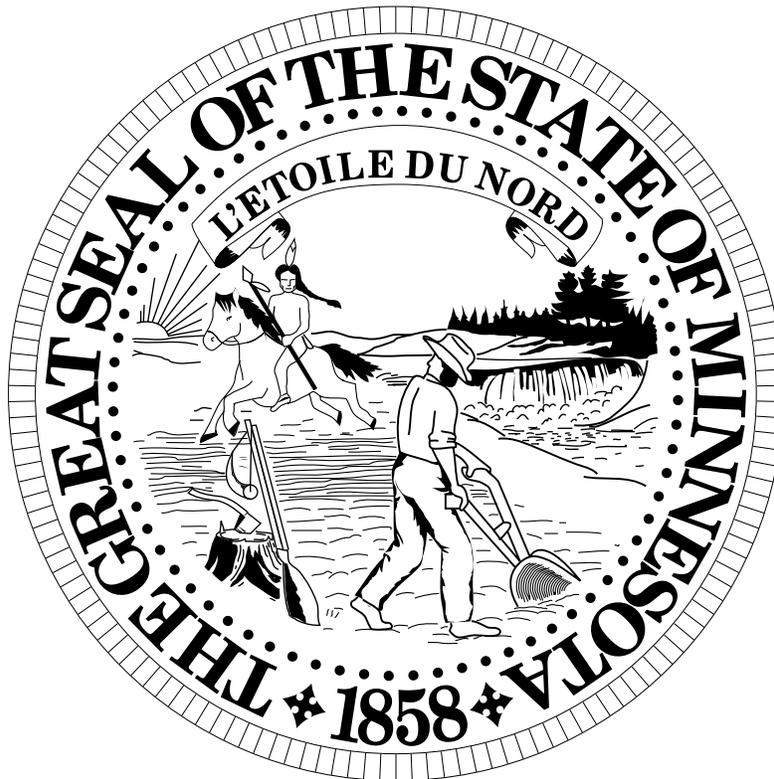


State of Minnesota

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- proposed, adopted, exempt, expedited emergency and withdrawn rules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
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Printing Schedule and Submission Deadlines

Vol. 27 Issue Number	PUBLISH DATE	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	Deadline for both Adopted and Proposed RULES
#17	Monday 21 October	Noon Tuesday 15 October	Noon Wednesday 9 October
#18	Monday 28 October	Noon Tuesday 22 October	Noon Wednesday 16 October
#19	Monday 4 November	Noon Tuesday 29 October	Noon Wednesday 23 October
#20	TUESDAY 12 NOVEMBER	Noon Tuesday 5 November	Noon Wednesday 30 October

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Website: www.senate.leg.state.mn.us/departments/secretary/seninfo.htm

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U.S. Government Printing Office – Fax: (202) 512-1262
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Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155
Website: www.courts.state.mn.us

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Commodity, Service, and Construction contracts are published Tuesday and Friday in a bulletin, the *Solicitation Announcements*. Award results are available from the Materials Management Helpline (651) 296-2600. **Website:** www.mmd.admin.state.mn.us

Individual copies and subscriptions or the *State Register* and *Solicitation Announcements* are available through Minnesota's Bookstore, (651) 297-3000, or (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 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

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Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

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

Minnesota Department of Administration

Building Codes and Standards Division

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 Amendments to Rules Governing the Administration of the Minnesota State Building Code, *Minnesota Rules*, chapter 1300

Introduction. The Department of Administration intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on November 20, 2002, a public hearing will be held in Conference Rooms B and C of the Building Codes and Standards Division Offices, 408 Metro Square Building, 121 E. 7th Place, St. Paul, Minnesota 55101, starting at 9:30 a.m. on Monday, December 9, 2002. 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 November 20, 2002 and before December 9, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Colleen Chirhart at the Department of Administration, Building Codes and Standards Division, 121 E. 7th Place, Suite 408, St. Paul, Minnesota 55101, (651) 296-4329, **fax:** (651) 297-1973, and **email** at: colleen.d.chirhart@state.mn.us. **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about the administration of the Minnesota State Building Code. This rule chapter provides general administrative provisions for the other rule chapters in the Minnesota State Building Code. Where specific administrative provisions are provided within a rule chapter, the specific provisions will apply. The proposed changes contain provisions from the International Building Code, the International Residential Code, the International Mechanical Code, and some provisions from the current administrative chapter. Provisions in the current administrative chapter that do not deal directly with code and building inspection department administration are proposed for removal and placement in *Minnesota Rules*, chapter 1303, Minnesota Provisions of the Minnesota State Building Code. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 16B.59, 16B.61, and 16B.64. The proposed rules are available on the Division's **website** at: www.admin.state.mn.us/buildingcodes. A free copy of the rules is also available from the agency contact person listed above.

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

Comments. You have until 4:30 p.m. on Wednesday, November 20, 2002, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, November 20, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for December 9, 2002, 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) 296-4329 after November 20, 2002 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allan Klein is assigned to conduct the hearing. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 341-7609, and **fax:** (612) 349-2665.

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

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

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

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

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

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

Kath Ouska
Assistant Commissioner

Minnesota Department of Administration Building Codes and Standards Division

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 Governing Building Official Certification, *Minnesota Rules*, chapter 1301

Introduction. The Department of Administration intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on November 20, 2002, a public hearing will be held in Conference Rooms B and C of the Building Codes and Standards Division Offices, 408 Metro Square Building, 121 E. 7th Place, St. Paul, Minnesota 55101, starting at 1:00 p.m. on Monday, December 9, 2002. 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 November 20, 2002 and before December 9, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Colleen Chirhart at the Department of Administration, Building Codes and Standards Division, 121 E. 7th Place, Suite 408, St. Paul, Minnesota 55101, (651) 296-4329, **fax:** (651) 297-1973, and **email** at: colleen.d.chirhart@state.mn.us. **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about the requirements regarding the certification of building officials. This rule chapter establishes procedures to regulate and maintain certifications for persons who administer the Minnesota State Building Code. This rule chapter also regulates continuing education requirements for Certified Building Official - Limited, Class I Certification, and the Accessibility Specialist. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 16B.59, 16B.61, 16B.64, and 16B.65. The proposed rules are available on the Division's **website** at: www.admin.state.mn.us/buildingcodes. A free copy of the rules is available 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, November 20, 2002, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, November 20, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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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 December 9, 2002, 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) 296-4329 after November 20, 2002 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allan Klein is assigned to conduct the hearing. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 341-7609, and **fax:** (612) 349-2665.

