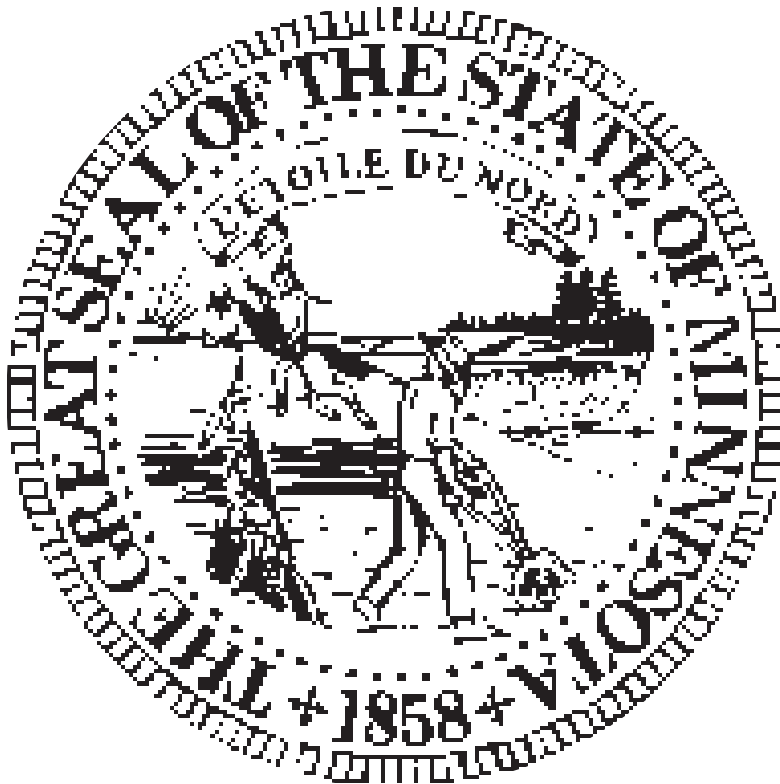


The Minnesota

# 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, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

### Printing Schedule and Submission Deadlines

Vol. 22 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 47	Tuesday 26 May	Noon Wednesday 13 May	Noon Tuesday 19 May
# 48	Monday 1 June	Noon Wednesday 20 May	Noon Tuesday 26 May
# 49	Monday 8 June	Noon Wednesday 27 May	Noon Tuesday 2 June
# 50	Monday 15 June	Noon Wednesday 3 June	Noon Tuesday 9 June

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### FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (612) 296-0504  
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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

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

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

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

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# 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*.

## Department of Administration

### Proposed Permanent Rules Relating to Building Code

**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 State Building Code, *Minnesota Rules*, Chapter 1300, Minnesota State Building Code, Chapter 1305, Amendments to the Uniform Building Code, and Chapter 1365, Snow Loads.**

**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 within 30 days or by 4:30 p.m. on June 26, 1998, a public hearing will be held in Suite 408, Metro Square Building, 121 7th, St Paul, Minnesota 55101, starting at 9:00 a.m. on Thursday, July 23, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after June 26, 1998 and before July 23, 1998.

**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: Peggi White at Building Codes and Standards Division of the Department of Administration, 121 East 7th Place, Suite 408, St. Paul, MN 55101, 612-296-4639, or FAX 612-297-1973.

**Subject of Rules and Statutory Authority.** The proposed rules are about changes in requirements for fire-resistive corridor construction in Group E occupancies; the addition of appendix chapters regarding reroofing, snow load design and membrane structures; changes to fire extinguishing systems to align more with the Minnesota Uniform Fire Code, including modifications to the requirements for hose streams, monitoring, valve security, sprinkler omissions; clarification concerning special inspections; and reference of the Uniform Code for Building Conservation.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 16B.59 to 16B.75. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Friday, June 26, 1998 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 June 26, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person 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 July 23, 1998 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 612-296-4639 after June 26, 1998 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Bruce H. Johnson is assigned to conduct the hearing. Judge Johnson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7666, and fax 612/349-2665.

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

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

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

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

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

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

Notice signed: 8 May 1998

Elaine S. Hansen, Commissioner  
Department of Administration

### 1300.2100 PURPOSE AND APPLICATION.

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

Subp. 2. **Application.** The code applies statewide except as provided for in *Minnesota Statutes*, sections 16B.72 and 16B.73, and supersedes the building code of any municipality. The code does not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized.

The administrative ~~chapter~~ chapters of the Uniform Building Code, ~~chapter~~ chapters 1 and 34, as amended, ~~governs~~ govern the application of the code.

### 1300.2400 DEFINITIONS.

[For text of subs 1 to 5, see M.R.]

Subp. 6. **Code.** "Code" means the Minnesota State Building Code adopted under *Minnesota Statutes*, section 16B.61, subdivision 1, and includes the following chapters of *Minnesota Rules*:

- A. 1300, Minnesota Building Code;
- B. 1301, Building Official Certification;
- C. 1302, Construction Approvals;
- D. 1305, Adoption of the Uniform Building Code;
- E. 1306, Special Fire Protection Systems;
- F. 1307, Elevators and Related Devices;
- G. 1315, Adoption of the National Electrical Code;
- H. 1325, Solar Energy Systems;
- I. 1330, Fallout Shelters;
- J. 1335, Floodproofing Regulations;
- K. 1340, Facilities for the Handicapped;
- L. 1346, Adoption of the Uniform Mechanical Code;
- M. 1350, Manufactured Homes;
- N. 1360, Prefabricated Buildings;
- O. 1361, Industrialized/Modular Buildings;
- P. ~~1365, Snow Loads;~~
- ~~Q.~~ 1370, Storm Shelters (Manufactured Home Parks);
- ~~R.~~ Q. 4715, Minnesota Plumbing Code; and
- ~~S.~~ R. 7670, Minnesota Energy Code.

See part 1300.2900 for those chapters that may be adopted at the option of a municipality which has adopted the code.

