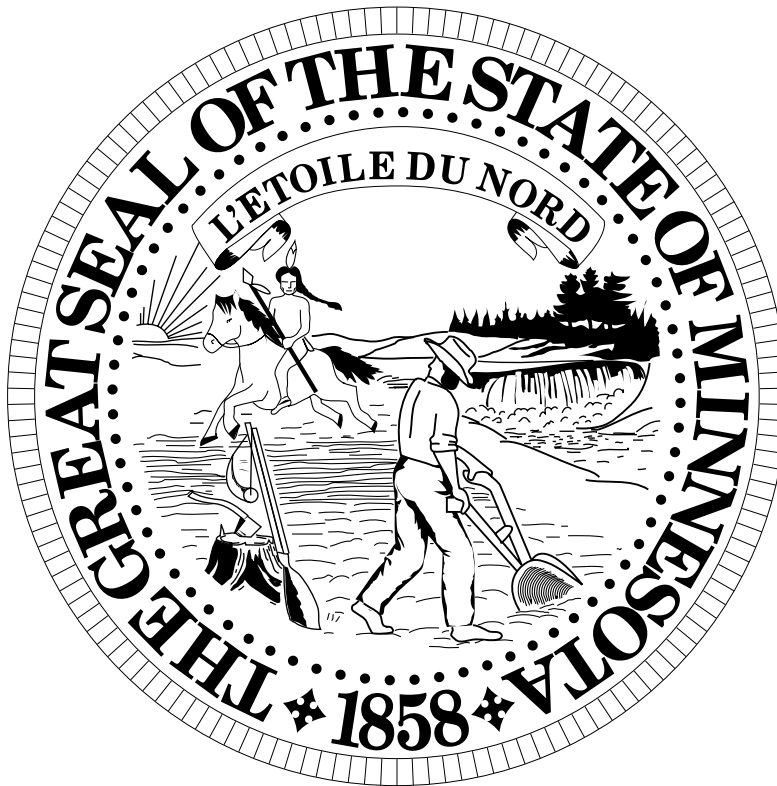


**State of Minnesota**

# **State Register**

**Rules and Official Notices Edition**



Published every Monday (Tuesday when Monday is a holiday) by the  
Department of Administration – Communications Media Division

**Monday 27 August 2001**  
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# State Register

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

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
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### Department of Administration:

David F. Fisher, Commissioner (651) 296-1424

Kent Allin, Asst. Commissioner (651) 297-4261

Mike Hatch, Attorney General (651) 297-4272

Judi Dutcher, State Auditor (651) 297-3670

### Communications Media Division:

Mary Mikes, Director (651) 297-3979

Chris Schanus, Manager (651) 282-2974

Mary Kiffmeyer, Secretary of State (651) 296-2079

Carol Johnson, State Treasurer (651) 296-7091

Robin PanLener, Editor (651) 297-7963

Jane Schmidley, Assistant Editor (651) 296-4273

Jessie Rahmeyer, Subscriptions (651) 297-8774

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#10	Monday 27 August	Noon Wednesday 15 August	Noon Tuesday 21 August
#11	<b>TUESDAY 4 September</b>	Noon Wednesday 22 August	Noon Tuesday 28 August
#12	Monday 10 September	Noon Wednesday 29 August	Noon Tuesday 4 September
#13	Monday 17 September	Noon Wednesday 5 September	Noon Tuesday 11 September

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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 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

## Department of Agriculture

### Dairy and Food Division

## Proposed Permanent Rules Relating to Dairy Regulation

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

**Proposed Amendments to Rules Governing the Dairy Industry and Milk, Milk Products and Standards, *Minnesota Rules* 1525.0920 to 1525.0940, 1525.1040, 1525.1070, 1525.1100, 1525.1470, 1525.2300, 1525.2310 to 1525.2330, 1525.2370, 1525.2390, 1525.2470, 1525.2480 and 1530.0740, 1530.0990 to 1530.1010, 1530.1110, 1530.1360, 1530.1660, 1530.1700, 1530.1720, 1530.2210 to 1530.2240; and Repeal of Rules Governing the Dairy Industry and Milk, Milk Products and Standards, *Minnesota Rules* 1525.0470 to 1525.0540, 1525.0570, 1525.0580, 1525.0590, 1525.0620 to 1525.0650, 1525.0661, 1525.0700 to 1525.0820, 1525.0840 to 1525.0890, 1525.0910, 1525.0950, 1525.0960, 1525.0980 to 1525.1010, 1525.1030, 1525.1050, 1525.1060, 1525.1080, 1525.1090, 1525.1110 to 1525.1300, 1525.1320, 1525.1350 to 1525.1460, 1525.1510, 1525.2500 to 1525.2530 and 1530.0010 to 1530.0220, 1530.0240 to 1530.0730, 1530.0750 to 1530.0970, 1530.1040, 1530.1050, 1530.1070 to 1530.1100, 1530.1350, 1530.1410 to 1530.1650, 1530.1670 to 1530.1690, 1530.1730, 1530.1760 to 1530.2200, 1530.2250 to 1530.2410**

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

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 W Plato Blvd., St. Paul, MN 55107; **phone:** (651) 296-6906; **fax:** (651) 297-5522; **Email:** carol.milligan@state.mn.us. **TTY:** users may call the Minnesota Relay at (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed amendments are about updating Minnesota's standards to conform to the federal regulations and the Pasteurized Milk Ordinance. The rules being repealed are either in conflict with or duplicate the federal requirements. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 31.10, 31.101, and 32.395, subd. 3. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m., on *September 26, 2001* to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.



**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m., on *September 26, 2001*. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

**Adoption and Review of Rules.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 11 July 2001

Sharon Clark  
Deputy Commissioner

#### **1525.0920 SANITARY PIPING.**

~~All piping used to conduct dairy products and their ingredients shall be "sanitary milk piping" of a type which has been approved by the commissioner and which can be cleaned easily. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping. All sanitary piping, fittings, and connections that are used to conduct milk or milk products or are exposed to milk or milk products or from which liquids may drip, drain, or be drawn into milk or milk products must consist of smooth, impervious, corrosion-resistant, nontoxic, easily cleanable materials that are approved for food contact surfaces. Pasteurized milk and milk products must be conducted from one piece of equipment to another only through sanitary milk piping, in compliance with *Minnesota Statutes*, sections 31.101, subdivision 12, and 32.394, subdivision 4.~~

#### **1525.0930 CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIPMENT.**

All multiuse containers and equipment with which ~~dairy milk or milk~~ products come in contact ~~shall~~ must be of smooth, impervious, ~~noncorrodible corrosion-resistant~~, nontoxic material, ~~shall~~ must be constructed ~~and located so as to be cleaned easily for ease of cleaning~~, and ~~shall~~ must be kept in good repair.

All single-use containers, closures, gaskets, and other articles with which milk or milk products come in contact must be nontoxic and must be manufactured, packaged, transported, and handled in a sanitary manner. Articles intended for single use must not be reused, in compliance with *Minnesota Statutes*, sections 31.101, subdivision 12, and 32.394, subdivision 4.

#### **1525.0940 COMPLIANCE.**

All ~~such multiuse~~ containers and equipment which are purchased after the adoption of parts ~~1525.0670 to 1525.1350~~ 1525.0920 and 1525.0930 shall be considered to be in compliance with parts ~~1525.0670 to 1525.1350~~ 1525.0690 and 1525.0930 if they conform to the sanitary design and construction standards of ~~the existing 3A Sanitary Standards or their equivalent, Serial Nos. 0100-2600, together with 3A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High~~

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

Temperature Short Time Pasteurizers, Revised, dated July 11, 1966, which have been formulated by International Association of Milk, Food and Environmental Sanitarians, United States Public Health Service and the Dairy Industry Committee and which are adopted by the commissioner of agriculture Minnesota Statutes, sections 31.101, subdivision 12, and 32.394, subdivision 4.

### 1525.1040 PASTEURIZATION.

The terms "pasteurization," "pasteurized," and similar terms shall mean the process of heating every particle of milk or milk product to a temperature of not less than 145 degrees Fahrenheit, and holding it continuously at or above this temperature for not less than 30 minutes, or to not less than 161 degrees Fahrenheit, and holding it continuously at or above this temperature for not less than 15 seconds, in equipment which is properly operated and approved by the commissioner; provided, that milk products which have a higher milkfat content than milk and/or contain added sweeteners shall be heated to not less than 150 degrees Fahrenheit, and held continuously at or above this temperature for not less than 30 minutes, or to not less than 166 degrees Fahrenheit, and held continuously at or above this temperature for not less than 15 seconds, in equipment which is properly operated and approved by the commissioner; provided further, that eggnog and frozen food mix shall be heated to not less than 155 degrees Fahrenheit, and held continuously at or above this temperature for not less than 30 minutes, or to a temperature of not less than 175 degrees Fahrenheit, and held continuously at or above this temperature for not less than 25 seconds, in equipment which is properly operated and approved by the commissioner. Nothing in this definition shall be construed as excluding any other pasteurization process which has been recognized by the United States Public Health Service to be equally efficient and which is approved by the commissioner. Pasteurized milk and milk products must comply with all requirements of Minnesota Statutes, sections 31.101, subdivision 12, and 32.394, subdivision 4. Equipment must be constructed, installed, and operated in compliance with Minnesota Statutes, sections 31.101, subdivision 12, and 32.394, subdivision 4.

### 1525.1070 TRANSPORTING CONDENSED WHEY.

Whey ~~which that~~ has been pasteurized in accordance with ~~parts part~~ 1525.1040 ~~to 1525.1100~~ and ~~which that~~ subsequently is condensed to contain more than 40 percent solids may be transported to another plant and dried without being repasteurized; provided, that approval first is granted by the commissioner; and, provided further, that the condensed whey is transported in sealed and tagged sanitary transport tanks and is handled at all times in a manner approved by the commissioner.

### 1525.1100 ~~RECORDER~~ MILK PASTEURIZATION RECORDING CHARTS; TESTS AND EXAMINATIONS.

~~Recorder charts shall be provided for each batch or run of dairy product showing the name of the product, the date, readings of the various thermometers, signature of the operator, and such other information as the commissioner may require, shall not be used for more than one day and shall be kept available for three months for the information of the commissioner or the commissioner's duly authorized representative. Milk pasteurization recording charts must be completed and equipment tests and examinations must be conducted in accordance with Minnesota Statutes, sections 31.101, subdivision 12, and 32.394, subdivision 4.~~

### 1525.1470 MAINTENANCE OF QUALITY RECORDS.

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

Subp. 4. **Reporting of monthly test results.** Results of ~~these~~ monthly tests must be reported back to the producer and to the regulatory agency ~~monthly in a manner that assures~~ within 21 days from the sample date to assure timely enforcement procedures. Producers whose milk is found to be out of compliance on any quality tests must be notified by the licensed purchaser and enforcement action taken ~~under part 1530.0820.~~

Maintenance and delivery of records must comply with *Minnesota Statutes*, section 32.411, subdivisions 2, 3, 4, and 5.

### 1525.2300 PURPOSE.

It is the purpose of parts 1525.2300 to 1525.2400 to carry out and enforce the provisions of *Minnesota Statutes* ~~1974~~, section 32.394, ~~as amended by Laws of Minnesota 1975, chapter 412.~~ The rules relate to certification of milk laboratories before such laboratories may conduct tests for the purpose of enforcement of requirements for the distribution of milk, milk products, or goat milk under the Grade A label and to the issuance to the laboratory of a permit to conduct such test.

### 1525.2310 DEFINITIONS.

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

Subp. 5. **Milk laboratory.** "Milk laboratory" is a facility which conducts tests for distribution of milk, milk products ~~as defined in part 1530.0700~~, or goat milk under the Grade A label.

### 1525.2320 REQUIREMENTS FOR CERTIFICATION.

A milk laboratory that desires to be certified to conduct tests for the purpose of enforcement of requirements for distribution of milk, milk products, or goat milk under the Grade A label must: use only analysts approved to conduct laboratory sampling procedures, bacterial counts, detection of inhibitory substances, coliform determinations, and/or phosphatase and temperature checks;



employ sampling procedures and required laboratory examinations that are in substantial compliance with the ~~most recent 16th~~ edition of *Standard Methods for Examination of Dairy Products* of the American Public Health Association and the ~~most recent 17th~~ edition of *Official Methods of Analyses* of the Association of Analytical Chemists; and otherwise meet the requirements of the ~~Grade A Pasteurized Milk Ordinance Recommendation of the United States Public Health Service~~ Minnesota Statutes, section 32.394, subdivision 4.

#### **1525.2330 EVALUATION OF LABORATORIES FOR CERTIFICATION.**

The following apply to evaluation of milk laboratories for the purpose of certification:

A. An assessment of the milk laboratory's operation relative to the requirements of ~~the current edition of the Grade A Pasteurized Milk Ordinance~~ Minnesota Statutes, section 32.394, subdivision 4, must be made at the time of application for certification and not less frequently than once each two years afterwards. In the case of a certified milk laboratory that moves to another building that uses another source of tap water, distilled water, or steam supply for the autoclave, a resurvey may be conducted even though no change in personnel or procedures is planned.

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

#### **1525.2370 REVOCATION OR SUSPENSION OF PERMIT.**

The permit issued by the commissioner under the provisions of these rules shall remain valid ~~without renewal for two years~~ unless suspended or revoked by the commissioner for failure to comply with the requirements of these rules. In cases where the commissioner seeks to suspend or revoke a permit, the procedural and hearing requirements shall be the same as for disputes arising from failure to certify a milk laboratory or to approve an analyst.

#### **1525.2390 FEES.**

An application for ~~initial certification or for recertification following suspension or revocation of~~ a permit must be accompanied by the fee established in *Minnesota Statutes*, section 32.394, subdivision 8a. ~~The amount of the application fee for an individual laboratory must be based on the costs of conducting laboratory evaluation prior to issuance of the permit. The fee for each set of split samples required for evaluation of laboratories must be as established by Minnesota Statutes, section 32.394, subdivision 8a. The actual fee must be based on the direct costs to the state laboratory for analysis of samples plus the cost of labor involved in providing the analysis. Fees may be adjusted annually within the prescribed range.~~

#### **1525.2470 SAMPLE RETENTION AND HANDLING.**

All samples collected and used for protein testing pursuant to these rules shall be held at temperatures of 32 to 40 degrees Fahrenheit until tested ~~and shall be returned to that temperature within two hours of the last test made on the sample. Duplicate samples must be retained and tested for protein accuracy if the producer does not fall under the federal Milk Marketing Order.~~ Duplicate samples shall be retained at the place of testing until 3:00 p.m. of the day following the last testing date of the sample.

#### **1525.2480 TEST RECORDS.**

Purchasers shall provide producers with a statement of the protein content of the milk with or in each settlement statement.

~~If~~ The purchaser ~~disqualifies~~ shall disqualify abnormal milk for testing on a protein basis when whole milk is found to be abnormal pursuant to ~~parts 1530.0820 to 1530.0990~~ Minnesota Statutes, sections 31.101, subdivision 12, and 32.394, subdivision 4, and the purchaser's records shall indicate the results of the confirmatory tests. Only confirmatory tests approved pursuant to ~~parts part 1530.0820 to 1530.0990 and Minnesota Statutes, sections 31.101, subdivision 12, and 32.394, subdivision 4,~~ shall be used in determining the ineligibility of whole milk tested on a protein basis.

#### **1530.0990 FIRST SHIPMENT OR SHIPMENT FOLLOWING EXTENDED PERIOD OF NONSHIPMENT.**

An examination shall be made on the first shipment of milk from all producers shipping milk to a plant for the first time or following an extended period of nonshipment. The milk shall meet all applicable standards for acceptable milk as defined in ~~part 1530.0900~~ Minnesota Statutes, section 32.415, paragraph (a). Thereafter, the milk shall be tested in accordance with procedures designated for regular producers.

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## Proposed Rules

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### 1530.1000 REJECTED MILK.

Whenever a sample of a producer's milk is classified as undergrade ~~under parts 1530.0820 to 1530.0990 as defined in Minnesota Statutes, section 32.415, paragraph (a),~~ milk from that producer may be accepted for a period not to exceed four weeks. The producer shall be notified immediately that the milk is classified "undergrade milk."

### 1530.1010 ADDITIONAL SAMPLES.

Additional samples shall be tested and classified at least weekly, and the producer shall be notified of these test results. If, at the end of the four week period, the producer's milk does not meet the bacterial standards ~~provided for in parts 1530.0820 to 1530.0990 as prescribed in Minnesota Statutes, section 32.415, paragraph (a),~~ the milk shall be rejected for sale and no milk from such producer's premises shall be offered for sale thereafter for human consumption nor shall it be accepted by a dairy plant until such sale or acceptance is authorized by the commissioner.

