

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 420 TEMP

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-16
DATE FOR REVIEW
DATE DUE 9-23

Adopted w/a hearing
Adopted w/o hearing
Temporary rule

Approved 9-23 Disapproved Returned to Agency

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State 9-27 Revisor approved 9/26/83 disapproved

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✓ Rule as Adopted

✓ Rule as Proposed see S.R

✓ Order Adopting 9.13.83 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

Notice of rulemaking
Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
7.27.83 At least ~~30~~ 20 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
8.1.83 At least ~~30~~/20 days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
Approving H.E.'s Report
Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

N/A Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT: Education
747 Capitol Square Bldg.

TO : Special Ass't. Attorney General
204 Administration Bldg.

DATE: September 14, 1983

FROM : Lois E. Steinhaus L.E.S.
Education Statistics Section

PHONE: 6-4428

SUBJECT: Approval of Temporary Rules as Adopted - Public Library Construction Grants

Enclosed is a Statement of Compliance from our Assistant Attorney General and the following material:

1. Temporary Rules as Adopted (4)
2. Order Adopting Temporary Rules (2)
3. Certificate of Board's Resolution Adopting Rules
4. Findings of Fact and Conclusions
5. Notice of Intent to Adopt Temporary Rules and Temporary Rules as Proposed (as published in the State Register)
6. Certificate of Board's Authorizing Resolution
7. Affidavit of Mailing
   Affidavit of Additional Notice of the State Board of Education Mailing List
   Certificate
8. Order for Publication of Temporary Rules
9. Notice of Intent to Solicit Outside Information, if any - none
10. Fiscal statement, if applicable - none
11. Correspondence, if any

Please call me when the record is ready to be returned and I will have some one come and pick it up.

Thank you.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO Ruth E. Randall, Secretary

DATE: 9/23/83

Attn: Charles T. Mottl
Special Assistant Attorney General

FROM : Ted A. Martinez TAM
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Board of Education Governing Public Library Constructions Grants.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.
TAM/ls

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

State Board of Education
Department of Education
Special Services Division

Adopted Temporary Rules Governing Public Library Construction Grants

Temporary Rule as Adopted

5 MCAR S 1.0807 [Temporary] Public library construction grants.

A. Definitions. As used in 5 MCAR S 1.0807 [Temporary], the following terms have the meanings given them.

1. "OPLIC" means Office of Public Libraries and Interlibrary Cooperation of the Minnesota Department of Education that administers the public library construction grant program.

2. "Project" means a plan by an applicant for a grant under 5 MCAR S 1.0807 [Temporary] to erect a new public library building; or acquire and alter a building for use as a public library building; or remodel or expand an existing public library building; and acquire necessary land for, and initially equip the resultant building; all, to be financed in part by the grant.

B. Application.

1. Who may apply. A regional public library system, or a city or county participating in a regional public library system may apply for a public library construction grant under 5 MCAR S 1.0807 [Temporary].

2. An application for this public library construction grant must be made on an application form provided by OPLIC. The form includes a copy of the list of standard assurances required by the federal government.

C. Application contents. The application must include the following:

1. A copy of:

a. the resolution passed by the applicant's governing body approving the application and authorizing execution of the

grant contract if federal funds are available;

b. a narrative description of the project explaining the inadequacy of present library facilities and the contribution the project will make to new or improved services in the applicant's service area;

c. a building program ~~statement~~. This is a guide for the project's architect to the purposes, functions, and operations of the library building that is to result from the project in terms of space and environmental requirements and characteristics and relationships among spaces within the library building;

d. when the project involves new construction or renovation of an existing building for new use as a public library, a report of a library building consultant. The consultant may be an employee of the applicant's library system and must be a professional librarian with at least a master's degree in library science, five years of public library experience, and the experience of having supervised the planning and construction of at least ~~two~~ one public library buildings within the past ~~five~~ three years;

e. certification by a Minnesota registered architect that the project's facilities are designed to make them accessible to and usable by physically disabled persons as required by Code of Federal Regulations, Title 34, section 75.610, and Minnesota Statutes, sections 471.465 to 471.469;

f. a statement of the relationship of the project to, and probable effect on, any district site, building, structure, or object that is:

(1) included in the National Register of Historic Places; or

(2) eligible under criteria established by the Secretary of the Interior for inclusion in the National Register of Historic Places, as required in Code of Federal Regulations, title 34, section 75.605;

g. preliminary plans for the project, including a site plan and vicinity maps, subsurface soil analysis, and

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preliminary-design-drawings schematic design studies, and outlined specifications prepared by a Minnesota registered architect;

h. applicant's assessment of the impact of the project on the quality of the environment in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 and Executive Order 11514 (34FR4247) as required by Code of Federal Regulations, title 34, section 75.601;

i. the project budget including estimated costs of site acquisition, contracts for new construction, initial equipment, architect and other fees, and the nature, source, and amount of all nonfederal funds available for the project.

j. evidence that the applicant holds legal title to the project site including right of access, or that the applicant can complete negotiations for legal title to the site within 30 days of approval of the application.

2. Assurances. The applicant must give written assurance of compliance with all applicable state and federal laws, rules, regulations, and other requirements including particularly:

a. each specific assurance listed on Part V, Assurances, on the Application for Federal Assistance (for Construction Programs), Federal Register, volume 42, pages 45878-45879. The list is also included in the application form.

b. the federal laws and regulations the state is made responsible for enforcing in Code of Federal Regulations, title 34, parts 74, 76, and 770; and section 75.600-75.616.

c. when required by the federal program legislation, with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (Code of Federal Regulations, title 29, part 5). This applies to all construction contracts and subcontracts awarded by the recipients and subrecipients of more than $2,000. Under this act contractors and subcontractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in wage determination made by the secretary of labor. In addition, contractors and subcontractors

shall be required to pay wages not less than once per week. The recipient or subrecipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of contract or subcontract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the federal sponsoring agency.

d. when federal program legislation provides that the Davis-Bacon Act applies, with the Copeland Antikick Back Act (18 U.S.C 874) as supplemented in Department of Labor regulations (Code of Federal Regulations, title 29, part 3). This applies to all construction and repair contracts and contracts of recipients and subrecipients in excess of $2,000. It provides that each contractor or subcontractor shall be prohibited from inducing by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The recipient shall report all suspected or reported violations to the federal sponsoring agency.

e. Minnesota Statutes, sections 171.41 to 171.44, relating to prevailing wage rates.

f. Minnesota Statutes, section 104.08 for an applicant whose project site is in an area subject to recurrent flooding in a local government unit included on the commissioner of natural resources list of units having such areas.

g. that the applicant receiving a grant for a project shall display at the project site a sign stating that federal funds provided under the Library Services and Construction Act are being used for this project. If specifications call for a plaque in the completed building indicating the date of completion and source of funds, the applicant assures that the plaque shall state that funds were provided under the Library Services and Construction Act.