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

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

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

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

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

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

Kath Ouska
Assistant Commissioner

Minnesota Department of Administration

Building Codes and Standards Division

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 Governing Minnesota Provisions of Minnesota State Building Code, *Minnesota Rules*, chapter 1303

Introduction. The Department of Administration intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on November 20, 2002, a public hearing will be held in Conference Rooms B and C of the Building Codes and Standards Division Offices, 408 Metro Square Building, 121 E. 7th Place, St. Paul, Minnesota 55101, starting at 1:00 p.m. on Tuesday, December 10, 2002. 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 November 20, 2002 and before December 10, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Colleen Chirhart at the Department of Administration, Building Codes and Standards Division, 121 E. 7th Place, Suite 408, St. Paul, Minnesota 55101, (651) 296-4329, **fax:** (651) 297-1973, and **email** at: colleen.d.chirhart@state.mn.us. **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules contain certain existing rule parts relocated from *Minnesota Rules*, chapter 1300 that are not administrative in nature. The existing *Minnesota Rules*, chapter 1300 contains administrative provisions of the State Building Code and other miscellaneous code requirements that are specific or unique to Minnesota or related to Minnesota's geographic conditions. This chapter also contains provisions that are required by state statutes or rules, or federal regulations. The new format of *Minnesota Rules*, chapter 1300 will contain information only related to the administration of the State Building Code. This rule chapter is intended to compile and update the remaining code provisions specific to Minnesota. The

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Proposed Rules

statutory authority to adopt the rules is *Minnesota Statutes*, sections 16B.59, 16B.61, and 16B.64. The proposed rules are available on the Division's **website** at: www.admin.state.mn.us/buildingcodes. A free copy of the rules is available from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, November 20, 2002, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, November 20, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for December 10, 2002, 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) 296-4329 after November 20, 2002 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allan Klein is assigned to conduct the hearing. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 341-7609, and **fax:** (612) 349-2665.

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be

affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

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

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

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

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

Kath Ouska
Assistant Commissioner

Minnesota Department of Administration

Building Codes and Standards Division

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 Governing the Adoption of the International Building Code, *Minnesota Rules*, chapter 1305

Introduction. The Department of Administration intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on November 20, 2002, a public hearing will be held in Conference Rooms B and C in the Building Codes and Standards Division Offices, 408 Metro Square Building, 121 E. 7th Place, St. Paul, Minnesota 55101, starting at 9:30 a.m. on Monday, December 2, 2002. 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 November 20, 2002 and before December 2, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Colleen Chirhart at Department of Administration, Building Codes and Standards Division, 121 E. 7th Place, Suite 408, St. Paul, MN 55101, (651) 296-4329, **fax:** (651) 297-1973, and **email** at: colleen.d.chirhart@state.mn.us. **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules adopt the 2000 International Building Code by reference with necessary amendments. The 2000 International Building Code provides standards and provisions for commercial construction. The amendments in this rule chapter clarify the exact provisions and chapters of the International Building Code that are being

<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

adopted as part of the Minnesota State Building Code. The amendments also provide direction regarding the local adoption of an optional appendix chapter of the code. Because the International Building Code is a national model code, it contains certain provisions that do not apply to the geographic conditions in this state so they were deleted. The amendments also provide coordination with requirements that are administered by other state agencies or are required by existing state statutes or rules, or federal regulations. For example, this chapter contains specific provisions for fire protection systems and needed to be coordinated with the provisions of the Department of Public Safety, Fire Marshal Division's rules for fire protection systems. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 16B.59, 16B.61, and 16B.64. The proposed rules are available on the Division's **website** at: www.admin.state.mn.us/buildingcodes. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m., Wednesday, November 20, 2002, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, November 20, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for December 2, 2002, 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) 296-4329 after November 20, 2002 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (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 rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day 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 rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

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

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

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

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

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

Kath Ouska
Assistant Commissioner

Minnesota Department of Administration Building Codes and Standards Division

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 Governing Special Fire Protection Systems (optional), *Minnesota Rules*, chapter 1306

Introduction. The Department of Administration intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on November 20, 2002, a public hearing will be held in Conference Rooms B and C in the Building Codes and Standards Division Offices, 408 Metro Square Building, 121 E. 7th Place, St. Paul, Minnesota 55101, starting at 9:30 a.m. on Wednesday, December 4, 2002. 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 November 20, 2002 and before December 4, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Colleen Chirhart at Department of Administration, Building Codes and Standards Division, 121 E. 7th Place, Suite 408, St. Paul, Minnesota 55101, (651) 296-4329, **fax:** (651) 297-1973, and **email** at: colleen.d.chirhart@state.mn.us. **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

<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

Subject of Rules and Statutory Authority. The proposed rules will provide local jurisdictions with the option to adopt more comprehensive fire sprinkler protection provisions for structures within their jurisdictions. Specifically, this chapter authorizes optional provisions for the installation of on-premises fire suppression systems that may be adopted by a municipality in addition to the Minnesota State Building Code. If the municipality chooses to adopt these provisions, the sprinkler system requirements in this chapter become part of the State Building Code. In adopting these optional provisions, the municipality can adopt provisions for either existing and new buildings or new buildings only. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 16B.59, 16B.61, and 16B.64. The proposed rules are available on the Division's **website** at: www.admin.state.mn.us/buildingcodes. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, November 20, 2002, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, November 20, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for December 4, 2002, 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) 296-4329 after November 20, 2002 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (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 rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day 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 rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

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

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

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

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

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

Kath Ouska
Assistant Commissioner

Minnesota Department of Administration

Building Codes and Standards Division

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 Governing the Adoption of the International Residential Code, *Minnesota Rules*, chapter 1309

Introduction. The Department of Administration intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on November 20, 2002, a public hearing will be held in Conference Rooms B and C in the Building Codes and Standards Division Offices, 408 Metro Square, 121 E. 7th Place, St. Paul, Minnesota 55101, starting at 9:30 a.m. on Tuesday, December 3, 2002. 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 November 20, 2002 and before December 3, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Colleen Chirhart at Department of Administration, Building

