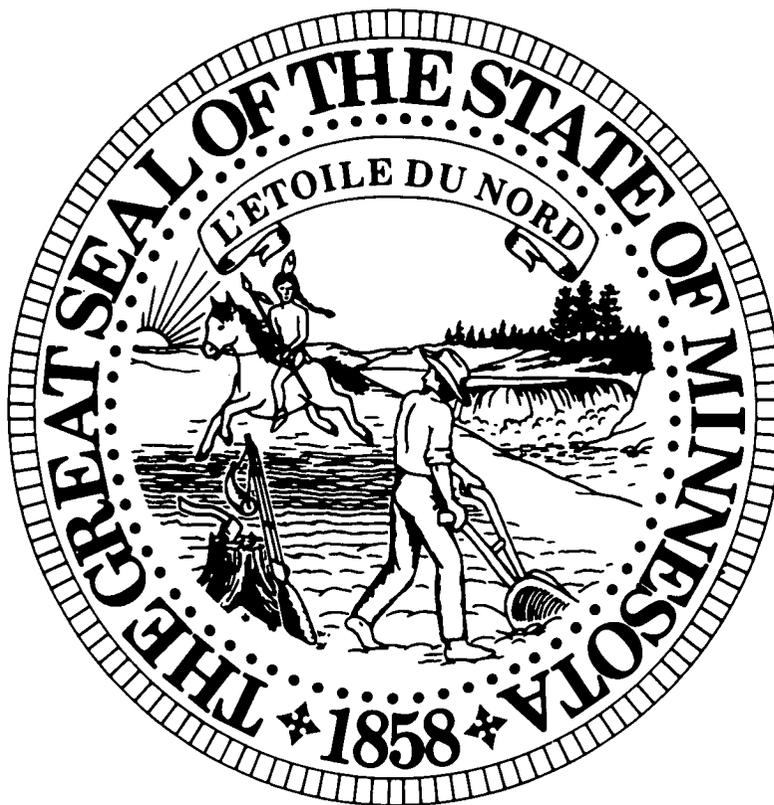


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The Minnesota
**State
Register**

Department of Administration—Print Communications Division



Rules edition
Published every Monday

9 July 1990

Volume 15, Number 2

Pages 37-100

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, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court decisions, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
2	Monday 25 June	Monday 2 July	Monday 9 July
3	Monday 2 July	Monday 9 July	Monday 16 July
4	Monday 9 July	Monday 16 July	Monday 23 July
5	Monday 16 July	Monday 23 July	Monday 30 July

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *STATE REGISTER* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *STATE REGISTER* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Rudy Perpich, Governor
Sandra J. Hale, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Print Communications Division
Robin PanLener, Editor

Paul Hoffman, Assistant Editor
Debbie George, Circulation Manager
Bonita Karels, Staff Assistant

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:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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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 75 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. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or 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 *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 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

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*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Health

Proposed Permanent Rules Relating to Registration Fees for Sources of Ionizing Radiation

Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing on the Proposed Rules if Fewer than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Department of Health (hereinafter "Department") hereby proposes to adopt rules without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes*, sections 14.22 to 14.28. However, if 25 or more persons request a hearing on the proposed rules, one will be held according to *Minnesota Statutes*, section 14.25. To expedite the rule making process should that occur, the Department is at the same time giving notice of hearing on the proposed rules according to *Minnesota Statutes*, sections 14.131 to 14.20. The hearing on the proposed rules will be cancelled if 25 or more persons do not request the one be held. With the comment period closing on August 8, 1990, there will be eight days before the scheduled hearing date. This eight-day period will give interested persons time to contact the Department to find out whether the hearing will be cancelled.

II. Notice of Intent to Adopt Proposed Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing with respect to the proposed rules. The Department has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28.

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on August 8, 1990. Comment is encouraged. Each comment should identify the portion of the proposed rule being addressed, the reason for the comment, and any change proposed to the rule by the commentator. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comment, interested persons may request, in writing, during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any changes the commentator wants made to the proposed rule. If a person desires that a hearing be held on only a portion of the proposed rule, it is requested that the Department be informed of the specific portion of the rule on which the hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule or a portion thereof by August 8, 1990, thus necessitating that one be held with respect to the proposed rule. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes*, sections, 14.131 to 14.20 and the hearing notice provided in section III below.

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

Comments or written requests for a public hearing should be submitted to:

William Breitenstein
Radiation Control Section
Environmental Health Division
Minnesota Department of Health
925 Delaware Street Southeast
Minneapolis, Minnesota 55459
Telephone: (612) 627-5063

The statutory authority of the Department to adopt the proposed rules is contained in *Minnesota Statutes*, sections 144.12, subdivision 1, paragraph (15); 144.121; subdivision 1; and 144.122, paragraph (a).

The proposed rules are published immediately following this notice in the *State Register* on July 9, 1990, and a free copy of the rules may be obtained from the Department by writing or telephoning William Breitenstein at the address or telephone number listed above.

The proposed rule includes provisions relating to fees required for the periodic radiation safety inspections of x-ray tubes, radium sources and linear accelerators. The amount of fees charged must comply with *Minnesota Statutes*, section 144.122 which requires that: "The fees shall be in an amount so that the total fees collected by the commissioner will, where practical, approximate the cost to the commissioner in administering the program."

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and may be obtained from the Department by writing or telephoning William Breitenstein at the address or telephone number listed above.

After the close of the comment period on the proposed rule, if no hearing is required, the Department will submit to the Attorney General the proposed rule and notice as published, the rule as proposed for adoption, any written comments received by the Department, the statement of need and reasonableness, and a statement explaining any modifications to the proposed rule. The Attorney General will approve or disapprove the rule as to its legality and form, including the issue of substantial change and determine whether the Department has the authority to adopt the rule and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rule. The Department will give notice to all persons who request to be informed that these materials have been submitted to the Attorney General. Persons who wish to be advised of the submission of these materials to the Attorney General should submit a written request to William Breitenstein at the address listed above. If the proposed rule has been modified, the notice will also state that fact and will state that a free copy of the proposed rule, as modified, will be available upon request from the department.

LOCAL GOVERNMENT CONSIDERATIONS

The Department's evaluation of the impact of the proposed rule on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness and in a separate fiscal note. The increased fees proposed in part 4730.0600 which apply to local, school district and county-funded facilities with x-ray machines, radium sources and linear accelerators will not cost more than \$100,000 in either of the two years following adoption of the rule. Based on Department calculations for facilities with registered sources of ionizing radiation, the net increase in costs for the two years following adoption of the proposed fee rule would be approximately \$16,500 each year. In accordance with *Minnesota Statutes*, section 3.982, a fiscal note has been prepared on this matter and is available to the public.

AGRICULTURAL LAND

The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11.

SMALL BUSINESS CONSIDERATIONS

The Department is subject to *Minnesota Statutes*, section 14.115 regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed in the statement of need and reasonableness.

NOTICE TO DEPARTMENT OF FINANCE

In accordance with *Minnesota Statutes*, section 16A.128, pertaining to fees, the Department has notified the Commissioner of Finance of the Department's intent to adopt the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's reply are attached to the Statement of Need and Reasonableness.

III. Notice of Intent to Adopt Rules With a Public Hearing on the Proposed Rules if 25 or More Persons Request a Hearing on the Proposed Rules

Please note that if 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period pursuant to the notice given in Part II above, a hearing will be held on August 17, 1990, in accordance with the following notice of public hearing.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held under *Minnesota Statutes*, sections 14.131 to 14.20, in Room 300 North, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota on August 17, 1990, commencing at 9:00 a.m. The hearing will continue, if necessary, at additional times and places determined during the hearing by the Administrative Law Judge.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Jon L. Lunde, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7645. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1500. Questions about procedure may be directed to the administrative law judge.

The statutory authority for the Department to adopt the proposed rules is contained in *Minnesota Statutes*, sections 144.12, subdivision 1, paragraph (15); 144.121, subdivision 1, and 144.122, paragraph (a).

The proposed rules are published immediately following this notice in the *State Register* on July 9, 1990, and a free copy of the rule amendments may be obtained from the Department by writing or telephoning William Breitenstein at the address and telephone number listed above in Part II of this notice.

The proposed rules include provisions governing fees required for the periodic radiation safety inspections of x-ray tubes, radium sources and linear accelerators. The amount of fees charged must comply with *Minnesota Statutes*, section 144.122 which requires that: "The fees shall be in an amount so that the total fees collected by the commissioner will, where practical, approximate the cost to the commissioner in administering the program."

The proposed rule may be modified as a result of the rule hearing process. Persons who are potentially affected in any manner by the substance of the proposed rule are therefore advised to participate in the process.

Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone: (612) 296-5148.

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Department may not take any final action on the proposed rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to

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

the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rules with the Secretary of State.

LOCAL GOVERNMENT CONSIDERATIONS

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness and a separate fiscal note. The increase fees proposed in part 4730.0600 which apply to local and county-funded facilities with x-ray machines, radium sources and linear accelerators will not cost local public bodies more than \$100,000 in either of the two years following adoption of the rule. Based on Department calculations for facilities with registered sources of ionizing radiation, the net increase in costs for the two years following adoption of the proposed fee rule would be approximately \$16,500 each year. In accordance with Minnesota 5063 after August 8, 1990, for oral confirmation about the scheduled hearing.

Dated: 25 June 1990

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4730.0600 REGISTRATION FEES.

Subpart 1. **Fee for initial or renewal registration.** The initial or renewal biennial registration of every source of ionizing radiation required to be registered by parts 4730.0400 to 4730.0800 shall ~~must~~ be accompanied by a fee fees as prescribed herein in this part. The fee Fees shall be based upon on a facility base fee for each facility and the number of X-ray tubes and facilities using radium specified in items A to D registered by each person, company, hospital, group, practice, or other organization or association at one general site as follows:

Type of Source	Charge per Tube First Five Tubes	Charge per Tube 6th Tube or More
Dental X-ray	\$ 25	\$10
Medical ¹ industrial or educational ² X-ray	40	10
Linear accelerator	50	
Radium/per facility	100	
Inspection surcharge for any X-ray or accelerator facility	40	
Maximum fee per facility	500	
Base fee per facility	\$ 80	

Tube Type or Source

A. Dental X-ray, \$40;

B. Medical¹, industrial, or educational² X-ray, \$64;

C. Linear accelerator³, \$80; and

D. Radium per facility, \$120.

¹"Medical" source means radiographic and fluoroscopic X-ray equipment used by any licensed practitioner of the healing arts and facilities with which they are associated, but does not include sources used by dentists dental X-ray equipment.

²"Industrial" or "educational" source means industrial or educational X-ray equipment used in an industrial or educational facility.

³"Linear accelerator" means a medical particle accelerator or an industrial particle accelerator.

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

Secretary of State

Proposed Permanent Rules Relating to Format of Ballot Pages for Punch Card Systems

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Secretary of State intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 204D.11 subd. 1.

Proposed Rules

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Secretary of State will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155
(612) 296-6011

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Secretary of State upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to the legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this matter to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Secretary of State.

Dated: 22 June 1990

Joseph Mansky
Director, Election Division

Rules as Proposed

8250.1700 FORMAT OF BALLOT PAGES FOR PUNCH CARD SYSTEMS.

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

Subp. 11. Instructions to voters. On ballot pages containing two offices, a vertical arrow must be printed perpendicular to the office titles in the space separating the offices. The arrow must point from the first office on the page toward the second office on the page. At the midpoint of the length of the arrow, the arrow must be broken with a space three-eighths of an inch in length. In this space, the words "CONTINUE VOTING" must be printed horizontally in upper case and boldface in as large as practicable but no smaller than 14-point type.

Department of Transportation

Proposed Permanent Rules Relating to Bridge Construction and Reconstruction

Notice of Extended Comment Period

NOTICE IS HEREBY GIVEN that the comment period for the captioned rules appearing at 14 S.R. 2625 has been extended for an additional thirty days in order that the Department of Transportation might give written notice to individuals who have registered with department to receive such notices and to give the public additional time to comment on the provisions. The department requests that all comments be submitted and received not later than August 10, 1990.

Dated: 20 June 1990

Leonard W. Levine
Commissioner

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

Department of Transportation

Proposed Permanent Rules Relating to Bridge Inspection and Inventory

Notice of Extended Comment Period

NOTICE IS HEREBY GIVEN that the comment period for the captioned rules appearing at 14 S.R. 2629 has been extended for an additional thirty days in order that the Department of Transportation might give written notice to individuals who have registered with department to receive such notices and to give the public additional time to comment on the provisions. The department requests that all comments be submitted and received not later than August 10, 1990.

Dated: 20 June 1990

Leonard W. Levine
Commissioner

Department of Transportation

Proposed Permanent Rules Relating to State-Aid Highway Operations

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Transportation intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is found in *Minnesota Statutes*, Chapter 162.02 Subd. 2 and 162.09 Subd. 2.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make written request for a public hearing on rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Gordon M. Fay, Director
Office of State Aid
420 Transportation Building
St. Paul, MN 55155

[A copy of the proposed rules is attached to this notice.]

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Office of State Aid, Room 420, Transportation Building, St. Paul, Minnesota 55155 upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Office of State Aid.

Dated: 17 April 1990

Leonard W. Levine
Commissioner

Rules as Proposed

8820.0100 DEFINITIONS.

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

Subp. 1a. ADT. "ADT" means average daily traffic.

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

Subp. 2b. **City.** "City" means a statutory or home rule charter city.

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

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

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

Subp. 6. **County-municipal account.** "County-municipal account" means a separate record of that portion of the county state-aid highway funds allocated for expenditure ~~solely~~ on county state-aid highways within cities having less than 5,000 population.

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

Subp. 9. **District engineer.** "District engineer" means a district engineer of the Minnesota Department of Transportation ~~or a registered engineer employed as his state-aid assistant~~.

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

Subp. 9b. **Force account agreement.** "Force account agreement" means an agreement between the Minnesota Department of Transportation and a city or county for the city or county to do state-aid funded construction projects with its own forces, railroad crossings to be constructed by railroad forces, or utility work to be done by public utility forces and for the city or county to be reimbursed, based on established item costs.

[For text of subps 10 to 13, see M.R.]

Subp. 14. **Screening board.** "Screening board" means the county screening board or municipal ~~board~~ screening committee appointed in accordance with law and authorized to recommend to the commissioner the mileage and money needs for each of their state-aid systems.

[For text of subps 15 and 15a, see M.R.]

Subp. 16. **Town bridge account.** "Town bridge account" means the apportionment of county state-aid turnback funds for use in the construction or reconstruction of bridges on ~~township~~ town roads.

[For text of subp 17, see M.R.]

Subp. 17a. **Town road account.** "Town road account" means the apportionment of county state-aid turnback funds for use in the construction ~~or~~, reconstruction, or gravel maintenance of ~~township~~ town roads.

[For text of subp 17b, see M.R.]

Subp. 18. ~~Township~~ **Town allotment.** "~~Township~~ Town allotment" means the county apportionment of county state-aid highway funds for use in ~~the construction of township~~ constructing town roads.

Subp. 19. **Trunk highway turnback.** "Trunk highway turnback" means a ~~former~~ trunk highway or portion of it that has been designated at another location and the former trunk highway has reverted to a county or municipality in accordance with law. The reverted trunk highway or portion of it has become part of the state-aid system.

Subp. 20. **Turnback account.** "Turnback account" means the account provided by law for payment to the county or city for the approved repair and restoration of or to the urban municipality for the reconstruction and improvement of those former trunk highways that have reverted to the county or municipality municipal jurisdiction and have become part of the state-aid system.

[For text of subps 21 and 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:

A. a county state-aid highway system not exceeding 30,000 miles in extent, excluding trunk highway turnback mileage; and former municipal state-aid street mileage in cities whose population fell below 5,000 under the 1980 federal census; and

B. a municipal state-aid street system not exceeding 2,500 miles in extent within urban municipalities, excluding trunk highway turnback mileage.

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Proposed Rules

For an undivided, one-way street with a minimum width of ~~28~~ 26 feet and with no parking lane or with a maximum width of ~~36~~ 46 feet with parking on ~~one side~~ both sides, the chargeable mileage allowed for municipal state-aid street mileage purposes is one-half of the length of the one-way street.

8820.0700 SELECTION CRITERIA.

Subpart 1. **Basis.** A state-aid route must be selected on the basis of ~~the~~ all criteria in ~~subparts either subpart 2 and or 3.~~

Subp. 2. **County state-aid highway.** A county state-aid highway ~~which may be selected if it:~~

A. is projected to carry a relatively heavier traffic volume or is functionally classified as collector or arterial as identified on the county's functional classification plans as approved by the county board;

B. connects towns, communities, shipping points, and markets within a county or in adjacent counties; ~~or~~ provides access to rural churches, schools, community meeting halls, industrial areas, state institutions, and recreational areas; ~~or,~~ serves as a principal rural mail route and school bus route; and

C. ~~occurs at reasonable intervals consistent with the density of population; and~~

~~D.~~ provides an integrated and coordinated highway system affording, within practical limits, a state-aid highway network consistent with projected traffic demands.

Subp. 3. **Municipal state-aid street.** A municipal state-aid street ~~which may be selected if it:~~

A. is projected to carry a relatively heavier traffic volume or is functionally classified as collector or arterial as identified on the urban municipality's functional classification plan as approved by the urban municipality's governing body;

B. connects the points of major traffic interest within an urban municipality; and

C. provides an integrated street system affording, within practical limits, a state-aid street network consistent with projected traffic demands.

8820.0800 ROUTE DESIGNATIONS.

Subpart 1. **Resolution and certification.** With regard to route designations, county state-aid highways and municipal state-aid streets must be selected by the respective boards of county commissioners; ~~or the respective governing bodies of urban municipalities.~~ The highway or street selections must be reviewed by the district state-aid engineer of that area and ~~his~~ the engineer's recommendation must be filed with the commissioner. Upon preliminary approval of the commissioner, the respective boards ~~will or governing bodies shall~~ establish the route by designation. ~~The commissioner.~~ After receipt of each resolution board action, ~~the commissioner~~ shall approve all or ~~such~~ part of the highway or street designations ~~contained in the resolution, as complies that comply~~ with the criteria set out in this chapter. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of the highway or street designation. Highways or streets so approved ~~shall~~ become a part of the county state-aid highway system or the municipal state-aid street system, subject to additions or revisions as may be, from time to time, requested and approved.

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

Subp. 3. Payback on revoked state-aid routes. If a local unit of government revokes a state-aid route for which state-aid construction money has been spent, the district state-aid engineer shall determine the remaining life of the project and compute the value of the items that were financed with state-aid money. This computed value must be subtracted from the next state-aid contract let by the local unit of government. For this determination, (1) the life of a construction project is 25 years, (2) the life of a bridge project is 35 years, and (3) the life of a surfacing project is ten years. Payback is not required if the state-aid construction was a special resurfacing project.

The district state-aid engineer shall report the amount of required payback to the office of state-aid immediately upon receiving a copy of the commissioner's order revoking the affected state-aid route.

8820.1000 MONEY NEEDS AND APPORTIONMENT DETERMINATION.

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

Subp. 2. **Incidental costs.** In addition to the direct construction or maintenance costs permitted under law, the cost of the following incidental items ~~will~~ must be considered as eligible for inclusion in the total estimate of needs:

A. ~~county state-aid highways:~~

(1) ~~right-of-way on new construction;~~

(2) B. automatic traffic control signals;

(3) C. lighting of intersections and bridges within approved standards; and

(4) ~~proportionate share of~~ D. drainage costs ~~within municipalities, to reflect the responsibility of the state-aid highway;~~

B. municipal state-aid streets:

- (1) ~~right-of-way;~~
- (2) ~~automatic traffic control signals;~~
- (3) ~~lighting of intersections and bridges within approved standards; and~~
- (4) ~~proportionate share of all drainage costs, to reflect the responsibility of the state-aid street.~~

Subp. 3. **Deductible items.** The respective screening boards shall consider reports from the commissioner, consisting of the county state-aid allotments to ~~townships~~ towns, or the municipal state-aid payments for construction or right-of-way on state trunk highways or county state-aid highways, covering allotments or payments made during the preceding year; and shall recommend to the commissioner the amount of deductions to be made in the money needs for each county or municipality, ~~in order~~ to equalize its status with other counties or municipalities not making similar expenditures.