D. Additional information. The Director of OPLIC may request additional information from the applicant to clarify and evaluate the application. If the additional information

vague?

requested is not provided by the applicant within ten working days after the request for additional information, the grant application shall be evaluated solely on the basis of the information it contains.

E. Application dates. Applications for public library construction grants must be filed on a date established by the State Board of Education and published in the State Register and in the newsletter of OPLIC not less than 90 days before such date. Notwithstanding the application dates established herein and during fiscal year 1984 only, an application for the grant must be filed on or before October ~~1~~ 15, 1983.

F. Regional review. A city or county applicant must provide a copy of the application to the board of the regional public library system in which the applicant participates no less than ten working days prior to the application date. The system board may provide written comment to the director of OPLIC by the application date.

G. Minimum project sizes.

1. For new construction ~~and for renovation of an existing building for use as a public library,~~ the minimum project size is a total project cost of at least $50,000 ~~and a~~. The resultant building ~~of at least 2,500 square feet.~~ shall have a minimum total floor space in relation to population to be served as follows:

Population	Minimum Total Floor Space
Up to 4,999	2,500 square feet or 0.7 square feet per capita, whichever is greater
5,000-9,999	3,500 square feet or 0.7 square feet per capita, whichever is greater
10,000-24,999	7,000 square feet or 0.7 square feet per capita, whichever is greater
25,000-49,999	15,000 square feet or 0.6 square feet per capita, whichever is greater
50,000 and above	0.6 square feet per capita

If library functions such as acquisitions, cataloging, and processing are provided elsewhere, the minimum total floor space

may be reduced by five percent. If a community meeting room is available for library use in a nonlibrary portion of the building or in an adjacent building, or if heating and cooling equipment are housed outside the library building, or both, the minimum total floor space may be reduced by five percent.

2. For ~~an~~ renovation of an existing building for use as a public library, addition to a public library building, renovation of an existing public library building, removal of architectural barriers for physically disabled persons, renovation for energy efficiency, and renovation, remodeling, or construction of an addition to a public library building originally constructed with assistance from Library Services and Construction Act (LSCA) Title II funds, the minimum project size is a total project cost ~~must be~~ of at least $25,000 ~~and~~. The resultant library building ~~must be at least 2,500 square feet.~~ shall have a minimum total floor space in relation to the population to be served as follows:

Population	Minimum Total Floor Space
Up to 2,499	1,200 square feet or 0.7 square feet per capita, whichever is greater
2,500-4,999	2,500 square feet or 0.7 square feet per capita, whichever is greater
5,000-9,999	3,500 square feet or 0.7 square feet per capita, whichever is greater
10,000-24,999	7,000 square feet or 0.7 square feet per capita, whichever is greater
25,000-49,999	15,000 square feet or 0.6 square feet per capita, whichever is greater
50,000 and above	0.6 square feet per capita

If library functions such as acquisitions, cataloging, and processing are provided elsewhere, the minimum total floor space may be reduced five percent. If a community meeting room is available for library use in a nonlibrary portion of the building or in an adjacent building, or if heating and cooling equipment are housed outside the library building, or both, the minimum total floor space may be reduced by five percent.

H. Recent construction ineligible. No grant shall be made for a project involving a public library building on which construction was completed after October 15, 1978.

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~~H.~~ I. Maximum federal share. LSCA Title II funds may constitute up to 50 percent of the total project cost. No grant shall exceed $200,000.

~~I.~~ J. Project criteria. The project site, design, and size as proposed in the application must meet the following criteria.

1. The library site must provide maximum convenient access to the greatest number of people in the community during the normal course of their daily activities by being:

a. located at or near the center of highest density of daily activity and near such facilities as post offices and retail stores;

b. located on a primary street, preferably at an intersection;

c. highly accessible to pedestrian traffic within the area;

d. convenient to parking; and

e. convenient to public transportation in cities where it is available.

2. The exterior of the library must be:

a. easily identifiable as a library with exterior signs;

b. lighted for safe access during evening hours;

c. designed so that the single public entrance or major public entrance is convenient for pedestrian traffic and to parking lots, and is barrier-free for physically disabled persons; and

d. designed for convenient delivery of library materials.

3. The interior of the library must be:

a. Designed to be as flexible and open as possible with a minimum of load bearing walls to allow for major rearrangement of services within existing spaces for future expansion;

b. Designed to be completely accessible to physically disabled persons;

c. Designed to be in compliance with state and local building, fire, safety, and other codes;

d. Provided with year-round humidity and temperature control. In construction of new library buildings, natural ventilation shall be available in all parts of the building;

e. Designed to include one circulation desk to serve the entire building and to serve as the control point for maximum sight supervision of the building. If the building size exceeds 20,000 square feet, more than one circulation desk is permitted;

f. Designed, with a functional arrangement of all public and nonpublic areas, for ease of movement through the building for users and staff, and for economical use of space;

g. Lighted at 50 to 70 sustained foot-candles at table-top height in public service areas and 30 to 50 sustained foot-candles at table-top height in storage areas, with lights evenly distributed and of a quality to provide adequate light without glare; } F&F 16

h. In a new library building, designed on a single ground floor level;. If the new library building ~~size~~ exceeds 20,000 square feet, a second floor is permitted.

