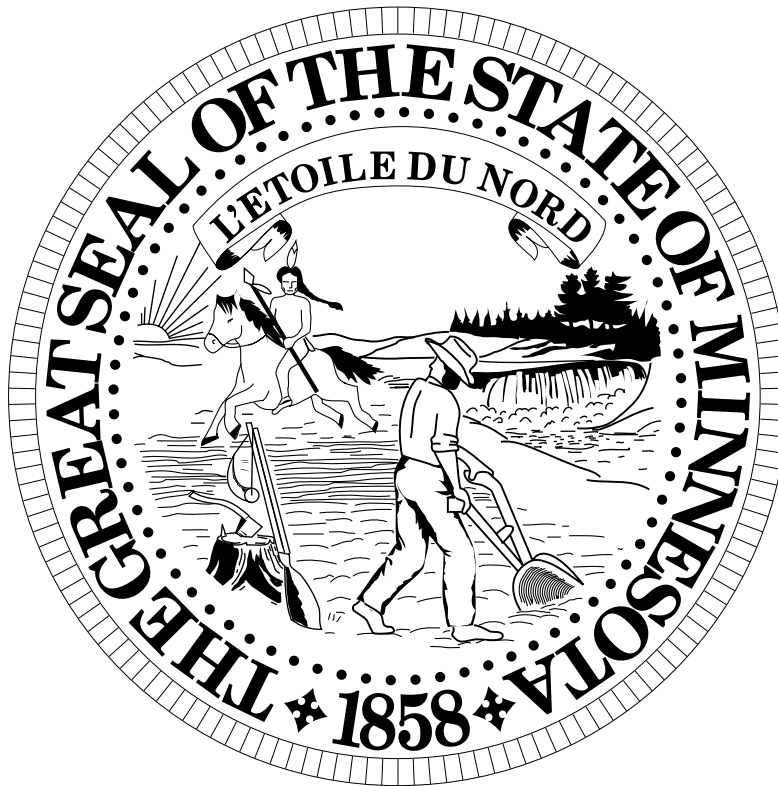


State of Minnesota

# State Register

Rules and Official Notices Edition



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# State Register

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules
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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
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#53	Monday 24 June	Noon Tuesday 18 June	Noon Wednesday 12 June
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An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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

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

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## 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 Administration

### Building Codes and Standards Division

#### Proposed Permanent Rules Relating to Electrical Code

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

#### Proposed Amendment to Rules Governing the Minnesota Electrical Code, *Minnesota Rules*, chapter 1315

**Introduction.** The Department of Administration 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 may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until July 17, 2002.

**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: Colleen D. Chirhart at Building Codes and Standards Division, 121 E. 7th Place, Suite 408, St. Paul, MN 55101, **phone:** (651) 296-4329, **fax:** (651) 296-1973, and **email:** [colleen.d.chirhart@state.mn.us](mailto:colleen.d.chirhart@state.mn.us). **TTY** users may call the Department of Administration at (651) 627-3529 or 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about the adoption of the 2002 National Electrical Code (NEC), incorporated into the Minnesota State Building Code by reference. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326.243, 16B.59, 16B.61, and 16B.64. 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 Wednesday, July 17, 2002, 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 July 17, 2002. 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 when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect

the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in Minnesota Statutes, sections 14.131 to 14.20.

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

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different 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: 4 June 2002

David Fisher  
Commissioner

### **1315.0200 SCOPE.**

Subpart 1. **Electrical code.** All new electrical wiring, apparatus, and equipment for electric light, heat, power, technology circuits and systems, and alarm and communication systems must comply with the regulations contained in the ~~1999~~ 2002 edition of the *National Electrical Code* (NEC) as approved by the American National Standards Institute (ANSI/NFPA ~~70-1999~~ 70-2002), *Minnesota Statutes*, section 326.243, and the Minnesota State Building Code as adopted by the commissioner of administration. The ~~1999~~ 2002 edition of the *National Electrical Code*, developed and published by the National Fire Protection Association, Inc., is incorporated by reference and made part of the Minnesota State Building Code. The *National Electrical Code* is not subject to frequent change and is available in the office of the commissioner of administration, from the State Board of Electricity, 1821 University Avenue, Suite S-128, St. Paul, MN 55104-2993, through public libraries, or from National Fire Protection Association, Inc., One Battery March Park, Post Office Box 9101, Quincy, MA 02269-9101. This subpart is effective ~~July 1, 1999~~ five days after the date of adoption.

**INCORPORATIONS BY REFERENCE:** Part 1315.0200, subpart 1: 2002 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute 70-2002, is available in the office of the commissioner administration, from the State Board of Electricity, 1821 University Avenue, Suite S-128, St. Paul, MN 55104-2993, through public libraries, or from National Fire Protection Association, Inc., One Battery March Park, Post Office Box 9101, Quincy, MA 02269-9101.

<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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## Exempt Rules

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

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

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

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

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

## Department of Children, Families, and Learning

### Adopted Exempt Permanent Rules Relating to General Educational Development (GED) Diplomas

#### **3500.3100 ISSUANCE OF ~~SECONDARY SCHOOL EQUIVALENCY CERTIFICATE~~ GENERAL EDUCATIONAL DEVELOPMENT (GED) DIPLOMA.**

Subp. 4. ~~Equivalency certificate~~ **General Educational Development (GED) diploma.** ~~The commissioner of children, families, and learning may issue a secondary school equivalency certificate may be issued by the commissioner of Children, Families, and Learning~~ **General Educational Development (GED) diploma** to a Minnesota resident of Minnesota 19 years of age or over who ~~needs the certificate for advancement in an occupational field or for higher education~~ **has not earned a high school diploma and who has not previously been issued a GED if both of the following are met:**

A. the person makes written application ~~on forms, prepared and provided by the Department of Children, Families, and Learning, which are available on request from~~ **through** any of the approved ~~General Educational Development GED testing centers ; most secondary schools, or from the Department of Children, Families, and Learning located in Minnesota;~~ and

B. the person obtains a minimum standard score of ~~40~~ **410** on each of the five ~~General Educational Development GED tests~~ and an average standard score of at least ~~45~~ **450** on all five tests or ~~obtains the minimum standard scores set required by the General Educational Development GED testing service,~~ whichever is greater.

~~General Educational Development GED tests shall~~ **must** be administered only by official agencies established by the American Council on Education and approved by the commissioner of Children, Families, and Learning.

The ~~commissioner of children, families, and learning may waive the~~ minimum age requirement ~~may be waived~~ if supportive evidence of ~~special need~~ is provided by ~~an employer or a recognized rehabilitative agency~~ **education or rehabilitation provider.**

## Department of Children, Families, and Learning

### Adopted Exempt Permanent Rules Relating to Nonpublic Schools

#### **3540.0200 DEFINITIONS.**

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

Subp. 2. Commissioner. **“Commissioner”** means the commissioner of the Department of Children, Families, and Learning.

Subp. 3. Department. **“Department”** means the Department of Children, Families, and Learning.



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## Exempt Rules

**Subp. 4. Eligible materials.** “Eligible materials” means textbooks, individualized instructional materials, and standardized tests. All textbooks and individualized instructional materials must be:

- A. designed primarily for use by individual students at their desks or in small groups, in a particular class or program in the school the ~~pupil~~ student regularly attends;
- B. used by the student to reach certain educational objectives within a particular subject or course of study;
- C. secular, neutral, nonideological, and not capable of diversion for religious use;
- D. available and of benefit to Minnesota public school ~~pupils~~ students; and
- E. not specifically excluded from eligibility by subpart ~~3~~ 7.

**Subp. 5. Health services.** “Health services” means physician, dental, nursing, or optometric services, and health supplies as defined in Minnesota Statutes, section 123B.41, subdivision 15.

**Subp. ~~2~~ 6. Individualized instructional materials.** “Individualized instructional materials” means educational materials ~~in addition to textbooks which fall into any of the following areas: published materials, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, filmstrips, prepared slides, prerecorded video programs, prerecorded tapes, cassettes and sound recordings, manipulative materials, desk charts, games, study prints and pictures, desk maps, models, learning kits, blocks or cubes, flashcards, individualized multimedia systems, prepared instructional computer software programs, and prerecorded film cartridges as defined in Minnesota Statutes, section 123B.41, subdivision 5.~~

**Subp. ~~3~~ 7. Ineligible materials.** “Ineligible materials” means, in addition to educational materials excluded from eligibility by subpart ~~4~~ 4, the following materials: chemicals, wall maps, wall charts, pencils, pens or crayons, notebooks, blackboards, chalk and erasers, duplicating fluids, paper, 16mm films, unexposed films, blank tapes, cassettes or videotape, instructional equipment, reference materials, and teachers’ aids.

**Subp. ~~4~~ 8. Secular, neutral, and nonideological.** “Secular, neutral, and nonideological” materials are materials which are not regarded as religious, spiritual, or sacred, and present events, facts, and theories that pertain to religion or religious doctrine in an impartial manner.

**Subp. ~~5~~ 9. Standardized tests.** “Standardized tests” means tests and scoring services ~~available from commercial publishing organizations and which are in use in the public schools of Minnesota to measure the progress of pupils in secular subjects as defined in Minnesota Statutes, section 123B.41, subdivision 3.~~

**Subp. ~~6~~ 10. Textbook.** “Textbook” means any book, workbook, manual, or book substitute ~~which a pupil uses as a text or text substitute, copies of which are used as a principal source of study materials for a given class or group of students, and available for individual use of each pupil in the class or program as defined in Minnesota Statutes, section 123B.41, subdivision 2.~~

### 3540.0300 POLICY.

In order to promote equal educational opportunity for every ~~school child~~ student in Minnesota and to assure all ~~Minnesota pupils~~ students and their parents freedom of choice in education, textbooks, individualized instructional materials, ~~and~~ standardized tests as provided by *Minnesota Statutes*, sections 123.931 to 123.947, ~~shall~~ health services, and guidance and counseling services must be made available to ~~pupils~~ students in nonpublic schools according to Minnesota Statutes, section 123B.40 to 123B.48.