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

Subpart 1. **County maintenance apportionments.** As soon as the annual county and urban municipal state-aid allotments have been determined, the commissioner shall apportion and set aside the following amounts:

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

B. 40 percent of the county-municipal account allotment for ~~the maintenance of~~ maintaining the county-state-aid county state-aid highways within municipalities of less than 5,000 population;

[For text of subp 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 \$1,500 per mile of improved municipal state-aid streets, ~~whichever is less,~~ is the minimum allotment for the general maintenance of the approved state-aid system. The commissioner may modify the minimum payment ~~to the extent necessary~~ 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 ~~not later than~~ with the commissioner before December ~~15~~ 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 subs 4a to 8, see M.R.]

8820.1500 CONSTRUCTION FUNDS.

Subp. 2. **State-aid contracts.** ~~The commissioner,~~ Upon receipt of an abstract of bids and a certification as to the execution of a contract ~~and that includes a requirement for bond therein,~~ the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the contract. The commissioner, ~~unless otherwise requested,~~ shall ~~retain~~ keep the remaining percentage of the state-aid share of the contract, provided funds are available ~~therefor,~~ until the project is 95 percent or more completed as substantiated and requested by the county or city engineer, or until the final cost is determined and the project accepted by the district state-aid engineer.

Subp. 3. **Federal-aid contracts.** ~~The commissioner,~~ Under authority of an agency agreement with the governing body of a county, urban municipality, or other governmental unit and acting as its agent in federal-aid operations, with the commissioner shall release from available state-aid funds ~~available therefor,~~ 95 percent of the county's or urban municipality's share of the entire contract obligation for immediate transfer to the agency account, to be used in paying the county's or urban municipality's eligible share of the partial estimates and for advancing the federal share of those estimate payments. The commissioner shall ~~retain~~ keep the remaining percentage of the contract cost of the project until the final cost is determined and the project accepted by the district state-aid engineer. ~~Where~~ When other than state-aid funds are to be used for depositing in the agency account, 100 percent of the local governmental share of the contract amounts must be deposited in the agency account ~~prior to award of~~ before the contract is awarded.

Subp. 4. **Force account agreements.** Partial estimates will must be accepted on ~~all~~ the projects approved for construction by local forces using the agreed unit prices for determining the value of the completed work. The commissioner shall promptly release from funds available ~~therefor~~ for these approved projects 95 percent of the cost of current accomplishments as reported by the partial estimates. Upon request of the county or urban municipality, the commissioner ~~will~~ shall set aside and ~~retain~~ keep its state-aid funds

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Proposed Rules

in an amount equal to the agreed total cost of the entire project to ensure final settlement of the completed construction when the final estimate is submitted and upon acceptance by the district state-aid engineer.

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

Subp. 6. **Engineering costs.** Requests for reimbursement of preliminary engineering costs must be submitted with the report of state-aid contract or with the initial partial estimate on an approved force account project. The commissioner, upon receipt of this request supplemented by documentation as may be requested ~~by the commissioner~~, shall authorize the reimbursement for actual documented engineering costs, not to exceed ten percent of the total eligible estimated contract or agreement amount.

Requests for payment of actual construction engineering costs must be documented and submitted along with the final estimate report. The commissioner, upon receipt of this request, shall authorize a construction engineering payment ~~which will that must~~ either be limited to eight percent of the eligible construction costs ~~where when~~ there are no unusual traffic or construction problems, or ~~which that~~ may at the commissioner's discretion be paid in the maximum amount of 12 percent of the construction costs on complex projects involving difficult construction features or the continuous movement of dense traffic.

[For text of subp 7, see M.R.]

Subp. 8. **Advance from county funds.** ~~With regard to an advance from county funds,~~ When the commissioner approves a request from the county board for ~~the construction of constructing~~ an approved county state-aid project, ~~which requires requiring~~ county state-aid highway funds in excess of the available allotment, and these excess costs ~~will be are~~ initially paid for from other local sources, then ~~and in that event,~~ the commissioner ~~will,~~ to the extent authorized by law, shall repay those locally financed expenditures out of subsequent construction or turnback apportionments to the county's state-aid accounts in accordance with the terms and conditions specified in the approved request. The request for advance encumbrance must be submitted with the report of state-aid contract.

Subp. 9. **Advance of county regular account funds.** ~~With regard to an advance of county regular account funds to a county municipal account fund,~~ When the commissioner approves a request from the county board for the advance of county regular account funds for use on a municipal section of an approved county state-aid highway project, and when repayments to the county regular account fund are to be made from subsequent accruals to the county municipal account fund, the repayments ~~will must~~ be made by the commissioner, to the extent authorized by law, in the form of transfers from the county municipal account fund to the county regular account fund, in the amounts and ~~at the time when~~ specified in the authorization. The request for advance encumbrance must be submitted with the report of state-aid contract.

Subp. 10. **Advance from urban municipal funds.** ~~With regard to an advance from urban municipal funds,~~ When the commissioner approves a request from the governing body of an eligible urban municipality for ~~the construction of constructing~~ an approved municipal state-aid street project, ~~which requires requiring~~ funds in excess of the available allotment, and these excess costs ~~will be are~~ initially paid from other local sources, then ~~and in that event,~~ the commissioner ~~will,~~ to the extent authorized by law, shall repay these locally financed expenditures out of subsequent construction or turnback apportionments to the urban municipal account of that municipality in accordance with the terms and conditions specified in the approved request. The request for advance encumbrance must be submitted with the report of state-aid contract.

Subp. 10a. **Advance from town bridge account.** ~~With regard to an advance from a town bridge account,~~ When the commissioner approves a request from the governing body of a county for the replacement or reconstruction of a town bridge ~~which will require requiring~~ funds in excess of the county's available town bridge account, and these excess costs ~~will be are~~ initially paid for from other sources, then ~~and in that event,~~ the commissioner ~~will 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 40 percent of the 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 subp 11, 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 ~~of on~~ a state trunk highway or county state-aid highway, ~~shall must~~ have the plans approved by the state-aid engineer before the ~~award of contract is awarded~~ and ~~shall must~~ have a resolution requesting the off-system expenditure approved by the commissioner before funds are released for these purposes. This subpart does not apply to payments made for interest on bonds sold under Laws of Minnesota 1959, chapter 538.

8820.1800 TRANSFERS FOR HARDSHIP CONDITIONS OR OTHER LOCAL USE.

Subpart 1. **Hardship.** ~~As to transfers for hardship conditions,~~ When the county board or governing body of an urban municipality ~~desiring, for good cause shown,~~ desires to use a part of its state-aid funds for this purpose allocation off an approved state-aid system. it shall certify to the commissioner that it is experiencing a hardship condition in regard to financing its local roads or streets, while holding its current road and bridge levy or budget equal to or greater than the levy or budget for previous years. If the requested transfer is approved, the commissioner, without requiring progress reports and within 30 days, shall authorize either immediate

payment of ~~not less than~~ at least 50 percent of the total amount authorized, with the balance to be paid within 90 days, or schedule immediate payment of the entire amount authorized if ~~he determines~~ on determining that sufficient funds are available.

Subp. 2. **Other local use.** ~~As to transfers for other local use.~~ When the county board or governing body of an urban municipality ~~desiring~~ desires to use a part of its state-aid ~~funds~~ allocation on local roads or streets not on an approved state-aid system, it shall certify to the commissioner that its state-aid routes are improved to state-aid standards or are in an adequate condition ~~which that~~ does not have needs other than additional surfacing or shouldering needs as identified in its respective state-aid needs report.

~~While preliminary approval is desirable.~~ A construction plan for a local road or street not on an approved state-aid system and not designed to state-aid standards ~~may~~ must not be given final approval by the office of state aid unless the plan is accompanied by a resolution from the respective county board or urban municipality that indemnifies, saves, and holds harmless the state of Minnesota and its agents and employees from claims, demands, actions, or causes of action arising out of or by reason of a matter related to ~~the construction of~~ constructing the local road or street as designed; ~~that is.~~ The resolution must be approved by the respective county board or urban municipality; and ~~that agrees~~ agree to defend at the sole cost of the county or urban municipality any claim arising as a result of constructing the local road or street.

Payment for the project ~~will~~ must be made in accordance with part 8820.1500, subparts 1 to 5.

8820.1900 TOWNSHIP TOWN ALLOTMENTS.

~~As to township allotments.~~ The commissioner shall authorize payment of the amount requested for distribution by the county for constructing town roads:

A. upon receipt of a certified copy of a county board resolution allocating a specific amount of the county state-aid construction funds for aid to the county's ~~townships,~~ towns;

B. upon ~~indicating~~ showing compliance with the law governing these allocations; and

C. upon forwarding the resolution to the commissioner on or before the second Tuesday in January of each year; ~~the commissioner shall authorize payment of the amount requested for distribution by the county for the construction of township roads.~~

8820.2000 CONSTRUCTION OF CONSTRUCTING SELECTED STATE PARK PROJECTS.

~~For the construction of~~ constructing selected state park projects and as provided by law, a portion of the county state-aid highway funds must be set aside and used for ~~the construction, reconstruction, and improvement of~~ constructing, reconstructing, and improving county state-aid highways providing access to the headquarters of or the principal parking lot located within a state park. These funds set aside must be ~~expended~~ spent for this purpose only on a request from the commissioner of natural resources. Projects selected ~~will~~ must be approved by the commissioner of transportation in accordance with the procedure established for other state-aid operations.

8820.2100 DISASTER ACCOUNT.

A disaster appropriation approved by the commissioner for a county or urban municipality in accordance with law, must be promptly paid to the county or urban municipality for which the appropriation was authorized. The funds so allotted and paid to the county or urban municipality may only be spent for the purpose for which they were authorized, and within a reasonable time ~~period~~ specified by the commissioner. Immediately upon completion of the work for which the disaster payment was made or the expiration of the time specified for doing the work, whichever occurs first, the county or urban municipality shall file a report certifying the extent of the authorized work completed and showing the total expenditure made. ~~In the event~~ If the total disaster allotment was not required or used for the purpose specified, the remainder must be promptly returned to the commissioner for redeposit in the county state-aid highway fund or the municipal state-aid street fund, as the case may be, and apportioned by law. Damage estimates submitted by a county or urban municipality must exceed ten percent of the current annual state-aid allotment to the county or urban municipality before the commissioner shall authorize the disaster ~~committee~~ board to inspect the disaster area.

8820.2300 TURNBACK ACCOUNTS.

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

Subp. 1a. **County Town bridge account.** Further, a percentage of the county turnback account has been set aside and must be used for replacement or reconstruction of town bridges ten feet or more in length, in those counties that have two or more towns, pursuant to the law. This latter account is known as the ~~county~~ town bridge account.

Subp. 1b. **Town road account.** Further, a percentage of the county turnback account must be apportioned to the counties for the construction ~~and,~~ reconstruction, and gravel maintenance of town roads. This account is known as the town road account.

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Proposed Rules

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

Subp. 2a. **Town road account allocation.** The amounts to be distributed to the counties from the town road account must be determined according to the formula prescribed by *Minnesota Statutes*, section 162.081, subdivisions 2 and 4.

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

B. If a county board does not adopt a distribution formula, the funds ~~will~~ must be distributed to the town according to subitems (1) to (4).

(1) The county auditor shall certify to the commissioner the name of each town that has levied ~~two mills on the dollar of the assessed~~ 0.04835 percent of taxable market value of the town for road and bridge purposes in the year preceding the allocation year.

(2) The county auditor shall certify to the commissioner the name of each unorganized town in which the county has levied ~~two mills on the dollar of the assessed~~ 0.04835 percent of taxable market value of the unorganized town for town road and bridge purposes in the year preceding the allocation year.

(3) Fifty percent of the funds apportioned to a county ~~will~~ must be distributed to an eligible town based upon the percentage that its population bears to the total population of the eligible towns in the county.

(4) Fifty percent of the funds apportioned to a county ~~will~~ must be distributed to eligible towns based upon the percentage of the town road mileage of each town to the total town road mileage of eligible towns in the county.

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

Subp. 6. **Release of turnback account funds.** Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an eligible project, the commissioner shall release to a county or urban municipality from turnback account funds up to 95 percent of the turnback share of the contract. The commissioner shall ~~retain~~ keep the remaining percentage of the turnback share of the contract until the final cost is determined and the project accepted by the district state-aid engineer.

On force account agreements, partial estimates ~~will~~ must be accepted on turnback projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work.

The commissioner shall release from the respective turnback account 95 percent of the value as reported by partial estimates on an eligible turnback project.

Requests for reimbursement of preliminary and construction engineering costs on an eligible turnback project must be submitted and payment ~~will~~ must be authorized in accordance with part 8820.1500, subpart 6, ~~engineering costs~~.

Subp. 7. **Release of town bridge account funds.** Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an eligible project, the commissioner shall release to a county, from town bridge account funds, up to 95 percent of the town bridge account share of the contract. The commissioner shall ~~retain~~ keep the remaining five percent until the final cost is determined and the project is accepted by the district state-aid engineer.

8820.2400 TRANSFER OF ACCUMULATED COUNTY-MUNICIPAL ACCOUNT FUNDS TO COUNTY REGULAR ACCOUNT FUND.

Upon receipt of a certified copy of a county board resolution requesting the transfer of a ~~portion of part~~ or all of the total accumulated amount in the county municipal account fund, to the county regular account fund, the commissioner shall transfer the funds, provided:

~~A.~~ the county submits a written request to the commissioner and holds a public hearing within 30 days of the request to receive and consider objections by the governing body of a city within the county, having a population of less than 5,000, and;

A. no written objection is filed with the commissioner ~~by the city~~ within 14 days of that hearing; or

B. ~~if~~ within 14 days of the public hearing held by the county, a city having a population of less than 5,000 files a written objection with the commissioner identifying a specific county state-aid highway within the city which is requested for improvement and the commissioner investigates the nature of the requested improvement and finds:

(1) the identified highway is not deficient in meeting minimum state-aid street standards ~~or~~;

(2) the county has shown evidence that the identified highway has been programmed for construction in the county's five-year capital improvement budget in a manner consistent with the county's transportation plan; or

(3) there are conditions created by or within the city beyond the control of the county that prohibit programming or reconstruction of the identified highway.

8820.2500 MINIMUM STATE-AID STANDARDS.

Subpart 1. **Geometric design standards.** The standards in part 8820.9910 apply to rural design undivided roadways, new or reconstruction.

The standards in part ~~8820.9914~~ 8820.9930 apply to ~~those~~ suburban design roadways that meet indicated conditions, new or reconstruction.

~~The standards in part 8820.9917 apply to forest highways within national forests and state park access roads.~~

The standards in parts ~~8820.9912 and 8820.9913~~ 8820.9935 and 8820.9940 apply to urban design roadways, new or reconstruction.

The ~~minimum~~ requirements in parts ~~8820.9914, 8820.9918~~ 8820.9925, 8820.9945, and 8820.9919 8820.9970 apply to resurfacing projects.

The roadway classifications in part 8820.9950 apply to urban roadways.

The vertical clearances for underpasses in part ~~8820.9915~~ 8820.9955 apply.

The standards in part 8820.9965 apply to designated forest highways within national forests and state park access roads within state parks, new or reconstruction.

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

Subp. 3. **Right-of-way.** The minimum widths of right-of-way for state-aid routes must be ~~not less than~~ at least 60 feet within municipalities and 66 feet in rural areas. ~~Prior to~~ Before construction, ~~the counties governing body~~ shall acquire control of ~~such~~ the additional widths of right-of-way ~~in for rural areas,~~ design as may be necessary to properly maintain the ditch section and the recovery area.

Subp. 4. **Parking provisions.** The criteria in part ~~8820.9916~~ 8820.9960 must be used in establishing diagonal parking. The criteria in parts 8820.9935, 8820.9940, and 8820.9945 must be used where parallel parking is used.

8820.2700 MAINTENANCE REQUIREMENTS.

Subpart 1. **Standards.** ~~With regard to maintenance,~~ 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 E, see M.R.]

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

(1) Route markers must be a minimum of 16 inches by 16 inches square with black letters or numerals on a white background.

(2) Wherever county road authorities elect to establish and identify a special system of important county roads, the route marker must be of a pentagonal shape and must consist of a reflectorized yellow legend with county name, route letter, and number, and a border on a blue background of a size compatible with other route markers.

Subp. 2. **Unsatisfactory maintenance.** ~~When, in the opinion of the commissioner,~~ On determining that the maintenance of a county or municipal state-aid route is ~~determined to be~~ unsatisfactory, ~~he~~ the commissioner shall ~~retain~~ keep up to ten percent of the current annual maintenance apportionment to the responsible county or urban municipality. Funds ~~so retained~~ kept must be held to the credit of that county or urban municipality until the unsatisfactory condition has been corrected and a reasonable standard of maintenance is provided.

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

8820.2800 CONSTRUCTION REQUIREMENTS.

Subpart 1. **Engineer's duties.** ~~With regard to construction,~~ survey Surveys, plans, and estimates for state-aid projects must be made by or under the ~~immediate direction~~ supervision of the county highway or city engineer in accordance with standards ~~as to~~ for form and arrangement prescribed by the commissioner.

Subp. 2. **Plans and estimates.** Plans and estimates for each state-aid construction project must be submitted for review. Each plan ~~shall~~ must show the subsequent stages required for the completion of the improvement, portions of which may be covered by later contracts or agreements. Only those projects for which final plans are approved by the state-aid engineer ~~prior to the award of~~ before awarding a contract or ~~approval of~~ approving a force account agreement are eligible for state-aid construction funds.

Subp. 3. **Project identification numbers.** ~~Approved~~ Projects ~~will~~ must be assigned state-aid project numbers and must be so identified in records of the Minnesota Department of Transportation and the local governmental unit.

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Proposed Rules

Subp. 4. **Contract information.** Upon award of a state-aid contract by a county or urban municipality, the county highway engineer or city engineer shall furnish the commissioner with an abstract of bids and a certification as to the specific contract and bond executed for the approved construction work.

Subp. 5. **Force account.** A county or urban municipality desiring to use funds credited to it on a force account basis ~~shall~~ must have its engineer file a request with the commissioner for each construction project to be built by the county or urban municipality at agreed unit prices ~~which~~. The unit prices must be based upon estimated prices for contract work, less a reasonable percentage to compensate for move-in, move-out, taxes, and contractor's profit. These requests must contain a complete list of pay items and the unit prices at which it proposes to do the work. ~~Prior to the~~ Before approval by the commissioner, the district state-aid engineer shall file recommendations with the commissioner ~~as to~~ concerning the request and the cost estimate. Items of work other than those listed as a pay item or approved by supplemental agreements must be considered incidental work not eligible for state-aid payment.

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

8820.2900 TURNBACK ACCOUNT EXPENDITURES.

Subpart 1. **Threshold Requirements; turnback accounts.** The funds in the county and municipal turnback accounts must be ~~expended spent~~ only as payments to a county or urban municipality for the approved repair and restoration or reconstruction and improvement of those former trunk highways that have reverted to county or municipal jurisdiction and ~~which that~~ meet the eligibility requirement as set forth in subpart 2.

Subp. 1a. Requirements; town bridge account. Further, a percentage of the county turnback account has been set aside, as provided by law, and must be used for replacement or reconstruction of town road bridges that are ten feet or more in length in those counties that have two or more towns. This account is known as the town bridge account.

Subp. 2. **Eligibility; former trunk highways.** ~~Any A~~ former trunk highway that has reverted to county or urban municipal jurisdiction ~~subsequent to after~~ July 1, 1965, and ~~which that~~ is part of the county state-aid highway or municipal state-aid street ~~systems system~~, is eligible for payment from the respective turnback account for costs covering the repair and restoration or the reconstruction and improvement of those highways as detailed on approved plans. Approval of plans for the initial construction of ~~these projects must be~~ a turnback project is limited to a period of five years from the date of reversion. After plan approval for ~~the construction of constructing~~ the initial part of a turnback project, plans for other portions of the same route must be approved within ten years from the date of reversion to be eligible for turnback funds. Each approved project must be advanced to construction status within one year after notification to the county or urban municipality that sufficient funds are available for ~~the construction of constructing~~ the project. Payment for repair and restoration or reconstruction and improvement of a section ~~will terminate~~ terminates eligibility for repair and restoration or reconstruction and improvement of that section with turnback funds.

Subp. 2a. Eligibility; town bridges. ~~Any A~~ town bridge, ~~that is~~ ten feet or more in length, is eligible for replacement or reconstruction after ~~at~~ the county board reviews the pertinent data supplied by local citizenry, local units of government, the regional development commission, or the metropolitan council, ~~is reviewed by the county board and adopts~~ a formal resolution ~~by the county board is adopted~~ identifying the town bridge or bridges to be replaced or reconstructed. Payment to the counties ~~will be~~ is limited to 90 percent of the cost of the bridge, and ~~will must~~ be made in accordance with part 8820.2300, subpart 7.

[For text of subs 3 and 4, see M.R.]