[For text of subs 7 to 15, see M.R.]



**1300.3900 RESTROOM FACILITIES IN PUBLIC ACCOMMODATIONS.**

Subpart 1. **Ratio.** In a place of public accommodation subject to this part, the ratio of water closets for women to the total of water closets and urinals provided for men must be at least three to two, unless there are two or fewer fixtures for men. ~~This part becomes effective July 1, 1995.~~

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

**1300.4900 SPECIAL EGRESS DEVICES.**

Subpart 1. **Group E, Division 1 occupancies.** If approved by the building official, exit doors in a Group E, Division 1 occupancy or portions of a Group E, Division 1 occupancy, may be equipped with approved, listed egress-control devices of access-control type, provided the building is equipped throughout with an approved, supervised automatic fire alarm and smoke-detection system and the Group E, Division 1 occupancy or portion of the Group E, Division 1 occupancy is protected by an approved automatic sprinkler system.

These devices must:

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

B. automatically deactivate upon loss of electrical power to any of the following:

- (1) the egress-control device;
- (2) the fire alarm system;
- (3) the smoke detection system;
- (4) exit illumination as required by UBC Section ~~4042~~ 1003.2.9;

[For text of items C and D, see M.R.]

Subp. 2. **Group A occupancy in conjunction with Group E, Division 1, occupancy.** If approved by the building official, exit doors serving Group A occupancies in conjunction with a Group E, Division 1, occupancy may be equipped with approved, listed, egress-control devices of access-control type, provided the building is equipped throughout with an approved, supervised automatic fire alarm and smoke-detection system and the Group A occupancy or portion of the Group A occupancy is protected by an approved automatic sprinkler system.

These systems must be installed so as to:

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

C. automatically deactivate the egress-control device upon loss of electrical power to any of the following:

- (1) the egress-control device;
- (2) the fire alarm system;
- (3) the smoke detection system;
- (4) exit illumination as required by UBC Section ~~4042~~ 1003.2.9;

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

**1300.5300 CORRIDOR CONSTRUCTION.**

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Group E occupancies.** In Group E occupancies, required smoke and draft control assembly doors that separate classrooms or offices from a corridor need not be maintained self-closing or automatic-closing if:

A. the building as defined by the exterior walls, area separation walls, or equivalent, is equipped with an approved automatic sprinkler system; and

B. the fire alarm system incorporates automatic smoke detection installed throughout the affected corridors and internal rooms where doors are not maintained self-closing or automatic-closing.

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## 1300.6100 CONVENTIONAL FOUNDATION CONSTRUCTION.

Subpart 1. **Conventional foundation construction.** The provisions in this part may be used for the design and construction of conventional foundations serving Group R, Division 3, and Group U, Division 1 occupancies subject to the approval of the building official. Other methods may be used provided a satisfactory design is submitted showing compliance with the other provisions of this code.

**TABLE 2-A**

Foundation wall reinforcement requirements of 12-inch thick hollow unit masonry or eight-inch thick cast-in-place (CIP) concrete.

Height of unbalanced backfill	Size of vertical reinforcing bars required when foundation wall is constructed in soil groups I or II of Table 2-B	
	Group I Soil	Group II Soil
5 feet	No. 4 bars	No. 4 bars
6 feet	No. 4 bars	No. 5 bars
7 feet	No. 4 bars	No. 5 bars
8 feet	No. 5 bars	No. 6 bars

### Notes:

1. All reinforcing is to be installed vertically a maximum of six feet on center. Vertical reinforcing bars must be placed three inches clear maximum from the inside nonpressure face of masonry walls and 1-1/2 inches clear maximum from the inside face of the CIP walls.
2. Reinforcing may be omitted in wall sections ten feet or less in length that are bounded by wall corners or by wall offsets or returns at least two feet in depth.
3. Reinforced cells of hollow unit masonry must be filled solid with grout having a specified compressive strength at 28 days of 2,000 psi. Reinforcing steel must be ASTM A615 grade 40.
4. Hollow masonry units must be ASTM C-90 Grade N-1 and be installed with Type M or Type S mortar.
5. Cast-in-place concrete must have a 28-day minimum strength of 3,000 psi.
6. Anchor bolts must be installed to align with vertical reinforcing in addition to the locations and in the manner specified in Uniform Building Code, Section 1806.6 or Figure R-303 of the One and Two Family Dwelling Code.
7. If foundation walls are parallel to floor framing, solid blocking or diagonal bracing must be installed at the anchor bolt locations in the first two joist or truss spaces.
8. Floor framing must be nailed to the sill plate in accordance with Uniform Building Code Table ~~23-I-Q~~ 23-II-B-1 or Table R-402.3a of the One and Two Family Dwelling Code. In addition, approved metal angle clips must be used to fasten floor joists, trusses, or blocking to the sill plate at the anchor bolt locations. The clips must not be less than 18 gauge and be fastened to the plate and adjoining joists, trusses, or blocking with at least three 1-1/2 inch by 8d nails in each leg of the clip.
9. Foundation walls must not exceed a height of 8-1/2 feet, as measured from the basement floor. Height of unbalanced fill must also be measured from the basement floor.
10. Prior to backfilling, foundation walls must be laterally supported by floor construction at both top and bottom or by adequate temporary bracing.
11. A foundation drainage system must be installed, consisting of a foundation drain complying with Uniform Building Code Appendix ~~1824.3~~ 1825.3 and ~~1824.4~~ 1825.4, section R-305.1 of the One and Two Family Dwelling Code, or other approved design.
12. Foundations must also comply with the applicable construction provisions of Uniform Building Code chapters 19 and 21.