### 3540.0400 STATE ADMINISTRATION OF FUNDS.

**Subpart 1. Administration.** The department ~~of Children, Families, and Learning shall~~ must administer funds allocated for the ~~purchase provision of eligible materials to be loaned or provided, health services, and guidance and counseling services to nonpublic school~~ pupils ~~students.~~ The department ~~of Children, Families, and Learning,~~ in cooperation with the state auditor’s office, ~~shall~~ must establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the ~~acquisition provision of eligible these materials to be loaned or provided to nonpublic school~~ pupils and services.

**Subp. 2. Computation of student allocation.** ~~On or before March~~ By February 1 the department ~~of Children, Families, and Learning shall~~ must determine, ~~from the most recent data available,~~ the allocation available per ~~pupil~~ nonpublic school student for eligible materials, health services, and guidance and counseling services to be used for the following school year. ~~The allocation per pupil shall be determined by dividing the total expenditure for eligible materials by all public school districts in the state for pupils enrolled in public schools by the average daily membership of pupils enrolled in the districts during the same fiscal year.~~

<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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## Exempt Rules

~~This amount shall then be increased by a percentage equal to the percentage increase in foundation aid, between the prior school year and the coming year. Pupils in grades one through 12 are counted as one pupil each; kindergarten pupils are counted as one-half pupil each. The allocation for eligible materials must be determined according to *Minnesota Statutes*, section 123B.42, subdivision 3. The allocation for health services and guidance and counseling services must be determined according to *Minnesota Statutes*, section 123B.44, subdivisions 4 to 6.~~

~~Subp. 3. **Payment.** Payment of nonpublic aids must be made according to *Minnesota Statutes*, section 127A.45, subdivision 14.~~

### 3540.0500 TERMINATION OF ELIGIBILITY.

~~Whenever the department receives information regarding improper use of eligible materials loaned under the program, it shall must provide prompt written notification to the pupil student, the pupil's student's parents or guardians, and the nonpublic school administrator of the alleged program abuse, and allow 30 calendar days from the date of mailing for written or oral response.~~

~~Following receipt of responses during the 30-day period, if it appears that materials may have been used contrary to law, the department shall must institute *Minnesota Statutes*, chapter 14, contested case procedures. After due consideration of all evidence presented pursuant to those procedures, if the department determines that the materials have been used contrary to law, the department shall must notify the pupil student, the pupil's student's parents or guardians, nonpublic school administrator, and the public school district or intermediary service area that the eligibility of the pupil student for all materials during the current school year is terminated, and the allocation for the current year for the nonpublic school must be reduced accordingly.~~

~~**REPEALER.** *Minnesota Rules*, parts 3540.1400; 3540.1500; 3540.1600; 3540.2500; 3540.2600; and 3540.2700, are repealed.~~

## Department of Children, Families, and Learning

### Adopted Exempt Permanent Rules Relating to School Finances 3545.0600 APPLICABILITY OF RULES

~~Parts 3545.0600 to ~~3545.1200~~ 3545.0900 apply to all school districts; service cooperatives; ~~technical colleges; elementary, secondary and vocational~~ regional computer centers; cooperative centers for special education; cooperative centers for vocational education; and governmental units formed by joint powers agreements entered into by school districts. For purposes of parts 3545.0600 to ~~3545.1200~~ 3545.0900, all entities are referred to as "districts."~~

~~The requirements of parts 3545.0600 to ~~3545.1200~~ 3545.0900 are applicable to all unaudited financial reports for the fiscal year ending June 30, 1977, and each year thereafter. These requirements shall also provide the basis for amending the unaudited financial reports for the fiscal year ending June 30, 1976, and each year thereafter. These requirements apply to all budgets prepared for the fiscal year ending June 30, 1978, and each year thereafter.~~

~~**Recommendations for reporting methods.** Where methods for reporting to the department are specified, such methods shall be prescribed by the commissioner after recommendations have been made by the advisory council on uniform financial accounting and reporting standards.~~

### 3545.0700 FINANCIAL REPORTING STANDARDS.

~~The requirements adopted in parts 3545.0600 to ~~3545.1200~~ shall 3545.0900 must be known as the uniform financial accounting and reporting standards for school districts. The state auditor shall must have ultimate authority to decide questions relative to accounting classifications and application to district accounting transactions of the standards contained herein. ~~Postsecondary financial reporting shall be separated from elementary secondary financial reporting.~~~~

### 3545.0800 MODIFIED ACCRUAL ACCOUNTING AND OTHER ACCOUNTING REQUIREMENTS.

~~Subpart 1. **Recognition principles.** Revenues and expenditures shall must be recorded and recognized in accordance with generally accepted accounting principles. Generally accepted accounting principles provide for the accrual basis of accounting and the modified accrual basis of accounting as appropriate for the particular fund. The cash basis of accounting is not acceptable for district budgeting, accounting, and reporting. Specific standards for revenue recognition are contained in *Minnesota Statutes*, section ~~121.904~~ 123B.75. Specific standards for expenditure recognition are contained in *Minnesota Statutes*, section ~~121.906~~ 123B.76.~~

~~Subp. 2. **Reporting categories.** Budgeting, accounting, and reporting systems shall must be designed to provide financial data, where applicable, according to the terms and categories used in *Minnesota Statutes* with particular attention to categorical programs funded by the state.~~

Subp. 3. **Accounting structure.** Development of programmatic data for district internal reporting and management purposes, and for reporting to the public and the department, requires the use of multidimensional systems of classification of transactions.

Subp. 4. **School district accounting principles.** The “Manual for the Uniform Financial Accounting and Reporting ~~System~~ Standards for Minnesota Schools,” issued by the ~~state of Minnesota~~, Department of Children, Families, and Learning, ~~shall~~ must contain the standards for budgeting, accounting, and reporting. Amendments to the principles contained in this manual ~~shall~~ must be approved by the commissioner of Children, Families, and Learning.

Subp. 5. **Student activities accounting principles.** The “Manual of Instructions for Uniform Student Activities Accounting for Minnesota School Districts,” issued by the ~~state of Minnesota~~, Department of Children, Families, and Learning, ~~shall~~ must contain the accounting and reporting standards for extracurricular student activities. Amendments to the generally accepted accounting principles contained in this manual ~~shall~~ must be approved by the commissioner of Children, Families, and Learning.

### **3545.0900 FUND ACCOUNTING.**

Subpart 1. **Definition.** A fund is an independent accounting entity having its own assets, liabilities, obligations, revenues, expenditures, reserves, and equity balances. Funds ~~shall~~ must be established for the purpose of accounting for those specific resources provided for the attainment of particular public objectives, as designated by statute or rule.

Subp. 2. **Funds maintained.** The following funds ~~shall~~ must be maintained:

- A. general fund;
- B. food service fund;
- C. ~~pupil transportation fund;~~
- ~~D.~~ community services education fund;
- ~~E.~~ capital expenditures fund;
- ~~F.~~ D. building construction fund;
- ~~G.~~ E. debt redemption fund;
- ~~H.~~ E. trust ~~and agency~~ fund; ~~and~~
- ~~I.~~ G. agency fund; and
- H. enterprise fund.

Subp. 3. **Operating and nonoperating funds.** The general fund, food service fund, ~~pupil transportation fund~~, community services education fund, and enterprise fund ~~shall~~ must collectively be known as the operating funds. The other funds collectively ~~shall~~ must be known as the nonoperating funds.

Subp. 4. [See repealer.]

Subp. 5. **Account groups.** An account group is a self-balancing group of accounts. Account groups represent a district’s general fixed assets and long-term indebtedness that are not segregated for carrying on specific activities. A general fixed asset group of accounts and a general long-term debt group ~~shall~~ must be maintained.

Subp. 6. **Fund accounting.** Revenues and expenditures ~~shall~~ must be recorded in the appropriate funds.

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

Subp. 8. **Special fund uses and transfer limitations.** All funds other than the general fund are special purpose funds in which expenditures may only be made for the special purposes of the fund. Transfers of ~~moneys~~ money from special purpose funds to other funds are not permitted unless authorized by law. Transfers may be made from any fund to another fund to pay for expenditures legitimately chargeable to one fund but expended from another. Such items are most appropriately accounted for on a current basis, as interfund transactions, increasing the expenditures of one fund and reducing those of another. Transfers may be made from the ~~capital expenditure~~ operating capital reserve of the general fund to pay for expenditures from other funds for capital expenditure purposes.

**REPEALER.** *Minnesota Rules*, parts 3545.0900, subpart 4; 3545.2100; 3545.2200; 3545.2400; 3545.2500; 3545.2600; 3545.3008; 3545.3010; 3545.3018; and 3545.3020, 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.

## Board of School Administrators

### Proposed Expedited Permanent Rules Relating to Variances

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

#### Proposed Expedited Rule Governing Rule Variances, *Minnesota Rules*, 3512.5300

**Introduction.** The Board of School Administrators intends to adopt a rule following the expedited rulemaking procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.389, and *Minnesota Rules*, part 1400.2410. You may submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rules until July 17, 2002.

**Contact Person.** Comments or questions on the rule and written requests for a public hearing must be submitted to: Kristin Asche, Rulemaking Coordinator, Department of Children, Families, and Learning, 1500 Highway 36 West, Roseville, MN 55113; **phone:** (651) 582-8248; **fax:** (651) 582-8725; **email:** [cfl.rulemaking@state.mn.us](mailto:cfl.rulemaking@state.mn.us). **TTY** users may call the Department at (651) 582-8201

**Subject of Rule and Statutory Authority.** The proposed rule will govern the rule variance process for the Board of School Administrators as required by *Minnesota Statutes*, sections 14.055 and 14.056. The statutory authority to adopt the rule is *Minnesota Statutes*, section 14.055, subdivision 5. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Wednesday, July 17, 2002, to submit written comment in support of or in opposition to the proposed rule. Your comment must be in writing and received by Kristin Asche by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule 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 rule must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by Kristin Asche by 4:30 p.m. on July 17, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the Board when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

**Withdrawal of Requests.** Pursuant to *Minnesota Statutes*, section 14.389, subdivision 5, if 100 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 100, the Board must give written notice of this to all persons who requested a hearing, explain the actions the Board took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

**Adoption and Review of Rules.** If no hearing is required, the Board may adopt the rule after the end of the comment period. The rule 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 rule is submitted to the office. If you want to be so notified, you want to receive a copy of the adopted rule, or you want to register with the Board to receive notice of future rule proceedings, submit your request to the contact person listed above.

