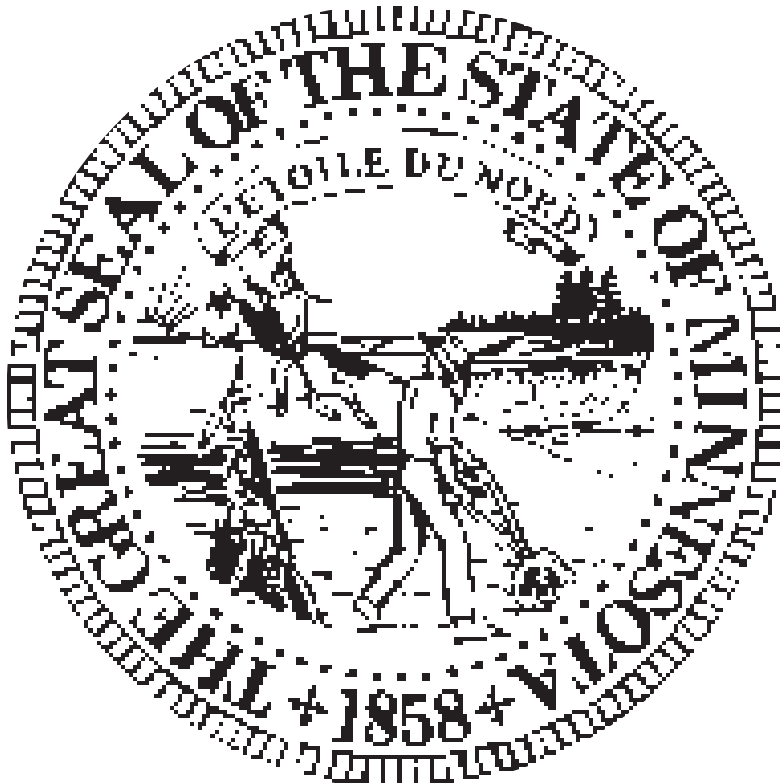


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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Vol. 23 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#46	Monday 17 May	Noon Wednesday 5 May	Noon Tuesday 11 May
#47	Monday 24 May	Noon Wednesday 12 May	Noon Tuesday 18 May
#48	Tuesday 1 June	Noon Wednesday 19 May	Noon Tuesday 25 May
#49	Monday 7 June	Noon Wednesday 26 May	Noon Tuesday 1 June

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

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

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

Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

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

Lola and Rudy Perpich Minnesota Center for Arts Education

Proposed Permanent Rules Relating to School and Programs Admission

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 Amendment to Rules of the Lola and Rudy Perpich Minnesota Center for Arts Education, *Minnesota Rules* parts 3600.0010 to 3600.0085, Relating to School and Programs Admission.

Introduction. The Board of the Lola and Rudy Perpich Minnesota Center for Arts Education (“MCAE”) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on June 16, 1999, a public hearing will be held in MCAE’s Music Recital Hall, 6125 Olson Memorial Highway, Golden Valley, Minnesota 55422 starting at 9:00 a.m. on Wednesday, June 30, 1999. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the MCAE contact person after June 16, 1999, and before June 30, 1999.

MCAE Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the MCAE contact person. The MCAE contact person is Bev DeVos at MCAE, 6125 Olson Memorial Highway, Golden Valley, Minnesota 55422; phone 612-591-4710; toll free 1-800-657-3515; and FAX 612-591-4747 (optional). TTY users may call MCAE at 612-591-4770.

Subject of Rules and Statutory Authority. The proposed rule amendments pertain to requirements for admission into MCAE’s arts high school program. The statutory authority to adopt the rule is *Minnesota Statutes*, section 129C.10, subd. 4a (1998). A copy of the proposed rules is published in the *State Register*. The proposed rules modify and make more explicit the process by which students gain admission to MCAE’s arts high school program, including the arts review process, the academic interview process and the final evaluation process. The proposed rules also set forth procedures for second round applications and disqualifying an approved applicant. Finally, the proposed rules repeal evaluation of application materials by a “final review team” and the appeal process for applicants who are denied admission. A free copy of the proposed rules is available upon request from the MCAE contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, June 16, 1999, 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 rule 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 rule. Your request for a public hearing must be in writing and must be received by the MCAE contact person by 4:30 p.m. on June 16, 1999. 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 MCAE for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, MCAE must give written notice of this to all persons who requested a hearing, explain the actions MCAE took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, MCAE 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 MCAE 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 MCAE or presented at the hearing, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for June 30, 1999, will be canceled if MCAE does not receive requests from 25 or more persons that a hearing be held on the rules. If you request a public hearing, MCAE will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the MCAE contact person at 612-591-4710 after June 16, 1999, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Phyllis Reha is assigned to conduct the hearing. Judge Reha can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7602, and FAX 612-349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which MCAE and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments or 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.

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

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612-296-5148 or 1-800-657-3889.

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

Adoption Procedure if No Hearing. If no hearing is required, MCAE 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 MCAE to receive notice of future rule proceedings, submit your request to the MCAE 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 MCAE Board adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the MCAE contact person stated above.

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

Dated: 23 April 1999

David O'Fallon, Executive Director
Lola and Rudy Perpich
Minnesota Center for Arts Education

3600.0010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 3600.0010 to ~~3600.0070~~ 3600.0085 have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the board of the Lola and Rudy Perpich Minnesota Center for Arts Education established in *Minnesota Statutes*, section 129C.10, subdivision 1.

Subp. 2a. **Center.** "Center" means the full-time high school program offered at the Lola and Rudy Perpich Minnesota Center for Arts Education established in *Minnesota Statutes*, section 129C.10, subdivision 3, paragraph (f), clause (1).

Subp. 2b. **Eligible applicant.** "Eligible applicant" means a student who resides in Minnesota at the time of the arts review process and at the time of enrollment, as determined by the executive director or the executive director's designee, and meets the following criteria:

A. is living with one or more parents who maintain a domicile and resides in Minnesota at the time of the arts review process and enrollment; or

B. is living with a legal guardian who maintains a domicile and resides in Minnesota at the time of the student's arts review process and enrollment, and the student is living with the guardian primarily for the purpose of care and support and not for the primary purpose of receiving an education in Minnesota.

Subp. 3. **Executive director.** "Executive director" means the individual appointed by the board under *Minnesota Statutes*, section 129C.10, subdivision 4, paragraph (a), clause (1), to administer the Lola and Rudy Perpich Minnesota Center for Arts Education.

Subp. 4. [See repealer.]

Subp. 6. **School record.** "School record" means the information requested of the applicant by the center to help determine the appropriateness of the applicant's admission, including for example, a transcript of courses taken at the secondary level and their accompanying grades; secondary level attendance records; and individual education plan, if applicable; information about the high school content standards under chapter 3501 attempted or completed by the applicant; and a certified record from the applicant's previous secondary schools regarding grades and standards completed and recommendations.

3600.0020 HOW THIS CHAPTER APPLIES.

Parts 3600.0010 to ~~3600.0070~~ 3600.0085 prescribe the application, arts review, and evaluation processes for pupils students wanting admission to the full-time high school program center. Participants in center other programs under *Minnesota Statutes*, section 129C.10, subdivision 5, are not included in the application, arts review, and evaluation process in parts 3600.0010 to ~~3600.0070~~ 3600.0085.

3600.0030 APPLICATION PROCESS.

Subpart 1. **Eligible applicants.** An eligible applicant is a pupil who would be considered a resident entitled to a free education under *Minnesota Statutes*, section 120.06, as of February 1 of each year, who meets the following requirements:

A. An eligible applicant for enrollment in the full-time high school program as an 11th grader; pupils who must have:

(1) successfully completed the requirements of the sending school for grade 9 and are to be enrolled in grade 10 at the time of application and who, at the time of enrollment, have earned sufficient credits to be making normal progress toward graduation successfully completed the requirements of the sending school for grade 10 by the end of the grade 10 academic year; and

(2) completed the number of high school content standards as determined annually by the executive director or the executive director's designee. In order to make this determination, by September 1 of each academic year, the executive director or the executive director's designee must determine, for the following academic year, which standards and how many standards the eligible applicant must have completed. This determination will be based on:

(a) which content areas will not be offered by the center during the applicant's enrollment; and

(b) whether, given those standards being offered at the center, the student can complete the number of standards required so as to be able to graduate at the end of two years of enrollment.

B. An eligible applicant for enrollment in the full-time high school program center as a 12th grader; pupils who must have;

(1) successfully completed the requirements of the sending school for grades 9 and 10 and are be enrolled in grade 11 at the time of application and who, at the time of enrollment, have earned sufficient credits to be making normal progress toward graduation. Pupils who have insufficient credits, as determined by standards established at the time of enrollment, will not be accepted for enrollment; and successfully completed the requirements of the sending school for grade 11 by the end of the grade 11 academic year;

(2) completed the number of high school content standards as determined annually by the executive director or the executive director's designee. In order to make this determination, by September 1 of each academic year, the executive director or the executive director's designee must determine, for the following academic year, which standards and how many standards the eligible applicant must have completed. This determination will be based on:

(a) which content areas will not be offered by the center during the applicant's enrollment; and

(b) whether, given those standards being offered at the center, the student can complete the number of standards required so as to be able to graduate at the end of one year of enrollment; and

(3) a "C" average in high school coursework.