**TABLE 2-B  
TYPES OF SOILS AND THEIR PROPERTIES**

Soil group	Unified soil classification system symbol	Soil description	Drainage Characteristics	Volume change potential expansion
Group I  Excellent	GW	Well-graded gravels, gravel sand mixtures, little or no fines.	Good	Low
	GP	Poorly graded gravels or gravel sand mixtures little or no fines.	Good	Low
	SW	Well-graded sands, gravelly sands, little or no fines.	Good	Low
	SP	Poorly graded sands or gravelly sands, little or no fines.	Good	Low
	GM	Silty gravels, gravel-sand-silt mixtures.	Good	Low
	SM	Silty sand, sand-silt mixtures.	Good	Low
Group II  Fair  to Good	GC	Clayey gravels, gravel-sand-clay mixtures.	Medium	Low
	SC	Clayey sands, sand-clay mixture. Inorganic silts and very fine sands, rock flour.	Medium	Low
	ML	Silty or clayey fine sands or clayey silts with slight plasticity.	Medium	Low
	CL	Inorganic clays of low to medium plasticity, gravelly clays, sands, clays, silty clays, lean clays.	Medium	Medium

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Group III	CH	Inorganic clays of high plasticity, fat clays.	Poor	High
	Poor	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.	Poor
Group IV	OL	Organic silts and organic silty clays of low plasticity.	Poor	Medium
	Unsatisfactory	OH	Organic clays of medium to high plasticity, organic silts.	Unsatisfactory
	Pt	Peat and other highly organic soils.	Unsatisfactory	High

Table 2-B is reproduced by permission of the American Forest and Paper Association (formerly NFPA), Washington, D.C.

### 1305.0010 ADOPTION OF UNIFORM BUILDING CODE BY REFERENCE.

Chapters 1 to 35 and certain appendixes of the ~~1994~~ 1997 edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, Whittier, California, are incorporated by reference and made part of the Minnesota State Building Code except as qualified by the applicable provisions in ~~chapters~~ chapter 1300 ~~and 1365~~, part 1305.0020, and as amended in this chapter. The Uniform Building Code is not subject to frequent change and a copy of the Uniform Building Code, with amendments for use in Minnesota, is available in the office of the commissioner of administration.

### 1305.0020 APPENDIX CHAPTERS.

Subpart 1. **Required.** Uniform Building Code Appendix Chapters 3, Division I; 12, Division II; ~~and 15; 16, Division I; 29; and 31, Division II~~ must be administered by any municipality which has adopted the code.

Subp. 2. **Optional.** UBC Appendix Chapters 3, Division III; ~~15; 19; 31, Division II;~~ and 33 are not mandatory but may be adopted without change at the discretion of any municipality which has adopted the code, except UBC Appendix Chapter 33 may be adopted with a revised fee schedule and bonding requirements.

### 1305.0107 SECTION 107, ~~PLAN REVIEW FEES.~~

Subpart 1. Section 107.2. UBC Section 107.2, permit fees, is amended by deleting the first paragraph.

Subp. 2. Section 107.3. UBC Section 107.3 is amended by amending the first paragraph and adding an exception to the first paragraph to read as follows:

107.3 Plan review fees. When submittal documents are required by Section 106.3.2, a plan review fee must be paid at the time of submitting the submittal documents for plan review. The plan review fee must be 65 percent of the building permit fee.

Exception: The plan review fee for dwellings, apartment houses, and their accessory structures may be established by the local authority and must not exceed 65 percent of the building permit fee.

### 1305.0308 SECTION 308, GROUP I OCCUPANCIES.

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

Subp. 2. **Section 308.2.2.1.** Section 308.2.2.1 of the UBC is amended to read as follows:

UBC Section 308.2.2.1. Group I smoke barriers. Floor levels of Group I occupancies used by inpatients for sleeping or treatment, or having an occupant load of five or more, shall be divided into at least two compartments by smoke barriers of not less than one-hour fire resistance meeting the requirements of Section 905.2.3. The area within a smoke-control zone shall not exceed 22,500 square feet (2,090 m<sup>2</sup>) and its width or length shall not exceed 150 feet (45,720 mm). The area of a smoke zone shall not be less than that required to accommodate the occupants of the zone plus the occupants from any adjoining zone. Not less than 30 square feet (2.8 m<sup>2</sup>) net clear floor area for bed and litter patients and six square feet (0.6 m<sup>2</sup>) net clear floor area for other occupants shall be used to compute the required areas.

Doors in smoke barriers shall be tight-fitting smoke- and draft-control assemblies having a fire protection rating of not less than 20 minutes and shall comply with Section ~~1019.2~~ 1007.5.1. When doors are installed across corridors, a pair of opposite-swinging doors without a center mullion or horizontal sliding doors that comply with UBC Standard 7-8, which is part of this code (see UBC Chapter 35, part II), shall be installed. Smoke barrier doors shall:

- A. when installed across corridors, have vision panels. The area of the vision panels shall not exceed that tested;
- B. be close fitting with only the clearance necessary for proper operation and shall be without undercuts, louvers, or grilles;
- C. have stops at the head and jambs. Opposite-swinging corridor doors shall have rabbets or astragals at the meeting edges;
- D. have positive latching devices, except on doors installed across corridors; and
- E. be self-closing or automatic closing. An approved sign shall be adjacent to self-closing doors specifying that they are to be maintained in a closed position. Doors installed across corridors shall comply with Section 713.6.1, item 3, and doors on the floor or in the affected zone shall automatically close if the fire alarm or sprinkler system is activated.

At least two exits shall be provided from each smoke zone. Exits may pass through adjacent zones, provided at least one exit does not return through the compartment zone from which exiting originated. Exit doors at zone boundaries shall be equipped with approved vision panels.

A smoke exhaust system as defined in Section 903 shall be provided in each smoke-control zone of every Group I occupancy. ~~When approved by the building official and the fire chief~~

Exception: In other than I-3 occupancies, operable windows or fixed windows that can be readily broken by impact, may be used in lieu of a smoke exhaust system.

[For text of subp 3, see M.R.]

**1305.0704 SECTION 704.5, FIRE-RESISTIVE MATERIAL OMITTED.**

UBC 704.5 is amended to read as follows:

704.5 Fire-resistive Material Omitted. Fire-resistive material is not required at the bottom flange of lintels, shelf angles, and plates, spanning not more than six feet whether part of the structural frame or not, and from the bottom flange of lintels, shelf angles, and plates not part of the structural frame, regardless of span.