~~4.--The-total-floor-space-of-the-building-and-the-amount of-space-for-shelving,-readers,-staff-work-space,-and-additional space-shall-be-calculated-using-the-following-guidelines-for determining-minimum-space-requirements:~~ } deleted per F&F 13

GUIDELINES FOR DETERMINING MINIMUM SPACE REQUIREMENTS

Population Served	Size of Book Collection	Shelving Space (a): Linear Feet of Shelving (b)	Shelving Space (a): Amount of Floor Space	Reader Space	Staff Work Space	Estimated Additional Space Needed (c)	Total Floor Space
2,500-4,999	10,000 vol. plus 1 book per capita for pop. over 2,500	1,300 linear ft. Add 1 ft. of shelving for every 8 bks. over 10,000	1,000 sq. ft. Add 1 sq. ft. for every 10 bks. over 10,000	Min. 500 sq. ft. for 16 seats. Add 5 seats per M. over 2,500 pop. served, at 30 sq. ft. per reader space	300 sq. ft.	700 sq. ft.	2,500 sq. ft. or 0.7 sq. ft. per capita, whichever is greater
5,000-9,999	15,000 vol. plus 1 book per capita for pop. over 5,000	1,875 linear ft. Add 1 ft. of shelving for every 8 bks. over 15,000	1,500 sq. ft. Add 1 sq. ft. for every 10 bks. over 15,000	Min. 700 sq. ft. for 23 seats. Add 4 seats per M. over 5,000 pop. served, at 30 sq. ft. per reader space	500 sq. ft. Add 150 sq. ft. for each full time staff member over 3	1,000 sq. ft.	3,500 sq. ft. or 0.7 sq. ft. per capita, whichever is greater
10,000-24,999	30,000 vol. plus 1 book per capita for pop. over 10,000	2,500 linear ft. Add 1 ft. of shelving for every 8 bks. over 20,000	2,000 sq. ft. Add 1 sq. ft. for every 10 bks. over 20,000	Min. 1,200 sq. ft. for 40 seats. Add 4 seats per M. over 10,000 pop. served, at 30 sq. ft. per reader space	1,000 sq. ft. Add 150 sq. ft. for each full time staff member over 7	1,800 sq. ft.	7,000 sq. ft. or 0.7 sq. ft. per capita, whichever is greater
25,000-49,999	60,000 vol. plus 2 books per capita for pop. over 25,000	6,300 linear ft. Add 1 ft. of shelving for every 8 bks. over 50,000	5,000 sq. ft. Add 1 sq. ft. for every 10 bks. over 50,000	Min. 2,250 sq. ft. for 75 seats. Add 3 seats per M. over 25,000 pop. served, at 30 sq. ft. per reader space	1,500 sq. ft. Add 150 sq. ft. for each full time staff member over 13	5,350 sq. ft.	15,000 sq. ft. or* 0.6 sq. ft. per capita, whichever is greater

~~(a) Libraries in systems need only to provide shelving for basic collection plus number of books on loan from resource center at any one time.~~

~~(b) A standard library shelf equals 3 linear feet.~~

~~(c) Space for circulation desk, heating and cooling equipment, multipurpose room, stairways, janitors' supplies, toilets, etc., as required by community needs and the program of library services.~~

~~* 0.6 square feet per capita can be applied as an adequate minimum for communities over 50,000 population.~~

deleted per F&F

5. 4. The director of OPLIC shall notify each applicant of any criterion which is not met by the project and shall recommend to the applicant action to be taken so that the criterion can be met.

~~J.~~ K. Project priorities.

1. Applications meeting all requirements in 5 MCAR S 1.0807 [Temporary] shall be divided into the following categories in order of priority:

a. Applications for projects in counties ~~having an average unemployment rate of 9.4 percent or above during the period June through November, 1982,~~ where the average unemployment rate by months for June through November, 1982 and the average unemployment rate by months for June through August, 1983, when averaged is 9.4 percent or above, according to unemployment data compiled by the Minnesota Department of ~~Employment~~ Economic Security.

F&F 19

b. Applications for projects in counties ~~having an average unemployment rate of more than 7.0 percent but less than 9.4 percent during the period June through November, 1982,~~ where the average unemployment rate by months for June through November, 1982 and the average unemployment rate by months for June through August, 1983, when averaged is more than 7.0 percent but less than 9.4 percent, according to unemployment data compiled by the Minnesota Department of ~~Employment~~ Economic Security.

c. All other applications.

2. Within each category, projects shall be divided into the following subcategories and funded in order within a subcategory from highest to lowest average unemployment rate as calculated in 1. above in the following order of priority:

a. Construction of a new public library building free of architectural barriers.

b. Renovation of an existing building not currently used as a public library for use as a public library that will be free of architectural barriers.

c. An addition to a public library building or renovation of an existing public library building that will be free of architectural barriers. The buildings referred to herein do not include buildings originally constructed with assistance from LSCA Title II funds.

d. Projects with the sole purpose of removal of architectural barriers in a public library building.

e. Renovation of a public library building for energy efficiency to maximize the efficient use of energy and to minimize the use of petroleum and natural gas as energy sources.

f. Renovation, remodeling, or construction of an addition to a public library building originally constructed with assistance from LSCA Title II funds.

3. If two or more projects within any subcategory are from geographic areas having identical average unemployment rates as calculated in 1. above, priority shall be assigned based on the population of the city in which the library is

located as reported in the 1980 United States Census of Population, in order from largest number of persons to smallest number of persons.

4. Projects shall be funded in order by category and within a category by subcategory until all available funds have been granted. In order to ensure the use of all available funds, the first priority project for which insufficient funds remain to award the amount of grant requested shall be offered a grant amount less than the dollar amount requested. The applicant shall then be requested to indicate whether or not the project as proposed could be implemented with a smaller grant amount, and shall be requested to show how the project could be modified, if necessary, to meet all criteria with a smaller project budget. If the applicant is unable to modify the project, the same request shall be made to applicants in descending order of priority until all funds are granted.

~~K.~~ L. Approval of projects. The director of OPLIC shall make recommendations to the State Board of Education which shall approve or disapprove proposed library construction projects based on criteria specified in 5 MCAR S 1.0807 [Temporary]. The Commissioner of Education shall notify the United States Department of Education of the approved projects.

~~L.~~ M. Hearing. An applicant whose application for funds is denied may request a hearing within ten days of receipt of notification of denial from the State Board of Education.

~~M.~~ N. Grant agreements.

1. Grant contract required. A grant contract shall be offered to each applicant whose project application is approved for funding by the State Board of Education. The contract must be signed by a person authorized to commit the applicant to legally binding agreements and to execute the contract.

2. Contents of grant contract. The grant contract shall include:

a. a work program which indicates completion dates for major parts of the project and the projected budget supporting the work program;

b. a description of the manner in which payments will be made to grant recipients with the condition that five percent of the grant award will not be paid until successful completion of all activities in the work program and until receipt by OPLIC of an audit of receipts and disbursements of all funds for the project. The audit shall be performed by the staff of the State Auditor's Office, by a certified public accountant, or by a public accountant as defined in Minnesota Statutes, sections 6.64 to 6.71.

c. assurance that the grant recipient will comply with all applicable state and federal laws, including the federal laws or regulations for which the state is made responsible for enforcement in Code of Federal Regulations, title 34, parts 74, 76, and 770; and section 75.600-75.616.

d. assurance that the grant recipient will supply to OPLIC a tabulation of all bids received, showing the bids accepted.

e. assurance that OPLIC will be notified of project completion within 30 days after project completion so that it may notify the United States Department of Education as required by Code of Federal Regulations, title 34, section 770.21(a)(2).