8820.3100 GENERAL STATE-AID LIMITATIONS.

Subpart 1. **Extent of state aid.** The extent of state-aid participation on special items is limited as follows in subparts 2 to 8 10.

Subp. 2. **Lighting hazardous areas.** The lighting of hazardous ~~or accident prone~~ locations or locations where accidents are prone to occur must be considered an eligible expense ~~to the following extent as follows:~~

A. ~~For new construction,~~ the cost of complete lighting ~~at approved locations only on multiple~~ four or more lanes;

B. the cost of lighting ~~approved intersections on single-lane design;~~

C. ~~Locations where the municipality would normally install lighting units are not considered as an eligible expense.~~ to the extent that the county or urban municipality shall furnish has furnished traffic information or other needed data to support its request for funding of additional locations; and

D. for reconstruction, ~~at~~ the costs incidental to the necessary revision or relocation of existing lighting facilities, ~~up to and including the cost of completing the new base.~~

Additional locations where the county or urban municipality would normally install lighting units are not considered an eligible expense.

Subp. 3. **Traffic control signals: state-aid projects.** For state-aid projects, plans for ~~the construction constructing or reconstruction of reconstructing~~ the electrical portion of traffic control signals must be (1) designed or (2) reviewed and approved by a master electrician licensed in ~~the state of Minnesota or by an electrical engineer registered in the state of Minnesota.~~

The district state-aid engineer shall review these plans upon submittal by the local engineer and make recommendations to the state-aid engineer.

The state-aid engineer shall approve the electrical portion of these plans based on the certification of the master electrician or electrical engineer and the ~~remainder~~ rest of the plan based on the certification of a registered professional civil or highway engineer.

Plans for the construction or reconstruction of the electrical portion of traffic control signals not certified by a master electrician or electrical engineer, or plans involving traffic control signals on a trunk highway must be approved by the traffic engineer of the Minnesota Department of Transportation ~~prior to the~~ before approval ~~of by~~ the state-aid engineer.

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

Subp. 6. **Right-of-way.** The cost of lands and properties required for right-of-way to accommodate the design width of the street or highway as governed by the state-aid standards, including necessary width for sidewalks, is considered an eligible expense. This cost includes relocation and moving costs as provided by law and includes damages to other lands if reasonably justified to the satisfaction of the commissioner. Receipts from the rental or sale of excess properties paid for with state-aid funds must be placed in the local agency's road and bridge account to be used on the next state-aid project constructed.

[For text of subp 7, see M.R.]

Subp. 8. **Storm sewers.** Plans containing items for storm drainage must be reviewed by the hydraulics engineer for the Minnesota Department of Transportation and ~~his~~ the engineer's recommendations obtained ~~as to~~ concerning design features and the proportionate share chargeable to the state-aid system. These recommendations along with those of the district state-aid engineer must be considered in determining the maximum state-aid participation in this work.

Subp. 9. **Flexible or rigid pavement.** The use of state-aid construction funds to finance the initial surfacing of rural roadways with aggregate base, in excess of six inches, and flexible or rigid pavement materials is limited to the following costs participation:

<u>Projected ADT*</u>	<u>Percent of Participation</u>
<u>100 and over</u>	<u>100</u>
<u>75 to 99</u>	<u>80</u>
<u>50 to 74</u>	<u>40</u>
<u>0 to 49</u>	<u>0</u>

* If the next traffic count scheduled by the Minnesota Department of Transportation shows an increase in traffic, the percentage participation on an approved project must be adjusted to reflect the revised projected ADT if the county requests reimbursement at the increased percentage rate.

Subp. 10. **Landscaping.** The extent of state-aid participation in landscaping is limited to one percent of the total construction allocation in any year. Participation is generally limited to items such as trees when exceeding two-to-one replacement, shrubs, ground covers, and mulch. Irrigation systems are not eligible. Seeding, with mulch and fertilizer, and sodding are considered normal grading items.

8820.3300 VARIANCE.

Subpart 1. **Written requests.** A formal request by a political subdivision for a variance from this chapter must:

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

C. cite the specific part or standard for which the variance is requested and describe the modification proposed.

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

Subp. 3. **Decision.** The commissioner shall base ~~his~~ the decision on the criteria ~~specified~~ in part 8820.3400, subpart 3 and shall notify the political subdivision in writing of ~~his~~ the decision. The commissioner shall require a resolution by the recipient of the variance that indemnifies, saves, and holds harmless the state and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of the granting of the variance. The recipient of the variance shall further agree to defend at its sole cost and expense any action or proceeding begun for asserting any claim of whatever character arising as a result of the granting of the variance.

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

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Proposed Rules

8820.3400 ADVISORY COMMITTEE ON VARIANCES.

Subpart 1. **Appointment.** The commissioner may appoint a committee to serve as required to investigate and determine a recommendation for each variance. No elected or appointed official that represents a political subdivision requesting the a variance may serve on the committee.

Subp. 2. **Membership.** The committee shall consist of any five of the following persons: not more than two county highway engineers, only one of whom may be from a county containing a city of the first class; not more than two city engineers, only one of whom may be from a city of the first class; not more than two county officials, only one of whom may be from a county containing a city of the first class; and not more than two city officials, only one of whom may be from a city of the first class. The committee must have at least two elected officials as members.

[For text of subs 3 and 4, see M.R.]

8820.9910 RURAL UNDIVIDED GEOMETRIC DESIGN STANDARDS; RURAL UNDIVIDED (9); NEW OR RECONSTRUCTION.

Projected ADT (6)	Lane Width	Shoulder Width	(1) Inslope	(2) Recovery Area	(3) Design Speed	Surfacing	Structural Design Strength	(4) New and Rehabilitated Bridges Width Curb-Curb	Bridges to Remain	
									Width Curb-Curb	Structural Capacity (8)
0-49	11'	1'	3:1	7'	30-50 30-60	Traffic Bound Aggregate	—	24' 28'	22	H-15
50-99 50-149	11'	3'	3:1 4:1	9'	30-50 40-60 (7)	Traffic Bound Aggregate	—	28' 32'	22'	H-15
100-300 150-399	12'	4'- (5)	4:1	15'	40-50 40-60	Paved	7-ton ult. 9-ton	32' 36'	24' 28'	H-15
400-749	12'	4'-	4:1	20'	40-60	Paved	7-Ton Ult. 9-ton	32' 36'	24' 28'	H-15
750-999 750-1499	12'	6'-	4:1	25'	40-60	Paved	7-Ton Ult. 9-ton	36' 40'	28'	H-15
1000 1500 & Over	12'	8'	4:1	30'	40-60	Paved	9-Ton 10-ton	40' 44'	30'	H-15

(1) Applies to slope within recovery area only.

(2) Obstacle-free area (measured from edge of traffic lane). Culverts with less than 27" vertical height allowed without protection in recovery area.

(3) Subject to terrain. Based on stopping sight distance.

(4) Minimum widths listed apply, except that lesser widths may be approved upon justification when the bridge length exceeds 200'. HS-20 HS-25 loading is required.

≠ (5) Initial roadbed width must be adequate to provide a finished roadbed width for nine-ton design.

(6) Use the existing traffic for highways not on the state-aid or federal-aid secondary (FAS) systems.

(7) Design speed of 30 miles per hour allowed off of the state-aid or FAS systems.

(8) Inventory design rating.

(9) Use the geometric design standards of the MN/DOT Road Design Manual for rural divided roadways. Minimum ten-ton structural design and 40 miles per hour design speed are required.

Rules as Proposed (all new material)

8820.9925 GEOMETRIC DESIGN STANDARDS: RURAL UNDIVIDED; RESURFACING.

Present ADT	Proposed Structural Design Strength	Pavement Width	Shoulder-Shoulder Width	Design Speed
Under 100	7-ton	22'	26'	30
100-749	7-ton	22'	26'	40
750-999	7-ton	22'	30'	40
1,000 and over	7-ton	24'	30'	40

Widths of bridges to remain in place must equal roadway pavement width. H-15 loading is required.

8820.9930 GEOMETRIC DESIGN STANDARDS: SUBURBAN; NEW OR RECONSTRUCTION.

Projected ADT	Lane Width	Shoulder Width	(1) Inslope	(2) Recovery Area	(4) Design Speed	Structural Design Strength	(3) New and Rehabilitated Bridges Width Curb-Curb	Bridges to Remain	
								Width Curb-Curb	Structural Capacity (5)
Less than 1,000	12'	6'	4:1	20'	30-50	9-ton	40'	28'	H-15
Over 1,000	12'	8'	4:1	20'	30-50	9-ton	44'	30'	H-15

(1) Applies to slope within the recovery area only.

(2) Obstacle-free area, measured from edge of traffic lane. Culverts with less than 27-inch vertical height are allowed without protection in the recovery area.

(3) HS-25 loading is required.

(4) Design speed is based on stopping sight distance.

(5) Inventory design rating.

This standard applies only when the project is both located in a platted area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of the rural design standards.

8820.9935 GEOMETRIC DESIGN STANDARDS: URBAN; 30 to 35 M.P.H. DESIGN SPEED; NEW OR RECONSTRUCTION.

Subpart 1. **Two-way streets.** In the following table, total width is in feet, face-to-face of curbs.

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TWO-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side	Parking Both Sides
2-Lane Collector	Low or High	26' (2-11-11-2)	32' (8-11-11-2)	38' (8-11-11-8)
4-Lane Collector	Low or High	48' (2-11-11-11-2)	54' (8-11-11-11-2)	60' (8-11-11-11-8)
2-Lane Arterial	Low	30' (4-11-11-4)	36' (4-11-11-10)	42' (10-11-11-10)
4-Lane Arterial	Low or High	48' (2-11-11-11-2)	56' (10-11-11-11-2)	64' (10-11-11-11-10)
6-Lane Arterial	High	70' (2-11-11-11-11-2)	None	None

When a median is included in the design of the two-way roadway, add two feet to the dimension shown. This provides a one-foot reaction area on either side of the median. Minimum median width is four feet.

Subp. 2. **One-way streets.** In the following table, total width is in feet, face-to-face of curbs.

ONE-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side	Parking Both Sides
1-Lane Collector	Low or High	None	None	None
2-Lane Collector	Low or High	26' (2-11-11-2)	32' (2-11-11-8)	38' (8-11-11-8)
1-Lane Arterial	Low	None	None	None
2-Lane Arterial	Low or High	26' (2-11-11-2)	34' (2-11-11-10)	42' (10-11-11-10)
3-Lane Arterial	High	37' (2-11-11-11-2)	45' (2-11-11-11-10)	53' (10-11-11-11-10)

Subp. 3. **Requirements common to both.** Urban design roadways must be a minimum nine-ton structural design. A new or rehabilitated bridge must have a curb-to-curb width equal to the required street width. HS-25 loading is required. Design speed is based on stopping sight distance. Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used.

Refer to table 8820.9950 for classification, capacity, and peak-hour relationship.

8820.9940 GEOMETRIC DESIGN STANDARDS: URBAN; GREATER THAN 35 M.P.H. DESIGN SPEED; NEW OR RECONSTRUCTION.

Subpart 1. **Two-way streets.** In the following table, total width is in feet, face-to-face of curbs.

TWO-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side *	Parking Both Sides *
2-Lane Collector	Low or High	28' (2-12-12-2)	36' (10-12-12-2)	44' (10-12-12-10)
4-Lane Collector	Low or High	52' (2-12-12-12-2)	60' (10-12-12-12-2)	68' (10-12-12-12-10)
2-Lane Arterial	Low	32' (4-12-12-4)	38' (4-12-12-10)	44' (10-12-12-10)
4-Lane Arterial	Low or High	52' (2-12-12-12-2)	60' (10-12-12-12-2)	68' (10-12-12-12-10)
6-Lane Arterial	High	76' (2-12-12-12-12-2)	None	None

* No parking is allowed when the posted speed exceeds 45 miles per hour.

When a median is included in the design of the two-way roadway, add two feet to the dimension shown. This provides a one-foot reaction area on either side of the median. Minimum median width is four feet.

Subp. 2. **One-way streets.** In the following table, total width is in feet, face-to-face of curbs.

ONE-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side *	Parking Both Sides *
1-Lane Collector	Low or High	None	None	None
2-Lane Collector	Low or High	28' (2-12-12-2)	36' (2-12-12-10)	44' (10-12-12-10)
1-Lane Arterial	Low	None	None	None
2-Lane Arterial	Low or High	28' (2-12-12-2)	37' (2-12-12-11)	46' (11-12-12-11)
3-Lane Arterial	High	40' (2-12-12-12-2)	49' (2-12-12-12-11)	58' (11-12-12-12-11)

* No parking is allowed when the posted speed exceeds 45 miles per hour.

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Proposed Rules

Subp. 3. **Requirements common to both.** Urban design roadways must be a minimum nine-ton structural design. A new or rehabilitated bridge must have a curb-to-curb width equal to the required street width. HS-25 loading is required. Provide one and one-half feet of clearance from the face of the curb to fixed objects when the posted speed is 40 to 45 miles per hour. Provide a ten-foot clearance from the driving lane when the posted speed exceeds 45 miles per hour. Design speed is based on stopping sight distance.

Refer to table 8820.9950 for classification, capacity, and peak-hour relationship.

8820.9945 GEOMETRIC DESIGN STANDARDS: URBAN; RESURFACING.

Subpart 1. **Two-way streets.** In this table, total width is in feet, face-to-face of curbs.

TWO-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side	Parking Both Sides	Proposed Structural Design Strength
2-Lane Collector	Low	26'	32'	38'	7-ton
	High	26'	32'	38'	9-ton
4-Lane Collector	Low	44'	52'	60'	7-ton
	High	44'	52'	60'	9-ton
2-Lane Arterial	Low	26'	32'	42'	9-ton
4-Lane Arterial	Low	44'	54'	64'	9-ton
	High	44'	54'	64'	9-ton
6-Lane Arterial	High	66'	None	None	9-ton

When a median is included in the two-way roadway, add two feet plus the width of the median to the dimension shown. This allows for a one-foot reaction area on either side of the median.

Subp. 2. **One-way streets.** In this table, total width is in feet, face-to-face of curbs.

ONE-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side	Parking Both Sides	Proposed Structural Design Strength
1-Lane Collector	Low	None	None	None	7-ton
	High	None	None	None	9-ton
2-Lane Collector	Low	21'	29'	37'	7-ton
	High	23'	31'	39'	9-ton
1-Lane Arterial	Low	None	None	None	9-ton
2-Lane Arterial	Low	23'	31'	39'	9-ton
	High	24'	32'	40'	9-ton
3-Lane Arterial	High	34'	42'	50'	9-ton

Subp. 3. **Requirements common to both.** Recovery area standards are not applicable. Minimum design speed is 30 miles per hour based on stopping sight distance.

For urban roadway classification, see parts 8820.2500, subpart 1; and 8820.9950 substituting present ADT for the projected ADT shown.

8820.9950 URBAN ROADWAY CLASSIFICATION.

Classification	Facility Function	Design Character	*Projected ADT Range
Collector (low density)	Serves as a feeder facility from neighborhood and local streets to the collector/arterial network. Also serves as access for business and residential development.	Low to moderate operating speeds.	200-5,000 ADT
Collector (high density)	Collects traffic from local and feeder streets and connects with arterials. Can serve local business districts.	Moderate operating speed provides access and traffic mobility.	1,000-10,000 ADT
Arterial (low density)	Serves intracommunity travel. Augments high-density arterial system.	Some access control with emphasis on traffic mobility.	5,000-15,000 ADT
Arterial (high density)	Forms backbone of urban network. Serves as through facility.	Provides for through traffic and turning movements. May provide divided roadway and access control.	12,000 & up ADT

* Additional average daily traffic may be allowed in a classification 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, 117 University Avenue, St. Paul, Minnesota.

8820.9955 VERTICAL CLEARANCES FOR UNDERPASSES.

	Rural-Suburban Design, Vertical Clearance	Urban Design, Vertical Clearance
Highway under roadway bridge	16'4"	14'6"
Highway under railroad bridge	16'4"	14'6"
Highway under pedestrian bridge	17'4"	14'6"
Highway under sign structure	17'4"	14'6"
Railroad under roadway bridge*	22'0"	22'0"

*Variances to the required minimum may be granted by the Minnesota Transportation Regulation Board. That approval eliminates the need for a state-aid variance.

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Proposed Rules

8820.9960 MINIMUM DESIGN STANDARDS FOR 45-DEGREE AND 60-DEGREE DIAGONAL PARKING.

Parking Angle	Stall Width	Stall Depth	Traffic Aisle Width	Length Along Curb	1/2 Roadway Width (Minimum)	Present ADT	Legal Speed Limit
45 Degrees	9'	19.8'	13.2'	12.7'	33'	Less than 3,000	30 MPH or less
60 Degrees	9'	21.0'	18.0'	10.4'	39'	Less than 3,000	30 MPH or less
45 Degrees	9'	19.8'	25.2'	12.7'	45'	3,000 and over	30 MPH or less
60 Degrees	9'	21.0'	30.0'	10.4'	51'	3,000 and over	30 MPH or less

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, 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 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.

8820.9965 GEOMETRIC DESIGN STANDARDS: DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION.

Projected ADT	Lane Width	(3) Shoulder Width	(1) Inslope	(2) Recovery Area	(5) Design Speed	Surfacing	Structural Design Strength	(4) New and Rehabilitated Bridges, Width Curb-Curb	Bridges to Remain	
									Width Curb-Curb	Structural Capacity
0-99	11'	2'	3:1	9'	30-50	Aggregate	—	28'	24'	H-15
100-749	12'	2'	3:1	15'	35-50	Paved	9-ton	32'	24'	H-15
750-999	12'	4'	3:1	15'	35-50	Paved	9-ton	36'	28'	H-15
1,000 and over	12'	6'	4:1	20'	40-50	Paved	9-ton	40'	30'	H-15

(1) Applies to slope within recovery area only.

(2) Obstacle-free area, measured from edge of traffic lane. Culverts with less than a 27-inch vertical height are allowed without protection in the recovery area.

(3) When bicycle paths use a shoulder, the shoulder must be a minimum of four feet and must be paved.

(4) HS-25 loading is required.

(5) Design speed is based on stopping sight distance.

8820.9970 GEOMETRIC DESIGN STANDARDS: DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; RESURFACING.

Present ADT	Proposed Structural Design Strength	Pavement Width	Shoulder-Shoulder Width	Design Speed
0-1000	7-ton	22'	26'	30
Over 1000	7-ton	24'	28'	35

Bridges to remain in place must be at least equal in width to the pavement width. H-15 loading is required. Design speed is based on stopping sight distance.

REPEALER. *Minnesota Rules*, parts 8820.9911, 8820.9912, 8820.9913, 8820.9914, 8820.9915, 8820.9916, 8820.9917, 8820.9918, and 8820.9919 are repealed.

Public Utilities Commission

Proposed Permanent Rules Relating to Intervenor Compensation

Notice of Intent to Adopt Rules Without a Public Hearing and of Intent to Adopt Rules With a Public Hearing if Twenty-five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The Commission's authority to adopt the rule is set forth in *Minnesota Statutes* §§ 216B.16, subd. 10 (1988) and 237.075, subd. 10 (1988).

All persons have until 4:30 p.m. on August 8, 1990, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. PLEASE USE DOCKET NO. U-999/R-89-1 ON ALL CORRESPONDENCE.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, the Commission will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988). PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON FRIDAY, AUGUST 24, 1990, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING OF THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE COMMISSION. To verify whether a hearing will be held, please call the Commission between August 9, 1990 and August 24, 1990 at (612) 296-7124.

Comments or written requests for a public hearing must be submitted to:

Virginia Zeller
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 297-7072

The proposed rules may be modified if the modifications are supported by data and views submitted to the Commission and do not result in a substantial change in the proposed rule as noticed.

The proposed rules, if adopted, will allow the Commission to award compensation to intervenors in telephone company general rate cases and in gas and electric utility rate change proceedings. The proposed rules are published below. One free copy of the rules is available upon request from the Commission by contacting the Commission's receptionist, Kristine Kline, at the above address or by calling (612) 296-7124.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Commission by contacting the Commission's receptionist, Kristine Kline, at the above address or by calling (612) 296-7124.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may affect small businesses. Non-profit public interest organizations, which may be broadly characterized as small

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Proposed Rules

businesses, may qualify for compensation as intervenors. A utility/small business may be required to expend funds for intervenor compensation.

The adoption of these rules by the Commission will not require the expenditure of public money by local public bodies nor have a direct impact on agricultural land. Therefore, *Minnesota Statutes* § 14.11 (1988) is not applicable to this rulemaking proceeding.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rule submitted to the Attorney General, must submit a written request to Virginia Zeller at the above address.

