printed on security paper. The state registrar must approve and provide access to security paper for statewide use. Local registrars must order security paper approved by the state registrar. To approve and provide access to security paper for statewide use, the state registrar must consider:

- A. what security paper characteristics are needed to effectively reduce the potential for fraud;
- B. the cost of the security paper;
- C. the cost-effectiveness of options for distribution of the security paper;
- D. the availability of security paper with the required features;
- E. the type and characteristics of security paper used for certified birth and death certificates in other states;
- F. applicable state and federal regulations; and
- G. recommendations of national organizations and government entities.

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Subp. 2. Signature required. The facsimile or actual signature of the state registrar must appear on a certified birth or death certificate.

Subp. 3. Seal required. The seal of the state of Minnesota must be part of the security paper.

4601.2525 REQUIREMENTS FOR CERTIFIED BIRTH CERTIFICATE.

Subpart 1. Data items required. A certified birth certificate must be in a format prescribed by the state registrar and include the date issued, the county or office of issuance, and the following items, if the items are present on the birth record:

- A. registrant's first name, middle name, last name, and suffix;
- B. date and time of birth;
- C. first name, middle name, last name, and suffix of an alias;
- D. sex;
- E. county and either city or township of birth;
- F. mother's first name, middle name, and maiden surname;
- G. state or foreign country of the mother's birthplace
- H. father's first name, middle name, and last name;
- I. state or foreign country of the father's birthplace; and
- J. date the record was filed.

Subp. 2. Amendments to birth records; notation. Except as provided in part 4601.1000, subpart 2, an amendment must be noted on a certified birth certificate as follows:

A. if the name or date of birth of the registrant has been amended, the amendment must be noted on the certified birth certificate with the label of the item amended, date of amendment, and the basis for the amendment; and

B. if the information under subpart 1, items C to J, has been amended, the amendment must be noted on the certified birth certificate with the following statement: "A data item other than the registrant's name or date of birth was amended on this birth record on," followed by the date of the amendment. The specific data item amended must not be identified.

Subp. 3. Deceased person. If a registrant is deceased and documentation of death has been filed or the state registrar has received notification of the death from another state, the word "deceased" must appear as a watermark across the center of the certificate, in a border, note field, or other highlighted area on the certified birth certificate.

Subp. 4. Foreign adoption birth record. For a birth record that is registered according to Minnesota Statutes, section 144.218, subdivision 2, for a person who was born in a foreign country and adopted in Minnesota, the certified birth certificate must include the following statement: "This birth record is not evidence of United States citizenship."

Subp. 5. Infant of unknown parentage. For a birth record that is registered according to *Minnesota Statutes*, section 144.216, for an infant of unknown parentage, the certified birth certificate must include the following statement: "This birth record was registered according to *Minnesota Statutes*, section 144.216, for an infant of unknown parentage." This subpart does not apply to a replacement record registered according to *Minnesota Statutes*, section 144.216, subdivision 2, if the child is subsequently identified or the birth record is found.

Subp. 6. Delayed registration of birth. For a birth record that is registered according to *Minnesota Statutes*, section 144.217, as a delayed registration of birth, a certified birth certificate must include the following statement: "This birth record was registered according to *Minnesota Statutes*, section 144.217, as a delayed registration of birth."

4601.2550 REQUIREMENTS FOR CERTIFIED DEATH CERTIFICATE.

Subpart 1. Data items required; fact of death. A fact of death certified death certificate must be in the format prescribed by the state registrar and include the date issued, the county or office of issuance, and the following items, if the items are present on a death record:

- A. first name, middle name, last name, and suffix of the deceased;
- B. maiden surname of the deceased;
- C. first name, middle name, last name, and suffix of an alias of the deceased;
- D. sex;
- E. social security number;

- F. date of death;
- G. county and either city or township of death;
- H. date of birth;
- I. city and state or foreign country of birth;
- J. father's first name, middle name, and last name;
- K. mother's first name, middle name, and maiden surname;
- L. marital status;
- M. first name, middle name, and last name or maiden surname of a spouse, if married;
- N. county, state, and either city or township of residence;
- O. name of the funeral establishment; and
- P. date the documentation of death was filed.

Subp. 2. Data items required; fact and cause of death. A fact and cause of death certified death certificate must be in the format prescribed by the state registrar and include the following items, if the items are present on the death record:

- A. all of the items required under subpart 1;
- B. immediate cause of death;
- C. underlying cause of death;
- D. conditions contributing to the death;
- E. manner of death; and
- F. name and address of the physician who provided the cause of death information.

Subp. 3. Amendments to death records; notation. Except as provided in part 4601.2100, subpart 2, an amendment to any item listed in subpart 1 must be noted on a certified death certificate.

4601.2600 TANGIBLE INTEREST.

Subpart 1. Application; birth or death certificate. An application for a certified birth or death certificate must be made on a form prescribed by a registrar or contain the information required in this part. An application must be made to a registrar and accompanied by the required fee and documentation. If the applicant is alleging to have tangible interest because a certified birth or death certificate is necessary for the protection or determination of a personal or property right, the applicant must apply for issuance of a certified birth or death certificate to the state registrar and provide supporting documentation. The state registrar must evaluate the application according to the criteria described in subpart 12.

Subp. 2. Registrant information.

- A. To request a certified birth certificate, the applicant must provide the following information about the registrant:
 - (1) first name, middle name, and last name;
 - (2) sex;
 - (3) date of birth;
 - (4) county of birth;
 - (5) mother's first name, middle name, and maiden surname; and
 - (6) father's first name, middle name, and last name.
- B. To request a certified death certificate, the applicant must provide the following information about the registrant:
 - (1) first name, middle name, and last name;
 - (2) county of death; and

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(3) date of death.

C. A registrar may accept estimates of or waive a requirement listed in items A and B if:

(1) the applicant does not have exact knowledge of the information; and

(2) the applicant has provided sufficient information for the registrar to locate the record.

Subp. 3. Applicant information.

A. To request a certified birth or death certificate, the applicant must provide the following information about the applicant:

(1) first name, middle name, and last name;

(2) home or business address;

(3) telephone number;

(4) date of birth;

(5) signature of the applicant;

(6) date the application is signed; and

(7) a statement of the relationship of the applicant to the registrant demonstrating tangible interest according to *Minnesota Statutes*, section 144.225, subdivision 7.

B. A registrar may waive the requirement for a telephone number under item A, subitem (3), if the applicant states that the applicant does not have a business or home telephone. The registrar may waive the requirement for the middle name under item A, subitem (1), if the applicant states that the applicant does not have a middle name.

Subp. 4. Application form; statutory authority. A registrar must provide an application form or instructions accompanying an application form that includes the statutory authority for collecting the application information, the consequences for not providing the information, and the penalty for providing false information.

Subp. 5. Identification required. An applicant must provide a completed application as described in subparts 1 to 3 and, except as noted in subpart 6, provide documentation of identity as follows:

A. For an application made in person, the applicant must provide a document of identity that readily identifies the applicant. To be accepted by a registrar, the document of identity must include the applicant's signature and photograph or physical description and the registrar must be able to authenticate the document with the issuing entity. If a normally acceptable document of identity was issued so long ago that the registrar determines that it no longer readily identifies the applicant, an applicant must provide a document of identity that was issued more recently. A document of identity that has been altered or changed in any way is not acceptable.

B. For an application not made in person, the application must be notarized according to *Minnesota Statutes*, sections 358.41 to 358.50.

Subp. 6. Acceptable identification not available. If an applicant does not have an acceptable document of identity or if an applicant provides a signed statement that no document of identity is available, to obtain the certified birth or death certificate, the applicant must have a witness attest to the applicant's identity. The witness must:

A. have known the applicant for at least two years;

B. complete a statement to identify as described in subpart 7; and

C. accompany the applicant, sign the statement to identify in the presence of a registrar, and present an acceptable document of identity according to subpart 5, item A, and either subpart 8 or 9. If a witness cannot accompany an applicant to a registrar's office, the witness' signature must be notarized on a statement to identify according to subpart 7.

Subp. 7. Statement to identify.

A. A completed statement to identify must include the following information about the witness:

(1) first name, middle name, and last name;

(2) home or business address;

(3) telephone number;

(4) date of birth;

(5) number of years the witness has known the applicant;

(6) relationship of the witness to the applicant or the basis for the witness' knowledge of the applicant;

(7) signature of the witness;

(8) date the statement to identify is signed by the witness; and

(9) a sentence relating the statement to identify to a specific application for a certified birth or death certificate. If the completed statement to identify is included as part of a completed application form provided by a registrar, no sentence is required.

B. A registrar may waive the requirement for a telephone number under item A, subitem (3), if the witness states that the witness does not have a business or home telephone. The registrar may waive the requirement for the middle name under item A, subitem (1), if the witness states that the witness does not have a middle name.

Subp. 8. **Acceptable document of identity.** A registrar must accept a document listed in items A to I as meeting the requirements of subpart 5, unless the registrar determines that the document was issued too long ago to readily identify the applicant or witness, the document has been altered or changed, or there is evidence of fraud on the face of the document. Acceptable documents include:

A. an unexpired picture driver's license issued according to *Minnesota Statutes*, section 171.07, or according to the laws of another state or territory of the United States. A temporary driver's license or learner's permit is not acceptable;

B. an unexpired state picture identification card issued according to *Minnesota Statutes*, section 171.07, or according to the laws of another state or territory of the United States;

C. an unexpired federal, state, or local government employee picture identification card issued by a government entity located in the United States;

D. an unexpired aircraft pilot's license issued by the United States Department of Transportation, Federal Aviation Administration;

E. an unexpired United States military picture identification card;

F. an unexpired United States passport;

G. for an applicant who is not a registrant, an unexpired Canadian passport;

H. for an applicant who is not a registrant, an unexpired passport from another jurisdiction with:

(1) a United States Department of Justice, Immigration and Naturalization Service, arrival and departure form I-94 attached, bearing the same name as that on the passport and containing an unexpired endorsement of the alien's nonimmigrant status; or

(2) an unexpired I-551 stamp; or

I. for an applicant who is not a registrant, one of the following documents issued by the United States Department of Justice, Immigration and Naturalization Service, or a subsequent form or version of a document specified in this item:

(1) a naturalization certificate form (form N-550 or N-570);

(2) a certificate of citizenship (form N-560 or N-561);

(3) a United States citizen identification card (form I-179 or I-197);

(4) a valid permanent resident or resident alien card (form I-551 or I-151);

(5) a Northern Mariana card (form I-873 with "Northern Mariana" imprinted instead of resident alien);

(6) an American Indian card (form I-872 with "American Indian" imprinted instead of resident alien);

(7) an unexpired employment authorization document with a photograph (form I-688, I-688A, I-688B, or I-766); or

(8) an unexpired reentry permit/refugee travel document (form I-571).

Subp. 9. Documents acceptable with discretion.

A. A registrar may accept a document not listed in subpart 8 if the registrar determines that the document meets the requirements of subpart 5.

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B. A registrar may accept one of the following documents as a document of identity if the document is known to be reliable and valid in the county where the application for a certified birth or death certificate is made and if the document meets the requirements for an acceptable document of identity described in subpart 5:

- (1) a business or industrial identification card or pass; or
- (2) a school or college identification card.

Subp. 10. **Delay to authenticate.** A registrar may delay issuance of a certified birth or death certificate if the registrar needs more time to authenticate a document of identity with the entity who issued the document of identity.

Subp. 11. **Refusal to issue.** A registrar must refuse to issue a certified birth or death certificate if the applicant fails to meet the requirements of this part.