<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

Codes and Standards Division, 121 E. 7th Place, Suite 408, St. Paul, Minnesota 55101, (651) 296-4329, **fax:** (651) 297-1973, and **email** at: colleen.d.chirhart@state.mn.us. **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules adopt the 2000 International Residential Code by reference with necessary amendments. The 2000 International Residential Code provides standards and provisions for residential construction. The amendments in this chapter will clarify the exact provisions and chapters of the International Residential Code that are being adopted as part of the Minnesota State Building Code. Because the International Building Code is a national model code, it contains certain provisions that do not apply to the geographic conditions in this state so they were deleted. The amendments also contain references to requirements that are administered by other state agencies, such as plumbing, electrical, and energy efficiency practices, or required by state statutes or other rules, or federal regulations. For example, this chapter contains provisions for plumbing installations and needed to be coordinated with *Minnesota Rules*, chapter 4715, which is administered and enforced through the Department of Health, Environmental Health Division. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 16B.59, 16B.61, and 16B.64. The proposed rules are available on the Division's **website** at: www.admin.state.mn.us/buildingcodes. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, November 20, 2002, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, November 20, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for December 3, 2002, 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) 296-4329 after November 20, 2002 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (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 rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day 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 rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

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

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

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

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

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

Kath Ouska
Assistant Commissioner

Minnesota Department of Administration

Building Codes and Standards Division

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 Governing the Adoption of the Guidelines for the Rehabilitation of Existing Buildings, *Minnesota Rules*, chapter 1311

Introduction. The Department of Administration intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on November 20, 2002, a public hearing will be held in Conference Rooms B and C of the Building Codes and Standards Division Offices, 408 Metro Square Building, 121 E. 7th Place, St. Paul, Minnesota 55101, starting at 9:30 a.m. on Tuesday, December 10, 2002. 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 November 20, 2002 and before December 10, 2002.

<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

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Colleen Chirhart at Department of Administration, Building Codes and Standards Division, 121 E. 7th Place, Suite 408, St. Paul, Minnesota 55101, (651) 296-4329, **fax:** (651) 297-1973, and **email** at: colleen.d.chirhart@state.mn.us. **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules will adopt the Guidelines for the Rehabilitation of Existing Buildings by reference with necessary amendments. In the 1998 Minnesota State Building Code, the Division first adopted rules governing existing structures by referencing the 1997 Uniform Code for Building Conservation. The code was amended by instructing users that this publication was to be used as a guide for the evaluation and implementation of building conservation practices. On April 29, 1999, the legislature added language to the Division's authorizing statute to include a code for building conservation. Although it had already adopted provisions for building conservation in 1998, the Division decided to adopt a separate code for building conservation to more clearly define, elaborate on, and mandate provisions for building conservation.

The amendments in this rule chapter clarify the exact provisions and chapters of the Guidelines for the Rehabilitation of Existing Buildings that are being adopted as part of the Minnesota State Building Code and would now be mandatory requirements. The amendments will clarify and elaborate on building code standards for a change of occupancy, alteration, renovation, or repair of existing buildings and structures to encourage the use or reuse of legally existing buildings and structures. The amendments also contain references to requirements that are administered by other state agencies or are required by existing state statutes, other rules, or federal regulations. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 16B.59, 16B.61, and 16B.64. The proposed rules are available on the Division's **website** at: www.state.mn.us/buildingcodes. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, November 20, 2002, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, November 20, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for December 10, 2002, 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) 296-4329 after November 20, 2002 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allan Klein is assigned to conduct the hearing. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 341-7609, and **fax:** (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in

writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day 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 rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

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

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

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

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

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

Kath Ouska
Assistant Commissioner

<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

Minnesota Department of Administration

Building Codes and Standards Division

Minnesota Department of Health

Division of Environmental Health - Plumbing Unit

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 Governing the Minnesota Plumbing Code, *Minnesota Rules*, chapter 4715

Introduction. The Department of Administration with the Department of Health 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 by 4:30 p.m. on November 20, 2002, a public hearing will be held in Conference Rooms B and C in the Building Codes and Standards Division Offices, 408 Metro Square Building, 121 E. 7th Place, St. Paul, Minnesota 55101, starting at 9:30 a.m. on Friday, December 6, 2002. 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 November 20, 2002 and before December 6, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Colleen Chirhart at Department of Administration, Building Codes and Standards Division, 121 E. 7th Place, Suite 408, St. Paul, Minnesota 55101, (651) 296-4329, **fax:** (651) 297-1973, and **email** at: colleen.d.chirhart@state.mn.us. **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules update the Minnesota State Plumbing Code to keep the code current with new plumbing methods and materials. The Plumbing Code establishes principles of proper plumbing methods, specifies acceptable materials, and outlines installation methods to ensure sanitary plumbing conditions. The Plumbing Code requires plan review for plumbing installations in public places and requires inspections of that work. The Code also provides for examination and licensing of plumbers and contains certain provisions to allow certain jurisdictions to locally administer this code. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 16B.59, 16B.61, 16B.64, 326.37, and 326.40. The proposed rules are available on the Division's **website** at: www.admin.state.mn.us/buildingcodes. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, November 20, 2002, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, November 20, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for December 6, 2002, 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 651-296-4329 after November 20, 2002 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (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 rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day 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 rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **phone:** (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 the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

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

Patricia A. Bloomgren, Division Director
Environmental Health Division
Minnesota Department of Health
Kath Ouska, Assistant Commissioner
Department of Administration

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.

Adopted Rules

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

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

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

Expedited and Emergency Expedited Rules

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

Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design

Adopted Permanent Rules Relating to Land Surveyors and Miscellaneous Rules

The rules proposed and published at *State Register*, Volume 26, Number 44, pages 1389-1393, April 22, 2002 (26 SR 1389), are adopted with the following modifications:

1800.3505 EDUCATION AND EXPERIENCE.

Subp. 3. **Admission to professional land surveying examination.** To qualify for admission to the professional land surveying examination, the applicant shall present evidence of meeting the educational and qualifying experience requirements in item A or B.

A. Graduates of a four-year land surveying curriculum must present evidence of:

(1) graduation from a four-year land surveying curriculum ~~that meets the statutory requirements in place at the time of graduation~~; and

(2) completion of a minimum of three years of the following qualifying land surveying experience:

(a) a minimum of 160 hours of field experience in each of four or more of the following: section subdivision, boundary surveys, land title surveys, government corner restoration, geodetic surveys, staking subdivisions, and common interest communities totaling 3,120 hours or more;

(b) a minimum of 160 hours of office experience in each of five or more of the following: record research, record analysis, survey computations, description analysis, description writing, subdivision design, and plat computations totaling 2,080 hours or more;

B. Graduates of a bachelor's curriculum must present evidence of:

(1) graduation from a bachelor's curriculum ~~that meets the statutory requirements in place at the time of graduation~~, with a minimum of 22 semester credits or 32 quarter credits in land surveying; and

(2) completion of a minimum of five years of the following qualifying land surveying experience:

(a) a minimum of 160 hours of field experience in each of four or more of the following: section subdivision, boundary surveys, land title surveys, government corner restoration, geodetic surveys, staking subdivisions, and common interest communities totaling 4,990 hours or more;

(b) a minimum of 160 hours of office experience in each of five or more of the following: record research, record analysis, survey computations, description analysis, description writing, subdivision design, and plat computations totaling 3,330 hours or more;

1800.3850 TRANSITIONAL PERIOD.

Until December 31, 2012, an individual who has taken the Fundamentals of Land Surveying examination before the effective date of this part may choose to pursue licensure as a land surveyor under chapter 1800 as it existed on the date the person first took the examination.