Dated: 13 June 1990

Richard R. Lancaster
Executive Secretary

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing In Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) will hold a public hearing in the above-entitled matter at the Minnesota Public Utilities Commission, 780 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101, commencing at 9:30 a.m., Friday, August 24, 1990, and continuing until all interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted to the presiding Administrative Law Judge, as hereinafter indicated, without appearing at the hearing.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE COMMISSION. To verify whether a hearing will be held, please call the Commission between August 9, 1990, and August 24, 1990, at (612) 296-7124.

The matter will be heard before Administrative Law Judge Allen E. Giles, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 349-2543. The rule hearing procedure is governed by *Minnesota Statutes* sections 14.131 to 14.20 (1988) and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.0200 to 1400.1200 (1985). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed rules governing intervenor compensation, *Minnesota Rules*, parts 7831.0100-.0800. The proposed rules are authorized by *Minnesota Statutes* sections 216B.16, subd. 10 (1988), and 237.075, subd. 10 (1988). The proposed rules are published below. One free copy of the rules is available on request by contacting:

Kristine Kline
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-7124

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the Commission offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Commission anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Commission offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The 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. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Commission and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period.

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

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules.

Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Commission may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules are adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Commission at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised, pursuant to *Minnesota Statutes* section 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may affect small business. Non-profit public interest organizations, which may be broadly characterized as small businesses, may qualify for compensation as intervenors. A utility/small business may be required to expend funds for intervenor compensation.

The adoption of these proposed rules by the Commission will not require expenditure of public monies by local public bodies nor have a direct impact on agricultural land. Therefore, *Minnesota Statutes* section 14.11 (1988) is inapplicable to this rulemaking proceeding.

Please be advised that *Minnesota Statutes* ch. 10A (1988) requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* section 10A.01, subd. 11 (1988) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250 not including his own travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

Richard R. Lancaster
Executive Secretary

Rules as Proposed (all new material)

7831.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Attorney fees.** "Attorney fees" means the reasonable, itemized billings and costs incurred by an intervenor for the services of an attorney in a proceeding before the commission. The costs for services of the attorney are reasonable when computed at the rate normally charged by that attorney for comparable services, or at the prevailing market rate or fair market value to obtain comparable and available services of an attorney of comparable training and experience, whichever rate is lower.

Subp. 3. **Attorney general.** "Attorney general" means the Minnesota Residential and Small Business Utilities Division of the Office of the Attorney General.

Subp. 4. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 5. **Compensation.** "Compensation" means reimbursement or payment to an eligible intervenor for all or part of the intervenor costs, as determined by the commission under this chapter, for participation in a proceeding.

Subp. 6. **Department.** "Department" means the Minnesota Department of Public Service.

Subp. 7. **Expert witness fees.** "Expert witness fees" means the reasonable, itemized billings and costs incurred by an intervenor for the services of an expert witness in a proceeding before the commission. The costs for services of the expert witness are reasonable

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when computed at the rate normally charged by that witness for comparable services, or at the prevailing market rate or fair market value to obtain comparable and available services of an expert witness of comparable training and experience, whichever rate is lower.

Subp. 8. **Final determination.** "Final determination" has the meaning given it in *Minnesota Statutes*, sections 216B.16, subdivision 2, paragraph (c), and 237.075, subdivision 2, paragraph (c).

Subp. 9. **Insufficient financial resources.** "Insufficient financial resources" means that but for the reimbursement of all or part of its intervenor costs, the intervenor is financially unable to afford intervenor costs incurred to participate effectively in the proceeding as determined by the commission under part 7831.0800, subpart 3.

Subp. 10. **Intervenor.** "Intervenor" means a person who is entitled or permitted by law, or permitted under rule of the commission or by order of the presiding officer, to intervene in a proceeding. For purposes of awarding compensation for intervenor costs under this chapter, intervenor does not include (1) a provider of telephone services of any kind, or its representative, agent, or affiliate, nor (2) an agency, representative, employee, authority, or political subdivision of a federal, state, county, home rule charter or statutory city, or town government or combination of them.

Subp. 11. **Intervenor costs.** "Intervenor costs" means attorney fees, expert witness fees, and other reasonable costs incurred in a proceeding. Intervenor costs do not include costs, fees, or charges incurred for judicial appeal or judicial review.

Subp. 12. **Issue.** "Issue" means a question, dispute, or controversy to be resolved in a proceeding held under *Minnesota Statutes*, section 216B.16 or 237.075.

Subp. 13. **Materially assisted.** "Materially assisted" means that the intervenor's participation and presentation was useful and seriously considered, or otherwise substantially contributed to the commission's deliberations in the proceeding, following consideration by the commission of the factors listed in part 7831.0800, subpart 2.

Subp. 14. **Other reasonable costs.** "Other reasonable costs" means reasonable fees and charges actually incurred by an intervenor in a proceeding before the commission, such as the costs for:

A. the services of a consultant or an employee of the intervenor computed at the rate normally charged by that person for comparable services, or at the prevailing market rate or fair market value to obtain comparable, available services of persons of comparable training and experience, whichever is lower; and

B. out-of-pocket expenses directly related to and necessary for participation in the proceeding, for example, costs of filing, copying, travel, travel-related expenses, and preparation of studies, displays, or exhibits.

Subp. 15. **Position.** "Position" means a factual contention, legal contention, or specific policy or procedural recommendation made by an intervenor relating to an issue addressed and decided in a proceeding.

Subp. 16. **Proceeding.** "Proceeding" means a rate change proceeding under *Minnesota Statutes*, section 216B.16, or a general rate case conducted under *Minnesota Statutes*, section 237.075. For purposes of this chapter, a procedural or supplemental matter is considered part of the main proceeding under *Minnesota Statutes*, section 216B.16 or 237.075, if it is decided or conducted by the commission or an administrative law judge on an issue or position considered in, related to, or supplemental to the main proceeding, or on the issue of intervenor compensation awarded. Procedural or supplemental matters include, for example: motions; orders; settlements; stipulations; prehearing conferences, determinations, or procedures; contested case hearings; reconsiderations or rehearings; and remanded hearings. Proceeding does not include matters considered during judicial appeal or review.

Subp. 17. **Telephone company.** "Telephone company" has the meaning given it in *Minnesota Statutes*, sections 237.01, subdivision 2; 237.01, subdivision 3, if the company is subject to general rate regulation by the commission; and 237.075, subdivision 9, if the company has made the election provided in that subdivision.

Subp. 18. **Utility.** "Utility" has the meaning given "public utility" in *Minnesota Statutes*, section 216B.02, subdivision 4.

7831.0200 PURPOSE.

The purpose of this chapter is to establish procedural and substantive criteria for reimbursing an intervenor for its intervenor costs incurred in a rate change proceeding under *Minnesota Statutes*, section 216B.16, subdivision 10, or a general rate case under *Minnesota Statutes*, section 237.075, subdivision 10, when the intervenor has insufficient financial resources to afford its intervenor costs and has materially assisted the commission in its deliberations in the proceeding.

7831.0300 REQUEST FOR COMPENSATION.

Subpart 1. **Request filing and notice.** An applicant for an award of compensation shall file with the commission a request for compensation. The applicant shall also serve a copy of the request on each known party to the proceeding and shall file with the commission an affidavit of service. The request must be filed as soon after notice of a filing, proceeding, or prehearing conference as is reasonably possible, but at least 75 days after the notice or 30 days before the beginning of evidentiary hearings in the proceeding, whichever occurs later. The request must satisfy the requirements of subparts 2 to 5.

Subp. 2. **General information.** The request for compensation must contain the following information, as applicable:

A. the name and address of the applicant or representative of an organization;

B. for an organization, the names, addresses, and titles of the members of its governing body, a description of the organization's general purposes, size, and structure, and whether it is a nonprofit organization incorporated under *Minnesota Statutes*, chapter 317; and

C. the proceeding for which the compensation is requested.

Subp. 3. **Insufficient financial resources.** The applicant shall show as part of the request that, but for an award of compensation for its intervenor costs under this chapter, the applicant has insufficient financial resources to intervene and participate effectively in the proceeding. The request must address the factors set forth in part 7831.0800, subpart 3. The applicant shall provide a summary description of finances, distinguishing between grant funds committed to specific projects, if applicable, and discretionary funds, showing the financial status of the applicant, including at least:

(1) a listing of actual annual revenues and expenses for the previous year, projected revenues and expenses for the current year, and principal revenue sources;

(2) a listing of actual assets and liabilities or balance sheet for the previous year and projected assets and liabilities or balance sheet for the current year;

(3) the amount of assets and revenues that are firmly committed to other expenditures and how intervention, but for an award, may constrain programs of public benefit;

(4) the amount of its own funds the applicant will spend on its participation;

(5) an explanation of why the applicant cannot use the excess of assets over liabilities, if any, to cover its intervenor costs; and

(6) if the applicant is an organization, the scope or amount of benefit in comparison to the organization's estimated intervenor costs.

If available, the applicant shall file a copy of its audited financial statements. The applicant may reference its audited financial statements to satisfy items (1) to (6).

If the commission has determined within the previous year before receiving the request that the applicant has met its burden of showing insufficient financial resources and if the applicant can attest that there has been no substantial change in available discretionary resources, the applicant may refer to that decision to satisfy the requirement of this subpart.

Subp. 4. **Budget.** The applicant shall file as part of the request an estimate of its intervenor costs, the basis for the estimate, the extent of financial commitment to participation, and a specific budget showing the total compensation, not to exceed the maximum amount allowed by *Minnesota Statutes*, section 216B.16, subdivision 10, or 237.075, subdivision 10, to which the applicant believes it may be entitled.

Subp. 5. **Statement of participation.** The applicant shall file as part of the request a statement of the nature and extent of planned participation in the proceeding as far as it is possible to set it out when the request is filed. The statement must include a list of positions and issues that the applicant intends to present, raise, or respond to in the proceeding, an explanation of how an issue affects the applicant's interest in the proceeding, and a clear indication of which viewpoints or ideas the applicant believes are substantive, novel, or significant and why their presentation would contribute to a fair determination of an issue in the proceeding.

7831.0400 STATEMENT IN RESPONSE.

The department, attorney general, or other party to the proceeding, within 15 days after an applicant has filed a request under part 7831.0300, may file with the commission a statement commenting on any part of the request and on duplications of positions, issues, or presentations, and make recommendations to the commission. The statement must be served on the applicant and known parties to the proceeding. Filings under this part must be accompanied by an affidavit of service on the applicant and known parties.

7831.0500 PRELIMINARY DETERMINATION ON ELIGIBILITY.

Subpart 1. **Required determinations.** Within 45 days of receiving a request under part 7831.0300, the commission shall issue a preliminary determination addressing whether the applicant is eligible for an award of compensation of intervenor costs. The determination must address:

A. whether the commission considers the applicant to be an intervenor as defined in part 7831.0100, subpart 9; and

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B. whether the applicant has made a sufficient showing that, but for an award of compensation for all or part of its intervenor costs, it has insufficient financial resources to intervene and participate fully and effectively in the proceeding, assuming all information in the request filing is true and accurate pending an audit that may be required under part 7831.0700, and pending a decision awarding or denying compensation under part 7831.0800.

Subp. 2. **Discretionary determinations.** The determination on eligibility may also, but is not required to:

A. address whether the applicant has demonstrated its ability to materially assist the commission in its proposed statement of participation, assuming its accuracy, under part 7831.0300, subpart 5;

B. address whether the application lists duplicate positions taken or presentations made by intervenors, or whether they may be more economically or efficiently presented under common representation;

C. recommend use of common legal representation or expert witnesses in cooperation with other applicants or participants;

D. provide a listing of other known applicants and participants advocating or proposing substantially similar positions or presentations;

E. point out any unrealistic expectations for compensation; or

F. address any other information that may affect an applicant's claim for an award of compensation for intervenor costs.

Subp. 3. **Effect of preliminary determination on eligibility.** A preliminary determination on eligibility does not guarantee either a grant or a denial of an award of compensation for intervenor costs. If a preliminary determination is not made on a discretionary factor in subpart 2, items A to F, no presumption arises regarding that factor.

A. After a preliminary determination granting compensation for intervenor costs, the commission must overcome in an applicant's claim for compensation a presumption, for the reasons stated in the preliminary determination, that the applicant should be granted an award of compensation for intervenor costs.

B. After a preliminary determination denying compensation, an applicant may elect to intervene and may intervene if granted permission by the commission or presiding officer. If, however, the applicant does intervene, the applicant must overcome in the claim for compensation a presumption, for the reasons stated in the preliminary determination, that the applicant should be denied an award of compensation for intervenor costs.

7831.0600 CLAIM FOR COMPENSATION.

Subpart 1. **Filing claim.** An intervenor shall file a claim for an award of compensation of its intervenor costs within 90 days after the later of:

A. the date the commission issues its final determination and the time for petitioning for reconsideration or rehearing has elapsed; or

B. the date the commission issues its order following reconsideration or rehearing.

Subp. 2. **Required information.** The claim must include, at a minimum:

A. adoption or amendment by the intervenor of the information submitted in the request filed under part 7831.0300;

B. a detailed, itemized description of services and intervenor costs related to specific issues addressed in the proceeding, for which an award of compensation is sought; and

C. a description of how the intervenor's contribution to the proceeding may have materially assisted the commission in its deliberations.

A copy of the claim must be served on all parties to the proceeding and the claim must have attached to it an affidavit of service on all parties.

Subp. 3. **Response.** Within 30 days after service of the claim, a party may file a response to the claim with the commission. A copy of the statement must be served on the claiming intervenor and other parties to the proceeding. Filings under this part must be accompanied by an affidavit of service on the applicant and known parties.

Subp. 4. **Reply.** The claiming intervenor may file with the commission a reply to a response under subpart 3 within 15 days after the response is filed. A copy of the statement must be served on other parties to the proceeding. Filings under this part must be accompanied by an affidavit of service on known parties.

Subp. 5. **Amended claim.** When additional costs are incurred as a result of a remanded hearing, the intervenor may file an amended claim within 30 days after the commission issues its order following remand. Subparts 1 to 4 apply also to an amended claim.

7831.0700 FINANCIAL REVIEW.

At any time after a request for compensation is filed, the commission or its staff may request additional financial information from the intervenor to clarify or substantiate the claim. The requested information may include, among other things, records, receipts,

invoices, and other documents showing the intervenor's expenses incurred and financial condition.

If considered necessary by the commission, an applicant for compensation shall grant the staff of the commission and the department access to audit and examine pertinent books, documents, papers, and records, to the extent necessary to verify that the intervenor has insufficient financial resources to afford its intervenor costs and to verify the basis for the amount claimed.

Approved applicants shall retain the records relevant to supporting a claim for three years after receiving compensation.

7831.0800 AWARD OF COMPENSATION.

Subpart 1. **Decision.** Within 120 days of the filing of a claim or amended claim for an award of compensation for intervenor costs, or within 45 days of the filing of an audit or additional information, whichever is later, the commission shall issue a decision awarding or denying compensation.

Subp. 2. **Materially assisted.** To be granted an award of compensation, in whole or in part, for intervenor costs, the intervenor must have materially assisted the commission in its deliberations. The commission shall consider the following factors, no single one of which is dispositive, in making its decision awarding or denying compensation:

- A. whether the intervenor represented an interest that would not otherwise have been adequately represented in the proceeding;
- B. whether the intervenor's position or presentation on an issue was relevant or important for a fair decision in the proceeding;
- C. the intervenor's ability to clarify complex information, to simplify complex issues, to make timely and appropriate procedural recommendations, or to otherwise contribute to the efficiency or progress of the proceeding;
- D. whether the intervenor's position or presentation promoted a public purpose or policy;
- E. whether the intervenor raised new or different arguments in support of a position, provided materially useful information not of common knowledge, raised a different issue, presented or elicited new or different facts or evidence, or took a different position from that of another party; and
- F. whether the commission adopted, in whole or in part, a position advocated by the intervenor.

Subp. 3. **Insufficient financial resources.** To be granted an award of compensation for intervenor costs, the intervenor must show that it has insufficient financial resources, but for the award, to afford all or part of its intervenor costs necessarily incurred to participate effectively in a proceeding. The commission shall consider the following factors, as applicable, in making its decision awarding or denying compensation, in whole or in part, for intervenor costs:

- A. whether the intervenor's financial status, following examination of the financial information provided in the intervenor's request and claim, and additional financial information requested or obtained through audit, if any, indicate the intervenor can afford, in whole or in part, its intervenor costs;
- B. whether the intervenor made use of common legal representation, or otherwise consolidated positions or presentations, when appropriate;
- C. whether the intervenor costs alleged in the intervenor's claim reflect reasonable attorney fees, expert witness fees, and other reasonable costs, as defined in part 7831.0100; and
- D. whether a partial award of compensation may be appropriate.

Subp. 4. **Bases for commission decision.** For each issue addressed by the intervenor and decided in the proceeding:

A. On finding that an intervenor materially assisted the commission and has insufficient financial resources to afford its intervenor costs, the commission shall issue its decision awarding compensation. The decision must describe the bases for assistance found and for the amount of compensation awarded.

B. On finding that an intervenor either did not materially assist the commission or has sufficient financial resources to afford all of its intervenor costs, the commission shall issue its decision denying compensation. The decision must describe the bases for denying compensation.

Subp. 5. **Maximum amount awarded.** The total amount of the award for a proceeding may be all or part of the amount claimed, but must not exceed the maximum allowed under *Minnesota Statutes*, section 216B.16, subdivision 10, or 237.075, subdivision 10.

Subp. 6. **Payment.** The utility or telephone company that was the subject of the proceeding shall pay the award of compensation to the intervenor within 30 days after the commission issues its decision awarding compensation. The utility or telephone company shall file with the commission proof that it paid the amount of compensation awarded to the intervenor.

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Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Administration

Adopted Permanent Rules Relating to Minnesota State Building Code

The rules proposed and published at *State Register*, Volume 14, Number 27, pages 1612-1624, January 2, 1990 (14 S.R. 1612) are adopted with the following modifications:

Rules as Adopted

ELEVATORS AND RELATED DEVICES

1305.5100 AMENDMENT OF UBC CHAPTER 51.

UBC chapter 51 is replaced in its entirety by parts 1305.5101 to 1305.5118.

1305.5103 ANSI CODE ADOPTED BY REFERENCE.

Sec. 5103. Subpart 1. Incorporation by reference. The American National Standard Safety Code for Elevators and Escalators adopted by the American National Standards Institute and the American Society of Mechanical Engineers (ANSI/ASME) A17.1-1987, together with supplement A 17.1a-1988 and ANSI A17.3-1986, as published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017, is incorporated by reference and made a part of this code except as qualified or amended in this chapter. These standards are not subject to frequent change and are available in the office of the commissioner of administration.

Subp. 2. Exceptions to ANSI.

A. Winding drum machines are not permitted on new elevator installations or replacements on existing installations.

B. Horizontal swing doors of single-section or center-opening two-section design are not permitted on new elevator installations or as replacements on existing installations, except the administrative authority may approve their installation if the conditions make it impossible to install other kinds of doors.

C. Side emergency exits on elevator cars are not permitted.

D. Operating devices must be of the enclosed electric type. Rope- or rod-operated devices activated by hand, or rope-operating devices activated by wheels, levers, or cranks, must be removed. This is not considered a material change.

1305.5104 DEFINITIONS.

Sec. 5104. (a) "ANSI Code" means the ANSI/ASME A17.1 Code-1987, with supplement A17.1a-1988 and ANSI A17.3-1986, Safety Code for Elevators and Escalators, an American National Standard published by the American Society of Mechanical Engineers.

(b) "Authority Having Jurisdiction" means the building code enforcement agency of local government for areas where the code is enforced by a local government or the Department of Labor and Industry in areas outside the enforcement sphere of local government.

1305.5105 PERMITS.

Sec. 5105. (a) Permits Required. It is unlawful for any person, firm, or corporation to hereafter install any new passenger elevators, freight elevators, handpowered elevators, moving walks, escalators, dumbwaiters, wheelchair platform lifts, endless belt lifts, or any other related device, or make ~~major~~ alterations to any existing passenger elevators, moving walks, escalators, dumbwaiters, wheelchair platform lifts, endless belt lifts, or any other related device without having first obtained a permit for the work from the authority having jurisdiction. Alterations, modifications, and practical difficulties will be done in keeping with the rules of the Department of Labor and Industry.

Exception: A Certificate of Operation will not be required for a conveyance installed within a dwelling unit for the singular use of the occupant of the dwelling unit.