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 2 7 1983
Joan Anderson Growe
Secretary of State

APPROVED AS TO LEGALITY
September 23 19 83
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Ted A. Mathews
SPECIAL ASSISTANT ATTORNEY GENERAL

11:20 AM

State of Minnesota
State Board of Education
Department of Education

In the Matter of the Proposed Adoption
of Rules of the State Board of Education
Governing Public Library Construction
Grants

ORDER ADOPTING
TEMPORARY RULES

The above-entitled matter was published in the State Register on August 1, 1983, as a proposed temporary rule pursuant to Minnesota Statutes sections 14.29 to 14.36. After affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Temporary Rules Governing Public Library Construction Grants are adopted this 13th day of September, 1983, pursuant to authority vested in me by Chap. 314, Art. 11, Sec. 20 of the Session Laws of 1983.

STATE OF MINNESOTA
State Board of Education

Ruth E. Randall

Ruth E. Randall, Secretary

State of Minnesota
State Board of Education
Department of Education
Special Services Division

In the Matter of the Proposed
Adoption of Temporary Rules of
The State Board of Education
Governing Public Library
Construction Grants.

ORDER FOR PUBLICATION OF
TEMPORARY RULES

IT IS ORDERED this 12th day of July, 1983 that the proposed temporary rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA
State Board of Education

Ruth E. Randall

Ruth E. Randall, Secretary

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Ruth E. Randall, do hereby certify that I am the secretary of the Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education duly and properly called and held on the 12th day of July, 1983, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that Ruth E. Randall, secretary of the Board of Education, be and she hereby is granted the authority and directed to sign an Order of the Board of Education directing the publication in the State Register of proposed temporary rules governing public library construction grants as well as perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of July, 1983.

Ruth E. Randall

Ruth E. Randall, Secretary

William Kirby

Member, State Board of Education

State of Minnesota
Department of Education

State Board of Education
Special Services Division

IN THE MATTER OF: The Proposed Adoption
of Rules of the State Board of Education
Governing Public Library Construction Grants
Temporary Rules

STATE OF MINNESOTA)
) ss.
County of Ramsey)

AFFIDAVIT OF MAILING

John R. Jelinek, being first duly sworn, deposes and says:

That on the 27th day of July, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached notice of intent to adopt temporary rules and a copy of the temporary rules as proposed, by depositing in the State of Minnesota central mail system for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations named on the certified list (see attached Certificate) who have requested that their names be placed on file with the Minnesota Department of Education for the purpose of receiving notice of the proposed adoption of rules by the State Board of Education.

John R. Jelinek

Subscribed and sworn to before me
this 27th day of July,
1983.

Lois E. Steinhaus

LOIS E. STEINHAUS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MAY 9, 1989

State of Minnesota
Department of Education

State Board of Education
Special Services Division

IN THE MATTER OF: The Proposed Adoption of Rules of the State Board of Education Governing Public Library Construction Grants Temporary Rules

Affidavit of Additional Notice of the State Board of Education Mailing List

I hereby certify that in addition to the Notice required for persons on the State Board of Education rulemaking mailing list, of persons who have specifically requested notice of rulemaking proceedings, the notice and a copy of the temporary rules as proposed were mailed to librarians, trustees, citizens, and local governmental officials on our mailing list, as of 11 o'clock A.M., this 27th day of July, 1983.

State Board of Education

Ruth E. Randall

Ruth E. Randall, Secretary

Subscribed and sworn to before me
this 10th day of August, 1983.

Luana Vadnais
Notary Public

Ramsey County, Minnesota

My commission expires

LUANA VADNAIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires June 16, 1984

State of Minnesota
Department of Education

State Board of Education
Special Services Division

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF: The Proposed Adoption
of Rules of the State Board of Education
Governing Public Library Construction Grants
Temporary Rules

Certificate

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statute § 14.14, Subdivision 1, that their names be placed on file with and maintained by the Minnesota Department of Education for the purpose of receiving notice of the proposed adoption of rules by the State Board of Education is accurate and complete as of 10 o'clock A.M. this 26 day of July, 1983.

State Board of Education

By Linda Alberg

including the substation and the distribution system to the consumer (commercial and residential), and who is licensed as such by the State Board of Electricity.

B. Permitted work. A person licensed as a lineman may install, maintain, and repair transmission and distribution systems of the electric utility from the power source to and including the substation, and the distribution system to the consumer.

C. Acceptable experience. An applicant for a lineman license shall have the experience required in 4 MCAR § 11.034 F.

State Board of Education
Department of Education
Special Services Division

Proposed Temporary Rules Governing Public Library Construction Grants

Notice of Intent to Adopt Temporary Rules

Notice is hereby given that the State Board of Education is proposing to adopt temporary rules to govern public library construction grants as authorized by Chap. 314, Art. 11, Sec. 20 of the Session Laws of 1983. The proposed temporary rules appear following this notice.

All interested persons are hereby afforded the opportunity to submit data and views on the proposed temporary rules for 20 days immediately following publication of this material in the *State Register*. Comments should be submitted in writing to:

William G. Asp, Director
Office of Public Libraries and Interlibrary Cooperation
301 Hanover Building
480 Cedar Street
St. Paul, Minnesota 55101

The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the department.

After the 20 day comment period the proposed temporary rules, with modifications, if any, will be sent to the Office of the Attorney General for final approval as to form and legality. The temporary rules shall take effect immediately upon the Attorney General's approval.

The temporary rules shall remain in effect for 180 days or until permanent rules are adopted, whichever occurs first.

July 12, 1983

Ruth E. Randall, Secretary

Temporary Rule as Proposed (all new material)

5 MCAR § 1.0807 [Temporary] Public library construction grants.

A. Definitions. As used in 5 MCAR § 1.0807 [Temporary], the following terms have the meanings given them.

1. "OPLIC" means Office of Public Libraries and Interlibrary Cooperation of the Minnesota Department of Education that administers the public library construction grant program.

2. "Project" means a plan by an applicant for a grant under 5 MCAR § 1.0807 [Temporary] to erect a new public library building; or acquire and alter a building for use as a public library building; or remodel or expand an existing public library building; and acquire necessary land for, and initially equip the resultant building; all, to be financed in part by the grant.

