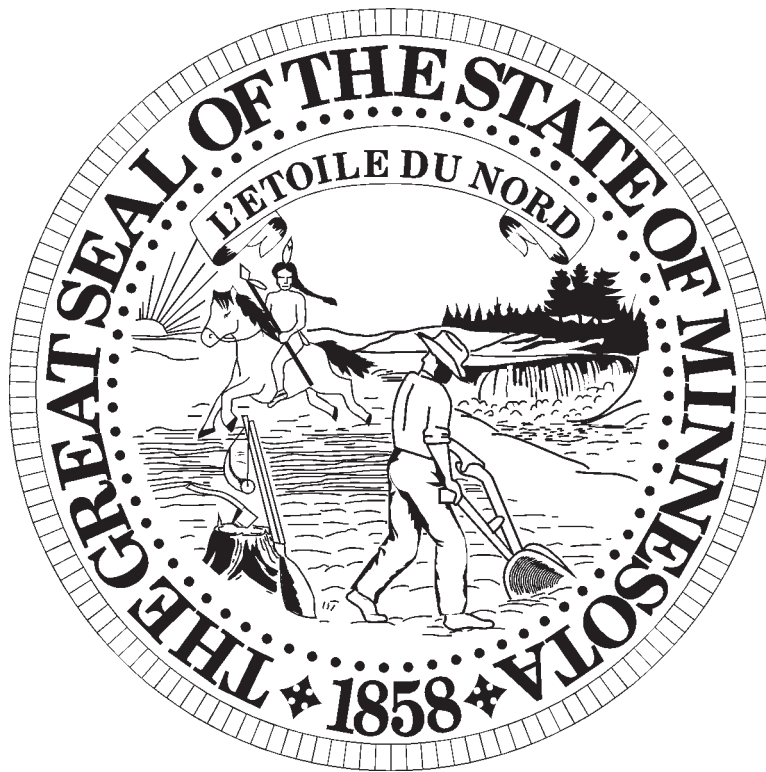


State of Minnesota

# State Register



**Rules, Executive Orders, Appointments,  
Commissioners' Orders, Revenue Notices, Official Notices, Grants,  
State Contracts & Loans, Non-State Bids, Contracts & Grants**

Published every Monday (Tuesday when Monday is a holiday)

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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:

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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
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# 48	<b>TUESDAY 29 MAY</b>	Noon Tuesday 22 May	Noon Wednesday 16 May
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## Minnesota Rules: Amendments & Additions

Rules Index - Vol. 31, # 47, Monday 21 May 2007 ..... 1698

## Proposed Rules

### Health Department

Division of Environmental Health: Proposed Repeal  
of Rules Governing Ionizing Radiation, and Replacement  
with Proposed Rules Governing Ionizing Radiation..... 1698

### Revenue Department

Proposed Permanent Rules Governing the Sales and  
Use Tax on Food Sold with Eating Utensils..... 1701

## Expedited Rules

### Transportation Department

Division of State-Aid for Local Transportation:  
Proposed Expedited Permanent Rules Relating to  
Local State-Aid Roads..... 1706

## Exempt Rules

### Natural Resources Department

Adopted Exempt Game and Fish Rules:  
Government Watercraft License Numbers..... 1712

## Official Notices

Extra Special - Fast Service..... 1713

### Commerce Department

Energy and Telecommunications Division,  
Office of Energy Assistance Programs:  
Public Hearing and Comment Period for the FFY2008  
Energy Assistance Program..... 1713

### Labor and Industry Department

Labor and Standards Unit: Correction to Commercial  
Prevailing Wage Rates..... 1714

### Teaching Board

Adoption of Praxis II Passing Scores for Teacher Licensure.....1714

## State Contracts

Contract Available for Pharmaceutical Products..... 1715

### Administration Department

Request for Proposals for the Minnesota Multistate  
Contracting Alliance for Pharmacy..... 1715

### Agriculture Department

Farm Advocate Program: Requests for Proposals for  
Minnesota Farm Advocates..... 1716

## Colleges and Universities, Minnesota State (MnSCU)

### Anoka Technical College:

Request for Proposal for 2008 Garbage/Rubbish Disposal..... 1716

### Dakota County Technical College:

Request for Bids for North Entry Renovation..... 1717

### Dakota County Technical College:

Request for Bids for Special Education Area Relocation  
and Remodel..... 1717

### Metropolitan State University, AND

#### Minneapolis Community and Technical College:

Request for Proposals for Master Facilities Plan..... 1718

### Normandale Community College:

Information Technology Services (ITS) Department:  
Intent to Solicit Bid for Fine Arts Voice/Data Cabling..... 1719

### North Hennepin Community College:

Advertisement for Bids for Fine Arts Center  
Electrical Upgrades..... 1719

### Ridgewater College:

Request for Bids for Welding Classroom HVAC System..... 1720

### Rochester Community and Technical College:

Request for Bid for Moving Theater Lighting..... 1721

### St. Cloud Technical College:

Advertisement for Bids for Training and Education Center.. 1721

## Human Services Department

Availability of Contract for Telephone Counseling Services..... 1722

## Public Employees Retirement Association

Request for Proposal (RFP) for Professional Services to  
Provided Qualified Rehabilitation Evaluations..... 1722

## Transportation (Mn/DOT) Department

Engineering Services Division: Potential Availability of  
Contracting Opportunities for a Variety of Highway  
Related Technical Activities ("Consultant  
Pre-Qualification Program")..... 1723  
Engineering Services Division: Professional/Technical  
Contract Opportunities..... 1723

## Non-State Bids, Contracts & Grants

### Metropolitan Council

Request for Proposals for Electrical Arc Flash and  
Short Circuit Coordination..... 1724

### University of Minnesota

Availability of Request for Proposal (RFP) for Designer  
Selection for University of Minnesota-Duluth  
Civil Engineering Addition State Designer..... 1724  
Availability of Request for Proposal (RFP) for Designer  
Selection for University of Minnesota-Morris  
Community Services Building State Designer..... 1725  
Subscribe to Bid Information Service (BIS)..... 1725

Commodity, Service and Construction Contracts information  
is available from the Materials Management Helpline  
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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

### Rules Index: Monday 21 May 2007 - Vol. 31, #40 - 47 Volume 31, Issues #1 - 39 in issue # 39

#### 911 Emergency Communications Systems - Public Safety Department

1215.0200; .0800; .0900 (adopted)..... 1510

#### Building Codes - Labor and Industry Department

1305 (withdrawn)..... 1646

1341 (withdrawn)..... 1646

#### Education Department

3525.1350 (proposed)..... 1473

#### Health Department

4730 (proposed repealer)..... 1699

4732 (proposed)..... 1699

#### Labor and Industry Department

5205.0010 (proposed exempt)..... 1512

#### Natural Resources

6110.0900 (adopted exempt)..... 1712

6115.1500; .1510; .1520; .1530; .1540 (proposed)..... 1541

6133.0080; 6136.0100; .0200; .0300; .0400; .0550;

.0600; .0900; 6216.0250; .0260; .0350; .0500;

6238.0100; .0200; .0300; .0400; .0800; .0900; .1000;

6280.1300 (proposed)..... 1476

6136.0300 s. 3, 4, 5, 10; .0500; 6216.0500 s. 1, 4;

6238.0100 s. 6; .0200 s. 8 (proposed repealer)..... 1476

6232.2800; .2900; .3055; .3100 (adopted expedited

emergency)..... 1419

6232.3700; .3800; .3855; .4100 (adopted expedited

emergency)..... 1606

6254.0300; 6256.0500; 6258.0500; 6260.0300; .1700; .2400;

6262.0200; .0500; .0575; .0600; .0800; .1000; .3200; .3250;

6264.0025; .0125; .0300; .0400; 6266.0100; .0300; .0400;

.0500; .0700 (proposed)..... 1544

6260.1900 s.2, 3, 4; .2400 s. 26, 27, 28, 29; 6262.0900;

6264.0400 s. 34 (proposed repealer)..... 1544

6256.0500 s. 9; 6262.0500 s.1, 2, 3; 6264.0400 s. 4,

items E to K; s. 33; 6266.0300 s.2, 6266.0400 s.2 (proposed

repealer).....1544

6262.0550; .1000; 6264.0150 (proposed repealer)..... 1544

6262.0550; 6264.0400 (adopted expedited emergency).... 1644

6262.0550 (repealed, adopted expedited emergency).... 1644

#### Pharmacy Board

6800.0100; .0350; .0800; .0910; .1010; .1050; .1250; .1300;