1305.5108 DESIGN; SPECIAL PROVISIONS.

Sec. 5108. For detailed design, construction, and installation requirements, see UBC Chapter 23 and the appropriate requirements of the ANSI Code as well as the special provisions cited in this code.

(a) Number of Cars in Hoistway. When there are three or fewer elevator cars in a building, they may be located within the same hoistway enclosure. When there are four elevator cars, they must be divided in such a manner that at least two separate hoistway enclosures are provided. When there are more than four elevators, not more than four elevator cars may be located within a single hoistway enclosure.

(e) Size of Cab and Control Location. When required by chapter 1340, all floors of buildings served by an elevator or elevators must be of a size that will accommodate a wheelchair, as follows:

3. Door size. Minimum clear width for elevator doors must be 36 inches.

Exception: When approved by the authority having jurisdiction, the minimum door width may be reduced to 32 inches for cars with dimensions as permitted by the exception to ~~UBC Section 5107(e)~~ 5108(e) 6.

1305.5112 AMENDMENTS TO ANSI A17.1-1987.

ANSI A17.1 Rule 102.2 is amended to read as follows:

(c) (6) When approved by the fire chief, automatic disconnect of the main power supply is not required if sprinklers are located in the machine or equipment room only; the elevator is equipped with Phase I emergency recall (see Section 211); and the sprinkler heads are of the cycling sprinkler (on-off) type.

NOTE 1: This does not limit the use of shields and baffles.

NOTE 2: This alternative does not apply if the hoistway is provided with sprinkler protection.

ANSI A17.1 Rule 211.3d is amended to read as follows:

On emergency elevators all keyed switches installed to operate the elevator or emergency service must be keyed alike to a pattern approved by the authority having jurisdiction. In lieu of the above, keys for emergency elevator service may be in a metal box placed in a location approved by the ~~authority having jurisdiction; if the box is locked with a five-pin tumbler core lock or equivalent which is keyed to the same pattern~~ fire chief. The box must be locked with a key approved by the fire chief.

ANSI A17.1 Rule 2001.1a is amended to read as follows:

Rule 2001.1a Means of egress. Lifts must be installed so that the means of egress is maintained as required by the authority having jurisdiction.

When installed at ramps or stairs, the lift must be separated from the ramp or stair by a solid guard rail not less than 42 inches in height. Handrails complying with the requirements of the UBC Section 3306(j) must be provided on the ramp or stairway side of the guardrail, except as provided by Minnesota Statutes, section 16B.61, subdivision 5, paragraph (g).

1305.5118 EXISTING INSTALLATIONS.

(b) Damaged installations. Any installation, whether new or existing, which becomes damaged, defective, or worn, by fire or other causes including ordinary wear to such extent that in the opinion of the authority having jurisdiction it is dangerous to life, limb, and adjoining property, such installations must be repaired or rebuilt in conformity with this code. The equipment must, if in the opinion of the authority having jurisdiction, it is found necessary to protect life, limb, and property, be taken out of service until the unsafe condition has been removed. An installation that is materially changed after the enactment of this code must comply with all of the requirements covering a new installation. "Material change" means a change that moves the location, increases or decreases the length of travel, changes the type of operation, increases the speed or carrying capacity, or changes the types of power supply of an existing installation.

Department of Administration

Adopted Permanent Rules Relating to the Minnesota State Building Code

The rules proposed and published at *State Register*, Volume 14, Number 27, pages 1528-1563, January 2, 1990 (14 S.R. 1528) are adopted with the following modifications:

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.

Adopted Rules

Rules as Adopted

1346.0050 TITLE; INCORPORATION BY REFERENCE.

This chapter is known and may be cited as the "Minnesota Uniform Mechanical Code." As used in this chapter, "the code" and "this code" refer to this chapter.

Chapters 1 to 20 and appendixes A, B, and C of the 1988 edition of the Uniform Mechanical Code, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 and the International Association of Plumbing and Mechanical Officials, 20001 South Walnut Drive, Walnut, California 91789, are incorporated by reference as part of the Minnesota Uniform Mechanical Code with the amendments in this chapter. As used in this chapter, "UMC" means the Uniform Mechanical Code incorporated in this part.

The UMC is not subject to frequent change and a copy of the UMC, with amendments for use in Minnesota, is available in the office of the commissioner of administration.

1346.0710 SECTION 710.

UMC Section 710(h) is amended to read as follows:

(h) Access.

1. Every furnace installed in or on an exterior wall of a building that is designed so that the burners or controls must be serviced from the outside of the building must be accessible.

~~A furnace located on the roof of a building must be accessible.~~

~~Permanent ladders providing roof access must:~~

- ~~1. have side railings that extend at least 30 inches above the roof edge or parapet wall;~~
- ~~2. have landings less than 18 feet apart measured from the finished grade;~~
- ~~3. be at least 14 inches in width;~~
- ~~4. have rungs not more than 14 inches on center; and~~
- ~~5. have a minimum of a 3-1/2 inch toe space.~~

EXCEPTIONS:

- ~~1. Permanent exterior ladders providing roof access need not extend closer than eight feet to the finish grade.~~
- ~~2. A portable ladder may be used for access for furnaces on the single-story portion of a Group M or R Occupancy.~~

2. Mechanical equipment installed on the roof of a building must be provided with access as required by part 1305.1750.

1346.2108 SECTION 2108.

UMC Appendix B, Section 2108, is amended to read as follows:

Section 2108. A hot water liquid boiler or heat exchanger must be equipped with a pressure relief valve and a steam boiler must be equipped with a safety valve. Pressure relief and safety valves must be rated and installed according to ASME boiler and pressure vessel code.

1. Discharge piping from safety and relief valves must be directed to a position so that the danger of scalding a person is minimized and away from operating controls, thus preventing ~~damage~~ injury to the person. In no case may the discharge piping be more than 18 inches from the floor.

2. Inlet and discharge pipes are to be the full size of the valve opening and the discharge end must be reamed and unthreaded.

3. If manifolding two or more valve discharges, the piping must be sized so that its area is equivalent or greater than the combined areas of the discharge openings.

4. Discharge piping from a safety or relief valve when rising up must be provided with a drain opening to prevent the accumulation of condensate at the valve.

5. The required relieving capacity of the pressure relieving device or devices on a boiler or heat exchanger must be equal to or greater than the maximum output of the boiler or heat exchanger.

6. To prevent excessive loss of relieving capacity of the discharge piping because of length of pipe, the discharge piping must be increased in size.

1346.2127 SECTION 2127.

UMC Appendix B, Section 2127, is amended to read as follows:

Section 2127. Piping systems must comply with the following requirements:

EXCEPTION: High pressure piping systems that are part of a heating system must comply with *Minnesota Statutes*, sections 326.46 to 326.52, and the rules of the Department of Labor and Industry.

1. Piping systems in which the pressure exceeds 30 psig or the temperature exceeds 250 degrees Fahrenheit must comply with nationally recognized standards approved by the building official, *Minnesota Rules*, chapter 5230, and the requirements of item 2.

2. Piping systems in which the pressure does not exceed 30 psig and the temperature does not exceed 250 degrees Fahrenheit must comply with the requirements in A to F. If there is a conflict between this code and the rules of the Department of Labor and Industry, the most restrictive must apply.

A. Materials and construction.

(1) Pipe. Pipe must be brass, copper, cast iron, galvanized or black wrought iron, galvanized or black steel, or other approved materials. ~~Plastic pipe must not be used in any service of 120 degrees Fahrenheit or more.~~

EXCEPTION: Galvanized pipe is not permitted for use in steam systems.

3. Those portions of the hot-water piping systems in which the design temperature continuous pressure-temperature relationship does not exceed 120 degrees Fahrenheit the following may be constructed of polybutylene pipe or tubing of SDR-11 conforming to specification ASTM D 3309.

TEMPERATURE(°F.)

73
180
200

PRESSURE(PSI)

200
100
80

Polybutylene also may be used for applications requiring up to one year total exposure at conditions of 210:F., 150 psi, typical conditions for temperature and pressure-relief valve discharge lines in heating systems.

1346.2133 TABLE NO. 21-C.

UMC Appendix B, Table No. 21-C, is amended to read as follows:

TABLE NO. 21-C—CONTROLS AND LIMIT DEVICES FOR AUTOMATIC BOILERS

-BOILER -GROUP	-FUEL	-FUEL -RANGE1 (Subtype)	-TYPE -OF -PILOT	-SAFETY CONTROL TIMING- (Nominal Maximum Time in Seconds)				-ASSURED -FUEL -SUPPLY -CONTROL	-ASSURED -AIR -SUPPLY -CONTROL	-LOW-FIRE -START-UP -CONTROL	-HIGH-FIRE -SIG-CON- -TROL	-NOT -TEMPER- -ATURE-AND -LOW- -FIRE -LIMIT -CONTROL	-STEAM -PRESSURE -AND-LOW- -FIRE -LIMIT -CONTROL	-APPROVED -FUEL -SHUT-OFF	-CONTROL -AND-LOCK -SYSTEM -DESIGN
				-TRIAL FOR MAN- -SHUTTER-PLANE		-BURNER -PLANE -FAILURE									
				-TRIAL -FOR -PILOT	-ONSET -ELECTRIC -IGNITION		-PLANE -PILOT								
-A-	-Gas	-0-400-000 -Btu/h	-Any type	-00	-Not -Required	-40	-40	-Not -Required	-Required	-Not -Required	-Not -Required	-Required	-Required	-Not -Required	-Required
-B-	-Gas	-400-001 -2,500-000 -Btu/h	-Interrupted -no-intermit- -tent	-15	-15	-15	-2-4	-Not -Required	-Required	-Not -Required	-Not -Required	-Required	-Required	-Not -Required	-Required
-C-	-Gas	-2,500-001 -5,000-000 -Btu/h	-Interrupted -no-intermit- -tent	-15	-15	-15	-2-4	-Required	-Required	-Required	-Required	-Required	-Required	-Required	-Required
-D-	-Gas	-Over -5,000-001 -Btu/h	-Interrupted	-15	-15	-15	-2-4	-Required	-Required	-Required	-Required	-Required	-Required	-Required	-Required
-E-	-Oil	-0-400-000 -Btu/h	-Any type	-Not -Required	-40	-40	-40	-Not -Required	-Required	-Not -Required	-Not -Required	-Required	-Required	-Not -Required	-Required
-F-	-Oil	-400-001 -1,000-000 -Btu/h	-Interrupted	-Not -Required	-30	-30	-2-4	-Required	-Required	-Not -Required	-Not -Required	-Required	-Required	-Not -Required	-Required
-G-	-Oil	-1,000-001 -5,000-000 -Btu/h	-Interrupted	-Not -Required	-15	-15	-2-4	-Required	-Required	-Not -Required	-Not -Required	-Required	-Required	-Not -Required	-Required
-H-	-Oil	-Over -5,000-001 -Btu/h	-Interrupted	-15	-15	-40	-2-4	-Required	-Required	-Required	-Required	-Required	-Required	-Required	-Required
-I-	-Electric	-All	-Not -Required	-Not -Required	-Not -Required	-Not -Required	-Not -Required	-Not -Required	-Not -Required	-Not -Required	-Not -Required	-Required	-Required	-Not -Required	-Required

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Adopted Rules

TABLE NO. 21-C—CONTROLS AND LIMIT DEVICES FOR AUTOMATIC BOILERS

Boiler Group	Fuel	Fuel Input Range 1 (Inclusive)	Type of Pilot 2	Safety Control Timing (Nominal Maximum Time in Seconds)				Assured Fuel Supply Control 4	Assured Air Supply Control 5	Low Fire Start Up Control 6	Pre-Purging Control 7	Hot Water Temperature and Low Water Limit Controls 8	Steam Pressure and Low Water Limit Controls 9	Approved Fuel Shutoff 10	POC 10	Control and Limit Device System Design 11
				Trial for Pilot	Trial for Main Burner Flame		Main Burner Flame Failure 3									
					Direct Electric Ignition	Flame Pilot										
A	Gas	0 - 400,000 BTU/h	Interrupted, Intermittent or Continuous	90	Not Allowed	90	90	Not Required	Required	Not Required	Not Required	Required	Required	Required	Not Required	Required
B	Gas	400,001 - 999,999 BTU/h	Interrupted, Intermittent	15	Not Allowed	15	2 - 4	Hi Gas Required	Required	Not Required	Required	Required	Required	Required	Not Required	Required
C	Gas	1,000,000 - 2,499,999 BTU/h	Interrupted	15	Not Allowed	15	2 - 4	Lo/Hi Gas Required	Required	Required	Required	Required	Required	Required	Required	Required
D	Gas	2,500,000 over BTU/h	Interrupted	10	Not Allowed	10	2 - 4	Lo/Hi Gas Required	Required	Required	Required	Required	Required	Required	Required	Required
E	Oil	0 - 5 GPM	Any Type	15	90	90	90	Not Required	Required	Not Required	Not Required	Required	Required	Required	Not Required	Required
F	Oil	Over 5 GPM	Interrupted	15	Not Allowed	15	2 - 4	Required	Required	Not Required	Required	Required	Required	Required	Not Required	Required
G	Oil	7 to 10 GPM	Interrupted	15	Not Allowed	10/15	2 - 4	Lo - Oil Required	Required	Required	Required	Required	Required	Required	Not Required	Required
H	Oil	Over 10 GPM	Interrupted	15	Not Allowed	10/15	2 - 4	Lo - Oil Required	Required	Required	Required	Required	Required	Required	Not Required	Required
K	Electric	All	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Required	Required	Not Required	Not Required	Required

1346.2215 SECTION 2215.

UMC Appendix B, Section 2215, is amended to read as follows:

Section 2215. In addition to the requirements of this chapter for gas piping, the facilities and piping for use with liquefied petroleum gas must comply with Minnesota Rules, part 7510.3260; meet the following requirements:

Liquefied petroleum gas facilities must conform to approved standards. Liquefied petroleum gas facilities and their locations must be approved by the building official and must conform to state and local fire-prevention regulations.

Where liquefied petroleum gas facilities serve more than one customer through separate piping systems, each system must be identified in a manner satisfactory to the building official.

Liquefied petroleum gas facilities must be so placed as to be readily accessible for inspection, reading, testing, and shutting off the gas supply. Service piping and main supply shutoff valves must be outside of the building. Main supply valves must be of approved type and readily accessible.

Gas piping inlets must be located with respect to the proposed liquefied petroleum gas facility location in accordance with the requirements of this section.

Pipe-joint compounds used on threaded connections must be insoluble in liquefied petroleum gas.

Every valve and appurtenance used in liquefied petroleum gas systems must be designed and approved for use with liquefied petroleum gas.

Discharge from relief valves must be not less than five feet horizontally away from any opening into a building which is below the discharge.

LP gas appliances, applications, and installations must be in accordance with the rules of the Minnesota State Fire Marshall and this code.

Department of Administration

Adopted Permanent Rules Relating to the Minnesota State Building Code

The rules proposed and published at *State Register*, Volume 14, Number 27, pages 1563-1591, January 2, 1990 (14 S.R. 1563) are adopted with the following modifications:

Rules as Adopted

1300.2500 CODE ADOPTION AND AMENDMENTS.

Under *Minnesota Statutes*, section 16B.61, the code is adopted and periodically updated to include current editions of national model codes in general use and existing statewide specialty codes and their amendments.

Under *Minnesota Statutes*, section 16B.64, ~~subdivision~~ subdivisions 5 and 6, amendments to the code may be proposed and initiated by any interested person. Proposed amendments must be submitted in writing on a form provided by the commissioner.

1302.0600 FEES.

Subpart 1. **General.** Fees for building permits and the review of plans and specifications submitted under part 1302.0500, subpart 2, must be paid as set forth in the following fee schedule or as adopted by a municipality.

A. The total valuation and fee schedule is:

~~(3)~~ (4) \$25,001 to \$50,000, \$252 for the first \$25,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$50,000;

~~(4)~~ (5) \$50,001 to \$100,000, \$414.50 for the first \$50,000 plus \$4.50 for each additional \$1,000 or fraction thereof, to and including \$100,000;

~~(5)~~ (6) \$100,001 to \$500,000, \$639.50 for the first \$100,000 plus \$3.50 for each additional \$1,000 or fraction thereof;

~~(6)~~ (7) \$500,001 to \$1,000,000, \$2,039.50 for the first \$500,000 plus \$3 for each additional \$1,000 or fraction thereof, to and including \$1,000,000; and

~~(7)~~ (8) \$1,000,001 and up, \$3,539.50 for the first \$1,000,000 plus \$2 for each additional \$1,000 or fraction thereof.

1305.0100 ADOPTION OF THE UNIFORM BUILDING CODE BY REFERENCE.

Chapters 1 to 60 and appendixes of the 1988 edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, Whittier, California, are incorporated by reference and made part of the Minnesota State Building Code except as qualified by parts 1300.2900 and 1305.0150 and except as amended in parts 1305.0200 to 1305.7100. The Uniform Building Code is not subject to frequent change and a copy of the Uniform Building Code, with amendments for use in Minnesota, is available in the office of the commissioner of administration.

1305.5385 TABLE 26-A-8.

UBC Chapter 26 is amended by adding a new Table 26-A-8 to read as follows:

TABLE 26-A-8

PERFORMANCE SPECIFICATION FOR CORROSION PREVENTIVE COATING

TEST	TEST METHOD	ACCEPTANCE CRITERIA
1. Dropping point °F(°C)	ASTM D-566 or ASTM D-2265	Minimum 300 (148.9)
2. Oil separation at 160°F(71.1°C)	FIMS 791B Method 321.2	Maximum 0.5
3. Water, percent maximum	ASTM D-95	0.1
4. Flash point, °F(°C) (Refers to oil component)	ASTM D-92	Minimum 300 (148.9)
5. Corrosion test 5 percent salt fog at 100°F(37.8°C) 5 mils, minimum hours (Q Panel Type S)	ASTM B-117	For normal environments: Rust Grade 7 or better after 720 hours of exposure according to ASTM D-610. For corrosive environments: Rust Grade 7 or better after 1,000 hours of exposure according to ASTM D-610*
6. Water soluble ions +		
a. Chlorides, ppm maximum	ASTM D-512	10
b. Nitrates, ppm maximum	ASTM D-922	10
c. Sulfides, ppm maximum	APHA 427D (15th Edition)	10

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Adopted Rules

TEST	TEST METHOD	ACCEPTANCE CRITERIA
7. Soak test 5 percent salt fog at 100°F(37.8°C) 5 mils coating. Q panels, Type S. Immerse panels 50 percent in a 5 percent salt solution and expose to salt fog	ASTM B-117 (Modified)	No emulsification of the coating after 720 hours of exposure
8. Compatibility with sheathing a. Hardness and volume change of polymer after exposure to grease, 40 days at 150°F b. Tensile strength change of polymer after exposure to grease, 40 days at 150°F	ASTM D-4289	Permissible change in hardness 15 percent Permissible change in volume 10 percent Permissible change in tensile strength 30 percent

*Extension of exposure time to 1,000 hours for greases used in corrosive environments requires use of more or better corrosion inhibiting additives.

+ **Procedure:** The inside (bottom and sides) of a 1L Pyrex beaker (approximate outside diameter 105mm, height 145mm) is thoroughly coated with 100 ± 10 g of corrosion preventive coating material. The coated beaker is filled with approximately 900 cc of distilled water and heated in an oven at a controlled temperature of 100° ± 2°F for 4 hours. The water extraction is tested by the noted test procedures for the appropriate water soluble ions. Results are reported as ppm in the extracted water.

The above extracts are reprinted from the report "Specification for Unbonded Single Strand Tendons," published in the PCI JOURNAL, Volume 30, Number 2, March-April 1985, pages 22 to 39.

REPEALER. Minnesota Rules, parts 1305.0300; ~~1305.1750~~; 1305.1790; 1305.2100; 1305.2400; 1305.3000; 1305.3100; 1305.3200; 1305.3300; 1305.3600; 1305.3700; 1305.4200; 1305.4500; 1305.4900; 1305.5300; 1305.5310; 1305.5500; 1305.5800; 1305.6550; 1305.6600; and 1305.6900, are repealed.

Department of Administration

Adopted Permanent Rules Relating to the Minnesota State Building Code

The rules proposed and published at *State Register*, Volume 14, Number 27, pages 1591-1612, January 2, 1990 (14 S.R. 1591) are adopted with the following modifications.

Rules as Adopted

4715.0420 STANDARDS FOR PLUMBING MATERIALS.

Subp. 3. Standards for plumbing materials.