### 1530.1110 REPORTS TO PRODUCERS.

The purchaser shall notify the producer at the time of payment of the official grade of milk ~~being paid for by using the official grade designation, grade one, grade two, or undergrade as the case may be~~ for which the producer has been compensated.

### 1530.1360 PROTECTION OF CANS OF MILK AND CREAM AND RETURNED CLEAN CANS WHEN PICKED UP AND DELIVERED AT ROADSIDE.

If the operator of the truck or other vehicle does not pick up the cans containing milk or cream from the cooling tank or milk house, but picks them up at the roadside, a structure shall be provided by the producer for protecting said cans of milk or cream from dust or other extraneous substances and from extreme heat or cold until picked up by the truck or other vehicle for hauling to the receiving or processing plant as prescribed in Minnesota Statutes, section 31.101, subdivision 12.

When return cans are delivered to a roadside, the trucker shall place them in the structure provided therefor.

### 1530.1660 UNIFORM INSIGNIA FOR MINNESOTA GRADE AA OR A.

A uniform grade insignia may be used on the package label of butter which has been manufactured in Minnesota and which has been graded "Minnesota Grade AA" or "Minnesota Grade A." The insignia shall consist of the grade statement enclosed by an outline map of Minnesota. The lines forming the map shall be not less than three points in width. ~~The grade statement shall otherwise conform to the requirements in part 1530.1650.~~ No other written, printed, or graphic matter shall appear within the outline map. No person shall use the grade insignia on the label of any butter except as herein provided; nor shall any person use any insignia in semblance thereof on the label of any butter.

### 1530.1700 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Milk products.** "Milk products" means pure, clean, and wholesome cream, dried cream, plastic cream, ~~sometimes known as concentrated milk fat,~~ butter, butter oil, milk, concentrated milk ~~from which some or all moisture is removed,~~ evaporated milk, sweetened condensed milk, ~~superheated condensed milk,~~ dried milk, skim milk, concentrated skim milk ~~from which some or all moisture is removed,~~ evaporated skim milk, condensed skim milk, sweetened condensed part skim milk, ~~nonfat dry milk,~~ sweet cream buttermilk, buttermilk product, whey, ~~concentrated~~ whey protein concentrate, and dry whey and shall include any of the foregoing products from which lactose ~~has~~ or minerals have been wholly or partially removed and any other product made by the addition of any approved substance to any of these milk products and used for similar purposes and which, when designated as a milk product by the commissioner, is known by its common name.

### 1530.1720 PROCESSING OR MIXING PRIOR TO QUIESCENT FREEZING.

In the production of these quiescently frozen confections and quiescently frozen dairy confections, no processing or mixing prior to quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of ~~15~~ ten percent.

### 1530.2210 FROZEN MALTED MILK.

"Frozen malted milk" is the semifrozen food prepared from the same ingredients and in the same manner prescribed in ~~parts 1530.1800 to 1530.2000~~ Minnesota Statutes, section 31.101, subdivision 8, for ice cream and complies with the same provisions of ~~parts 1530.1800 to 1530.2000~~ Minnesota Statutes, section 31.101, subdivision 8 (including the requirements for label statement of optional ingredients), except that:

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

**1530.2220 FROZEN MILK SHAKE.**

“Frozen milk shake” is the semifrozen food prepared from the same ingredients and in the same manner as prescribed in ~~part 1530.2020~~ Minnesota Statutes, section 31.101, subdivision 8, for ice milk and complies with all the provisions of ~~part 1530.2020~~ Minnesota Statutes, section 31.101, subdivision 8, except that:

- A. it shall be sold or served only to the consumer and only in a semifrozen state; and
- B. the name of the food is “frozen milk shake.”

**1530.2230 FROZEN MALT.**

“Frozen malt” is the semifrozen food prepared from the same ingredients and in the same manner as prescribed in ~~part 1530.2020~~ Minnesota Statutes, section 31.101, subdivision 8, for ice milk and complies with all the provisions of ~~part 1530.2020~~ Minnesota Statutes, section 31.101, subdivision 8, except that:

- A. it shall be sold or served only to the consumer and only in a semifrozen state;
- B. it shall contain malt flavoring; and
- C. the name of the food is “frozen malt.”

**1530.2240 IDENTIFICATION OF MANUFACTURER.**

The number or code permitted by ~~Minnesota Statutes 1961~~, section 32.62, subdivision 1, ~~paragraph clause (5), as amended by Laws of Minnesota 1965, chapter 119, section 5~~, in lieu of the name and address of the manufacturer of mix, ice cream mix, mix base, ice cream mix base, or frozen foods when a distributor’s name and address appears on the label of the package or container in which such mix, ice cream mix, mix base, ice cream mix base, or frozen foods are prepackaged for sale, shall conform to the following:

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

**RENUMBERER.** The revisor of statutes shall renumber the part number listed in column A to the part number in column B in Minnesota Rules.

<u>A</u>	<u>B</u>
<u>1530.0230</u>	<u>1525.2590</u>
<u>1530.0980</u>	<u>1525.2600</u>
<u>1530.0990</u>	<u>1525.2610</u>
<u>1530.1000</u>	<u>1525.2620</u>
<u>1530.1010</u>	<u>1525.2630</u>
<u>1530.1020</u>	<u>1525.2640</u>
<u>1530.1030</u>	<u>1525.2650</u>
<u>1530.1060</u>	<u>1525.2660</u>
<u>1530.1110</u>	<u>1525.2670</u>
<u>1530.1360</u>	<u>1525.2680</u>
<u>1530.1370</u>	<u>1525.2690</u>
<u>1530.1380</u>	<u>1525.2700</u>
<u>1530.1390</u>	<u>1525.2710</u>
<u>1530.1400</u>	<u>1525.2720</u>
<u>1530.1660</u>	<u>1525.2730</u>
<u>1530.1700</u>	<u>1525.2740</u>
<u>1530.1710</u>	<u>1525.2750</u>
<u>1530.1720</u>	<u>1525.2760</u>
<u>1530.1740</u>	<u>1525.2770</u>
<u>1530.1750</u>	<u>1525.2780</u>
<u>1530.2210</u>	<u>1525.2790</u>
<u>1530.2220</u>	<u>1525.2800</u>
<u>1530.2230</u>	<u>1525.2810</u>
<u>1530.2240</u>	<u>1525.2820</u>

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## Proposed Rules

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**REPEALER.** *Minnesota Rules*, parts 1525.0470; 1525.0480; 1525.0490; 1525.0500; 1525.0530; 1525.0540; 1525.0570; 1525.0580; 1525.0590; 1525.0620; 1525.0630; 1525.0640; 1525.0650; 1525.0661; 1525.0700; 1525.0710; 1525.0720; 1525.0730; 1525.0740; 1525.0750; 1525.0760; 1525.0770; 1525.0780; 1525.0790; 1525.0800; 1525.0810; 1525.0820; 1525.0840; 1525.0850; 1525.0860; 1525.0870; 1525.0880; 1525.0890; 1525.0910; 1525.0950; 1525.0960; 1525.0980; 1525.0990; 1525.1000; 1525.1010; 1525.1030; 1525.1050; 1525.1060; 1525.1080; 1525.1090; 1525.1110; 1525.1120; 1525.1130; 1525.1140; 1525.1150; 1525.1160; 1525.1170; 1525.1180; 1525.1190; 1525.1200; 1525.1210; 1525.1220; 1525.1230; 1525.1240; 1525.1250; 1525.1260; 1525.1270; 1525.1280; 1525.1290; 1525.1300; 1525.1320; 1525.1350; 1525.1360; 1525.1370; 1525.1380; 1525.1390; 1525.1400; 1525.1410; 1525.1420; 1525.1430; 1525.1440; 1525.1450; 1525.1460; 1525.1510; 1525.2500; 1525.2510; 1525.2520; 1525.2530; 1530.0010; 1530.0020; 1530.0030; 1530.0040; 1530.0050; 1530.0060; 1530.0070; 1530.0080; 1530.0090; 1530.0100; 1530.0110; 1530.0120; 1530.0130; 1530.0140; 1530.0150; 1530.0160; 1530.0170; 1530.0180; 1530.0190; 1530.0200; 1530.0210; 1530.0220; 1530.0240; 1530.0250; 1530.0260; 1530.0270; 1530.0280; 1530.0290; 1530.0300; 1530.0310; 1530.0320; 1530.0330; 1530.0340; 1530.0350; 1530.0360; 1530.0370; 1530.0380; 1530.0390; 1530.0400; 1530.0410; 1530.0420; 1530.0430; 1530.0440; 1530.0450; 1530.0460; 1530.0470; 1530.0480; 1530.0490; 1530.0500; 1530.0510; 1530.0520; 1530.0530; 1530.0540; 1530.0550; 1530.0560; 1530.0570; 1530.0580; 1530.0590; 1530.0600; 1530.0610; 1530.0620; 1530.0630; 1530.0640; 1530.0650; 1530.0660; 1530.0670; 1530.0680; 1530.0690; 1530.0700; 1530.0710; 1530.0720; 1530.0730; 1530.0740; 1530.0750; 1530.0760; 1530.0770; 1530.0780; 1530.0790; 1530.0800; 1530.0810; 1530.0820; 1530.0970; 1530.1040; 1530.1050; 1530.1070; 1530.1080; 1530.1090; 1530.1100; 1530.1350; 1530.1410; 1530.1420; 1530.1430; 1530.1440; 1530.1450; 1530.1460; 1530.1470; 1530.1480; 1530.1490; 1530.1500; 1530.1510; 1530.1515; 1530.1520; 1530.1530; 1530.1540; 1530.1550; 1530.1560; 1530.1570; 1530.1580; 1530.1590; 1530.1600; 1530.1610; 1530.1620; 1530.1630; 1530.1640; 1530.1650; 1530.1670; 1530.1680; 1530.1690; 1530.1730; 1530.1760; 1530.1770; 1530.1780; 1530.1790; 1530.1800; 1530.1810; 1530.1820; 1530.1830; 1530.1840; 1530.1850; 1530.1860; 1530.1870; 1530.1880; 1530.1890; 1530.1900; 1530.2000; 1530.2010; 1530.2020; 1530.2030; 1530.2040; 1530.2050; 1530.2060; 1530.2070; 1530.2080; 1530.2090; 1530.2100; 1530.2110; 1530.2120; 1530.2130; 1530.2140; 1530.2150; 1530.2160; 1530.2170; 1530.2180; 1530.2190; 1530.2200; 1530.2250; 1530.2260; 1530.2270; 1530.2280; 1530.2290; 1530.2300; 1530.2310; 1530.2320; 1530.2330; 1530.2340; 1530.2350; 1530.2360; 1530.2370; 1530.2380; 1530.2390; 1530.2400; and 1530.2410, are repealed.

## Board of Teaching

### Proposed Permanent Rules Relating to Teacher Licensure Exceptions

**DUAL NOTICE:** Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

### Proposed Rules Relating to Teacher Licensure Exceptions, *Minnesota Rules* Part 8700.7620 and Part 8710.4750, subpart 2a

**Introduction.** The Board of Teaching intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:00 p.m., on October 9, 2001, a public hearing will be held in Conference Center Room 13/14, Department of Children, Families, and Learning, 1500 Highway 36 West, Roseville, Minnesota 55113, starting at 9:00 a.m., on Wednesday, October 31, 2001. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after October 9, 2001, and before October 31, 2001.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Michael Tillmann at The Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113. His phone number is (651) 582-8833. **TDD** users may call the Board of Teaching at (651) 582-8201.

**Subject of Rules and Statutory Authority.** The proposed rules are about teacher licensure requirements, providing for (1) assessment alternatives for teacher licensure candidates and (2) licensing for teachers of general science for grades 5-8 or teachers of physics, chemistry, life sciences, or earth and space sciences for grades 9-12 without requiring those teachers to hold other teaching licensure as well. The statutory authority to adopt the rules is *Minnesota Statutes*, Sections 122A.09 and 122A.18. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:00 p.m., on Tuesday, October 9, 2001, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:00 p.m. on October 9, 2001. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

**Cancellation of Hearing.** The hearing scheduled for October 31, 2001, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 582-8833 after October 9, 2001, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 341-7604, **fax:** (612) 349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

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## Proposed Rules

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

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

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

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

Dated: 15 August 2001

Michael L. Tillmann, Executive Director  
Minnesota Board of Teaching

### **8700.7620 TEACHER LICENSURE CANDIDATE ASSESSMENT ALTERNATIVES.**

**Subpart 1. Commissioner's assessment process.** A teacher qualification assessment process established and maintained by the commissioner of children, families, and learning may be authorized by the Board of Teaching for recommending candidates for teacher licensure upon the commissioner's submitting evidence that the process ensures that candidates recommended by the commissioner have demonstrated all qualifications required for the licensure for which they are recommended.

**Subp. 2. Board assessment process.** The Board of Teaching may authorize its executive director to recommend candidates for teacher licensure when the executive director determines that recommended candidates have demonstrated all qualifications for the licensure for which they are recommended.

**Subp. 3. Written agreement.** Authorizations provided under subpart 1 or 2 shall be documented through a written statement of specifications and conditions under which the board grants the specified authority to recommend. Those conditions shall include regular reporting to the board regarding licensure recommendations provided under those authorizations.

### **8710.4750 TEACHERS OF SCIENCE.**

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

**Subp. 2a. Exception for candidates with partial science teaching qualification.** The board shall issue a license valid for teaching chemistry, earth and space science, life science, or physics in grades 9 through 12 for candidates who complete the requirements of subpart 2, items A and B; and subpart 4; 5; 6; or 7, but have not completed subpart 3. The board shall issue a license to teach all sciences in grades 5 through 8 to a candidate who has completed the requirements of subparts 2, items A and B, and 3 but has not completed subpart 4, 5, 6, or 7. Licenses issued to teach all sciences in grades 5 through 8 under this exception or as a science specialty under part 8710.3200 are not valid for teaching integrated science offerings above grade 9.

[For text of subps 3 to 9, see M.R.]

# Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

## Expedited and Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## Department of Children, Families, and Learning

### Adopted Permanent Rules Governing the Child Care Assistance Program

The rules proposed and published at *State Register*, Volume 25, Number 26, pages 1172-2206, December 26, 2000 (25 SR 1172), are adopted with the following modifications:

#### 3400.0020 DEFINITIONS.

Subp. 18. **Documentation.** "Documentation" means a written statement or record, including an electronic record, that substantiates or validates an assertion made by a person or an action taken by an administering agency.

Subp. 29a. **Immunization record.** "Immunization record" means the statement described in *Minnesota Statutes*, section 121A.15, subdivision 1, 3, paragraph (c) or (d), or 4.

Subp. 43. [See repealer.]

#### 3400.0030 NOTICE OF BASIC SLIDING FEE PROGRAM ALLOCATION.

By July 1 of each year, the commissioner shall notify all county and human services boards of their allocation under the basic sliding fee program, including the amount available for payment of administrative expenses.

#### 3400.0035 APPLICATION PROCEDURE.

Subpart 1. **Response to informational requests.** When a family asks for information about child care assistance, the administering agency must give the family information supplied by the department regarding the availability of federal and state child and dependent care tax credits; federal earned income tax credits; Minnesota working family credits; early childhood family education and Head Start programs; early childhood screening; MinnesotaCare; child care resource and referral services; other programs with services for young children and families; and the post-secondary child care grant program established in *Minnesota Statutes*, section 136A.125. The administering agency also must inform the family of the following items:

F. information about how to choose a provider; ~~and~~

G. the family's rights and responsibilities when choosing a provider;

H. information about the availability of special needs rates;

I. the family's responsibility for paying provider charges that exceed county maximum payments in addition to the family copayment fee; and

J. the importance of prompt reporting of a move to another county to avoid overpayments and to increase the likelihood of continuing benefits, because child care assistance benefits may be affected by moving to another county.

Subp. 2. **Application procedure.** An administering agency must follow the application procedures in items A and B.

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## Adopted Rules

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C. The administering agency must accept signed and dated applications that are submitted by mail or delivered to the agency within 15 calendar days after the date of signature. A county ~~that is not financially responsible for an applicant~~ may accept an application from ~~the an applicant who does not reside in that county~~ but immediately must forward the application to the county ~~that is financially responsible for where the applicant resides~~. The administering agency must mail a notice of approval or denial of assistance to the applicant within 30 calendar days after receiving the application. With the consent of the applicant, the administering agency may extend the response time by 15 calendar days.