.1400; .1500; .2350; .2600; .2700; .3000; .3100; .3120;

.3200; .3300; .3350; .3400; .3450; .3950; .4230; .4250;

.4400; .6200; .7400; .7510; .7520; .8001; .8002; .9700;

.9900; .9921 (adopted)..... 1673

6800.0100 s. 13; .2810; .3300 s. 3, 4, 5; .3350, s. 2;

.4500; .8002 s. 3 (repealed)..... 1673

#### Pollution Control Agency

7002.0025; 7005.0100; 7007.0100; .0300; .1100; .1102; .1110;

.1120; .1125; .1130; .1140; .1200; .1300; .3000; .5000;

7011.0060; .0061; .0065; .0070; .0072; .0075; .0080; .1005;

.1299; .3430; .3520; .8010; .8020; .8030; .8040; .8050; .8060;

.8070; .8080; .8090; .8100; .8110; .8120; .8130; .8140; .8150;

.8160; .8170; 7017.2005; .2020; 7019.3000; .3020; .3030;

.3050; .3080 (proposed)..... 1580

7011.0065 s.2; .0070 s. 3, 4 (repealed)..... 1580

#### Public Safety Department

7404.0100; .0300; .0305; .0307; .0310; .0330; .0340; .0345;

.0350; .0360; .0370; .0400; .0450; .0475; .0500; .0800;

.0900 (proposed)..... 1496

7404.0300 s. 2; .0350 s. 5, 6, 7 (proposed repealer)..... 1496

# Minnesota Rules: Amendments and Additions

## State Fire Core - Labor and Industry Department

7510 (repealed).....	1417
7511 (adopted).....	1417
7510 (withdrawn).....	1646
7511 (withdrawn).....	1646

## Commerce Department

7606.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080 (adopted).....	1605
7606.0020, s. 7 (repealed).....	1605

## Revenue Department

8130.4705 (proposed).....	1701
---------------------------	------

## Transportation Department

8820.0100; .1500; .4040; .4090; .9920; .9936; .9981; .9995 (proposed expedited).....	1706
8820.4030 (proposed expedited repealer).....	1706

## Proposed Rules

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

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

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

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Department of Health

### Division of Environmental Health

#### Proposed Repeal of Rules Governing Ionizing Radiation, *Minnesota Rules*, 4730 and Replacement with Proposed Rules Governing Ionizing Radiation, *Minnesota Rules*, Chapter 4732

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

**Introduction.** The Department of Health intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on June 29, 2007, a public hearing will be held in The Red River Room, Snelling Office Park, 1645 Energy Park Drive, St. Paul, Minnesota 55108, starting at 9:00 a.m. on July 10, 2007. To find out whether the rules will be adopted without a hearing or whether the hearing will be held, you should contact the agency contact person after June 29, 2007 and before July 9, 2007.

**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:

Kimberly J. Pappas, X-ray Supervisor



# Proposed Rules

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Department of Health, Radiation Control Unit  
625 North Robert Street  
St. Paul, Minnesota  
**Telephone:** (651) 201-5826  
**Out State Toll Free:** 1-800-627-3519  
**Fax:** (651) 201-4606  
**TTY** users may call the MDH at (651) 201-5797.

**Subject of Rules and Statutory Authority.** The proposed rules, *Minnesota Rules*, chapter 4732, replace *Minnesota Rules*, chapter 4730, which relates to both Ionizing Radiation Safety and Radioactive Materials. These proposed rules take into account new technologies that have become available, incorporate federal performance standards for ionizing radiation-producing equipment, and re-organize the current rules into a user-friendly format. Additionally, proposed Chapter 4732 removes Radioactive Materials provisions currently found in chapter 4730. The statutory authority to adopt these rules is *Minnesota Statutes*, section 144.12. A free copy of the rules is available on the X-ray Unit's web page. The X-ray Unit's web page may be found at: [www.health.state.mn.us/divs/eh/radiation/xray](http://www.health.state.mn.us/divs/eh/radiation/xray). Free copies of the entire proposed rule will also be made available on CD or hard copy upon request from the agency contact person.

**Purpose and Motivation:** The MDH is proposing to repeal *Minnesota Rules*, chapter 4730 and replace it with proposed *Minnesota Rules*, chapter 4732. A number of factors have brought us to this point. In March of 2006, Minnesota entered into an agreement with the Nuclear Regulatory Commission (NRC) in which the NRC relinquished regulatory control of byproduct, source, and special nuclear material to Minnesota pursuant to Subsection 274b of the Atomic Energy Act of 1954. The regulation of these materials is already covered by *Minnesota Rules*, chapter 4731. Some of the radioactive material provisions, however, are still in *Minnesota Rules* chapter 4730. The proposed rules remove the duplicative and inconsistent radioactive material provisions found in the current chapter 4730. Additionally, the proposed chapter 4732 updates the current rules by taking into account technological changes over the past 16 years and making these rules consistent with regulations in neighboring states as well as nationally recognized standards governing x-ray producing equipment. By doing this, the rules will more accurately reflect current radiation safety practices and the MDH's experience in administering the radiation program over the last 16 years.

**Comments.** You have until 4:30 p.m. on Friday, June 29, 2007, to submit written comments in support of or in opposition to the proposed rules or any part or subpart of the proposed rules. Your comments must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Friday, June 29, 2007. 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/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rules hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for July 10, 2007, will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 201-5826 after June 29, 2007 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above.

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## Proposed Rules

The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7601 and Fax: (612) 349-2665.

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

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

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

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone: (651) 296-5148 or 1-800-657-3889.

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

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

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

Dated: May 11, 2007

John Linc Stine  
Director of the Environmental Health Division  
Minnesota Department of Health

## Minnesota Department of Revenue

### Proposed Permanent Rules Governing the Sales and Use Tax on Food Sold with Eating Utensils

#### DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

#### Proposed Rule Governing the Application of Sales and Use Tax Laws to Sales of Food Sold With Eating Utensils Provided by the Seller, Amending *Minnesota Rules*, Chapter 8130

**Introduction.** The Department of Revenue intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on June 20, 2007, a public hearing will be held at the Minnesota Department of Revenue, Conference Room 2000, 2nd Floor, Stassen

# Proposed Rules

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Building, 600 North Robert Street, St. Paul, Minnesota 55146, starting at 9:30 a.m. on Thursday, July 12, 2007, and continuing until the hearing is completed. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after June 20, 2007, and before July 12, 2007.

**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:

Susan Barry  
Appeals and Legal Services Division  
Minnesota Department of Revenue  
600 North Robert Street  
St. Paul Minnesota, 55146-2220  
**Telephone:** (651) 556-4062  
**Fax:** (651) 296-8229  
**E-mail:** Susan.Barry@state.mn.us  
**TTY** users may call the Department at TTY 711

**Subject of Rules and Statutory Authority.** The proposed amendment to *Minnesota Rules*, Chapter 8130, by creating a new rule part, is needed to provide an interpretation of the statutory language in *Minnesota Statutes*, section 297A.61, subdivision 31, clause (1), of “eating utensils provided by the seller,” within the definition of “prepared food.” If any food is sold with “eating utensils provided by the seller,” then that food is considered “prepared food,” even if the food also meets one of the exceptions in *Minnesota Statutes*, section 297A.61, subdivision 31, clause (2), items (i) through (iv). Minnesota has worked with the member states of the ongoing multistate Streamlined Sales Tax project, as well as various businesses within the food industry and business in general, to have a uniform interpretation of what this language means, and the interpretation adopted by this rule is consistent with the interpretation adopted within the Streamlined Sale Tax Agreement. The statutory authority to adopt the rules is *Minnesota Statutes*, section 270C.06. 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, June 20, 2007, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, June 20, 2007. 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/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for July 12, 2007, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 556-4062 after June 20, 2007, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Beverly Jones Heydinger is assigned to



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# Proposed Rules

conduct the hearing. Judge Heydinger can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7606, and FAX: (612) 349-2665.