	DESCRIPTION	ANSI	ASTM	FS	OTHER
VI.	PLASTIC PIPE AND FITTINGS DRAIN, WASTE AND VENT GENERAL DRAINAGE		<u>ASTM</u>		
6M	Polyethylene (corrugated)		F405		

4715.0800 MECHANICAL JOINTS.

Subp. 5. **Mechanical pipe couplings and fittings.** Couplings must be made with the housing fabricated in two or more parts of malleable iron castings in accordance with Federal Specification QQ-I-666c, Grand 11, or with ASTM A47 or ASTM A339. The coupling gasket must be molded synthetic rubber, per ASTM D-735-61, Grade No. R615BZ. Coupling bolts must be oval neck track head type with hexagonal heavy nuts, per ASTM-A-183-60, or ASTM A325.

Pipe fittings used with these pipe couplings must be fabricated or malleable iron castings in accordance with Federal Specifications QQ-I-666c, Grade 11, or with ASTM A47; ductile iron ASTM A339; segweld steel ASTM53 or A106.

These couplings and fittings may be used above ground, for storm drains and leaders, and for water distribution pipe provided exposed parts in contact with water are galvanized, and may be used below ground for water distribution if couplings and fittings are galvanized and the exposed grooves are coal tar enamel coated and wrapped.

All grooving of galvanized pipe must be by the cut groove method.

4715.0810 PLASTIC JOINTS.

Subp. 2. **Primer.** Solvent weld joints in PVC and CPVC pipe must include use of a primer of contrasting color to the pipe and

cement. Primers must comply with the National Sanitation Foundation (NSF) Standard Number 14. A mechanical method of preparing PVC or CPVC pipe for solvent cement is not acceptable in lieu of using a primer.

4715.0820 SOLDERED OR BRAZED JOINTS.

Joints with copper tube with solder joint fittings must be soldered or brazed. Copper tubing must be reamed out to the full interior tubing dimension before soldered or brazed joints are made. Surfaces to be soldered or brazed must be thoroughly cleaned. Joints to be soldered must be properly fluxed with noncorrosive paste type flux. Solder and flux used in potable water systems must not contain more than 0.2 percent lead. Solder used for joints must have a nominal composition of 50 percent tin and 50 percent lead, 95 percent tin and five percent antimony, or 96 percent tin and four percent silver, conforming to ASTM Standard Specification for soft solder metal B32-76, except that 50 percent tin and 50 percent lead solder must not be used in potable water systems. Alternative solders may be used only if shown to be suitable by a recognized testing laboratory or listing agency acceptable to the administrative authority, and the material is specifically approved by the administrative authority after review of testing laboratory or listing agency documentation. Brazing must be done using methods and a brazing filler metal suitable for the application and in accordance with industry standards which is manufactured for the particular application, and using methods specified by the filler metal manufacturer.

4715.2110 TYPES OF DEVICES REQUIRED WHERE AN AIR GAP CANNOT BE PROVIDED. 1.

Only allowed where no back pressure is possible

	RPZ	DCV IAV	DCVA	PVB	AVB	Hose VB
<u>A.</u> Boiler, commercial	X					
<u>B.</u> Boiler, residential (R-3 occupancy)	X	X				
<u>C.</u> Car wash	X			X	X	
<u>D.</u> Carbonated beverage machine (postmix) (see part 4715.2163)		X				
<u>E.</u> Chemical line	X					
<u>F.</u> Chemical tank	X			X	X	
<u>G.</u> Chiller	X					
<u>H.</u> Cooling tower	X	X		X	X	
<u>I.</u> Dental units	X	X		X	X	
<u>J.</u> Dishwasher, commercial				X	X	
<u>K.</u> Fire sprinkler system <u>2.</u>	X	X	X			
<u>L.</u> Flush tank (water closet, urinal, similar) (see part 4715.2150)	X			X	X	
<u>M.</u> Flush valve (water closet, urinal, similar) (see part 4715.2150)	X			X	X	
<u>N.</u> Food and beverage equipment or system	X	X	X	X	X	
<u>O.</u> Garbage can washer	X			X	X	
<u>P.</u> Glycol or other antifreeze system	X					
<u>Q.</u> Lab equipment	X			X	X	
<u>R.</u> Lab faucet						X
<u>S.</u> Laundry machine, commercial	X	X		X	X	
<u>T.</u> Lawn, garden or greenhouse sprinkler system	X			X	X	
<u>U.</u> Operating, dissection, embalming or mortuary table (see part 4715.1950)	X			X	X	
<u>V.</u> Private potable water supply (where permitted by administrative authority)	X	X	X			
<u>W.</u> Private nonpotable water supply (w-p-b-a-a-) (where permitted by administrative authority)	X					
<u>X.</u> Process line	X	X				
<u>Y.</u> Process tank	X			X	X	
<u>Z.</u> RV dump station	X	X		X	X	

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	RPZ	DCV IAV	DCVA	PVB	AVB	Hose VB
<u>AA.</u> Sewage treatment	X			X	X	
<u>BB.</u> Soap dispenser	X	X		X	X	
<u>CC.</u> Swimming pool, fountain, pond, baptistry, aquarium or similar	X	X		X	X	
<u>DD.</u> Threaded hose connections, including: hose bibbs, hydrants, service sinks, laundry trays						X
<u>EE.</u> Truck fill	X			X	X	
<u>FF.</u> Vacuum systems or aspirators	X			X	X	

Only allowed where no back pressure is possible

1. For installations not listed above, review with the Administrative Authority.

2. Installations must comply with AWWA-M14, section 6.3, 1966.

4715.2190 COMBINATION WATER AND SPACE HEATING EQUIPMENT.

Equipment used for heating domestic or service hot water and for space heating must be installed with a mixing valve to permit the user to control the temperature of the domestic or service hot water regardless of the space heating demand.

The installation must include a drainage port and isolation valve to permit the user to purge the heating coils to waste after the nonheating season, or the system must be designed to automatically prevent stagnation.

The water heater must be specifically approved designated by the manufacturer for use as a combination hot water and space heater.

All pipes, joints, and appurtenances in the system must be of a type approved for potable water distribution. This provision is not intended to address the wall thickness of heating coils, which must be the responsibility of the manufacturer.

Department of Health

Adopted Permanent Rules Relating to Wells and Borings

The rules proposed and published at *State Register*, Volume 14, Number 26, pages 1457-1474, December 26, 1989 (14 S.R. 1457) are adopted with the following modifications:

Rules as Adopted

4725.0100 DEFINITIONS.

Subp. 24c. **Dewatering well.** "Dewatering well" means a nonpotable well used to lower groundwater levels to allow for construction or use of underground space. A dewatering well does not include:

A. excavations 25 feet or less in depth for temporary dewatering during construction; or

B. ~~an uncased hole or excavation 25 feet or less in depth in the bottom of an open trench used for temporary dewatering during construction; or~~

C. a well used to lower groundwater levels for control or removal of groundwater contamination.

Subp. 25. [See Repealer.]

[For text of subp 26, see M.R.]

~~Subp. 26b. Drive point well. "Drive point well" means a well that consists of a pointed well screen attached to sections of well casing. The drive point and casing are pounded, forced, or driven into the ground by use of a hammer, weight, or maul. A drive point well is synonymous with "sand point" or "well point."~~

[For text of subs 27 26 to 30, see M.R.]

Subp. 31a. **Petroleum bulk storage site.** "Petroleum bulk storage site" means a property on which petroleum products are stored for sale and excludes pipeline terminals and refineries.

Subp. 31b. Piezometer. "Piezometer" means an environmental bore hole used to measure water levels or groundwater pressure surfaces. Piezometer does not include devices used to sample, monitor, remediate, or measure pore water pressure in the vadose zone or above a water bearing layer.

Subp. 49a. **Unconventional well.** “Unconventional well” means a dug well or drive point well.

[For text of subp 50, see M.R.]

Subp. 51a. **Well pump or pumping equipment.** “Well pump or pumping equipment” means a device, machine, or material used to withdraw or otherwise obtain water from a well, and all necessary seals, fittings, pump controls, and primary water storage tanks. Well pump or pumping equipment does not include:

A. accessory water tanks, such as fire protection tanks, and elevated or ground storage tanks used for public water supplies;

B. water sampling devices that are installed in a monitoring well to obtain a water sample and are then removed after the sample is collected; or

C. devices used in the construction or rehabilitation of a well to construct or develop the well.

4725.0200 APPLICATION TO ALL WELLS, ENVIRONMENTAL BORE HOLES, AND EXCAVATIONS FOR ELEVATOR SHAFTS.

Subpart 1. **Applicability.** This chapter applies to all wells, environmental bore holes, and borings for elevator shafts in Minnesota except those specifically exempted by *Minnesota Statutes*, chapter 103I. This chapter applies to state and local governments except that, pursuant to *Minnesota Statutes*, section 103I.112, state and local governments are exempt from fees required under this chapter.

4725.0450 LICENSING AND REGISTRATION.

Subpart 1. **Wells; vertical heat exchangers; groundwater thermal exchange devices.** Except for those persons exempted under *Minnesota Statutes*, section 103I.205, subdivision 4, paragraph (e), a person must hold a license or registration according to *Minnesota Statutes*, chapter 103I, to:

A. construct, repair, or seal a well; ~~monitoring well, dewatering well, drive point well, other unconventional well, piezo-meter, or environmental bore hole or boring;~~ or

Subp. 3. **Well pumps and pumping equipment.** After July 1, 1990, a person may not install a well pump or pumping equipment in a well without holding a well contractor license or a limited well contractor license to install a well pump or pumping equipment as required by *Minnesota Statutes*, chapter 103I. Nothing in this subpart shall prohibit a monitoring well contractor from installing a well pump or pumping equipment in a monitoring well, or a limited unconventional well contractor from installing a well pump or pumping equipment in an unconventional well. Nothing in this subpart shall prohibit a licensed plumber or plumbing contractor from installing water pressure tanks not attached to the well casing, or water storage tanks, or from installing and servicing pressure water service lines from the source of supply, according to applicable law.

4725.0500 QUALIFICATIONS FOR CONTRACTOR LICENSE OR REGISTRATION.

Subp. 2a. **Individual well contractor.** A person may apply as an individual for a well contractor license if the person meets the license requirements in *Minnesota Statutes*, section 103I.525, subdivision 1, paragraph (c).

Subp. 3. **Monitoring well contractor.** A person may register as a monitoring well contractor to construct, repair and seal monitoring wells, install pumps in monitoring wells, and construct and seal environmental bore holes, if the person meets the requirements in items A to C.

Subp. 4. **Limited well contractor.** A person must have a well contractor license or a separate limited well contractor license for each of the categories in items A to C to:

A. construct, repair, and seal unconventional wells; ~~drive point wells, dug wells, or dewatering wells;~~

B. install or repair well screens or pitless units or adaptors and well casings from the pitless unit or adaptor to the upper termination of the well casing; or

C. install a well pump or pumping equipment;

D. seal wells; or

E. construct, repair, or seal dewatering wells.

Subp. 5. **Limited well contractor qualifications for unconventional wells.** An applicant for a limited well contractor license to construct, repair, and seal an unconventional well must have three years of experience. A year of experience is a year in which the applicant personally drilled five unconventional wells and worked for a minimum of 1,000 hours constructing, repairing, and sealing

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unconventional wells, and installing pumps in unconventional wells. An applicant whose experience is constructing ~~dug wells or drive point unconventional~~ wells must have gained the experience under a licensed well contractor or a limited well contractor licensed to construct, repair, and seal unconventional wells.

4725.0700 APPLICATION FOR LICENSURE OR REGISTRATION.

An applicant shall submit an application to the commissioner on forms provided by the commissioner. ~~Except for an applicant for registration as a monitoring well contractor,~~ The application must be accompanied by a filing fee of \$50. The fee shall be made payable to the Minnesota state treasurer.

The applicant must submit written documentation of experience as required in part 4725.0500. This includes, but is not limited to, water well records, construction logs for wells or borings, letters from employers verifying employment, and work reports.

The filing fee for an application shall not be refunded for any reason except when an applicant is not found to be qualified to take the written examination. If the applicant meets the requirements in part 4725.0500, the applicant shall take the examination in part 4725.1000.

4725.0900 COUNCIL EVALUATION OF APPLICANTS.

Upon request by the commissioner, the council shall evaluate each applicant and forward its recommendations to the commissioner. The commissioner or council may conduct oral interviews and require sworn affidavits and other supporting evidence to determine qualifications of the applicant examinations using a standardized examination developed by the commissioner in consultation with the council. Upon request by the commissioner, the council may also provide recommendations as to the appropriate disciplinary action for licensees and registrants found to be in violation of Minnesota Statutes, chapter 1031 and this chapter.

4725.1050 FEES FOR LICENSURE OR REGISTRATION.

Subpart 1. **Licensure or registration application.** Upon satisfactory completion of the examination, the applicant must submit the required fee for a license or registration within one year after the date on which the applicant is notified of passing the examination. The submittal must be on a form provided by the commissioner, must be completed by the applicant, and must be accompanied by a \$250 fee for a well contractor license, a \$50 fee for an individual well contractor license, a \$50 fee for each of the ~~three~~ categories of limited well contractor license, a \$50 fee for an elevator shaft contractor license, and a \$50 fee for registration as a monitoring well contractor. The license or registration fee shall be made payable to the Minnesota state treasurer. The fee shall not be refunded for any reason.

4725.1250 BONDING.

At the time the fee is submitted for initial licensure or registration or licensure or registration renewal, the person must show proof of holding a corporate surety bond in the amount of \$10,000. A copy of the bond shall be submitted to the commissioner. For an applicant seeking more than one limited license under part 4725.0500, subpart 4, only one bond is required. The bond may be used by the commissioner to compensate persons injured or suffering financial loss because of failure of a licensee or registrant to properly perform the duties under part 4725.0450 and *Minnesota Statutes*, chapter 1031. The term of the bond shall be concurrent with the term of the license or registration. The penal sum of the bond is noncumulative and is not to be aggregated every year that the bond is in force. The bond shall be written by a corporate surety licensed to do business in Minnesota. The corporate surety shall be responsible for providing 30 days' written notice to the commissioner of cancellation of a licensee's or registrant's bond. If a bond is canceled, a licensee or registrant shall not work under the license or registration until another bond meeting the requirements of this part is obtained. A person applying for an individual well contractor license is exempt from the requirements of this part.

4725.1300 LICENSE OR REGISTRATION RENEWAL.

Licenses expire on January 31 of each year and registrations expire on December 31 of each year. Each licensee or registrant shall submit an application for license or registration renewal on forms provided by the commissioner no later than January 31 for licenses and December 31 for registrations. The license or registration renewal application shall be accompanied by a fee of \$250 for a well contractor license and \$50 for an individual well contractor license, a limited well contractor license, elevator shaft contractor license, or monitoring well contractor registration. A penalty fee of \$10 shall also be paid if the renewal is submitted after the January 31 license or December 31 registration deadline. At the time of license or registration renewal, the licensee or registrant shall provide written proof that the continuing education required by part 4725.1650 has been completed and shall provide a copy of the license or registration bond required under part 4725.1250. A renewal license or registration card shall be sent to the licensee or registrant after the license or registration application has been submitted and after all other conditions of licensure or registration have been met. The renewal license or registration shall consist of a card in duplicate and contain the name of the licensee or registrant; the licensee's or registrant's representative, if applicable; expiration date; and the license or registration number. One card shall be kept posted with the original license or registration. The other shall be carried by the licensee or registrant or the licensee's or registrant's representative.

4725.1400 LICENSING OR REGISTRATION OF PARTNERSHIPS, CORPORATIONS, BUSINESS ASSOCIATIONS, OR GOVERNMENT AGENCIES.

Subp. 1a. **Partnerships, corporations, business associations, or government agencies.** A partnership, corporation, business

association, or government agency may apply for registration as a monitoring well contractor or for licensure as a well contractor, limited well contractor, or elevator shaft contractor. Upon initial registration or licensure, and upon subsequent renewal, a partnership, corporation, business association, or government agency ~~with branch offices in multiple locations applying for monitoring well registration may apply to have one representative for each of those offices.~~ A, must designate, on a form provided by the commissioner, at least one licensed or registered individual to serve as a representative for purposes of compliance with the chapter. Each designated representative of a partnership, corporation, business association, or government agency must take the examination in part 4725.1000, but the registrant or licensee shall be the partnership, corporation, business association, or the government agency. ~~Upon registration or licensure of the representative or agency, the person~~ Each designated representative shall be responsible for the supervision of conducting all operations required of the contractor under this chapter under his or her supervision according to Minnesota Statutes, chapter 1031 and this chapter.

A. A person who acts as a representative may not represent more than one well contractor, monitoring well contractor, limited well contractor, or elevator shaft contractor.

B. ~~When the a representative no longer works for the registrant or licensee or is otherwise incapable of fulfilling the responsibilities of the registration or license, the registrant or licensee shall inform the commissioner within five days of such fact and. If a licensee or registrant has only one designated representative and the representative no longer works for the registrant or licensee, the registrant or licensee shall~~ give the name of a qualified individual ~~acceptable to the commissioner,~~ who shall be responsible for the work of the registrant or licensee until a new representative is registered or licensed. All applications, examinations, fees, and other requirements must be satisfied in order to qualify the new representative within 90 days. If he or she does not qualify, the contractor shall be without a registration or license and must cease operations.

4725.1500 SUSPENSION OR REVOCATION OF LICENSE OR REGISTRATION.

Subpart 1. **Commissioner action.** The commissioner may suspend or revoke ~~the a license of a well contractor, limited well contractor, or elevator shaft contractor or the registration of a monitoring well contractor,~~ if the registrant or licensee has violated the provisions of this chapter or *Minnesota Statutes*, chapter 1031. The commissioner may initiate such proceedings.

Subp. 2. **Investigation.** The commissioner may make an investigation to determine if there has been a violation of this chapter or *Minnesota Statutes*, chapter 1031, and, in so doing, may request the registrant or licensee to appear before the commissioner to determine the merits of the situation in question. ~~In each case the council shall make a recommendation to the commissioner.~~

4725.1685 ADVISORY COUNCIL REVIEW OF CONTINUING EDUCATION PROGRAMS.

The Advisory Council on Wells and Borings ~~shall~~ may review continuing education programs and make recommendations to the commissioner as to the acceptability for continuing education credits for each license or registration category.

4725.1800 DRILLING MACHINE AND HOIST REGISTRATION.

Upon licensure or registration under part 4725.0450, the licensee or registrant must register all drilling machines and hoists and pay a \$50 fee for each machine or hoist. Each time the licensee or registrant renews licensure or registration under part 4725.1300, the licensee or registrant must renew each drilling machine and hoist registration and must pay a \$50 renewal fee for each drilling machine or hoist. Upon acquiring additional drilling machines or hoists after initial licensure or registration under part 4725.0450 or after renewal of licensure or registration under part 4725.1300, the licensee or registrant must register the machine or hoist and pay the \$50 registration fee. Upon receipt of the required fee and information, a drilling machine or hoist registration card shall be issued for identification purposes for each drilling machine and hoist registered by the contractor. The card shall be carried on the drilling machine or hoist at all times where it may be inspected by the commissioner.

In the case of a licensee or registrant with a more than one representative, ~~the representative of the licensee or registrant is responsible for registering~~ may designate one representative to register all the licensee's or registrant's drilling machines and hoists.

The registration card and decals furnished for a drilling machine or hoist are not transferable. The card and decals shall be returned to the commissioner when a drilling machine is sold, traded, or otherwise disposed of.

PERMITS AND NOTIFICATIONS

4725.1820 NOTIFICATION FOR CONSTRUCTION OF WELLS.

A well must not be constructed until the owner of the property where the well is to be located, the property owner's agent, a licensed well contractor, or a limited unconventional well contractor submits notification of construction of the proposed well to the

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commissioner according to this part. This part does not apply to the construction of monitoring wells, dewatering wells, or drive point wells installed by the well owner on the owner's property for residential or agricultural use.

C. The property owner, the property owner's agent, a licensed well contractor, or a limited unconventional well contractor must submit the notification on a form provided by the commissioner. The notification must be legible, be accompanied by the fee required in this part, and be signed by the licensed contractor ~~and~~ or the owner of the property where the well is located, or the property owner's agent.

G. ~~The property owner must file~~ A new notification must be filed with the commissioner if:

- (1) a licensed contractor other than the one listed on the original notification completes the well; and/or
- (2) the well is completed on property other than that listed on the original notification.

A new fee is not required for a new notification filed under this item.

H. The notification is valid for one year from the date it is ~~issued~~ filed. If the property owner, property owner's agent, a licensed well contractor, or a limited unconventional well contractor submits a written request to the commissioner, and shows the well has not been completed or constructed, the commissioner may extend the expiration date for an additional six months.