EFFECTIVE DATE. These rules are effective November 1, 2002.

Department of Revenue

Adopted Permanent Rules Relating to Cigarette and Tobacco Products Taxes

The rules proposed and published at *State Register*, Volume 27, Number 6, pages 163-167, August 5, 2002 (27 SR 163), are adopted as proposed.

Exempt Rules

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

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

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

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years from the date of publication of the rule in the *State Register*. Rules adopted, amended or repealed under clause (3) or (4) are effective upon publication in the *State Register*.

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

Department of Natural Resources

Adopted Exempt Permanent Rule Relating to Land Use District Legal Descriptions

6105.1680 LAND USE DISTRICT LEGAL DESCRIPTIONS.

[For text of subs 1 to 6, see M.R.]

Subp. 7. **T 112 N - R 18 W.** The land use district descriptions and acreages for T 112 N - R 18 W are as follows:

A. Section 18	
N 1/2 <u>1/4</u> of NE 1/4	80.00 <u>40.00</u>
<u>W 1/2 of SW 1/4 of NW 1/4 of NE 1/4</u>	<u>5.00</u>
NE 1/4 of NW 1/4	40.00
NW 1/4 of NW 1/4	33.98

[For text of items B to F, see M.R.]

[For text of subs 8 to 13, see M.R.]

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.

Executive Orders

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

Office of the Governor

Emergency Executive Order # 02-09: Providing Emergency Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota

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

WHEREAS, drought conditions exist in South Dakota, North Dakota and Montana; and

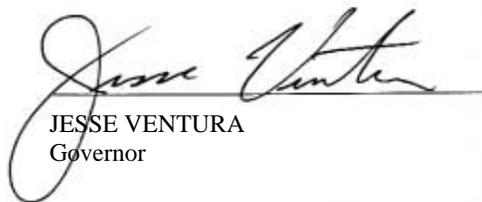
WHEREAS, there is a need to transport hay and straw to affected areas to provide feed for livestock.

NOW, THEREFORE, I hereby order that the Commissioner of Transportation waive the following statutory requirements and issue over-dimension transportation permits to hay and straw haulers:

1. *Minnesota Statutes* 2001, Section 221.021. Any person while engaged in the transportation of hay and straw to victims of the drought shall be exempt from applying for operating authority.
2. *Minnesota Statutes* 2001, Section 221.60, subdivision 1(2) and (3). Interstate carriers while engaged in the transportation of hay and straw to the victims of drought shall be exempt from registering with the Minnesota Commissioner of Transportation.
3. *Minnesota Statutes* 2001, Section 169.862. All carriers while engaged in the transportation of hay and straw to the victims of the drought may operate on the interstate highway system. The following statutory provisions shall remain in effect:
 - The maximum available width of loaded vehicles is 11-1/2 feet;
 - Vehicles must operate only from sunrise to sunset;
 - There shall be no movement in the Twin City Metropolitan Area between the hours 6:00 a.m. to 9:00 a.m. or 3:00 p.m. to 6:00 p.m., Monday through Friday. Minneapolis/St. Paul (TWIN CITIES) Metropolitan Area includes Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties;
 - Vehicles must operate on pavement that is at least 24 feet wide;
 - Vehicles must be equipped with mirrors so that drivers are able to have a clear view of the highway at least 200 feet to the rear of the vehicle;
 - Vehicles must display red, orange or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load.

Pursuant to *Minnesota Statutes* 2001, Section 4.035, subd. 2, this Executive Order is effective immediately and shall remain in effect until 11:59 p.m., CST, December 24, 2002.

IN TESTIMONY WHEREOF, I have set my hand this 7th day of October, 2002.



JESSE VENTURA
Governor

Filed According to Law:



MARY KIFFMEYER

Secretary of State

Office of the Governor

Executive Order # 02-10: Order to Affirm the Government-to-Government Relationship Between the State of Minnesota and Indian Tribal Governments Located Within the State of Minnesota

I, JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the constitution and the applicable statutes, do hereby issue this executive order.

WHEREAS, the United States and the State of Minnesota have a unique legal relationship with Indian tribes, as affirmed by the Constitution of the United States, treaties and statutes; and

WHEREAS, within Minnesota there are eleven federally recognized tribes with elected or appointed tribal governments; and

WHEREAS, the State of Minnesota, a sovereign state within the United States, recognizes the inherent sovereignty of Indian tribes and their right to existence, self government and self determination; and

WHEREAS, state regulations and other policy statements or actions often have an impact on Indian tribes; and

WHEREAS, state and tribal governments both play key roles in serving all citizens of Minnesota and collaboration between tribes and states will ensure that services are efficiently provided to all citizens, minimize service overlap, preserve natural resources and encourage sustainable economic development; and

WHEREAS, in order to advance both state and tribal concerns, it is necessary to maintain and foster a government-to-government relationship that is built on mutual respect for the sovereignty of both state and tribal governments;

NOW, THEREFORE I hereby order that:

1. Agencies of the State of Minnesota and persons employed by state agencies (the "State") shall recognize the unique legal relationship between the State of Minnesota and Indian tribes, respect the fundamental principles that establish and maintain this relationship and accord tribal governments the same recognition and respect accorded to other governments.
2. When undertaking to formulate and implement policies that directly affect Indian tribes and their members, the State and its agencies must recognize the unique government-to-government relationship between the State and Indian tribes and whenever feasible consult with the governments of the affected Indian tribe or tribes regarding a State action or proposed action anticipated to directly affect an Indian tribe.
3. In instances where the State assumes control over formerly federal programs, state agencies shall consider unique tribal needs and endeavor to ensure that tribal interests are not overlooked. Where a federal program provided the tribes the option of controlling programs, functions, services and activities, the state agency should continue the option if possible. If so requested by one or more tribes, the agency shall review the feasibility of transferring control over a program to one or more tribes if the program functions, services and activities are intended to directly benefit tribes. Such a study shall not be performed on more than a biennial basis. The results of the feasibility study shall be reported by the agency to the Governor.
4. State agencies and persons employed by State agencies shall work cooperatively to accomplish the goals of this order and at all times act in a manner consistent with this order.