Subp. 4. **Notice of denial.** If the administering agency denies the application, the administering agency must document the reason or reasons for denying the application. The administering agency must ~~inform~~ provide written notice to the applicant of: the reason for denial; the provision in statute, rule, or county child care fund plan that is the basis for the denial; and the applicant's right to a fair hearing under part 3400.0230 and *Minnesota Statutes*, section 119B.16.

Subp. 5. **Notice of approval.** If the administering agency approves the application, the administering agency must send the applicant a notice of approval of the application. The notice of approval must specify the information in items A to ~~G~~ I:

D. any change in income, residence, family size, family status, or employment, education, or training status must be reported within ten calendar days from the date the change occurs;

E. except in cases involving alleged child abuse by a provider or a complaint that the health and safety of a child in care is in imminent danger, any change in provider must be reported to the county and the provider at least 15 calendar days before the change occurs;

F. the overpayment implications for the family if the changes described in items D and E are not reported as required; ~~and~~

G. when child care assistance is terminated, the participant will be informed of the reason for the termination and the participant's appeal rights and the provider will be informed that, unless the family asks to continue to receive assistance pending an appeal, child care payments will no longer be made;

H. the importance of prompt reporting of a move to another county to avoid overpayments and increase the likelihood of continuing benefits, because child care assistance benefits may be affected by moving to another county; and

I. the family's responsibility for paying provider charges that exceed county maximum payments in addition to the family copayment fee.

Subp. 8. **Selection of legal nonlicensed provider.** An applicant who selects a legal nonlicensed provider must be informed about the following information and must sign an acknowledgment that contains:

D. if the parent has selected a legal nonlicensed family child care provider, an assurance that the parent will provide an immunization record for each child to the legal nonlicensed family child care provider within 90 days of the date that care for the child begins and will give the legal nonlicensed family child care provider the information necessary to update the ~~communication~~ immunization record.

Subp. 9. **Selection of in-home provider.** An applicant who selects a provider who will provide child care in the applicant's home must be informed that ~~there are this choice of care may create an employer/employee implications to this selection relationship between the parent and the provider~~ and must be referred to resources available for more information about these ~~implications~~ legal rights and responsibilities.

### **3400.0040 GENERAL ELIGIBILITY REQUIREMENTS AND ASSISTANCE STANDARDS TO BE MET BY ALL APPLICANTS AND PARTICIPANTS.**

Subp. 3. **Documentation of eligibility information.**

A. An applicant for child care assistance must document the:

(1) ~~child's~~ citizenship status or ~~the child's~~ participation in a program that makes ~~the a~~ child exempt from this documentation requirement for all children for whom child care assistance is being sought;

(3) ~~age~~ date of birth of the children in the family;

(4) ~~age~~ date of birth of the applicant if the applicant is under 21 years of age;

(5) identity, income eligibility, and residence for all members of the applicant's family, including members temporarily absent from the household as defined in part 3400.0020, subpart 40a; and

B. The county must ask for the applicant's social security number, but the applicant is not required to disclose this information. Before asking for the applicant's social security number, the county must tell the applicant ~~whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and how the number will be used that:~~

(1) the disclosure is voluntary;

(2) the number is being solicited under the *Code of Federal Regulations*, title 45, section 98.71(a)(13); and

(3) the social security number will be used by county, state, and federal governments and their employees for the purposes of verification, reporting, research, and any other purpose authorized by law.

Subp. 4. **Participant reporting responsibilities.** A participant must meet the reporting requirements in items A and B. A participant may report a change in person, by telephone, by facsimile, or by mail, including electronic mail.

B. Except in cases involving alleged child abuse by a provider or a ~~substantiated complaint that the~~ health and safety ~~complaint of a child in care is in imminent danger~~, a participant must notify the county and the provider of the intent to change providers at least 15 calendar days before changing providers.

Subp. 5a. **Child support cooperation.** All applicants and participants of the child care assistance program must cooperate with establishment of paternity and enforcement of child support obligations for all minor children in the family with an absent parent. For purposes of this part, a family has met the cooperation requirement when the family complies with *Minnesota Statutes*, section 256.741, or there is a finding under *Minnesota Statutes*, section 256.741, subdivision 10, of good cause for failing to cooperate. The child care portion of the child support order for children receiving child care assistance must be assigned to the public authority as provided in *Minnesota Statutes*, section 256.741.

Subp. 6a. **Ineligibility for failure to pay fees under the child care fund.** A family that fails to pay the required family copayment fee under the child care fund is ineligible for child care assistance until the fees are paid or until the family ~~arranges~~ reaches an agreement for payment ~~in a manner acceptable to~~ with the provider and the county and then continues to comply with the payment agreement. When the county pays the parent, a family that fails to pay the provider the amount of the child care assistance payment is ineligible for child care assistance until the payment is made or until the family ~~arranges~~ reaches an agreement for payment ~~in a manner acceptable to~~ with the provider and the county and then continues to comply with the payment agreement.

Subp. 8. **Child care assistance during employment.**

A. In addition to meeting other eligibility requirements, employed persons eligible for child care assistance under part 3400.0060, 3400.0080, or 3400.0090 must work at least an average of 20 hours per week and receive at least the minimum wage for all hours worked. Employed persons eligible for child care assistance under part 3400.0080 are exempt from this requirement if they have an approved employment plan that allows fewer work hours or a lower wage.

B. The county and the participant may determine a length of time, not to exceed six months, over which the number of hours worked weekly can be averaged and counted toward the participant's meeting the average of 20 hours per week requirement. If the number of hours worked during the designated time period actually averages less than 20 hours per week, any child care assistance funds paid by the county on the participant's behalf during the designated time period are subject to recoupment or recovery.

C. When a participant does not work by the hour and is not paid an hourly wage, the participant's gross earned income over a given period must be divided by the minimum wage to determine whether the participant has met the requirement to average at least 20 hours of work per week at minimum wage.

D. Child care assistance during employment shall be granted for the number of hours worked, including break and meal time during the employment, and up to two hours per day for travel time.

Subp. 9. **Child care assistance in support of employment.** A county must grant child care assistance in support of employment for nonwork hours when the following conditions exist:

B. the child care assistance does not exceed the amount of assistance that would be granted under subpart 8, item D, during employment.

Subp. 10. **Child care assistance during education or training.** Counties shall provide child care assistance to students eligible under part 3400.0060 or 3400.0080 and enrolled in county-approved education or training programs or employment plans according to items A to C.

Subp. 11. **Child care assistance during employment and education or training.** Employed students, including students on work study programs, are eligible for child care assistance during employment and education or training. Counties shall use the standards in subparts 8 and 10 to determine the amount of child care assistance. When full-time students request child care for employment, the employment hours must average at least ten hours per week at minimum wage. Students eligible for child care assistance under part 3400.0080 are exempt from this requirement if they have an approved employment plan that allows fewer

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## Adopted Rules

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work hours or a lower wage. For purposes of determining whether the ten hours at minimum wage requirement in this subpart has been met, work-study hours and income must be counted as employment.

Subp. 12. **Acceptable course of study.** An acceptable course of study for a student eligible under part 3400.0060 is an education or training program approved by the county that will reasonably lead to full-time employment opportunities as determined by the county. An acceptable course of study for a student eligible under part 3400.0080 is an approved education or training program described in the MFIP caregiver's employment plan.

Subp. 13. **Satisfactory progress in education or training program.** Subject to the limitation in subpart 14, a county shall provide child care assistance to students with an approved education or training program for the length of the education or training program if the student is making satisfactory progress in the education or training program. Satisfactory progress in the education or training program means a student remains in good academic standing in the education or training program as determined by the educational institution and meets the requirements of the student's education plan under part 3400.0060 or employment plan under part 3400.0080. If the county determines that a student is not making satisfactory progress towards completion of an education or training program, the county shall notify the student and discontinue child care assistance according to part 3400.0185.

Subp. 14. **Maximum education or training under child care fund.** The maximum length of time a student is eligible for child care assistance under the child care fund for education or training is described in items A to D.

C. A student eligible under part 3400.0060 who has completed or who has participated in but failed to complete an education or training program under the child care fund may receive child care assistance for a second education or training program if:

- (3) the new education or training program is approved by the county; and
- (4) the county expects that completing the program will lead to full-time employment.

The one-year requirement in subitem (2) does not apply when the student's first education or training program was a basic or remedial education program needed to prepare for post-secondary education or employment as described in *Minnesota Statutes*, section 119B.07.

Subp. 15. **Changes in education or training programs.** A proposed change in an education or training program is subject to county approval before the change may be made. A county may not deny a request for a change in an education or training program when the student requesting the change can show that changing a course or focus of study is necessary for reasons related to the health and safety of the student.

Subp. 15a. **Child care assistance during job search.**

A. A county shall provide up to 240 hours per calendar year of child care assistance for job search activities to ~~persons partic-~~  
ipants:

Subp. 17. **Temporary ineligibility.** Counties must reserve a family's position under the child care assistance fund if a family has been receiving child care assistance but is temporarily ineligible for assistance. ~~If specified in the county child care fund plan,~~ A county may reserve a family's position under the child care assistance fund if a family is approved to receive child care assistance and reaches the top of the waiting list but is temporarily ineligible for assistance. In its child care fund plan, a county must specify whether it reserves positions under the child care assistance fund for temporarily ineligible families who reach the top of the waiting list and, if so, the criteria used to make the decision whether to reserve a position. Employed participants may be temporarily ineligible for a maximum of 90 days. Child care assistance participants who are students may be temporarily ineligible for a maximum of one academic quarter or semester as determined by the educational institution.

Subp. 18. **Suspension.** Counties must suspend, and may not terminate, a family's child care assistance for up to one continuous year if there are temporary breaks when child care assistance is not needed but the family remains eligible for child care assistance.

### **3400.0060 BASIC SLIDING FEE PROGRAM.**

Subp. 6. **Basic sliding fee program waiting lists.** Counties must keep a written record of families who have requested child care assistance. When a family requests information about child care assistance, the county shall perform a preliminary determination of eligibility. If it appears that a family is or will be eligible for child care assistance and funds are not immediately available, the family shall be placed on a child care waiting list. Students placed on the basic sliding fee waiting list must be identified as students on the list. The county must determine the highest priority group for which a family qualifies and must notify the family of this determination.

Families who inquire or apply while they are temporarily ineligible shall be placed on the waiting list if it appears they will be eligible for child care assistance. When a family advances to the top of the county's waiting list ~~before they become eligible and is temporarily ineligible for child care assistance,~~ the county shall leave the family at the top of the list according to priority group ~~and according to part 3400.0040, subpart 17,~~ and serve the applicant who is next on the waiting list unless a different procedure is provided in the county's child care fund plan.



**3400.0080 MFIP CHILD CARE PROGRAM.**

Subp. 1a. **Eligibility of sanctioned MFIP caregiver.** A MFIP caregiver eligible for child care assistance who has been sanctioned under the MFIP program may receive child care assistance:

A. for that portion of the caregiver's job search support or employment plan which the caregiver is complying with according to Minnesota Statutes, chapter 256J; or

B. according to Minnesota Statutes, section 119B.05, subdivision 1, clause (1).

**3400.0090 TRANSITION YEAR CHILD CARE.**

Subp. 2. **Eligibility.** Transition year child care assistance may only be used to support employment and job search related expenses. A family is eligible for transition year child care if the conditions in items A to D are met.

C. The family's annual gross income does not exceed 75 percent of the state median income for a family of four, adjusted for family size.

**3400.0110 CHILD CARE ASSISTANCE PAYMENTS.****Subpart 1. Payment options.**

~~A.~~ Counties must monitor child care payments to ensure that the funds are used for child care. Counties must make payments only for child care costs that are not being paid by any funding source other than the family. Counties may make child care payments either by: ~~(1) A.~~ paying the provider directly or paying the family when services have already been provided; or

~~(2) B.~~ making advance payments directly to the provider or, if the family is responsible for paying the provider, to the family when a provider requires payment in advance for all families served.

~~B. When a county makes advance payments, the county must recover the amount advanced if:~~

~~(1) the county paid the assistance payment to the family and the provider was not paid; or~~

~~(2) the family was not eligible to receive child care assistance in the amount provided.~~

~~C. The county's inability to recover an advance payment from a family does not affect the commissioner's right to recover the advance payment from the county under Minnesota Statutes, section 119B.11, subdivision 3.~~

Subp. 2. **Registration before payment of legal nonlicensed providers.** A legal nonlicensed provider must be registered with the county as provided in part 3400.0120, subpart 2, before the county pays a parent or the provider from the child care fund. After a legal nonlicensed provider registers with the county, the county must pay the provider or parent retroactive to the date in item A, B, or C that occurred most recently:

**Subp. 2a. Provisional payment for legal nonlicensed providers.**

A. When a county's child care fund plan ~~establishes additional registration requirements for~~ requires an investigation under part 3400.0120, subpart 1b, item B, to be conducted on legal nonlicensed providers, the county may issue provisional authorization and payment after the provider has met the registration requirements in part 3400.0120, subpart 2. Continuing authorization and payment is contingent on the provider ~~meeting the additional registration requirements in the county's child care fund plan receiving final county approval after the results of the investigation have been reviewed by the county.~~ If the legal nonlicensed provider ~~cannot meet the additional registration requirements~~ does not receive final county approval after county review of the results of the investigation, the provisional authorization and payment must be terminated following notice to the provider as required under part 3400.0185 and *Minnesota Statutes*, section 119B.13, subdivision 5. The county must notify the family using the ineligible provider that the family must choose a new provider to continue receiving child care assistance. A provider's failure to ~~meet the additional registration requirements~~ receive final county approval after county review of the results of an investigation does not cause payments made during the provisional authorization period to be overpayments.

B. If a family appeals the adverse determination of provider eligibility and, while the appeal is pending, continues to use the provider who failed to ~~meet the additional registration requirements~~ receive final county approval, payments made after the notice period are subject to recovery as overpayments.

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## Adopted Rules

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Subp. 3. **County authorization of child care.** ~~A county must authorize child care on an hourly, half-day, full-day, or weekly basis if the provider charges on that basis. A county may authorize child care on an hourly, half-day, full-day, or weekly basis if the activities authorized for the family justify the block of time. If a provider charges on a half-day, full-day, or weekly basis, a county must authorize child care using the same basis on which the provider charges. If a provider does not charge on a half-day, full-day, or weekly basis, a county still may authorize child care on a half-day, full-day, or weekly basis if the activities authorized for the family justify payment for the block of time.~~ Combinations of hourly, half-day, or full-day child care may be paid when more than ten hours of child care are authorized in a 24-hour period. When more than 50 hours of child care assistance for one child are authorized with one provider in a week, the county may reimburse the provider in an amount that exceeds the county maximum weekly rate, if the provider charges the same amount for more than 50 hours of care for a family not receiving child care assistance. A county must not authorize more than 120 hours of child care assistance per child every two weeks. To convert child care authorized on a half-day, full-day, or weekly basis into hours, counties must follow the standards in items A to C.

Subp. 7. **County payment policies and schedule.** A county's payment policies must be included in the county's child care fund plan. A county may not require parents to pay providers in advance of receiving payments from the child care fund as a condition for receiving payments from the child care fund. The county shall make payments at least monthly. If a provider sends the county an invoice according to the provisions of *Minnesota Statutes*, section 119B.13, subdivision 6, the county must make payments within 30 days of receiving the invoice. Counties must mail or give providers the forms necessary to bill for payment on or before the beginning of the billing cycle if the county has received the information necessary for child care to be authorized before this date. ~~A county is not required to pay an invoice submitted more than one year after the first date of service on the invoice if the county includes this time limit in its child care fund plan and gives notice of the time limit to providers. A county may require invoices to be submitted within a time period that is less than one year if the county includes this time limit in its child care fund plan and gives notice of the time limit to providers. If a county requires invoices to be submitted within a specified time period from the date of service on the invoice, the county must give written notice of this time period to participants and providers.~~

Subp. 9. **Payment during child absences.** ~~Under *Minnesota Statutes*, section 119B.13, subdivision 1, the commissioner is authorized to establish policies for payment of child care spaces for absent children that reflect current market practice. Counties may establish additional policies for the payment of absent days but these policies must be consistent with the policies established by the commissioner under *Minnesota Statutes*, section 119B.13, subdivision 1. Additional county policies for payment of absences must be included in the county's child care fund plan required under part 3400.0150.~~

A. If a provider does not charge all families for days on which a child is absent from care, the child care assistance program must not pay that provider for days on which a child is absent from care.

B. If a provider charges all families for days on which a child is absent from care, the child care assistance program must pay that provider for child absent days according to the statewide absent day policy. To establish the statewide absent day policy, the commissioner must ask providers about their absent day policies in the rate survey required under part 3400.0130, subpart 1. The statewide absent day policy must reflect the absent day policies used by a majority of providers statewide.