**1305.0904 SECTION ~~904.2.4~~ GROUP E OCCUPANCIES 904, FIRE EXTINGUISHING SYSTEMS.**

Subpart 1. **Section 904.1.2.** UBC Section 904.1.2 is amended by adding the following two exceptions.

4. Fire-extinguishing systems complying with the National Fire Protection Association Standard for the Installation of Sprinkler Systems, NFPA 13-1996.

5. When, in the opinion of the fire chief, an adequate alternate water supply for hose stream requirements is provided or available, the water supply requirements for the sprinkler system hose stream demands may be modified.

Subp. 2. Section 904.2.4.1. UBC Section 904.2.4.1 is amended as follows:

UBC Section 904.2.4.1 General. An automatic sprinkler system shall be installed in Group E, Division I occupancies.

Exceptions: 1. (Unchanged).

2. When area separation walls, or occupancy separations having a minimum fire-resistive rating of not less than ~~the greater of two hours or that required in Table 3-B,~~ separate the E-1 occupancy from other occupancies and in mixed occupancy buildings exceeding 20,000 square feet, and subdivide the E-1 occupancy into compartments such that each compartment contains an aggregate floor area not greater than 20,000 square feet (1,858 m<sup>2</sup>), an automatic sprinkler system need not be provided.

Subp. 3. Section 904.2.9. UBC Section 904.2.9 is amended by adding the following:

For the purposes of this section, area separation walls shall not define separate buildings.

Subp. 4. Section 904.3.1. UBC Section 904.3.1 is amended by modifying the first paragraph as follows:

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904.3.1 Where required. All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are 20 or more.

Subp. 5. **Section 904.3.3.** UBC Section 904.3.3 is amended by adding this section as follows:

904.3.3 Valve Security. All valves controlling water supplies for automatic sprinkler systems shall be locked or secured in the open position.

Exceptions:

1. Valves located in a room or space when access is limited to essential personnel only.
2. When approved by the building official with concurrence of the chief of the fire department, alternate means of providing valve security may be provided.

Subp. 6. **Section 904.4.** UBC Section 904.4 is amended by adding the following three exceptions:

6. At the top of elevator shafts when the shaft is of noncombustible construction.
7. In the machine rooms of traction-type elevators which are located on top of the elevator shaft and are separated from other areas of the building, other than the shaft, by not less than a one-hour fire-resistive occupancy separation.
8. On the ceiling of rooms containing swimming pools when the pool is used exclusively for swimming purposes and when sprinklers are provided around the perimeter of the pool area.

Subp. ~~7~~. **Table No. 9-A.** UBC Table No. 9-A is amended as follows:

Item No. 2 under the occupancy column of Table No. 9-A is amended to read as follows:

Occupancies three stories or more but less than 150 feet in height, except Group R Division 3<sup>7</sup>. Class II standpipes are not required in Group E or Group R-1 occupancies.

UBC Table No. 9-A is amended by adding footnotes 8 and 9 to item No. 2 to read as follows:

<sup>8</sup> In municipalities that have adopted the special fire protection system criteria specified in *Minnesota Rules*, chapter 1306, the number of stories must be four or more.

<sup>9</sup> If an approved automatic fire extinguishing system required by Section 904 is installed, the number of stories must be four or more.

### ~~1305.1004 SECTION 1004.5 SPECIAL EGRESS CONTROL DEVICES~~ **1305.1000 CHAPTER 10, MEANS OF EGRESS.**

Subpart 1. **Section 1003.3.1.10.** UBC Section ~~1004.5~~ 1003.3.1.10 is amended in the first paragraph by changing the designation "Group I, Division 2" to "Group I Division 1.1."

Subp. 2. **Section 1003.3.3.6.** UBC Section 1003.3.3.6, the last sentence of the second paragraph, is amended to read as follows:

Ends shall be returned or shall terminate in newel posts or safety terminals.

### ~~1305.1009 SECTION 1009 STAIRWAY, RAMP, AND ESCALATOR ENCLOSURES.~~

Subp. 3. **Section 1005.3.3.7.** UBC Section ~~1009.7~~ 1005.3.3.7, Pressurized Enclosure, is amended by deleting the last sentence and replacing it with adding the following:

The minimum design pressure difference within the enclosure shall be 0.15 inch water gage positive pressure relative to atmospheric pressure with all doors closed.

Subp. 4. **Section 1005.3.3.7.1.** UBC Section ~~1009.8~~ 1005.3.3.7.1, Vestibules, is deleted in its entirety.

### ~~1305.1019 SECTION 1019.6 HARDWARE, GROUP I OCCUPANCIES.~~

Subp. 5. **Section 1007.5.8.** UBC Section ~~1019.6~~ 1007.5.8 is amended to read as follows:

~~1019.6~~ 1007.5.8, Hardware.

1. Exit doors serving an area having an occupant load of 50 or more shall not be provided with a latch or lock unless it is panic hardware.

2. Patient use room doors shall be readily openable from either side without the use of keys.

Exception: A key or a device that functions like a key that restricts access to the room from the corridor and that is operable only by staff from the corridor side shall be permitted. Such devices shall not restrict egress from the room.

3. If approved by the building official and where the clinical needs of the patients require specialized security measures for their safety, door locking arrangements are permitted in Group I occupancies or portions of Group I occupancies provided:

- 3.1 keys or devices that function like keys are carried by staff at all times;
  - 3.2 in at least one egress path, not more than one such arrangement is located;
  - 3.3 the Group I occupancy or portion of the Group I occupancy is protected by an approved automatic sprinkler system, an approved automatic smoke-detection system, and an approved fire alarm system;
  - 3.4 locking devices automatically unlock upon activation of any of the following:
    - (a) automatic sprinkler system;
    - (b) automatic smoke detection system;
    - (c) automatic fire alarm system; orupon loss of electrical power;
  - 3.5 locking devices can be remotely unlocked from an approved location within the secured area;
  - 3.6 there is no public assembly space within the secured area;
  - 3.7 24-hour patient supervision is provided within the secured area;
  - 3.8 relocking of the locking devices is by manual means only at the door; and
  - 3.9 locking devices are designed to fail in the open position.
4. In Group I, Division 3 occupancies, approved locks or safety devices may be used where it is necessary to forcibly restrain the personal liberties of inmates or patients.