Dated: 21 May 2002

Mary Mackbee, Chair  
Minnesota Board of School Administrators

### **3512.5300 VARIANCE.**

**Subpart 1. Scope.** Pursuant to *Minnesota Statutes*, section 14.055, a person or entity may apply for a variance from any rule or portion of a rule under the jurisdiction of the board of school administrators. The board may not consider a request for a variance from a statute or court order.

**Subp. 2. Application.** The applicant must file an application for a variance in writing on a form provided by the board. The application form must comply with *Minnesota Statutes*, section 14.056, subdivision 1, and must include instructions for completing the form and a description of the variance process.

**Subp. 3. Criteria.** In reviewing a variance request, the board must consider the following:

- A. whether application of the rule to the individual circumstances of the applicant would serve the purpose of the rule;
- B. whether application of the rule to the individual circumstances of the applicant would result in hardship or injustice;
- C. whether variance from the rule would be consistent with the public interest and the educational interests of students, school districts, and the profession;
- D. whether variance from the rule would positively serve an educational need or opportunity;
- E. whether variance from the rule would compromise the purpose of the rule; and
- F. whether variance from the rule would prejudice the substantial legal or economic rights of any person or entity.

Pursuant to *Minnesota Statutes*, section 14.055, subdivision 3, the board must grant a variance from a rule if the applicant can provide evidence that application of the rule to the individual circumstances of the applicant would not serve the purpose of the rule. The board may not grant a variance under any circumstances if the variance would compromise the purpose of the rule or the variance would prejudice the substantial legal or economic rights of any person or entity.

**Subp. 4. Oral argument.** Upon request from the applicant, the board may permit an applicant to present an oral argument in defense of a variance application.

**Subp. 5. Notice.** Upon submitting a variance application, the applicant must send written notice of the application to any individual or entity that may be affected by the variance. The notice must include a description of the variance request and a statement indicating that if the individual or entity opposes the variance, it may submit written arguments to the board, and the board may permit the individual to present an oral argument in opposition to the variance.

**Subp. 6. Order; timing.** Within 60 days of receipt of a completed variance application, the board must issue a written order granting or denying a variance and specifying the scope and period of the variance. The order must include a statement of relevant facts and the reasons for the board's action.

**Subp. 7. Limitations.** A variance may be granted to the applicant only for the specific circumstances for which the request is made. The applicant may not apply the variance to other circumstances without specific approval from the board, and a variance is not transferable to other individuals or entities in similar situations without specific approval from the board.

**Subp. 8. Fees.** The application must include a nonrefundable processing fee of \$25. An application is not complete until the board receives the processing fee. The applicant may be charged additional fees if the cost for the board to process the variance application exceeds \$25.

**Subp. 9. Reconsideration.** A decision of the board to grant or deny a variance is final unless the decision is reversed by subsequent board action. The applicant may submit an application for reconsideration if the applicant is able to submit additional information in support of its variance request.

**Subp. 10. Record.** The board must maintain a record of all orders granting and denying variances under this part. The record must be indexed by rule and must be available for public inspection to the extent provided in *Minnesota Statutes*, chapter 13.

# Executive Orders

The governor has the authority to issue written statements of orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Emergency Executive Order # 02-03 Providing for Assistance to the Minnesota Department of Natural Resources

I, **JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

**WHEREAS**, due to high risk conditions such as tinder dry fuel load and gusting winds, numerous wildfires are burning throughout portions of Minnesota; and

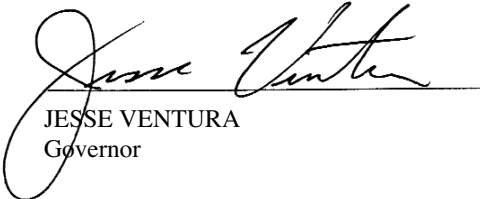
**WHEREAS**, The Minnesota Department of Natural Resources has requested fire suppression assets from the Minnesota National Guard;

**NOW, THEREFORE**, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about May 31, 2002, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to assist and support wildfire suppression throughout the State of Minnesota.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 2000, Sections 192.49, subd. 1; 192.51 and 192.52.

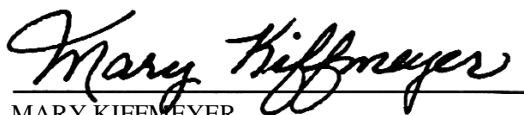
Pursuant to *Minnesota Statutes* 2000, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required.

**IN TESTIMONY WHEREOF**, I have set my hand this 5th day of June, 2002.



JESSE VENTURA  
Governor

Filed According to Law:



MARY KIFFMEYER

Secretary of State

## Office of the Governor

### Emergency Executive Order # 02-04 Providing for Assistance to Norman County

I, JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

**WHEREAS**, heavy rains have saturated Northwest Minnesota; and

**WHEREAS**, major overland flooding is threatening Norman County; and

**WHEREAS**, these conditions threaten to inflict widespread and considerable damage to the public infrastructure as well as to homes, farms, and businesses; and

**WHEREAS**, as a result, there is a threat to public safety for citizens in the vicinity of Norman County;

**NOW, THEREFORE**, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about June 9, 2002, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to protect the lives and property of the citizens of Norman County from flooding.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 2000, Sections 192.49, subd. 1; 192.51 and 192.52.

Pursuant to *Minnesota Statutes* 2000, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required or the flooding conditions no longer pose a threat to life and property.

**IN TESTIMONY WHEREOF**, I have set my hand this 10th day of June, 2002.

  
\_\_\_\_\_  
MAE SCHUNK  
Lieutenant Governor  
For Governor Jesse Ventura

Filed According to Law:

  
\_\_\_\_\_  
MARY KIFFMEYER

Secretary of State

## Executive Orders

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### Office of the Governor

#### Emergency Executive Order # 02-05 Providing for Assistance to Northwestern Minnesota Counties

I, **JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

**WHEREAS**, heavy rains have saturated Northwest Minnesota; and

**WHEREAS**, major overland flooding is threatening several counties in Northwest Minnesota; and

**WHEREAS**, these conditions threaten to inflict widespread and considerable damage to the public infrastructure as well as to homes, farms, and businesses; and

**WHEREAS**, as a result, there is a threat to public safety for citizens in Northwest Minnesota;

**NOW, THEREFORE**, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about June 11, 2002, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to protect the lives and property of the citizens of Beltrami, Kittson, Koochiching, Lake of the Woods, Marshall, Pennington, Polk, Red Lake, and Roseau counties from flooding.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 2000, Sections 192.49, subd. 1; 192.51 and 192.52.

Pursuant to *Minnesota Statutes* 2000, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required or the flooding conditions no longer pose a threat to life and property.

**IN TESTIMONY WHEREOF**, I have set my hand this 11th day of June, 2002.

  
\_\_\_\_\_  
**MAE SCHUNK**  
Lieutenant Governor  
For Governor Jesse Ventura

Filed According to Law:

  
\_\_\_\_\_  
**MARY KIFFMEYER**  
Secretary of State



# Official Notices

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

## Department of Children, Families and Learning Office of Community Services

### Updated Child Care Fund Sliding Fee Copayment Schedule

Pursuant to *Minnesota Statutes* section 119B, and *Minnesota Rules*, part 3400.0100, Subp. 5 (Publication of state median income and fee schedule in *State Register*), the Department of Children, Families and Learning hereby gives notice of the updated Sliding Fee Monthly Copayment Schedule. This revised schedule is based on the FY 2003 state median income as published in the January 30, 2002 *Federal Register*. The schedule published is for family sizes of two through six and is effective July 1, 2002 until further notice. Please contact the Child Care Assistance Program for the schedule for larger families or for the biweekly copayment schedule for all family sizes. This revised fee schedule replaces the schedule published July 2, 2001. This revised schedule may be republished if program changes occur as a result of legislative action.