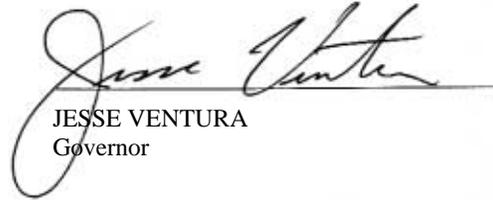
Nothing in this order shall require state agencies to violate or ignore any laws, rules, directives or other legal requirements or obligations imposed by state or federal law, or set forth in agreements or compacts entered into one or more Indian Tribes and the state or one or more of its agencies.

This order shall be reviewed by the Governor, every two years in order to assess its effectiveness, implementation and reasonableness, and to identify any areas of concern.

Pursuant to *Minnesota Statutes* 2000, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 2000, section 4.035, subd. 3.

Executive Orders

IN TESTIMONY WHEREOF, I have set my hand this 16th day of October 2002.



JESSE VENTURA
Governor

Filed According to Law:



MARY KIFFMEYER
Secretary of State

Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* § 270.0604.

Department of Revenue

Revenue Notice # 02-17: Sales and Use Tax - Taxable Sales - Delivery of Aggregate Materials and Concrete Block

Effective January 1, 2002, charges for delivery of tangible personal property, including aggregate material and concrete block, became taxable when performed and/or billed by the seller of the tangible personal property. Effective July 1, 2002, delivery of aggregate material and concrete block, when performed by someone other than the seller, became taxable if the delivery would have been subject to the sales tax when performed by the seller. The following guidelines will be used in applying sales tax to charges for the service of delivering aggregate materials and concrete block:

- The charge for delivery of aggregate materials and concrete block is taxable regardless of whether billed by the seller of the product or billed by a third party hauler.
- The delivery charge may be purchased exempt when:
 - The customer provides an exemption certificate indicating that the product being delivered is exempt for use in industrial production.
 - The customer provides an exemption certificate indicating that the product being delivered is exempt because it will be resold at retail.
 - The sale is to an exempt entity.
 - The charge is to deliver the product outside of Minnesota.
 - The sale is to a township of gravel to be used for road maintenance.

1. Does the sales tax apply to the delivery of aggregate material that will be used to produce asphalt or ready mix concrete?

The delivery charges are exempt if the aggregate becomes an ingredient or component part of tangible personal property that will be sold at retail. The purchaser of the aggregate material must give the delivery firm an exemption certificate claiming that the material being delivered will be used or consumed in the production process. If the aggregate is used to produce asphalt or ready mix concrete that will not be sold at retail but which is used by the purchaser or owner of the aggregate to make an improvement to real property, the delivery charges are subject to the sales tax.

2. Is the delivery by a third party hauler of aggregate and concrete block into Minnesota from outside the state taxable? When do local sales taxes apply to taxable delivery charges?

The sales tax applies to charges to deliver aggregate materials to a Minnesota location. Charges to deliver aggregate materials from Minnesota to a location outside Minnesota are not subject to Minnesota sales tax since the sale is not made until the delivery is completed. Local sales tax applies when the aggregate is delivered into a political subdivision that imposes a local sales tax. For example, a charge to deliver aggregate materials into Minneapolis is subject to the one-half percent Minneapolis local sales tax.

3. Is delivery of aggregate material or concrete block taxable even though the material or block being hauled is not taxable because there is no sale of tangible personal property?

In order for the delivery charges to be taxable there must be a sale of the aggregate material or concrete block. The delivery of borrow would not be subject to the sales tax unless there was a sale and purchase of the borrow material.

4. Does the sales tax apply to deliveries made by employees for their employer?

The sales tax only applies to services specifically enumerated under the Minnesota sales tax law. There is no sales tax on services performed by an employee for his or her employer. The fact that MN/DOT considers third party truckers as employees of their contractor-customers on prevailing wage projects does not make those truckers employees for sales tax purposes. The sales tax can only be avoided when a true employer-employee relationship exists.

5. Does the sales tax apply to delivery contracts entered into prior to July 1, 2002?

The legislature did provide a transition period for sellers of aggregate materials in the 2002 tax bill. Sellers of aggregate materials or concrete block are not required to collect sales tax on the delivery charges if the aggregate or block is sold to contractors who have entered into a bona fide written lump sum or fixed price construction contract prior to January 1, 2002, and delivery is made prior to January 1, 2005. The provision making delivery of aggregate materials and concrete block a taxable service is effective for third party deliveries made on or after July 1, 2002. Third party deliveries of aggregate materials and concrete block are not subject to the sales tax if made pursuant to bona fide written contracts or lump sum or fixed price construction contracts which do not make provision of allocation of future taxes, provided the contracts were entered into prior to July 1, 2002, and delivery of the items are made on or before January 1, 2003.

6. Does the sales tax apply to delivery charges if the party making the delivery is using the aggregate in making an improvement to realty?

If the person delivering the aggregate uses the aggregate in making an improvement to realty, no sales tax is due on the delivery charges. If the party delivering aggregate materials has a contract requiring both the delivery and the depositing substantially in place of the aggregate materials, the transaction will be treated as an improvement to realty and not a taxable delivery service. The aggregate material will be considered to be deposited substantially in place if the aggregate material is deposited on the project site directly or through spreaders where it can be spread from or compacted at the location where it was deposited. If the aggregate material is merely dumped in a pile, or if the contract does not require the hauler to deposit the aggregate material substantially in place, the delivery charges are subject to sales tax.

7. What are the responsibilities of third party deliverers of aggregate material after June 30, 2002?

Persons making delivery of aggregate material and concrete block on or after July 1, 2002 must be registered with the Department of Revenue to collect and remit the Minnesota sales tax. The hauler must start collecting and remitting sales tax on all their taxable sales after June 30. All deliveries of aggregate and block made on or after July 1, 2002 are subject to the sales tax unless an exemption applies or the deliverer is making an improvement to realty.

8. How is recycled aggregate material treated?

Charges to transport construction debris, such as broken chunks of concrete, from a construction site are not subject to the sales tax. However, sales tax does apply to the delivery of recycled aggregate materials that have been reclaimed or recovered through the processing of the construction debris.