B. Application.

1. Who may apply. A regional public library system, or a city or county participating in a regional public library system may apply for a public library construction grant under 5 MCAR § 1.0807 [Temporary].

2. An application for this public library construction grant must be made on an application form provided by OPLIC. The form includes a copy of the list of standard assurances required by the federal government.

C. Application contents. The application must include the following:

1. A copy of:

a. the resolution passed by the applicant's governing body approving the application and authorizing execution of the grant contract if federal funds are available;

b. a narrative description of the project explaining the inadequacy of present library facilities and the contribution the project will make to new or improved services in the applicant's service area;

c. a building program statement. This is a guide for the project's architect to the purposes, functions, and operations of the library building that is to result from the project in terms of space and environmental requirements and characteristics and relationships among spaces within the library building;

d. when the project involves new construction or renovation of an existing building for new use as a public library, a report of a library building consultant. The consultant may be an employee of the applicant's library system and must be a professional librarian with at least a master's degree in library science, five years of public library experience, and the experience of having supervised the planning and construction of at least two public library buildings within the past five years;

e. certification by a Minnesota registered architect that the project's facilities are designed to make them accessible to and usable by physically disabled persons as required by Code of Federal Regulations, Title 34, section 75.610, and Minnesota Statutes, sections 471.465 to 471.469;

f. a statement of the relationship of the project to, and probable effect on, any district site, building, structure, or object that is:

(1) included in the National Register of Historic Places; or

(2) eligible under criteria established by the Secretary of the Interior for inclusion in the National Register of Historic Places, as required in Code of Federal Regulations, title 34, section 75.605;

g. preliminary plans for the project, including a site plan and vicinity maps, subsurface soil analysis, and preliminary design drawings and outlined specifications prepared by a Minnesota registered architect;

h. applicant's assessment of the impact of the project on the quality of the environment in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 and Executive Order 11514 (34FR4247) as required by Code of Federal Regulations, title 34, section 75.601;

i. the project budget including estimated costs of site acquisition, contracts for new construction, initial equipment, architect and other fees, and the nature, source, and amount of all nonfederal funds available for the project.

j. evidence that the applicant holds legal title to the project site including right of access, or that the applicant can complete negotiations for legal title to the site within 30 days of approval of the application.

2. Assurances. The applicant must give written assurance of compliance with all applicable state and federal laws, rules, regulations, and other requirements including particularly:

a. each specific assurance listed on Part V, Assurances, on the Application for Federal Assistance (for Construction Programs), Federal Register, volume 42, pages 45878-45879. The list is also included in the application form.

b. the federal laws and regulations the state is made responsible for enforcing in Code of Federal Regulations, title 34, parts 74, 76, and 770; and section 75.600-75.616.

c. when required by the federal program legislation, with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (Code of Federal Regulations, title 29, part 5). This applies to all construction contracts and subcontracts awarded by the recipients and subrecipients of more than $2,000. Under this act contractors and subcontractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in wage determination made by the secretary of labor. In addition, contractors and subcontractors shall be required to pay wages not less than once per week. The recipient or subrecipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of contract or subcontract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the federal sponsoring agency.

d. when federal program legislation provides that the Davis-Bacon Act applies, with the Copeland Antikick Back Act

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(18 U.S.C 874) as supplemented in Department of Labor regulations (Code of Federal Regulations, title 29, part 3). This applies to all construction and repair contracts and contracts of recipients and subrecipients in excess of $2,000. It provides that each contractor or subcontractor shall be prohibited from inducing by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The recipient shall report all suspected or reported violations to the federal sponsoring agency.

e. Minnesota Statutes, sections 171.41 to 171.44, relating to prevailing wage rates.

f. Minnesota Statutes, section 104.08 for an applicant whose project site is in an area subject to recurrent flooding in a local government unit included on the commissioner of natural resources list of units having such areas.

g. that the applicant receiving a grant for a project shall display at the project site a sign stating that federal funds provided under the Library Services and Construction Act are being used for this project. If specifications call for a plaque in the completed building indicating the date of completion and source of funds, the applicant assures that the plaque shall state that funds were provided under the Library Services and Construction Act.

D. Additional information. The Director of OPLIC may request additional information from the applicant to clarify and evaluate the application. If the additional information requested is not provided by the applicant within ten working days after the request for additional information, the grant application shall be evaluated solely on the basis of the information it contains.

E. Application dates. Applications for public library construction grants must be filed on a date established by the State Board of Education and published in the *State Register* and in the newsletter of OPLIC not less than 90 days before such date. Notwithstanding the application dates established herein and during fiscal year 1984 only, an application for the grant must be filed on or before October 1, 1983.

F. Regional review. A city or county applicant must provide a copy of the application to the board of the regional public library system in which the applicant participates no less than ten working days prior to the application date. The system board may provide written comment to the director of OPLIC by the application date.

G. Minimum project sizes.

1. For new construction and for renovation of an existing building for use as public library, the minimum project size is a total project cost of at least $50,000 and a resultant building of at least 2,500 square feet.

2. For an addition to a public library building, renovation of an existing public library building, removal of architectural barriers for physically disabled persons, renovation for energy efficiency, and renovation, remodeling, or construction of an addition to a public library building originally constructed with assistance from Library Services and Construction Act (LSCA) Title II funds, the total project cost must be at least $25,000 and the resultant library building must be at least 2,500 square feet.

H. Maximum federal share. LSCA Title II funds may constitute up to 50 percent of the total project cost. No grant shall exceed $200,000.

I. Project criteria. The project site, design, and size as proposed in the application must meet the following criteria.

1. The library site must provide maximum convenient access to the greatest number of people in the community during the normal course of their daily activities by being:

a. located at or near the center of highest density of daily activity and near such facilities as post offices and retail stores;

b. located on a primary street, preferably at an intersection;

c. highly accessible to pedestrian traffic within the area;

d. convenient to parking; and

e. convenient to public transportation in cities where it is available.

2. The exterior of the library must be:

a. easily identifiable as a library with exterior signs;

b. lighted for safe access during evening hours;

c. designed so that the single public entrance or major public entrance is convenient for pedestrian traffic and to parking lots, and is barrier-free for physically disabled persons; and

d. designed for convenient delivery of library materials.