B. For the programs, for intensive one week or two week long seminars, pupils who will be in grades nine or ten the following September; for summer institutes, pupils who will be in grades nine to 12 the following September; and for artistic mentor and regional programs, pupils who will be in grades nine to 12 the following September.

Subp. 2. **Application forms for the full-time high school program process.** An eligible applicants may applicant must apply for admission to the full-time high school program center by completing application forms and supplying a school record. The center must supply the forms by October 1 each year. Application forms will be available at the center's central office, Monday through Friday, 7:30 a.m. to 4:00 p.m. Additionally, the center will mail forms to all high school buildings in the state. Application forms must be mailed back to the center, and be postmarked by February 1, to be considered for admission into the full-time high school program. Students whose applications or school records are not complete by the deadline established annually by the executive director or the executive director's designee shall not be considered further for enrollment.

Subp. 3. [See repealer.]

Subp. 4. **Number of applications.** Subject to the limitations in parts 3600.0045 to 3600.0085, an individual may apply up to two times for admission into the full-time high school program if they are eligible applicants as defined in center if the individual is an eligible applicant under part 3600.0030, subpart 1, at the time of application the arts review process.

Subp. 5. [See repealer.]

Subp. 6. **Areas of review.** An applicant shall be evaluated for admission into the center based on a review of the applicant in three areas:

A. the arts review process in part 3600.0040;

B. the academic interview process in part 3600.0055; and

C. the final evaluation process in part 3600.0065.

The processes under this subpart shall occur at the location and times determined by the executive director or the executive director's designee.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

3600.0045 ARTS REVIEW PROCESS.

Subpart 1. Arts activities. An applicant may choose to be reviewed in up to two areas of specialty designated on the application, within the following categories: dance, literary arts, media arts, music, theater, and visual arts. Within each specialty area, the executive director or the executive director's designee shall evaluate the applicant's following arts activities:

A. The demonstration of an example or examples of the applicant's previous arts activities, products, and abilities. The executive director or the executive director's designee must evaluate an applicant's artistic abilities or potential with the following criteria:

(1) skills/proficiency, including the degree the applicant possesses potential for rapid acquisition of skills needed to effectively communicate the applicant's arts specialty area or areas;

(2) creativity/imagination, including the level at which the applicant demonstrates the ability to develop inventive, personal, concise, creative expressions within the applicant's arts specialty area or areas; and

(3) attitude, including the extent the applicant demonstrates commitment, energy, and motivation for activities within the applicant's arts specialty area or areas.

B. The spontaneous individual and group activities that highlight individual creativity and group interaction. These activities must be related to the applicant's specialty area or areas. The executive director or the executive director's designee must evaluate an applicant's artistic abilities or potential with the following criteria:

(1) skills/proficiency, including the degree the applicant possesses potential for rapid acquisition of skills needed to effectively communicate the applicant's arts specialty area or areas;

(2) creativity/imagination, including the level at which the applicant's responses demonstrate inventive, personal, concise, imaginative creative expressions; and

(3) attitude, including the extent the applicant demonstrates a willingness to participate with commitment, energy, and motivation.

C. The solution to an arts assignment. Two weeks before the arts review begins, the center shall send applicants an arts assignment specific to the applicants' specialty area or areas. An applicant must bring the solution to the assignment to the arts review and present it to the executive director or the executive director's designee who must evaluate the solution with the following criteria:

(1) the extent that the solution demonstrates skill and proficiency effectiveness including the ability to effectively communicate the arts specialty area or areas;

(2) the extent that the solution represents an imaginative, creative solution including the ability to develop inventive, personal, concise expression within the arts specialty area or areas; and

(3) attitude, including the extent the applicant demonstrates a willingness to participate with commitment, energy, and motivation.

D. Participation in an interview. The executive director or the executive director's designee shall interview an applicant using a list of questions prepared by the executive director or executive director's designee to assess the applicant's attitude, including motivation and commitment to the applicant's arts specialty area or areas.

Subp. 2. Rating of arts review. Applicants shall be given a rating of "strongly recommended," "recommended," or "not recommended" in each arts review within each specialty area or areas under subpart 1.

3600.0055 ACADEMIC INTERVIEW PROCESS.

After the arts review, academic applicants shall be interviewed at a location designated by the executive director or the executive director's designee. The purpose of the interview or interviews is to comprehensively assess the applicant, including for example the applicant's maturity, the applicant's ability to handle the transition to the center, the applicant's attitude toward obtaining a comprehensive education in addition to an arts education, an explanation of past academic issues, including, for example, absences or low academic standing, and what the applicant will contribute to the community of students and faculty at the center.

3600.0065 FINAL EVALUATION PROCESS.

A. After completing the arts review process under part 3600.0045 and the academic interview process under part 3600.0055, an administrative team designated by the executive director or the executive director's designee shall review the student's school record and the results of the arts review and the academic interview to determine whether to admit the applicant into the center. An applicant shall be assessed on the applicant's arts review, the strength of the applicant's overall school records, and the academic interview or interviews. An applicant shall be admitted if a majority of the team recommends admission.

B. An applicant shall be disqualified from further consideration prior to final evaluation if:

(1) the school record as requested by the center is not complete; and

(2) the academic interview process is not complete.

3600.0075 SECOND ROUND APPLICATIONS.

If openings at the center remain unfilled after the final evaluations are completed, the executive director or the executive director's designee may reopen the entire application process under parts 3600.0030 to 3600.0065. Students who were not recommended in the process in the immediately preceding application round are not eligible to reapply for enrollment in the upcoming academic year.

3600.0085 BASIS FOR DISQUALIFICATION FROM ENROLLMENT.

A. An approved applicant for enrollment in grade 11 shall not be enrolled unless the following information has been provided by a date annually determined by the executive director or the executive director's designee:

(1) a certified record from each high school attended that demonstrates the applicant has successfully completed the requirements of grades 9 and 10; and

(2) a certified record from each high school attended that demonstrates the number and type of completed high school content standards.

B. An approved applicant for enrollment in grade 12 shall not be enrolled unless the following information has been provided by a date annually determined by the executive director or the executive director's designee:

(1) a certified record from each high school attended that demonstrates the applicant successfully completed the requirements of grades 9, 10, and 11; and

(2) a certified record from each high school attended that demonstrates the number and type of completed high school content standards.

REPEALER. Minnesota Rules, parts 3600.0010, subpart 4; 3600.0030, subparts 3 and 5; 3600.0040, subparts 1 and 2; 3600.0050; 3600.0060; and 3600.0070, are repealed.

Department of Public Safety

Proposed Permanent Rules Relating to the One Call Excavation Notice System

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

Proposed Rules Relating to the One Call Excavation Notice System *Minnesota Rules, Chapter 7560*

Introduction. The Department of Public Safety intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on June 16, 1999, a public hearing will be held at the Minnetonka Fire Station, 14550 Minnetonka Boulevard, Minnetonka, Minnesota 55345, starting at 9:30 a.m. on Tuesday, June 29, 1999. 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 16, 1999, and before June 29, 1999.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing on the rules to the agency contact person: Maureen Janke at the Office of Pipeline Safety, Department of Public Safety, 444 Cedar Street, Suite 147, St. Paul, Minnesota 55101. Phone: 651-296-0649. FAX: 651-296-9641. TTY users may call the Department at 651-282-6555.

Subject of Rules and Statutory Authority. The proposed rules affect provisions concerning the rules on the excavation notice system. Generally, these rules relate to how operators provide information on abandoned and out-of-service facilities, excavator responsibilities concerning locates, operator's verification of the status of facilities in certain situations, regulated parties rights with respect to response to a notice of probable violation, the manner by which a party may pay a penalty, and the amount of penalties. The statutory authority to adopt the rules is contained in *Minnesota Statutes* 1998, sections 14.06, 299J.04, subdivisions 1, clauses 1 and 4, 299F.60, subdivision 5, and 216D.08, subdivision 4. A copy of the proposed rules is published in the *State Register*. *Interested parties may obtain a free copy of the rules upon request from the agency contact person listed above.*

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

Comments. You have until 4:30 p.m. on Wednesday, June 16, 1999, 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. Please identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. 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 June 16, 1999. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for June 29, 1999, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 651-296-0649 after June 16, 1999, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge George Beck is assigned to conduct the hearing. Judge Beck 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 response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

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

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

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

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

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

Charles R. Weaver, Jr.
Commissioner of Public Safety

7560.0100 DEFINITIONS.

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

Subp. 1a. Abandoned facility. “Abandoned facility” means an underground facility that is no longer in service and is physically disconnected from a portion of the operating facility that is in use or still carries service. An abandoned facility has been deemed abandoned by the operator.