Jennifer L. Engh
Assistant Commissioner

Official Notices

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

Minnesota Department of Administration

Building Codes and Standards Division

REQUEST FOR COMMENTS on Possible Amendments to Rules Governing the Minnesota State Building Code

Subject of Rules. The Minnesota Department of Administration requests comments on its possible amendments to rules governing various chapters of the Minnesota State Building Code. The rule chapters being considered for amendment include *Minnesota Rules*, chapters 1301 - Building Official Certification, 1307 - Elevators and Related Devices, 1341 - Minnesota Accessibility Code, 1350 - Manufactured Homes, 1370 - Storm Shelters for Manufactured Home Parks, and an update to the Minnesota Energy Code. The Department is considering rule amendments that provide rules authorized by new statutory language and update or revise current rule language.

1301 Building Official Certification. The Department intends to revise this chapter to incorporate rules related to recent legislation providing procedures for administrative action, penalties, and suspension and revocation of the certification of a building official. This chapter will also establish a graduated schedule of administrative actions for violations of *Minnesota Statutes*, sections 16B.59 to 16B.75. The Department will establish an Advisory Committee to assist in the development of these provisions.

1307 Elevators and Related Devices. The Department intends to adopt, with necessary amendments, the current versions of ASME standards of safety codes for elevators, escalators, belt manlifts and vertical reciprocating conveyors, platform lifts, and resident stairway chairlifts. The Department intends to utilize two advisory committees to review the new standards.

1341 Minnesota Accessibility Code. The Department intends to revise this rule chapter to update *Minnesota Rules*, chapter 1341 to the new federal ADAAG.

1350 Manufactured Homes. The Department intends to update rule in this chapter regarding licensure for manufacturers, dealers, limited dealers and sales requirements. Amendments in this chapter will also incorporate or update new federal regulations related to manufactured homes. The Department will establish an advisory committee to assist in the development of rule changes and identify statutes that will require revision as a result of changes to federal regulations.

1370 Storm Shelters. The Department intends to revise this rule chapter to incorporate current FEMA Standards for manufactured home parks.

Energy Code. The Department intends to review and adopt a current model code for energy conservation. The Department will establish an advisory committee to assist in the code review and recommend any necessary amendments to the code.

Persons Affected. The amendments to the rules listed above would likely affect municipal building inspection department personnel, building contractors and subcontractors, architects, engineers, fire inspection personnel, pre-engineered building and material manufacturers and/or suppliers, and ultimately the general public.

Persons additionally affected by amendments to chapter 1307 may include elevator inspectors, elevator system manufacturers and/or suppliers, and elevator contractors.

Persons additionally affected by amendments to chapter 1341 may include persons with disabilities.

Persons additionally affected by amendments to chapters 1350 and 1370 include manufactured home community owners and those in the general public that own or plan to purchase manufactured homes, manufactured home installers, manufactured home manufacturers, and manufactured home dealers and limited dealers.

Persons affected by amendments to the Minnesota Energy Code include utility suppliers.

Statutory Authority. *Minnesota Statutes*, sections 16B.59, 16B. 61, 16B.64, and 16B.65 authorize the Department to adopt or amend rules governing Building Official Certification and Accessibility. *Minnesota Statutes*, sections 16B.59, 16B.61, 16B.64 and 16B.748 authorize the Department to adopt or amend rules governing elevators and related devices. *Minnesota Statutes* sections 327.31 through 327.36 and 327B.04 authorize the Department to adopt rules for manufactured homes and storm shelters. *Minnesota Statutes*, section 16B.617 authorizes the Department to adopt a current model energy conservation code.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department contemplates appointing advisory committees to comment on the possible rules.

Rules Drafts. The Department does not anticipate that a draft of the rules amendments will be available before the publication of the proposed rules.

Agency Contact Person. Written comments, questions, requests to receive a drafts of the rules when they have been prepared, and requests for more information on these possible rules should be directed to: Colleen Chirhart at the Building Codes and Standards Division, Department of Administration, 408 Metro Square Building, 121 East 7th Place, St. Paul, Minnesota 55101, **phone:** (651) 296-4329, **fax:** (651) 296-1973, and **email:** *colleen.d.chirhart@state.mn.us*. **TTY** users may contact the Department by calling the Minnesota Relay Service at 1-800-627-3529.

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

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

Dated: 9 October 2002

David Fisher, Commissioner
Department of Administration

Department of Agriculture

Agronomy and Plant Protection Division

Notice of Administrative Changes to Minnesota's Water Quality Pesticide Management Programs

NOTICE IS HERBY GIVEN that the Commissioner of the Minnesota Department of Agriculture (MDA) is providing notice of his intent to revise the Minnesota Pesticide Management Plan (PMP). The PMP is the primary guidance document for directing Minnesota's actions related to non-point source pesticide contamination. PMP development began in 1990, and was completed in 1996 (with minor revisions in 1998). While the PMP is a guidance document, and, therefore, unenforceable, it is a requirement under the Pesticide Control Law (*Minnesota Statutes* § 18B) and has obtained the formal concurrence of the US Environmental Protection Agency (EPA).

Revisions to the PMP are necessary for the following reasons:

1. There are limited staff and resources available within the MDA to implement the PMP, and it is not possible to comply with all of the processes and actions outlined in the PMP in a timely manner; and,
2. Recent experience with the implementation of the PMP indicates that the processes outlined in the PMP could be streamlined and that some sections would benefit from language that is more precise and consistent with other relevant statutes.

In revising the PMP, the MDA will follow a process that is consistent with the enabling statutory language in *Minnesota Statutes* § 18B.045. In the interim, the MDA will temporarily deviate from some of the processes and activities outlined in the PMP until the formal revision process is complete. These activities include: the current committee process for determining commonly detected pesticides in ground water and evaluating impacts from pesticides to surface water; and, the requirements for establishment of unique teams to manage the development and evaluate the effectiveness of best management practices for each pesticide determined to be commonly detected in ground water or at a level of concern for surface water. These activities will be undertaken by MDA technical staff with the guidance and assistance of qualified technical experts from the University of Minnesota and other appropriate organizations. MDA interim actions will provide for a public notification and comment process.

Interested parties or groups may direct inquiries about these administrative changes to the State Department of Agriculture at the following address:

Joe Zachmann
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107-2094
Phone: (651) 205-4788
Fax: (651) 297-2271
Email: *joseph.zachmann@state.mn.us*

Official Notices

Teachers Retirement Association

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, November 14, 2002 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board.

State Contracts

Informal Solicitations: Effective March 1, 2002, informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract section of the MMD website at www.mmd.admin.state.mn.us for informal solicitation announcements.