3. The interior of the library must be:

a. designed to be as flexible and open as possible with a minimum of load bearing walls to allow for major rearrangement of services within existing spaces for future expansion;

b. designed to be completely accessible to physically disabled persons;

c. designed to be in compliance with state and local building, fire, safety, and other codes;

d. provided with year-round humidity and temperature control. In construction of new library buildings, natural ventilation shall be available in all parts of the building;

e. designed to include one circulation desk to serve the entire building and to serve as the control point for maximum sight supervision of the building. If the building size exceeds 20,000 square feet, more than one circulation desk is permitted;

f. designed, with a functional arrangement of all public and nonpublic areas, for ease of movement through the building for users and staff, and for economical use of space;

g. lighted at 50 to 70 foot-candles at table-top height in public service areas and 30 to 50 foot-candles at table-top height in storage areas, with lights evenly distributed and of a quality to provide adequate light without glare;

h. designed on a sigle ground floor level; if the building size exceeds 20,000 square feet a second floor is permitted.

4. The total floor space of the building and the amount of space for shelving, readers, staff work space, and additional space shall be calculated using the following guidelines for determining minimum space requirements:

GUILDELINES FOR DETERMINING MINIMUM SPACE REQUIREMENTS

Population Served	Shelving Space (a)		Reader Space	Staff Work Space	Estimated Additional Needed (c)	Total Floor Space
	Size of Book Collection	Linear Feet of Shelving (b)	Amount of Floor Space			
2,500-4,999	10,000 vol. plus 3 books per capita for pop. over 3,500	1,300 linear ft. Add 1 ft. of shelving for every 8 bks. over 10,000	1,000 sq. ft. Add 1 sq. ft. for every 10 bks. over 10,000	Min. 500 sq. ft. for 16 seats. Add 5 seats per M. over 3,500 pop. served, at 30 sq. ft. per reader space	300 sq. ft.	700 sq. ft.	2,500 sq. ft. or 0.7 sq. ft. per capita, whichever is greater
5,000-9,999	15,000 vol. plus 2 books per capita for pop. over 5,000	1,875 linear ft. Add 1 ft. of shelving for every 8 bks. over 15,000	1,500 sq. ft. Add 1 sq. ft. for every 10 bks. over 15,000	Min. 700 sq. ft. for 23 seats. Add 4 seats per M. over 5,000 pop. served, at 30 sq. ft. per reader space	500 sq. ft. Add 150 sq. ft. for each full time staff member over 3	1,000 sq. ft.	3,500 sq. ft. or 0.7 sq. ft. per capita, whichever is greater
10,000-24,999	20,000 vol. plus 2 books per capita for pop. over 10,000	2,500 linear ft. Add 1 ft. of shelving for every 8 bks. over 20,000	2,000 sq. ft. Add 1 sq. ft. for every 10 bks. over 20,000	Min. 1,200 sq. ft. for 40 seats. Add 4 seats per M. over 10,000 pop. served, at 30 sq. ft. per reader space	1,000 sq. ft. Add 150 sq. ft. for each full time staff member over 7	1,800 sq. ft.	7,000 sq. ft. or 0.7 sq. ft. per capita, whichever is greater
25,000-49,999	50,000 vol. plus 2 books per capita for pop. over 25,000	6,300 linear ft. Add 1 ft. of shelving for every 8 bks. over 50,000	5,000 sq. ft. Add 1 sq. ft. for every 10 bks. over 50,000	Min. 2,250 sq. ft. for 75 seats. Add 3 seats per M. over 25,000 pop. served, at 30 sq. ft. per reader space	1,500 sq. ft. Add 150 sq. ft. for each full time staff member over 13	5,250 sq. ft.	15,000 sq. ft. or* 0.6 sq. ft. per capita, whichever is greater

(a) Libraries in systems need only to provide shelving for basic collection plus number of books on loan from resource center at any one time.

(b) A standard library shelf equals 3 linear feet.

*0.6 square feet per capita can be applied as an adequate minimum for communities over 50,000 population.

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(c) Space for circulation desk, heating and cooling equipment, multipurpose room, stairways, janitors' supplies, toilets, etc., as required by community needs and the program of library services.

5. The director of OPLIC shall notify each applicant of any criterion which is not met by the project and shall recommend to the applicant action to be taken so that the criterion can be met.

J. Project priorities.

1. Applications meeting all requirements in 5 MCAR § 1.0807 [Temporary] shall be divided into the following categories in order of priority:

a. Applications for projects in counties having an average unemployment rate of 9.4 percent or above during the period June through November, 1982, according to unemployment data compiled by the Minnesota Department of Employment Security.

b. Applications for projects in counties having an average unemployment rate of more than 7.0 percent but less than 9.4 percent during the period June through November, 1982, according to unemployment data compiled by the Minnesota Department of Employment Security.

c. All other applications.

2. Within each category, projects shall be divided into the following subcategories and funded in order within a subcategory from highest to lowest unemployment rate in the following order of priority:

a. Construction of a new public library building free of architectural barriers.

b. Renovation of an existing building not currently used as a public library for use as a public library that will be free of architectural barriers.

c. An addition to a public library building or renovation of an existing public library building that will be free of architectural barriers. The buildings referred to herein do not include buildings originally constructed with assistance from LSCA Title II funds.

d. Projects with the sole purpose of removal of architectural barriers in a public library building.

e. Renovation of a public library building for energy efficiency to maximize the efficient use of energy and to minimize the use of petroleum and natural gas as energy sources.

f. Renovation, remodeling, or construction of an addition to a public library building originally constructed with assistance from LSCA Title II funds.

3. If two or more projects within any subcategory are from geographic areas having identical unemployment rates, priority shall be assigned based on the population of the city in which the library is located as reported in the 1980 United States Census of Population, in order from largest number of persons to smallest number of persons.

4. Projects shall be funded in order by category and within a category by subcategory until all available funds have been granted. In order to ensure the use of all available funds, the first priority project for which insufficient funds remain to award the amount of grant requested shall be offered a grant amount less than the dollar amount requested. The applicant shall then be requested to indicate whether or not the project as proposed could be implemented with a smaller grant amount, and shall be requested to show how the project could be modified, if necessary, to meet all criteria with a smaller project budget. If the applicant is unable to modify the project, the same request shall be made to applicants in descending order of priority until all funds are granted.

K. Approval of projects. The director of OPLC shall make recommendations to the State Board of Education which shall approve or disapprove proposed library construction projects based on criteria specified in 5 MCAR § 1.0807 [Temporary]. The Commissioner of Education shall notify the United States Department of Education of the approved projects.

L. Hearing. An applicant whose application for funds is denied may request a hearing within ten days of receipt of notification of denial from the State Board of Education.