[For text of subs 2 to 5, see M.R.]

Subp. 5a. Out-of-service facility. “Out-of-service facility” means an underground facility that is no longer maintained and is not intended for future use, but has not been deemed abandoned. An out-of-service facility may still be connected to a portion of the operating facility that is in use or still carries service.

[For text of subp 6, see M.R.]

7560.0125 ABANDONED AND OUT-OF-SERVICE FACILITIES.

Subpart 1. Duty of operators to provide readily available information. Operators shall provide information on the approximate location of abandoned and out-of-service facilities to an excavator by the excavation date and time noted on the excavation or location notice unless otherwise agreed between the excavator and the operator. An operator fulfills an obligation to provide information on these facilities by doing one or more of the following:

A. locating and marking the approximate location of the facility according to the current color code standard used by the American Public Works Association, as required in Minnesota Statutes, section 216D.04, subdivision 3, with an abandoned facility identified by an uppercase A surrounded by a circle;

B. providing informational flags at the area of proposed excavation;

C. communicating information verbally; or

D. providing copies of maps, diagrams, or records.

Subp. 2. Duty to notify operator. An excavator shall notify the operator:

A. before moving, removing, or otherwise altering a facility that is thought to be abandoned or out of service; or

B. if damage to the facility occurs, pursuant to Minnesota Statutes, section 216D.01, subdivision 2.

Subp. 3. Verification of abandoned or out-of-service facility. Upon receipt of notice by an excavator, an operator shall verify that an underground facility is abandoned or out of service, by either reference to installation records, testing, or other comparable standard of verification, before an excavator is allowed to move, remove, or otherwise alter an underground facility.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

7560.0225 EXCAVATOR RESPONSIBILITIES REGARDING A LOCATE.

Subpart 1. **Excavation within 96 hours.** The excavation or location notice is valid if the excavator commences excavating within 96 hours of the excavation commencement time stated on the excavation or location notice, excluding Saturdays, Sundays, or holidays.

Subp. 2. **Responsibility to protect and preserve.** The excavator is responsible for reasonably protecting and preserving a locate until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe a locate is obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify, refresh, or re-mark the locate.

Subp. 3. **Use of locate.** A locate is valid for ten working days from the excavation commencement time stated on the excavation or location notice, unless the excavator has made previous arrangements with the operators affected to periodically verify, refresh, or re-mark the locate.

7560.0400 CITATIONS.

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

Subp. 2. **Contents of notice of violation.** A notice of violation must include:

A. a statement of the statute or rule allegedly violated by the person and a description of the evidence on which the allegation is based;

B. notice of response options available to the person cited; ~~and~~

C. notice that the person has 30 days in which to respond;

D. notice that failure to respond within 30 days precludes administrative review under this chapter; and

~~E.~~ E. if a civil penalty is proposed, the amount of the proposed civil penalty and the maximum civil penalty applicable under law.

Subp. 3. **Receipt of notice.** The notice of violation is deemed received three days after mailing to the person's last known address.

7560.0500 RESPONSE OPTIONS.

The person shall respond to the notice of violation in the following way:

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

C. Failure to respond in writing within 30 days precludes administrative review under this chapter. A final order will be issued and penalties will be forwarded for collection.

7560.0600 DIRECTOR REVIEW.

If the person objects to the proposed civil penalty or compliance order and submits written explanations, information, or other materials in response to a notice of violation, within the time specified in part 7560.0500, the director shall review the submissions and determine whether to negotiate further, to change or withdraw the notice of violation, or to initiate a hearing under *Minnesota Statutes*, sections 14.50 to 14.69.

7560.0800 CIVIL PENALTIES.

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

Subp. 4. **Maximum penalties.** For the purposes of this part, penalties imposed under this part must not exceed the limits in items A to C.

A. Penalties imposed against excavators must not exceed ~~\$500~~ \$1,000 for each violation per day of violation.

B. Penalties imposed against underground facility operators, other than an operator set forth in item C, must not exceed ~~\$500~~ \$1,000 for each violation per day of violation.

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

Subp. 5. **Payment procedure.** The person shall pay a civil penalty that has been proposed, assessed, or compromised by submitting to the office a ~~certified~~ check or money order in the correct amount, payable to the commissioner of public safety.

REPEALER. Minnesota Rules, part 7560.0200, is repealed.

Expedited Emergency Rules

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

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Drawings and 1999 Bear Quotas

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97B.405 and 97B.411.

Dated: 5 May 1999

Allen Garber
Commissioner of Natural Resources

6232.2900 BEAR PERMIT PROCEDURES.

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

Subp. 2. **Drawings.** Drawings will be conducted by the department to determine those eligible to purchase a bear license within the bear quota areas. Preference in the drawings will be given to applicants based upon the number of times they have correctly applied for a license in a quota area in previous years but have not been selected. Upon issuance of a quota area license, all accumulated preference will be lost. Obtaining a no-quota bear license will have no effect upon eligibility or preference in the drawings. In quota areas with fewer applicants than available licenses, the remaining available licenses may be issued to unsuccessful applicants for other quota areas on a first-come, first-served basis. Individuals who purchase these remaining available licenses will retain their accumulated preference.

[For text of subs 3 to 6, see M.R.]

Subp. 7. **Notification of drawing results.** Successful applicants will receive a notice, with instructions, authorizing them to obtain a license. Successful applicants who do not purchase a license according to the instructions or who do not provide all of the requested information will be disqualified. All accumulated preference is lost upon issuance of a license, except that individuals who purchase remaining available licenses in quota areas with fewer applicants than available permits will retain their preference.

6232.3055 1999 BEAR QUOTAS.

The number of available licenses for quota areas for the 1999 bear hunting season is 20,840 and is divided as follows:

- A. Bear Quota Area 12: 680;
- B. Bear Quota Area 13: 960;
- C. Bear Quota Area 22: 250;
- D. Bear Quota Area 24: 1,880;
- E. Bear Quota Area 25: 2,400;
- F. Bear Quota Area 26: 1,370;
- G. Bear Quota Area 31: 2,660;
- H. Bear Quota Area 41: 740;
- I. Bear Quota Area 44: 2,940;
- J. Bear Quota Area 45: 1,960; and
- K. Bear Quota Area 51: 5,000.

EFFECTIVE DATE; EFFECT OF EMERGENCY AMENDMENTS. Minnesota Rules, part 6232.3055, is effective through December 31, 1999. After the emergency amendments to Minnesota Rules, part 6232.2900, subparts 2 and 7, expire, the permanent rule as it read prior to those amendments again takes effect, except as it may be amended by permanent rule.

Expedited Emergency Rules

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; 1999 Moose Quotas and Zones

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.431 and 97B.505.

Dated: 5 May 1999

Allen Garber
Commissioner of Natural Resources

6232.3855 1999 QUOTAS FOR TAKING MOOSE.

The number of available licenses for the 1999 moose hunting season is 189 and is distributed as follows:

- A. Moose Zone 20, 22;
- B. Moose Zone 21, eight;
- C. Moose Zone 22, four;
- D. Moose Zone 23, four;
- E. Moose Zone 24, ten;
- F. Moose Zone 25, five;
- G. Moose Zone 26, six;
- H. Moose Zone 27, six;
- I. Moose Zone 28, three;
- J. Moose Zone 29, seven;
- K. Moose Zone 30, four;
- L. Moose Zone 31, eight;
- M. Moose Zone 32, eight;
- N. Moose Zone 33, four;
- O. Moose Zone 34, five;
- P. Moose Zone 35, three;
- Q. Moose Zone 36, ten;
- R. Moose Zone 60, three;
- S. Moose Zone 61, nine;
- T. Moose Zone 62, 14;
- U. Moose Zone 63, nine;
- V. Moose Zone 70, four;
- W. Moose Zone 72, four;
- X. Moose Zone 73, six;
- Y. Moose Zone 74, five;
- Z. Moose Zone 76, six;
- AA. Moose Zone 77, four;
- BB. Moose Zone 79, five; and
- CC. Moose Zone 80, three.

6232.4100 MOOSE ZONES.

[For text of subps 1 to 31, see M.R.]