C. A county may pay for more absent days than the statewide absent day policy established under this subpart requires if current market practice in the county justifies payment for those additional days. County policies for payment of absent days in excess of the statewide absent day policy and justification for these county policies must be included in the county's child care fund plan under part 3400.0150.

D. Provider charges for absent days in excess of the amount established by the commissioner, or by the county if the county's absent day policy is in excess of the amount exceeds the policy established by the commissioner, are the responsibility of the family receiving child care assistance.

Subp. 10. **Payment during medical leaves of absence.** Counties must grant child care assistance during a parent's medical leave of absence from education or employment if:

B. the parent is expected to return to ~~the parent's current~~ employment or an approved education or training program within 90 calendar days after leaving the job, education, or training program; and

### **3400.0120 ELIGIBLE PROVIDERS AND PROVIDER REQUIREMENTS.**

Subp. 1a. **Provider acknowledgment.** A provider must sign a provider acknowledgment and the county must have a signed provider acknowledgment before the provider or parent may receive payment under the child care fund. The provider acknowledgment must include the following information:

E. a statement acknowledging that the provider is responsible for notifying the county as provided in part 3400.0120, subpart 5, of child absence days and the end of care; ~~and~~

F. a statement acknowledging that the provider is responsible for immediately notifying the county of any changes to the information supplied by the provider in the provider's acknowledgment;

G. a statement acknowledging that the provider is a mandated reporter of maltreatment of minors under *Minnesota Statutes*, section 626.556; and

H. a statement acknowledging that when the county knows that a particular provider or child care arrangement is unsafe, the county may deny child care assistance payments to that provider.

**Subp. 1b. Eligible legal nonlicensed providers.**

A. Legal nonlicensed providers must meet the following conditions to be eligible for payment from the child care fund. A legal nonlicensed provider must:

- (1) satisfy the registration requirements in subpart 2; and
- (2) ~~satisfy any additional applicable registration requirements documented in the county's child care fund plan;~~
- (3) ~~provide the county with an assurance that the provider is in compliance with state and local health ordinances and building and fire codes applicable to the premises where child care is provided; and~~
- (4) ~~be subject to the definition of unsafe care in the county's child care fund plan.~~

~~B. During the time necessary to verify the legal nonlicensed provider's compliance with a county's additional registration requirements, the county may issue provisional payment to a legal nonlicensed provider according to part 3400.0110, subpart 2a. A county may conduct criminal history background, county record, and district court record investigations on legal nonlicensed providers and other persons with access to children during the hours that care is provided. A county may deny payment of child care assistance to that provider pursuant to *Minnesota Statutes*, section 119B.09, subdivision 5, if a county knows a particular provider is unsafe or that the circumstances of the child care arrangement are unsafe.~~

C. During the time necessary to complete the investigation in item B, a county may issue provisional payment according to part 3400.0110, subpart 2a, to a legal nonlicensed provider who has met the registration requirements in subpart 2.

**Subp. 2. Registration of legal nonlicensed providers.**

D. A registered legal nonlicensed provider who has not provided care to children receiving assistance from the child care fund for over ~~one year~~ two years must reregister under this subpart before receiving payment under the child care fund.

**Subp. 5. Notice to county required when care has terminated.** When a provider knows that a family has ended care with the provider, the provider must notify the county that care has been terminated. When a provider believes that a family will be ending care with the provider, the provider must immediately notify the county of the date on which the provider believes the family will end care. A provider must also notify the county if a child or children have been absent for more ~~the~~ than seven consecutive days.

**3400.0130 CHILD CARE PROVIDER RATE DETERMINATION.**

**Subpart 1. Rate determination.** Not less than once every two years, the commissioner shall determine the 75th percentile provider rate for infants, toddlers, preschool children, and school age children in child care centers and family child care homes in each county. The rates surveyed shall include a survey of registration fees when it is usual and customary for a category of provider to charge registration fees. The rates surveyed shall include a survey of mandatory activity fees. When the number of providers in a county or in a provider category is too small to determine the 75th percentile provider rate, the commissioner may establish child care provider rates based on like care arrangements in similar areas or categories.

**Subp. 3. Rate determination; children with special needs.** A county must submit a request to pay a special needs rate to the commissioner. The request must be submitted with or as an amendment to the county child care fund plan. Upon written approval by the commissioner, the approved special needs rate must be paid retroactive to the date of the provider or parent request for the special needs rate.

**Subp. 3a. Rate determination; children with special needs due to disability.** When a parent or a provider asks the county for a special needs rate for an individual child with disabilities that exceeds the county maximum rate, the county must use the following process to determine whether a special needs rate is necessary and, if so, to establish the requested special needs rate. The county must:

- B. obtain the following documentation from the child care provider:

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## Adopted Rules

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(3) the provider's assurance that the rate being sought is the same as the rate that would be charged for similar services provided to a child with a disability in a family not receiving child care assistance ~~for like services~~; and

(4) if applicable, a statement from the provider explaining that the ~~provider's rate~~ the provider charges for all children in care should be adopted as the special needs rate for the child with disabilities because the provider has chosen to spread the cost of caring for children with special needs across all families in care; and

Subp. 3b. **Rate determination; children with special needs due to inclusion in at-risk population.** To determine a special needs rate for a child who is included in an at-risk population defined in the county's child care fund plan, the county must use the following procedures. The county must:

B. obtain the following documentation from the child care provider:

(2) the provider's assurance that the rate being sought is the same as the rate that would be charged for similar services provided to a child in the at-risk population in a family not receiving child care assistance ~~for like services~~; and

(3) if applicable, a statement from the provider explaining that the ~~provider's rate~~ the provider charges for all children in care should be adopted as the special needs rate for the child in the at-risk population because the provider has chosen to spread the cost of caring for children with special needs across all families in care;

Subp. 5. **Child care rate, provider's county of residence.** Child care payments shall be based on the allowable rates in the ~~provider's county of residence where care is provided~~ when the ~~provider resides care is provided~~ in Minnesota. When ~~the provider resides child care is provided~~ outside the state of Minnesota ~~or when care is provided in the child's home~~, the maximum rate must be based on the allowable rate in the participant's county of residence.

### 3400.0140 COUNTY RESPONSIBILITIES.

Subp. 4. **Determination of providers eligible for payments.** The county's process for approving providers eligible for payments under the child care fund may not exceed 30 calendar days, or 45 calendar days with the approval of the applicant, from the date the child care application is approved, the date the child care provider is selected by the applicant, or, in counties that ~~have established additional registration requirements for legal nonlicensed providers under subpart 5~~ require investigations under part 3400.0120, subpart 1b, item B, the date the county received the ~~information necessary to verify the legal nonlicensed provider's compliance with the additional registration requirements~~ results of the investigation, whichever is later. Reimbursement for child care expenses must be made according to the date of eligibility established in part 3400.0040, subpart 6c. If the county determines that a provider chosen by an applicant is not eligible to receive child care payments under the child care fund, the applicant may appeal the county's determination under part 3400.0230.

Subp. 5. **Registration of legal nonlicensed providers.** Before the county issues payment for child care provided by a legal nonlicensed provider, the provider must be registered with the county as provided in part 3400.0120, subpart 2. The county shall provide each registered provider health and safety material supplied by the department and shall refer the registered provider to the child care resources and referral agency. ~~The county may establish additional registration requirements for legal nonlicensed providers. The additional requirements must be identified in the county's child care fund plan. The county must tell the registered provider that the county is required to keep a record of substantiated parental complaints concerning the health and safety of children in the care of legal nonlicensed providers and that, upon request, information governing substantiated complaints shall be released to the public as authorized under Minnesota Statutes, chapter 13.~~

Subp. 5a. **Provisional payment of registered providers.** This subpart applies to counties that ~~have established additional registration requirements under subpart 5~~ require investigations under part 3400.0120, subpart 1b, item B, for legal nonlicensed providers. After a legal nonlicensed provider meets the registration requirements in part 3400.0120, subpart 2, a county may issue provisional authorization and payment to the legal nonlicensed provider as provided in part 3400.0110, subpart 2a, during the time necessary to ~~verify the legal nonlicensed provider's compliance with the additional registration requirements~~ receive and review the results of the investigation and determine whether to give final approval to the provider. Whether a county will issue provisional authorization and payment under this subpart and any conditions applicable to provisional authorization and payment must be described in the county's child care fund plan.

Subp. 6. **Duties upon receipt of parental complaints against legal nonlicensed providers.** Within 24 hours of receiving a parental complaint concerning the health or safety of children under the care of a legal nonlicensed provider, a county must relay the complaint to:

D. other agencies with jurisdiction to investigate complaints relating to the health and safety of a child.

If a complaint is substantiated under item A, the county must keep a record of the substantiated complaint as provided in *Minnesota Statutes*, section 626.556. If a complaint is substantiated under items B to D, the county must keep a record of the substantiated complaint for three years. Upon request, information governing substantiated complaints shall be released to the public as authorized under *Minnesota Statutes*, chapter 13. Upon receiving notice of a substantiated complaint under items A to D, the

county shall not make subsequent payments to that provider from the child care fund for child care services provided by that provider unless the conditions underlying the substantiated complaint have been corrected.

~~Subp. 10a. Definition of at risk populations. A county may define a population of children as an at risk population that is eligible for a special needs rate. A definition of an at risk population must be included in the county's child care fund plan.~~

#### **3400.0150 CHILD CARE FUND PLAN.**

Subp. 2. **Plan content.** The plan must contain a complete description of the county's child care assistance program for applicants and participants eligible for assistance under *Minnesota Statutes*, chapter 119B. The plan must include the information required by *Minnesota Statutes*, section 119B.08, subdivision 3; the information required by this chapter; and all written forms, policies, and procedures used to administer the child care funds. The plan must describe how it serves persons with limited English proficiency, as required by title VI of the Civil Rights Act of 1964, *United States Code*, title 42, sections 2000, et seq. The information in the plan must be in the form prescribed by the commissioner and must include a description of the process used to assure that the information, forms, and notices about child care assistance are accurate, clearly written, and understandable to the intended recipient.

#### **3400.0170 DETERMINATION OF INCOME ELIGIBILITY FOR CHILD CARE ASSISTANCE.**

Subpart 1. **Proof of income eligibility.** An applicant requesting child care assistance must provide proof of income eligibility. For the purpose of determining income eligibility, annual income is the income of the family for the current month multiplied by 12, the income for the 12-month period immediately preceding the date of application, or the income ~~for the time period~~ calculated by the method that provides the most accurate assessment of annual income available to the family. The administering agency must use the method that provides the most accurate assessment of annual income currently available to the family. Income must be verified with documentary evidence. If the applicant does not have sufficient evidence of income, ~~verification must be obtained from the source of income~~ the administering agency must offer the applicant the opportunity to sign an informational release to permit the administering agency to verify whether the applicant qualifies for child care assistance.

Subp. 5. **Gross earned income of wage and salary employees.** Gross earned income means earned income from employment before mandatory and voluntary payroll deductions. Gross earned income includes, but is not limited to, salaries, wages, tips, gratuities, commissions, incentive payments from work or training programs, payments made by an employer for regularly accrued vacation or sick leave, payment for jury duty, and profits from other activity earned by an individual's effort or labor. Gross earned income includes uniform, mileage, and meal allowances if federal income tax is deducted from the allowance. Gross earned income includes flexible work benefits received from an employer if the employee has the option of receiving the benefit or benefits in cash. Gross earned income received by persons employed on a contractual basis must be prorated over the period covered by the contract even when payments are received over a lesser period of time. When housing is provided as part of the total work compensation, the fair market value of such housing shall be considered as if it were paid in cash.

Subp. 7. **Earned income from self-employment.** In determining annual gross income for purposes of eligibility under this part, the administering agency shall determine earned income from self-employment. Earned income from self-employment is the difference between gross receipts and authorized self-employment expenses which may not include expenses under subpart 8. Self-employment business ~~accounts~~ records must be kept separate from the family's personal ~~checking and savings accounts~~ records. If the person's business is a partnership or a corporation and that person is drawing a salary, the salary shall be treated as gross earned income under subpart 5.

#### **3400.0180 REDETERMINATION OF ELIGIBILITY.**

D. If a family timely reports the information required by part 3400.0040, subpart 4, and redetermination establishes a need for a change in the amount of the family's child care assistance, the amount of child care assistance paid to the family between the date the change was reported and the effective date of the new child care assistance payment does not constitute an overpayment.

#### **3400.0183 TERMINATION OF CHILD CARE ASSISTANCE.**

Subp. 2. **Conditions under which termination of child care assistance is required.** A county must terminate a family's child care assistance under the following conditions:

C. when a member of the family has been disqualified from the child care assistance program ~~under *Minnesota Statutes*, section 256.98, subdivision 8, paragraph (b).~~

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## Adopted Rules

### 3400.0185 NOTICE REQUIREMENTS FOR TERMINATION AND ADVERSE ACTIONS.

#### Subpart 1. Notice of termination of child care assistance to participants.

A. The county must notify a participant in writing of the termination of child care assistance. The notice must include the following information:

(5) when the participant appeals the proposed action before the effective date of termination, the ~~termination action shall not be taken until the appeals process has ended and the benefits paid during the appeal process will be subject to recovery if the termination is upheld~~ participant may choose:

(a) to receive benefits while the appeal is pending, subject to recovery if the termination is upheld; or

(b) to not receive benefits while the appeal is pending and to receive reimbursement for documented eligible child care expenditures made or incurred pending appeal if the termination is reversed.

D. ~~If the participant's child care assistance is terminated under part 3400.0183, subpart 2, item A, and, before the effective date of termination, the participant asks the county to continue child care assistance, the termination must not take effect. If the participant's child care assistance is terminated under part 3400.0183, subpart 2, item B, and, before the effective date of termination, the participant reestablishes eligibility for child care assistance, the termination must not take effect.~~

#### Subp. 2. Notice of termination of child care assistance to providers.

B. Except for cases involving alleged child abuse by a provider or a ~~substantiated complaint that the health and safety complaint of a child in care is in imminent danger~~, the notice must be mailed to the provider at least 15 calendar days before terminating benefits to the family.

C. In cases involving alleged child abuse by a provider or a ~~substantiated complaint that the health and safety complaint of a child in care is in imminent danger~~, the county must send a notice of termination to the provider that is effective immediately.

#### Subp. 3. Notice to participants of adverse actions.

A. The county must give a participant written notice of any ~~adverse actions~~ action adversely affecting the participant. ~~Adverse actions requiring notice include, but are not limited to:~~

(1) ~~a reduction in hours of service;~~

(2) ~~an increase in copayment;~~

(3) ~~a denial of an education plan;~~

(4) ~~an adverse determination of provider eligibility; and~~

(5) ~~a county's intent to recoup an overpayment.~~

B. The notice must include the following information:

(6) that if the participant appeals the adverse action before the effective date of the action, the ~~action shall not be taken until the appeals process has ended and that benefits paid during the appeals process will be subject to recovery if the termination is upheld~~ participant may choose:

(a) to continue receiving the same level of benefits while the appeal is pending, subject to recoupment or recovery if the adverse action is upheld; or

(b) to receive the level of benefits indicated by the adverse action while the appeal is pending and to receive reimbursement for documented eligible child care expenditures made or incurred pending appeal if the adverse action is reversed.

D. ~~If the participant corrects the condition requiring an adverse action before the effective date of the adverse action, the adverse action must not take effect.~~

### 3400.0187 RECOUPMENT AND RECOVERY OF OVERPAYMENTS.

Subpart 1. **State recovery of overpayments.** The commissioner must recover from counties any state or federal money that was spent for persons found to be ineligible for child care assistance, except as provided in Minnesota Statutes, section 119B.11, subdivision 3. The county's inability to recover an advance payment made to a provider or a family does not affect the commissioner's right to recover the advance payment from the county under Minnesota Statutes, section 119B.11, subdivision 3.

Subp. 1a. **Scope of overpayment County recovery of overpayments.** When a county discovers that a an amount of child care assistance in excess of the payment due to a family was paid to or on behalf of the family or former participant family has received an overpayment for one or more months, the county must recoup or recover the overpayment according to this part.

Subp. 4. **Recoupment of overpayments from participants.** If the redetermination of eligibility indicate indicates the family remains eligible for child care assistance, the county must recoup the overpayment using the procedures by reducing the amount of assistance paid to or on behalf of the family at the rates in item A, B, or C, or D until the overpayment debt is retired.

A. When a family has an overpayment due to agency or provider error, the monthly recoupment amount is one-fourth the family's copayment or \$20, whichever is greater.

B. ~~When the family has an overpayment due to an agency error or~~ the family's first failure to report changes as required by part 3400.0040, subpart 4, the monthly recoupment amount is one-half the family's copayment or \$20, whichever is greater.