**1305.1506 SECTION 1506, ROOF DRAINAGE.**

UBC Section 1506.3 is amended by ~~amending a~~ replacing the last sentence as follows:

Overflow drains shall be connected to drain lines independent from the roof drain lines and shall discharge above grade.

~~1305.1614~~ **1305.1616 SECTION 1614 1616, WIND DESIGN DEFINITIONS.**

UBC Section ~~1614~~ 1616 is amended by deleting the definition of "Exposure D."

~~1305.1616~~ **1305.1618 SECTION 1616 1618, BASIC WIND SPEED.**

UBC Section ~~1616~~ 1618 is amended to read as follows:

~~1616~~ 1618 Basic wind speed. The minimum basic wind speed for determining design wind pressure is 80 miles per hour.

~~1305.1623~~ **1305.1625 SECTION 1623 1625, OCCUPANCY CATEGORIES.**

UBC Section ~~1623~~ 1625 is deleted in its entirety.

**1305.1701 SECTION 1701, SPECIAL INSPECTIONS.**

Subpart 1. Section 1701.2. UBC Section 1701.2 is amended by adding the following sentence:

When approved by the building official, the structural engineer of record or that engineer's employee may serve as a special inspector for types of work for which the engineer or employee is qualified.

Subp. 2. Section 1701.5.1. UBC Section 1701.5.1 is amended by adding an exception 5 as follows:

5. When acceptable to the structural engineer of record and the building official, and subject to the requirements of Section 1701.6.2, special inspections may be performed on a periodic basis during the placing of concrete provided all reinforcing steel and prestressing steel tendons are inspected in accordance with Section 1701.5.4.

~~1305.2326~~ **1305.2320 SECTION 2326 2320, BLOCKING.**

~~2326.12.8~~ UBC Section 2320.12.8 is amended to read as follows:

~~2326.12.8~~ 2320.12.8. Blocking. Roof rafters and ceiling joists must be supported laterally to prevent rotation and lateral displacement when required by ~~Section 2306.7~~ Division III, Part I, Section 4.4.1.2.

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### **1305.3401 SECTION 3401, EXISTING STRUCTURES.**

UBC Section 3401, General, is amended by adding the following to the last paragraph:

This publication may be used as a guide to evaluate and implement the following: The provisions of Section 3403, Additions, Alterations, or Repairs; The exception to 3405, Change in Use; Alternative designs or methods of construction relating to the alteration of existing buildings.

### **1305.4313 UBC APPENDIX CHAPTER 3, DIVISION I - DETENTION AND CORRECTIONAL FACILITIES.**

UBC Section 313, Scope, is amended as follows:

The provisions of this chapter apply to the design and construction of Group I, Division 3 occupancies housing mental hospitals, mental sanitariums, jails, prisons, reformatories, and buildings where personal liberties of inmates are similarly restrained.

UBC Section 315, Definitions, is amended by adding the following definitions:

“Cell, multiple-occupancy” is a housing area in a detention or correctional facility designed to house no less than three or more than 48 inmates.

“Smoke management system” is an engineered combined system that utilizes a mechanical smoke-control system and mechanical smoke exhaust system. For definitions of mechanical smoke-control system and mechanical smoke exhaust system, see UBC Section 903.

UBC Section 317, Compartmentation, is amended by amending the first paragraph to read as follows:

Every story having an occupant load of more than five inmates in a detention or correctional facility shall be divided into not less than two approximately equal compartments by a smoke barrier, constructed pursuant to the provisions of part 1305.0308, subpart 2. In addition, multitiered cell complexes shall be separated from each other and the remaining portions of the facility by a smoke barrier. Vision panels shall not be required within exit doors at zone boundaries as stated in part 1305.0308, subpart 2, item E.

UBC Section 318, Occupancy Separations, is amended by adding exception 2 to read as follows:

2. Regardless of the provisions of Table 3-B, a three-hour fire-resistive occupancy separation as set forth in Section 302.3, may be used between a Group I, Division 3 occupancy and vocational shops and similar uses containing hazardous materials, normally otherwise classified as Group H, Divisions 2 through 7 occupancies.

UBC Section 319, Glazing, is amended to read as follows:

In restraint areas of fully sprinklered detention and correctional facilities, the area of glazing in one-hour corridor walls is not restricted, provided:

1. All glazing is approved one-fourth inch thick (6.4 mm) wired glass or other approved fire-tested glazing material set in steel frames.

Exception: Laminated security glazing may be used provided the glass shall be protected on both sides by a sprinkler system equipped with listed quick response sprinklers. The sprinkler system shall completely wet the entire surface of the glass wall when actuated.

2. In lieu of the sizes set forth in Section ~~1005.8~~ ~~1004.3.4.3.2~~, the size and area of wired glass assemblies shall conform to Sections 713.7 and 713.8. Other glazing material shall not exceed the sizes and areas specified in the fire test. When necessary to maintain direct visual supervision by facility staff, laminated security type glazing may be used in fire-resistive wall and door assemblies up to a two-hour fire protection rating provided:

2.1 The fire-resistive wall or door assembly is not part of a required area separation wall, stairway, ramp, or escalator enclosure.

2.2 The glass shall be protected on both sides by a sprinkler system equipped with listed quick response sprinklers. The sprinkler system shall completely wet the entire surface of the glass wall when actuated.