Subp. 32. **Moose Zone 62.** Moose Zone 62 consists of that portion of the state lying within the following described boundary:

Beginning at the Sawbill Campground at the southern end of Sawbill Lake; thence in a westerly direction across Sawbill Lake to the portage connecting Sawbill and Alton Lakes; thence in a westerly direction along said portage to Alton Lake; thence in a southwest-erly direction through Alton Lake to the portage to Beth Lake; thence along all portage trails and through Beth and Grace Lakes to

Phoebe Lake; thence along the ~~east and south~~ north and west shores of Phoebe Lake to an unnamed flowage in Section 13 of Township 62 North, Range 6 West entering Phoebe Lake from the south; thence in southerly and westerly directions along said flowage to Cat Eyes Lake; thence in a westerly direction through Cat Eyes Lake to its western-most point; thence overland in a southwesterly direction to the southeastern end of Watonwan Lake; thence in a northwesterly direction along the southwestern shore of Watonwan Lake to a bay in the Northeast Quarter of the Northeast Quarter of Section 21 of Township 62 North, Range 6 West; thence overland in a southwesterly direction to the eastern-most point on Kawishiwi Lake; thence in a southwesterly direction along the shore of Kawishiwi Lake to the public access at the south end of Kawishiwi Lake; thence in a northwesterly direction through the center of Kawishiwi Lake to its outlet, the Kawishiwi River; thence in a northerly direction along the Kawishiwi River through Square and Kawasachong Lakes to Lake Polly; thence in a northwesterly direction through Lake Polly to the Kawishiwi River; thence in a northerly direction along the Kawishiwi River, through Koma Lake, to Malberg Lake; thence in a northwesterly direction through Malberg Lake to the portage trail in the northwest corner of Malberg Lake leading to Kawishiwi River; thence in a northwesterly direction along said portage to Kawishiwi River; thence in a northeasterly direction along Kawishiwi River through Kivaniva, Kivandeba, and John Ek Lakes to the south end of John Ek Lake; thence overland for approximately 100 feet in an easterly direction to an unnamed flowage; thence in an easterly direction along said unnamed flowage across the South Half of the North Half of Section 31 of Township 64 North, Range 5 West (T. 64N, R. 5W) to an unnamed lake in the Northeast Quarter of the Northeast Quarter of said Section 31, T. 64N, R. 5W; thence overland for approximately 600 feet in a southeasterly direction to an unnamed pond in the Southwest Quarter of the Northwest Quarter of Section 32, T. 64N, R. 5W; thence overland for approximately 0.3 miles in an easterly direction to an unnamed flowage leading to Teat Lake; thence in an easterly direction along said unnamed flowage through Teat and Lawless Lakes to the eastern end of Lawless Lake; thence overland and all waters for approximately 0.8 miles in a southeasterly direction to Mesaba Lake; thence in a northeasterly direction through Mesaba Lake to an unnamed stream to Hub Lake; thence in a northerly direction along said unnamed stream to Hub Lake; thence along the east and south shores of Hub Lake to the stream leading to Chuck Lake; thence in an easterly direction along said stream, through Chuck and Florence Lakes to the northeast tip of Florence Lake; thence overland for approximately 100 feet in a northeasterly direction to Caper Lake; thence in a northerly direction through Caper Lake and along the unnamed flowage to the north to Frost River; thence in an easterly direction along Frost River, through Pencil, Chase and Octopus Lakes to the eastern end of Octopus Lake; thence in a southeasterly direction along an unnamed flowage to Noodle Lake; thence in a southwesterly direction along an unnamed flowage to Wing Lake; thence in a southeasterly direction through Wing Lake to its easternmost tip; thence overland and across Guard Lake for approximately 1,800 feet total in an easterly direction to Ranger Lake; thence in a southeasterly direction through Ranger Lake to its outlet to Cherokee Lake; thence in an easterly direction along said outlet to Cherokee Lake; thence in a northeasterly direction through Cherokee Lake and along all streams through Town and Cash Lakes to the southeast corner of Cash Lake; thence in an easterly direction along an unnamed flowage to the center of the South Half of Section 32 of T. 64N, R. 3W; thence overland for approximately 0.6 miles in an easterly direction to the unnamed lake in the Southwest Quarter of Section 33, T. 64N, R. 3W; thence in an easterly direction through said unnamed lake and along its outlet stream to Davis Lake; thence in an easterly direction and along all streams and portages through Davis, Pup, Winchell, Gaskin, and Icicle Lakes to the east end of Icicle Lake; thence overland approximately 0.1 mile in an easterly direction to Snack Lake; thence in an easterly direction through Snack Lake and its outlet stream to Vista Lake; thence in a southerly direction through Vista Lake, along its inlet from Misquah Lake, and through Misquah Lake to its southern tip; thence overland approximately 0.6 miles in a southerly direction to Little Trout Lake; thence in a southerly direction and along all streams through Little Trout, Slough, Iota, Dugout, Swede, and Dane Lakes to the southern tip of Dane Lake; thence overland approximately 800 feet in a southerly direction to Ball Club Lake; thence in a westerly direction through Ball Club Lake and along Ball Club Creek through Cleaver Lake to the unnamed lake in the West Half of Section 27 of T. 63N, R. 2W; thence in a northwesterly direction along the north shore of said lake to its inlet stream at the northern extremity of the lake; thence upstream in a northwesterly direction along said stream to Fishhook Lake; thence in a westerly direction to the westernmost point of Fishhook Lake; thence overland for approximately one-tenth mile in a southwesterly direction to the unnamed lake in the Southeast Quarter of Section 20, T. 63N, R. 2W; thence in a westerly direction through said unnamed lake to its outlet stream; thence in a westerly direction along said outlet stream to Brule Lake; thence in a westerly direction along the south shore of Brule Lake to Jock Mock Bay of Brule Lake; thence in a westerly direction along the south shore of Jock Mock Bay to the portage trail to Juno Lake; thence in a southerly direction across said portage to Juno Lake; thence in a westerly direction through Juno Lake to the portage to Vern Lake; thence in a southeasterly direction through Vern Lake to East Pipe Lake; thence in a westerly direction across all portages and through Pipe Lake to Pipe Creek; thence in a westerly direction along Pipe Creek to Temperance River (Kelly Lake); thence in a southwesterly direction along Temperance River to the portage to Burnt Lake; thence in a northwesterly direction across said portage to Burnt Lake; thence in a northwesterly direction through Burnt Lake, across all portages and through Smoke Lake to the east shore of Sawbill Lake; thence in a southerly direction along the east shore of Sawbill Lake to Sawbill Campground, to the point of beginning.

[For text of subs 33 to 44, see M.R.]

EFFECTIVE PERIOD: Minnesota Rules, part 6232.3855, is effective through December 31, 1999. After the emergency amendment to Minnesota Rules, part 6232.4100, expires, the permanent rule as it read prior to that amendment again takes effect, except as it may be amended by permanent rule.

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Administration

Order Designating Small Businesses as Targeted Group Businesses for the Purposes of State Contracting and Purchasing

FINDINGS OF FACT

1. *Minnesota Statutes* §16C.16, subd. 5 (1998) requires the Commissioner of Administration ("Commissioner") to periodically designate businesses that are majority owned and operated by women, persons with a substantial physical disability, or specific minorities as targeted group businesses within purchasing categories as determined by the Commissioner.
2. Pursuant to the above-cited provision, the Commissioner may target a group within a purchasing category if the Commissioner determines there is a statistical disparity between the percentage of purchasing from businesses owned by group members and the representation of businesses owned by group members among all businesses in the state in the purchasing category.
3. In addition, an individual business may be included as a targeted group business if the Commissioner determines inclusion is necessary to remedy discrimination against the owner based on race, gender, or substantial physical disability in attempting to operate a business that could provide goods or service to public agencies.
4. The Department of Administration contracted for an independent study entitled *State of Minnesota Disparity Study* ("Study") submitted to the Minnesota legislature on February 1, 1999, the contents and appendices of which are hereby incorporated by reference, to determine whether a statistical disparity existed between state purchasing from businesses owned by specific minority groups or women and the representation of those businesses within all businesses in the state purchasing category.
5. The Study quantitatively evaluated the purchasing practices of state agencies in key purchasing areas by analyzing the purchasing files of state agencies.
6. The key purchasing areas that the Study addressed were the construction and products, equipment and supplies industries. The study addressed purchasing in two different market areas: a primary market area consisting of businesses located in the seven-county metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties) and a secondary market consisting of businesses located in all other Minnesota counties.
7. The Study performed disparity analyses on the industries covered in the two market areas. The disparity analyses were divided into two parts: contracts awarded using Minnesota state agencies' formal advertisement process for contracts under \$500,000 and contracts awarded using the informal process for contracts under \$5,000.
8. The Study compared the percentage of utilized contractors to those that were available to perform the work in the defined market areas: primary markets and secondary markets.
9. The Study considered a firm available if it had the capacity to have worked on an agency's contracts and has been willing to do so.
10. The Study found that statistically significant disparities exist in utilization of businesses owned by African Americans in all industries and markets examined except in the products, equipment and supplies industries in the secondary market for contracts under \$5,000.
11. The Study found that statistically significant disparities exist in utilization of businesses owned by Asian Americans in the primary market for all industries for contracts under \$5,000, and for products, equipment and supplies industries for contracts from \$5,000 to \$500,000, and in the secondary market for products, equipment and supplies under \$5,000.
12. In the primary market, the Study found that statistically significant disparities exist in utilization of businesses owned by Hispanic Americans in all industries except for contracts from \$5,000 to \$500,000 for products, equipment and supplies. In the secondary market, the Study found the existence of statistical disparities in the utilization of businesses owned by Hispanic Americans only in prime construction contracts, both for those under \$5,000 and for those from \$5,000 to \$500,000. The Study did find underutilization of businesses owned by Hispanic Americans for construction subcontracts, but the underutilization was not at a statistically significant level.