~~B. C.~~ C. When a family has an overpayment due to the family's failure to provide accurate information at the time of application or redetermination or the family's second or subsequent failure to report changes as required by part 3400.0040, subpart 4, the monthly recoupment amount is one-half the family's copayment or \$100, whichever is greater.

~~C. D.~~ D. When a family has an overpayment due to a violation of *Minnesota Statutes*, section 256.98, subdivision 1, as established by a court conviction, a court-ordered stay of conviction with probationary or other terms, a disqualification agreement, a pretrial diversion, or an administrative disqualification hearing or waiver, the monthly recoupment amount equals the greater of:

E. This item applies to families who have been disqualified or found to be ineligible for the child care assistance program and who have outstanding overpayments. If a disqualified or previously ineligible family returns to the child care assistance program, the county must begin recouping the family's outstanding overpayment using the recoupment schedule in items A to D unless another repayment schedule has been specified in a court order.

### **3400.0200 PAYMENTS TO COUNTIES.**

The commissioner shall make payments to the counties at least once per quarter. The commissioner may certify an advance to the counties for the first quarter of the fiscal year or the first quarter of the allocation period. Subsequent payments made to the counties shall be based on actual expenditures as reported by the counties in the financial and program activity report required under part ~~3400.0190~~ 3400.0140, subpart 14.

### **3400.0230 RIGHT TO FAIR HEARING.**

Subpart 1. **Hearing request.** An applicant ~~for or recipient of~~ participant in child care assistance adversely affected by an administering agency's action may request a fair hearing according to *Minnesota Statutes*, section 256.045 3.

Subp. 2. ~~Optional~~ **Informal conference; administering agency requirements.** The administering agency must offer an informal conference as an option to applicants or ~~recipients~~ participants adversely affected by an agency action to attempt to resolve the dispute. ~~The administering agency must also advise adversely affected applicants and recipients that requesting a conference with the agency is optional. The offer of a conference must clearly state that participation is voluntary and does not delay or replace the right to a fair hearing under subpart 1.~~

Subp. 3. **Child care payments when fair hearing is requested.**

A. If the applicant or participant requests a fair hearing before the effective date of termination or adverse action or within ten days after the date of mailing the notice, whichever is later, the termination or adverse action shall not be taken until the conclusion of the fair hearing. Child care assistance paid pending a fair hearing is subject to recovery under part 3400.0187 to the extent the commissioner finds on appeal that the participant was not eligible for the amount of child care assistance paid.

C. A participant may appeal the termination of child care assistance and choose not to receive child care assistance pending the appeal. If the commissioner finds on appeal that child care assistance should not have been terminated, the county must reimburse the participant for documented eligible child care expenditures made or incurred pending the appeal.

### **3400.0235 AT-HOME INFANT CHILD CARE PROGRAM.**

Subpart 1. **Purpose and applicability.** This part governs the administration of the at-home infant child care program. A family in which a parent provides care for the family's infant child may receive a subsidy under this program in lieu of child care assistance if the family is eligible for, or is receiving assistance under, the basic sliding fee program governed by this chapter. All provisions in parts 3400.0010 to 3400.0230 apply to the at-home infant child care program unless otherwise specified in this part or in *Minnesota Statutes*, section 119B.061.

**REPEALER.** *Minnesota Rules*, part 3400.0020, subparts 2, 3, 6, 7, 9, 10, 11, 13, 14, 15, 16, 17, 19, 21, 22, 23, 29, 30, 31, 32, 34, 36, 41, ~~and 42, and 43~~; 3400.0040, subparts 2, 6, and 16; 3400.0050; 3400.0060, subparts 1 and 3; 3400.0070; 3400.0080, subparts 2, 3, 4, 5, 6, and 7; 3400.0090, subparts 5, 6, 8, and 9; 3400.0100, subpart 2; 3400.0110, subparts 5 and 6; ~~3400.0120, subpart 4~~; 3400.0130, subparts 4, 6, 9, and 10; 3400.0140, subparts 3, 11, 12, 13, 15, 16, 17, 18, and 20; 3400.0160; 3400.0170, subpart 2; and 3400.0190, are repealed.

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

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

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules; Special Provisions for Wildlife Management Areas and State Game Refuges; Camp Ripley Archery Hunt; Geese, Waterfowl, and Small Game Hunting; Migratory Waterfowl Feeding and Resting Areas

**NOTICE IS HEREBY GIVEN** that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.091, 97A.092, 97A.095, 97A.137, 97B.305, 97B.311, 97B.605, 97B.625, 97B.635, 97B.731, 97B.803, and 97B.901, and *Laws of Minnesota 2001*, Chapter 206, Section 3.

Dated: 14 August 2001

Allen Garber  
Commissioner of Natural Resources

#### 6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Areas closed to hunting and trapping.** The Boerner Wildlife Management Area in Sibley county, the Buelow Wildlife Management Area in Steele county, the Bryson Wildlife Management Area in Freeborn county, the Chapa Kay-Say-Za Wildlife Management Area in Steele county, the Hutchinson Wildlife Management Area in McLeod county, and the Sand Prairie Wildlife Management Area in Sherburne county are closed to the hunting and trapping of all species.

[For text of subps 6 to 12, see M.R.]

#### 6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

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

Subp. 2. **Bemidji Game Refuge, Beltrami county.** The Bemidji Game Refuge in Beltrami county is open to:

- A. small game hunting, except waterfowl, through October 31;
- B. Canada goose hunting during the early goose season;
- C. trapping for beaver, mink, and muskrat only; and
- ~~E. D.~~ deer and bear hunting by archery through the first Sunday in December.

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

Subp. 4. **Claremont Game Refuge, Dodge county.** The Claremont Game Refuge in Dodge county is open to:

- A. small game hunting, except ducks and mergansers;
- B. trapping; ~~and~~
- C. firearms deer hunting only by muzzleloader special permit; and
- D. deer and bear hunting by archery.

[For text of subps 5 to 7, see M.R.]

[For text of subp 8, see 25 SR 557]

[For text of subps 9 and 10, see M.R.]

[For text of subp 11, see 25 SR 557]

[For text of subps 12 to 21, see M.R.]

[For text of subp 22, see 25 SR 557]

[For text of subps 23 to 28, see M.R.]

[For text of subp 29, see 25 SR 557]

[For text of subps 30 to 53, see M.R.]

Subp. 54. [Expired.]

**Subp. 55. Collegeville Game Refuge, Stearns county.** The Collegeville Game Refuge in Stearns county is open to firearms deer hunting during the established season.

**Subp. 56. Carleton Game Refuge, Dakota and Rice counties.** The Carleton Game Refuge in Dakota and Rice counties is open for deer hunting by archery from the fourth Thursday in November to December 31.

[For text of subp 57, see 25 SR 557]

[For text of subp 58, see 25 SR 911]

#### **6230.0700 ~~THIEF LAKE (EARLY) AND~~ LAC QUI PARLE SPECIAL PROVISIONS.**

Subpart 1. **Time periods for special provisions.** In addition to the regulations provided by part 6230.0500, the following subparts apply to all persons. ~~In the Thief Lake controlled hunting zone, the regulations in this part apply during the period from the opening day of the goose season to the Monday nearest October 22; in the Lac qui Parle controlled hunting zones, these regulations apply during the open season for taking geese in the Lac qui Parle Goose Zone.~~

Subp. 2. **Hunting stations.** Waterfowl and small game hunters may reserve designated hunting stations in accordance with regulations available at the ~~Thief Lake and~~ Lac qui Parle Wildlife Management Area headquarters. Reservation dates may not be changed. Only one hunting group, consisting of no more than three hunters, may occupy a designated hunting station at one time. ~~At Lac qui Parle,~~ Not more than six hunting groups per day may occupy a designated hunting station.

[For text of subps 3 to 7, see M.R.]

#### **6230.0800 THIEF LAKE ~~(LATE)~~ SPECIAL PROVISIONS.**

Subpart 1. **Time period for special provisions.** In addition to the ~~general~~ regulations provided by part 6230.0500, the following subparts apply to waterfowl and small game hunters in the Thief Lake controlled hunt zone during ~~the period from the Tuesday nearest October 23 to the close of the goose season~~ all open waterfowl seasons, except that restrictions on small game hunting apply only from the opening of the regular waterfowl season through the Monday nearest October 22.

Subp. 2. **Designated hunting station.** ~~Waterfowl~~ Hunters must use designated hunting stations and on a first come first served basis. Hunters are limited to one trip ~~per day~~ to the hunting stations before noon and one trip after noon each day.

~~Subp. 3. **Revocation of permit.** Failure to comply with the provisions of the permit or special provisions relating to the controlled hunt will result in immediate revocation of the permit for that day.~~

Subp. 4. **Firearms must be cased.** ~~Waterfowl~~ Hunters must have their firearms cased except within ten feet of their designated hunting station.

Subp. 5. **Limitation on number of shells possessed.** Only persons hunting may bring shotgun shells into the controlled hunting zone. A ~~waterfowl~~ hunter may not bring more than six shells per ~~day~~ trip into the controlled hunting zone or have more than six shells in possession at any one time.

**Subp. 6. Restrictions on occupancy of designated parking lots and hunting stations.** A person may not park in or otherwise occupy any designated controlled hunting zone parking lot or occupy any hunting station from 10:00 p.m. to 5:00 a.m.

**Subp. 7. Closed hunting stations.** A person may not occupy or hunt from any hunting station that is posted closed.

#### **6232.0900 CAMP RIPLEY ARCHERY HUNT.**

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

**Subp. 3. Antlerless deer and legal bucks.** In 2001, Camp Ripley is open for the taking of antlerless deer and legal bucks. Not more than 2,475 permits shall be issued for each two-day hunting period, provided the total number of permits issued for both hunting periods does not exceed 4,500.

#### **6232.1000 APPLICATION PROCESS FOR CAMP RIPLEY ARCHERY HUNT.**

Subpart 1. **Preference drawing.** ~~Persons with preference from the previous drawings will be issued Camp Ripley preference permits by correctly and completely filling out and submitting the preference application mailed to them by the department.~~

~~The total number of permits issued for all hunting periods may not exceed the quota. If more preference applications are received than that allotted for a single hunting period, a preference drawing will be held. Those unsuccessful in this preference drawing will be offered permits for the alternate hunting period, when available. In the event there are permits remaining after preference permits have been issued, a random drawing will be conducted from general applicants to reach the quota. Persons may not hunt in~~

## Expedited Emergency Rules

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~~more than one hunting period.~~ If the number of applications for permits exceeds the quota set forth in the annual hunting regulations, a preference drawing shall be used to select permit holders. Applicants establish a preference rating based upon the number of times they have applied in previous years and have not obtained a permit. The preference rating shall increase each year the applicant applies unsuccessfully. Persons applying for the first time have no preference. Applicants receiving a permit lose their accrued preference.

Subp. 2. **General drawing Group application.** This subpart applies to the Camp Ripley archery hunt general drawing.

~~A. All applicants without preference must enter the general drawing by submitting an application form. This form is available by sending a stamped, self-addressed, business-sized envelope to the archery hunt, or acquired at this address between 8:00 a.m. and 4:30 p.m., Monday through Friday.~~

~~B. Up to six four persons may apply as a group by submitting their individual applications in one envelope. Either all members of a group will shall be selected or none will shall be selected.~~

~~C. All general applicants will be notified of the results by mail.~~

Subp. 3. **Application requirements.** Applicants for permits must:

~~A. personally sign the application;~~

~~B. apply for only one drawing;~~

~~C. B. apply for only one of the hunting periods;~~

~~D. C. submit no more than one application per year;~~

~~D. apply by the Friday nearest August 17; and~~

~~E. mail or deliver the application with the pay a nonrefundable application fee of \$6 per hunter to be received on or before 4:30 p.m. on the Friday nearest August 17, at Archery Hunt, Route 4, Box 19A, Little Falls, MN 56345; and~~

~~F. pay application fees by cashier's check, money order, or personal check.~~

### 6234.1600 TAKING BOBCAT.

Subpart 1. **Open season.** Bobcats may be taken with legal firearms, bow and arrow, and by trapping from the Saturday nearest ~~December 1~~ November 27 to the Sunday nearest January 6.

[For text of subps 2 to 4, see M.R.]

### 6234.1700 TAKING FISHER.

Subpart 1. **Open season.** Fisher may be taken by trapping from the Saturday nearest ~~December 1~~ November 27 to the Sunday nearest December ~~16~~ 12.

Subp. 2. **Bag limits.** The combined limit for fisher and pine marten is four per season, in aggregate. A person may not take more than ~~two four~~ four fisher per season or possess more than ~~two four~~ four fisher at a time, except that a person may possess additional pelts that the person lawfully took, tagged, and registered during previous seasons.

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

### 6234.1800 TAKING PINE MARTEN.

Subpart 1. **Open season.** Pine marten may be taken by trapping from the Saturday nearest ~~December 1~~ November 27 to the Sunday nearest December ~~16~~ 12.

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

Subp. 3. **Bag limits.** The combined limit for fisher and pine marten is four per season, in aggregate. A person may not take more than ~~two four~~ four pine marten per season or possess more than ~~two four~~ four pine marten at a time, except that a person may possess additional pelts which the person has lawfully taken, tagged, and registered during previous seasons.

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

### 6234.2600 PELT TAGGING AND REGISTRATION.

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

Subp. 3. **Registration of pelts.** The pelt of each bobcat, fisher, pine marten, and otter and the whole carcass of each bobcat must be presented, by the person taking it, to a ~~conservation officer~~ state wildlife manager designee for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes for each species, respectively. The entire carcass of bobcat and the entire head of pine marten must be surrendered to the ~~conservation officer~~ state wildlife manager designee. The pelt of bobcat, otter, fisher, and pine marten must have been removed from the carcass.



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

**6240.0610 YOUTH WATERFOWL HUNTING DAY.**

Subpart 1. **Dates, eligibility, and license requirements.** Ducks, Canada geese, mergansers, coots, and moorhens may be taken statewide on September 15, 2001, by hunters 15 years of age or younger who are accompanied by an adult 18 years of age or older. The accompanying adult may not hunt. No hunting license or waterfowl stamps are required.

Subp. 2. **Shooting hours.** Shooting hours are one-half hour before sunrise to 4:00 p.m.

Subp. 3. **Bag limits.**

A. The daily bag limit for ducks is six and may not include more than: four mallards, of which not more than two may be female mallards; three greater or lesser scaup combined; one pintail; two wood ducks; two redheads; and one black duck. The limit for canvasback is as allowed by federal rule.

B. The daily bag limit for mergansers is five, of which no more than one may be a hooded merganser.

C. The daily bag limit for coots and moorhens is 15 in combination.

D. The daily bag limit for geese is one Canada goose, except in the West Zone, where the daily bag limit is five Canada geese.

**6240.1200 SPECIAL PROVISIONS ON TAKING GEESE DURING EARLY SEASONS.**

Subpart 1. **Taking near water.** Taking Canada geese during the early seasons is prohibited on or within 100 yards of all surface waters, except:

A. on those surface waters described or shown on a map provided by the commissioner;

B. in the West Goose Zone, including the West Central and Lac qui Parle Goose Zones; and

C. for youth hunters participating in the youth waterfowl hunting day.

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

**6240.1850 GAME REFUGES OPEN TO THE TAKING OF GEESE.**

The following refuges are open to the taking of geese, as specified:

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

C. The Harstad Slough waterfowl refuge in Stevens county is open to Canada goose hunting during the early September goose season. The Ashby goose refuge in Grant county is open to Canada goose hunting during the early September goose season. The Mud-Bardwell waterfowl refuge in Martin county is open to Canada goose hunting from November 1 to the end of the regular goose season, except there is no goose hunting within 100 yards of Mud and Bardwell lakes.

**6240.2000 MIGRATORY WATERFOWL FEEDING AND RESTING AREA RESTRICTIONS.**

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Use of electric motors.** On the lakes listed in items A to I, a person may use an electric motor of less than 30 pounds thrust within the designated migratory waterfowl feeding and resting area during the open waterfowl season:

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

F. Polk county: Turtle Lake; ~~and~~

G. Traverse county: Mud Lake;

H. Freeborn county: Bear Lake;

I. Pope county: Nelson Lake; and

J. Faribault and Blue Earth counties: Minnesota Lake.

**6240.2100 DESIGNATED MIGRATORY WATERFOWL FEEDING AND RESTING AREAS.**

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

Subp. 9. **Minnesota Lake, Faribault and Blue Earth counties.** All that portion of Minnesota Lake in Faribault and Blue Earth counties within the area posted by signs or buoys and identified as a migratory waterfowl feeding and resting area is designated as a migratory waterfowl feeding and resting area.