4725.1825 DEWATERING WELL CONSTRUCTION PERMITS.

This part applies to all dewatering wells as defined in part 4725.0100, subpart 24c, including drive point wells used for dewatering. Until June 30, 1992, this part does not apply to dewatering wells that are constructed and that operate down to 45 feet.

4725.1830 MONITORING WELL CONSTRUCTION PERMIT.

This part applies to all monitoring wells, including drive point wells used as monitoring wells.

E. A permit application for a monitoring well owned by a person other than the property owner must verify that a written ~~contract exists between the well owner and the property owner that describes the nature of the work to be performed, the estimated cost of the work, and the provisions for sealing the well~~ agreement exists according to Minnesota Statutes, section 1031.205, subdivision 8.

4725.1836 NOTIFICATION AND PERMIT FEES.

The appropriate fees must accompany all notifications and permit applications. Notification or permit fees may be paid electronically. Notification and permit application fees are not refundable shall be refunded if written application is received within 30 days of submission of incorrect fees, or if written application is received within one year of notification or issuance of a permit if a well or boring was not completed. The notification or permit application may be made by facsimile transmission.

4725.1838 EMERGENCY NOTIFICATIONS AND PERMITS.

Notifications and applications for permits may be verbally reported under emergency conditions for construction of wells, monitoring wells, and dewatering wells, except for monitoring wells and dewatering wells constructed through a confining layer and for at-grade monitoring wells. Emergency conditions are exceptional circumstances where a delay in starting construction poses an immediate and significant danger to health or safety and there is no time for prior notification or obtaining the required permit.

Exceptional circumstances include, but are not limited to, cases where well failure will leave livestock or persons without drinking water, where inaction presents an imminent threat to contamination of the well, boring, or groundwater, where delay will result in collapse or damage to the well, where delay will result in the endangerment of health or safety such as in an unstable excavation, or where such construction is court ordered.

A. If emergency conditions affecting construction of a well occur during normal business hours, the property owner, the property owner's agent or a licensed contractor may verbally provide to an authorized representative of the commissioner the information required for notification under part 4725.1820. If emergency conditions affecting construction of a monitoring well, dewatering well, or elevator shaft occur during normal business hours, the contractor may verbally provide the information required for permits under part 4725.1825, 4725.1830, or 4725.1835, whichever is applicable, to an authorized representative of the commissioner.

C. A written notification or written permit application and the applicable fees must be received by the commissioner within 72 hours five working days after emergency notification of the start of construction of a well, or within 72 hours five working days after the start of construction under an emergency permit for a dewatering well, monitoring well, or elevator shaft. The property owner, the property owner's agent, or a licensed or registered contractor is responsible for submitting a written notification or permit and fee. ~~The licensed or registered contractor is responsible for submitting a written permit application and fee.~~

4725.1845 DENIAL OF CONSTRUCTION PERMIT APPLICATION.

Subpart 1. Grounds for denial of application. The commissioner may deny a permit application or revoke a permit for construction of a monitoring well, dewatering well, or excavation for installation of an elevator shaft ~~for any violation of this chapter. if:~~

A. the person constructing the well or boring is not licensed or registered according to this chapter;

B. information submitted in the permit application is determined to be false or misrepresented;

C. the construction of the well or boring would not be in conformance with this chapter;

D. issuance of the permit conflicts with statute or rule;

E. a provision of the permit is violated;

F. the well or boring would be constructed into or through contaminated soil or groundwater, and construction or use of the well or boring would result in contamination of a well or boring, allow contamination to spread, or would adversely affect groundwater remediation; or

G. pumping from the well or boring would intercept groundwater contamination and construction or use of the well or boring would result in contamination of a well or boring, allow contamination to spread, or would adversely affect groundwater remediation.

Subp. 2. Notice requirement. The commissioner shall give the applicant or permit holder written notice of the permit application denial or permit revocation. The notice shall state the reason for denial or revocation. A denied permit application or revoked permit may be revised or corrected and resubmitted to the commissioner for reconsideration.

REPEALER. *Minnesota Rules*, parts 4725.0100, subparts 2, 3, 6, 7, 15, 16, 18, 25, 31, and 41; 4725.0600; 4725.0700, subpart 2; 4725.0800; ~~4725.0900~~; 4725.1000, subparts 1 and 3; 4725.1100; 4725.1200; and 4725.1850, are repealed.

Department of Public Safety

Office of Pipeline Safety

Adopted Permanent Rules Relating to Pipeline Safety Enforcement and Sanctions

The rules proposed and published at *State Register*, Volume 14, Number 34, pages 2044-2050, February 20, 1990 (14 S.R. 2044) are adopted with the following modifications:

Rules as Adopted

7530.0300 INSPECTIONS.

Subpart 1. **Purpose and scope.** For determining and enforcing compliance with safety standards, the office shall conduct periodic inspections and spot checks of records and property in the possession, custody, or control of pipeline operators to determine compliance with applicable pipeline safety standards under *Minnesota Statutes*, section 299F.57. This chapter does not apply to interstate gas or liquid pipeline facilities subject to the enforcement jurisdiction of the federal Office of Pipeline Safety under the federal Natural Gas Pipeline Safety Act or the federal Hazardous Liquids Pipeline Safety Act.

7530.1500 TESTING AND TEST RESULTS.

Subpart 1. **Applicability.** This part applies to tests following reportable incidents in preparation to returning the pipeline to service. For purposes of this part, pipeline has the meaning given it in *Minnesota Statutes*, section 299J.02, subdivision 11.

Board of Teaching

Adopted Permanent Rules Relating to Teacher Education

The rules proposed and published at *State Register*, Volume 14, Number 38, pages 2231-2235, March 19, 1990 (14 S.R. 2231) are adopted as proposed.

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Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and the Issuance of Bonds

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on July 25, 1990, at 9:30 a.m. o'clock, at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf Paulucci International Ltd., Inc., a Florida corporation, Jeno F. Paulucci, Lois M. Paulucci and/or Luigino's, Inc. (collectively, the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the renovating and equipping of an existing manufacturing facility in the City of Duluth, Minnesota [general description of the location being at the intersection of 37th Avenue West and Oneota Street, Duluth, Minnesota (the "Project")]. The initial owner of the Project will be one of the parties identified above as the "Applicant" and the Project is expected to be operated and managed by one of the parties identified above as the "Applicant." It is contemplated that the Project will be used primarily for the production of frozen food entrees, sauce and other food service items and related activities. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$2,200,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes* 1986, Chapter 116M or other financial or special assistance from the Board. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

BY ORDER OF THE MEMBERS OF
THE MINNESOTA AGRICULTURAL
AND ECONOMIC DEVELOPMENT
BOARD

Paul Moe, Executive
Director, Minnesota
Agricultural and Economic
Development Board

Ethical Practices Board

Request for Advisory Opinion Re: Matching Requirement

The Ethical Practices Board solicits comments regarding the following request for an advisory opinion received from The Honorable Linda Scheid. Written comments should arrive at the Board Office, 625 N. Robert St., St. Paul, MN 55101, prior to July 23, 1990, for consideration at the Board's meeting for July 26, 1990.

June 21, 1990—I understand that the Board will be discussing *Minnesota Statutes* section 10A.25, subd. 10 and how that relates to or is affected by Laws 1990, Chapter 608, Article 3, section 25 at your meeting Thursday, June 28, 1990.

You and/or the Board's counsel have received a memo from Deborah McKnight, legislative analyst for the House. I believe it is a logical expression of legislative intent concerning both: candidates whose opponents do not sign the spending agreement and matching requirements for candidates who do.

The matching requirement was viewed in all committee and floor discussion as well as in the Conference Committee on H.F. 2666, as another tool to better implement Minnesota's campaign finance system. By requiring a candidate who chooses to receive the public subsidy to match a portion of the subsidy it was the intent of the author (me) to protect the integrity of the publicly financed subsidy by ensuring at least to a small degree that candidates be "serious" and not file for office and the subsequent subsidy just to use public money for extra-district political activities.

At no time was there any intention or even suggestion that Section 10A.25, subd. 10 be subverted or affected. Indeed language in Laws 1990, Chapter 608, Article 3, section 26, subd. 1, para (c) was included to clarify legislative intent on that subject.

I think what it boils down to is this: it does not make sense to view establishment of a matching requirement as a condition for receiving a public subsidy for a campaign as a way to thwart the intent of Section 10A.25, subd. 10. While some would argue with the policy of releasing a candidate from spending limits and allowing them to receive the public subsidy, I would argue that that policy is meant to act as one more incentive for all candidates to agree to abide by the spending limits. Surely it is not incompatible to encourage holding down campaign spending and at the same time encourage candidates to be sincere about their candidacies and raise some money to match in part the public subsidy.

The Board may wish to discuss the somewhat ambiguous phrase "otherwise eligible" and convey to me and others any improvement that might be made there. Please keep me posted on any of your decisions or questions.

Thank you for all your hard work.

Department of Health

Notice of Intention to Solicit Outside Opinion for Amendment of Rules Relating to Physician Assistant Prescription Writing Privileges

NOTICE IS HEREBY GIVEN that the Department of Health is seeking information or opinions from sources outside of the agency in preparing to amend the Physician Assistant registration rules (*Minnesota Rules*, Parts 5600.2600 through 5600.2665). Amendment of these rules is occurring pursuant to 1990 Minnesota Session Laws, Chapter 524, which require the Commissioner of Health to adopt or amend rules to provide for the delegation of prescription writing privileges from supervising physicians to certain physician assistants.

All interested or affected persons or groups are invited to submit statements of information in writing or comment orally to:

Annette C. Spencer
Rule Development Specialist
Health Systems Development
Department of Health
P.O. Box 9441
717 Delaware Street S.E.
Minneapolis, MN 55440
Telephone: (612) 623-5131

All statements of information and comment shall be accepted until further notice. Any written materials received by the Department of Health shall be made part of the rulemaking record.

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

The prevailing wage rate certified June 11, 1990 for labor classifications 214—FRONT END LOADER OPERATOR in Scott county for Highway/heavy construction project has been corrected.

Copies of the corrected certifications may be obtained by connecting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155.

Ken Peterson, Commissioner
Department of Labor and Industry

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies; pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is July 31, 1990.

D.A.R.E. ADVISORY COUNCIL

102 State Capitol, St. Paul 55155. 612-296-6196.

Minnesota Statutes 299A.331.

APPOINTING AUTHORITY: Attorney General, Commissioners of Public Safety & Education, POST Board. **COMPENSATION:** N/A

VACANCY: Seventeen members, including seven citizen members—see the description below of this new advisory council.

The council advises the Bureau of Criminal Apprehension in establishing a drug abuse resistance education program and works to expand the DARE program throughout the state. Seventeen members: including the Attorney General serving as chair; the Commissioner of Public Safety; the Commissioner of Education; three representatives of law enforcement appointed by the Commissioner of Public Safety, three representatives of education appointed by the Commissioner of Education; a representative of the DARE officers association appointed by the Peace Officer Standards and Training Board from among recommendations of the association; and seven citizens appointed by the Attorney General. Meeting schedule and location undetermined at this time.

PHYSICIAN ASSISTANT ADVISORY COUNCIL

Board of Medical Examiners, Suite 106, 2700 University Ave. W., St. Paul 55114-1080. 612-642-0538. *Minnesota Rules* 5600.2665.

APPOINTING AUTHORITY: Commissioner of Health. **COMPENSATION:** \$35 per diem plus expenses.

VACANCY: One member: a registered physician assistant.

The council advises the Board of Medical Examiners regarding physician assistant registration standards and the complaint/discipline process, and provides for distribution of information regarding standards. Seven members include two public members, three physician assistants, two licensed physicians (one of whom must be a representative of the Board of Medical Examiners). Bimonthly meetings.

METROPOLITAN TRANSIT COMMISSION

560 6th Ave. N., Mpls. 55411-4398. 612-349-7400. *Minnesota Statutes* 473.404 as amended by Laws of 1989.

APPOINTING AUTHORITY: Regional Transit Board; advice and consent of the senate. **COMPENSATION:** \$50 per diem plus expenses.

VACANCY: One member: must be a resident of the city of Minneapolis, and must possess management, transit or government experience.

The commission provides transit services within the metropolitan area in conformance with the implementation plan of the Regional Transit Board. Five members include one resident of Minneapolis, one resident of St. Paul, two who reside in the service area of the commission outside Minneapolis and St. Paul, and one who may reside anywhere in the metropolitan area. At least one of the members outside of St. Paul and Minneapolis must reside in the full-peak and off-peak service area. Each member must have transit, governmental, or management experience. Members may not, during term of office, be a member of the Metropolitan Council, the Regional Transit Board, the Metropolitan Waste Control Commission, the Metropolitan Airport Commission, the Metropolitan Sports Facilities Commission or any other independent regional commission, board or agency or hold any judicial office. Members must file with the Ethical Practices Board.

CHILDREN'S TRUST FUND ADVISORY COUNCIL

333 Sibley St., Suite 567, St. Paul 55101. 612-296-5437.

Minnesota Statutes 299.23 as amended by Laws of 1989.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** \$35 per diem plus expenses.

VACANCY: One member: to possess knowledge about child abuse and neglect matters. Preference: representative of, or knowledgeable about, the needs of the Native American communities.

The council recommends strategies to promote education, programs and services that support parents and families and thereby prevent child abuse and neglect; and makes recommendations regarding grants to be awarded to fund child maltreatment prevention programs. The governor appoints ten members who have a demonstrated knowledge in the area of child abuse and represent the demographic and geographic composition of the state, local government, parents, racial and ethnic minority communities, religious community, professionals and volunteers. The commissioners of Human Services, Health, Education and Corrections each appoint one member. The legislature appoints two senators and two representatives, each with one member from both caucuses. Three hour meetings once a month for ten months of the year, and for two consecutive days in July.

OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL

Dept. of Labor and Industry, Regulation & Enforcement Asst. Comm., 443 Lafayette Rd., St. Paul 55155-4308. 612-296-5433.
Minnesota Statutes 182.656.

APPOINTING AUTHORITY: Commissioner of Labor and Industry. **COMPENSATION:** \$48 per diem plus expenses.

VACANCY: One member to represent the occupational safety professions.

The council advises the Dept. of Labor and Industry on administration of the state Occupational Safety and Health Act. Twelve members include three management representatives; three labor representatives; three representatives of occupational safety and health professions, and three public members. Meetings at the call of the chair.

Minnesota Office of Waste Management**Solid Waste Program Development Unit****Waste Education Program****Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Solid Waste Education Grants**

NOTICE IS HEREBY GIVEN that the Minnesota Office of Waste Management (Office) is seeking information or opinions from outside sources as it prepares to propose the adoption of rules establishing criteria and procedures for awarding solid waste education grants. The Office is authorized to award such grants by *Minnesota Statutes* § 115A.072. In accordance with subdivision 3 of *Minnesota Statutes* § 115A.072, the Office is preparing to propose rules governing grants: (1) to persons for the purpose of developing and distributing waste education information and (2) to formal and informal education facilities for the purpose of developing and implementing model and ongoing waste education programs.

The Office requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments on the first set of rules (for developing and distributing waste education information) should be directed to Diane Wanner. Written or oral statements or comments on the second set of rules (for grants to formal and informal education facilities) should be directed to Ruth Marston:

Ruth Marston or Diane Wanner
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, MN 55108
Telephone: (612) 649-5750 or 1-800-652-9747

Oral statements will be received during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until August 8, 1990. Any written materials received by the Office shall become part of the rulemaking record in the event that rules are adopted.

Michael Robertson
Director

Minnesota Higher Education Facilities Authority**Notice of Public Hearing on Proposal to Issue Revenue Bonds**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of the University of St. Thomas, a Minnesota non-profit corporation and institution of higher education formerly known as the College of St. Thomas (the "University"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on July 25, 1990 at 2 o'clock p.m. Under the proposal, the Authority would issue its revenue bonds in an original aggregate principal amount of up to approximately \$22,000,000, to provide financing for a Project generally described as constructing and equipping a multistory educational facility containing approximately 150,000 square feet of interior space, together with approximately 35 underground parking places and an underground dock and receiving area and with site improvements, on the block of land in the City of Minneapolis bounded by 10th and 11th Streets, Harmon Place and LaSalle Avenue. The land and building will be constructed, owned and operated by the University, whose principal street address is University of St. Thomas, 2115 Summit Ave., St. Paul, Minnesota. At said time and place the Authority shall give all parties who appear an opportunity to express their views with respect to the proposal to undertake and finance the Project.

BY ORDER OF THE MINNESOTA HIGHER
EDUCATION FACILITIES AUTHORITY

Joseph E. LaBelle
Executive Director

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. §14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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 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.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Courier service
Contact: John Bauer 296-2621
Bid due date at 2pm: July 10
Agency: Community College Board
Deliver to: St. Paul
Requisition #: 27138-51751

Commodity: Television/VCR
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: July 12
Agency: Natural Resources
Deliver to: Rochester, MN
Requisition #: 29005-14016

Commodity: State Patrol automobiles
Contact: Dale Meyer 296-3773
Bid due date at 2pm: July 24
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Hayworth Furniture & Install
Contact: John Bauer 296-2621
Bid due date at 2pm: July 16
Agency: Transportation
Deliver to: So. St. Paul
Requisition #: 79000-06160

Commodity: Software—wordperfect
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: July 12
Agency: Public Service
Deliver to: St. Paul
Requisition #: 80500-06648

Commodity: Octel maintenance
Contact: Theresa Ryan 296-7556
Bid due date at 2pm: July 13
Agency: Inter Tech
Deliver to: St. Paul
Requisition #: 02410-12000

Commodity: Mail opening machines
Contact: John Bauer 296-2621
Bid due date at 2pm: July 16
Agency: Revenue
Deliver to: St. Paul
Requisition #: 67130-23659

Commodity: Micro video system
Contact: Joe Gibbs 296-3750
Bid due date at 4:30pm: July 12
Agency: Fergus Falls Community College
Deliver to: Fergus Falls, MN
Requisition #: 27142-49104

Commodity: Hot air engine set
Contact: Joe Gibbs 296-3750
Bid due date at 4:30pm: July 16
Agency: Mankato State University
Deliver to: Mankato
Requisition #: 26071-20380

Commodity: A complete line of ball & roller bearings
Contact: Dale Meyer 296-3773
Bid due date at 2pm: July 18
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Furnish and install variable speed drive for control of boiler feedwater pump
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: July 17
Agency: Faribault Regional Treatment Center
Deliver to: Faribault
Requisition #: 55303-14410

Commodity: Fence posts—wood
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: July 10
Agency: Natural Resources
Deliver to: Dundee, MN
Requisition #: 29004-13532

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Perfume & mouthwash (Don't Smoke) posters, 17½" x 25", one-sided, negs available
Contact: Printing Buyer's Office
Bids are due: July 11
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 9771 & 9772

Commodity: Bike registration card, camera ready copy, two-sided, ½" pinfeed for continuous forms, 90 lb white
Contact: Printing Buyer's Office
Bids are due: July 11
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 9770

Commodity: Water well record, type to be set, carbon interleave, perforating, 5,300 sets
Contact: Printing Buyer's Office
Bids are due: July 11
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 9710

Commodity: Application for license/ registration renewal and application for license/registration renewal/expiration, type to be set, perforating, fan fold, 12,500 and 2,500 quantity, computer pinfeed at left and right
Contact: Printing Buyer's Office
Bids are due: July 11
Agency: Dentistry Board
Deliver to: St. Paul
Requisition #: 9714 & 9715

Commodity: MA for nursing home residents, form no. DHS-2908, camera ready copy, 10,000, shrinkwrapping, 24pp (self cover), 3½"x8½", 70# Nekoosa ivory text
Contact: Printing Buyer's Office
Bids are due: July 12
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 9700

Commodity: Custom made file boxes, camera ready copy, 150 boxes, printing on all four panels and cover
Contact: Printing Buyer's Office
Bids are due: July 11
Agency: Health
Deliver to: Minneapolis, MN
Requisition #: 9713



Morel: Minnesota's mushroom

The Mushroom Hunter's Field Guide. An all-color guide by Alexander Smith and Nancy Smith Weber with clear and orderly facts, explicit pictures and scientific accuracy. Stock # 9-10, \$14.95 + tax.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$9.95.

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, \$8.50.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$14.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Murder: Minnesota style

Murder in Minnesota: A treasury of vintage crimes in which famous and obscure characters come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, \$5.95.