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

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

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person, and will be posted on the agency's website, [www.taxes.state.mn.us](http://www.taxes.state.mn.us). This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

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

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

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

Dated: May 4, 2007

Ward Einess, Commissioner  
Minnesota Department of Revenue

## **8130.4705 FOOD SOLD WITH EATING UTENSILS.**

**Subpart 1. Eating utensils provided by seller.** The sale of food sold with eating utensils provided by the seller is one of the conditions that meets the definition of prepared food in *Minnesota Statutes*, section 297A.61, subdivision 31. Examples of "eating utensils" include plates, bowls, knives, forks, chopsticks, spoons, glasses, cups, napkins, or straws. A "plate" does not include a container or packaging used to transport food. Some foods, such as foods containing certain raw animal foods requiring cooking by the consumer, and bakery items, which otherwise are excepted from the definition of prepared food, are prepared food if they meet the condition of *Minnesota Statutes*, section 297A.61, subdivision 31, clause (1), "food sold with eating utensils provided by the seller." This part explains when eating utensils are considered to be provided by the seller.

**Subp. 2. Seller's practice to physically give or hand utensil to the customer.** Food is sold with eating utensils provided by the seller if the seller's practice for the item, as represented by the seller, is to physically give or hand a utensil to the customer with the food as part of the sales transaction. For purposes of this part, the seller's practice to "physically give or hand" a utensil to the customer means:

A. it is the seller's practice to hand the utensil to the customer along with the food;

B. it is the seller's practice to place the utensil in a package containing the customer's food, including prepackaged food when the seller places the utensil in the package;

C. it is the seller's practice to sell food with a utensil that has been prepackaged by a person other than the seller, except when the person who originally placed the utensils in the package has a North American Industry Classification System (NAICS) classification code of a manufacturer, sector 311, the utensil is not provided by the seller; or

# Proposed Rules

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D. it is the seller's practice to place the utensil on a table, counter, or similar surface for the customer to use. A utensil previously placed by the seller, for example, as part of a place setting, is considered physically given to the customer.

**Subp. 3. Seller makes utensils available to the customer.** Food is sold with eating utensils provided by the seller when the seller makes the utensils available to the customer under the following circumstances:

A. if a plate, glass, cup, or bowl is necessary to receive the food from the seller; for example, milk dispensed from a milk dispenser is sold with an eating utensil provided by the seller because the customer must use a glass in order to receive the milk; or

B. if the seller's prepared food sales percentage, as determined in subpart 5, is greater than 75 percent; except that

C. in the case of a food item that contains four or more servings packaged as one item sold for a single price, as provided for in subpart 4, even if the sales percentage of prepared food is greater than 75 percent, a utensil is not provided by the seller merely because the seller makes the utensil available.

**Subp. 4. Four or more servings packaged as one item.** When a food item that contains four or more servings packaged as one item is sold for a single price, eating utensils are considered provided by the seller if it is the seller's practice to physically give or hand the utensils to the customer as described in subpart 2, and the following items apply.

A. The number of servings in an item is as shown on the label on the item sold. In the absence of a label, a seller shall make a reasonable determination of the number of servings in the item.

B. For purposes of this subpart, "packaged" means that the food item is placed in a package by the seller or the customer either prior to or following the selection of the food.

C. For purposes of this subpart, "single price" means one price for the entire contents of the packaged food. If the food item consists of more than one serving and the seller charges for each individual serving in the package, then the sale is not "one item sold for a single price."

**Subp. 5. Determination of prepared food sales percentage.** The seller shall determine the prepared food sales percentage as provided in this subpart.

A. Annually, the seller shall determine a single prepared food sales percentage for all of the seller's establishments in this state combined.

B. The seller shall calculate the prepared food sales percentage as follows:

(1) add together the total sales of food where plates, bowls, glasses, or cups are necessary to receive the food from the seller, but not including alcoholic beverages, and the total sales of prepared food that meets the condition provided in *Minnesota Statutes*, section 297A.61, subdivision 31, clause (2), for all of the seller's establishments in this state combined; and

(2) divide the result of subitem (1) by the seller's total sales of all food and food ingredients, including prepared food, candy, dietary supplements, and soft drinks, but not including alcoholic beverages, for all of the seller's establishments in this state combined.

C. The seller shall calculate the percentage either each tax year or each business fiscal year, based on the seller's data from the prior tax year or business fiscal year.

D. The seller shall calculate and apply the percentage as soon as possible after accounting records are available to the seller, but not later than 90 days after the beginning of the tax or business fiscal year, whichever is used for the annual calculation.

E. Notwithstanding item C, if the seller has a new establishment in this state, the following subitems apply.

(1) The seller shall make a good faith estimate of the seller's prepared food sales percentage for the seller's first year.

(2) If the seller has both new and established businesses in this state, the seller shall combine the good faith estimate for the new establishment and the data from the prior tax year or business fiscal year for the established businesses.

(3) After the first three months of operation of the new establishment, if actual sales of the new establishment are such that the prepared food sales percentage for all of the seller's establishments in this state combined, either decreases from greater than 75 percent to 75 percent or less, or increases from 75 percent or less to greater than 75 percent, the seller shall adjust the seller's good faith estimate and apply it prospectively.

F. "Seller's establishments" means business operations in Minnesota owned by the same person, as defined in *Minnesota Statutes*, section 297A.61, subdivision 2, paragraphs (a) and (b).

**Subp. 6. Examples.**

A. The following subitems are examples of utensils originally placed in a package by a person other than the seller.

(1) A caterer sells a boxed lunch with utensils packaged inside to a concessionaire who sells the boxed lunch. The caterer has a North American Industry Classification System (NAICS) classification code of sector 722. The concessionaire provides the eating utensils when selling the boxed lunch to a customer, and the boxed lunch is prepared food.

(2) A food manufacturer packages ready-to-eat lunches with eating utensils and sells to a grocer. Since the person that sold the packages to the grocer has a North American Industry Classification System (NAICS) classification code of a manufacturer, sector 311, the grocer is not providing the eating utensils with the food when selling the ready-to-eat lunch. Other examples of utensils provided by a manufacturer include snack package combinations of cheese and crackers that contain a spreader, ice cream cups that are packaged with wooden or plastic spoons, and juice boxes that are packaged with drinking straws. However, when the grocer physically gives or hands

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## Proposed Rules

a utensil to the customer along with the item, the utensil given by the grocer is “provided by the seller.”

B. The following subitems are examples explaining whether a food item that contains four or more servings packaged as one item is sold for a “single price.”

(1) A restaurant, with a convenience food area near the cash register, sells a package of cinnamon rolls, labeled at 12 servings, for \$5.98, an apple for 75 cents, and a single-serving container of milk for 49 cents. There is a napkin dispenser and a drinking straw dispenser on a counter nearby. The restaurant is owned by a seller whose establishments in this state have a combined prepared food sales percentage of 85 percent, meaning that for most of the restaurant’s sales of food, the seller only has to make utensils available to the customer. Since the package of cinnamon rolls has four or more servings and it is sold for a single price, the seller is not providing a utensil in its sale of the cinnamon rolls simply because a utensil is available for the customer, and therefore the cinnamon rolls are not prepared food. The utensils are provided by the seller for the apple and the single-serving container of milk, since the utensils are available.

(2) A bakery, owned by a seller whose establishments in this state combined have a sales percentage of 80 percent, sells fruit pies it baked at \$2 a slice. Each slice equals one serving. Five slices are packaged and sold for \$9.40. The sales receipt simply provides that the price of the apple pie is \$9.40. This package is sold for a single price. Since the item of four or more servings is sold for a single price, the item is not considered prepared food unless the utensils are physically given or handed to the customer, even if the seller has utensils available to the customer.

(3) As described in subitem (2), the customer purchases five slices of apple pie and the slices are packaged in one container. The sales receipt, however, indicates that the slices are sold five at \$2 each, for a total price of \$10. This package is not sold for a single price, since the seller charged \$2 for each slice in the package, as shown by the sales receipt. Therefore, if the seller has utensils available to the customer, the utensils are considered to be provided by the seller, meaning that the pie slices are considered prepared food and are subject to tax. However, if the bakery neither has utensils available, nor hands or gives utensils to the customer, then the bakery items are not considered prepared food.

C. The following subitems are examples of combined sales from a seller’s establishments for purposes of the prepared food sales percentage under subpart 5.

(1) A partnership owns two business operations in Minnesota, both restaurants. The partnership is a person, under *Minnesota Statutes*, section 297A.61, subdivision 2, and therefore the sales from both restaurants are combined by the partnership for purposes of calculating the prepared food sales percentage under subpart 5.