13. The Study found statistically significant disparities in the utilization of businesses owned by Native Americans for all contracts for products, equipment and supplies in both markets and for construction subcontracts in the primary market.
14. The Study found statistically significant disparities in the utilization of businesses owned by Caucasian women in both markets for construction contracts under \$5,000 and for all products, equipment and supplies contracts studied.
15. The Study included an oral history analysis of anecdotes reported by minority and women business owners which alleged both active and passive participation by state agencies which impeded minority and women business owners from the opportunities generated by state agencies.
16. The Department of Administration conducted a study entitled *A Study of Discrimination Against Women- and Minority-Owned Businesses and of Other Small Business Topics: Supplementary Data on Disabled Business Owners* ("Supplement"), dated February 1990, the contents of which is hereby incorporated by reference.
17. The Supplement found statistically significant disparities showing underutilization by state agencies surveyed of businesses owned by disabled persons by at least 55% across all categories.
18. The Study found that the state engages in outreach and training programs, monitors utilization of minority- and women-owned businesses, encourages small business participation in contracting, follows and requires contractors to follow state and federal anti-discrimination laws in part by including the requirements in contract language, uses standardized contract language and divides contracts into smaller units.

CONCLUSIONS

1. Under decisions of the United States Supreme Court, significant disparity between the utilization of women and minorities and their availability to perform in the relevant market is evidence of discrimination. Anecdotal evidence of discrimination is also relevant evidence of discrimination under the Supreme Court's decisions.
2. Under the Supreme Court's decision in *City of Richmond v. Croson*, 488 U.S. 469, 109 S. Ct. 706 (1989), government may take action to remediate a pattern or practice of discrimination where the discrimination is shown by significant statistical disparity and the means used to remediate the discrimination are narrowly tailored.
3. Statistical disparity exists in state utilization of businesses owned and operated by specified minority groups and women in comparison to their availability for contracting exists as shown on the Table of Groups Experiencing Disparity in State of Minnesota Purchasing attached as Exhibit A ("Table").
4. Statistical disparity exists in the state's utilization of businesses owned and operated by persons with a substantial physical disability.
5. In the Minnesota Court of Appeals decision in *In re Ultraflex*, 497 N.W.2d 641 (Minn. Ct. App. 1993), the statistical disparity shown in the Supplement evidencing past discrimination against businesses owned by persons with physical disabilities was found by the court to establish a rational basis for the state's targeted group procurement program.
6. The state has considered and undertaken race-neutral measures to increase minority business participation in state contracting.

NOW, THEREFORE, IT IS ORDERED THAT

1. Small businesses owned and operated by women and minority groups are designated as targeted group businesses for purposes of state contracting in the industries and market areas shown on Exhibit A.
2. Small businesses owned by persons with a substantial physical disability are designated as targeted group businesses in all purchasing categories.
3. This designation applies to all state agencies subject to *Minnesota Statute* § 16C.
4. This designation is valid until amended by further order.

Dated: 5 May 1999

David F. Fisher
Commissioner of Administration

**STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION**

**TABLE OF GROUPS EXPERIENCING DISPARITY
IN STATE OF MINNESOTA PURCHASING**
(Based on the 1998 Disparity Study)

PRIMARY MARKET AREA

(Seven-County Metropolitan Area, including Anoka, Carver, Dakota, Hennepin, Ramsey, Scott & Washington Counties)
Groups eligible as Targeted Group Businesses are marked with an X

Group	Construction under \$5,000	Construction \$5,000 - \$500,000	Construction Subcontracts	Products, Equip & Supplies under \$5,000	Products, Equip. & Supplies \$5,000 - \$500,000
African American	X	X	X	X	X
Asian Americans	X			X	X
Hispanic Americans	X	X	X	X	
Native Americans			X	X	X
Caucasian Females	X			X	X

SECONDARY MARKET AREA

(Remainder of Minnesota)
Groups eligible as Targeted Group Businesses are marked with an X

Group	Construction under \$5,000	Construction \$5,000 - \$500,000	Construction Subcontracts	Products, Equip & Supplies under \$5,000	Products, Equip. & Supplies \$5,000 - \$500,000
African American	X	X	X		X
Asian Americans				X	
Hispanic Americans	X	X			
Native Americans				X	X
Caucasian Females	X			X	X

May 5, 1999

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

Department of Agriculture

Agronomy and Plant Protection Division

Notice of Special Local Need Registration

Pursuant to *Minnesota Statutes* 18B.27 and Parts 1505.0880 - 1505.0930, the Minnesota Department of Agriculture has, on April 13, 1999, issued Special Local Need (SLN) registrations for Admire 2F and Tops-MZ-Gaicho insecticides and Ridomil Gold and Ultra Flourish fungicides for use as at-plant treatments on potatoes.

A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration.

Objections may be submitted to: John C. Sierk, Minnesota Department of Agriculture, Agronomy and Plant Protection Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is June 16, 1999.

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

The Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meeting on the following dates: May 13, 1999 and June 10, 1999. Meetings will begin at 9:00 a.m. and will be held at the Minnesota Auto Theft Prevention Program (MATPP) office located at 1110 Centre Pointe Curve, Suite 405, Mendota Heights, MN 55120 (Hwy 110 and Lexington Avenue, west of Hwy 35W (South) on the south side of the GNB Technologies Building). Meetings are open to the public. For more information you may contact the MATPP office at 651-405-6155.

Minnesota Historical Society

State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Tuesday, May 18, 1999, in the Cargill Commons, MacMillan Education Wing, Minnesota Historical Society History Center, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m. for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. Call 651-296-5434, or TTY 800-627-3529. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, 612-296-5434.

Official Notices

Department of Human Services

Notice of Public Meeting for Review of Minnesota's State Child Welfare Services Plan

Under title IV-B of the Social Security Act, the federal government requires the Minnesota Department of Human Services to develop a state plan for child welfare services. This year, the Minnesota Department of Human Services, through its Family and Children's Services Division, plans to submit proposals for improving child welfare programs to the federal government on June 30, 1999. The plan covers activities for a five year period for the federal fiscal years 1999 through 2004.

The Department is hosting a series of open meetings to share the plan with interested members of the public and to invite review and comment on its proposals. The first meeting is scheduled for Wednesday, June 2, 1999 in the Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota, in Conference Room 116A. The meeting will be from 10:00 a.m. to 12:00 p.m.

Future meetings are scheduled in early June for St. Cloud and Willmar, Minnesota. To get times, dates, and places for these meetings, contact Janice Hendrickson, Family and Children's Services Division at 651-296-2217.

State Board of Investment

Meeting Notice of the State Board of Investment Administrative Committee

The State Board of Investment Administrative Committee will meet on Friday, May 21, 1999 in the SBI Conference Room, Capitol Professional Office Building, Suite 10 (Main Floor), 590 Park Street, St. Paul, MN from 1:00 P.M. to 2:00 P.M.

Pollution Control Agency

Policy and Planning Division

Department of Agriculture

Agronomy and Plant Protection Division

Notice of Proposed Update of the Permanent List of Priorities Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Agriculture (MDA), are publishing for public comment proposed additions to and deletions from the Permanent List of Priorities (PLP) which lists releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA or MDA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* ch. 115B.

Pursuant to *Minnesota Statutes* § 115B.17 (1998) and *Minnesota Rules* 7044.0950 (1997), the MPCA is proposing the following changes to the PLP.

The MPCA is proposing to add the following four sites to the PLP (Hazard Ranking Score assigned pursuant to *Minnesota Rules* 7044.0350 follows each site): Blaine Municipal Well Field Contamination (50); Chemical Marketing Manufacturing Site, Minneapolis (23); Farmington Ground Water Contamination, Dakota County (6); and West Broadway Ground Water Contamination, Owatonna (6). Each of these sites has been assigned to Response Action Classes C and D (see *Minnesota Rules* 7044.0450). The four response action classes are defined as follows: Class A - Declared Emergency; Class B - Response Actions Completed and Operation and Maintenance/Long-Term Monitoring Ongoing; Class C - Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site; and Class D - Remedial Investigations and Feasibility Studies (RI/FS) Necessary or in Progress.

The MDA is not proposing to add any sites to the PLP, at this time.