Any questions about the new schedule should be directed to:

Child Care Assistance Program  
Department of Children, Families and Learning  
Office of Community Services  
1500 Highway 36 West  
Roseville, MN 55113  
Phone: (651) 582-8562

### Child Care Assistance Program SFY 2003 Monthly Copayment Schedule

#### Two Person Household

State Median Income      \$    47,976  
Poverty Threshold        \$    11,940

<u>Gross Income Range</u>		<u>Monthly Copayment</u>
\$ 8,955	\$ 11,940	\$ 5
11,941	16,795	31
16,796	20,154	45
20,155	20,633	64
20,634	21,113	70
21,114	21,593	76
21,594	22,073	83
22,074	22,553	89
22,554	23,032	96
23,033	23,512	103
23,513	23,992	110
23,993	24,232	116
24,233	24,472	122
24,473	24,711	129
24,712	24,951	135
24,952	25,191	142
25,192	25,431	148
25,432	25,671	155
25,672	25,911	162

#### Three Person Household

State Median Income      \$    59,265  
Poverty Threshold        \$    15,020

<u>Gross Income Range</u>		<u>Monthly Copayment</u>
\$ 11,265	\$ 15,020	\$ 5
15,021	20,748	38
20,749	24,896	56
24,897	25,489	80
25,490	26,082	87
26,083	26,674	94
26,675	27,267	102
27,268	27,859	110
27,860	28,452	119
28,453	29,045	127
29,046	29,637	136
29,638	29,934	143
29,935	30,230	151
30,231	30,526	159
30,527	30,823	167
30,824	31,119	175
31,120	31,415	183
31,416	31,712	192
31,713	32,008	200

## Official Notices

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25,912	26,151	169	32,009	32,304	209
26,152	26,391	176	32,305	32,601	217
26,392	26,630	184	32,602	32,897	228
26,631	26,870	193	32,898	33,193	238
26,871	27,110	201	33,194	33,490	248
27,111	27,350	210	33,491	33,786	259
27,351	27,590	218	33,787	34,082	270
27,591	27,830	227	34,083	34,379	281
27,831	28,070	236	34,380	34,675	292
28,071	28,310	245	34,676	34,971	303
28,311	28,550	255	34,972	35,268	314
28,551	28,789	264	35,269	35,564	326
28,790	29,029	273	35,565	35,860	338
29,030	29,269	283	35,861	36,157	350
29,270	29,509	293	36,158	36,453	361
29,510	29,749	302	36,454	36,749	374
29,750	29,989	312	36,750	37,046	386
29,990	30,229	322	37,047	37,342	398
30,230	30,469	333	37,343	37,638	411
30,470	30,708	343	37,639	37,935	424
30,709	30,948	353	37,936	38,231	436
30,949	31,188	364	38,232	38,527	449
31,189	31,428	375	38,528	38,824	463
31,429	31,668	385	38,825	39,120	476
31,669	31,908	396	39,121	39,416	489
31,909	32,148	407	39,417	39,712	503
32,149	32,388	418	39,713	40,009	517
32,389	32,627	430	40,010	40,305	531
32,628	32,867	441	40,306	40,601	545
32,868	33,107	452	40,602	40,898	559
33,108	33,347	464	40,899	41,194	573
33,348	33,587	476	41,195	41,490	588
33,588	33,827	488	41,491	41,787	602
33,828	34,067	500	41,788	42,083	617
34,068	34,307	512	42,084	42,379	632
34,308	34,547	524	42,380	42,676	647
34,548	34,786	536	42,677	42,972	662
34,787	35,026	549	42,973	43,268	678
35,027	35,266	561	43,269	43,565	693
35,267	35,506	574	43,566	43,861	709
35,507	35,746	587	43,862	44,157	725
35,747	35,986	600	44,158	44,454	741
35,987	INELIGIBLE		44,455	INELIGIBLE	

**Child Care Assistance Program SFY 2003 Monthly Copayment Schedule**

**Four Person Household**

State Median Income      \$    70,553  
 Poverty Threshold        \$    18,100

**Five Person Household**

State Median Income      \$    81,841  
 Poverty Threshold        \$    21,180

<u>Gross Income Range</u>		<u>Monthly Copayment</u>	<u>Gross Income Range</u>		<u>Monthly Copayment</u>
\$ 13,575	\$ 18,100	\$ 5	\$ 15,885	\$ 21,180	\$ 5
18,101	24,700	45	21,181	28,652	53
24,701	29,638	67	28,653	34,380	77
29,639	30,344	95	34,381	35,199	110
30,345	31,049	103	35,200	36,017	120
31,050	31,755	112	36,018	36,836	130
31,756	32,460	122	36,837	37,654	141
32,461	33,166	131	37,655	38,472	152
33,167	33,871	141	38,473	39,291	164
33,872	34,577	151	39,292	40,109	175
34,578	35,283	162	40,110	40,928	188
35,284	35,635	171	40,929	41,337	198
35,636	35,988	180	41,338	41,746	209
35,989	36,341	189	41,747	42,155	220
36,342	36,694	199	42,156	42,565	231
36,695	37,046	208	42,566	42,974	242
37,047	37,399	218	42,975	43,383	253
37,400	37,752	228	43,384	43,792	265
37,753	38,105	238	43,793	44,201	276
38,106	38,457	248	44,202	44,611	288
38,458	38,810	259	44,612	45,020	300
38,811	39,163	271	45,021	45,429	314
39,164	39,516	283	45,430	45,838	329
39,517	39,869	296	45,839	46,247	343
39,870	40,221	308	46,248	46,657	358
40,222	40,574	321	46,658	47,066	373
40,575	40,927	334	47,067	47,475	388
40,928	41,280	347	47,476	47,884	403
41,281	41,632	361	47,885	48,293	419
41,633	41,985	374	48,294	48,703	434
41,986	42,338	388	48,704	49,112	450
42,339	42,691	402	49,113	49,521	466
42,692	43,043	416	49,522	49,930	483
43,044	43,396	430	49,931	50,339	499
43,397	43,749	445	50,340	50,749	516
43,750	44,102	459	50,750	51,158	533
44,103	44,454	474	51,159	51,567	550
44,455	44,807	489	51,568	51,976	567
44,808	45,160	504	51,977	52,385	585
45,161	45,513	520	52,386	52,795	603
45,514	45,866	535	52,796	53,204	621
45,867	46,218	551	53,205	53,613	639
46,219	46,571	567	53,614	54,022	657
46,572	46,924	583	54,023	54,431	676
46,925	47,277	599	54,432	54,841	695
47,278	47,629	615	54,842	55,250	714

# Official Notices

47,630	47,982	632	55,251	55,659	733
47,983	48,335	648	55,660	56,068	752
48,336	48,688	665	56,069	56,477	772
48,689	49,040	682	56,478	56,887	792
49,041	49,393	700	56,888	57,296	812
49,394	49,746	717	57,297	57,705	832
49,747	50,099	735	57,706	58,114	852
50,100	50,451	753	58,115	58,523	873
50,452	50,804	771	58,524	58,933	894
50,805	51,157	789	58,934	59,342	915
51,158	51,510	807	59,343	59,751	936
51,511	51,863	825	59,752	60,160	958
51,864	52,215	844	60,161	60,570	979
52,216	52,568	863	60,571	60,979	1,001
52,569	52,921	882	60,980	61,388	1,023
52,922	INELIGIBLE		61,389	INELIGIBLE	

## Child Care Assistance Program SFY 2003 Monthly Copayment Schedule

### Six Person Household

State Median Income	\$	93,130
Poverty Threshold	\$	24,260

<u>Gross Income Range</u>	<u>Monthly Copayment</u>				
\$ 18,195	\$ 24,260	\$ 5	54,956	55,421	494
24,261	32,604	60	55,422	55,886	512
32,605	39,123	88	55,887	56,352	531
39,124	40,054	125	56,353	56,818	549
40,055	40,986	137	56,819	57,283	568
40,987	41,917	148	57,284	57,749	587
41,918	42,848	161	57,750	58,215	606
42,849	43,779	173	58,216	58,680	626
43,780	44,711	186	58,681	59,146	646
44,712	45,642	200	59,147	59,612	666
45,643	46,573	213	59,613	60,077	686
46,574	47,039	225	60,078	60,543	706
47,040	47,505	238	60,544	61,008	727
47,506	47,970	250	61,009	61,474	748
47,971	48,436	262	61,475	61,940	769
48,437	48,902	275	61,941	62,405	790
48,903	49,367	288	62,406	62,871	812
49,368	49,833	301	62,872	63,337	834
49,834	50,299	314	63,338	63,802	856
50,300	50,764	328	63,803	64,268	878
50,765	51,230	342	64,269	64,734	901
51,231	51,695	358	64,735	65,199	924
51,696	52,161	374	65,200	65,665	947
52,162	52,627	390	65,666	66,131	970
52,628	53,092	407	66,132	66,596	993
53,093	53,558	424	66,597	67,062	1,017
53,559	54,024	441	67,063	67,528	1,041
54,025	54,489	459	67,529	67,993	1,065
54,490	54,955	476	67,994	68,459	1,090
			68,460	68,925	1,114
			68,926	69,390	1,139
			69,391	69,856	1,164
			69,857	INELIGIBLE	

## **Minnesota Board of Dentistry**

### **REQUEST FOR COMMENTS on Possible Rule Amendments Governing the Permissible Duties of Dental Hygienists and Registered Dental Assistants, *Minnesota Rules* 3100.3600, 3100.8500, and 3100.8700**

**Subject of Rule and Background:** The Minnesota Board of Dentistry requests comments on its possible rule amendments expanding the duties of Dental Hygienists and Registered Dental Assistants under general, direct and indirect supervision. These revisions would allow Dentists to focus on more complicated patients' concerns which will facilitate increased clinic efficiency and productivity. This rulemaking is necessary because the State is facing significant access to care issues. The patient would benefit the most from these changes as they allow hygienists and assistants to perform functions that will save time for the patient and dentist, improving the capacity of the office by allowing more patients to be seen.

The fiscal impact is negligible. The Board acknowledges that implementation of these rules will not generate additional costs to the agency or any other agency, and would not have any effect on state revenues.

**Persons Affected:** The affected parties and/or issues are Dental Assistants, Dental Hygienists, Dentists, and patients, related to the scope of practice for various regulated dental professionals.

**Statutory Authority:** The statutory authority for the proposed rules is set forth in *Minnesota Statutes* §150A.04, subdivision 5.

**Public Comment:** Affected and interested persons or groups may submit comments on these possible rule amendments in writing or orally until 4:30 p.m. on July 17, 2002.

**Rule Draft:** The Minnesota Board of Dentistry has prepared and posted the draft of possible rule changes on the department's official **website:** *www.dentalboard.state.mn.us* Persons interested in a paper copy of the draft of rule changes should contact the agency directly.

**Agency Contact Persons:** Written comments, questions, or requests to receive draft of the rules and request for more information on the rule amendments should be directed to:

Rachana Patel  
Minnesota Board of Dentistry  
University Park Plaza  
2829 University Avenue SE  
Suite 450  
Minneapolis, Minnesota, 55414-3249  
**phone:** (612) 617-2250  
**fax:** (612) 617-2260  
**Email:** *Rachana.Patel@state.mn.us*

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

**NOTE:** Comments received in response to this may not necessarily be included in the formal rulemaking record when proceeding to adopt rules is started. The Minnesota Board of Dentistry is required to submit to the administrative law judge reviewing the rules only those written comments received in response to the rules after they are formally proposed for adoption in the *State Register*.