## Expedited Emergency Rules

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**REPEALER.** The expedited emergency amendments to *Minnesota Rules*, parts 6230.0700, subpart 1, and 6230.0800, subpart 1, published in the *State Register*, volume 25, page 557, August 21, 2000, are repealed.

**EFFECTIVE PERIOD.** The emergency amendments to *Minnesota Rules*, parts 6230.0200, 6230.0400, 6230.0700, 6230.0800, 6232.1000, 6234.1600, 6234.1700, 6234.1800, 6234.2600, 6240.1200, 6240.1850, 6240.2000, and 6240.2100, expire 18 months after adoption. The emergency amendments to *Minnesota Rules*, part 6232.0900, expire December 31, 2001. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule. *Minnesota Rules*, part 6240.0610, expires December 31, 2001.

### Official Notices

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

## Minnesota Department of Administration

### Materials Management Division

#### REQUEST FOR COMMENTS on Possible Amendments to Rules Governing State Contracting, *Minnesota Rules*, Chapter 1230

**Subject of Rules.** The Minnesota Department of Administration requests comments on its possible amendments to rules governing state contracting. The Department is considering new rules relating to organizational conflicts of interest in state contracting. The Department is also combining the topic of organizational conflicts of interest with amendments to existing rules relating to general contracting practices. The general contracting amendments will update the definitions of procurement terms, and will also cover topics including soliciting responses from vendors, bid security, vendor errors, opening of responses, award of contracts, tie bids, contract performance, vendor suspension and debarment, contract cancellation, and the Socially Disadvantaged and Economically Disadvantaged Area Small Business Program.

**Persons Affected.** The amendments to the rules would likely affect vendors who contract with the State of Minnesota, personnel of the Materials Management Division of the Department of Administration who procure goods and services for the state, and state agency personnel who have delegated authority to conduct local purchasing.

**Statutory Authority.** *Minnesota Rules*, chapter 1230 was promulgated in 1991 under the authority of *Minnesota Statutes*, section 16B.04, subd. 1, that provides the commissioner of Administration the authority to “adopt, amend, and rescind rules relating to any purpose, responsibility, or authorization in this chapter.” In 1998, procurement-related provisions in *Minnesota Statutes*, chapter 16B were amended and transferred to chapter 16C. General rulemaking authority remains in chapter 16B, and is also set forth at *Minnesota Statutes*, section 16C.03, subd. 2. In addition to the general rulemaking authority of section 16B.04, the chapter contained specific authority for rules relating to the Socially Disadvantaged and Economically Disadvantaged Area Small Business Program. These specific provisions were carried over from sections 16B.19 and 16B.22 to sections 16C.16 and 16C.19. Finally, the Department received new authority during the 2001 legislative session to adopt rules on organizational conflicts of interest. This authority is set forth at *2001 Minnesota Laws*, 1st Spec. Sess., ch. 10, art. 2, § 34 (to be codified at *Minnesota Statutes*, section 16C.03, subd. 2).

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department does not contemplate appointing an advisory committee to comment on the possible rules.

**Rules Drafts.** The Department has not yet prepared a draft of the possible rules amendments.

**Agency Contact Person.** Written comments, questions, requests for more information, and requests to receive a draft of the rules when it has been prepared, should be directed to: Betsy Hayes, Department of Administration, Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155; **phone:** (651) 296-5942; **fax:** (651) 297-3996; **email:** *betsy.hayes@state.mn.us*. **TTY** users may call the Department at (651) 282-5799.

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

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

Dated: 21 August 2001

David Fisher, Commissioner  
Department of Administration

## Department of Administration

### State Designer Selection Board (SDSB)

#### Meeting Dates, Times and Agenda Items for September 2001

Pursuant to SDSB *Minnesota Rule* 3200.0400, below is the schedule of State Designer Selection Board meeting dates, times and agenda items as of August 21, 2001:

- **September 18, 2001**

Shortlisting Project 01-05, Minnesota Department of Transportation, Consolidated Operations Support Facility

- **September 25, 2001**

Interviews/Selection Project 01-05, Minnesota Department of Transportation, Consolidated Operations Support Facility

Unless otherwise stated, all meetings are held in the Administration Building, 50 Sherburne Avenue, St. Paul, Room G-10/Conference Room A. Other matters may come before the Board and be added to the agenda as needed. For additional information, including meeting start times, contact Winnie Sullivan at (651) 297-1545.

## Department of Agriculture

### Agronomy and Plant Protection Services Division

#### Notice of Rescheduled Minnesota Agricultural Response Compensation Board Meeting

The September 19, 2001, Agricultural Chemical Response Compensation Board (ACRRA Board) meeting has been rescheduled to October 17, 2001. Meetings will be held at the Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota, first floor Conference Room 1 at **8:30 a.m.**

Please call the ACRRA Program, (651) 297-3490 or (651) 296-3349, should you require additional information.

## Official Notices

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### **Executive Council State Board of Investment Land Exchange Board Investment Advisory Council**

#### **Meeting in September of the Executive Council, State Board of Investment, Land Exchange Board, and Investment Advisory Council**

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, September 5, 2001 at 9:00 a.m., in Room 125, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Tuesday, September 4, 2001 at 2:00 p.m., in the SBI Conference Room, Capitol Professional Office Building, Suite 10 (Main Floor), 590 Park Street, St. Paul, MN.

### **Metropolitan Council**

#### **Adoption of the 2002-2004 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area**

The Metropolitan Council will adopt the 2002-2004 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area at its September 12, 2001 meeting. The TIP includes highway, transit, bikeway and pedestrian enhancements and air quality projects that are proposed for federal funding in the seven-county metropolitan area in the next three years. The program is prepared annually in accordance with federal requirements and must contain all projects that are to be implemented with federal funding assistance. The Council's Transportation Advisory Board (TAB) has adopted the TIP and has recommended it to the Council for adoption. The TAB held a public hearing and respond to all comments received. The meeting will be held at the Metropolitan Council offices, Mears Park Centre, 230 E. Fifth St., St. Paul on Wednesday, September 12, 2001 at 3:00 p.m., in the Council Chambers.

The TIP is prepared jointly by the Metropolitan Council and the Minnesota Department of Transportation. Projects contained in the TIP reflect the region's priorities and help implement the region's transportation plan. Projects have been analyzed to determine impact on regional air quality.

Upon request, the Council will provide reasonable accommodations to persons with disabilities. Free copies of the draft 2002-2004 Transportation Improvement Program are available at the Council's Regional Data Center. **Phone:** (651) 602-1140 **TTY:** (651) 291-0904, to request a copy. Other materials describing the Council's transportation efforts also are available. Questions about the hearings or transportation issues may be directed to Carl Ohn, (651) 602-1719, Metropolitan Council, 230 E. Fifth Street, St. Paul, MN 55101.

### **Peace Officer Standards and Training Board**

#### **Notice of Conference**

The Peace Officer Standards and Training Board will host a conference to discuss the role of the board within the law enforcement community on Tuesday, September 11, 2001 at the Airport Hilton Hotel and Conference Center, Bloomington from 8:00 a.m., to 5:00 p.m. Please call Neil Melton at (651) 643-3063 if you would like additional information.

## Minnesota Pollution Control Agency

### Policy and Planning Division

#### AMENDED REQUEST FOR COMMENTS on Planned New Rules Governing Conditionally Insignificant and Conditionally Exempt Air Emissions to Be Codified in *Minnesota Rules* Chapter 7008; Amendments to Rules Governing Permits and Offsets, Chapter 7007; Amendments to Rules Governing Air Quality Division Definitions and Abbreviations, Chapter 7005; and Amendments to Rules Governing Standards for Stationary Sources, Chapter 7011

The Request for Comments notice published at *State Register*, Volume 25, Number 35, pages 1442-1443, February 26, 2001 (25 SR 1442) is being amended to include the following:

Upon reviewing the above referenced Request for Comments notice, the Minnesota Pollution Control Agency (MPCA) discovered it inadvertently left out of the notice that it also plans to amend *Minnesota Rules* ch. 7011 which governs the Standards for Stationary Sources. In addition, the MPCA is changing the title of the new rules to be codified in *Minnesota Rules* ch. 7008, from Air Emission Permits to Conditionally Insignificant and Conditionally Exempt Air Emissions. The new title more clearly represents the text of the new rules.

Please review the Request for Comments notice published in the *State Register* on February 26, 2001 for information regarding the MPCA's plans to draft new rules to be codified in *Minnesota Rules* ch. 7008 and amend existing rules codified in *Minnesota Rules* chs. 7005 and 7007.

**Subject of Chapter 7011 Rule Amendments:** The MPCA plans to amend chapter 7011 by adding a new standard of performance for stage-one vapor recovery systems for gasoline service stations and renumber some rules that apply to concrete manufacturing plants.

Chapter 7008 will contain a higher air quality permit exemption threshold for any qualifying gasoline service station that installs and operates a stage-one vapor recovery system. Owners and operators that choose to take advantage of that higher exemption threshold must comply with minimum design, installation and operating requirements for those systems. Those requirements will be set forth in chapter 7011.

*Minnesota Rules* 7011.0860, No Permit Required, is being moved and renumber 7008.2200 to consolidate air quality permit exemption rules into chapter 7008. Additional changes to this rule will be substantially limited to deletion of requirements that would otherwise be redundant with other parts of chapter 7008. Definitions in part 7011.0850 that are applicable to both chapters 7011 and 7008 will be renumbered and placed in part 7005.0100, Definitions. The MPCA believes that the proposed consolidation of air quality permit exemption rules in chapter 7008 will improve the organization of *Minnesota Rules*.

**Persons Affected.** The rule amendments to chapter 7011 governing Stationary Sources will affect gasoline service station owners and operators that choose to take advantage of the higher permit exemption threshold by installing and operating stage-one vapor recovery systems. The rule amendments to chapter 7011 will minimally affect owners and operators of concrete manufacturing plants because the MPCA will be renumbering some parts relevant to concrete manufacturing plants.

**Statutory Authority.** The MPCA's authority to adopt and implement these rules is found in *Minnesota Statutes* § 116.07, subds. 4 and 4a. This broad rulemaking authority is "without limitation" and includes authority to adopt, amend and rescind rules and standards for the prevention, abatement, or control of air pollution.

Subd. 4. **Rules and standards.** Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of *Laws 1967*, chapter 882, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Subd. 4a. **Permits.** (a) The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions of noise pollution.



## Official Notices

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**Public Comment.** Affected, interested persons or groups may submit comments or information on this planned rulemaking in writing or orally until 4:30 p.m., on September 27, 2001. The MPCA does not intend to form an advisory work group to assist with the new rule and rule amendments. The MPCA has not yet prepared a draft of the planned new rules.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on this planned new rule and rule amendments should be directed to: Michael Mondloch at Minnesota Pollution Control Agency, 520 Lafayette Road N, St. Paul, Minnesota 55155-4194, **phone:** (651) 297-8593, **fax:** (651) 297-8676, and **email:** [michael.mondloch@pca.state.mn.us](mailto:michael.mondloch@pca.state.mn.us). TTY users may call the MPCA at **TTY:** (651) 292-5332 or (800) 657-3864.

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

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

Karen A. Studders, Commissioner  
Minnesota Pollution Control Agency

## Minnesota Board of Teaching

### REQUEST FOR COMMENTS on Planned Rules Relating to Additional Teacher Licensure Renewal Requirement Regarding Reading Instruction Skills for all Teachers [Proposed Addition to *Minnesota Rules* 8710.7200, Subpart 2]

**Subject of Rules.** The Minnesota Board of Teaching requests comments on its planned rules regarding a statutory requirement that, effective with teaching licenses that expire on or after June 30, 2004, all teachers must include in their renewal clock hours additional preparation in providing reading instruction and assistance to students.

**Persons Affected.** The amendments to the rules would likely affect teachers, the schools they will serve, and educational organizations and institutions in Minnesota.

**Statutory Authority.** *Minnesota Statutes*, section 122A.09, subdivision 4, grants authority to the Board of Teaching to adopt rules regarding teacher licensure and renewal. This statute was amended by *Laws of Minnesota 2001*, Special Session, Chapter 13, section 3, to include the following provision:

*(m) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. [EFFECTIVE DATE.] This section is effective for teachers who renew their licenses in year 2004 and later.*

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing until October 22, 2001.

**Rules Drafts.** The Board has prepared a draft of the planned amendments. It accompanies this Request and additional copies may be obtained from the Agency contact person.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to: Michael Tillmann, Acting Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113-4266. Mr. Tillmann's **phone** number is (651) 582-8835, and his **fax** number is (651) 582-8872. **TTY** users may call the Board at (651) 582-8201.

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

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

**Proposed Rules Relating to Additional Teacher Licensure Renewal Requirement Regarding Reading Instruction Skills for all Teachers [Proposed Addition to *Minnesota Rules* 8710.7200, Subpart 2]****8710.7200 CLOCK HOURS; REQUIREMENTS FOR RENEWAL OF PROFESSIONAL LICENSES.**

Subpart 1. **Definition.** "Clock hour" means an hour of actual instruction, or planned group or individual professional development activity as approved by the local continuing education/relicensure committee.

Subp. 2. **Renewal clock hours.** Verification by the local continuing education/relicensure committee that the applicant has completed 125 approved clock hours is required for renewal. Instruction and professional development activities meet requirements to renew licenses only if they address one or more of the standards in part 8710.2000. Effective for renewal of ~~continuing professional~~ licenses which expire on June 30, 2004, and after, applicants must include in their 125 clock hours instruction or other professional development activities which address positive behavioral intervention strategies and accommodation, modification, and adaptation of curriculum, materials, and instruction to appropriately meet the needs of varied students in achieving graduation standards. Effective for renewal of professional licenses which expire on June 30, 2004, and after, applicants must also include in their 125 clock hours instruction or other professional development activities which evidence further reading preparation, consistent with section 122A.06, subdivision 4.

[Proposed additional language is underlined.]

## **Minnesota Board of Teaching**

### **REQUEST FOR COMMENTS on Planned Adoption of Rules Regarding Approval of Teacher Preparation Programs Offered by Entities Other than Colleges and Universities, *Minnesota Rules* Proposed Part 8700.7610**

**Subject of Rules.** The Minnesota Board of Teaching requests comments on its planned rules regarding Approval of Teacher Preparation Programs Offered by Entities Other than Colleges and Universities. Such entities might include schools, education districts, and other institutions and organizations. The Board is considering adopting rules to establish criteria very similar to the criteria currently used to approve college and university teacher preparation programs.

**Persons Affected.** The amendments to the rules would likely affect future teachers, the schools they will serve, and educational organizations and institutions in Minnesota.

**Statutory Authority.** *Minnesota Statutes*, section 122A.09, subdivision 4 (c) and (d), requires the Board to adopt rules for teacher preparation programs. The requirement to address teacher preparation in entities other than colleges and universities was articulated also in *Laws of Minnesota 2001*, Special Session, Chapter 6, Article 2, section Sec. 8:

*Minnesota Statutes 2000, section 122A.24, subdivision 3, is amended to read:*

*Subd. 3. [PROGRAM APPROVAL.] (a) The board of teaching must approve alternative preparation programs based on criteria adopted by the board. (b) ~~An alternative preparation program at a school district, group of schools, or an education district must be affiliated with a post secondary institution that has a teacher preparation program.~~ The board shall permit demonstration of licensure competencies in school-based and other nontraditional pathways to teacher licensure.*

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing until October 22, 2001.

**Rules Drafts.** The Board has prepared a draft of the planned amendments. It accompanies this Request and additional copies may be obtained from the Agency contact person.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to: Michael Tillmann, Acting Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113-4266. Mr. Tillmann's **phone** number is (651) 582-8835, and his **fax** number is (651) 582-8872. **TTY** users may call the Board at (651) 582-8201.