2.3 The area of the glazing shall not exceed 25 percent of the common wall of the area requiring supervision.

2.4 The area of glazing in fire-resistive door assemblies shall be limited to 1,296 square inches per light.

UBC Section 321, Automatic Sprinkler and Standpipe Systems, is amended by amending the first paragraph as follows:

321.1 General. Every building or portion of a building housing a detention or correctional facility or similar occupancy shall be protected by an automatic sprinkler system conforming to the provisions of UBC Standard 9-1. The main sprinkler control valve or valves or all other control valves in the system shall be electrically supervised so that at least a local alarm will sound at a constantly attended location when valves are closed.

UBC Section 323.1, Smoke Management System, is amended to read as follows:

323.1 Smoke management system. A mechanically operated smoke management system or systems shall be provided in every multitiered cell complex within a detention or correctional facility. For other than multitiered cell complexes, see Sections 323.9 and 323.10.



UBC Section 323.2, Design and Installation, is amended by adding the following exception:

Exception: A smoke management system or systems may be designed in accordance with the provisions of Section 905 for mechanical smoke control and mechanical smoke exhaust systems.

UBC Section 323.4, Manual Controls, is amended to read as follows:

323.4 Manual controls. A firefighter's control panel shall be provided in accordance with Sections 905.13 and 905.14.

UBC Section 323, Smoke Management, is amended by adding the following:

323.9 Smoke exhaust system. A mechanical smoke exhaust system as defined in Section 903 shall be provided in each smoke compartment of every detention or correctional facility.

Exception: Buildings or portions of buildings provided with an approved smoke management system.

323.10 Design and Installation of Smoke Exhaust System:

1. Mechanical air-handling equipment may be designed to accomplish smoke removal. Under fire conditions, the return and exhaust air, in zones where smoke is detected, shall be moved directly to the outside without recirculation to other sections of the building. The air handling system shall provide a minimum of six exhaust air changes per hour for the area involved.

2. Any other approved design which will produce equivalent results.

UBC Section 324.1, Number of ~~Exits~~ Means of Egress, is amended to read as follows:

324.1 Number of ~~exits~~ means of egress. Multiple-occupancy rooms and day rooms in buildings or portions of buildings in detention or correctional facilities constructed of not less than one-hour fire-resistive construction shall be provided with a minimum of two ~~exits~~ means of egress when the occupant load is more than ten.

The occupant load of any restraint area shall be determined by Table 10-A and classified as to the occupancy group it most nearly resembles, and ~~exits~~ means of egress shall be provided as required by Section 1003.1. A minimum of two ~~exits~~ means of egress shall be provided in all areas of restraint (cells, day rooms, cell tiers, and cell complexes) within a detention or correctional facility when the occupant load is more than ten.

UBC Section 324.5, Dead-end Balconies, is amended to read as follows:

324.5 Dead-end balconies. ~~Exit~~ Exit-access balconies serving cell tiers shall not extend more than 20 feet beyond an exit stairway.

Note: For number of ~~exits~~ means of egress, see Section ~~1003.1~~ 1004.2.3.

UBC Section 326.6, Electrically Operable ~~Exit~~ Doors, is amended by deleting the last sentence.

### **1305.4332 UBC APPENDIX CHAPTER 3, DIVISION III, ONE- AND TWO-FAMILY DWELLING CODE ADOPTED.**

UBC Appendix Chapter 3, Division III, Section 332, is amended by substituting the 1995 edition with the 1992 edition and adding an exception to read as follows:

Exception:

1. For energy requirements, see *Minnesota Rules*, chapter 7670.
2. For plumbing code requirements, see *Minnesota Rules*, chapter 4715.
3. For electrical requirements, see *Minnesota Rules*, chapter 1315.
4. For mechanical code requirements, see *Minnesota Rules*, chapter 1346.
5. For snow load requirements, see *Minnesota Rules*, chapter ~~1365~~ 1305.
6. For frost depth requirements, see *Minnesota Rules*, chapter 1300.
7. For ice dam roof treatment, see *Minnesota Rules*, chapter 1300.
8. For guardrail opening dimension, see UBC Section 509.3.
9. Smoke detectors shall be installed in each sleeping room as required in UBC Section 310.9.1.4.

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## Proposed Rules

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10. For a new exception to the second paragraph of R-215.1, smoke detectors required, see *Minnesota Rules*, part 1305.0310.

11. For emergency egress or rescue windows having a finished sill height below the adjacent ground elevation, a window well shall be installed as specified in UBC Section 310.4.

12. All references to design values for joists, rafters, and those in Header Tables R-402.6a and R-402.6b are deleted and replaced with UBC Tables 23-IV-V-1 and 23-IV-V-2.

### **1305.4415 UBC APPENDIX CHAPTER 15, REROOFING.**

Subpart 1. **Chapter 15.** UBC Appendix Chapter 15 is amended by deleting the first paragraph of section 1515.1, 1515.2.1, and the subheading under the title of Table A-15-A.

Subp. 2. **Section 1520.** UBC Appendix Section 1520 is amended by deleting all but the first sentence.

### **1305.4416 UBC APPENDIX CHAPTER 16, DIVISION I, SNOW LOAD DESIGN.**

UBC Appendix Section 1637.1 is amended by adding an exception to read as follows:

Exception: The minimum roof snow loads established herein for R-3 and U occupancies are not subject to decrease or increase as specified in this chapter.

UBC Appendix Section 1638 is amended by changing the reference in notation Wb, 500 feet, to 200 feet.

UBC Appendix Section 1639 is amended to read as follows:

The ground snow load, Pg, to be used in the determination of design snow loads for buildings and other structures shall be 57 pounds per square foot in the following counties: Anoka, Carlton, Carver, Chisago, Cook, Dakota, Hennepin, Isanti, Lake, Pine, Ramsey, St. Louis, Scott, and Washington. The ground snow load, Pg, to be used in the determination of design snow loads for buildings and other structures shall be 43 pounds per square foot in all other counties.