M. Grant agreements.

1. Grant contract required. A grant contract shall be offered to each applicant whose project application is approved for funding by the State Board of Education. The contract must be signed by a person authorized to commit the applicant to legally binding agreements and to execute the contract.

2. Contents of grant contract. The grant contract shall include:

a. a work program which indicates completion dates for major parts of the project and the projected budget supporting the work program;

b. a description of the manner in which payments will be made to grant recipients with the condition that five percent of the grant award will not be paid until successful completion of all activities in the work program and until receipt by OPLIC of an audit of receipts and disbursements of all funds for the project. The audit shall be preformed by the staff of the State Auditor's Office, by a certified public accountant, or by a public accountant as defined in Minnesota Statutes, sections 6.64 to 6.71.

c. assurance that the grant recipient will comply with all applicable state and federal laws, including the federal laws or regulations for which the state is made responsible for enforcement in Code of Federal Regulations, title 34, parts 74, 76, and 770; and section 75.600-75.616.

d. assurance that the grant recipient will supply to OPLIC a tabulation of all bids received, showing the bids accepted.

e. assurance that OPLIC will be notified of project completion within 30 days after project completion so that it may notify the United States Department of Education as required by Code of Federal Regulations, title 34, section 770.21 (a) (2).

Department of Energy and Economic Development Economic Development Division

Proposed Repeal of Rules Governing Designation of Enterprise Zones

Notice of Intent to Repeal Rules without a Public Hearing

Notice is hereby given that the Department of Energy and Economic Development proposes to repeal the rules governing designation of enterprise zones (4 MCAR §§ 2.501-2.508). The Commissioner of the Department of Energy and Economic Development has determined that the proposed repeal of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minn. Statute § 14.21-14.28. The repeal of these rules is necessary because the statute has been repealed and replaced with chapter 392 *Laws of Minnesota 1983*. These rules are therefore no longer functional.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless 7 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 14.13-14.20. Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

W. Wesley Cochrane
Acting Deputy Commissioner
MN. Department of Energy and Economic Development
480 Cedar Street, Room 100
St. Paul, Minnesota 55101

Authority for repeal of these rules is contained in Minn. Stat. § 116.J10. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the repeal of the rule and identifies the data and information relied upon to support the proposed rule repealer, has been prepared and is available from W. Wesley Cochrane upon request.

Before the final repeal of these rules without a public hearing, the rules proposed for repeal, this notice, the statement of reasonableness and need, all written comments received, and the final rules as repealed will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for repeal, should submit a written statement of such request to W. Wesley Cochrane.

Copies of this notice and the proposed rule repealer are available and may be obtained by contacting W. Wesley Cochrane.

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STATE OF MINNESOTA
STATE BOARD OF EDUCATION
DEPARTMENT OF EDUCATION

In the Matter of the Proposed Adoption of Temporary Rules of the State Board of Education Governing Public Library Construction Grants.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the State Board of Education's intent to adopt temporary rules governing Public Library Construction Grants was published in the State Register on August 1, 1983, and was sent by United States Mail to all persons on the list maintained by the Department of Education, pursuant to Minnesota Statutues section 14.30, and public libraries.

After affording interested and affected persons an opportunity to submit comments for 20 days and having reviewed and considered the comments, I find the following:

FINDINGS OF FACT

1. The authority of the State Board of Education to promulgate these temporary rules is contained in Minn. State § 121.09 and § 121.11, subd. 2 (1982), and in Chap. 314, Art. 11, Sec. 20 of the Session Laws of 1983.

2. The proposed Temporary Rules Governing Public Library Construction Grants are adopted to implement Title II of the Library Services and Construction Act (Public Law 84-597 as amended) with funds appropriated under the Emergency Jobs Bill (Public Law 98-8).

3. On July 12, 1983, the State Board of Education ordered publication of the Notice of Intent to Adopt Temporary Rules and the proposed temporary rules.

4. On July 18, 1983, 29 copies of the Notice of Intent to Adopt Temporary Rules and the proposed temporary rules were distributed to persons attending an informational meeting on the public library construction grant program.

5. On July 19, 1983, 41 copies of the Notice of Intent to Adopt Temporary Rules and the proposed temporary rules were mailed to all persons who had contacted the Office of Public Libraries and Interlibrary Cooperation in writing or by telephone expressing interest in the public library construction grant program.

6. On July 27, 1983, 299 copies of the Notice of Intent to Adopt Temporary Rules and the proposed temporary rules were mailed to names appearing on the Department of Education rule-making list.

7. On August 1, 1983, the Notice of Intent to Adopt Temporary Rules together with the proposed rules were published in 8 State Register 144-149.

8. Eleven letters providing written comments were received and are filed as a part of these proceedings.

9. 5 MCAR 1.0807 (Temporary) C.1.c is modified to delete the word "statement" from the phrase "a building program statement." Norman Vinnes, Director of the Ramsey County Public Library, recommended this change, noting that the word "statement" implies a brief document. He states that "...a well prepared building program is one of the most important factors in designing a successful building, ...(and) more emphasis should be placed on the importance of a detailed building program, especially for a new building or a major remodeling project." p.2

10. Qualifications of the library building consultant are modified in 5 MCAR § 1.0807 (Temporary) C.1.d. The consultant must have supervised the planning and construction of at least one public library building within the past three years, rather than two buildings within the past five years. Norman Vinnes recommended this change, suggesting that the shortage of funds for construction in recent years has reduced opportunities for persons usually active in library construction to be so involved now. He also states that "...involvement in a building project within the last three years should be adequate to maintain skills and currency of a consultant." p.2

11. 5 MCAR § 1.0807 (Temporary) C.1.g. has been modified by replacing the words "preliminary design drawings" with the words "schematic design studies." The letter from Robert H. Rohlf, Director the Hennepin County Library, suggests this change for purposes of clarity, noting that it is standard terminology in the standard agreement form issued by the American Institute of Architects. p.3

12. The application date in 5 MCAR § 1.0807 E. has been changed from October 1, 1983 to October 15, 1983. The earliest possible date that the Temporary Rules could become effective upon Attorney General's approval is October 4, 1983 and it is inappropriate to require applications to be filed before the Temporary Rules are effective. The modification also allows more time for applicants to prepare their application. This modification is supported by William M. Duncan, Director of the Metropolitan Library Service Agency writing on behalf of the directors of the seven county libraries and p.5 not correct date is 9/23

two city libraries in the Twin Cities metropolitan area. It is opposed in a letter from Carolyn Reichelt, Chairman of the Wadena City Library Board, who states that changing the date is unfair to library boards and groups who have been working to meet an October 1 application deadline. Despite this comment, the two-week extension of the date is reasonable so that the application date can fall during the time the rules are in effect.