## **Department of Labor and Industry**

### **Labor Standards**

#### **Notice of Addition to Highway/Heavy Prevailing Wage Rates**

An additional rate has been made to the Highway/Heavy Prevailing Wage Rates certified 10/01/01, for **Region 01, Labor Code 409, Glaziers**.

## Official Notices

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A copy of the certification with the additional rate, may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, **phone:** (651) 284-5091, or accessing our **website** at: [www.doli.state.mn.us](http://www.doli.state.mn.us). Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Shirley I. Chase  
Commissioner

## Minnesota Department of Labor and Industry Occupational Safety and Health

### Notice of Ergonomic Task-Force Statewide Roundtable Discussions

**The Ergonomics Task-Force** The Minnesota Department of Labor and Industry (DLI) has established an Ergonomics Task-Force to recommend approaches DLI can take to reduce work-related musculoskeletal disorders in Minnesota. The task force will review Minnesota's current approach to ergonomic issues, review ergonomic approaches used in other jurisdictions, listen to public testimony and submit its recommendations to the commissioner of the Minnesota Department of Labor and Industry. The 20 task-force members were selected for their expertise and experience with ergonomic issues and musculoskeletal disorders. They represent stakeholders from labor, business, government, trade associations, academia, the medical field and insurance companies.

**Musculoskeletal disorders (MSDs)** The U.S. Department of Labor defines a work-related MSD as an injury or disorder of the muscles, nerves, tendons, joints, cartilage or spinal discs. MSDs do not include disorders caused by slips, trips, falls, motor-vehicle accidents or similar accidents. During 1993 to 2000, MSDs generally accounted for 41 percent of all Minnesota workers' compensation indemnity claims (those that resulted in the payment of wage-loss or disability benefits). Back injuries usually account for more than half of the MSD claims, with arm and hand injuries accounting for another quarter. MSDs potentially occur as a result of awkward postures, repetitive motion, repeated impacts, or heavy, frequent or awkward lifting.

**Public testimony: How to get involved** DLI is seeking input from interested individuals to help develop a comprehensive approach to reduce work-related MSDs. Public testimony will be taken at five of the six Ergonomic Task-Force roundtable meetings. Due to the heightened interest in this topic, DLI has established public testimony guidelines. Time allowed for testimony may be limited. Participants should bring at least 21 copies of all handouts for task force members; all handouts must have a contact name, phone number and address. No copy service will be available at meeting locations. If time does not allow for all testimony, participants are encouraged to submit their comments or recommendations electronically to the task force at: [dli.ergo@state.mn.us](mailto:dli.ergo@state.mn.us). The task force will meet six times: four times in St. Paul, once in Duluth and once in Mankato.

#### First meeting:

June 25, 2002  
9:00 a.m. to noon  
Department of Labor and Industry  
443 Lafayette Road N., St. Paul

- Minnesota's ergonomics injuries, approaches
- General approaches to ergonomics
- Public testimony (one hour)

#### Third meeting:

July 23, 2002  
10:00 a.m. to 2:00 p.m.  
University of Minnesota, Duluth  
1049 University Drive, Bohannon Hall, Room 90

- Ergonomics overview
- Public testimony

#### Fifth meeting:

Aug. 6, 2002  
8:00 to 11:00 a.m.  
Department of Labor and Industry  
443 Lafayette Road N., St. Paul

#### Second meeting:

July 16, 2002  
9:00 a.m. to noon  
Department of Labor and Industry  
443 Lafayette Road N., St. Paul

- Federal OSHA ergonomics approach
- State of Washington ergonomics approach
- Public testimony (one hour)

#### Fourth meeting:

July 25, 2002  
10:00 a.m. to 2:00 p.m.  
South Central Technical College, Conference Center A  
1920 Lee Blvd., North Mankato

- Ergonomics overview
- Public testimony

#### Sixth meeting:

Aug. 20, 2002  
9:00 a.m. to noon  
Department of Labor and Industry  
443 Lafayette Road N., St. Paul

- Public testimony (first hour)
- Summarize testimony
- Begin to generate recommendations
- Evaluate recommendations
- Make final recommendations

**How to get more information** Task-force meeting dates, times and locations will be posted online at [www.doli.state.mn.us/ergo.html](http://www.doli.state.mn.us/ergo.html). Background information and meeting minutes will also be posted on this website.

Dated: 17 June 2002

## Metropolitan Council

### Public Hearing on the Proposed 2003-2006 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area

The Transportation Advisory Board (TAB) of the Metropolitan Council will hold a public hearing on July 17, 2002 to receive public reaction to the proposed 2003-2006 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area. The program will include previously identified and newly recommended highway, transit, bikeway and pedestrian enhancements, hazard elimination/safety, railroad safety, bridge improvement and replacement and air quality projects that are proposed for federal funding in the seven-county metropolitan area in the next four years. The program is prepared annually in accordance with federal requirements and must contain all projects that are to be implemented with federal transportation funding assistance.

- **Public Hearing for Comments on TIP**  
**Wednesday, July 17, 2002, 3:30 p.m.**  
Metropolitan Council Chambers  
Mears Park Centre, 230 E. Fifth Street  
St. Paul, Minnesota 55101

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 will be analyzed to determine impact on regional air quality. The program will be adopted by the Transportation Advisory Board and approved by the Metropolitan Council. Progress made on implementing the region's transportation plan will be reported in the TIP and at the public hearing.

Upon request, the Council will provide reasonable accommodations to persons with disabilities. In addition to providing oral or written comments at the public hearing, comments may be made several ways.

- Written comments to: Kevin Roggenbuck, Metropolitan Council, 230 East Fifth Street, St. Paul, MN 55101
- Fax comments to Kevin Roggenbuck (651) 602-1739
- Record comments on the Council's Public Information Line: (651) 602-1500
- Send comments electronically to: [data.center@metc.state.mn.us](mailto:data.center@metc.state.mn.us)

**Comments** must be received by **4:00 p.m., Monday, August 5, 2002**. Free copies of the draft 2003-2006 Transportation Improvement Program will be available on June 20, 2002 at the Council's Regional Data Center. **Phone:** (651) 602-1140 or **TTY:** (651) 291-0904 to request a copy. A summary and key tables will be available for review on June 20, 2002 at the Metropolitan Council's **website:** [www.metrocouncil.org](http://www.metrocouncil.org). Other background materials describing the Council's transportation planning and programming efforts also are available.

**Questions** about the hearings or transportation assumptions and technical materials may be directed to Kevin Roggenbuck, (651) 602-1728, or Carl Ohrn (651) 602-1719, Metropolitan Council, 230 E. Fifth Street, St. Paul, MN 55101.

## Official Notices

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### Department of Natural Resources

#### Division of Fisheries

#### Division of Wildlife

### Notice of Fish and Wildlife Habitat Stamp Art Contests

#### Background about the Fish and Wildlife Habitat Stamp Art Contests

*Minnesota Statutes 97A.045 and Minnesota Rules 6290* permit the Commissioner of the Department of Natural Resources (DNR) to conduct contests for selection of designs for fish and wildlife habitat stamps.

**NOTICE IS HEREBY GIVEN** that entry dates for four habitat stamp contests conducted by the Department of Natural Resources (DNR) are as follows:

1. **Year 2003 Trout and Salmon Stamp contest.** Entries will be accepted beginning July 22, 2002, and continuing until **4:00 p.m. Friday, August 2, 2002**, at the DNR Fisheries Office, 500 Lafayette Road, St. Paul, Minnesota 55155-4012.
2. **Year 2003 Migratory Waterfowl Stamp contest.** Entries will be accepted beginning August 12, 2002, and continuing until **4:00 p.m. Friday, August 23, 2002**, at the DNR Wildlife Office, 500 Lafayette Road, St. Paul, Minnesota 55155-4007.
3. **Year 2003 Pheasant Habitat Stamp contest.** Entries will be accepted beginning September 3, 2002, and continuing until **4:00 p.m. Friday, September 13, 2002**, at the DNR Wildlife Office, 500 Lafayette Road, St. Paul, Minnesota 55155-4007.
4. **Year 2004 Turkey Habitat Stamp contest.** Entries will be accepted beginning January 6, 2003, and continuing until **4:00 p.m. Friday, January 17, 2003**, at the DNR Wildlife Office, 500 Lafayette Road, St. Paul, Minnesota 55155-4007.

All entries for the contests must be accompanied by the appropriate application materials. Contest application packages, which include all entry forms and specifications, are available by writing: Minnesota DNR Information Center, 500 Lafayette Road, St. Paul, Minnesota 55155-4040; or by calling the DNR at **phone:** (651) 296-6157, **toll free:** 1-888-646-6367.

Dated: 4 June 2002

Lloyd Knudson  
Division of Wildlife  
Department of Natural Resources

## Department of Transportation

### State Aid for Local Transportation Group

### Notice of Appointment and Meeting of a State Aid Variance Committee

**NOTICE IS HEREBY GIVEN** that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Thursday, June 26, 2002 at 10:00 a.m. at the Arden Hills Training Center, located at 1900 West County Road I, in Shoreview, Minnesota, 55126.

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

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

The agenda will be limited to the following:

**Petition of Aitkin County** for a variance from *Minnesota Rules* 8820.9920, as applicable to the proposed bridge replacement of 145th Place located in Balsam Township, so as to allow a bridge width 20 feet in lieu of the required 28 feet bridge width, and so as to allow approaches with horizontal curves with radii of 272.84 feet without superelevation in lieu of the required 0.06 ft/ft superelevation for a horizontal curve with a 272.84 foot radius.