Exceptions:

1. A minimum roof snow load of 40 pounds per square foot of horizontal projection shall be acceptable for R-3 occupancies in the counties of Anoka, Carlton, Carver, Chisago, Cook, Dakota, Hennepin, Isanti, Lake, Pine, Ramsey, St. Louis, Scott, and Washington. A minimum roof snow load of 30 pounds per square foot of horizontal projection shall be acceptable for R-3 occupancies in all counties.

2. A minimum roof snow load of 30 pounds per square foot of horizontal projection shall be acceptable for detached Group U occupancies in all counties.

UBC Appendix Section 1645 is deleted in its entirety.

UBC Table A-16-A, Snow Exposure Coefficient (Ce), is deleted and replaced with the following:

The snow exposure coefficient (Ce) for all of Minnesota is established as 0.7.

UBC Table A-16-B, Values for Occupancy Importance Factor (I) is deleted, and replaced with the following:

The occupancy importance factor (I) for all of Minnesota is established as 1.0.

### **1305.4429 UBC APPENDIX CHAPTER 29, MINIMUM PLUMBING FIXTURES.**

UBC Appendix Section 2905 is amended by adding the following exceptions:

Exceptions:

1. Where circumstances dictate that a different ratio is needed, an adjustment may be approved by the building official.
2. The actual number of students can be used in lieu of the 50 square feet per occupant specified in Group E, Division 1 occupancy areas. For assembly occupancies in conjunction with a Group E, Division 1 occupancy, refer to Group A of Table A-29-A.

Sanitation facilities required by this chapter may have controlled access but in all cases shall be maintained available during the time of building occupancy for those occupants e.g., clientele, employees, customers, etc., determined in accordance with Table A-29-A.

**REPEALER.** *Minnesota Rules*, parts 1365.0050; 1365.0100; 1365.0200; 1365.0300; 1365.0400; 1365.0500; 1365.0600; 1365.0700; 1365.0800, are repealed.

## Department of Administration

### Proposed Permanent Rules Relating to Plumbing Code

#### 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 State Building Code, *Minnesota Rules*, Chapter 4715 Minnesota Plumbing Code.

**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 within 30 days or by 4:30 p.m. on June 26, 1998, a public hearing will be held in Room 408, Metro Square Building, 121 7th Place East, St Paul, Minnesota 55101, starting at 9 a.m. on Tuesday, July 21, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after June 26, 1998 and before July 21, 1998.

**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 Peggi White at Building Codes and Standards Division of the Department of Administration, 121 East 7th Place, Suite 408, St. Paul, MN 55101, 612-296-4639, or FAX 612-297-1973.

**Subject of Rules and Statutory Authority.** The proposed rules include amendments that are needed to address changes in technology, materials, and methods of construction. New pipe materials, alternate testing methods, different backflow preventers, and concealed locations for some types of water heaters are some of the subjects of the rules.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 16B.59 to 16B.75. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Friday, June 26, 1998, 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 June 26, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

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**Cancellation of Hearing.** The hearing scheduled for July 21, 1998, 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 612-296-4639 after June 26, 1998 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge George A. Beck is assigned to conduct the hearing. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7601, and fax 612/349-2665.

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

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

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

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

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

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

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

Notice signed: 8 May 1998

Elaine S. Hansen, Commissioner  
Department of Administration

### 4715.0100 DEFINITIONS.

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

Subp. 2. **Administrative authority.** "Administrative authority" means the commissioner of health. (When ~~this code is adopted by any subdivision, the administrative authority shall be the governing body of the adopting unit of government, its agents, and employees~~ a governmental subdivision adopts and maintains a comprehensive plumbing enforcement program that is conducted by personnel who are knowledgeable about plumbing installation requirements, and includes enforcement of all code provisions

including materials, methods, inspection, and testing, the administrative authority shall be the governing body of the adopting unit of government, its agents, and employees; however, the commissioner of health retains the ultimate authority to enforce *Minnesota Statutes*, sections 326.37 to 326.45, and provisions of this chapter that are necessary to ensure compliance.)

[For text of subs 3 to 128, see M.R.]

**4715.0420 STANDARDS FOR PLUMBING MATERIALS.**

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

Subp. 2. **Abbreviations.** Abbreviations in subpart 3 refer to the following:

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

G. NSF, ~~National Sanitation Foundation~~ NSF International, Ann Arbor, Michigan 48106;

H. FHA, Federal Housing Authority, Architectural Standards Division, Washington, D. C.;

I. AASHTO, American Association of State and Highway Transportation Officials, 444 North Capital Street Northwest, Suite 249, Washington, D. C. 20001.

Subp. 3. **Standards for plumbing materials.**

	DESCRIPTION	ANSI	ASTM	FS	OTHER
<b>I. CAST IRON PIPE AND FITTINGS</b>					
		A21.2			
		A21.6	A-74	WW-P-401C	CS188
1A	Cast Iron Pipe and Fittings Extra Heavy	A21.8			
1B	Cast Iron Pipe Centrifugally Cast Only and Fittings Service Weight	A21.6 A21.8	A-74	WW-P-401C	CS188
1C	Cast Iron Mechanical (Gland Type) Pipe	A21.11		WW-P-421a	
1D	Cast Iron Mechanical (Gland Type) Pipe Cement Lined	A21.8			
		A21.4			
		A21.2			
		A21.6			
		A21.8			

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## Proposed Rules

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1E	Cast Iron Short Body Water Service Fittings (2"-12")	A21.10		AWWA C100
1F	Cast Iron Threaded Pipe	A40.5		
1G	High Silicon Pipe, Fittings Cast Iron			
1H	Cast Iron Threaded Fittings Black and Galvanized 125#	B16.4	WW-P-501	
1J	Cast Iron Drainage Fittings Black and Galvanized	B16.12	WW-P-491	
1K	Hubless Cast Iron Pipe and Fittings			CISPI Standard 301-69T CSA/CAN 3-B70
1L	Ductile Iron Pipe Flanged	A21.15		AWWA C115
1M	Ductile Iron Pipe Rubber Gasket Joints	A21.51		AWWA C151