Subp. 12. **Personal or property right criteria.**

A. To determine whether a certified birth or death certificate is necessary for the protection or determination of a personal or property right, the state registrar must consider:

- (1) the extent and type of documentation presented;
- (2) the ability of the state registrar to authenticate the documentation presented;
- (3) if issuing a certified birth or death certificate is prohibited by law;
- (4) evidence of fraud or the intent to commit fraud;
- (5) the impact of the issuance on the use of a certified birth or death certificate as a legal document; and
- (6) the ability of the applicant to protect or determine a personal or property right without a certified birth or death certificate.

B. If the state registrar determines that the supporting documentation is sufficient to demonstrate tangible interest, the state registrar must issue the certified birth or death record. If the state registrar determines that the supporting documentation is not sufficient to demonstrate tangible interest, the state registrar must notify the applicant of the option to seek a court order to direct the state registrar to issue a certified birth or death certificate.

REPEALER.

A. *Minnesota Rules*, parts 4600.0100; 4600.0200; 4600.0300; 4600.0400; 4600.0500; 4600.0600; 4600.0700; 4600.0800; 4600.0900; 4600.1000; 4600.1100; 4600.1200; 4600.1300; 4600.1400; 4600.1500; 4600.1600; 4600.1700; 4600.1900; 4600.2000; 4600.2100; 4600.2200; 4600.2300; 4600.2400; 4600.2500; 4600.2600; 4600.2700; 4600.2800; 4600.2900; 4600.3000; 4600.3100; 4600.3200; 4600.3300; 4600.3400; 4600.3500; 4600.3600; 4600.3700; 4600.3800; 4600.4000; 4600.4100; 4600.4200; 4600.4300; 4600.4400; 4600.4500; 4600.4600; 4600.4700; 4600.4800; 4600.4900; 4600.5000; 4600.5100; 4600.5200; 4600.5300; 4600.5400; 4600.5500; 4600.5600; 4600.5700; 4600.5800; 4600.5900; 4600.6000; 4600.6100; 4600.6200; 4600.6300; 4600.6400; 4600.6500; 4600.6600; and 4600.6700, are repealed.

B. *Minnesota Rules*, part 4600.1800, is repealed.

EFFECTIVE DATES. *Minnesota Rules*, parts 4601.2200 and 4601.2300, and the repealer, item B, are effective January 1, 2001.

Minnesota Rules, parts 4601.2500, 4601.2525, and 4601.2550, are effective July 1, 2001.

Minnesota Rules, part 4601.2600, is effective August 1, 2000.

Board of Nursing

Proposed Permanent Rules Relating to Licensure and Repeal of Obsolete Rules

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed amendment to Rules Governing Requirements for Licensure by Examination, *Minnesota Rules* 6305.0400; Requirements for Licensure without Examination, *Minnesota Rules* 6305.0500; Definitions, *Minnesota Rules* 6310.2600; Registration Renewal Requirements, *Minnesota Rules* 6310.2800; Fetal Alcohol Education, *Minnesota Rules* 6310.2810; Registration Renewal Procedures, *Minnesota Rules* 6310.2900; Substantiation of Participation in Continuing Education, *Minnesota Rules* 6310.3000; Reregistration Requirements, *Minnesota Rules* 6310.3100; Reregistration Procedures, *Minnesota Rules* 6310.3200; Change of Name and Address on Records, *Minnesota Rules* 6310.3300; Registration Fees, *Minnesota Rules* 6310.3600; Dishonored Checks, *Minnesota Rules* 6310.3700; and Repeal of Rules Governing Professional Nursing Organizations with Authority to Certify, *Minnesota Rules* 6330.0100 - 6330.0500

Introduction. The Minnesota Board of Nursing (hereinafter “Board”) intends to adopt, amend, and repeal permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. 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 any of the proposed rules.

Board Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Sandra J. MacKenzie
Assistant Director
Minnesota Board of Nursing
2829 University Avenue SE, Suite 500
Minneapolis, Minnesota 55414
Telephone: (612) 617-2180 Facsimile: (612) 617-2190
E-mail: sandra.mackenzie@state.mn.us

Subject of Rules and Statutory Authority. The proposed rules relate to requirements for licensure by examination, requirements for licensure without examination, registration renewal requirements, fetal alcohol education, registration renewal procedures, substantiation of participation in continuing education, reregistration requirements, reregistration procedures, change of name and address on records, registration fees, dishonored checks and professional nursing organizations with authority to certify. *Minnesota Statutes*, section 148.191, subdivision 2 authorizes the Board to adopt and revise rules as necessary to carry into effect the provisions of sections 148.171 to 148.285. *Minnesota Statutes* 148.211, subdivision 1 authorizes the Board to establish by rule the fees for licensure and for reexamination. *Minnesota Statutes*, section 148.231, subdivision 1 authorizes the Board to establish by rule the fee for periodic registration and the penalty fee for late submission of an application. The advanced nursing practice rules were authorized by *Minnesota Statutes*, section 62A.15, subdivision 3a., which has been repealed. *Minnesota Statutes*, section 214.12, subdivision 2 authorizing the Board to require continuing education on infection control was repealed. *Minnesota Statutes*, section 214.12, subdivision 3 authorizes the Board to require by rule that certain licensees receive education on fetal alcohol syndrome and related topics. 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., May 3, 2000, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comments must be in writing and received by the board contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed and the reasons for your comments. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule 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 board contact person by 4:30 p.m., May 3, 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

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valid and cannot be counted by the board for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes that you recommend 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 a hearing are withdrawn to reduce the number below 25, the board must give written notice of this to all persons who requested a hearing, explain the actions the board took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule 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 rule may not be substantially different than this proposed rule. If the proposed rule affects 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 board 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. A copy may be obtained from the board at the cost of reproduction.

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 board contact person at the address or telephone number listed above.

Adoption and Review of Rules. If no hearing is required the board 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 board to receive notice of future rule proceedings, submit your request to the board contact person listed above.

Dated: 20 March 2000

Shirley A. Brekken
Executive Director

6305.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

[For text of subps 1 to 8, see M.R.]

Subp. 10. **Fees.** The board shall charge the following fees.

A. The licensure fee is ~~\$80~~ \$100. This fee must be paid to the board and must be received before evaluation of an applicant's qualifications for examination and licensure.

B. The fee required with the request to retake the examination is ~~\$40~~ \$50. The fee must be paid to the board and must be received before evaluation of an applicant's qualifications to retake the examination.

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

Subp. 12. **Licensure examination.** The licensure examinations are the examinations of the National Council of State Boards of Nursing, Inc. An applicant must receive a pass on the National Council Licensure Examination.

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

E. An applicant who fails an examination and wants to retake the examination must notify the board on a form provided by the board. On the request to retake the examination, an applicant shall respond to questions that relate to the grounds for disciplinary action listed in *Minnesota Statutes*, section 148.261. The board may require further information of the applicant in order to determine whether the applicant has engaged in conduct warranting disciplinary action. An applicant must submit true information. Falsification or omission of information provides grounds for denial of a license. The request to retake the examination must be notarized. If the request is received without a fee, it shall be returned to the applicant. ~~An applicant may only retake the examination four times per year and not more often than once in every three months.~~ The board will notify the applicant by mail when the applicant is eligible to retake the examination. Placing the notice in first class United States mail, postage prepaid and addressed to the applicant's last known address, constitutes official notification.

6305.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

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

Subp. 3. **Fee.** The fee for licensure is ~~\$80~~ \$100. This fee must be paid to the board and must be received before evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, cashier's check, or money order. If for any reason a license is not issued, the fee is not refundable.

[For text of subps 4 to 11, see M.R.]

Subp. 12. **Acceptable examinations for practical nurses.** The requirement of having passed a written examination acceptable to the board for licensed practical nurse licensure is fulfilled if an applicant has:

- A. passed a state-constructed examination or the State Board Test Pool Examination for Practical Nurses (SBTPE-PN) before 1960;
- B. passed the SBTPE-PN after December 31, 1959, and before ~~January 1, 1970, with a scaled score of at least 370~~ October 1, 1982;
- C. ~~passed the SBTPE-PN after December 31, 1969, and before October 1, 1982, with a scaled score of at least 400;~~
- ~~D.~~ D. passed NCLEX-PN after September 30, 1982, and before October 1, 1988, with a scaled score of at least 350; or
- ~~E.~~ D. passed NCLEX-PN after September 30, 1988, with a designation of pass.

[For text of subps 13 and 14, see M.R.]

6310.2800 REGISTRATION RENEWAL REQUIREMENTS.

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

Subp. 3. **Continuing education.** Continuing education requirements for the licensed practical nurse begin for registration periods that begin on or after November 1, 1993. The report of continuing education is due by the application deadline for subsequent renewals of registration. A registered nurse shall participate in the ratio of at least one contact hour of acceptable continuing education for each month of registration. A licensed practical nurse shall participate in the ratio of at least one contact hour of acceptable continuing education for each two months of registration.

~~Continuing education in infection control is required for registration periods that begin on or after November 1, 1993. During each registration period, two of the contact hours must be on the subject of infection control, including blood borne diseases. For registration periods of less than 24 months, one contact hour in infection control is required.~~

For a continuing education activity to be acceptable for renewal of registration, the criteria in items A to G must be met.

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

Subp. 4. **Exceptions.** If the continuing education activity has been approved by another health licensing board or association or if the licensee is currently certified by a national professional nursing organization, only the criteria for acceptability in item A or B must be met.

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

B. If the licensee has a current certificate from a national professional nursing organization, the criteria in subitems (1) to ~~(6)~~ (5) must be met.

[For text of subitems (1) to (4), see M.R.]

~~(5) The infection control contact hours must be met and reported.~~

~~(6)~~ The licensee shall not use the practice specialty certificate as a substitute for any previously deferred contact hours.

[For text of subps 5 to 10, see M.R.]

6310.2810 FETAL ALCOHOL EDUCATION.

Subpart 1. Announcement and request form. On February 1, 2000, and thereafter, the board shall include an announcement regarding Minnesota Statutes, section 214.12, subdivision 3, with every registered nurse application for renewal of registration. The announcement shall indicate that the board will provide educational materials at no cost to licensees who have primary responsibility for diagnosing and treating pregnant women who may be abusing alcohol and/or diagnosing and treating individuals with fetal alcohol syndrome. A request form for the material shall be included with the announcement. Each licensee who has primary responsibility for diagnosing and treating these individuals shall complete and return the request form with the renewal of registration application.

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Proposed Rules

Subp. 2. Educational materials. The board shall send educational materials to those licensees who return the completed request form. The educational material shall address fetal alcohol syndrome and fetal alcohol effects, including how to screen pregnant women for alcohol abuse, how to identify affected children, and where to refer individuals for needed services.

Subp. 3. Expiration. This part expires February 1, 2003.

6310.2900 REGISTRATION RENEWAL PROCEDURES.

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

Subp. 3. **Report of continuing education.** The report of continuing education shall be a part of the renewal of registration application. The board shall require the name of the activity, the date of the activity, and the number of contact hours for each of the activities. ~~The board shall provide a section on the continuing education report form for the licensee to report participation in infection control continuing education.~~

Licensees shall report the required information on the continuing education report form. ~~Every licensee shall report participation in the required amount of infection control continuing education.~~ A professional nurse who has been certified in a nursing specialty may submit a copy of the practice specialty certificate in lieu of reporting participation in the remaining required number of contact hours.

Each licensee shall verify that the continuing education activities met all the criteria in part 6310.2800 and that the information contained on the continuing education report form is true in every respect. The licensee shall sign and date the application and continuing education report form.

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Insufficient hours.** If a licensee does not have enough contact hours of acceptable continuing education to report, the licensee has the following options listed in items A to C.