(2) A sole proprietor of a small grocery store is one of the partners in the example in subitem (1). The partnership does not combine the sales from the grocery store with the sales from the restaurants because the partnership does not own the grocery store. Similarly, the sole proprietor does not combine the sales from the restaurants with the sales from its grocery store, as the partnership owns the restaurants, not the sole proprietor. The sole proprietor calculates the prepared food sales percentage based on the sales from the grocery store and any other establishments owned by the sole proprietor.

(3) Corporation X owns three cafeterias and one sandwich shop. Corporation Y owns a convenience store. Corporation Z owns 100 percent of the shares of both Corporations X and Y. While Corporation Z owns the two corporations, it is not the person that owns the business operations, and therefore does not combine the sales of Corporations X and Y. Rather, Corporation X calculates the prepared food sales percentage based on the sales from its cafeterias and sandwich shop, and Corporation Y calculates the prepared food sales percentage based on the sales from its convenience store.

**Subp. 7. Other prepared food.** Notwithstanding the application of subparts 1 through 6, if a food is considered “prepared food” under *Minnesota Statutes*, section 297A.61, subdivision 31, clause (2), because it is sold in a heated state or heated by the seller, or because the seller mixed or combined two or more food ingredients as a single item, excepting the foods listed in *Minnesota Statutes*, section 297A.61, subdivision 31, clause (2), items (i) through (iv), the food is still taxed as prepared food.

Example: a pizzeria prepares, heats, and sells pizzas by the slice solely for pickup, and does not have any utensils available or given to the customer. The business has a prepared food sales percentage greater than 75 percent, so that it only need have utensils available for any food sold at the establishment for the utensils to be considered “provided by the seller.” However, the fact that no utensils are provided by the seller does not mean that the pizza is not prepared food. Rather, it is prepared food because it is heated by the seller and also because the seller combines food ingredients and sells it as a single item.

# Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal 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 conditions.

Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Department of Transportation

### Division of State-Aid for Local Transportation

#### Proposed Expedited Permanent Rules Relating to Local State-Aid Roads

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

#### Proposed Expedited Permanent Rules Relating to Local State-Aid Roads, *Minnesota Rules*, Chapter 8820 and Repeal of 8820.4030

**Introduction.** The Department of Transportation intends to adopt rules under the expedited rulemaking process set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until June 20, 2007.

**Agency Contact Person.** Comments or questions on the rules must be submitted to: Paul Stine, Minnesota Department of Transportation, Division of State Aid for Local Transportation, MS 500, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, (651) 366-3830, Fax: (651) 366-3801, e-mail: [paul.stine@dot.state.mn.us](mailto:paul.stine@dot.state.mn.us). TTY users may call the Department of Transportation at 1-800-627-3529.

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules are amendments to update and clarify Chapter 8820, Rules Relating to Local State-Aid Roads. The department is also seeking the repeal of part 8820.4030, Natural Preservation Route Advisory Committee. Amendments have been proposed with the advice of the State Aid Rules Advisory Committee for the following rule parts: 8820.0100, subparts. 1a and 14, Average Daily Traffic (ADT) and Screening board definitions; 8820.1500 Construction Funds; 8820.4040 Natural Preservation Route Designation; 8820.4090 Natural Preservation Route Designation Removal; 8820.9920 Geometric Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects; 8820.9936 Geometric Minimum Design Standards, Urban; New or Reconstruction Projects; 8820.9981 Minimum Geometric Design Standards: Natural Preservation routes, Designated National Forest Highways Within National Forests, and State Park Access Roads Within State Parks; New or Reconstruction Projects; and 8820.9995 Minimum Bicycle Path Standards.

The statutory authority to adopt the rules and to use the expedited rulemaking process is *Minnesota Statutes*, section 162.02, subdivision 2, and section 162.09, subdivision 2. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above. A copy of the proposed expedited rules and a copy of the department justification memorandum, which further explains the proposed rule amendments, may be viewed at:

[www.dot.state.mn.us/stateaid/](http://www.dot.state.mn.us/stateaid/)

**Comments.** You have until 4:30 p.m. on Wednesday, June 20, 2007, to submit written comment in support of or in opposition to the proposed expedited 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 expedited 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.

**Modifications.** The agency may modify the proposed expedited rules if the modifications do not make the rules substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c), unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*. If the proposed expedited rules affect you in any way, you are encouraged to participate in the rulemaking process.

**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.

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# Expedited Rules

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

**Adoption and Review of Expedited Rules.** The agency may adopt the rules at 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.

Date: May 8, 2007

Carol Molnau, Lt. Governor/Commissioner  
Minnesota Department of Transportation

## 8820.0100 DEFINITIONS.

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

Subp. 1a. **ADT.** “ADT” means average daily traffic, which is computed by dividing the total number of vehicles traveling over a segment of roadway in one year ~~divided~~ by 365.

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

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

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

## 8820.1500 CONSTRUCTION FUNDS.

[For text of subps 2 to 8, see M.R.]

Subp. 9. **Advance from county state-aid highway fund.** When the commissioner approves a request from the county board for constructing an approved county state-aid project requiring county state-aid highway funds in excess of the county’s available balance, the county may request to advance funds from the county state-aid highway fund. The request for an advance must be in the form of a resolution. The commissioner shall restore the county state-aid fund in accordance with the terms and conditions specified in the approved request.

On an annual basis, the County Screening Board shall recommend to the commissioner ~~procedures~~ guidance for advance funding.

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

Subp. 10b. **Advance from municipal state-aid street fund.** When the commissioner approves a request from the governing body of an eligible urban municipality for constructing an approved municipal state-aid project requiring municipal state-aid street funds in excess of the urban municipality’s available balance, then, ~~subject to limits of the law,~~ the urban municipality may request to advance funds from the municipal state-aid street fund. The request for an advance must be in the form of a resolution. The commissioner shall restore the municipal state-aid street fund in accordance with the terms and conditions specified in the approved request. ~~The amount of the advance must not exceed \$500,000 or the last year’s apportionment whichever is greater, except that in no case may the advance exceed three times the last year’s apportionment.~~

On an annual basis, the Municipal Screening Board shall recommend to the commissioner ~~procedures~~ guidance for advance funding.

Subp. 11. **County or municipal bond account.** With regard to a county or municipal bond account, a county or urban municipality that resolves to issue bonds payable from the appropriate state-aid fund in accordance with law for the purpose of establishing, locating, relocating, constructing, reconstructing, or improving state-aid streets or highways and, for a county only, constructing buildings and other facilities for maintaining a county state-aid highway under its jurisdiction, shall certify to the commissioner within 30 days following issuance of the bond, the amount of the total obligation and the amount of principal and interest that will be required annually to liquidate the bonded debt. The commissioner shall set up a bond account, itemizing the total amount of principal and interest involved and shall annually certify to the commissioner of finance the amount needed from the appropriate state-aid construction fund to pay the principal due on the obligation, and the amount needed from the appropriate state-aid maintenance fund to pay the current interest. The total maximum annual repayment of funds loaned from the transportation revolving loan fund ~~and plus~~ plus state-aid bond funds that may be paid with state-aid funds is limited to ~~50~~ 90 percent of the amount of the county’s or urban municipality’s last annual construction allotment preceding the bond issue. Proceeds from bond sales are to be expended only on approved state-aid projects and for items determined to be eligible for state-aid reimbursement. A county or urban municipality that intends to expend bond funds on a specific state-aid project shall notify the commissioner of this intent without delay upon awarding a contract or executing a force account agreement. Upon completion of each such project, a statement of final construction costs must be furnished to the commissioner by the county or the urban municipality. Counties may only fund the portion of maintenance buildings and structures related to state-aid transportation maintenance operations. If a building or structure or any portion of it is used for other than state-aid maintenance purposes during its useful life, the



# Expedited Rules

commissioner may determine an amount the county shall pay back to the county's maintenance account.

[For text of subps 11a and 12, see M.R.]

## 8820.4040 NATURAL PRESERVATION ROUTE DESIGNATION CONSIDERATION.

Subpart 1. Commissioner approval or denial. Following receipt of the ~~advisory committee recommendation~~ formal request, the commissioner ~~may shall approve or deny the request to~~ designate the roadway as a natural preservation route. The commissioner shall base the decision on the criteria in ~~part 8820.4030~~, subpart 2; and shall notify the political subdivision in writing of the decision. If the request is denied, a written explanation will be included with this notification.