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

Department of Administration

Notice of Expression of Interest

The Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP), a division of the Minnesota Department of Administration, is requesting Expressions of Interest from influenza vaccine manufacturers to provide influenza vaccine for the 2003-2004 flu season. More information about MMCAP can be found at www.mmcap.org and clicking on the logo.

The Expression of Interest document may be obtained by sending a request via email to:

heather.pickett@state.mn.us

or, via U.S. mail to:

Heather Petersen Pickett
MMCAP
Department of Administration
50 Sherburne Avenue
St. Paul, MN 55155

Expressions of Interest are requested to be sent to the same address as above by **November 15, 2002**.

Minnesota Department of Commerce

Request for Proposal for Actuarial and Consulting Services

The Minnesota Department of Commerce (DOC) is seeking proposals from qualified contractors for actuarial and consulting services. The contractor chosen to provide these services will assist the School Employee Insurance Plan Study and Design Committee to gather information and make recommendations for the design of a School Employee Health Insurance Plan. The overall goals of the contract is for the contractor to provide the Committee assistance in collecting and analyzing information from school districts, prepare study of a variety of structures for a health plan and develop specifications for a limited set of plans. In addition, the contractor will work with the Committee by providing information and expertise to the Committee, attend meetings and answer questions from the Committee during the course of the project. The contractor chosen must comply with all applicable laws and administrative rules governing the operation of these programs, and all specifications of the request for proposal. The following is the proposed schedule:

RFP Release Date
Proposals Due
Evaluation of Proposals
Effective Date of Contract

Monday, October 21, 2002
Friday, November 15, 2002, 3:00 p.m.
Monday, November 18, 2002
Thursday, January 2, 2003

The contract will cover one (1) year and six (6) months, commencing on January 2, 2003. Appropriations allocated by the 2002 Legislative Session (Senate File 1755, Chapter 378, *Minnesota Statute* § 62A.661) include administrative expenses for the Committee and staff, and the contractor's costs. This proposal does not obligate the state to award a contract or complete the contract, or to spend the estimated dollar amount. The State reserves the right to cancel the solicitation if it is considered to be in its best interests.

Perspective responders can email for a full copy of the RFP, which will be sent free of charge to interested vendors. Please direct your request for an RFP to:

Judy Schmidt
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
Phone: (651) 297-2546
Fax: (651) 282-2568
Email: judy.schmidt@state.mn.us

Department of Trade and Economic Development

Minnesota Office of Tourism

Request for Proposals for Hosting, Support, Development, Design and Advertising Sales for World Wide Web Site, *exploreminnesota.com*

NOTICE IS HEREBY GIVEN that the Minnesota Office of Tourism (MOT) is seeking proposals for services for the travel information site on the World Wide Web at: *exploreminnesota.com*. These services include 1) hosting, 2) application development and support, 3) graphic design and 4) advertising sales. Vendors may submit proposals for all of the services or one or more of the four service areas. Separate contracts may be awarded in order to meet the goals established for this project.

The MOT anticipates the cost for all services requested in this RFP not to exceed \$95,000.00. The contract will begin January 1, 2003 and expire December 31, 2003, with four one year options that may extend through December 31, 2007. Renewal options are subject to vendor performance, client satisfaction and available funding.

The Minnesota travel information service www.exploreminnesota.com is an extremely important marketing tool. In addition to a cost effective means of providing information, it offers the opportunity to feature different aspects of the diverse Minnesota travel product. The site also provides the Minnesota tourism industry with opportunities to purchase enhanced listings, upgrades, banners or other opportunities to market their businesses. This revenue is used to maintain the site.

For more information contact:

James Riemermann
Minnesota Office of Tourism
100 Metro Square
121 Seventh Place East
St. Paul, MN 55101-2112
Direct phone/voice mail: (651) 297-2077
Email: james.riemermann@state.mn.us

NOTE: No other personnel are authorized to discuss this contract or request for proposals.

The proposal deadline is **2:30 p.m., Thursday, November 14, 2002. Proposals received after the deadline will not be considered.**

State Contracts

Department of Transportation

Program Support Group

Notice Concerning Professional/Technical Contract Opportunities

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

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

Department of Transportation

Program Support Group, Office of Technical Support

Requests for Proposal (RFP) on Work Zone Safety Media Buying

Notice of availability of Contract. Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

The Minnesota Department of Transportation is requesting proposals to create two statewide work zone safety public awareness and education campaigns. One campaign focuses on winter snow and ice removal operations. The other campaign begins in the spring and continues through the summer focusing on highway maintenance and construction activities. The campaigns are designed to educate travelers about dangers in work zones and provide them with information they can use to protect themselves and workers against injury and death in work zone accidents.

RFP's are available by mail or in person. **Please submit in writing, a request for the RFP for Work Zone Safety Media Buying.** Request for the RFP may be mailed, emailed or faxed to:

Melissa M. McGinnis, Agreement Administrator
Minnesota Department of Transportation
Consultant Services Section
395 John Ireland Boulevard
Seventh Floor North, Mail Stop 680
St. Paul, Minnesota 55155
Fax: (651) 282-5127
Email: melissa.mcginis@dot.state.mn.us

NOTE: PROPOSALS WILL BE DUE ON TUESDAY, NOVEMBER 12, 2002 AT 2:00 P.M. CENTRAL TIME.

Non-State Contracts & Grants

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

Metropolitan Council

Notice of Invitation for Bids (IFB) for an Agilent Mass Selective Detector System Contract Number 02P125

~~The Metropolitan Council is requesting bids for Compaq Desktop Computer Equipment.~~

The Metropolitan Council is requesting bids for an Agilent Mass Selective Detector System. [Please note that the above error in this Notice placed on October 14, 2002 is being corrected.]

Issue Invitation for Bids
Bids Due
Award Contract

October 14, 2002
October 29, 2002
November, 2002

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

Sunny Jo Emerson
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
Email: sunnyjo.emerson@metc.state.mn.us

NOTE: IFB's are not available in electronic form.

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 - Metro Transit

Sealed Bids Sought for Bus Schedule Printing

The Metropolitan Council is soliciting sealed bids for Metro Transit's Bus Schedule Printing. Bids are due at **2:00 p.m., on November 14, 2002**. Bids must be submitted in accordance with the Invitation for bids document available from:

Metropolitan Council
Metro Transit Purchasing Department
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070

Non-State Contracts & Grants

Minnesota Valley Transit Authority

Qualifications Sought for Legal Services

NOTICE IS HEREBY GIVEN that the Minnesota Valley Transit Authority (MVTA) will be receiving Statements of Qualification from interested firms for Legal Services. All information submitted shall be according to criteria established by the MVTA Executive Director. Copies of this document are available by contacting the MVTA at **phone:** (952) 882-7500; **fax:** (952) 882-7600; **email:** mvta@mvta.com

Proposals should be submitted to **MVTA Executive Director, 100 E. Highway 13, Burnsville, MN 55337 no later than 3:00 p.m., on Tuesday, November 12, 2002.** Information submitted after this time and date will not be considered. The MVTA is not responsible for any costs incurred by firms in the preparation or presentation of their Statement of Qualifications.