Robber and Hero: On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

Secrets of the Congdon Mansion: The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$5.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Professional, Technical & Consulting Contracts

Department of Agriculture

Notice of Request for Proposal

The Plant Industry Division, Department of Agriculture, is seeking a consultant to provide advertising services under contract to develop and implement, upon review and approval of the department, an advertising campaign to promote Minnesota certified seed potatoes and thus increase the demand and sales of same through advertising, promotion, and public relations throughout the country. To receive a copy of the Request for Proposal call or write:

Richard T. Zink, Ph.D., Assistant Director
Minnesota Department of Agriculture
Plant Industry Division
90 West Plato Blvd.
St. Paul, MN 55107-2094
(612) 296-7509

All proposals must be sent to and received **Not later than 4:30 p.m., August 1, 1990.**

State Designer Selection Board

Request for Proposal for Three Projects

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for Three Projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., August 7, 1990, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.

Professional, Technical & Consulting Contracts

3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) Mandatory Proposal contents in sequence:

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) pages. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;

or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7a) PROJECT—24-90

Capital Improvement Project
Minnesota Veterans Home—Minneapolis

Project Title: Expand feeding/lounge areas in Building 17 and complete FY-88 capital improvement projects.

Scope of Project: The project consists of the following elements:

1. Expand feeding/lounge areas, Bldg. 17	\$ 534,286.00
2. Construct walkway link between Bldg. 15 and 17; demolish Bldg. 7 and add secondary entrance roadway and parking	<u>468,000.00</u>
TOTAL PROJECT BUDGET (including design fees)	\$1,002,286.00

Professional, Technical & Consulting Contracts

Purpose of Project:

Expansion of the feeding/lounge areas in the nursing care units located in Building 17 is necessary to provide additional dining area in each nursing care unit to bring the Home in compliance with Department of Health and Veterans Administration recommendations. Due to the type of care provided, it has become necessary to feed more residents in their individual nursing care units rather than in the main dining area. There are 8 feeding/lounge areas that need to be expanded involving three floor levels.

In order to fully utilize Building 15 which has 5,300 square feet of usable space plus an auditorium and chapel area, it is necessary to provide a connecting link (walkway with elevator) to Building 17. This project will also provide a new expanded entrance to Building 15 with a vehicular drop off point lot for visitors and residents.

Demolition of Building 7 and a new secondary entrance roadway is necessary to provide a more direct access to the new warehouse loading dock area.

Architectural Responsibilities: The architect will provide complete architectural services for the design, bidding and construction oversight of this project. The architect will also be required to assist in submittals to the Veteran's Administration in connection with feeding/lounge project which is eligible for Federal cost sharing. Also, the architect should assist the agency in coordination with the Minnesota Historical Society relative to the demolition of Building 7. It is planned that bids of these projects would be received in March, 1991.

Architectural Fee: An architectural fee of 8% of the construction cost is proposed for this project.

Tour of Facility: A tour of the facility for design consultants interested in this project will be scheduled at a future date.

Department of Administration Contact:

Lyle Nelson, Administrative Engineer
Division of State Building Construction
(612) 296-4644

Minnesota Veteran's Home, Minneapolis Contact:

John Seelhammer, Assistant Administrator
Indirect Care Services
(612) 721-0631

7b) PROJECT—25-90

Replace Locks in Cell Hall B
Minnesota Correctional Facility—Stillwater

Appropriation: \$594,000.00 was appropriated for design, construction and equipment.

Scope of Project: The project consists of replacing the existing security locks in the 512 cells in Cell Hall B at MCF-Stillwater.

Purpose of Project: The existing locks in Cell Hall B need replacement for maintenance and operation reasons. The existing locks require an excessive amount of maintenance and for security and life safety reasons, it is necessary to replace the locks at this time.

Consultant Responsibilities: The architect/engineer will be required to investigate at least three options relative to replacing all the cell locks in Cell Hall B.

These options are:

1. Replace locking system with an electromechanical system.
2. Replace locking system with a new mechanical locking system.
3. Rebuild the existing locking system with newly manufactured component parts.

In addition the architect/engineer shall provide complete architectural/engineering services for the design, building and installation oversight of the project. Because of the specialized nature of this project the architect/engineer shall be required to include in his design team a security consultant who is experienced in prison locking systems. This consultant shall be required to provide frequent observation of the installation phase of the project.

Architectural/Engineering Fee: An architect/engineer fee of 7% of the contract cost is proposed for this project.

Department of Administration Contact:

Lyle D. Nelson, Administrative Engineer
Division of State Building Construction
(612) 296-4644

Department of Corrections Contact:

James B. Zellmer, Director
Institution Support Services
(612) 642-0247

MCF—Stillwater Contact:

Bill Mordick, Director
Physical Plant
(612) 779-2812

7c) PROJECT—26-90

Power Plant Boiler Modifications
Minnesota Correctional Facility—Red Wing

SCOPE:

1) Work of the project involves providing complete consulting services for power plant boiler modifications and replacement of hot water lines in utility tunnels. Asbestos Abatement will be required prior to performing construction work. The total project budget is \$700,000.00.

2) The State will provide the following efforts for Asbestos Abatement:

- a) Asbestos Survey of all work areas designated by the Consultant.
- b) Bidding documents for asbestos abatement.
- c) Contracting for Asbestos Abatement.
- d) Third party monitoring of abatement work.

3) The Consultant shall perform an Engineering Study to determine the scope of work for the project. The study shall identify solutions to maintain operation of boiler and hot water piping during construction. Temporary connections and provisions shall be identified. Detailed cost estimates shall be provided for Construction, Asbestos Abatement and Air Monitoring. The Design Team shall include a Cost Estimator experienced with estimating the value of Asbestos Abatement.

Questions concerning this project may be referred to Steve Sias at (612) 297-3664.

Mark Anderson, Chairman
State Designer Selection Board

Department of Human Services

Request for Proposal to Convene and Staff the Commissioner of Human Services' Task Force on the Compensation and Training of Direct Care Staff

This is a request for proposal (RFP) to convene and staff a task force on the compensation and training of direct care staff working in the programs that include:

- 1) intermediate care facilities for persons with mental retardation (ICF/MR);
- 2) semi-independent living services for persons with developmental disabilities;
- 3) day training and habilitation for persons with developmental disabilities;
- 4) waived services for persons with developmental disabilities;
- 5) supported employment;
- 6) rehabilitation facilities;
- 7) residential facilities for persons with mental illness;
- 8) child care; and,
- 9) chemical dependency.

The purpose of the task force is to present recommendations which address problems in staff turnover, recruitment, and training in order to have a significant number of qualified people working in programs that provide direct services to individuals. Task force membership will include representation from various state agencies and interested parties. Representatives will be appointed to the task force by the commissioner of the Department of Human Services. By November 1, 1990, the task force must submit a report to the commissioner that includes recommendations on the following:

Professional, Technical & Consulting Contracts

- 1) entry and promotional level wage ranges for various job classifications that will reduce wage and benefit inequities between community and state-operated facilities and services;
- 2) methods to implement wage and benefit increases over a four year period to ensure that wages and benefits are brought up to a level competitive within the community marketplace;
- 3) mechanisms to link wage increases to initial training, continuing education, and competency;
- 4) recruitment and retention of qualified staff; and
- 5) the impact of making adjustments pursuant to complying with federal regulations and state statutes.

The selected contractor will:

- 1) contact and secure task force membership selected by the commissioner;
- 2) develop a contractor workplan, present the workplan for Department approval, and modify the workplan as required;
- 3) schedule, convene and take minutes of task force meetings;
- 4) provide task force members with available background information identified by the task force as necessary for the development of recommendations in the five required areas;
- 5) provide the commissioner with written monthly progress reports on task force activities;
- 6) coordinate and staff the development of the task force report, the presentation of the draft report to the commissioner and, the submission of a final report by November 1, 1990.

Proposals should include the qualifications of the respondent, a description of the respondent's experience in similar projects, references, and prices and terms of the proposal. Prices and terms of the proposal as stated by the respondent may not exceed \$30,000 and must be valid for the length of the project. Proposals must be submitted to Barbara Kaufman, Assistant Commissioner of Mental Health, at the following address:

Barbara Kaufman
Assistant Commissioner of Mental Health
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3828
612-296-2710

Three copies of the proposal must be submitted and sealed in a mailing envelope or package with the responder's name and address clearly marked on the outside and postmarked no later than August 15, 1990. Each copy of the proposal must be signed by an authorized member of the contracting firm.

Department of Human Services

Faribault Regional Center

Request for Proposals for Services to be Performed on a Contractual Basis

NOTICE IS HEREBY GIVEN that Faribault Regional Center; Residential Facilities Division; Department of Human Services, is seeking the following service as requested by the Chief Executive Office of the Faribault Regional Center. **PHYSICAL THERAPIST** to provide written individual client physical therapy assessments for referred clients. Such assessments shall identify the current status of deformities, range of motion, functional motor skills, wheelchair mobility, adaptive equipment need, and a plan for staff intervention based upon assessment findings. Physical Therapist will consult with treating physicians to coordinate therapeutic program, provide inservice training sessions for staff, provide clinical supervision of physical therapist assistants and provide treatments to physically handicapped clients.

Contract term is approximately August 15, 1990 thru June 30, 1991.

Estimated amount of the contract is \$72,800.00.

Direct Inquiries to:

Mary Zabel, Director of Health Services
Faribault Regional Center
802 Circle Drive
Faribault, MN 55021
(507) 332-3248

Department of Natural Resources

Trails and Waterways Unit

Notice of Request for Proposals for Consultant to Assist the Minnesota DNR Trails and Waterways Unit in Developing a Data Architecture

The Minnesota DNR Trails and Waterways Unit is requesting proposals from any qualified individual or firm interested in assisting to develop the Unit's data architecture, upon which future information systems development will be based. This study will define the Unit's major information entities and their relationships, and produce a detailed entity—attribute—relationship description for one of these modules. Estimated available funds are approx. \$15,000.

Proposals must be received by 4:30 p.m. CDT, July 20, 1990. Interviews of finalists tentatively will be held in early September 1990, with final selection by mid September 1990. This study will extend over a three-month period beginning late September 1990.

For a copy of the Request for Proposals, contact:

Nick Riley, Trails and Waterways Unit
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4052
(612) 297-2798

Department of Natural Resources

Request for Proposals to Prepare and Execute a Readership Survey of the *Minnesota Volunteer*

INTRODUCTION

The Department of Natural Resources (DNR) is requesting proposals from qualified firms and individuals to conduct a study of the readers of the *Minnesota Volunteer*. The study will assist in the development of a marketing strategy for the magazine.

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

SCOPE

The *Minnesota Volunteer* is in its 50th year of publication. It is published by the DNR 6 times a year. Circulation is 80,000 and is constrained by the magazine's budget; there is usually a waiting list for subscriptions. The magazine is free and is distributed to libraries, businesses and Minnesota individuals.

The editorial intent of the *Volunteer* is to promote conservation and wise use of Minnesota's natural resources. Most of the editorial direction has traditionally come from within the DNR. No major effort in recent history has been made to "talk" to the readers of the magazine and see who they are, how they use and perceive the magazine, and what direction they would like the magazine to go. The study proposed here is just such an effort.

The population for the study is the individual (noninstitutional) subscribers. The sample size for the survey needs to be sufficient to receive about 1,000 returns, which should be large enough to perform analyses across readership groups. The sample needs to be drawn randomly and to represent the geographic distribution of readers targeted in the study.

GOALS AND OBJECTIVES

The goal of the study is to develop one component of a marketing strategy for the *Volunteer* by surveying the readers of the magazine in order to find out who they are, how they use and perceive the magazine, and what direction they would like to see the magazine go.

The specific objectives are to:

A. Describe the demographics of the readers: age, gender, education, household size, dependents, ages of readers in the household, income and family situation.

B. Describe the circulation of the *Volunteer*: within and outside the household, and disposition of past issues (saved, discarded?).

C. Describe how the *Volunteer* is read: how much of the magazine is read, and what articles are read with what level of intensity? And describe how much readers liked what they read: do readers generally like the articles, the style in which the articles are written, the length of articles, sophistication of articles (e.g., too technical, too simplistic), and the photographs? Do readers have favorite authors? Do the readers like the frequency of publication (6 times a year)?

Professional, Technical & Consulting Contracts

- D. Describe reasons for reading the *Volunteer*: relaxation, entertainment, information, education, school work and so on.
- E. Describe the *Volunteer* subject matter in which readers are interested: what topics do readers prefer; are there topics that should be covered more or less often; are there topics being overlooked that would raise reader interest in the magazine?
- F. Describe how attractive the *Volunteer* is in terms of design, type size, ease of reading and so on.
- G. Describe how readers learned about the *Volunteer*. And describe how long readers have been subscribing; whether they have to wait to receive the magazine; and if so, how long and was it worth the wait?
- H. Describe readers' general interests and activities that are related to the conservation/environmental subject matter of the *Volunteer*: primary concerns of readers; membership in organizations; subscriptions to magazines; use of media (TV, radio and print) to get information; and leisure time pursuits, especially outdoor recreation.
- I. Find out whether readers contribute to the Volunteer Fund (a voluntary contribution to the magazine). And find out if readers would be willing to pay for a subscription; if so, how much?

PROJECT TASKS

The following tasks are the minimum required for successful completion of the project:

1. Determine survey methodology and develop sampling plans.
2. Write survey questionnaires and submit for review, discussion and revision.
3. Gather data using the surveys.
4. Computerize collected data and deliver automated data files to the DNR in a format it requires.
5. Analyze survey results.
6. Write a report on survey findings, and give an oral presentation to selected DNR staff on the findings.

Respondents may propose alternative approaches, additional tasks or activities if they will substantially improve the results of the project.

CONTACTS

Prospective respondents who have any questions regarding this request for proposals may call or write:

Tom Baumann
MN/DNR Bureau of Information and Education
Box 46
500 Lafayette Road
St. Paul, Minnesota 55155
(612) 296-6038

Please note: Mr. Baumann will inform prospective contractors about authorized contacts in the DNR; other DNR personnel are not allowed to discuss the project with respondents before the deadline for submitting proposals.

SUBMISSION OF PROPOSAL

All proposals must be sent to and received by:

Tom Baumann
MN/DNR Bureau of Information and Education
Box 46
500 Lafayette Road
St. Paul, Minnesota 55155

no later than 4:30 p.m., July 24, 1990. Late proposals will not be accepted. Submit five copies of the proposal sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm.

PROJECT COSTS

It is estimated that the cost of this project should not exceed \$30,000.

PROJECT COMPLETION DATE

All final deliverables will be submitted to Mr. Baumann, DNR, Bureau of Information and Education, by December 1, 1990.

PROPOSAL CONTENTS

The following will be considered minimum contents of the proposal:

Professional, Technical & Consulting Contracts

A restatement of the objectives, goals and tasks to show or demonstrate the respondent's understanding of the research needs seen by the DNR.

A listing must identify and describe the deliverables that the respondent will provide.

A section must describe each of the research team member's education, research background and experience, with particular emphasis on experience in the field of readership surveys. This section must stipulate the person-weeks each team member will spend on the project. A change in personnel assigned to the project will not be permitted without the prior approval of the State's project director.

Respondent will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and their costs. It should be of sufficient detail to be used as a project scheduling and managing tool, as well as the basis for invoicing.

A distinct section must clearly identify and quantify the required participation in the project by the Department of Natural Resources.

A section of the proposal must provide a detailed description of sampling methods, questionnaire design, and data collection techniques.

A section of the proposal must explain the methods (e.g., mailing/telephoning methodology and questionnaire layout) and techniques used to design a survey instrument that will elicit high response rates (i.e., minimize nonresponse bias), and minimize nonsampling errors.

Provide techniques that will be used to identify bias (or dismiss its effects) from survey returns.

EVALUATION OF PROPOSALS

All qualifying proposals will be evaluated by representatives of the Department of Natural Resources. At the choice of the DNR, an interview may be incorporated into the evaluation process. Factors on which proposals will be judged include, but are not limited to:

- expressed understanding of the DNR's needs;

- project work plan;

- project cost detail;

- qualifications of the proposing firm and their personnel, wherein experience of personnel assigned to the project will be given greater weight than experience of the firm; and

- innovative approaches to the collection and analysis of the data that will either improve the project's effectiveness to the DNR or reduce the cost of the project.

Pollution Control Agency

Ground Water and Solid Waste Division

Request for Qualifications from Contractors Interested in Processing Waste Tires for the Minnesota Waste Tire Abatement Program

The Minnesota Pollution Control Agency (MPCA) is requesting qualifications from potential contractors interested in processing waste tires for the Minnesota Waste Tire program. Qualified processors will be placed on a list to receive notices for bidding on the abatement of waste tire stockpiles in Minnesota.

For a copy of the Request for Qualifications contact:

Andrew Ronchak
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155
Telephone: (612) 296-8411

Waste Tire Processor qualifications will be accepted until all Minnesota waste tire stockpiles are abated.

Professional, Technical & Consulting Contracts

Department of Public Safety

Gambling Enforcement Division

Contract Open for Bids

The Department of Public Safety, Gambling Enforcement Division, is seeking a contract employee to conduct character and criminal background investigations.

Minimum qualifications:

- Five years multi-state investigative background experience
- Thorough knowledge of government and private sources of background information
- Thorough knowledge of data privacy practices
- Ability to work independently, prepare detailed written reports, and possess verbal communication skills
- Department of Defense security clearance and criminal investigative experience desired

Contract period will be from 7-1-90 to 6-30-91. Compensation will be as agreed upon between the Director and the vendor based upon investigations performed not to exceed \$40,000.00 for the contract period.

Bids along with resumes stating bidder qualifications in terms of above listed qualifications must be submitted to Tom Brownell, Director of Gambling Enforcement, Suite 205, 1600 University Avenue, St. Paul, MN 55104. Deadline date for submission of bids is 4:30 p.m. July 9, 1990.

Supreme Court Decisions, Opinions & Rules

Decisions Filed 6 July 1990

C5-88-1937 State of Minnesota v. Kendall Keith Bliss, Appellant. Pine County.

1. The evidence is sufficient for the jury to reasonably convict defendant of first degree murder when the verdict is based upon the credibility of witnesses, which is the jury's exclusive function to determine.

2. The postconviction court did not abuse its discretion in determining that the "newly discovered" evidence would not have made a difference in the outcome of defendant's trial.

Conviction affirmed; postconviction relief denied. Popovich, C.J.

C7-89-1156 State of Minnesota v. Eugene Dennis Moore, Appellant. Crow Wing County.

1. The jury returned legally inconsistent verdicts in finding defendant guilty of first degree premeditated murder and second degree manslaughter.

2. Defendant was denied a fair trial and effective assistance of counsel entitling him to a new trial when his attorney conceded, without defendant's permission, that defendant was guilty of heat-of-passion manslaughter.

3. The trial court did not err in admitting evidence based on the blood splatter of analysis.

Reversed and remanded for a new trial. Wahl, J.

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NEW PUBLICATIONS:

Minnesota Rules 1989. An 11-volume set of rules from the approximately 75 agencies empowered to promulgate rules by the Administrative Procedure Act. Stock #18-200, \$160.00 + tax, or \$15 for individual volumes. **NOTE:** This is a subscription service for the set, entitling subscriber to updates as they are produced.

Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 plus tax.

Process Parenting—Breaking the Addictive Cycle. A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 plus tax.

It's Never Okay: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists. Therapeutic and prevention issues and employer responsibilities are discussed in this task force report, as well as recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, \$19.95

Hazardous Waste Rules 1989. Governs the storage, treatment, utilization, processing, transfer, and disposal of hazardous waste. Contains the complete requirements for application for permits for discharge of hazardous waste on construction and operation of a treatment facility. Stock No. 3-71, \$16.95 plus tax.

Environmental Quality Board Rules 1989. Essential for long-term planning. Details the scope, purpose and objectives of the rules. Explains the need for environmental impact statements and the review process. Includes a special section on large energy facilities and high voltage transmission lines. Stock No. 3-54, \$5.00 plus tax.

OTHER PUBLICATIONS

Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23, \$13.95 plus tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11, \$3.50 plus tax.

Landscaping for Wildlife. Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15, \$8.95 plus tax. See "Special Set Offer" below.

Woodworking for Wildlife. Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important tips on placement of nests in proper habitat areas. 47 pages with diagrams. Stock #9-14, \$3.95 plus tax. See "Special Set Offer" below.

"Special Set Offer." Save 15% by purchasing the two books together on wildlife mentioned above. Stock #9-20, \$10.95 plus tax.

Minnesota Manufacturer's Directory, 1990. More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchasing managers, and four manufactured products. Stock #40-2, \$78.50 + \$4.71 sales tax.

SUBSCRIPTIONS:

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription: Monday edition only \$130; Monday and Thursday's State Contract Supplement \$195; 13-week trial (includes both Monday and Thursday editions) \$60.00.

Workers Compensation Decisions. Volume 40. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$105.00.

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