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

B. Defer the number of contact hours that the licensee is lacking. The deferred hours shall be added to the contact hours required in the immediately succeeding continuing education participation period. Contact hours may be deferred if there are no current deferred contact hours required of the licensee. If the licensee is deferring a fraction of a contact hour, a whole contact hour must be deferred. ~~If the licensee does not have the required infection control contact hours, then the required contact hours of infection control shall be deferred. The deferred infection control contact hours will be added to the total number of contact hours required as well as to the total number of infection control contact hours required.~~ If the licensee does not renew for the continuing education participation period that included the deferred hours, the deferred hours shall be required for reregistration.

C. Allow registration to expire and reregister.

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

6310.3000 SUBSTANTIATION OF PARTICIPATION IN CONTINUING EDUCATION.

Subpart 1. **Substantiation of continuing education activity.** At the time of renewal, the board shall randomly select a sample of licensees and require substantiation of participation in the activities that the licensees reported on their continuing education report form. The licensee shall submit documents or written statements that verify the following:

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

F. presence at or participation in the activity.

~~Licensees who used their advanced nursing practice certificates shall submit the documents or written statements referenced in this subpart for the infection control contact hours.~~

Licensees who participated in other acceptable continuing education listed in part 6310.2800, subpart 5, shall submit all or a portion of the article, book, paper, study, research, or brochure that verifies participation as a panel member.

Failure to substantiate the hours with the required information shall result in the hours being automatically deferred to the next participation period unless the licensee is not eligible to do so. At the next renewal or reregistration, the licensee shall substantiate participation in all the hours of continuing education required for that reporting period including the automatically deferred hours. Failure to substantiate the hours at this time shall provide grounds for disciplinary action.

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

6310.3100 REREGISTRATION REQUIREMENTS.

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

Subp. 2a. **Continuing education.** Licensees whose registrations expired within the two years preceding application for reregistration shall report participation in the required number of acceptable continuing education hours. To fulfill this requirement, the criteria in items A to ~~D~~ C must be met.

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

C. ~~Every licensee shall report participation in the required amount of infection control continuing education.~~

~~D.~~ Participation must have occurred during the 24 months immediately preceding board action on the application for reregistration.

[For text of subps 2b to 13, see M.R.]

6310.3200 REREGISTRATION PROCEDURES.

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

Subp. 3. **Report of continuing education.** The board shall provide a form for reporting continuing education. In the report of continuing education, the board shall require the name of the activity, the date of the activity, and the number of contact hours for each of the activities. ~~The board shall provide a section on the continuing education report form for the licensee to report participation in infection control continuing education, if taken.~~ The licensee shall report participation in the required acceptable continuing education including the refresher course. A professional nurse who has been certified in a nursing specialty may submit a copy of the practice specialty certificate in lieu of reporting participation in the continuing education contact hours. The copy of the current certificate must be attached to the report of continuing education. Each licensee shall verify that the continuing education activities met all the criteria specified in part 6310.2800, subpart 3, with the exception of item D, or part 6310.2800, subpart 4 or 5, and that the information contained on the continuing education report form is true in every respect. The licensee shall sign and date the continuing education report form.

[For text of subps 4 to 9, see M.R.]

6310.3300 CHANGE OF NAME AND ADDRESS ON RECORDS.

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

Subp. 2. **Address change.** The licensee who has changed addresses shall notify the board ~~in writing~~ as soon as possible. The board shall notify the licensee of address changes made in the licensee's records. However, a revised registration certificate will not be issued.

6310.3600 REGISTRATION FEES.

Subpart 1. **Amount.** The amount of fees shall be as follows:

- A. registration renewal, ~~\$55~~ \$70 per registration period;
- B. late application, ~~\$30~~ \$50;

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

Subp. 2. **Nonrefundable.** All fees are nonrefundable.

6310.3700 DISHONORED CHECKS.

Subpart 1. **Service charge.** If a licensee submits a dishonored check for any of the fees required in part 6310.3600, subpart 1, items A to G; ~~or 6316.0200, subpart 3; 6340.0300, subpart 3; 6340.0400, subpart 4; or 6340.0500, subpart 3,~~ a service charge shall be assessed in keeping with *Minnesota Statutes*, section 332.50, subdivision 2.

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

Subp. 3. **Additional fee.** Nonreplacement of a dishonored check for the fees required in part 6310.3600, subpart 1, items C to G; ~~or 6316.0200, subpart 3; or 6340.0400, subpart 4,~~ and nonpayment of the service charge will result in the amounts being added to the next fee the licensee must pay.

REPEALER. Minnesota Rules, parts 6310.2600, subparts 1b and 5b; 6330.0100; 6330.0200; 6330.0300; 6330.0350; and 6330.0500, are repealed.

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Exempt Rules

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

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

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

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Transportation

Adopted Exempt Permanent Rules Relating to English Measurement for State-Aid Roads

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 Amendments of Rules Governing State Aid Operations concerning conversion of measurements to English units, definition of bridge rehabilitation, reconstruction, and reconditioning, Town Bridge Account apportionment, guardrail installation, minimum structural design strength in suburban areas, minimum standards for urban bridges to remain, removal of minimum design speed for urban reconditioning projects, and minimum recommended pedestrian bridge clearance, *Minnesota Rules*, chapter 8820

Introduction. The Department of Transportation 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 Friday, May 5, 2000, a public hearing will be held in the Transportation Building, Room 461, at 9:00 a.m., on Tuesday, May 16th, 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 8:30 a.m., on Monday, May 8, 2000, and before 4:30 p.m., Monday, May 15, 2000.

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: Paul Stine, Division of State Aid for Local Transportation, Mail Stop 500, 395 John Ireland Blvd., St. Paul, Minnesota 55155, telephone (612) 296-9973, FAX (612) 282-2727.

Subject of Rules and Statutory Authority. *Minnesota Statutes*, section 162.02, subdivision 2, and section 162.09, subdivision 2 grant the Commissioner of Transportation the authority to promulgate rules to govern state-aid programs.

The proposed rules concern conversion of measurements to English units, definition of bridge rehabilitation, reconstruction, and reconditioning, Town Bridge Account apportionment, guardrail installation, minimum structural design strength in suburban areas, minimum standards for urban bridges to remain, removal of minimum design speed for urban reconditioning projects, and minimum recommended pedestrian bridge clearance.

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

Nature and Effect of Proposed Rule Amendment. The principal reason rules changes are being proposed at this time is to convert all measurements in the rules from metric to English Units.

In 1991, Presidential Executive Order 12770 mandated that all federal agencies implement metrics as part of their daily responsibilities. The FHWA established a conversion deadline of 1996. So that one type of unit is used throughout the industry, State Aid Operations Rules, chapter 8820, adopted on November 6, 1995 converted English units to metric units. In 1998, Congress withdrew the metric conversion requirement. In January 1999, Darryl E. Durgin, Deputy Commissioner/ Chief Engineer for the Department signed a letter proclaiming that the future work of the department, including the State Aid Division, shall be performed in English units.

Because the rules amendment process was opened due to the reason stated above, a variety of other rules changes are proposed, either to address specific minor issues, make technical changes, or to clarify existing rules.

All proposed changes were developed for adoption as one rules "package." Combining all rulemaking directives into one rulemaking was considered to be more an effective and efficient use of resources.

Comments. Written comments in support of or in opposition to the proposed rules or any part or subpart of the rules are due before 4:30 p.m., on Friday, May 5, 2000. Your comments must be in writing and received by the agency contact person by the due date. Comments are 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 Friday, May 5, 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, explaining 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*, section 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 the 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 9:00 a.m., on Tuesday, May 16th, 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 651-296-9973 after 8:30 a.m., on Monday, May 8, 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 Klein is assigned to conduct the hearing. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138, phone (612) 341-7609, 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*, section 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Exempt Rules

The agency requests that any person submitting a written view 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 view 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: 15 March 2000

Elwyn Tinkenberg, Commissioner
Department of Transportation

8820.0100 DEFINITIONS.

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

Subp. 2e. **Bridge rehabilitation.** "Bridge rehabilitation" means (1) the partial reconstruction of an existing bridge to meet current design criteria and construction standards or (2) a project that fixes the deterioration in the structure ~~and also~~ or improves the geometrics or load-carrying capacity ~~to the minimum criteria set forth in this chapter~~, but may not necessarily provide improvement to meet new design standards.

[For text of subps 2f to 13a, see M.R.]

Subp. 13b. **Reconditioning.** "Reconditioning" includes resurfacing, replacement, or rehabilitation of the pavement structure to extend the life of the roadway and effectively address critical safety and operations needs through minor improvements to the existing facility. Reconditioning projects generally utilize the existing horizontal and vertical alignment, may entail minor widening or geometric improvement, and normally require little or no additional right-of-way. Replacement or rehabilitation of the pavement structure does not include significant subgrade correction. Reconditioning may include changes in vertical or horizontal alignment involving no more than 20 percent of the length of the project. Work does not normally extend beyond the existing ditch bottom.

Subp. 13c. **Reconstruction.** "Reconstruction" means (1) the replacement of an existing roadway on a similar alignment or (2) the replacement of an existing bridge with a completely new bridge.

[For text of subps 14 to 22, see M.R.]

8820.0600 SELECTION OF ROUTES.

Final selection of routes to be included in the respective county state-aid and municipal state-aid systems are subject to the approval of the commissioner. These routes may be established on new locations where no existing roadway exists or may be located upon or over an established roadway or specified portion of a roadway.

The highway and street systems to be selected and designated in accordance with law are:

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

B. a municipal state-aid street system not exceeding 20 percent of the total length of city streets and county roads within the jurisdiction of an urban municipality plus the length of all trunk highways reverted or turned back to the jurisdiction of the urban

municipality pursuant to law on and after July 1, 1965, plus the length of county highways reverted or turned back to the jurisdiction of the urban municipality pursuant to law on or after May 11, 1994.

For an undivided, one-way street with a minimum width of ~~7.8 meters~~ 26 feet and with no parking lane or with a maximum width of ~~14.7 meters~~ 46 feet with parking available on one side of the street, the chargeable length allowed for municipal state-aid street length purposes is one-half of the length of the one-way street.

8820.1400 MAINTENANCE, CONSTRUCTION, AND TURNBACK ACCOUNTS; STATE-AID PAYMENTS.

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

Subp. 3. **Urban maintenance apportionment account.** Twenty-five percent of the total allocation, if requested by the urban municipality before December 16 preceding the annual allocation, or ~~\$1,000 per kilometer~~ \$1,500 per mile of improved municipal state-aid streets, is the minimum allotment for the general maintenance of the approved state-aid system. The commissioner may modify any allotments to the urban maintenance account to finance the amount needed to pay the interest due on municipal state-aid bonds and to accommodate the screening board resolutions pertaining to trunk highway turnback maintenance allowances.

Those municipalities desiring to receive an amount greater than the established minimum, not to exceed 35 percent of the total allocation, shall file a request with the commissioner before December 16 preceding the annual allocation and shall agree to file a detailed annual maintenance expenditure report at the end of the year.

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

Subp. 4b. **Town bridge account.** ~~The commissioner shall retain for payment on approved projects the town bridge account portion of the annual allocation must be credited to each respective county and retained by the commissioner for payment on approved projects.~~

[For text of subs 4c to 8, see M.R.]

8820.1500 CONSTRUCTION FUNDS.

[For text of subs 2 to 9, see M.R.]