**Petition of Yellow Medicine County** for a variance from *Minnesota Rules* 8820.9920, as applicable to the reconstruction of County State Aid Highway 44, located between Trunk Highway 274 and Trunk Highway 67, so as to allow a 30 MPH design speed



in lieu of the required 40 MPH design speed, and so as to allow a 10 foot recovery area from 400 feet south of the junction with Trunk Highway 67 to 1500 feet south of junction with Trunk Highway 67 in lieu of the required 15 foot recovery area.

The local government agencies listed previously are requested to adhere to the following time schedule when appearing before the Variance Committee:

10:00 a.m.        Aitkin County  
10:45 a.m.        Yellow Medicine County

Dated: 11 June 2002

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

## Minnesota Department of Revenue

### Request for Comments on Possible Amendment to Rules Governing Sales and Use Tax Exemption of Isolated and Occasional Sales, *Minnesota Rules*, part 8130.5800

**Subject of Rules.** The Minnesota Department of Revenue requests comments on its possible amendment to rules governing the sales and use tax exemption for isolated and occasional sales. The Department is considering rule amendments and possible repeal of certain subparts to update the current rule.

The law governing the sales and use tax exemption for isolated or occasional sales has been changed a number of times since the rule was originally published. The law has been split into two separate provisions: section 297A.67, subdivision 23, deals with occasional sales by individuals; section 297A.68, subdivision 25, deals with the sale of tangible personal property primarily used in a trade or business, if the sale is not made in the normal course of business.

The rule will further explain some of the provisions provided in the law including the sale of farm machinery, farm auction sales, and the applicable sections of the Internal Revenue Code under which certain sales of tangible personal property qualify as occasional sales. The rule will also explain the meaning of some of the terms provided in the law, including “tangible personal property primarily used in a trade or business” and “normal course of business.” It will deal with garage sales, sales by nonprofit organizations, flea markets, and sales of repossessed items.

**Persons Affected.** The amendment to the rules would likely affect people who make occasional sales while they are not engaged in the business of selling tangible property, nonprofit organizations that sell tangible personal property for fundraising purposes, and businesses that sell tangible personal property not in the normal course of business.

**Statutory Authority.** *Minnesota Statutes*, section 270.06, clause (14) authorizes the Department to adopt rules for the administration and enforcement of state tax laws.

**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 to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to:

Michal Garber, Attorney  
Minnesota Department of Revenue  
Appeals & Legal Services Division  
600 North Robert Street, Mail Station 2220  
St. Paul, Minnesota 55146-2220  
**Phone:** (651) 296-8231  
**Fax:** (651) 296-8229  
**TTY** users may call the Department at 711.

**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.

Dated: 5 June 2002

Matthew G. Smith, Commissioner  
Department of Revenue

### State Grants & Loans

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

## Minnesota Department of Agriculture Agriculture Market Services Division

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

The Minnesota Department of Agriculture announces its authority for fiscal year 2003 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: **August 1, 2002, December 15, 2002, March 15, 2003, and May 15, 2003.** 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, and application procedures. The grant award for any project may not exceed \$50,000.00.

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  
**Email:** [terry.dalbec@state.mn.us](mailto:terry.dalbec@state.mn.us)

## Minnesota 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 2003 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 gov-

erning the program and other related application materials are available. The rules describe eligibility criteria, application content, and application procedures. The grant award for any project may not exceed \$70,000.00, and the total of all grants to any grantee may not exceed \$70,000.00 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  
**Email:** [paul.hugunin@state.mn.us](mailto:paul.hugunin@state.mn.us)

## **Minnesota Housing Finance Agency**

### **Single Family Request for Proposals Section 8 to Homeownership**

The Minnesota Housing Finance Agency (MHFA) announces the availability of \$250,000 to fund the administrative expenses associated with the U.S. Department of Housing and Urban Development (HUD) Section 8 to Homeownership Program.

#### **Background and Legislative History**

In September 2000, the United States Department of Housing and Urban Development (HUD) established the Section 8 Homeownership Program. This program allows the local administering agency to create a homeownership program using a portion of their Section 8 rental voucher subsidies.

The rule allows the rent assistance subsidies to be used as part of the mortgage payment for up to 15 to 20 years. This payment would equal the lower of the maximum subsidy amount under the voucher program minus the tenant's share, or the monthly homeownership expenses minus the tenant's share. Section 8 cannot be used for entry- cost assistance, such as downpayment and closing costs.

While the rule provides a great deal of flexibility on the part of the housing authority to design a program that meets local needs, there are several required provisions. Eligible Section 8 participants must be first-time homebuyers, meet a minimum income level, have a history of fulltime employment and demonstrate sufficient income to pay homeownership costs and other family expenses. Each eligible family must participate in a homeownership and housing counseling program provided by the housing authority.

The rule allows for the establishment of the program but no federal funding is provided for the administrative costs and the required education and counseling component, or any other program components the housing authority would choose to implement to meet local needs and ensure an effective program such as homeownership training classes, entry cost assistance, post-purchase follow up and counseling services, and mortgage foreclosure prevention services. The 2001 Minnesota Legislature transferred unused 1997 flood recovery funds to provide administrative funds for this program. This is a one-time appropriation.

#### **MN Section 8 to Home Ownership Fund**

The State of Minnesota through the Minnesota Housing Finance Agency (MHFA), is making \$250,000 available for grants to agencies administering the federal Section 8 housing program for the purposes of:

- Administrative costs associated with the establishment and operation of Section 8 Home Ownership Programs, and/or
- Grants to public or nonprofit Section 8 administering agencies or collaboratives of those agencies to acquire and rehabilitate or construct homes for resale to households eligible for Section 8 assistance using Section 8 vouchers and certificates to finance the home purchases, including gap financing.

#### **Application Requirements**

Applications must address/answer the following:

- What is the dollar amount of funds being requested for administration of the Section 8 Homeownership Program and the minimum amount needed to administer the program.
- Applicants must be a public or nonprofit Section 8 administering agency or a collaborative of those agencies.

## State Grants & Loans

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- Provide a copy of the agency's board resolution authorizing use of a specific number of Section 8 vouchers for use in the Section 8 Homeownership Program.
- How many households do you intend to assist?
- Provide a description of the agency's Section 8 to Homeownership program including:
  - How federal requirements will be met, and
  - a narrative indicating how your agency will address the state requirement that a policy be established to ensure that a homebuyer who loses eligibility for Section 8 assistance due to increased income will have an opportunity to purchase the home and to retain any equity built up in the home.
- Describe your organization's capacity to deliver the program.
- Provide an explanation of the additional capacity needed to deliver the program including why the funds being requested are needed.
- How will receipt of MHFA funding impact your delivery of the program?

### Submission of Applications

Applications are due in the offices of the Minnesota Housing Financing Agency by **August 1, 2002, no later than 5:00 p.m.** Faxed or emailed applications will not be accepted.

Applications should be submitted as follows to:

Minnesota Housing Finance Agency  
Attn: Susan Ude  
400 Sibley St., Suite 300  
St. Paul, MN 55101-1998

Direct questions to Susan Ude at **phone:** (651) 297-3656 Metro or 1-800-710-8871 Greater MN by **email** at: [susan.ude@state.mn.us](mailto:susan.ude@state.mn.us)

## Department of Human Services

### Community Quality Initiatives

#### Request for Proposals for Information and Assistance Networks for People with Disabilities

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services (DHS) requires the services of responder(s) to expand the information and assistance infrastructure to include people with disabilities under the broad descriptive categories of individuals with physical/sensory, mental health/chemical health, or cognitive disabilities. However, all Minnesotans with disabilities will be served under these broad categories. Therefore, DHS is requesting responders to submit proposals regarding their information and assistance system solutions.

The goal of this initiative is to develop a network of Minnesota agencies that will provide seamless, in-depth information and assistance services (with continuous feedback) for people with disabilities or long-term illnesses to support consumer informed choice and self-determination. For the purposes of service delivery through this grant, people with disabilities are individuals who have a physical or mental impairment that substantially limits one or more major life activities as defined in the Americans with Disabilities Act. This grant also seeks to reach and serve isolated and underserved people with disabilities and long-term illnesses, including communities of color, urban American Indians, American Indian Tribal Nations, people with low income and people with the most severe disabilities.

The grantee(s) shall work closely with the system of 2-1-1 providers and the Senior LinkAge Line® to serve people with disabilities and long-term illnesses of all ages. 2-1-1 providers will transfer callers to the specialty information and assistance providers sought in this Request for Proposals (RFP). DHS will provide and maintain the information database that will be used by the specialty information and assistance providers selected through this RFP.

This is a summary of the RFP; to have a full copy of the RFP mailed to you, or if you need the RFP in an alternative format, such as Braille, large print or audiotape, contact Marsha Nadeau at **phone:** (651) 634-5099.

Organizations are responsible for all costs associated with the preparation, delivery and presentation of materials in response to this RFP. Organizations must not communicate with any DHS staff concerning this RFP, except as provided for in this document, as follows. Any questions, concerns, or communications regarding this RFP should be directed to:

Dave Schwartzkopf  
Minnesota Department of Human Services  
Community Quality Initiatives  
Main Reception Desk  
444 Lafayette Road  
St. Paul, MN 55155-3872  
**Phone:** (651) 634-2420  
**Fax:** (651) 582-1808  
**Email:** [dave.schwartzkopf@state.mn.us](mailto:dave.schwartzkopf@state.mn.us)

All substantive questions concerning this RFP must be put in writing and received by Mr. Schwartzkopf by **June 24, 2002**. Written responses will be furnished to respective responders no later than **July 3, 2002**.

An informational session for potential responders will be held on **Tuesday, June 25, 2002 from 2:00 p.m. to 4:00 p.m. Central Daylight Time at the Minnesota Department of Human Services, 444 Lafayette Road North St. Paul, MN 55155, (651) 297-3933**. Attendance at this informational session is not required in order to submit a proposal in response to the RFP.

An RFP does not create or imply an obligation of DHS to enter into a grant contract.