13. Minimum project size for new construction has been modified in 5 MCAR § 1.0807 (Temporary) G.1. as suggested in many letters received. In the proposed rules, minimum floor space requirements by population served for specific library functions were established in a chart in 5 MCAR § 1.0807 (Temporary) I.4. This chart lacks the flexibility needed in designing space for specific functions and has been deleted as suggested in letters from Norman Vinnes, and from Charlotte Mugnier, Director of the Northfield Public Library. Only minimum total floor space requirements have been retained, as suggested by Charlotte Mugnier. In addition, reduction of the minimum total floor space by five percent is allowed if library functions such as acquisitions, cataloging and processing are provided elsewhere. An additional five percent reduction is allowed if a community meeting room is available for library use in a nonlibrary portion of the building or in an adjacent building, or if heating and cooling equipment is located outside the library building, or both. Letters from Robert H. Rohlf, Director of the Hennepin County Library, and from Jerry F. Young, Director of the Anoka County Library, support such a change in recognition of the fact that many public libraries function as branches or member libraries of library systems where certain functions are performed centrally. These changes are desirable and reasonable in allowing greater flexibility in planning use of space and in designing buildings that reflect specific functions to be performed in them and differences due to the presence or absence of community meeting rooms and accomodation of heating and cooling equipment. Comments were received supporting and opposing a minimum project size of 2,500 total square feet for construction of new public libraries serving populations of up to 4,999 persons, and this requirement was not modified.

14. Minimum project size has been modified for renovation of an existing building for use as a public library, addition to a public library building, renovation of an existing public library building, removal of architectural barriers for physically disabled persons, renovation for energy efficiency, and renovation, remodeling or construction of an addition to a public library building originally constructed with assistance from Library Services and Construction Act (LSCA) Title II funds. The

modification allows such projects for public libraries serving populations of up to 2,499 persons to be 1,200 square feet or 0.7 square feet per capita, whichever is greater. Support for this change is stated in letters from Huldah M. Wahlberg, Treasurer of the Warroad Historical Society, Sam Johnson, President of the Warroad Chamber of Commerce, and Betty J. Zaiser. This change is reasonable in allowing the smallest Minnesota communities to develop projects for smaller libraries. Presently there are 86 libraries having less than 1,200 square feet. Reduction in minmum total floor space of five percent is allowed if certain operational functions are performed elsewhere, if a meeting room is located in a nonlibrary portion of the building or if heating and cooling equipment are located elsewhere for the same reasons that these reductions may be allowed for new construction. These changes are desirable and reasonable in allowing greater flexibility in planning use of space and in designing buildings that better reflect specific functions to be performed in them and differences due to the presence or absence of community meeting rooms and accomodation of heating and cooling equipment.

15. A new provision has been added, 5 MCAR § 1.0807 H., making ineligible for a grant any project involving a public library building on which construction was completed after Oct. 15, 1978. This addition is suggested in a letter from William M. Duncan, Director of the Metropolitan Library Service Agency writing on behalf of the directors of the seven county libraries and two city libraries in the Twin Cities metropolitan area. Mr. Duncan notes that grants should not be made for remedial work on newer public library buildings "which should have complied with State and/or Federal codes and guideline statutes than (sic.) in force concerning accessibility to and usable (sic.) by physically disabled persons and energy efficiency." In addition, the newest public library buildings in Minnesota have had a relatively recent opportunity to plan facilities to meet current and projected needs and would not need the incentive this grant program provides.

16. 5 MCAR § 1.0807 (Temporary) J.3.h. is modified by inserting the word "sustained" before foot-candles to define minimum light levels in a library building. This modification for clarity was suggested in the letter from Robert H. Rohlf.

17. 5 MCAR § 10807 (Temporary) J.3.h. is modified so that the requirement that the library building be designed on a single ground floor level if less than 20,000 square feet, and with a second floor permitted for a library building exceeding 20,000 square feet, applies only to new construction. Charlotte Mugnier suggests such a change. Without this modification, many projects for additions to or remodeling of existing public library buildings would be ineligible.

18. In 5 MCAR § 1.0807 (Temporary) K.1.a. and b., the method is modified for calculating unemployment rates to rank eligible projects. In addition to calculating the average unemployment rate in the county where the project is located for the period of June through November, 1982, the average unemployment rate for the period June through August, 1983 will be calculated and the resultant figures will be averaged. This modification better implements requirements of the Federal Emergency Jobs Bills under which the grant funds have been made available. Section 101.(b)(2) states that: "States receiving allotment of funds under this subsection shall to the extent practicable utilize such funds in areas of the state where unemployment is highest and has been high for the longest period of time and for authorized purposes which have the greatest immediate employment impact." Section 101.(b)(3)(c) states: "The term 'long term unemployment state' means any state in which the average unadjusted unemployment rate was equal to or above the unemployment rate of 9.4 percent for the period of June, 1982 through November, 1982." At the time the grant applications are processed, the most recent unemployment data available from the Minnesota Department of Economic Security will be for August, 1983. Use of recent unemployment data was suggested in letters from Ken Nielsen, Director of the Arrowhead Library System, and Charlotte Mugnier. ✓p. 9, 10

19. The name of the Minnesota Department of Economic Security was misstated and is corrected. ✓p. 9, 10

CONCLUSIONS

1. The Board has statutory authority to promulgate the proposed Temporary Rules.

2. The Board has fulfilled all relevant, substantive and procedural requirements of law or rule.

STATE OF MINNESOTA

Ruth E. Randall

September 13, 1983
DATE

Ruth E. Randall, Secretary

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Ruth E. Randall, do hereby certify that I am the secretary of the Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education, duly and properly called and held on the 13th day of September, 1983, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the temporary rules relating to Public Library Construction Grants be and they hereby are approved and adopted, pursuant to authority vested in us by Chap. 314, Art. 11, Sec. 20 of the Session Laws of 1983 and that Ruth E. Randall, the secretary of the Board of Education, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of September, 1983.

Ruth E. Randall

Ruth E. Randall, Secretary

W J Nidey

Member, State Board of Education

In the Matter of the Proposed Adoption of Temporary Rules of the State Board of Education Governing Public Library Construction Grants

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Charles T. Mottl, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Charles T. Mottl

CHARLES T. MOTTL
Special Assistant
Attorney General

Dated: September 15, 1983.