Subp. 9a. **Advance from town bridge account.** When the commissioner approves a request from the governing body of a county for the replacement ~~or reconstruction, or rehabilitation~~ of a town bridge requiring funds in excess of the county's available town bridge account, ~~and these excess costs are initially paid for from other sources, then~~ the commissioner shall reimburse those ~~locally financed expenditures out of subsequent apportionments to the town bridge account~~ in accordance with the terms and conditions specified in the approved request. ~~The total of these advances to be reimbursed from the town bridge account must not exceed the county's last town bridge apportionment. Advances must be repaid in accordance with the terms of the approved request from money accruing to the respective town bridge accounts.~~ The request for advance encumbrance must be submitted with the Report of State Aid Contract.

[For text of subs 10 to 11a, see M.R.]

Subp. 12. **Municipal state-aid funds; county or trunk highway projects.** The governing body of an urban municipality desiring to use a portion of its state-aid funds for improvements within its boundaries on a state trunk highway or county state-aid highway, must have the plans approved by the state-aid engineer before ~~the contract is awarded~~ bids are opened for these purposes. The extent of state-aid participation must be determined on the same basis as a regular municipal state-aid highway project, including engineering and right-of-way costs.

8820.2300 TURNBACK, TOWN BRIDGE, AND TOWN ROAD ACCOUNTS.

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

Subp. 2. **Town bridge fund allocation.** The funds set aside for town bridges must be allocated to the eligible counties ~~on the basis of town bridge needs.~~

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

8820.2500 MINIMUM STATE-AID STANDARDS.

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

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Exempt Rules

Subp. 3. **Right-of-way.** The minimum widths of right-of-way for state-aid routes must be at least ~~18 meters~~ 60 feet within cities and ~~20 meters~~ 66 feet in rural areas, except that the right-of-way may be less for routes that are within a city, that were constructed before November 13, 1995, and that can be reconstructed to new construction standards within the previously existing right-of-way. Before construction, the governing body shall acquire control of the additional widths of right-of-way as may be necessary to properly maintain the ditch section, drainage structures, and the recovery area. Permanent easements for highway purposes are considered to be right-of-way for the purposes of this subpart.

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

8820.2700 MAINTENANCE REQUIREMENTS.

Subpart 1. **Standards.** The commissioner shall require a reasonable standard of maintenance on state-aid routes within the county or urban municipality, consistent with available funds, the existing street or road condition, and the traffic being served. This maintenance must be considered to include:

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

D. the striping of pavements of ~~6.6 meters~~ 22 feet or more in width, consistent with the current manual on uniform traffic control devices, and for which there are no pending improvements;

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

F. the installation of route markers on county state-aid highways as follows:

(1) route markers must be a minimum of ~~405 millimeters~~ 16 inches by ~~405 millimeters~~ 16 inches square with black letters or numerals on a white background; or

[For text of subitem (2), see M.R.]

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

8820.3100 GENERAL STATE-AID LIMITATIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 7a. **Bicycle paths and sidewalks.** Payment for a bicycle ~~paths~~ path or sidewalk must be made when requested by urban municipalities, but only if the bicycle path or sidewalk is located within the permanent right-of-way of a state-aid eligible route or within an easement generally parallel with a state-aid route. County state-aid funds may be spent on bicycle paths or sidewalks as a match to federal-aid funds or on paths that are both a part of an adopted bicycle path plan and are located within the permanent right-of-way of a state-aid route or within an easement generally parallel with a state-aid route.

[For text of subps 8 to 10, see M.R.]

8820.9920 GEOMETRIC DESIGN STANDARDS; RURAL AND SUBURBAN UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for rural and suburban undivided roadways must meet or exceed the minimum ~~metric~~ dimensions indicated in the following design chart. ~~The rounded English equivalent is provided for informational purposes only.~~

Projected ADT	Lane Width	Shoulder Width	In-slope	Recovery Area	Design Speed	Sur-facing	Struc-tural Design Strength	Bridges to Remain (f) Width Curb-Curb
(b)		(h)	(c)	(d)	(e) (g)		(i)	
	meters feet	meters feet	rise: run	meters feet	km/h mph		metric tons	meters feet
0-49	3-3 (11 ft)	0-3 (1 ft)	1:3	2 (6.5 ft) <u>7</u>	50- 100 (30- 60 mph)	Agg.		6-6 (22 ft)

Exempt Rules

50-149	3.3 (11 ft)	0.9 (3 ft)	1:4	3 (10 ft) <u>2</u>	60-100 (40-60 mph) (e)	Agg.		6.6 (22 ft)
150-749	3.6 (12 ft)	1.2 (4 ft)	1:4	5 (16 ft) <u>15</u>	60-100 (40-60 mph)	Paved	8.2 (9 tons)	8.4 (27.5 ft) <u>28</u>
750-1499	3.6 (12 ft)	1.2 (4 ft)	1:4	8 (26 ft) <u>25</u>	60-100 (40-60 mph)	Paved	8.2 (9 tons)	8.4 (27.5 ft) <u>28</u>
1500 and over	3.6 (12 ft)	1.8 (6 ft) (h)	1:4	9 (29.5 ft) <u>30</u>	60-100 (40-60 mph)	Paved	9.1 (10 tons)	9.0 (29.5 ft) <u>30</u>

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) For rural divided roadways, use the geometric design standards of the Mn/DOT Road Design Manual, with a minimum ~~9.1 metric tons~~ (ten tons) structural design and minimum ~~60 kilometers per hour~~ (40 mph) design speed.

(b) Use the existing traffic for highways not on the state-aid or ~~federal-aid systems~~ system.

(c) Applies to slope within recovery area only.

(d) Obstacle-free area (measured from edge of traffic lane). Culverts with less than ~~675 millimeter~~ (30-inch) vertical height allowed without protection in the recovery area.

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Exempt Rules

Guardrail is required to be installed at all bridges where the design speed exceeds ~~60 kilometers per hour~~ (40 mph), and either the ADT exceeds ~~400~~ 749 or the bridge clear width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with ~~the provisions of~~ chapter 8818.

For roadways in suburban areas as defined in part 8820.0100, the recovery area may be reduced to a width of ~~three meters~~ (ten feet) for projected ADT under 1,000 and to ~~six meters~~ (20 feet) for projected ADT of 1,000 or over. Wherever the legal posted speed limit is ~~60 km/h~~ (40 mph) or less, the recovery area may be reduced to a width of ~~three meters~~ (ten feet).

(e) Subject to terrain. In suburban areas, the minimum design speed may be equal to the current legal posted speed where the legal posted speed is 30 mph or greater.

(f) Inventory ~~design~~ rating ~~M 13.5~~ of H 15 is required. Bridges A bridge narrower than these widths may remain in place provided that if the bridge is not deficient structurally or hydraulically.

(g) Design speed of ~~50 kilometers per hour~~ (30 mph) allowed ~~off of~~ for highways not on the state-aid and federal-aid systems system.

(h) Shoulders are required to be a minimum width of ~~2.4 meters~~ (eight feet) for highways classified as minor arterials and principal arterials with greater than 1,500 ADT projected.

(i) Roadways not on the state-aid system are not subject to the minimum structural design strength requirements. In suburban areas, the minimum structural design strength is nine tons or ten tons as needed for system continuity.

Approach sideslopes must be 1:4 or flatter when the ADT exceeds 400.

~~MS 22.5~~ HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. ~~MS 16~~ HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or ~~rehabilitated reconstructed~~ bridges is the sum of the lane and shoulder widths plus ~~1.2 meters~~ (four feet).

8820.9926 GEOMETRIC DESIGN STANDARDS: RURAL AND SUBURBAN UNDIVIDED; RECONDITIONING PROJECTS.

Reconditioning projects for rural or suburban undivided roadways must meet or exceed the minimum ~~metric~~ dimensions indicated in the following design chart. ~~The rounded English equivalent is provided for informational purposes only. See part 8820.0100, subpart 13b, for the description of activities allowed.~~

Existing ADT	Statutory or Regulatory Posted Speed km/h	Lane Width (Paved) meters	Combined Lane (Paved) and Shoulder Width meters
Below 750	Under 80 km/h (50 mph)	3.0 (10 ft) <u>feet</u>	3.3 (11 ft) <u>feet</u>
Below 750	80 km/h (50 mph) or over	3.0 (10 ft) <u>feet</u>	3.6 (12 ft) <u>feet</u>
Over 750 <u>749</u>	Under 80 km/h (50 mph)	3.0 (10 ft) <u>feet</u>	3.6 (12 ft) <u>feet</u>
Over 750 <u>749</u>	80 km/h (50 mph & over)	3.3 (11 ft) <u>feet</u>	4.3 (14 ft) <u>feet</u>

Exempt Rules

Engineering judgment may be used to choose a lane or shoulder width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

Widths of bridges to remain in place must equal roadway pavement width. Bridges narrower than these widths may remain in place provided that the bridge does not qualify for federal-aid bridge funds. ~~M 13.5 loading~~ H 15 inventory rating is required.

Any highway that was previously built to state-aid or state standards, that was granted a variance to standards in effect at the time of construction or reconstruction, or that is a trunk highway turnback, ~~but does not meet current standards for vertical or horizontal alignment, may be reconditioned and may retain the existing vertical and horizontal alignment where safety considerations based on engineering judgment do not warrant improvements.~~

The proposed structural design strength must be ~~6.4 metric tons (a minimum of~~ seven tons).

8820.9936 GEOMETRIC DESIGN STANDARDS, URBAN; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for urban roadways must meet or exceed the minimum ~~metric~~ metric dimensions indicated in the following design chart. ~~The rounded English equivalent is provided for informational purposes only.~~

Functional Classification and Projected Traffic Volume	Design Speed	Lane Width (a)	Curb Reaction Distance (e)	Parking Lane Width
	<u>km/h</u> mph	<u>meters</u> feet	<u>meters</u> feet	<u>meters</u> feet
Collectors or Locals with ADT < 10000*	50-60 km/h (30-40 mph)	3.3 (b) (11 ft)	0.6 (2 ft)	2.4 (8 ft)
	<u>over 60 km/h (40 mph)</u>	<u>3.6 (12 ft)</u>	<u>0.6 (2 ft)</u>	<u>3.0 (10 ft)</u>
Collectors or Locals with ADT ≥ 10000 and Arterials	50-60 km/h (30-40 mph)	3.3 (b) (11 ft)	1.2 (c) (4 ft)	3.0 (10 ft)
	<u>over 60 km/h (40 mph)</u>	<u>3.6 (12 ft)</u>	<u>1.2 (c) (4 ft)</u>	<u>3.0 (d) (10 ft)</u>

(a) One-way turn lanes must be at least ~~three meters (ten feet)~~ wide, except ~~3.3 meters (11 feet)~~ 3.6 meters (12 feet) is required if the design speed is over ~~60 kilometers per hour (40 mph)~~.

(b) Wherever possible, lane widths of ~~3.6 meters (12 feet)~~, rather than ~~3.3 meters (11 feet)~~, should be used.

(c) May be reduced to ~~0.6 meters (two feet)~~ if there are four or more traffic lanes and on one-way streets.

(d) No parking is allowed for six or more traffic lanes or when the posted speed limit exceeds ~~70 kilometers per hour (45 mph)~~.

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Exempt Rules

(e) Curb reaction must be provided only where parking is not provided.

One-way streets must have at least two through-traffic lanes.

When a median is included in the design of the two-way roadway, a ~~0.3 meter (one-foot)~~ reaction distance to the median is required on either side of the median. Minimum median width is ~~1.2 meters (four feet)~~.

Urban design roadways must be a minimum ~~8.2 metric tons (nine tons)~~ structural design, or ten tons if needed for system continuity.

Roadways not on the state-aid system are not subject to the minimum structural design strength requirements.