To be considered, deadline for delivery of complete responses is no later than 5:00 p.m. CDT on **July 9, 2002** at the address above. Responses may be mailed, or hand delivered to the above address. **There will be no exceptions for late proposals received after 5:00 p.m. on July 9, 2002.**

## State Contracts

**Informal Solicitations:** Effective March 1, 2002, informal solicitations for all contracting opportunities for professional/technical (consultant) contracts with values estimated to be over \$5,000 and under \$50,000 must be posted on the Department of Administration, Materials Management Division web page ([www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us)) and access P/T Contracts.

**Formal Requests for Proposals:** Department of Administration procedures require that formal notice of any professional/technical (consultant service) contract which has an estimated value over \$50,000 must be printed in the *State Register*. Certain quasi-state agencies and Minnesota State Colleges and Universities institutions are by law exempt from these requirements.

## Department of Children, Families and Learning

### Food and Nutrition Service

#### Notice of Request for Proposal to Design and Create Information Systems Consistent with the Food and Nutrition Service Business Plan

The purpose of this request for proposals (RFP) is to solicit proposals from qualified vendors to develop and implement an information system consistent with functionality to support food and nutrition service goals and enable streamlining of processes for both the external sponsoring organizations that provide food and nutrition services and internal divisions of Department of Children Families and Learning (DCFL). The selected vendor must perform tasks necessary to implement ten business objectives identified by the FNS Business Plan.

This RFP identifies three phases for the entire project.

#### Phase I includes:

1. Develop computerized systems to improve the financial management, reporting, and analysis processes for sponsors of child nutrition programs.
2. Streamline the administrative review cycle.

## State Contracts

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3. Expand the DCFL system of certifying children for free and reduced-price school meals by expanding data matching to include bi-directional matching of records between numerous state agencies to locate and exchange information needed to provide a variety of services to children and families.
4. Enhance the current web-based system to help users (1) find the physical location of information resources using several geographic search routing options; (2) identify boundaries for various government districts; and (3) determine economic information for specified areas using geographic boundary files.

### Phase II and Phase III include:

1. Develop multimedia-training materials to assist customers in better understanding program regulations, sanitation requirements, menu planning, and food preparation guidelines.
2. Implement a document management system that utilizes scanning and bar coding to facilitate electronic archiving, retrieval, document sharing, revision tracking, and online collaboration.
3. Redesign customer service processes and procedures, within the framework of an overall client management system, to reduce redundant and unnecessary activities.
4. Develop an interactive web-based system to assist federal child nutrition sponsors with contemporary menu planning.
5. Develop a web-based environment that enables stakeholders to enhance their operations through an exchange of information about facilities, equipment, menus, food production, food sanitation and safety.
6. Modify existing systems and processes to collect meal counts by day and potentially by child.

The Department has estimated the cost of this project should not exceed \$4,000,000.00 for all phases over the full period of the RFP, September 9, 2002 to August 30, 2007. Phase I of the project period is anticipated to be September 9, 2002 to August 30, 2004.

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

Linda Rosenbaum-Grubbs  
FNS Project Manager  
Food and Nutrition Service  
West Building - Room No. S5  
Department of Children, Families and Learning  
1500 Hwy 36 West  
Roseville, MN 55113  
**Fax:** (651) 582-8500  
**Email:** [Linda.rosenbaum@state.mn.us](mailto:Linda.rosenbaum@state.mn.us)

All proposals are due no later than **3:00 p.m., July 8, 2002. Late proposals will not be considered.**

## Minnesota State Colleges and Universities (MnSCU)

### Request for Proposal (RFP) for MnSCU Office of the Chancellor International Hall Audio and Video Planning and Equipment Installation

The Office of the Chancellor of the Minnesota State Colleges and Universities is seeking proposals for a single-vendor, turnkey project for the planning, design and equipment supply and installation of an integrated audio and video environment for International Hall located in the World Trade Center.

Proposals in response to this RFP must be submitted according to the RFP instructions. The deadline for receipt of proposals is **2:00 p.m., Monday, July 1, 2002. Late proposals will not be considered.** A copy of the complete RFP is available from:

Mary Fields  
Minnesota State Colleges and Universities  
Office of the Chancellor  
500 World Trade Center  
30 East 7th Street  
St. Paul, MN 55101-4946  
**Phone:** (651) 282-2548  
**Email:** [mary.fields@so.mnscu.edu](mailto:mary.fields@so.mnscu.edu)

This Request for Proposal does not obligate the State to complete the procurement process requested through this RFP, and the State reserves the right to cancel the solicitation if it is considered to be in its best interests. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Office of the Revisor of Statutes

### Notice of Request for Maintenance and Development of XTE Software Program

**NOTICE IS HEREBY GIVEN** that the Office of the Revisor of Statutes is seeking proposals for the maintenance and potential further development of its custom-designed XTE (X-windows based text editing/rendering system) software program. Between July 1, 2002, and June 30, 2004, the Revisor will at a minimum need maintenance for existing XTE applications.

In addition, during this same time frame, the Revisor may require further development or enhancements to XTE, either as a stand-alone product or in conjunction with XML-based products which are the subject of a pilot project. During the time period from July 1, 2002 and June 30, 2004, the Revisor reserves the right to enter into one or more contracts with the selected contractor, as decisions are made as a result of the pilot project. Contractors with prior experience with XTE or Revisor's systems will be given preference.

Please submit responses by **Friday, June 28, 2002** to:

Michele L. Timmons, Revisor  
700 State Office Building  
100 Constitution Ave.  
St. Paul, MN 55155  
**Phone:** (651) 296-2778  
**Fax:** (651) 296-0569

## Department of Transportation

### Consultant Services

### Notice of Availability of Contract for I-94 Iverson Lake Rest Area Rehabilitation and Replacement of Hansel Lake Rest Area. Preliminary and Final Design

The Minnesota Department of Transportation (Mn/DOT) is soliciting the proposals for the Preliminary Design and Final Design services for the rehabilitation of Iverson Lake Rest Area and replacement of Hansel Lake Rest Area located in Mn/DOT District 4.

Work is proposed to start August 12, 2002.

Request for Proposals will be available by mail from this office through July 9, 2002. **A written request (direct mail or FAX) is required to receive the Request for Proposal.** After July 9, 2002, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from the Mn/DOT Agreement Administrator:

Alex Chernyaev, P.E.  
Consultant Services Unit - 7th Floor North  
Minnesota Department of Transportation  
395 John Ireland Boulevard, MailStop 680  
St. Paul, MN 55155  
**Fax:** (651) 282-5127

Proposals in response to the Request for Proposals in this advertisement must be received at the above address no later than **2:00 p.m., CDT on July 12, 2002. Late proposals will not be considered.**

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 will be borne by the responder.

## State Contracts

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### Department of Transportation

#### Notice of Availability of Contract for Greater Minnesota Property Tax Replacement Aid Study

The Minnesota Department of Transportation is requesting proposals for the purpose securing consultant services to study options for restructuring and integrating the property tax replacement aid program under *Minnesota Statutes*, Section 174.242 with the public trans program participation grant program under *Minnesota Statutes* Section 174.24.

Work is proposed to start after August 8, 2002.

A complete Request for Proposals will be available by mail from this office through June 27, 2002. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After June 27, 2002, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Noel Shughart, Principal Planner  
Mn/DOT Office of Transit  
Mail Stop 430  
395 John Ireland Blvd  
St. Paul, MN 55155-1899

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **3:00 pm Central Time, July 18, 2002. Late proposals will not be considered.**

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

### Department of Transportation

#### Program Delivery Group, Metro Division

#### Notice of Availability of Contract for: Tow Truck Service Patrol

The Minnesota Department of Transportation (Mn/DOT) is **extending** the proposal deadline for the tow truck service patrol previously announced in the May 13, 2002 issue of the *State Register*, Volume 26, Number 47 on page 1550. The new deadline is **July 22, 2002 at 4:00 p.m.**

Mn/DOT requests proposals from qualified individuals and firms interested in providing a "Tow Truck Service Patrol" during the reconstruction of TH 61 and I-494 in and around the Newport area (Wakota Bridge project). The tow truck service patrol will **continuously** patrol a section of I-494 and TH 61 searching for incidents (stalls, crashes and debris) that impede traffic flow. The service patrol will quickly respond and remove such incidents. The service will be provided during the peak periods from 6:00 a.m. to 9:00 a.m. and 3 p.m. to 7 p.m., Monday - Friday, with some very limited weekend/evening hours as needed.

Work is proposed to start after September 1, 2002.

A Request for Proposals will be available by mail from this office through July 10, 2002. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After July 10th, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Sue Groth  
Mn/DOT - Metro Division, TMC  
1101 4th Ave. So.  
Minneapolis, MN 55404  
**Phone:** (612) 341-7227  
**Fax:** (612) 341-7239

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **July 22, 2002 at 4:00 p.m. Late proposals will not be considered.** No time extensions will be granted.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.



## Department of Transportation Program Support Group

### Notice Concerning Professional/Technical Contract Opportunities

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

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

## 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.

## Bassett Creek Water Management Commission

### Request for Interest Proposals – Professional Services for Legal, Engineering and Technical Consulting Services

Pursuant to *Minnesota Statutes Annotated* 103B.227, Subd. 5, the Bassett Creek Water Management Commission hereby solicits LETTERS OF INTEREST for legal, engineering and technical consulting services for fiscal years 2003 and 2004. The 2002 budget for all services of the organization is \$340,000.

Letters should include a brief description of the company and the experience of the individual(s) proposing to perform services for the commission. The Commission will review the letters and reserves to itself the right to take such action as it deems in its best interests. All Letters of Interest shall be submitted on or before **July 26, 2002** to:

Mr. John O'Toole, Chairman  
c/o Barr Engineering Company  
4700 West 77th Street  
Minneapolis, MN 55435  
(NO CALLS)

## Metropolitan Council

### Notice of Invitation for Bids (IFB) for MCES Facility Roof Repair, Preventative Maintenance and Emergency Service Contract Reference Number 02P004

The Metropolitan Council is requesting bids for Facility Roof Repair, Preventative Maintenance and Emergency Service for Wastewater Treatment Plants and Lift Stations.