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

## Official Notices

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

### Preliminary Draft of Proposed Rule

#### Planned Rules Regarding Approval of Teacher Preparation Programs Offered by Entities Other than Colleges and Universities [Proposed *Minnesota Rules* 8700.7610]

##### **8700.7610** **Teacher Preparation Program Approval for Teacher Preparation Programs Offered by Entities Other Than Colleges and Universities**

**Subdivision 1.** **In General.** Teacher Preparation entities such as schools, organizations, and other entities may be approved by the Board of Teaching upon application and presentation of evidence that the entity includes:

**A.** in professional and pedagogical studies:

- (1) high quality professional education programs that are cohesive, comprehensive, and based on research, theory, and accepted practice;
- (2) candidates in teacher preparation programs complete a professional sequence of courses based on the components under part 8710.2000; and
- (3) assessment and evaluation are integral components of the program and are used to monitor teacher candidate performance and program effectiveness;

**B.** in general and content studies:

- (1) requirements that candidates for teacher licensure possess at least a baccalaureate degree from a regionally accredited college or university;
- (2) requirements that candidates in teacher preparation programs to attain academic competence in the content that they plan to teach;
- (3) multicultural and global perspectives; and
- (4) requirement that teacher candidates can integrate general, content, professional, and pedagogical studies, as measured by teacher performance, and performance of the students they teach;

**C.** in providing clinical and field experiences:

- (1) the teacher licensure programs incorporate a broad range of ongoing clinical and field experiences that provide candidates opportunities to demonstrate the required skills and knowledge under part 8710.2000;
- (2) candidates have experiences with diverse populations, students with disabilities, and students of different ages under the direction of teacher education faculty in collaboration with school partners;
- (3) candidates work in the field and at the licensure level for which they are to be recommended for licensure;
- (4) each program is developed and implemented through collaborative school partnerships in which program faculty and school personnel share responsibility for planning, supervising, evaluating, and implementing the curriculum for candidates; and
- (5) faculty for each program hold valid Minnesota continuing licenses, or the equivalent, in the fields of specialization, and model good professional practice;

**D.** for candidate qualifications:

- (1) the entity recruits, admits, and retains candidates who demonstrate potential for professional success in schools;
- (2) multiple criteria and assessments are used to identify candidates for admission who have potential to become successful teachers;
- (3) the entity has clearly stated and applied assessment procedures for the admission of transfer, nontraditional, and postbaccalaureate candidates into teacher preparation programs;
- (4) the entity actively recruits and has plans, policies, and practices for admission and retention of a diverse candidate population; and

- (5) the entity assesses and, if appropriate, adjusts program completion requirements for candidates with knowledge and skills acquired through prior academic preparation and teaching experiences that meet licensure requirements;
- E. when monitoring and advising on candidate progress:
  - (1) the entity provides appropriate academic and professional advisement at a candidate's admission and throughout the candidate's professional education program;
  - (2) the entity maintains specific criteria for admission and retention, and a defined student appeals process;
  - (3) the entity maintains complete, accurate, and current records of candidates in teaching preparation programs;
  - (4) the entity uses authentic performance-based assessments and systematic procedures and timelines to determine whether candidates have the knowledge and skill needed to advance through the program;
  - (5) criteria consistent with part 8710.2000 are used to determine candidate progress through each program;
  - (6) the entity requires that candidates successfully complete all Board of Teaching licensure assessments before recommending a candidate for teacher licensure; and
  - (7) publications and advising provide candidates with clear information about policies and requirements needed to complete professional education programs, the availability of counseling, and job opportunities;
- F. for competence of candidates:
  - (1) the entity provides evidence that licensure candidates demonstrate the skills and knowledge required under part 8710.2000;
  - (2) the entity demonstrates a systematic and comprehensive assessment design that is applied to all candidates throughout professional preparation;
  - (3) the entity establishes and publishes a set of criteria and outcomes for exit from each professional education program consistent with the standards of the Board of Teaching; and
  - (4) the program's stated exit criteria and outcomes are assessed through the use of multiple sources of data, for example a culminating experience, portfolios, interviews, videotaped and observed performance in schools, standardized tests, and course grades;
- G. for the qualifications, composition, and resources of the entity:
  - (1) the entity ensures that all faculty are qualified by academic preparation for the faculty member's current assignments and are actively engaged in the professional community;
  - (2) the entity assigns faculty qualified by academic preparation to support the teacher licensure programs;
  - (3) the entity actively recruits and has plans, policies, and practices for hiring diverse faculty;
  - (4) the work load allows the faculty to be involved in teaching, scholarship, service, and schools in monitoring, assessing, and advising candidate progress;
  - (5) the entity ensures that faculty who supervise field experiences are academically prepared and professionally experienced in a school setting;
  - (6) any part-time and adjunct faculty in teaching roles provide integrity, quality, and continuity of teacher preparation programs;
  - (7) faculty and teaching in the entity are of high quality reflecting current research and best practice consistent with the curriculum goals of the program;
  - (8) faculty and cooperating school personnel model and reflect the best practice in the delivery of instruction;
  - (9) faculty use a variety of instructional strategies that reflect an understanding of different models and approaches to learning;
  - (10) instruction encourages the candidate's development of reflection, critical thinking, problem solving, and professional dispositions;
  - (11) teaching in the entity reflects knowledge and experiences with diversity and exceptionalities;

## Official Notices

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- (12) the entity systematically evaluates the effect of faculty on candidate performance and fosters faculty professional development; and
- (13) the entity's faculty demonstrate knowledge, skills, and dispositions which model best professional practices, assessment, and scholarship; and
- (14) the administrator of the defined entity is authorized to submit licensure program proposals for Board of Teaching approval and is responsible for administering licensure programs;
- (15) the administrator of the defined entity is authorized to recommend for teacher licensure candidates who have completed the teacher preparation entity's teacher preparation programs;
- (16) the entity has a long-range planning process that is regularly monitored to ensure the ongoing vitality of the entity and its programs, and the future capacity of its physical facilities;
- (17) the entity has sufficient financial resources and support to sustain teacher preparation programs;
- (18) facilities, equipment, and budgets are adequate to support the entity's missions and goals;
- (19) candidates and faculty have access to books, journals, and electronic information that support teaching and scholarship;
- (20) candidates and faculty have training in and access to current education-related technology; and
- (21) the entity has sufficient faculty and administrative, clerical, and technical staff to ensure the consistent delivery and quality of programs.

Subp. 2. **Requirements for each teacher preparation program within an approved teacher preparation entity.** An approved teacher preparation entity shall submit a description of each teacher preparation program for which approval is requested to the Board of Teaching. Each description shall include evidence that:

- A. rules of the Board of Teaching governing the licensure of teachers for which individuals in the program are being prepared are met and the program provides curriculum, instruction, and assessment consistent with the content and pedagogical requirements of the licensure field;
- B. candidates enrolled in the teacher preparation program are required to demonstrate competency in methods of teaching the content and levels of students for which they are preparing to be licensed;
- C. candidates preparing to be recommended for first licensure are required to complete successfully a series of early and ongoing planned, supervised, and evaluated clinical experiences as well as at least ten full weeks of student teaching experiences in the licensure field and at the licensure level for which the candidates are completing teacher preparation programs and are to be recommended for teacher licensure;
- D. necessary professional and physical resources exist to implement and maintain the teacher preparation program as follows:
  - (1) a professional staff member, qualified by academic preparation, shall provide the instructional leadership for the program and develop the course of study in collaboration with licensed, experienced school personnel in the field;
  - (2) faculty assigned to instruct and assess the subject matter content shall have advanced academic preparation to teach the content;
  - (3) faculty assigned to instruct and assess the professional education components shall have both academic preparation and direct experience teaching the content and levels established in the licensure field's scope of practice;
  - (4) program faculty assigned to provide instruction in methods of teaching and to supervise student teaching experiences shall have teaching experience at the licensure level of the licensure program; and
  - (5) classroom teachers who supervise student teaching experiences shall hold current, valid licenses in the licensure fields and at the licensure levels they supervise;
- E. an operational process is in place for assessing attainment of standards by each candidate who is to be recommended for licensure; and
- F. the program requires that candidates attain academic competence in the subjects the candidates will be licensed to teach.

Subp. 3. **Variations within programs.** Teacher preparation programs of varying curricular designs shall be approved provided that program components meet the requirements of this rule.



- Subp. 4. Approval of experimental teacher preparation programs.** The Board of Teaching shall approve requests for experimental programs when all criteria under subparts 1 and 2 have been met.
- Subp. 5. Criteria for exemptions.** An teacher preparation entity shall submit to the Board of Teaching a proposal for an experimental program that includes:
- A. a statement of goals and objectives;**
  - B. a description of the proposed program, that includes:**
    - (1) evidence that the proposed program will serve as a model for possible replication;**
    - (2) evidence that the proposed program reflects current research in teacher education;**
    - (3) evidence that the proposed program has an ongoing research and development component;**
    - (4) evidence that the proposed program has been designed to be significantly different in content and delivery from the currently approved program;**
    - (5) evidence that the proposed program provides opportunities for candidates enrolled in the program to know and apply current research on educational effectiveness;**
    - (6) evidence that the proposed program provides opportunities for candidates enrolled in the program to have regular and systematic field experience and student teaching in schools that demonstrate knowledge and use of current research on educational effectiveness;**
    - (7) evidence that the proposed program has been collaboratively designed, implemented, and evaluated to ensure that elementary and secondary teachers participate with teacher education faculty in the preparation of teachers;**
    - (8) evidence that the proposed program provides opportunities for teacher education faculty to enhance effective teaching behaviors through staff development opportunities and that faculty are enabled and supported in the change process; and**
    - (9) evidence that the candidates must successfully complete the academic knowledge components of the program;**
  - C. a description of the annual evaluation procedures to be used to demonstrate attainment of the goals and objectives; and**
  - D. identification of any Board of Teaching rules from which the teacher preparation entity seeks exemption.**
- Subp.5a. Five-year review of experimental teacher preparation programs.** Five years from the date of the approval of an experimental teacher preparation program under subparts 5, the Board of Teaching shall approve, disapprove, or modify continuation of the program without experimental status according to the criteria in subp. 5.
- Subp. 6. Written description of revisions in approved preparation programs.** When an teacher preparation entity makes revisions in an approved teacher preparation program, the teacher preparation entity shall forward to the Board of Teaching a written description of each revision. When an audit determines that the revised teacher preparation program continues to meet this rule, each verified revision shall become an amendment to the approved teacher preparation program.
- Subp. 7. Evaluation procedures for teacher preparation entities and programs.** Applications submitted for approval shall be evaluated as follows:
- A. Two or more program evaluators shall be assigned by the Board of Teaching to examine, evaluate, and make recommendations based on the information submitted by the teacher preparation entity for each of the teacher preparation entity's teacher preparation programs. Program evaluators shall include individuals with both licensure level and post-secondary experience and expertise in the licensure field of the program being evaluated. Evaluators' written recommendations shall be submitted directly to the Board of Teaching.**
  - B. A team of visiting teacher preparation evaluators designated by the Board of Teaching shall visit the teacher preparation entity to verify the accuracy and completeness of the written application, write a report of their findings, and make a recommendation to the Board of Teaching regarding approval status of the teacher preparation entity. The visiting evaluation team shall include representatives from approved teacher preparation programs, licensed practicing teachers, interested citizens, and state education agencies. The administrator of the teacher preparation entity and the Board of Teaching staff shall negotiate visiting team membership from a slate of possible evaluators provided by the Board of Teaching staff. If agreement is not reached regarding visiting team membership, the Board of Teaching shall appoint the slate of team members. The size of the team**

## Official Notices

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and the expertise of the members shall be appropriate for the kinds, size, and complexity of programs. Evaluation team visits shall be scheduled in consultation with the teacher preparation entity.

C. Expenses of evaluators shall be reimbursed by the Board of Teaching as permitted under state law or rule. Other expenses, such as those incidental to preparing reports, arranging meetings, and providing workrooms for the team while on site, shall be the responsibility of the teacher preparation entity.

Subp. 8. **Written evaluation reports; decision of board.** The written reports of findings and the recommendations of the evaluators shall be forwarded to the teacher preparation entity and to the Board of Teaching. Within 30 days from the mailing date of the evaluators' reports, the teacher preparation entity may submit to the Board of Teaching additional information or arguments in support of its request. Based upon the written reports of findings and the recommendations of the evaluators, the Board of Teaching shall:

A. grant initial approval;

B. grant continuing approval;

C. grant conditional approval, state the conditions, and establish time lines for meeting the stated conditions; or

D. disapprove the teacher preparation entity or any of the teacher preparation entity's preparation programs, state the reasons for disapproval, and, if needed, stipulate a termination date which shall accommodate persons currently enrolled. The Board of Teaching shall disapprove teacher preparation entities and programs that do not meet the requirements in subparts 1 and 2, except as provided in subpart 5.

Subp. 9. **Conditional approval.** If a teacher preparation entity or preparation program is conditionally approved to prepare persons for teacher licensure, the Board of Teaching shall reconsider the approval status of the teacher preparation entity or preparation program upon verification by the executive director of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the teacher preparation entity or preparation program shall be disapproved.

Subp. 10. **Revocation or suspension of approval.** The Board of Teaching may revoke or suspend the approval of an teacher preparation entity or preparation program to prepare persons for teacher licensure when the Board of Teaching determines that an approved teacher preparation entity or preparation program no longer meets the provisions of this rule.

Subp. 11. **Appeal of board decision.** Decisions by the Board of Teaching regarding approval status of an teacher preparation entity or preparation program to prepare persons for teacher licensure may be appealed by the teacher preparation entity pursuant to *Minnesota Statutes*, chapter 14.

Subp. 12. **Interim conditional approval.** When amendments or additions to *Minnesota Statutes* or to Board of Teaching rules regarding teacher licensure requirements necessitate substantial program revisions, the Board of Teaching shall grant conditional approval to any currently approved teacher preparation entity and its currently approved teacher preparation programs upon receipt of official teacher preparation entity's assurances on a form established by the board of teaching that the new requirements will be met by their effective date. The teacher preparation entity or program shall be returned to initial or continuing approval upon full compliance with new requirements on a schedule determined by the Board of Teaching.

## Department of Transportation

### State Aid For Local Transportation Group

#### Petition of the Duluth City Council for a variance from minimum State Aid standards regarding DESIGN SPEED AND BRIDGE ROADWAY WIDTH

NOTICE IS HEREBY GIVEN that the Duluth City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed bridge construction project on Seven Bridges Road (Old Bridge No. L-8502) over Amity Creek, approximately 0.8 miles north of County State Aid Highway No. 12 in the City of Duluth, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 24 mph design speed and a 20 foot wide bridge roadway, in lieu of the 30 mph design speed

and 22 foot wide bridge roadway required by standards on the bridge construction project on Seven Bridges Road at Amity Creek (Old Bridge No. L-8502), located approximately 0.8 miles north of County State Aid Highway No. 12 in the City of Duluth, Minnesota. Any person may file a written objection to the variance request with the Commissioner of Transportation, Mail Stop 100 Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155.

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

Dated: 21 August 2001

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

## **Department of Transportation**

### **State Aid for Local Transportation Group**

#### **Petition of the City of Richfield for a variance from State Aid Procedural and Administrative Requirements**

**NOTICE IS HEREBY GIVEN** that the Richfield City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to an interchange reconstruction project, located on I-494 at Penn Avenue in the City of Richfield, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.1500, Subpart 3, adopted pursuant to *Minnesota Statutes* Chapters 161 and 162, to permit the local government agency to make deposits into the State Aid Agency Account on an agreed upon schedule, in lieu of depositing the local government agency's full share prior to award of contract as required.

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

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

Dated: 21 August 2001

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

## State Grants & Loans

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

### Department of Agriculture

#### Agriculture Market Services Division

##### Notice of Authority to Make Market Development Grants

The Minnesota Department of Agriculture announces its authority for fiscal year 2002 to make agricultural development grants to encourage and promote marketing of Minnesota agricultural products as provided for in *Minnesota Statutes*, sections 17.101, subd 2, and 17.102, and *Minnesota Rules*, chapter 1552.

Grant applications may be received throughout the fiscal year and awarded at such time as funds may become available. Publication of this notice does not obligate the Minnesota Department of Agriculture to award grant funds. Copies of the rules governing the program and other related application materials are available. The rules describe eligibility criteria, application content, application procedures. The grant award for any project may not exceed \$70,000, and the total of all grants to any grantee may not exceed \$70,000 for the biennium ending June 30, 2003.

Other information may be obtained by contacting:

Paul Hugunin  
Agriculture Marketing Services Division  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
**Phone:** (651) 297-5510

### Minnesota Department of Agriculture

#### Agriculture Marketing Services Division

##### Notice of Authority to Make Value-Added Cooperative Grants

The Minnesota Department of Agriculture announces its authority for fiscal year 2002 to make agricultural development grants to help farmers finance new value-added cooperatives that organize for the purposes of operating facilities and for marketing activities related to the sale and distribution of value-added agricultural products as provided for in *Minnesota Statutes*, sections 17.101, subd. 2 and subd. 5, and *Minnesota Rules*, chapter 1552.

Grant application deadlines are: **December 15, 2001, March 15, 2002 and May 15, 2002.** Awards will be made if funds are available. Publication of this notice does not obligate the Minnesota Department of Agriculture to award grant funds. Copies of the rules governing the program and other related application materials are available. The rules describe eligibility criteria, application content, application procedures. The grant award for any project may not exceed \$50,000.