A new ~~or rehabilitated~~ bridge must have a curb-to-curb width equal to the required street width. ~~MS 22.5 HS 25 loading or LRFD with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges and a minimum of MS 16 HS 18 loading is required for all rehabilitated bridges.~~

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance.

Clearance of ~~0.5 meter (1.5 feet)~~ from the face of the curb to fixed objects must be provided when the posted speed is ~~60 to 70 kilometers per hour (40 to 45 mph)~~. A ~~three-meter (ten-foot)~~ clearance from the driving lane must be provided when the posted speed exceeds ~~70 kilometers per hour (45 mph)~~.

For volumes greater than 15,000 projected ADT*, at least four through-traffic lanes are required.

*Additional average daily traffic may be allowed if a capacity analysis demonstrates that level of service D or better is achieved at the higher traffic volume. If the capacity analysis demonstrates that additional lanes are required only during peak traffic hours, then each additional driving lane may be used as a parking lane during nonpeak hours.

“Level of service” has the meaning given it in the Highway Capacity Manual, Special Report 209, as revised and published by the Transportation Research Board of the National Research Council, Washington, D.C. The definition is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 25 Constitution Avenue, St. Paul, Minnesota 55155.

8820.9946 GEOMETRIC DESIGN STANDARDS, URBAN; RECONDITIONING PROJECTS.

Subpart 1. **Two-way streets.** In the following design chart, total width is ~~in meters~~, from face-to-face of curbs.

Reconditioning projects for two-way urban roadways must meet or exceed the minimum ~~metric~~ dimensions indicated in the chart. ~~The rounded English equivalent is provided for informational purposes only.~~

Number of Through Lanes, Functional Class, and Present Traffic Volume	Total Width with No Parking	Total Width with Parking on One Side	Total Width with Parking on Both Sides	Proposed Structural Design Strength
	meters feet	meters feet	meters feet	metric tons
2-Lane Collector or Local with ADT < 10000	7.8 (26 ft)	9.6 (32 ft)	11.4 (37 38 ft)	8.2 (b) (9 tons)
4-Lane Collector or Local with ADT < 10000	13.2 (43 ft) <u>44</u>	15.6 (51 ft) <u>52</u>	18.0 (59 ft) <u>60</u>	8.2 (b) (9 tons)
2-Lane Collector or Local with ADT ≥ 10000 or 2-Lane Arterial (a)	7.8 (26 ft)	9.6 (32 ft)	12.6 (41 ft) <u>42</u>	8.2 (9 tons)

Exempt Rules

4-Lane Collector or Local with ADT ≥ 10000 or 4-Lane Arterial	13.2 (43 <u>ft</u>) <u>44</u>	16.2 (53 <u>ft</u>) <u>54</u>	19.2 (63 <u>ft</u>) <u>64</u>	8.2 (9 tons)
6-Lane Collectors or Arterials	19.8 (65 <u>ft</u>) <u>66</u>	(c)	(c)	8.2 (9 tons)

(a) Permissible for present traffic volumes less than 15,000 ADT.

(b) When ADT is less than 5,000, ~~6.4 metric tons~~ (seven tons) is allowable.

(c) No parking is allowed.

~~Minimum design speed is 50 kilometers per hour (30 mph).~~ When a median is included in the design of the two-way roadway, a ~~0.3 meter (one-foot)~~ reaction distance to the median is required on either side of the median. Minimum median width is ~~1.2 meters~~ (four feet).

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance.

Subp. 2. **One-way streets.** In the following design chart, total width is ~~in meters~~, from face-to-face of curbs.

Reconditioning projects for one-way urban roadways must meet or exceed the minimum ~~metric~~ dimensions indicated in the chart. ~~The rounded English equivalent is provided for informational purposes only.~~

Number of Through Lanes and Functional Class	Present ADT	Total Width with No Parking	Total Width with Parking on One Side	Total Width with Parking on Both Sides	Proposed Structural Design Strength
		meters <u>feet</u>	meters <u>feet</u>	meters <u>feet</u>	metric tons
2-Lane Collector or Local with ADT < 10000	< 5000	6.3 (20 <u>ft</u>) <u>21</u>	8.7 (29 <u>ft</u>)	11.1 (36 <u>ft</u>) <u>37</u>	6.4 (7 tons)
	5000-10000	6.9 (23 <u>ft</u>)	9.3 (31 <u>ft</u>)	11.7 (38 <u>ft</u>) <u>39</u>	8.2 (9 tons)

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Exempt Rules

2-Lane Collector or Local with ADT \geq 10000 or 2-lane Arterial	< 15000	6.9 (23 ft)	9.3 (31 ft)	11.7 (38 ft) <u>39</u>	8.2 (9 tons)
	\geq 15000	7.2 (24 ft)	9.6 (32 ft)	12.0 (39 ft) <u>40</u>	8.2 (9 tons)
3-Lane Arterial or Collector	All	10.2 (33 ft) <u>34</u>	12.6 (41 ft) <u>42</u>	15.0 (49 ft) <u>50</u>	8.2 (9 tons)

~~Minimum design speed is 50 kilometers per hour (30 mph).~~

~~For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance.~~

Subp. 3. **Exception.** Any street that was previously built to state-aid or state standards, that was granted a variance to standards in effect at the time of construction or reconstruction, or that is a trunk highway turnback, but does not meet current standards, may be reconditioned regardless of subparts 1 and 2.

8820.9956 VERTICAL CLEARANCES FOR UNDERPASSES.

Underpass projects must meet or exceed the minimum ~~metric~~ dimensions indicated in the following design chart. ~~The rounded English equivalent is provided for informational purposes only.~~

	Rural-Suburban Design, Vertical Clearance	Urban Design, Vertical Clearance
	meters <u>feet-</u> <u>inches</u>	meters <u>feet-</u> <u>inches</u>
Highway under roadway bridge	5 (16 ft) <u>16-4</u>	4.4 (14 ft) <u>14-6</u>
Highway under railroad bridge	5 (16 ft) <u>16-4</u>	4.4 (14 ft) <u>14-6</u>
Highway under pedestrian bridge	5.3 (17 ft) <u>17-4</u>	4.4 (14 ft) <u>14-6</u>
Highway under sign structure	5.3 (17 ft) <u>17-4</u>	4.4 (14 ft) <u>14-6</u>
Railroad under roadway bridge*	6.7 (22 ft) <u>22-0</u>	6.7 (22 ft) <u>22-0</u>

Exempt Rules

*Variances to the required minimum may be granted by the commissioner of transportation. That approval eliminates the need for a state-aid variance.

8820.9961 MINIMUM DESIGN STANDARDS FOR 45-DEGREE AND 60-DEGREE DIAGONAL PARKING.

Diagonal parking projects must meet or exceed the minimum ~~metric~~ dimensions indicated in the following design chart. ~~The rounded English equivalent is provided for informational purposes only.~~

Parking Angle	Stall Width	Stall Depth	Traffic Aisle Width	Length Along Curb	1/2 Roadway Width Minimum	Present ADT Limit	Legal Speed
	meters	meters	meters	meters	meters		km/h
45 Degrees	2.7 (10 ft)	6.0 (20 ft)	7.7 (25 ft)	3.9 (13 ft)	10.0 (33 ft)	Less than 3000	50 km/h (30 mph) or less
60 Degrees	2.7 (9 ft)	6.4 (21 ft)	9.1 (30 ft)	3.2 (10 ft)	11.9 (39 ft)	Less than 3000	50 km/h (30 mph) or less
45 Degrees	2.7 (9 ft)	6.0 (20 ft)	7.7 (25 ft)	3.9 (13 ft)	13.7 (45 ft)	3000 and over	50 km/h (30 mph) or less
60 Degrees	2.7 (9 ft)	6.4 (21 ft)	9.1 (30 ft)	3.2 (10 ft)	15.5 (51 ft)	3000 and over	50 km/h (30 mph) or less

<u>Parking Angle</u>	<u>Present ADT</u>	<u>Parking Stall Width</u> (feet)	<u>Parking Stall Depth</u> (feet)	<u>Distance Between Traffic Lane and Parking Stall</u> (feet)	<u>Length Along Curb</u> (feet)
<u>45 degrees</u>	<u>≤ 3000</u>	<u>9</u>	<u>20</u>	<u>2</u>	<u>12.7</u>
<u>60 degrees</u>	<u>≤ 3000</u>	<u>9</u>	<u>21</u>	<u>7</u>	<u>10.4</u>
<u>45 degrees</u>	<u>≤ 3000</u>	<u>9</u>	<u>20</u>	<u>14</u>	<u>12.7</u>
<u>60 degrees</u>	<u>≤ 3000</u>	<u>9</u>	<u>21</u>	<u>19</u>	<u>10.4</u>

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Exempt Rules

Maximum legal speed limit must be 30 mph.

At least two ~~through~~ through-traffic lanes must be provided.

Diagonal parking provisions must be established by cooperative agreement between the local road authority and the commissioner.

The cooperative agreement must show the angle of parking, and provide for pavement marking of the parking lanes, ~~and provide that the road authority may alter parking provisions if traffic volumes exceed the design criteria.~~

Minnesota Statutes, section 169.34, must be adhered to in determining diagonal parking spacing.

Provide a ~~0.6 meter~~ (two-foot) clearance from the face of the curb to fixed objects. Parking meters, when spaced so as to not interfere with vehicle operation, are exempt.

8820.9981 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION PROJECTS.

Subpart 1. **Type I route.** New or reconstruction projects for type I natural preservation routes, designated natural forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum ~~metric~~ dimensions indicated in the following design chart. ~~The rounded English equivalent is provided for informational purposes only.~~

Surface Type	Design Speed	Lane Width	Shoulder Width	In-slope	Recovery Area	Design Strength	Bridge to Remain
	km/h mph	meters feet	meters feet (a)	rise: run (b)	meters feet (c)	metric tons	meters feet (d)
Aggregate	50 (30 mph)	3.3 (11 ft)	0.3 (1 ft)	1:3	1 (3 ft)		6.6 (22 ft)
Paved	50 (30 mph)	3.3 (11 ft)	0.5 (1.5 ft) <u>2</u>	1:3	3 (10 ft)	8.2 (9 tons)	6.6 (22 ft)

(a) If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable. The designer will provide a ~~1.2 meter~~ (four-foot) paved shoulder if the route is a popular bicycle route.

(b) Applies to slope within recovery area only. Other design features, such as guardrails or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.

(c) Obstacle-free area (measured from edge of traffic lane).

Guardrail is required to be installed at all bridges where the design speed exceeds ~~60 kilometers per hour~~ (40 mph), and either the ADT exceeds ~~400~~ 749 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with ~~the provisions of~~ chapter 8818.

(d) Inventory ~~design~~ rating ~~M-13.5~~ of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.

~~MS-18~~ HS 20 loading ~~or LRFD~~ with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. ~~MS-16~~ HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or ~~rehabilitated~~ reconstructed bridges is the sum of the lane and shoulder widths plus ~~1.2 meters~~ (four feet).

Ditch depths and widths must be kept to the minimum required to function hydraulically and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

Exempt Rules

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless otherwise required for special conditions.

Curb and gutter may be used in lieu of a ditch section under the paved option. The lane width, shoulder width, and recovery area must be maintained.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart applies only where the projected ADT is less than 100, unless the route has been designated as a natural preservation route.