<i>Issue Invitation for Bids</i>	<b>June 14, 2002</b>
<i>Bids Due</i>	<b>July 2, 2002</b>
<i>Award Contract</i>	<b>July 2002</b>

## Non-State Contracts & Grants

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All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a written request either by email, fax or mail or phone request to:

Sunny Jo Emerson  
Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
230 East Fifth Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1499  
**Fax:** (651) 602-1083  
**Email:** [sunnyjo.emerson@metc.state.mn.us](mailto:sunnyjo.emerson@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 Public Sale of Land by Sealed Bid Uptown Minneapolis 12,490 Square Feet "Landmark" Building

Sealed bids for the sale of property located at 2901 Hennepin Avenue, Minneapolis, Minnesota, will be received in the Office of the General Counsel, Metropolitan Council, Mears Park Center, 7th Floor, 230 East 5th Street, St. Paul, Minnesota 55101.

Sealed bids will be received until **2:00 p.m., Tuesday, July 9, 2002**, at which time and place the proposals will be publicly opened and read aloud.

Bid Forms may be obtained from the Office of the General Counsel for the Metropolitan Council at the above address or by **phone:** (651) 602-1712.

All proposals to be considered must be on Metropolitan Council's Bid Form and accompanied by a certified check, cashier's check or money order in the amount not less than ten percent (10%) of the total bid amount.

The Metropolitan Council reserves the right to accept or reject any or all bids.

## Metropolitan Council Environmental Services

### Notice of Request for Proposals (RFP)

#### Project Number Contract 02P064

The Metropolitan Council is requesting proposals for Medical and Dental Benefits for all employees and certain retired employees. The term of the contract will be up to five years. A tentative schedule for the project is as follows:

<i>Issue Request for Proposals</i>	<b>June 12, 2002</b>
<i>Receive Proposals</i>	<b>July 16, 2002</b>
<i>Contract negotiated, executed, NTP</i>	<b>October 1, 2002</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:

Harriet Simmons, Senior Administrative Assistant  
Metropolitan Council Environmental Services  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**Phone:** (651) 602-1086

**Fax:** (651) 602-1138

**Email:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

Inquiries regarding technical aspects of the project should be directed to Gordon Backlund **phone** at: (651) 602-1801.

*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 Proposals 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 Environmental Services

### Notice of Request for Proposals (RFP) Project Number Contract 02P071

The Metropolitan Council is requesting proposals for Life and Disability Insurance for all employees and certain retired employees. The term of the contract will be up to five years. A tentative schedule for the project is as follows:

<i>Issue Request for Proposals</i>	<b>June 19, 2002</b>
<i>Receive Proposals</i>	<b>July 23, 2002</b>
<i>Contract negotiated, executed, NTP</i>	<b>October 15, 2002</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:

Harriet Simmons, Senior Administrative Assistant  
Metropolitan Council Environmental Services  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**Phone:** (651) 602-1086  
**Fax:** (651) 602-1138  
**Email:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

Inquiries regarding technical aspects of the project should be directed to Gordon Backlund, **phone:** (651) 602-1801.

## Minnehaha Creek Watershed District

### Request for Proposals Engineering Services

Pursuant to *Minnesota Statutes* Section 103B.227, Subd. 5, the Minnehaha Creek Watershed District is soliciting proposals for engineering services. Proposals must be submitted to the District Office at the Gray Freshwater Center, 2500 Shadywood Road, Excelsior, Minnesota 55331 by July 15, 2002 and should include background and profile information on the firm, along with the specific information as to expertise in watershed district engineering, hourly billing rates for 2002, and names and qualifications of water resource personnel.

For further information on MCWD operations and scope of work, contact District Administrator, Eric Evenson at **phone:** (952) 471-0590.

## Minnehaha Creek Watershed District

### Request for Proposals Government Relations Service

Pursuant to *Minnesota Statutes* Section 103B.227, Subd. 5, the Minnehaha Creek Watershed District is soliciting proposals for government relations services. Proposals must be submitted to the District Office at the Gray Freshwater Center, 2500 Shadywood Road, Excelsior, Minnesota 55331 by July 15, 2002 and should include background and profile information on the firm or individual, along with the specific information as to expertise in watershed district issues, hourly billing rates for 2002, and names and qualifications of personnel assigned to the watershed district.

## Non-State Contracts & Grants

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For further information on MCWD operations and scope of work, contact District Administrator, Eric Evenson at **phone:** (952) 471-0590.

### Minnehaha Creek Watershed District

#### Request for Proposals Media Relations Services

Pursuant to *Minnesota Statutes* Section 103B.227, Subd. 5, the Minnehaha Creek Watershed District is soliciting proposals for media relations services. Proposals must be submitted to the District Office at the Gray Freshwater Center, 2500 Shadywood Road, Excelsior, Minnesota 55331 by July 15, 2002 and should include background and profile information on the firm or individual, along with the specific information as to expertise in watershed district issues, hourly billing rates for 2002, and names and qualifications of personnel assigned to the watershed district.

For further information on MCWD operations and scope of work, contact District Administrator, Eric Evenson at **phone:** (952) 471-0590.

### Minnesota Health Data Institute

#### Notice of Request for Proposals for Survey Data Collection and Analysis Services

The Minnesota Health Data Institute (MHDI) is requesting proposals from qualified vendors to conduct survey data collection and analysis services for the *2002-2004 Consumer Assessment of Hospital Care in Minnesota* survey project.

The survey project is designed to measure consumers' experiences with inpatient service quality across Minnesota hospitals by surveying patients using a common survey instrument and uniform data collection and analysis methodology. The project will be conducted in two cycles over a two-year period. Participating hospitals will supply the vendor with the sample files for the patient populations to be surveyed. The selected vendor will supply the survey instrument that will be used in the project.

The vendor will complete the following tasks by October 31, 2004: 1) Establish a procedure for sample file submission by the hospitals; 2) Check the patient sample files and draw random samples from these files according to the requirements specified in the RFP; 3) Conduct two cycles of data collection (mail, telephone or mixed-mode) to obtain 600 completed surveys (200 general medical, 200 surgical, 200 maternity) for each of the approximately 35 participating hospitals providing services to adults and 400 completed surveys (200 general medical, 200 surgical) for each of the approximately 5 participating hospitals providing services to children; 4) Perform data analysis functions, as described in the RFP; and 5) Prepare data submissions and reports according to the specifications outlined in the RFP.

Vendors must have extensive skills and experience in conducting large-scale mail and/or telephone data collection projects. Vendors must be able to supply a survey instrument designed to measure consumers' experiences with inpatient hospital service quality and be able to provide data on the instrument's validity and reliability. Extensive experience with hospital-level survey projects and experience reporting data back to providers for quality improvement purposes is highly desirable.

Call, write or email for the full RFP that will be sent free of charge to interested vendors. For more information, or to receive a copy of the RFP, contact:

Julie Apold, Program Manager  
Minnesota Health Data Institute  
2550 University Avenue West, Suite 345 North  
St. Paul, MN 55114  
**Phone:** (651) 917-6705  
**Fax:** (651) 917-6720  
**Email:** [Julie.Apold@mhdi.org](mailto:Julie.Apold@mhdi.org)

**This is a competitive bid. Proposals are due by 5:00 p.m., Central Time, Tuesday, July 16, 2002.**

## University of Minnesota

### Notice of Request for Proposal for Work on Three Above-Ground Storage Tanks

The University of Minnesota is interested in a Request for Proposal for work to be performed on three (3) existing Above Ground Storage Tanks (AST) on the Minneapolis and St. Paul Campuses. The scope of the work to be accomplished under this project consists of cleaning and inspection of the tanks, building a berm around one of the tanks, lifting the tanks (3) and the installation of secondary containment geomembrane liner system (60 mil high density polyethylene; HDPE) in the berm area, repositioning the existing tanks and the repair/replacement of the existing piping and the installation of electronic tank monitoring system. The intent of this Request for Proposal (RFP) is to receive, review, clarify, and evaluate the above referenced proposals. Our final objective is to select a firm to do this project, as stated in the RFP. The work is to comply with all Above Ground Regulatory Requirements, as spelled out in the RFP

Email or call your request for the full RFP, which will be sent free of charge to interested vendors.

#### Contact for RFP Inquiries:

Refer questions to:

**PURCHASING SERVICES:**

Chip Foster  
Facilities Management  
400 Donhowe Building  
319 15th Ave. SE  
Minneapolis, MN 55455-1082  
**Phone:** (612) 626-8757  
**Fax:** (612) 624-5796  
**Email:** [fosterc@facm.umn.edu](mailto:fosterc@facm.umn.edu)

#### Tentative Schedule of Events

Be advised that these dates are subject to change as University officials deem necessary.

<i>Ad for Request for Proposals</i>	<b>June 17, 2002, Monday</b>
<i>RFP Document Issued</i>	<b>June 17 2002, Monday</b>
<i>Mandatory Pre-Proposal Meeting/site visit at 2:00 p.m.</i>	<b>June 25, 2002, Tuesday</b>
<i>All Questions/Inquiries deadline at Noon</i>	<b>July 1, 2002, Monday Noon</b>
<i>RFP Response Due at Noon</i>	<b>July 10, 2002, Wednesday Noon</b>
<i>Evaluation, Selection of Shortlisted Finalists</i>	<b>July 16, 2002, Tuesday</b>
<i>Respondents Presentations and Negotiations</i>	<b>July 22, 2002, Monday</b>
<i>Anticipated date of Award</i>	<b>July 25, 2002, Thursday</b>
<i>Anticipated Construction Start date</i>	<b>August 5, 2002, Monday</b>
<i>Substantial Completion of Construction</i>	<b>October 15, 2002, Tuesday</b>

The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between a proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

## 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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