The MPCA is proposing to delete the following sites from the PLP: University of Minnesota Rosemount Research Center, Rosemount, Dakota County; and the Willmar Former City Dump, Willmar, Kandiyohi County. The MPCA has determined that either all MERLA Response Actions have been completed at these sites or that the sites do not pose a threat to public health or the environment. The MPCA has also required that an environmental restrictive covenant be placed on each site prior to final delisting to ensure that selected MERLA response actions remain protective of public health and the environment.

In addition, the MPCA is proposing to delist portions of the following sites from the PLP: Joslyn Manufacturing and Supply Company (Joslyn), Brooklyn Center, Hennepin County; and the Boise Cascade/Medtronic & Boise Cascade/Onan Sites, Fridley, Anoka County.

For the Joslyn site, the MPCA is proposing to delist all areas of the site, except for what is known as the "West Area". The delisted portion of the Site is proposed to be the site of a redevelopment project. Before the site is delisted, an environmental restrictive covenant acceptable to MPCA must be placed on the portion to be delisted and certain additional response actions necessary to achieve industrial use standards for the delisted portion must be completed. If construction of industrial redevelopment does not begin within 18 months after delisting, additional response actions may be required. In addition, Joslyn will continue to be bound by the terms of its Consent Order with the MPCA to perform long term operation, maintenance and monitoring actions at the Site.

For the Boise Cascade Onan & Medtronic site (Boise), the MPCA is proposing to delist that portion identified as Lot 3, Block 1 of the Onan Addition. Boise is required under a court order to continue long term monitoring, with MPCA oversight, at the Boise Cascade Onan & Medtronic sites.

The MPCA has determined that, subject to compliance with the conditions stated above, the Joslyn site and the Boise Cascade Onan & Medtronic sites do not pose a threat to public health and the environment.

The MPCA is also proposing to delete the Louisville Sanitary Landfill, Scott County, from the PLP. This landfill is a "qualified facility" under the Landfill Cleanup Act of 1994 (Act) and has been issued a Notice of Compliance (NOC) by the Commissioner of the MPCA. Under authority of the Act, the state of Minnesota, through the MPCA, has now assumed responsibility for any necessary response actions at this site, and will be responsible for long-term maintenance of the facility. Therefore, MERLA funded response actions will no longer be necessary at this site, and deletion of this site from the PLP is appropriate.

In addition, it is anticipated that the following four closed landfill "qualified facilities" under the Act will receive a NOC prior to June 17, 1999, the date that the MPCA Commissioner anticipates making a decision in this matter. Therefore, the MPCA is also proposing to delete the following landfills from the PLP: Ironwood Sanitary Landfill, Fillmore County; Tellijohn Sanitary Landfill, Le Sueur County; Lindala Sanitary Landfill, Wright County; and Woodlake Sanitary Landfill, Hennepin County. Should a NOC not be issued to any of these facilities prior to June 17, 1999, the deletion of that facility from the PLP will be postponed until after issuance of a NOC.

The MDA is not proposing to delete any sites from the PLP, at this time.

The MPCA and MDA invite members of the public to submit written comments on these proposed changes to the PLP. All written comments with regard to these proposed additions and deletions must be received no later than 4:30 p.m., June 17, 1999.

Written comments regarding these proposed MPCA additions and deletions should be submitted to: Gary L. Krueger, Regular Facilities and Site Remediation Section, Policy and Planning Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

Any questions regarding MDA sites listed on the PLP should be directed to Robert Anderson, Incident Response Unit, Agronomy & Plant Protection Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107-2094.

An interested person may submit a petition to the Commissioner of the MPCA requesting that the MPCA Board make the decision on whether to adopt the proposed additions to and/or deletions from the PLP. To be considered timely, the MPCA contact person, Gary L. Krueger must receive the petition, by 4:30 p.m. on June 17, 1999. The decision whether to adopt the proposed additions to and/or deletions from the PLP will be made by the MPCA Board if: (1) the Commissioner grants the petition requesting the matter to be presented to the MPCA Board; or (2) a MPCA Board member requests to hear the matter prior to the time the Commissioner makes a final decision on the proposed additions to and/or deletions from the PLP.

Requests for a complete updated PLP or information on a specific site currently listed on the PLP can be directed to the MPCA's Public Information Office at the above address, or by telephoning 651-296-6300 or toll free at (800) 657-3864.

All written comments received by the above deadline will be considered by the MPCA in establishing the updated PLP.

Karen A. Studders
Commissioner - MPCA

Gene Hugoson
Commissioner - MDA

Department of Transportation

Proposed Variance from Rules to Allow the Use of English Units

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation, pursuant to *Minnesota Rules* 8820.3300 proposes a categorical administrative variance from rules so as to allow the use of English units as shown below:

8820.0600 SELECTION OF ROUTES.

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

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

- A. a county state-aid highway system of a size determined by the county screening board, excluding the length of former trunk highways that have reverted to the county pursuant to law on and after July 1, 1965, and the length of former municipal state-aid streets in cities whose population fell below 5,000 under the 1980 or 1990 federal census; and
- B. a municipal state-aid street system not exceeding 20 percent of the total length of city streets and county roads within the jurisdiction of an urban municipality plus the length of all trunk highways reverted or turned back to the jurisdiction of the urban municipality pursuant to law on and after July 1, 1965, plus the length of county highways reverted or turned back to the jurisdiction of the urban municipality pursuant to law on or after May 11, 1994.

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

STAT AUTH: MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17

HIST: 8 SR 2146; 15 SR 2596; 20 SR 1041

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

Sub.. 3. Urban maintenance apportionment account.

Twenty-five percent of the total allocation, if requested by the urban municipality before December 16 preceding the annual allocation, or \$1,613 per mile of improved municipal state-aid streets, is the minimum allotment for the general maintenance of the approved state-aid system. The commissioner may modify any allotments to the urban maintenance account to finance the amount needed to pay the interest due on municipal state-aid bonds and to accommodate the screening board resolutions pertaining to trunk highway turnback maintenance allowances.

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

8820.2500 MINIMUM STATE-AID STANDARDS.

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

8820.2700 MAINTENANCE REQUIREMENTS.

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

- A. the maintenance of road surfaces, shoulders, ditches, and slopes and the cutting of brush and weeds affecting the respective state-aid systems;
- B. maintenance and inspection of bridges, culverts, and other drainage structures pursuant to *Minnesota Statutes*, section 165.03;
- C. the maintenance of regulatory and direction signs, markers, traffic control devices, and protective structures in conformance with the current manual on uniform traffic control devices affecting the respective state-aid systems;

- D. the striping of pavements of 22 feet or more in width, consistent with the current manual on uniform traffic control devices, and for which there are no pending improvements;
- E. the exclusion of advertising signs, billboards, buildings, and other privately owned installations other than utilities of public interest from the right-of-way of an approved state-aid project; and
- F. the installation of route markers on county state-aid highways as follows:
 - (1) route markers must be a minimum of 16 inches by 16 inches square with black letters or numerals on a white background; or
 - (2) wherever county road authorities elect to establish and identify a special system of important county roads, the route marker must be of a pentagonal shape and must consist of a reflectorized yellow legend with county name, route letter, and number, and a border on a blue background of a size compatible with other route markers.

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

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

Projected ADT	Lane Width	Shoulder Width	In-slope	Recovery Area	Design Speed	Surfacing	Structural Design Strength	Bridges to Remain Width Curb-Curb
(b)	(feet)	(feet)	(c) (rise:run)	(d) (feet)	(e) (mph)		(ton)	(f) (feet)
0-49	11	1	1:3	7	30-60	Agg.		22
50-149	11	3	1:4	9	40-60 (g)	Agg.		22
150-750	12	4	1:4	16	40-60	Paved	9	28
750-1499	12	4	1:4	25	40-60	Paved	9	28
>= 1500	12	6	1:4	30	40-60	Paved	10	30

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 non-motorized 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 ton structural design and minimum 40 mph design speed.
- (b) Use the existing traffic for highways not on the state-aid or federal-aid systems.
- (c) Applies to slope within recovery area only.
- (d) Obstacle-free area (measured from edge of traffic lane). 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 ADT exceeds 400 or the bridge clear width is less than the sum of the lane and shoulder widths. Mailbox supports must be in accordance with the provisions of chapter 8818. For roadways in suburban areas as defined in part 8820.0100, the recovery area may be reduced to a width of 10 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 10 feet.
- (e) Subject to terrain.
- (f) Inventory design rating H 15 required. Bridges narrower than these widths may remain in place provided that the bridge does not qualify for federal-aid bridge funds is not deficient structurally or hydraulically.
- (g) Design speed of 30 mph allowed off of the state-aid and federal-aid systems.
- (h) 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.

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

HS 25 loading or 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 rehabilitated bridges is the sum of the lane and shoulder widths plus four feet.