Subp. 2. **Type II route.** New or reconstruction projects for type II natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum metric dimensions indicated in the following design chart. ~~The rounded English equivalent is provided for informational purposes only.~~

Surface Type	Design Speed	Lane Width	Shoulder Width	In-slope	Recovery Area	Design Strength	Bridge to Remain
	km/h mph	meters feet	meters feet (a)	rise: run (b)	meters feet (c)	metric tons	meters feet (d)
Aggregate	50 (30 mph)	3.3 (11 ft)	0.6 (2 ft)	1:3	3 (10 ft) <u>2</u>		7.2 (24 ft)
Paved	60 (40 mph)	3.6 (12 ft)	1.2 (4 ft)	1:4	3 (10 ft)	8.2 (9 tons)	7.2 (24 ft)

(a) The designer will provide a ~~1.8 meter~~ (six-foot) paved shoulder if the route is a popular bicycle route. If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within recovery area only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the recovery area when the ADT exceeds 400.

(c) Obstacle-free area (measured from edge of traffic lane). Guardrail is required to be installed at all bridges where the design speed exceeds ~~60 kilometers per hour~~ (40 mph), and either the ADT exceeds ~~400~~ 749 or the bridge width is less than the sum of the lane and shoulder widths.

Guardrail is required to be installed at all bridges where the design speed exceeds ~~60 kilometers per hour~~ (40 mph), and either the ADT exceeds ~~400~~ 749 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with ~~the provisions of~~ chapter 8818.

(d) Inventory ~~design~~ rating ~~M-13.5~~ of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

~~MS-18~~ HS 20 loading ~~or LRFD~~ with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. ~~MS-16~~ HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or ~~rehabilitated~~ reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than ~~nine meters~~ (30 feet).

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.

Exempt Rules

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the recovery area, and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart may be applied only where the projected ADT is less than 300, unless the route has been designated as a natural preservation route.

Subp. 3. **Type III route.** New or reconstruction projects for type III natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum metric dimensions indicated in the following design chart. ~~The rounded English equivalent is provided for informational purposes only.~~

Surface Type	Design Speed	Lane Width	Shoulder Width	In-slope	Recovery Area	Design Strength	Bridge to Remain
	km/h mph	meters feet	meters feet (a)	rise: run (b)	meters feet (c)	metric tons	meters feet (d)
Aggregate	50 (30 mph)	3.6 (12 ft)	0.9 (3 ft)	1:4	3 (10 ft)		7.2 (24 ft)
Paved (e)	50 (30 mph)	3.6 (12 ft)	1.2 (4 ft)	1:4	3 (10 ft)	8.2 (9 tons)	7.2 (24 ft)
Paved	60 (40 mph)	3.6 (12 ft)	1.2 (4 ft)	1:4	5 (16 ft) 15	8.2 (9 tons)	7.2 (24 ft)

(a) The designer will provide a ~~1.8 meter (six-foot)~~ paved shoulder if the route is a popular bicycle route. If the route has scenic vistas which will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within recovery area only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the recovery area when the ADT exceeds 400.

(c) Obstacle-free area (measured from edge of traffic lane).

Guardrail is required to be installed at all bridges where the design speed exceeds ~~60 kilometers per hour (40 mph)~~, and either the ADT exceeds ~~400~~ 749 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with ~~the provisions of~~ chapter 8818.

(d) Inventory design rating ~~M-13.5~~ of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

(e) This standard may be applied only when the project is located in a subdivided area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of another level of these standards.

~~MS 22.5~~ HS 25 loading or LRFD with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. ~~MS 16~~ HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or ~~rehabilitated~~ reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than ~~9.6 meters (31.5 32 feet)~~.

Exempt Rules

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the recovery area, and to provide for adequate snow storage when a standard ditch would negatively affect the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

8820.9986 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; RECONDITIONING PROJECTS.

Reconditioning projects for natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum ~~metric~~ dimensions indicated in the following design chart. ~~The rounded English equivalent is provided for informational purposes only.~~

TYPE I, II, OR III ROUTE

Proposed Design Strength	Pavement Width	Shoulder-to-Shoulder Width
metric tons	metric meters feet	metric meters feet
6.4 (7 tons)	6.6 (22 ft)	7.8 (26 ft)

Widths of bridges to remain in place must equal pavement width. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds. ~~M-13.5~~ H 15 loading is required.

8820.9990 ROUTE MARKER.



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.

Exempt Rules

~~610 mm x 610 mm (2 ft by 2 ft)~~

Green legend; white reflectorized background

8820.9995 MINIMUM BICYCLE PATH STANDARDS.

Minimum Bicycle Path Standards

For Off-Road Design, the following shall apply:

Minimum Surfacing Width (two-way)	2.4 meters (8 ft) (b)
Shoulder/Clear Zone	0.5 meters (2 ft) (c)
Inslope	1:2 (rise:run)
Design Speed	30 km/h (20 mph) (d)
Vertical Clearance	3 meters (10 ft)

(a) For on-road bicycle facilities, the appropriate tables in the Minnesota Bicycle Transportation Planning and Design Guidelines are recommended for design purposes.

(b) ~~Three meters (Ten feet)~~ is desired for a combined bicycle/pedestrian path. ~~1.5 meters (Five feet)~~ is required for a one-way bicycle path.

(c) The shoulder/clear zone should be carried across bridges and through underpasses ~~3.6 meters (12 feet)~~ or less in clear width. Lead-in guardrail should be provided when shoulders are not carried over bridges.

(d) Use a ~~50 kilometers per hour (30 mph)~~ design speed for grades longer than ~~150 meters (500 feet)~~ and greater than four percent, from the uphill point where the grade equals four percent to ~~150 meters (500 feet)~~ beyond the downhill point where the grade becomes less than four percent. The maximum allowable grade is 8.3 percent.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statutes* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Relating to Designated Infested Waters

NOTICE IS HEREBY GIVEN that the above entitled rule has been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of this rule is *Minnesota Statutes*, section 84D.12, subdivision 3.

Dated: 27 March 2000

Allen Garber
Commissioner of Natural Resources

6216.0350 DESIGNATED INFESTED WATERS.

Subpart 1. **Listing of waters infested with Eurasian water milfoil.** The following water bodies are designated by the commissioner as infested with Eurasian water milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to parts 6216.0100 to 6216.0600, *Minnesota Statutes*, section 84D.13, and other applicable laws.

	Name	DNR Protected Waters Inventory Number
	[For text of item A, see 24 SR 740, 11/22/99]	
	[For text of item B, see M.R.]	
	[For text of item C, see 23 SR 2078, 4/26/99]	
	[For text of item D, see M.R.]	
	[For text of item E, see 24 SR 740, 11/22/99]	
	[For text of item F, see M.R.]	
	[For text of items G to L, see 24 SR 740, 11/22/99]	
M. Pope County	(1) Gilchrist Lake (2) <u>Lake Minnewaska</u>	61-0072 <u>61-0130</u>
	[For text of item N, see 24 SR 740, 11/22/99]	
O. St. Louis County	(1) Gilbert Pit Lake (2) <u>Horseshoe Lake</u>	69-1306 <u>69-503</u>
	[For text of items P to R, see 24 SR 740, 11/22/99]	
S. Washington County	(1) <u>Powers Lake</u> (2) White Bear Lake (2) (3) St. Croix River	<u>82-0092</u> 82-0167 82-0001
	[For text of items T and U, see 24 SR 740, 11/22/99]	
	[For text of subps 2 to 6, see M.R.]	

EFFECT OF EMERGENCY AMENDMENT. After the emergency amendments to *Minnesota Rules*, part 6216.0350, subpart 1, expire, the permanent rule as it read prior to the amendments again takes effect, except as it may be amended by permanent rule.

Official Notices

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

Department of Agriculture

Agronomy and Plant Protection Division

Notice of Special Local Need Registration for Dual Magnum Herbicide

Pursuant to *Minnesota Statutes* 18B.27 and Parts 1505.0880-1505.0930, the Minnesota Department of Agriculture issued on March 23, 2000, a Special Local Need (SLN) registration for Dual Magnum herbicide, manufactured by Novartis Crop Protection, Inc., Greensboro NC 27419-8300. This registration allows the use of Dual Magnum for weed control in dry bulb onions. A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration. Objections may be submitted to: John C. Sierk, Minnesota Department of Agriculture, Agronomy and Plant Protection Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is May 3, 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

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

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

Minnesota Comprehensive Health Association

Notice of Proposed Premium Rate Meetings

NOTICE IS HEREBY GIVEN that a representative of the Minnesota Comprehensive Health Association's (MCHA) executive staff and a representative of the Minnesota Department of Commerce will hold premium rate meetings in Minnesota as indicated below. The purpose of the meetings is to allow MCHA enrollees an opportunity to comment on the proposed premium rates. Any rate change must be approved by the Minnesota Department of Commerce. New premium rates would go into effect on July 1, 2000.

For additional information, please call Lynn Gruber at (612) 593-9609.

<u>LOCATION</u>	<u>DATE</u>	<u>TIME</u>
ROCHESTER	Tuesday, April 4, 2000 Best Western Apache 1517 16th Street S.W. Rochester, MN Tel: 507-289-8866	6:30 p.m.
BRAINERD	Wednesday, April 5, 2000 Holiday Inn Brainerd 2115 S. 6th Street Brainerd, MN Tel: 218-829-1441	6:30 p.m.
TWIN CITIES	Thursday, April 6, 2000 Holiday Inn Metrodome 1500 Washington Avenue South Minneapolis, MN Tel: 612-333-4646	6:30 p.m.

Minnesota Pollution Control Agency

Notice of Intent to Approve the Creation of the Delft Sanitary Sewer District in Accordance with *Minnesota Statutes* §§ 115.18 to 115.20

The Township of Carson has petitioned the Minnesota Pollution Control Agency (MPCA) to approve the creation of a sanitary district to be known as Delft Sanitary Sewer District. The purpose of the sanitary district is to promote the public health and welfare by providing the residents within its boundaries an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage.

The territory of the proposed district encompasses an area known as the unincorporated area of Delft in Carson Township, Cottonwood County, Minnesota. The territory of the proposed sanitary district is legally described as:

The Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southeast Quarter of Section 18, of Township 106 North, of Range 35 West of the Fifth Principal Meridian in Cottonwood County, Minnesota.

A map displaying the boundaries of the proposed district is available at the MPCA.

The public has 30 days to submit written comments on the petition. If a person objects to the petition, that person may submit a written request for a hearing that meets the requirements of *Minnesota Rules* 7000.1800 and 7000.1900. The written comments or a written request for a hearing must be submitted to the MPCA by 4:30 p.m. on May 2, 2000. If twenty five (25) or more timely requests for hearing are received, the MPCA will schedule a hearing prior to making a determination on the petition.

Following the end of the comment period and, if held, the public hearing, the MPCA Commissioner will decide whether to approve the petition for creation of the district unless, as provided by *Minnesota Statutes* § 116.02, the MPCA Citizens' Board makes this decision. You have the right to submit a petition to the MPCA Commissioner requesting that the MPCA Citizens' Board make the decision on approval of the petition for creation of the Delft Sanitary Sewer District. Your petition must be in writing and

Official Notices

must be received by MPCA staff during the public comment period. The MPCA Citizens' Board will only make the decision on approval of the petition for creation of the sanitary district if the MPCA Commissioner grants your petition or if an MPCA Citizens' Board member makes a timely request to have the decision made by the MPCA Citizens' Board.

A copy of the petition, resolutions, map of the area within the proposed sanitary district with the legal description, and other documents relevant to the petition can be requested from the MPCA. Comments, questions, and requests for a hearing regarding the creation of the sanitary district and requests for information must be submitted in writing to:

Amy Lockheart
Regular Facilities and Site Remediation Section
Policy and Planning Division
Minnesota Pollution Control Agency
520 Lafayette Road North
Saint Paul, MN 55155-4194

Telephone: (651) 296-5426
Toll-free: 1-800-657-3864
TTY: (651) 282-5332
Fax: (651) 297-8676

This notice, the petition, and other documents relevant to the petition can be made available in other formats, including Braille, large print, audio tape, and other languages upon request.