Subp. 2. Factors considered. The commissioner shall consider:

- A. the economic, social, safety, and environmental impacts that may result from the designation or denial of the designation;
- B. the magnitude of the effects on adjacent lands and the value of the characteristics identified in part 8820.4020, subpart 2;
- C. the number of persons, either residents or the traveling public, affected by designation or denial of designation;
- D. the present and future use of adjacent lands;
- E. safety considerations as they apply to pedestrians; bicyclists; the motoring public; and fire, police, and emergency units; and
- F. other related issues as may be pertinent to the roadway that have been identified from information submitted in part 8820.4020, subpart 2.

## 8820.4090 NATURAL PRESERVATION ROUTE DESIGNATION REMOVAL.

A county board, after notice and a public hearing, may petition the commissioner by resolution to remove the natural preservation route designation if the board believes the characteristics on which the natural preservation route designation was approved have substantially been lost. The petition for removing the designation must be based on, ~~and the advisory committee shall consider,~~ such items as loss of aesthetic qualities, changes in land use, changes in road function, or significant increases in accidents. ~~The committee shall then make a recommendation to the commissioner. Following receipt of the advisory committee's recommendation,~~ After receipt of the county board resolution, the commissioner may remove the natural preservation route designation from the roadway. The commissioner shall base the decision on the criteria in ~~part 8820.4030~~ 8820.4040, subpart 2, notify the political subdivision in writing of the decision; and include a written explanation with the notification.

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

New or reconstruction projects for rural and suburban undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Projected ADT	Lane Width	Shoulder Width	Inslope	Recovery Area	Design Speed	Surfacing	Structural Design Strength	Bridges to Remain (f) Width Curb to Curb
(b)		(g)	(c)	(d)	(e)		(h)	
	feet	feet	rise: run	feet	mph		tons	feet
0-49	11	1	1:3	7	30-60	Agg.		22
50-149	11	3	1:4	9	40-60	Agg.		22
150-749	12	4	1:4	15	40-60	Paved	9	28
750-1499	12	4	1:4	25	40-60	Paved	9	28
1500 and over	12	6(g)	1:4	30	40-60	Paved	10	30

# Expedited Rules

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

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

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

(c) Applies to slope within recovery area only.

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

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

Mailbox supports must be in accordance with chapter 8818.

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

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

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

(g) Shoulders are required to be a minimum width of eight feet for highways classified as minor arterials and principal arterials with greater than 1,500 ADT projected, at least two feet of which must be paved.

(h) Phased projects must be constructed to attain design strength within three years of completion of final grading. In suburban areas, the minimum structural design strength is nine tons or ten tons as needed for system continuity.

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

HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges must be no less than either the minimum required lane plus shoulder width or the proposed lane plus shoulder width, whichever is greater, but in no case less than the minimum lane widths plus four feet, and in no case less than required per *Minnesota Statutes*, section 165.04.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

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

New or reconstruction projects for urban roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Functional Classification and Projected Traffic Volume	Design Speed	Lane Width (a)	Curb Reaction Distance (e)	Parking Lane Width
	mph	feet	feet	feet
Collectors or Locals with ADT < 10000*	30-40	(b) 11	2	8
	over 40	12	2	10
Collectors or Locals with ADT ≥ 10000 and Arterials	30-40	(b) 11	(c) 4	10
	over 40	12	(c) 4	(d) 10

# Expedited Rules

- (a) One-way turn lanes must be at least ten feet wide, except 11 feet is required if the design speed is over 40 mph.
- (b) Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used.
- (c) May be reduced to two feet if there are four or more traffic lanes and on one-way streets.
- (d) No parking is allowed for six or more traffic lanes or when the posted speed limit exceeds 45 mph.
- (e) Curb reaction must be provided only where parking is not provided.

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

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

Urban design roadways must be a minimum nine tons structural design, or ten tons if needed for system continuity. Phased projects must be constructed to attain design strength within three years of completion of final grading.

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

The minimum curb-to-curb width of a new bridge must be the required street width, but in no case less than required per *Minnesota Statutes*, section 165.04. HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges and a minimum of HS 18 loading is required for all rehabilitated bridges. Where the new bridge approach roadway includes elements for the accommodation of pedestrians or bicycles, the new bridge width must also provide for pedestrians or bicycles unless pedestrians or bicycles are otherwise accommodated.

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

Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when the posted speed is 40 to 45 mph. A ten-foot clearance clear recovery area measured from the driving lane must be provided when the posted speed exceeds 45 mph.

For volumes greater than 15,000 projected ADT\*ADT, at least four through-traffic lanes are required. \*Additional Additional average daily traffic may be allowed if a capacity analysis demonstrates that level of service D or better is achieved at the higher traffic volume. If the capacity analysis demonstrates that additional lanes are required only during peak traffic hours, then each additional driving lane may be used as a parking lane during nonpeak hours.

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

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

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

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

Surface Type	Design Speed (mph)	Lane Width (feet)	Shoulder Width (feet) (a)	Inslope (rise: run) (b)	Recovery Area (feet) (c)	Design Strength (tons)	Bridge to Remain (feet) (d)
Aggregate	30	11	1	1:3	3		22
Paved	30	11	2	1:3	9	9	22

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

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

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

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the ADT exceeds 749 or the bridge

width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

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

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

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

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

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

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

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

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

## 8820.9995 MINIMUM BICYCLE PATH STANDARDS.

### Minimum Bicycle Path Standards

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For Off-Road Design, the following shall apply:

Minimum Surface Width (two-way)	8 ft (b)
Shoulder/Clear Zone	2 ft (⇌) (d)
Inslope	1:2 (rise: run)
Design Speed	20 mph (⇄) (e)
Vertical Clearance	10 ft

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

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

(c) ~~The shoulder/clear zone should be carried across bridges and through underpasses 12 feet or less in clear width. Lead-in guardrail should be provided when shoulders are not carried over bridges. Whenever practicable, the shoulder/clear zone of an off-road bike path should be carried across bridges and through underpasses. Maximum structure clear width must be 12 feet. When the full width of the approach bike path (surface width plus shoulder/clear zone) is greater than the proposed clear width of the structure, then lead-in bicycle safety railing is required at each end of the bridge or underpass. As an alternative to lead-in bicycle safety railing, the surface width of the approach bike path may be narrowed at a 1:50 taper while maintaining minimum surface width and shoulder/clear zone through the structure.~~

(d) Clear zone is measured from the edge of the bicycle travel lane.

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

**REPEALER.** *Minnesota Rules*, part 8820.4030, is repealed.

**INCORPORATION BY REFERENCE:** Part 8820.9936: Highway Capacity manual, Special Report 209, as revised and published by the Transportation Research Board of the National Research Council, Washington, D.C., is located at the Minnesota State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155.

## 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* Sections 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.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Department of Natural Resources

### ORDER ADOPTING RULES: In the Matter of the Adoption of the Rules of the State of Minnesota, Department of Natural Resources, Relating to Government Watercraft Licenses, *Minnesota Rules*, part 6110.0900

#### WHEREAS,

The agency is rapidly depleting the remaining unassigned "XX" suffix watercraft license numbers that are issued to government agencies under *Minnesota Rules*, part 6110.0900.

By adding an additional suffix ("XY"), the agency may continue issuing distinctive watercraft registration numbers to government agencies, under *Minnesota Rules*, part 6110.0900, for years into the future.

*Minnesota Statutes*, sec. 86B.211 gives the commissioner authority to establish rules regarding watercraft licenses, including the numbering of licenses.

The DNR finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest in amending the rules. As provided in *Minnesota Statutes*, sec. 14,388, subdivision 1, clause (4), this change is purely technical or administrative in nature and does not alter the sense, meaning or effect of the rule.

#### NOW THEREFORE, IT IS ORDERED, that the rules identified as:

Rules of the Department of Natural Resources relating to Government Watercraft Licenses, in the form set out in the Revisor's draft, file number RD3693, dated January 23, 2007, are adopted this 23 day of February, 2007, pursuant to the authority vested in me by *Minnesota Statutes*, section 86B.211.

Mark Holsten, Commissioner  
Department of Natural Resources

## Adopted Exempt Game and Fish Rules: Government Watercraft License Numbers

#### 6110.0900 STATE GOVERNMENT LICENSE NUMBERS.

The last two characters of all license numbers issued for watercraft owned by the state of Minnesota or a political subdivision thereof shall be the letters XX or XY. No other license number shall include both such letters. Application for such licenses shall be made directly to the commissioner of natural resources.