Official Notices

8820.9926 GEOMETRIC DESIGN STANDARDS: RURAL UNDIVIDED; RECONDITIONING PROJECTS.

Subpart 1. **Minimum reconditioning standards.** Reconditioning projects for rural undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Existing ADT	Statutory or Regulatory Posted Speed (mph)	Lane Width (Paved) (feet)	Combined Lane (Paved) and Shoulder Width (feet)
Below 750	Under 50 mph	10	11
Below 750	50 mph or over	10	12
Over 750	Under 50 mph	10	12
Over 750	50 mph or over	11	14

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

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

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

The proposed structural design strength must be seven tons.

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

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

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

(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.

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.

A new or rehabilitated bridge must have a curb-to-curb width equal to the required street width. HS 25 loading or LRFD design is required for new bridges and a minimum of HS 18 loading is required for rehabilitated bridges.

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 from the driving lane must be provided when the posted speed exceeds 45 mph.

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

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

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

8820.9946 GEOMETRIC DESIGN STANDARDS, URBAN; RECONDITIONING PROJECTS.

Subpart 1. **Two-way streets.** In the following design chart, total width is from face-to-face of curbs. Reconditioning projects for two-way urban roadways must meet or exceed the minimum dimensions indicated in the chart.

Number of Through Lanes, Functional Class, and Present Traffic Volume	Total Width with No Parking (feet)	Total Width with Parking on One Side (feet)	Total Width with Parking on Both Sides (feet)	Proposed Structural Design Strength (tons)
2-Lane Collector or Local with ADT < 10000	26	32	38	9 (b)
4-Lane Collector or Local with ADT < 10000	44	52	60	9 (b)
2-Lane Collector or Local with ADT >= 10000 or 2-Lane Arterial (a)	26	32	42	9
4-Lane Collector or Local with ADT >= 10000 or 4-Lane Arterial	44	54	64	9
6-Lane Collectors or Arterials	66	(c)	(c)	9

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

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

(c) No parking is allowed.

Minimum design speed is 30 mph.

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

Official Notices

Sub.. 2. **One-way streets.** In the following design chart, total width is face-to-face of curbs. Reconditioning projects for one-way urban roadways must meet or exceed the minimum dimensions indicated in the chart.

Number of Through Lanes and Functional Class	Present ADT	Total Width with No Parking (feet)	Total Width with Parking on One Side (feet)	Total Width with Parking on Both Sides (feet)	Proposed Structural Design Strength (tons)
2-Lane Collector or Local with ADT < 10000	< 5000	21	29	37	7
2-Lane Collector or Local with ADT >= 10000 or 2-Lane Arterial	5000-10000	23	31	39	9
	< 15000	23	31	39	9
	>= 15000	24	32	40	9
3-Lane Arterial or Collector	All	34	42	50	9

Minimum design speed is 30 mph.

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

8820.9956 VERTICAL CLEARANCES FOR UNDERPASSES.

Underpass projects must meet or exceed the minimum dimensions indicated in the following design chart.

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

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

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

Diagonal parking projects must meet or exceed the minimum dimensions indicated in the following design chart.

Parking Angle (degrees)	Stall Width (feet)	Stall Depth (feet)	Traffic Aisle Width (feet)	Length Along Curb (feet)	1/2 Present Roadway Width Minimum (feet)	Legal ADT	Speed Limit (mph)
45	9	19.8	13.2	12.7	33	< 3000	<= 30
60	9	21	18	10.4	39	< 3000	<= 30
45	9	19.8	25.2	12.7	45	>= 3000	<= 30
60	9	21	30	10.4	51	>= 3000	<= 30

At least two through lanes must be provided. Diagonal parking provisions must be established by cooperative agreement between the local road authority and the commissioner. The cooperative agreement must show the angle of parking, provide for pavement marking of the parking lanes, and provide that the road authority may alter parking provisions if traffic volumes exceed the design criteria.

Minnesota Statutes, section 169.34, must be adhered to in determining diagonal parking spacing. Provide a two-foot clearance from the face of the curb to fixed objects. Parking meters, when spaced so as to not interfere with vehicle operation, are exempt.

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

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

Surface Type	Design Speed (mph)	Lane Width (feet)	Shoulder Width (feet) (a)	In-slope (rise:run) (b)	Recovery Area (feet) (c)	Design Strength (ton)	Bridge to Remain (feet) (d)
Aggregate	30	11	1	1:3	3		22
Paved	30	11	2	1:3	10	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 400 or the bridge width is less than the sum of the lane and shoulder widths.

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

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

HS 20 loading or LRFD design is required for new bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or rehabilitated 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.

Official Notices

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.

Sub.. 2. **Type II route.** New or reconstruction projects for type II natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Surface Type	Design Speed (mph)	Lane Width (feet)	Shoulder Width (feet) (a)	In-slope (rise:run) (b)	Recovery Area (feet) (c)	Design Strength (ton)	Bridge to Remain (feet) (d)
Aggregate	30	11	2	1:3	9		24
Paved	40	12	4	1:4	10	9	24

- (a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.
- (b) Applies to slope within recovery area only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the recovery area when the ADT exceeds 400.
- (c) Obstacle-free area (measured from edge of traffic lane).

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

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

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

HS 20 loading or LRFD design is required for new bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or rehabilitated bridges is the sum of the lane and shoulder widths, but may not be less than 30 feet.

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

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

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

Sub.. 3. **Type III route.** New or reconstruction projects for type III natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Surface Type	Design Speed mph	Lane Width feet	Shoulder Width feet (a)	In-slope rise:run (b)	Recovery Area feet (c)	Design Strength ton	Bridge to Remain feet (d)
Aggregate	30	12	3	1:4	10		24
Paved	30	12	4	1:4	10	9	24
Paved	40	12	4	1:4	15	9	24

- (a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas which will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.
- (b) Applies to slope within recovery area only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.

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

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

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

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

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

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

HS 25 loading or LRFD design is required for new bridges. HS 18 loading is required for all rehabilitated bridges.

The curb-to-curb minimum width for new or rehabilitated bridges is the sum of the lane and shoulder widths, but may not be less than 32 feet.

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

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

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

Reconditioning projects for natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

TYPE I, II, OR III ROUTE

Proposed Design Strength	Pavement Width	Shoulder-to-Shoulder Width
7 tons	22 feet	26 feet

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

8820.9990 ROUTE MARKER.

8820.9990 T=1: 20 picas



2 feet by 2 feet

Green legend; white reflectorized background

State Grants & Loans

8820.9995 MINIMUM BICYCLE PATH STANDARDS.

Minimum Bicycle Path Standards

For Off-Road Design, the following shall apply:

Minimum Surfacing Width (two-way)	8 feet (b)
Shoulder/Clear Zone	2 feet (c)
Inslope	1:2 (rise:run)
Design Speed	20 mph (d)
Vertical Clearance	10 feet

- (a) For on-road bicycle facilities, the appropriate tables in the Minnesota Bicycle Transportation Planning and Design Guidelines are recommended for design purposes.
- (b) 10 feet is desired for a combined bicycle/pedestrian path. 5 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.
- (d) 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.

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

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

Dated: 6 May 1999

Julie Skallman, Division Director
State Aid for Local Transportation

State Grants & Loans

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

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Trade and Economic Development

Business and Community Development Division

Grant Proposal Deadlines for the Youth Entrepreneurship Program

The Minnesota Department of Trade and Economic (DTED) solicits applications from metro area K-12 schools for its Youth Entrepreneurship Matching Grant Program.

The Youth Entrepreneurship Program has been established for metro area youth with the opportunity to match the riggers of academic learning with the practice of establishing youth owned and operated business(es). It imparts students with the prospect to develop crucial values and skills necessary to become successfully economic self sufficient.

Metro area schools with an existing entrepreneurship program, as well as schools planning to establish an experiential entrepreneurship curriculum during the 1999-2000 academic year are encouraged to apply. DTED is especially interested in proposals that present innovative business development ideas and opportunities that can be sustained beyond the academic year.

Each applicant should develop a plan with a local community development organization to assist youth businesses with transition away from the school and into the community.

Application form and guidelines are available from Gerry Wenner, Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 7th Place East., St. Paul, MN 55101-2146; 651-297-1844.

All applications are due into the DTED Office the by 2:30 p.m. on June 7, 1999.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

Department of Children, Families and Learning

Office of Community Services

Notice of Request for Proposal to Develop a Research Design to Assess the Quality of Child Care in Minnesota

The Department of Children, Families & Learning is soliciting proposals from qualified parties to develop a research design to assess the quality of child care in Minnesota.

The Department of Children, Families & Learning has received federal funding for the purposes of developing this research design. The Department will award one contract to an organization or a partnership representing several organizations with expertise in the design and implementation of research on child care quality and extensive knowledge of child care at the state and national level. The State retains the right to negotiate an additional contract with the successful responder to complete the study based on available funding and the State's satisfaction with the vendor's work. The State anticipates the contract to complete the study will be for a one year period.

The goal of this project is to develop a research design for assessing the quality of child care in Minnesota. The design will be used to: Implement a child care quality study in Minnesota and inform a planning process for the implementation of such a study.