Dated: 20 March 2000

Lisa J. Thorvig
Deputy Commissioner

Minnesota Pollution Control Agency

Notice of Intent to Approve the Creation of the Tofte-Schroeder Sanitary Sewer District in Accordance with *Minnesota Statutes* §§ 115.18 to 115.20

The Townships of Tofte and Schroeder have petitioned the Minnesota Pollution Control Agency (MPCA) to approve the creation of a sanitary district to be known as Tofte-Schroeder Sanitary Sewer District. The purpose of the sanitary district is to promote the public health and welfare by providing the residents within its boundaries an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage.

The territory of the proposed district is within portions of Tofte Township and Schroeder Township, Cook County, Minnesota. The territory of the proposed sanitary district is legally described as:

Sections 12, 13, 14, 21, 22, 28, 29, 31, and 32, the South Half of Section 15, and the East Half of the Southeast Quarter of Section 16, Township 59 North, Range 4 West; and

The South Half of the South Half of Section 36, Township 59 North, Range 5 West; and Sections 1, 2, 3, 4, 10, 11, and 12, Township 58 North, Range 5 West, Fourth Principal Meridian, Cook County, Minnesota.

A map displaying the boundaries of the proposed district is available at the MPCA.

The public has 30 days to submit written comments on the petition. If a person objects to the petition, that person may submit a written request for a hearing that meets the requirements of *Minnesota Rules* 7000.1800 and 7000.1900. The written comments or a written request for a hearing must be submitted to the MPCA by 4:30 p.m. on May 2, 2000. If twenty five (25) or more timely requests for hearing are received, the MPCA will schedule a hearing prior to making a determination on the petition.

Following the end of the comment period and, if held, the contested case hearing, the MPCA Commissioner will decide whether to approve the petition for creation of the district unless, as provided by *Minnesota Statutes* § 116.02, the MPCA Citizens' Board makes this decision. You have the right to submit a petition to the MPCA Commissioner requesting that the MPCA Citizens' Board make the decision on approval of the petition for creation of the Tofte-Schroeder Sanitary Sewer District. Your petition must be in writing and must be received by MPCA staff during the public comment period. The MPCA Citizens' Board will only make the decision on approval of the petition for creation of the sanitary district if the MPCA Commissioner grants your petition or if an MPCA Citizens' Board member makes a timely request to have the decision made by the MPCA Citizens' Board.

A copy of the petition, resolutions, map of the area within the proposed sanitary district with the legal description, and other documents relevant to the petition can be requested from the MPCA. Comments, questions, and requests for a hearing regarding the creation of the sanitary district and requests for information must be submitted in writing to:

Amy Lockheart
Regular Facilities and Site Remediation Section
Policy and Planning Division
Minnesota Pollution Control Agency
520 Lafayette Road North
Saint Paul, MN 55155-4194

Telephone: (651) 296-5426
Toll-free: 1-800-657-3864
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This notice, the petition, and other documents relevant to the petition can be made available in other formats, including Braille, large print, audio tape, and other languages upon request.

Dated: 20 March 2000

Lisa J. Thorvig
Deputy Commissioner

Teachers Retirement Association

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, April 13, 2000 at 9:30 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

State Grants & Loans

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

Department of Administration

STAR Program (A System of Technology to Achieve Results)

Notice of Availability - Community Action Network (CAN) Grant for Rural Delivery of Assistive Technology (AT) Services and Devices. (For Region 2 only, Aitkin, Carlton, Cook, Itasca, Koochiching, Lake and Saint Louis Counties)-\$30,000.00

STAR is offering a competitive grant to groups of volunteers based in Minnesota region 2 who wish to establish or expand projects that guarantee rural delivery of AT services and devices to unserved, underserved, or under-represented people with disabilities throughout the region. This includes minorities, persons with low incomes, and persons with limited English proficiency. Each CAN should be comprised of a majority of individuals with disabilities and their family members from region 2. A CAN should utilize the services of a fiscal host. Projects CANs should engage in include, but are not limited to, assessment, evaluation and consultation for mobility, seating, positioning, augmentative and alternative communication, aids for daily living and environmental controls. Services should be available to people of all ages and all disabilities.

Additionally, funds should be utilized for increasing regional capacity for providing AT services and devices through training for individuals with disabilities, their family members and the professionals who serve them. Preference will go to proposals reflecting cross agency and public private partnerships, greater use of resources from within region 2 and groups spending less on personnel

State Grants & Loans

and more on service delivery. A pool of \$30,00.00 is available. Proposals must be received by Thursday, May 25, 2000, 4:30 PM in the format specified in the application package. The grant period runs through June 30, 2001. Previous winners of RATR, CAN or other STAR grants are eligible. These funds may not be used to supplant activities or services mandated by other federal or state legislation. Materials detailing the process can be obtained by contacting STAR at 651-296-2771, 651-296-9478 (TTY), 800-657-3862, 800-657-3895 (TTY). Questions should be directed to the Program and Development Specialist at 651-296-9718 (email: tom.shaffer@state.mn.us).

To answer your questions and give you the opportunity to write your best proposal, STAR is holding open meetings: Friday, May 5, 2000, 2:00 PM, Ely, Ely Bloomenson Community Hospital and Nursing Home, 328 West Conan Street, multi purpose room, Monday, May 8, 2000, 1:00 PM, Grand Rapids, Blandin Foundation, 100 Pokegama Avenue North, Board Room.

Minnesota Center for Crime Victim Services

Notice of Availability of Funds for General Crime Victim Services

The Minnesota Center for Crime Victim Services, General Crime Victims Program, announces the availability of grant funds for new general crime victim services for FY01. The grants are for the twelve month period July 1, 2000 through June 30, 2001, and are available through a competitive funding process.

Eight grants of \$41,000 each are available to provide start-up funds for direct services for general crime victims in the following unserved/underserved counties (defined as counties who do not receive funding from MCCVS for county-wide general crime victim services): Beltrami, Big Stone, Blue Earth, Clearwater, Cook, Cottonwood, Faribault, Goodhue, Grant, Hubbard, Jackson, Kanabec, Kandiyohi, Kittson, Lake, Lake of the Woods, Le Sueur, Lincoln, McLeod, Marshall, Mille Lacs, Nicollet, Nobles, Norman, Otter Tail, Pipestone, Pope, Red Lake, Renville, Rock, Roseau, St. Louis, Sibley, Stevens, Swift, Todd, Traverse, Wabasha, Waseca, Wilkin, and Wright. Applicants proposing services in counties with low crime rates and/or small populations may apply to serve more than one county in this application. Preference will be given to applications that address county-wide needs.

Private non-profit organizations, Indian tribal governments, and local units of government are eligible to apply. Applicants are responsible for planning and implementing services according to minimum programmatic standards. The successful applicant may be eligible to apply for continued funding in FY02.

Applications are due Friday, May 26, 2000. To receive a request for proposals (application packet) which provides complete information and describes how to apply, contact:

Minnesota Center for Crime Victim Services
245 East Sixth Street, Suite 705
St. Paul, MN 55101
(651) 282-6256
Toll-free (888) 622-8799
TTY (hearing impaired): (651) 205-4827

Department of Health

Grant Proposals Sought for HIV Services

The Minnesota Department of Health (MDH) is issuing a Request for Proposals (RFP) to distribute Title I and Title II Ryan White Comprehensive AIDS Resources Emergency (CARE) Act funds. The amount of the award will be up to \$200,000. The grant period will be June 1, 2000 through March 31, 2001. Continuation or expansion funding will be dependent upon availability of funds to the MDH.

Any public or private non-profit agency that is the sole provider of a statewide system of services and can demonstrate experience working with people living with HIV/AIDS and in administering emergency financial assistance is eligible to apply.

The purpose of this funding is to provide emergency financial assistance to low-income people living with HIV/AIDS throughout the state of Minnesota and in some instances, St. Croix and Pierce counties in Wisconsin.

A Letter of Intent will not be required in order to apply for HIV services funding; however, agencies intending to submit a proposal must advise Julie Hanson by calling (612) 676-5083 by **April 10, 2000**. Proposals are due **April 24, 2000**. For a full copy of the HIV Services Request For Proposal Application Guide, call Julie Hanson at (612) 676-5083 or leave a message on voice mail which includes your name, address and phone number, and a request for the RFP. In addition, all prospective applicants who have questions regarding this HIV Services Request For Proposals please call Julie Hanson.

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 of Availability of a Request for Proposals for Administrative and Brokerage Services for an Owner-Controlled Insurance Program

NOTICE IS HEREBY GIVEN that the Department of Administration announces the availability of a Request for Proposals for an Owner-Controlled Insurance Program (OCIP) with respect to the Hiawatha Light Rail Transit (LRT) Project along Hiawatha Avenue in Minneapolis to the Minneapolis-St. Paul International Airport and the Mall of America in Bloomington.

A pre-proposal conference for all potential proposers will be held on Monday, April 10, 2000, 9:00 -11:00 a.m. (central daylight time) in Room G-10 in the State Administration Building (Conference Room A), 50 Sherburne Avenue, St. Paul, Minnesota. This will be an opportunity for proposers to ask questions regarding the Request for Proposals. Attending the pre-proposal conference is not mandatory for participation in the Request for Proposals process.

A free of charge copy of the Request for Proposals can be requested through the mail by calling the Department at (651) 297-2998, by e-mail to Caroline Wisniewski (caroline.wisniewski@state.mn.us), or picked up at the Department of Administration, Risk Management Division, 309 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

The deadline for delivery of proposals is 2:00 p.m. (central daylight time), Monday, May 1, 2000.

Professional, Technical & Consulting Contracts

Department of Health

Division of Environmental Health

Request for Proposals for Laboratory Services to Analyze Drinking Water Samples

The Minnesota Department of Health (MDH) requests proposals from certified environmental laboratories located in Minnesota for analytical services. These services will consist of the laboratory analysis of drinking water samples for lead and copper for compliance with the federal Safe Drinking Water Act. Proposals will be accepted for all or part of the expected 14,000 samples over a two-year period. Although sampling will be done throughout the year, approximately 75% - 80% of the sampling will occur between June and October. It is expected that the first group of bottles will be sent to water systems in May 2000, with sampling beginning in June. The second year will follow a similar timetable; bottles will be sent out in May 2001 and sampling will begin in June. Laboratories, among other things, will be required to provide sample bottles to water systems, meet quality assurance objectives, use analytical methods approved under federal regulations and report results electronically.

For a copy of the complete request for proposal or if you have questions regarding the request for proposal, contact:

Dennis E. Maki
Drinking Water Protection Section
Minnesota Department of Health
121 East 7th Place, Suite 230
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Telephone: 651-215-0756
E-Mail: dennis.maki@health.state.mn.us

Proposals are due in our office by 4 p.m., May 3, 2000. Late proposals will not be considered.

Department of Health

Division of Family Health

Notice of Request for Proposals for Fiscal Intermediary Services for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program)

The Minnesota Department of Health's WIC Program is soliciting proposals for fiscal intermediary services with respect to WIC food instruments (FIs) to be issued by the WIC Program from December 1, 2000 to November 30, 2004, inclusive. These services must include:

1. providing and shipping FI stock;
2. processing FIs for payment;
3. providing edits and review procedures to prevent improper payment of FIs;
4. accepting and transmitting daily electronic data on issued FIs, paid FIs, and returned FIs; and
5. providing a complete audit trail of all transactions processed.