## 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.

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## Department of Commerce

### Energy and Telecommunications Division

### Office of Energy Assistance Programs

## Notice of Public Hearing and Comment Period for the FFY2008 Energy Assistance Program, Minnesota Department of Commerce

**THE PUBLIC IS INVITED TO COMMENT** on the proposed Minnesota state plan for the Energy Assistance Program for federal fiscal year 2008 at a public hearing or through written comment. The hearing will be held June 27, 2007, from 3:00 p.m. to 5:00 p.m. in Room 300 North, State Office Building, 100 Rev. Martin Luther King, Jr., Blvd., St. Paul. Written comment must be received at the address below by 5:00 p.m. on June 27, 2007.

The FFY 2008 Energy Assistance Plan describes how federal Low Income Home Energy Assistance Program (LIHEAP) funds will be used to help low-income households pay home heating bills and conserve energy. Comments received at the public hearing and in writing during the comment period will be considered in the development of the state plan. The proposed state plan is available May 25 for viewing or downloading at [www.commerce.state.mn.us](http://www.commerce.state.mn.us), the main site for the Minnesota Department of Commerce. In the right column, click on "Draft LIHEAP State Plan." The plan for FFY2008 modifies the FFY2006 and FFY2007 LIHEAP State Plans.

Written comments may be sent to:

John M. Harvanko, Director  
Office of Energy Assistance Programs  
Department of Commerce  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101-2198  
**Phone:** (651) 284-3275  
**Fax:** (651) 297-7891  
**E-mail:** [john.harvanko@state.mn.us](mailto:john.harvanko@state.mn.us)

# Official Notices

## Department of Labor and Industry Labor and Standards Unit

### Notice of Correction to Commercial Prevailing Wage Rates

A correction has been made to the Commercial Prevailing Wage Rates certified 2/12/07, for Group 1 Equipment Operators, in Dakota County.

Copies with the corrected certified wage rate for this County may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at [www.doli.state.mn.us](http://www.doli.state.mn.us). Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

M. Scott Brener, Commissioner  
Department of Labor and Industry

## Board of Teaching

### Adoption of Praxis II Passing Scores for Teacher Licensure

As required by *Minnesota Rules*, Part 8710.0500, subpart 4, the Minnesota Board of Teaching hereby notifies citizens of Minnesota that the following scores were adopted at the May 11, 2007 Board of Teaching Meeting.

- Effective with the date of this announcement the passing score required on the Praxis II Reading Specialist test (0300) for applications for a Teacher of Reading License K-12 is set at 590.

Praxis II Licensing Examination	Minnesota Licensure Field	Qualifying Score Effective 05/21/07
Reading Specialist (0300)	Teacher of Reading K-12	590

- Effective October 1, 2007, applications for the following licensure fields must evidence the passing of the required licensing test. The required passing scores for the following Praxis II test in this become effective for all licensure applications in the respective fields postmarked on or after October 1, 2007.

Praxis II Licensing Examination	Minnesota Licensure Field	Qualifying Score Effective 10-1-07
Art: Content Knowledge (0133)	Visual Arts K-12	164
Family and Consumer Sciences (0120)	Family & Consumer Sciences 600	
Productive Language Skills: German (0182)	German K-12	179

For information regarding Praxis examinations, applicants should contact a Minnesota teacher preparation institution or the Minnesota Board of Teaching at (651) 582-8833.

### State Register Binders

**Specially designed binders with the State Register logo for storing your State Registers. Two binders typically hold one-year's subscription. Order Stock # 91-8, \$12.00 + tax**

# State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

## Contract Available for Pharmaceutical Products

See page 1715. Obtain MORE and FASTER information with a SUBSCRIPTION to the *State Register*. Subscribe and receive LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper right corner. You will also receive ALL the current rules, with an INDEX, and previous years' indices. You also receive a summarized "Contracts & Grants" section to review. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

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## Department of Administration

### Notice of Request for Proposals for the Minnesota Multistate Contracting Alliance for Pharmacy

The Minnesota Multistate Contracting Alliance for Pharmacy ("MMCAP" [www.mmcap.org](http://www.mmcap.org)) is requesting proposals from vendors interested in supplying **RETURNED GOODS PROCESSING SEERVICES** to MMCAP Facilities.

MMCAP is a voluntary group purchasing organization made up of governmental entities which contracts for pharmaceutical products and services. MMCAP is currently made up of 44 participating states and approximately 6000 participating facilities, with about 2000 actively participating facilities. Approximately 700 participating facilities use the current returned goods contract to return pharmaceuticals with an estimated return value of \$17 million per year, and to dispose of non-returnable pharmaceuticals worth \$8 million per year.

To request a copy of the RFP, send an e-mail to: [mn.multistate@state.mn.us](mailto:mn.multistate@state.mn.us)

Or write to:

MMCAP  
RETURN GOODS PROCESSING RFP  
C/o Minnesota Department of Administration  
50 Sherburne Avenue, Room 112  
St. Paul, MN 55155

Proposals submitted in response to the Request for Proposals in this notice must be received at the address above no later than 3:00 p.m. Central Daylight Time on Monday, June 11, 2007.

**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.

# State Contracts

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## Department of Agriculture Farm Advocate Program

### Notice of Requests for Proposals for Minnesota Farm Advocates

The Minnesota Department of Agriculture announces the availability of contracts for farm advocates for the period of July 1, 2007 through June 30, 2008. Applicants must be farmers or former farmers; be familiar with or experienced in farm financial planning (cash flows through financial statements); be knowledgeable of farmers' borrowers rights and responsibilities with the ability to comprehend state and federal rules and regulations governing agricultural credit; have good communication skills (written, oral and listening); and have compassion for and interest in helping other farmers. Resumes will be accepted through June 13, 2007.

For more information, contact:

Bruce Lubitz  
Farm Advocate Program  
52168 450<sup>th</sup> Street  
Perham, MN 56573  
**Phone:** (218) 346-4866  
**E-mail:** *blubyfap@eot.com*

## Minnesota State Colleges and Universities (MnSCU) Anoka Technical College Request for Proposal for 2008 Garbage / Rubbish Disposal

### PROPOSAL SPECIFICATIONS:

**Due Date:** June 11, 2007 NO LATER THAN 2 PM – FAXED BIDS ACCEPTED  
Anoka Technical College, 1355 W. Hwy 10, Anoka, MN 55303,  
Pamela Mogensen, Purchasing, (763) 576-4785, Fax: (763) 576-4715

### Proposal Period:

Three years to begin July 1, 2007 with option for renewal for two additional years subject to satisfactory performance by the contractor.

All prices, terms and conditions of this proposal are firm for the contract period.

If during the renewal of the contract, landfill charges are increased or decreased due to legislated changes such adjustments will be accepted if proved in writing by the contractor and if approved by the college.

**Year of Service:** to run fiscally: July 1 to June 31

**Invoices:** each college location is to be billed separately on one invoice.

Upon request the company must provide a computerized report showing cost and tonnage.

Vendor must notify the college anytime smaller containers or fewer pickups can be made at the locations.

Vendor to provide info: Registered disposal site for company is: \_\_\_\_\_ in accordance with County's Solid Waste Plan, Waste Management Act, *Minnesota Statute* 155a. 46SUBD.5.

LOCATION/SERVICE/PRICE: MAIN CAMPUS (1355 W. Hwy 10, Anoka, MN 55303)

One (1) 8 cubic yard serviced 5 days week \_\_\_\_\_

AUTO AREA MAIN CAMPUS: One (1) 6 cubic yard serviced 2 days/wk \_\_\_\_\_

MACHINE SHOP AREA MAIN CAMPUS – One (1) – 4 cubic yard serviced 3 days/wk \_\_\_\_\_

SERVICE/PRICE: HORT CAMPUS (3929 – 7<sup>th</sup> Ave. N. , Anoka, MN 55303)

One (1) 6 cu yard serviced 1 day/wk \_\_\_\_\_

SERVICE/PRICE: AVIATION CAMPUS (2151 Pennsylvania Ave., Blaine, MN 55432)

Three (3) 3 cubic yd 1 day/wk \_\_\_\_\_

\*\*\*\*\*

Total monthly charges: \_\_\_\_\_

Mn Solid Waste Tax: \_\_\_\_\_

Misc. other charges: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

Vendor Contact: \_\_\_\_\_

Vendor phone / fax / email address: \_\_\_\_\_

Vendor remit to address / contact: \_\_\_\_\_

2) Vendor to provide three (3) references:

Name:

Name:

Name:

Address:

Address:

Address:

Telephone:

Telephone:

Telephone

Contact Name:

Contact Name:

Contact Name:

Comments:

Comments:

Comments

## **Minnesota State Colleges and Universities Dakota County Technical College Notice of Request for Bids for North Entry Renovation**

NOTICE IS HEREBY GIVEN that Dakota County Technical College will receive bids for North Entry Renovation. Complete sets of bidding documents are available by contacting:

TKDA  
Suite 1500  
444 Cedar St.  
St Paul MN 55101  
(651) 292-4400

Deadline for submission of bids is 2:00 PM, Tuesday, May 29, 2007, at which time bids will be opened and publicly read aloud.