The MVTA does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in the admission or access to, or treatment or employment in, its programs, activities, or services.

An electronic version of this document is available upon request. To obtain this information in alternative forms such as Braille, large print, audiotape or qualified readers, please contact the MVTA. **Phone:** (652) 882-7500.

Beverly Miller, MVTA
Executive Director

Shingle Creek Watershed Management Commission

Request for Interest Proposals for Professional Services

Pursuant to *Minnesota Statutes Annotated* 103B.227, Subd. 5, the Shingle Creek Watershed Management Commission hereby solicits LETTERS OF INTEREST for legal, administrative, and engineering and technical consultant services for the fiscal years 2003-2004. The annual budget for these services for the organization for the year 2003 is \$154,000.

Letters should include a brief description of the company and the experience of the individual(s) proposing to perform services for the Commission. The Commission will review said letters and reserves to itself the right to take such action as it deems in its best interests. All Letters of Interest shall be submitted on or before November 8, 2002, to:

Tom Mathisen, Chair
Shingle Creek Watershed Management Commission
3235 Fernbrook Lane
Plymouth, MN 55447
(NO CALLS)

University of Minnesota

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

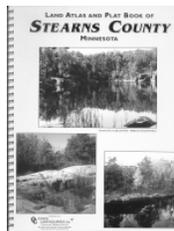
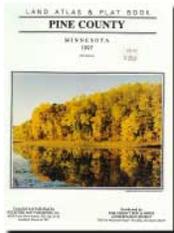
The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

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

Available at Minnesota Bookstore

Order form on back page

PLAT Map Books



Minnesota's Bookstore offers the **most comprehensive selection of Minnesota plat map books currently available.**

From Rockford Publishing, Cloud Cartographics, and Farm/Home Publishers, these county plat map books are great for the hunter/adventurer or the prospective land owner seeking property sites. Features vary between publishers, but generally include: key county government offices, city maps and an index to owners directory.

Prices shown do NOT include shipping or applicable sales tax.

<u>County</u>	<u>Stock No.</u>	<u>Price</u>	<u>County</u>	<u>Stock No.</u>	<u>Price</u>
Aitkin (1999)	12-66	\$35.00	McLeod (2001)	12-64	\$28.00
Becker (2001)	12-79	\$30.00	Meeker (2001)	12-29	\$30.00
Beltrami (1997)	12-67	\$30.00	Mille Lacs (2001)	12-30	\$30.00
Benton (2002)	12-4	\$28.00	Morrison (1999)	12-31	\$30.00
Big Stone (2002)	12-5	\$28.00	Mower (2002)	12-65	\$28.00
Blue Earth (1996) *	12-20	\$25.00	Murray (2002)	12-69	\$28.00
Brown (2002)	12-6	\$28.00	Nicollet (2001)	12-95	\$28.00
Carlton (2001) *	12-8	\$40.00	Nobles (2002)	12-133	\$28.00
Carver (2001)	12-21	\$30.00	Norman (2001)	12-157	\$28.00
Cass (1999)	12-22	\$30.00	Olmsted (2001)	12-84	\$28.00
Chippewa (2002)	12-9	\$28.00	Otter Tail (2000)	12-33	\$30.00
Chisago (2002)	12-23	\$30.00	Pennington (2001)	12-87	\$28.00
Clay (2002)	12-15	\$28.00	Pine (2000)	12-73	\$40.00
Cook (1996)	12-24	\$25.00	Pipestone (2002)	12-88	\$28.00
Cottonwood (2002)	12-17	\$28.00	Polk (2001)	12-89	\$28.00
Crow Wing (2001)	12-70	\$40.00	Pope (2002)	12-90	\$28.00
Dakota (2000)	12-80	\$35.00	Red Lake (2001)	12-91	\$28.00
Dodge (2001)	12-18	\$28.00	Redwood (2002)	12-92	\$28.00
Douglas (2000)	12-81	\$30.00	Renville (2002)	12-93	\$28.00
Faribault (2002)	12-19	\$28.00	Rice (2002)	12-158	\$30.00
Fillmore (1998)	12-25	\$30.00	Rock (2002)	12-94	\$28.00
Freeborn (2001)	12-78	\$28.00	St. Louis, North (2002)	12-74	\$30.00
Goodhue (1999)	12-86	\$30.00	St. Louis, South (2002)	12-75	\$30.00
Grant (2002)	12-37	\$28.00	Scott (2002)	12-40	\$28.00
Houston (2002)	12-38	\$28.00	Sherburne (2000)	12-41	\$30.00
Hubbard (2001)	12-71	\$30.00	Sibley (2002)	12-96	\$28.00
Isanti (1999)	12-26	\$30.00	Stearns (2002)	12-42	\$28.00
Itasca (1998)	12-76	\$35.00	Steele (2002)	12-43	\$28.00
Jackson (2002)	12-39	\$28.00	Stevens (2002)	12-97	\$28.00
Kanabec (1999)	12-27	\$30.00	Swift (2002)	12-98	\$28.00
Kandiyohi (2002)	12-45	\$28.00	Todd (1999)	12-44	\$30.00
Koochiching (2000)	12-72	\$35.00	Traverse (2002)	12-99	\$28.00
Lac Qui Parle (2002)	12-49	\$28.00	Wabasha (1999)	12-82	\$40.00
Lake (2001)	12-28	\$30.00	Wadena (1999)	12-46	\$30.00
LeSeuer (2002)	12-52	\$28.00	Waseca (2002)	12-100	\$28.00
Lincoln (2002)	12-53	\$28.00	Washington (1997)	12-85	\$25.00
Lyon (2001)	12-58	\$28.00	Watsonwan (2002)	12-154	\$28.00
Mahnomen (2001)	12-59	\$28.00	Wilkin (2002)	12-155	\$28.00
Marshall (2001)	12-60	\$28.00	Winona (1996)	12-77	\$30.00
Martin (2002)	12-61	\$28.00	Wright (2001)	12-83	\$30.00
			Yellow Medicine (2002)	12-156	\$28.00

* Blue Earth 2002 map book due mid-Nov. * Carlton 2002 map book due mid-Dec.