Application packet and rules may be obtained by contacting:

Terry Dalbec  
Agriculture Development Division  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
**Phone:** (651) 215-0368

## Minnesota Statewide Independent Living Council

### Minnesota Department of Economic Security

#### IL Section

#### REQUEST FOR PROPOSALS

##### I. General Information.

**Introduction:** The nationwide shortage of affordable, accessible housing coupled with a scarcity of qualified personal assistants severely restricts the Independent Living options of many people with significant disabilities. Too often, institutionalization is the single choice. To paraphrase Justin Dart, no one is free as long as one person with a disability remains institutionalized against his or her own will. As a result, the Minnesota Statewide Independent Living Council (SILC) and the Minnesota Department of Economic Security - Independent Living Section (MDES) are requesting housing and PAS proposals, as follows:

- 1.) The planning and implementation of a statewide "Universal Housing" conference, and
- 2.) Personal Assistance Services (PAS) advocacy and outreach.

Minnesota's Centers for Independent Living and other not-for-profit organizations are encouraged to apply for one or both of these grants; however, separate applications must be submitted for each grant. It must be noted that additional points shall be awarded to applicant organizations meeting Federal Center for Independent Living (CIL) standards established under Section 725 of the Rehabilitation Act of 1973, as amended. These Federal standards include the practice of consumer choice and control in the applicant organization's provision of services; people with disabilities serving as staff, managers/decision-makers and governing board members within the applicant organization; and experience in the provision of cross-disability services.

**Funding Source:** Federal Title VII Part B.

**Number of Grants and Grant Amounts:** One (1) non renewable grant for up to \$25,000 for the planning and implementation of a statewide two to three day "Universal Housing" conference. One (1) non renewable twelve (12) month grant for up to \$40,000 for PAS advocacy and outreach.

**Grant Period:** October 2001 through September 30, 2002.

**Application Deadline:** Applications must be postmarked by September 10, 2001. Applications postmarked after the deadline shall not be reviewed.

For a complete copy of this RFP, or if you require additional information, **phone:** (651) 296-5085, **TTY:** (651) 296-3900, or **email:** [william.bauer@state.mn.us](mailto:william.bauer@state.mn.us)

## Department of Human Services

### Community Supports for Minnesotans with Disabilities

#### Community Support Options

#### Consumer Directed Home Care Demonstration Project

#### Notice of Intent to Contract with Local Program Administrators for the Consumer Directed Home Care Project

**NOTICE IS HEREBY GIVEN** that Community Supports for Minnesotans with Disabilities is now accepting proposals for Local Program Administrators to enter into a contract for the administration of the Consumer-Directed Home Care Demonstration Project. The Consumer Directed Home Care Demonstration Project is a proposed service delivery alternative intended to improve access, as well as increase consumer control and accountability over available resources. All proposal packages must be submitted no later than 3:00 p.m., on Friday, October 12, 2001



## State Grants & Loans

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To obtain a copy of the Request for Proposal or further information, contact:

Melanie Fry or Sharyl Helegson  
Department of Human Services  
Community Supports for Minnesotans with Disabilities  
444 Lafayette Road North  
St. Paul, MN 55155-3857  
**Phone:** (651) 634-2215 or **email:** [melanie.fry@state.mn.us](mailto:melanie.fry@state.mn.us)  
**Phone:** (651) 582-1919 or **email:** [sharyl.helegson@state.mn.us](mailto:sharyl.helegson@state.mn.us)

**Electronically submitted proposals will be rejected**

## Department of Public Safety

### Office of Drug Policy and Violence Prevention

#### Notice of Criminal Justice Information System Integration Grants

**Program Purpose:** To enable county and municipal agencies to develop and integrate criminal justice information systems that meet local and statewide information system needs.

**Coordinating Agencies:** Department of Public Safety Office of Drug Policy & Violence Prevention and the Criminal and Juvenile Justice Information Policy Group.

**Eligible Applicants:** Minnesota County and municipal agencies with criminal justice information systems in need of assistance with their system integration efforts.

**Duration of Funding:** All funds awarded under this appropriation must be used by June 30, 2003.

**Matching Funds Required:** 50% Match, all cash or a combination cash and in-kind.

**Application Due Date:** 4:00 p.m., September 17, 2001.

**Review Process:** Applications will be reviewed and funding decisions made by the Criminal and Juvenile Justice Information Policy Group.

To Request an Application Contact:

Jocelyn Van Knight  
Office of Drug Policy & Violence Prevention  
444 Cedar Street  
Suite 100 Town Square  
St. Paul, Minnesota 55101-5100  
**Phone:** (651) 284-3325  
**Email:** [jocelyn.vanknight@state.mn.us](mailto:jocelyn.vanknight@state.mn.us)

## Department of Public Safety

### Office of Drug Policy and Violence Prevention

#### Notice of Law Enforcement Funding

**Eligible Applicants:** Minnesota law enforcement agencies.

#### Funds Available:

**Auto Theft Prevention** (*Minnesota Statute 299A.75*) Duration of funding: January 1, 2002 - June 30, 2003.  
\$2,000,000 is available for auto theft prevention projects.

**Model Policing:** (*Minnesota Statute 626.844*) Duration of funding: January 1, 2002 - December 31, 2002.  
\$150,000 is available to fund up to four model policing pilot projects for responding to calls involving emotional crises and mental illness.

**Racial Profiling Study:** (*Minnesota Statute* 626.9517) Duration of funding: January 1, 2002 - December 31, 2002.

\$2,450,000 for grants to law enforcement agencies participating in the racial profiling study for the purchase, installation, and maintenance of video cameras on police vehicles to record traffic stops; \$325,000 is available for costs incurred by agencies participating in the racial profiling study according to a formula established by statute.

**Application Materials:** Available online at [www.dps.state.mn.us/drugpol](http://www.dps.state.mn.us/drugpol), or call the Office of Drug Policy and Violence Prevention at (651) 284-3333.

**Application Process:** All applications must be postmarked no later than **Monday, October 1, 2001**. Delivered applications must be received by 4:40 p.m. that same day. Faxed or late applications will not be accepted. Notification of funding decisions will be vary, but by December 1, 2001 all applicants will have been notified. Mail applications to:

Office of Drug Policy and Violence Prevention  
444 Cedar Street, Suite 100  
St. Paul, MN 55101

**Program Contacts:**

Auto Theft Prevention	Jennifer Leholm	(651) 284-3327	<b>email:</b> <a href="mailto:jennifer.leholm@state.mn.us">jennifer.leholm@state.mn.us</a>
Model Policing Projects	Greg Herzog	(651) 284-3324	<b>email:</b> <a href="mailto:greg.herzog@state.mn.us">greg.herzog@state.mn.us</a>
Video Camera/Racial Profiling	Sue Perkins	(651) 284-3329	<b>email:</b> <a href="mailto:sue.perkins@state.mn.us">sue.perkins@state.mn.us</a>

## State Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$25,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: agency name and address, name of agency contact person, description of project and tasks, cost estimate and final submission date and time of completed proposal. Certain quasi-state agencies and MnSCU institutions are exempted from these provisions. In accordance with *Minnesota Rules* 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. Certified Economically Disadvantaged Businesses and individuals shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 282-5799.]

## Department of Children, Families and Learning

### Coordinated School Health (CSH)

### Notice of Request for Proposal to Continue Website Development of the Coordinated School Health Website [www.mnschoolhealth.com](http://www.mnschoolhealth.com)

Coordinated School Health, of Minnesota Department of Children, Families and Learning and Minnesota Department of Health, is soliciting proposals from qualified vendors to build on its existing **website:** [www.mnschoolhealth.com](http://www.mnschoolhealth.com), by supplementing current content and resources and designing and implementing an interactive tracking system to allow communities/schools to monitor their progress in coordinating school health initiatives at a local level.

For a complete copy of the Request for Proposal please contact:

Joan Prueter  
Office of Community Services, Safe and Healthy Schools, Coordinated School Health  
Minnesota Department of Children, Families and Learning  
1500 Highway 36 West  
Roseville, MN 55113  
**Phone:** (651) 582-8430  
**Fax:** (651) 582-8495  
**Email:** [joan.prueter@state.mn.us](mailto:joan.prueter@state.mn.us)

Responses are due no later than **3:00 p.m., CDT, September 18, 2001**. Late responses will not be considered.

## State Contracts

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### Legislative Coordinating Commission

#### Minnesota Legislature

#### Contract Available for Project Manager for Electronic Real Estate Recording Task Force (ERERTF) project

The Legislative Coordinating Commission (LCC) is soliciting proposals from qualified individuals and organizations interested in providing management services to coordinate and administer the activities of the Electronic Real Estate Recording Task Force (ERERTF).

All proposals must satisfy the criteria as outlined in the full text of the Request For Proposals. The proposals must not exceed \$50,000 per year for services provided to the Task Force for the anticipated two year duration of this project.

For a copy of the full text of the Request For Proposals, please contact:

Greg Hubinger, Director  
Legislative Coordinating Commission  
100 Constitution Avenue  
St. Paul, Minnesota 55155  
**Phone:** (651) 296-2963

The full text of the Request for Proposal may also be viewed at this Web site: [www.commissions.leg.state.mn.us/lcc/erertf/projectmanager.pdf](http://www.commissions.leg.state.mn.us/lcc/erertf/projectmanager.pdf)

**Proposals must be received by September 12, 2001, at 4:30 p.m., CDT. No late proposals will be accepted.** All expenses incurred in responding to this notice shall be borne by the responder.

## Department of Transportation

### Program Support Group

#### Request for Proposal (RFP) to Conduct a Study on Environmental Fate and Toxicology of Tire Shreds Used as Submerged Roadway Fill

This document is available in alternative formats for persons with disabilities by calling Janet Thomas-Bouyer at (651) 296-1016 or for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Notice of availability for a study of chemical leaching from tire shreds used as a road base in wetlands. Responses to this advertisement become public information under the Freedom of Information Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

The Minnesota Department of Transportation is seeking the services of a consultant to conduct a study to determine whether tire shreds in submerged roadway applications present significant human and ecological health hazards to the surrounding environment. The project will occur over a two year period.

Responder will demonstrate competency in all technical areas of the project and must be willing to generate interim and final reports of the highest technical rigor. The final report will include a determination that tire shreds used as lightweight fill in under-water road applications do or do not have the potential to cause significant environmental impact.

Request for Proposals (RFP) are available by mail or in person. **Please submit in writing, a request for the RFP to Environmental Fate and Toxicology of Tire Shreds Used as Submerged Roadway Fill.**

Request for the RFP may be mailed or faxed to:

Janet Thomas, Agreement Administrator  
Minnesota Department of Transportation Consultant Services  
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680  
St. Paul, Minnesota 55155  
**Fax:** (651) 282-5127

Requests must be received before **September 10, 2001**. Requests made after that date must be in person.

**NOTE: PROPOSALS WILL BE DUE ON September 17, 2001 AT 2:00 P.M. CENTRAL DAYLIGHT TIME AS INDICATED BY THE TIME STAMP MADE BY THE 7th FLOOR RECEPTIONIST. EMAIL AND FAX COPIES WILL NOT BE CONSIDERED.**

## Non-State Contracts & Grants

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

## Metropolitan Council

### Notice of Availability of Funds from the Metropolitan Livable Communities Act Tax Base Revitalization Account

**Purpose:** The Metropolitan Livable Communities Act (*Minnesota Statutes* Ch. 473.25) created a Tax Base Revitalization Account to make grants to clean up contaminated land for subsequent commercial/industrial redevelopment, job retention and job growth. Applications will be prioritized to the extent that they address the following: increase local tax base; create net gain in regional jobs; demonstrate market demand for proposed site; supplement a previously approved project; preserve and/or increase living wage jobs; improve the environment by reducing human health risk; promote compact development; provide living wage jobs; leverage private investment; and make more efficient use of current infrastructure capacity. This program is being coordinated with complementary programs at the MN Pollution Control Agency (MPCA) and MN Department of Trade and Economic Development (DTED).

**Eligible Applicants:** Statutory or home rule charter cities participating in the Metropolitan Livable Communities Housing Incentives Program are eligible to apply. Metropolitan counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington) and development authorities (e.g., Housing and Redevelopment Authority, Economic Development Authority or Port Authority) may apply for projects in eligible communities.

**Submission Date:** an original and two (2) copies of each application are due at the Metropolitan Council, Attn: Wayne Nelson 230 E. Fifth St., St. Paul, MN 55101, by 5:00 p.m., November 1, 2001.

**Amount Available:** Approximately \$2.65 million will be available for grants awarded this cycle. Grants will be awarded on a competitive basis. If applications for grants exceed the available funds for this cycle, no more than one-half of the funds may be granted to projects in a single city, and no more than three-quarters of the funds may be granted to projects located in cities of the first class.

**Obtain Information:** For a copy of the grant application guide and format, contact Wayne Nelson, Metropolitan Council, **phone:** (651) 602-1406 or **TTY:** (651) 291-0904 or via **email:** [wayne.nelson@metc.state.mn.us](mailto:wayne.nelson@metc.state.mn.us). The application form may be copied from the Metropolitan Council web site: [www.metrocouncil.org](http://www.metrocouncil.org) under the topic "Planning".

## Metropolitan Council

### Notice of Intent to Procure Polymer

The Metropolitan Council Environmental Services Division hereby serves Notice of Intent to Procure Polymer for the Metropolitan Wastewater Treatment Plant. The Council will request proposals from qualified companies for polymer used in the dewatering process at the Metro Wastewater Treatment Plant.

Qualification bench testing will begin in September 2001 and based on those results, full scale testing will be in October 2001. If you believe your company can supply the required polymer and would like more information, please write or fax by September 11, 2001:

Mr. James Wawra, Process Engineer  
Metropolitan Council Environmental Services  
2400 Childs Road  
St. Paul, MN 55106  
**Fax:** (651) 602-8846

## Non-State Contracts & Grants

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### Metropolitan Council

#### Notice of Request for Proposals (RFP) for Architectural/Engineering Services for the Empire Wastewater Treatment Plant Expansion

**MCES Project Number 800900**

**MCES Contract Number 01P088**

The Metropolitan Council is requesting Architectural/Engineering Services proposals for design and construction support services for a 12 mgd expansion of the Empire Wastewater Treatment Plan. **The project schedule has been accelerated.** The revised anticipated project schedule is shown below.

<i>Issue Request for Proposals</i>	<b>August 21, 2001</b>
<i>Receive Proposals</i>	<b>September 27, 2001</b>
<i>Evaluation of Proposals and Selection of Consultant</i>	<b>October 2001</b>
<i>Start of Work</i>	<b>November 2001</b>
<i>Completion of Construction Contract Documents</i>	<b>August 2002</b>
<i>Substantial Completion of Construction</i>	<b>August 2004</b>

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

Amanda Petersen, Administration Assistant, Contracts and Procurement Unit  
Metropolitan Council Environmental Services  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**Phone:** (651) 602-1585  
**Fax:** (651) 602-1138  
**Email:** [amanda.petersen@metc.state.mn.us](mailto:amanda.petersen@metc.state.mn.us)

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

### Metropolitan Council

#### Notice of Request for Proposals (RFP) for Architectural/Engineering Services USAF/MNANG Building and Site Improvements for Light Rail Transit

**Metro Transit Project Number 65895**

**Metropolitan Council Contract Number 01P085**

The Metropolitan Council is requesting architectural/engineering design services proposals for various site improvements on the property of the 934th Airlift Wing and the Minnesota Air National Guard at Fort Snelling, Minnesota. The project includes the design of an approximately 18,000 square feet unheated storage building (Bldg. 619). Also included is the design of several other amenities and site work.

The project schedule is shown below:

<i>Issue Request for Proposals</i>	<b>August 13, 2001</b>
<i>Pre-proposal Conference/Site Visit</i>	<b>August 29, 2001</b>
<i>Receive Proposals</i>	<b>September 14, 2001</b>
<i>Evaluation Complete</i>	<b>September 28, 2001</b>
<i>Negotiations Complete</i>	<b>October 5, 2001</b>
<i>Notice To Proceed</i>	<b>October 2001</b>
<i>Construction Contract Bidding</i>	<b>January 9, 2002</b>
<i>Project Completion</i>	<b>December 31, 2002</b>



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## Non-State Contracts & Grants

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

Amanda Peterson, Administrative Assistant  
Contracts and Procurement Unit  
Metropolitan Council  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1585  
**Fax:** (651) 602-1138  
**Email:** [amanda.petersen@metc.state.mn.us](mailto:amanda.petersen@metc.state.mn.us)

Inquiries regarding technical aspects of the project should be directed to Chris Weyer at (612) 349-7540.

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

## University of Minnesota

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

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

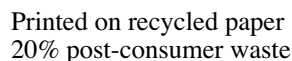
Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.



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