## **Minnesota State Colleges and Universities Dakota County Technical College Notice of Request for Bids for Special Education Area Relocation and Remodel**

NOTICE IS HEREBY GIVEN that Dakota County Technical College will receive bids for Special Education Area Relocation and Remodel.

Complete sets of bidding documents are available by contacting:

TKDA  
Suite 1500  
444 Cedar St.  
St Paul MN 55101  
(651) 292-4400

Deadline for submission of bids is 10:00 AM, Tuesday, May 29, 2007, at which time bids will be opened and publicly read aloud.



# State Contracts

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## Minnesota State Colleges and Universities (MnSCU)

### Metropolitan State University, AND

### Minneapolis Community and Technical College

### Request for Proposals for *Master Facilities Plan*

#### Executive Summary

This Request for Proposals is offered by the Minnesota State Colleges and Universities System: sent on behalf of Metropolitan State University (Metro State) and Minneapolis Community and Technical College (MCTC). Metro State University and MCTC seek the services of a consulting team to jointly update their campus master facilities plan. Currently, each institution has an individual master plan and they were developed jointly in 2002. This proposal assumes that each of the jointly developed Master Facility Plans will be updated for each institution. However, the Project Scope, Fees, Work Schedule, Required Proposal Information, and Request for Proposal Offering Form will be considered for one service. The following paragraphs provide a brief description of each institution:

An update to the Metro State and MCTC master plans is needed to reflect facility and property changes that have occurred during the past several years and to reprioritize future facility projects. The plan should define current and future space needs, reflecting short and long-term demographics and enrollment projections, existing physical plant capacity and infrastructure.

Proposals are due by 3:00 pm on May 29th, 2007. Mail or deliver proposals to:

Mr. Daniel Kirk  
Associate Vice President for Administration and Finance  
Suite 321 Founders Hall  
Metropolitan State University  
700 East 7<sup>th</sup> Street  
Saint Paul, MN 55106-5000

Electronically transmitted proposals are not acceptable. Proposals received after this time will be returned unopened. Proposals must be clearly marked in the lower left hand corner: “**Metropolitan State University and Minneapolis Community and Technical College Master Plan Proposal.**”

To obtain a complete copy of this RFP, please contact

Jean Alaspa  
Metropolitan State University  
700 East 7th Street  
Room 321 Founders Hall  
St. Paul, Minnesota 55106  
(651) 793-1700

#### Project Scope

The Updated Master Plan shall include the current and future capital projects addressing deferred maintenances, space utilization, and dealing with multi-campus concerns. The final product should clearly describe the adequacy of current space in the support of the academic mission of the college. It should also recommend changes in the space usage that can better enhance and align academic and support areas across the university and college in light of the changing academic and student services vision in the 21<sup>st</sup> century and growing metro area needs. Since the campuses have multiple locations; analysis of the full usage and goals for those locations is an integral part of this project.

The consulting team shall meet with the Master Planning Taskforce (which includes representation from each institution) and representatives of academic and administrative areas, faculty and students, and community constituents, as appropriate, to assess current utilization and future space needs. The consultant shall also receive department input along with marketing and institutional data by recommending options that are in the best interests of the college and/or the university.. The consultant shall consider the following options for the college, but shall not be limited to:

- Multi-campus issues; program delivery to physical plant fit
- Multi-buildings and location analysis for the Minneapolis and Saint Paul campuses
- Consolidation and possible relocation of programs to better serve students
- Incremental plans to modernize for enhanced program efficiency and effectiveness
- Remodeling
- New construction
- Vehicle and Pedestrian circulation

A major challenge facing the institutions in the future is creating an array of options to address the ever-changing educational needs of our students. The institutions have estimated a budget for Consultants fees between \$45,000 and \$60,000. The consulting team shall:

- Prepare a master facility plan as outlined in the 'Master Plan Update Review Form' in MnSCU Guide for Updating Campus Master Plan [www.facilities.mnscu.edu](http://www.facilities.mnscu.edu)
- Collaborate with a Master Planning Taskforce to develop and update long-term facility needs of the University and the College.
- Compile and analyze data from previous studies and plans to ensure a consistent plan for the University and the College (**i.e. space utilization, deferred maintenance analysis of reinvestment module, facilities condition index (FCI), academic plan**).
- Present the plan and recommendations to senior administration. Provide each institution with 12 bound copies of the final plan plus one unbound copy ready for reproduction.
- Present the plan with the President and university and/or college administration to the Office of the Chancellor.

### Minnesota State Colleges and Universities (MnSCU) Normandale Community College Information Technology Services (ITS) Department Notice of Intent to Solicit Bid for Fine Arts Voice/Data Cabling

**NOTICE IS HEREBY GIVEN** that Normandale Community College is requesting bids for the installation of voice/data cabling in the Fine Arts building. Subject to compliance with requirements, voice/data cabling proposal must not exceed One Hundred Thousand no/100 Dollars (\$100,000.) This bid does not obligate Normandale Community College to spend the estimated dollar amount. For entire bid package, including prints and specifications, contact Matthew Netland. See contact information below:

Matthew Netland  
Normandale Community College (ITS) Department  
9700 France Avenue South  
Bloomington, MN 55431  
**Voice:** (952) 487-8167  
**Fax:** (952) 487-8101  
**Email:** [matthew.netland@normandale.edu](mailto:matthew.netland@normandale.edu)

Bids must be received by Monday, June 4th, 2007 12:00 p.m.  
Send sealed bids to:

Matthew Netland  
Normandale Community College (ITS Department)  
9700 France Avenue South  
Bloomington, MN 55431

### Minnesota State Colleges and Universities (MnSCU) North Hennepin Community College Advertisement for Bids for Fine Arts Center Electrical Upgrades

**Sealed Bids for:** Fine Arts Center Electrical Upgrades  
North Hennepin Community College  
7411 85th Avenue North  
Brooklyn Park, Minnesota 55445  
**will be received by:** Dean Collins, Facilities Use & Construction Coordinator

# State Contracts

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Room No.: Educational Services Building, Information Center  
North Hennepin Community College  
7411 85th Avenue North  
Brooklyn Park, Minnesota 55445

until 10 AM, local time, Monday, June 4, 2007 at which time the bids will be opened and publicly read aloud.

## Project Scope:

Extend the existing Fine Arts Center building switchboard to a new power distribution panelboard to accommodate future loads. Provide conduit sleeves from the new panelboard to the first floor ceiling space for future extension.

A Pre-Bid Meeting will be held at 10 AM Wednesday, May 23, 2007, in the Fine Arts Building (center corridor at the theater entrance) of North Hennepin Community College. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer; DLR Group, Inc., are on file at:

- 1) McGraw Hill Construction Plan Room
- 2) Builder's Exchanges: Minneapolis and St. Paul
- 3) Reed Construction Data Plan Room
- 4) MEDA Minority Contractors Plan Room
- 5) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained through **Engineering Repro Systems** at (763) 694-5910. A deposit of \$75.00 is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for \$25.00 per set for shipping & handling (in addition to the deposit amount) to the Architect. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to Minnesota State Colleges and Universities, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

## Minnesota State Colleges and Universities (MnSCU) Ridgewater College Advertisement for Bids for Welding Classroom HVAC System

Sealed Bids for: **Welding Classroom HVAC System**  
Ridgewater College  
Hutchinson, Minnesota

will be received by: **Mr. Gary Myhre, Director of Finance & Facilities**  
Administration Building, Room H123  
Ridgewater College  
Willmar, MN 56201

Until **10:30 AM, local time, Tuesday, June 12, 2007**, at which time the bids will be opened and publicly read aloud.