The Department has estimated that the costs of this design project should not exceed \$50,000.

The design project period will be August 1999 through December 1999.

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

Julie Nash
Office of Community Services
Department of Children, Families & Learning
1500 Highway 36 West
Roseville, Minnesota 55113-4567
Phone: 651-582-8562
FAX: 651-582-8496
E-mail: child.care@state.mn.us.

Completed proposals are due no later than 3:00 p.m. on June 14, 1999. Late proposals will not be considered.

In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

Professional, Technical & Consulting Contracts

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for Bids for 250 Dining Room Chairs for Winona State University

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for 250 Dining Room Chairs.

Bid specifications will be available May 17, 1999 from Sandra Schmitt, Purchasing Director, PO Box 5838, 205 Somsen Hall, Winona State University, Winona, MN 55987 or by calling 507-457-5067.

Sealed bids must be received by Sandra Schmitt, PO Box 5838 or Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 2:00 p.m. June 1, 1999.

Winona State University reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in proposals received.

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for Bids for ITV Equipment at Winona State University

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for electronic equipment and installation services for an instructional teleconferencing classroom to be installed at Winona State University.

Bid specifications will be available May 17, 1999 from Sandra Schmitt, Purchasing Director, PO Box 5838, 205 Somsen Hall, Winona State University, Winona, MN 55987 or by calling 507-457-5067.

Sealed bids must be received by Sandra Schmitt, PO Box 5838 or Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 2:00 p.m. June 1, 1999.

Winona State University reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in proposals received.

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for Proposals for Installation of Artificial Surface at Winona State University Maxwell Field

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed proposals from qualified vendors to provide all materials, labor and equipment necessary to design, build and install an artificial surface at Maxwell Field, Winona State University, Winona, Minnesota.

Proposal specifications will be available May 17, 1999 from John Burros, Director of Facilities, PO Box 5838, Winona State University, Winona, MN 55987 or by calling 507-457-5052.

Sealed proposals must be received by John Burros, PO Box 5838 or Maintenance Building, 175 W. Mark St., Winona State University, Winona, MN 55987 by 2:00 p.m. June 1, 1999. Proposals received after this date and time will not be accepted.

Winona State University reserves the right to reject any or all proposals or portions thereof, or to waive any irregularities or informalities in proposals received.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Request for Bids for Electrical Control Equipment for Chaska Lift Station

Sealed bids will be received in the office of the Metropolitan Council, Environmental Services Division, (MCES), Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, for Electrical Control Equipment for Chaska Lift Station. Bids will be received until TUESDAY, JUNE 1, 1999 at 2:00 P.M., at which time and place the bids will be publicly opened and read aloud.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 651-602-1499 or via FAX request at 651-602-1083. All bids to be considered must be submitted on **Council approved bid forms**.

All proposals to be considered must have the Affirmative Action Plan Certificate of Compliance attached and be submitted with MCES' proposal form accompanied by a certified check, cashiers check or bid bond in an amount not less than five percent (5%) of the total bid amount.

The award will be based upon, but not necessarily limited to, factors of price, lead time, agreement to the terms and conditions and past experience with the Metropolitan Council. The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

By Order of The Metropolitan Council,
Environmental Services Division,
Helen Boyer
Division Director

Metropolitan Council

Invitation for Bid for 698 Rivetless Collector Chain

Sealed bids for 698 Rivetless Collector Chain for use at the Metro Wastewater Treatment Plant in St. Paul, Minnesota, will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on June 1, 1999, at 2:00 P.M., at which time and place they will be publicly read.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 612-602-1499 or via FAX request at 612-602-1083. All bids to be considered must be submitted on Metropolitan Council approved forms.

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

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

Non-State Public Bids, Contracts & Grants

Metropolitan Council

Notice of Request for Proposals (RFP) for Central Corridor University of Minnesota Shelters

The Metropolitan Council is requesting proposals to provide architectural/engineering services for conceptual and schematic design, final design, preparation of construction documents, and construction administration for 4 University of Minnesota Specialty Design Shelters to be located on Washington Avenue at the West Bank and on Washington Avenue between Union Street and Harvard Street.

A tentative schedule for vendor selection is:

Receive Proposals	June 7, 1999
Selection of Firm	June 14, 1999
Metropolitan Council authorization	July 19, 1999
Contract negotiated	July 1999
Execute Contract	August 2, 1999

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

Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

Inquiries regarding this project should be directed to Stephen Kaukola at 651-602-1064.

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

Metropolitan Council

Notice of Request for Proposals (RFP) for 1999 Twin Cities Transit System Performance Audit

The Metropolitan Council is requesting proposals to provide the 1999 Twin Cities Transit System Performance Audit as required by state statute. The purpose of the audit is to evaluate the performance of the metropolitan transit system's operation in relationship to the regional performance standards adopted by the Council. The audit shall also update performance measures identified in the 1997 Performance Audit. Two proposed sub-areas within the audit are an assessment of the goal of doubling transit ridership over 20 years and an audit of on-time performance of the system.

A tentative schedule for vendor selection is:

Receive Proposals	June 3, 1999
Interviews if necessary	June 10, 1999
Completion/Evaluation	June 15, 1999

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

Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

Inquiries regarding this project should be directed to Gordon Backlund at 651-602-1801.

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

Minnesota Historical Society

Request for Bids for Forest History Center

The Minnesota Historical Society (Society) is seeking proposals from qualified firms and individuals for the supply, delivery and placement of a 1-1/2" minimum bituminous overlay at the road, visitor walkway, parking lot, service drive and service walkway and the restriping of the parking lot. Base bid includes the supply, delivery and placement of all bituminous overlay, and all associated labor and materials to complete restriping of the parking lot as described in the project specifications.

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

Bids must be submitted in the form that will be provided in the Request for Bids. Sealed bids must be received by Chris Bonnell, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 by **Monday, June 7, 1999 at 2:00 P.M. Central Time**. Late proposals will not be accepted.

Minnesota Historical Society

Request for Proposals for Consulting Services to Prepare and Process Appropriate Documentation to Access Federal Highway Administration Funds

The Minnesota Historical Society (Society) is seeking proposals from qualified consultants with experience in preparing and processing the appropriate project documentation through the Minnesota Department of Transportation's State Aid Division to access Federal Highway Administration funds.

The Society anticipates using \$1.5 million for the North West Company Fur Posts projects and \$1.5 million for the Saint Anthony Falls Heritage Center in Federal funds "earmarked" in TEA-21. In order for these projects to be eligible for Federal funds, the social, economic and environmental impacts of the projects must be assessed in accordance with State and Federal laws and regulations including, but not limited to, the National Environmental Policy Act (NEPA) and The *Code of Federal Regulations* for processing transportation projects. The consultant will work with the Society to gather information, prepare the appropriate project documentation in accordance with the Mn/DOT State Aid Division guidelines, coordinate to completion the social, economic and environmental studies necessary, submit the document for State and Federal approval, and track the project document until it is approved.

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

Proposals must be submitted in accordance with the instructions that will be part of the Request for Proposals. Proposals must be received by Chris Bonnell, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 by **Monday, June 7, 1999 at 4:00 P.M. Central Time**. Late proposals will not be accepted.

University of Minnesota

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

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

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

Non-State Public Bids, Contracts & Grants

University of Minnesota

Submittal Materials Accepted from Interested General Contractors for the General Contractor Prequalification Program

The University of Minnesota will be accepting submittals from interested General Contractors who wish to apply for Fiscal 1999-2000 Prequalification at the University's Twin Cities Campus for construction projects over \$2,000,000. *Only prequalified General Contractors may submit bids or proposals on University of Minnesota Twin Cities Campus projects.* General Contractor Prequalification for Fiscal 1999-2000 will last from July 1, 1999 until June 30, 2000.

Submittal materials will be available beginning at 8:00 a.m. on Monday May 17, 1999. Materials can be picked up during normal business hours, Monday through Friday at Room 400 Donhowe Building, 319 15th Avenue Southeast, on the University's Twin Cities Minneapolis East Bank Campus. Completed prequalification materials will be due at or before 2:00 p.m. CDT on Monday, June 14, 1999.

General Contractors who are *currently* Prequalified at the University for Fiscal 1998-99 have been renewed for one year, and are **NOT** required to submit prequalification materials this year. Prequalification documents are being solicited only for the Major Projects Category (projects over \$2,000,000). The University is not accepting prequalification documents for the Small "Annual" Projects Category (projects under \$2,000,000) this year.

Information about the University's General Contractor Prequalification Program can be obtained from the following contact. E-mail inquiries are preferred.

Kevin McCourt, Business Manager
University of Minnesota
Facilities Management Design & Construction Services
400 Donhowe Building
319 15th Avenue SE
Minneapolis, MN 55455
Phone: 612-626-8973
Fax: 612-625-2595
E-Mail: mccourtk@fm.facm.umn.edu



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