Because of preparatory work needed, it is expected that the contract will begin on July 15, 2000, or as soon as all signatures can be obtained on the contract. In order to allow time for processing of FIs issued as late as November 30, 2004, the contract will end on June 30, 2005. The Department estimates that the total cost of the fiscal intermediary services will not exceed \$1,000,000.

Copies of the complete Request for Proposals can be obtained by contacting:

Cindy Malm
WIC Program
Minnesota Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
(651) 281-9919
Fax: (651) 215-8951
cindy.malm@health.state.mn.us

Proposals are due by 4:00 p.m. on May 15, 2000.

Minnesota Historical Society

Request for Bids for Ecological Restoration at the Jeffers Petroglyphs Historic Site, Cottonwood County, Minnesota

The Minnesota Historical Society is seeking bids to restore an old field area to native prairie at the Jeffers Petroglyphs historic site. This historic site is an 80 acre site located approximately 15 miles north of Windom, Minnesota in Cottonwood County. The project goal is to augment and manage prairie communities that have established themselves or been restored in areas formerly converted to agricultural fields. Eventually, the entire suite of conditions and species familiar to those found in undisturbed native prairie may once again occupy these sites.

The project involves burning approximately 60 acres and interseeding about 30 of these acres at the site in southwestern Minnesota. This work must be completed by June 30, 2000. One additional acre that was disturbed by construction requires complete restoration.

The site contains dry hill prairie with mesic prairie in swales and wet prairie and sedge meadow in low wet areas at the base of the slopes. Because of the significance of the native prairie and associated rare and endangered species, this site has been enrolled in the Minnesota Department of Natural Resources Natural Heritage Registry Program, which is part of the Scientific and Natural Areas Program. The site also contains outcrops of quartzite that contain a large number of very important prehistoric rock carvings. As a result there are limitations with respect to vehicular access to all parts of the site.

Seed to be used in this restoration must originate from similar prairie types within 30 miles of the site.

The Request for Bid is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone is (612) 297-5863, e-mail: chris.bonnell@mnhs.org.

All bids must be received by Chris M. Bonnell, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than 10:00 a.m. Local Time, Wednesday, April 19, 2000. A bid opening will be conducted at that time. Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. A Bid Bond must be included in the amount of 5% of the total base bid if the total base bid is over \$50,000. Late bids will not be considered.

Authorized agents for receipt of bids are the following: Chris M. Bonnell, Contracting Officer, Mary Green-Toussaint, Contracting & Procurement Technician, or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Bids may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

Prospective responders who have questions regarding this Request for Bids, may contact Robert Clouse, Head, Archaeology Department, Fort Snelling History Center, St. Paul, MN 55111. Phone (612) 970-2843, Fax (612) 726-2429.

Complete specifications and details concerning submission requirements are included in the Request for Bids.

Dated: 27 March 2000

Minnesota Historical Society

Request for Bids for Visitor and Staff Services Building, Historic Forestville, Forestville State Park, Preston, Minnesota

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies to complete the Visitor and Staff Services Building at Historic Forestville, in Forestville State Park, near Preston, Minnesota. The Work consists of the construction of a new two story wood-framed structure on a restored existing stone foundation. All work will be in accordance with the Drawings, Technical Specifications, Instructions to Bidders, Supplementary Conditions, General Conditions, the Contract, and the Request for Bids.

The Request for Bids is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102. Telephone (612) 297-5863 (chris.bonnell@mnhs.org)

There will be a **MANDATORY** pre-bid meeting for all interested parties on Thursday, April 13, 2000 at 11:00 a.m. at the site. The site is located in Forestville State Park, between Preston and Spring Valley, about 30 miles south of Rochester.

All bids must be received by Chris M. Bonnell, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than 2:00 p.m. Central Time, Thursday, April 27, 2000. A bid opening will be conducted at that time. Late bids will not be considered.

Dated: 3 April 2000

Minnesota Historical Society

Notice of Request for Bids for Printing Services — *Keeping Christmas*

The Minnesota Historical Society (Society) is seeking bids from qualified firms and individuals for printing of 6,000 books, titled *Keeping Christmas* (3,000 casebound books and 3,000 stored as flat sheets for a later, paperback edition). Shipping date to the MHS Warehouse of September 1, 2000 must be maintained

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

Bids must be received no later than 10:00 A. M., Local Time, Monday, May 1, 2000. No late bids will be accepted.

Dated: 3 April 2000

Minnesota Historical Society

Notice of Request for Proposals for Landscape Architecture and Engineering Services Related to the Development of the Traverse Des Sioux State Historic Site Nicollet County, Minnesota

The Minnesota Historical Society (Society) is seeking proposals from qualified firms and individuals for landscape architecture and engineering services related to the development of the Traverse des Sioux State Historic Site, Nicollet County, Minnesota. The purpose of the development work will be to provide both additional and improved access to the site. The improved access will allow additional program development at the site, which in turn will provide improved and expanded interpretation of the multiple educational themes that the site encompasses. Work will be done to improve public use of site facilities that lie on both sides of Highway 169.

A pre-proposal meeting will be held at the Traverse des Sioux State Historic Site, at 10:30 A. M., on Friday, April 7, 2000.

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

Proposals must be submitted in the format provided for in the Request for Proposals. Proposals must be received no later than 2:00 P. M., Monday, April 24, 2000.

Dated: 3 April 2000

Minnesota Historical Society

Notice of Request for Bids for Topographic and Boundary Survey Related to the Development of the Traverse Des Sioux State Historic Site Nicollet County, Minnesota

The Minnesota Historical Society (Society) is seeking proposals from qualified firms and individuals for topographic and boundary survey services related to the development of the Traverse des Sioux State Historic Site, Nicollet County, Minnesota. The scope of the project will include, but may not be limited to, obtaining the current topographic land layout to be used as a reference point for the construction elements of site development; to obtain and identify the boundaries of land (based on current legal description as found in the offices of the Nicollet County Auditor or Nicollet County Registrar) administered by the Minnesota Historical Society.

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

Proposals must be submitted in the format provided for in the Request for Proposals. Proposals must be received no later than 2:00 P. M., Monday, April 24, 2000.

Dated: 3 April 2000

State Board of Investment

Notice of Request for Private Money Management Firms

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program
Minnesota State Board of Investment
Capitol Professional Office Building
Suite 200 590 Park Street
St. Paul, MN 55103

Tel.: (651) 296-3328
Fax: (651) 296-9572
e mail: minn.sbi@state.mn.us

Please refer to this notice in your written request.

Department of Transportation

Office of Technical Support

Notice of Request for Proposal (RFP) to Translate Existing ARC/INFO AMLs and SPlus Scripts (macros) Written for the UNIX Operating System to Macros that Will Run on the NT Version of ARC/INFO

Notice of availability of Contract for Highway Related Technical Activity. Responses to this advertisement become public information under the Freedom of Information Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

The Minnesota Department of Transportation (Mn/DOT) is soliciting Requests for Proposals to Translate Existing ARC/INFO AMLs and SPlus Scripts (macros) Written for the UNIX Operating System to Macros that will Run on the NT version of ARC/INFO. Mn/Model is a statewide GIS-based archaeological predictive model. It was developed in ARC/INFO GRID and MathSoft's SPlus statistical software on the UNIX platform. Because the UNIX platform is no longer supported at Mn/DOT, the UNIX AMLs (Arc Macro Language) and SPlus scripts can no longer be used to maintain and update the data and models. All AMLs and SPlus scripts used for this project must be revised so that they run in the Microsoft Windows NT versions of the respective software packages. Contractor must have on staff an experienced AML programmer. This programmer must be an expert user of ARC/INFO GRID and have some experience with SPlus statistical software as well. It is preferred that this programmer be familiar with Mn/Model Phase 3 data conversion and modeling procedures. The Contractor must own ARC/INFO v. 8.0 for NT.

Requests for Proposals (RFP) are available by mail or in person. **Please submit in writing, a request for the RFP to "Translate Existing ARC/INFO AMLs and SPlus Scripts (macros) Written for the UNIX Operating System to Macros that will Run on the NT version of ARC/INFO".**

Requests for the **RFP** may be mailed or faxed to:

Dawn D. Thompson, Agreement Administrator
Minnesota Department of Transportation Consultant Services Unit
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155
Fax: (651) 282-5127

Requests must be received before April 18, 2000. Requests made after that date must be in person.

NOTE: PROPOSALS WILL BE DUE ON OR BEFORE TUESDAY APRIL 25, 2000 AT 2:00 P.M. CENTRAL DAY-LIGHT TIME.

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

Request for Bids for HVAC Equipment for Chaska Lift Station

Sealed bids will be received in the office of the Metropolitan Council, Environmental Services Division, (MCES), 230 East 5th Street, St. Paul, Minnesota 55101, for the fabrication and installation of HVAC Equipment for the Chaska Lift Station. Bids will be received until TUESDAY, APRIL 18, 2000 at 2:00 P.M., at which time and place the bids will be publicly opened and read aloud.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 651-602-1499 or via Fax request at 651-602-1083.

All bids to be considered must be submitted on **Council approved bid forms**.

The award will be based upon, but not necessarily limited to, factors of price, lead time, agreement to the terms and conditions and past experience with the Metropolitan Council.

The Metropolitan Council shall consider all bids received and intends to award a contract to the responsive and responsible bidder submitting the lowest total cost to the Council, by the due date and time, provided, however, that the Metropolitan Council reserves the right to reject all bids, to investigate the qualifications and experience of any bidder, to reject any provisions of any bid, to obtain new bids, or to proceed to do the work otherwise.

BY ORDER OF THE METROPOLITAN COUNCIL,
ENVIRONMENTAL SERVICES DIVISION,
Helen Boyer
Division Director

Metropolitan Council

Notice of Request for Proposals (RFP) Hosting/Consulting Services for the Council Internet Web Site Metropolitan Council Contract Number 00P0034

The Metropolitan Council is requesting proposals for Hosting/Consulting Services for the Council Internet Web Site.

Receive letters of interest	April 2000
Issue Request for Proposals	April 2000
Receive Proposals	April 2000
Evaluate and Rank Proposals	May 2000
Contract negotiated, executed, NTP	June 2000

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:

Jan Bevins, Purchasing Agent Trainee, Contracts and Procurement Unit
Metropolitan Council Environmental Services
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101

Inquiries regarding technical aspects of the project should be directed to Jan Price at 651-602-1310.

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

Metropolitan Council

Notice of Request for Proposals 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.

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

Non-State Public Bids, Contracts & Grants

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.

University of Minnesota

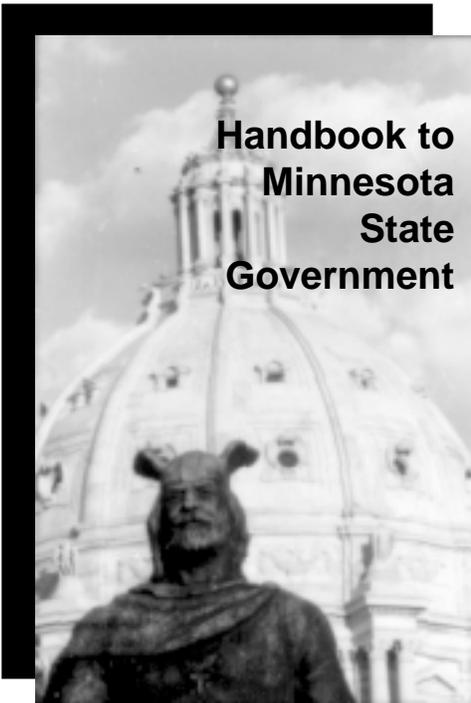
Notice of Bid Information Service (BIS) Available for All Potential Vendors

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 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.

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