**Project Scope:** Remodeling of an existing Welding Lab comprising approximately 2,700 square feet.

A **Pre-Bid Meeting** will be held at **1:30 PM, Monday, June 4, 2007**, in Welding Lab, Room 353, **Ridgewater College, Hutchinson, Minnesota**. The Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Engineer; **Obermiller Nelson Engineering, Inc., P.O. Box 2725, Fargo, ND 58108, phone: (701) 280-0500, fax: (701) 280-0522**, are on file at the offices of the:

- 1) above named Project Engineer.
- 2) following Builders' Exchanges: **St. Paul, Minneapolis.**
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

**Obermiller Nelson Engineering, Inc.**  
P.O. Box 2725  
Fargo, ND 58108  
(701) 280-0500

A deposit of **\$50.00** is required for each set. Prospective Bidders requesting Bidding Documents will have the sets mailed to them. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

## **Minnesota State Colleges and Universities (MnSCU) Rochester Community and Technical College Notice of Request for Bid for Moving Theater Lighting**

**NOTICE IS HEREBY GIVEN** that Rochester Community and Technical College requests for bids for moving theater lighting.

To receive a copy of the Bid (RFB) send an e-mail: to [June.meitzner@roch.edu](mailto:June.meitzner@roch.edu) or fax your requests to (507) 285-7104.

Bids are due back on Monday, June 4, 2007 4:00 P.M. CDT and are to be addressed to June Meitzner, Purchasing Manager, Rochester Community and Technical College 851 - 30th Ave. S.E., Room EA134, Rochester, MN 55904.

Faxed bids will not be accepted. Late responses will not be considered.

Any questions should be directed to [June.meitzner@roch.edu](mailto:June.meitzner@roch.edu)

Minnesota Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel this solicitation.

## **Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical College Advertisement for Bids for Training and Education Center**

**Sealed Bids for:** **Training and Education Center**  
St. Cloud Technical College  
St. Cloud, Minnesota

**will be received by:** **Christine Blommer**  
Room 1-401E  
St. Cloud Technical College  
St. Cloud, Minnesota

Until **2:00 PM, local time, June 5<sup>th</sup>, 2007** at which time the bids will be opened and publicly read aloud.

**Project Scope:** Remodel approximately 10,000 s.f for a new Training and Education Center.

# State Contracts

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A Pre-Bid Meeting will be held at **10:00 AM, Friday, May 25th, 2007, at the Project Site, 1215 15<sup>th</sup> Street North, St. Cloud, MN.** The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by GLT Architects are on file at the offices of the:

- 1) Above named Project Architect/Engineer.
- 2) Following Builders' Exchanges: St. Cloud, St. Paul and Minneapolis.
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

**GLTArchitects**  
808 Courthouse Square  
St. Cloud, MN. 56303  
(320) 252-3740

A refundable deposit of \$35.00 is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them; may send a separate non-refundable payment (check made out to the Architect) for \$10.00 per set for shipping & handling (in addition to the deposit) to the Architect. Such deposits and payments may be sent prior to May 30th, 2007. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

## Department of Human Services

### Notice of Availability of Contract for Telephone Counseling Services

The Minnesota Department of Human Services/Adult Mental Health is requesting proposals for the purpose of Telephone Counseling Services for the purpose of providing clinical support to South Central Community Based Mental Health Initiative consumers.

Work is proposed to start after July 1, 2007.

A Request for Proposals will be available by mail from this office through June 4, 2007. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After June 4, 2007, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Cindy Zahratka  
Fiscal Services  
100 Freeman Drive  
St. Peter, MN 56082  
Fax: (507) 931-7676

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than June 11, 2007 at 4:00 p.m. **Late proposals will not be considered.** Fax or e-mailed 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.

## Public Employees Retirement Association

### Notice of Request for Proposal (RFP) for Professional Services to Provided Qualified Rehabilitation Evaluations

The Public Employees Retirement Association of Minnesota (PERA) requests proposals from qualified vendors to provide Qualified Rehabilitation Evaluations. Qualified vendors will be required to provide employability evaluations (including testing), labor



market surveys, and expert witness testimony at hearings.

Established by the Minnesota Legislature in 1931, PERA administers three defined benefit plans. PERA's membership includes over 65,000 retirees, survivors and dependents; 33,000 inactive members; and 160,000 active members. The Qualified Rehabilitation Evaluations will be used by PERA to assist in the determination of disability benefits for our active members.

To receive a complete copy of the RFP, please mail or fax your request to:

Sandy Stolt, Administrative Secretary  
Public Employees Retirement Association  
Suite 200  
60 Empire Drive  
St. Paul, MN 55103-1855  
**Fax:** (651) 297-8392

Proposals must be received no later than 4:00 p.m. on June 25, 2007. Late proposals will not be considered.

### Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Brad Hamilton at (651) 366-4626 for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Brad Hamilton  
Consultant Services  
Office of Technical Support  
Minnesota Department of Transportation  
395 John Ireland Blvd. Mail Stop 680  
St. Paul Minnesota 55155

**Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.**

### Department of Transportation (Mn/DOT) Engineering Services Division 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 Bids, Contracts & Grants

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

## Metropolitan Council

### Notice of Request for Proposals for Electrical Arc Flash and Short Circuit Coordination

#### RFP Number 07P053

The Metropolitan Council is soliciting proposals for electrical/engineering services to provide its Environmental Services Division with data gathering and analysis for an electrical short circuit study, protective device coordination study, arc flash hazard analysis, arc flash training and update to electrical one line diagrams for all eight of its sewage treatment plants and 62 lift stations.

The anticipated schedule for this procurement is:

Issue Request for Proposals	May 22, 2007
<b>MANDATORY</b> Pre-bid meeting*	June 14, 2007*
* Pre bid may be an all day meeting	
Proposal Due Date	July 10, 2007
Execution of Contracts	July/August 2007

All firms interested in providing these services should request a copy of the Request for Proposals. Send or fax requests to:

Miriam Lopez-Rieth  
Metropolitan Council  
390 N. Robert Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1095  
**Fax:** (651) 602-1083  
**E-mail:** [Miriam.Lopez-Rieth@metc.state.mn.us](mailto:Miriam.Lopez-Rieth@metc.state.mn.us)

## University of Minnesota

### Notice of Availability of Request for Proposal (RFP) for Designer Selection for: University of Minnesota-Duluth Civil Engineering Addition State Designer Selection Board Project No. 07-02

The State of Minnesota, acting through its Board of Regents for the University of Minnesota through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services

A full Request for Proposals is available on the University of Minnesota website: <http://www.cppm.umn.edu/rfp.html>, click on "Civil Engineering Addition" under the Duluth subheading.

A copy of the pre-design is available for review at the University of Minnesota website, <http://www.cppm.umn.edu/rfp.html>. An informational meeting is scheduled for **1:30 pm on May 23rd, 2007 in the Darland Administration Building - 1st floor lobby, 1049 University Drive, Duluth, MN**. All firms with questions about this meeting should contact John Rashid at [jrashid@d.umn.edu](mailto:jrashid@d.umn.edu). Project questions will also be taken by this individual.

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, 301 Centennial Office Building in the State Architect's Office, 658 Cedar St., St. Paul, MN 55115-1625, phone: (651) 201-2372 not later than 1:00 P.M., Friday, June 1, 2007. Late responses will not be considered.

The University of Minnesota is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

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## Non-State Bids, Contracts & Grants

### University of Minnesota

#### Notice of Availability of Request for Proposal (RFP) for Designer Selection for: University of Minnesota-Morris Community Services Building State Designer Selection Board Project No. 07-01

The State of Minnesota, acting through its Board of Regents for the University of Minnesota-Morris and through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services.

A full Request for Proposals is available on the University of Minnesota website: <http://www.cppm.umn.edu/rfp.html>, click on "Morris Community Services."

An informational meeting is tentatively scheduled for **10:00 am, May 17<sup>th</sup> in Room 10, Camden Hall, University of Minnesota-Morris campus**. Any questions regarding the pre-proposal meeting or the RFP should be directed to Chip Foster at [foste048@umn.edu](mailto:foste048@umn.edu). Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, 301 Centennial Office Building in the State Architect's Office, 658 Cedar St., St. Paul, MN 55115-1625, **Telephone:** (651) 201-2372 not later than **1:00 P.M., Friday, May 25, 2007**. Late responses will not be considered.

The University of Minnesota is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

### University of Minnesota

#### Subscribe to Bid Information Service (BIS)

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

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

### State Register Binders

**Specially designed binders with the State Register logo for storing your State Registers.  
Two binders typically hold one-year's subscription. Order Stock # 91-8, \$12.00 + tax**