### II. STEEL AND WROUGHT IRON PIPE FITTINGS

2A	Steel Pipe, Welded and Seamless Galvanized, Schedule 40 and Above	B36.1 B36.20	<u>A53</u>	WW-P-406 6(1)
2B	Wrought Iron Pipe, Galvanized Schedule 40 and Above	B36.2		

2C(a)	Stainless Steel Pipe	B36.19		
2C(b)	<u>Stainless</u> <u>Steel Pipe</u>	<u>A112.3.1</u>		
2D	Galvanized Malleable Fittings 150 psi and Above	B16.3	A197	
2E	Steel Unions, Galvanized			WW-V-531 C

III. COPPER AND COPPER BASE PIPE AND FITTINGS

3A	Red Brass Pipe, Regular and Heavier	H27.1	B42B	
3B	Seamless Brass Tube	H36.1		
3C	Brass or Bronze Threaded Fittings 125 lbs. and Over	B16.15	B62	WW-P-460
3D	Brass or Bronze Flare Fittings 125 lbs. and Over, Heavy Duty Long Collar Type		B62	
3E	Seamless Copper Tube Type K, Soft Temper	H23.1	B88	
3F	Seamless Copper Tube Type K, Hard Temper	H23.1	B88	
3G	Seamless Copper Tube Type L, Soft Temper	H23.1	B88	

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## Proposed Rules

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3H	Seamless Copper Tube Type L, Hard Temper	H23.1	B88	
3H(a)	Welded Copper Alloy 194 Water, Tube, Type "Heavy," Hard Temper		B543-72	OFT194-101A  Navfac TS-15400
3H(b)	Stainless Steel Water Tubing, Type SL, Copper Plated Coating (HWT-T439)		A-651	
3J	Seamless Copper Tube, Type M, Hard and Soft Temper	H23.1	B88	
3J(a)	Welded Copper Alloy 194 Water Tube, Type "Standard," Hard Temper		B543-72	OFT194-101A  Navfac TS-15400
3J(b)	Stainless Steel Water Tubing, Type SM, Copper Plated Coating (HWT-T439)	A-268	A-651	
3K	Seamless Copper Tube Type DWV	H23.3	B306	
3L	Copper Pipe I.P.S.	H26.1	B42	
3M	Copper Pipe, Threadless Type T P and Fittings	H26.2	B302	
3N	Cast Bronze and Wrought Solder Joint Pressure Fitting	B16.22  H23.1 B16.18		
3O	Cast Bronze and Wrought Solder Joint D W V Fittings	B16.23		



3P	Copper Alloy Water Tube 1/2 Inch and 3/4 Inch	B447 B75
3Q	Welded Brass Water Tube 1/2 Inch and 3/4 Inch	B587

IV. LEAD PIPE AND FITTINGS

4A	Lead Pipe AA	WW-P-325-44
4B	Lead Pipe AAA	WW-P-325-44
4C	Lead Bends and Traps	WW-P-325-44
4D	Sheet Lead	QQ-L201d

V. SILICA AND EARTH PRODUCTS PIPE AND FITTINGS,  
NONMETALLIC

5A	Asbestos-Cement Pressure Pipe and Fitting	C500 C296	SS-P351	
5B	Asbestos-Cement Water Pipe and Fittings	C500	SS-P-351	AWWA C400
5C	Asbestos-Cement Nonpressure Pipe and Fittings	C428	XX-P-331	
5D	Asbestos-Cement Perforated Underdrain Pipe and Fittings	C508		
5E	Vitrified Clay Pipe, Standard Strength and Stronger Fittings	C13 C200		
5F	Unglazed Clay Pipe, Extra Strength and Fittings	C278		

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## Proposed Rules

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5G	Perforated Clay Pipe and Fittings	C211		
5H	Borosilicate Glass Pipe and Fittings 60 psi			
5J	Nonreinforced Concrete Drain Tile	C412		<del>AASHTO</del> AASHTO M178
5K	Nonreinforced Concrete Pipe	C14	SS-P-371	<del>AASHTO</del> AASHTO M86 CSA-A257.1
5L	Perforated Concrete Pipe, Underdrainage	C444		
5M	Reinforced Concrete Pipe	C76	SS-P-375	CSA-A257.2
5N	Reinforced and Prestressed Concrete Pipe, Pressure Type and Fittings			
5O	Bituminized Fiber Drain and Sewer Pipe	D1860	SS-P-1540A	
5P	Perforated Bituminized Fiber Pipe for General Drainage	D2311	SS-P-1540A	
VI. PLASTIC PIPE AND FITTINGS DRAIN, WASTE AND VENT				
6A	Acrylonitrile-Butadiene-Styrene (ABS)	D2661	L-P-322a FHA-MPS	<del>HSF14</del> NSF14 CSA-B181.1 CS270
	Type 1, Schedule 40 Cellular core	F628		
6B	(1) Polyvinyl Chloride (PVC) Schedule 40 Unthreaded Schedule 80 can be threaded Cellular core	D2665 F891	L-P-320a FHA-MPS	NSF14 CS272 CSA-B181.2
	<u>Fabricated Fittings (8- to 24-inch)</u>	<u>D3311</u>		

## Proposed Rules

6B	(2) Polyvinyl Chloride (PVC) Schedule 30 (3-inch only)	D2949	L-P-001221	
6B	<u>(3) Polyvinyl Chloride (PVC) Schedule 40 (14- to 24- inch only) with ASTM D3311 fittings</u>	<u>D1785</u>		
6B	<u>(4) Polyvinyl Chloride (PVC) Schedule 40 and 80 SDR 21 and SDR 26 (6-inch and larger)</u>	<u>D2241</u>		
	BUILDING SEWER			
6C	(1) Styrene — Rubber	D2852		CS228
6C	(2) Polyvinyl Chloride (PVC)  <u>(18- to 27-inch only)</u> <u>(18-inch and larger)</u>	<del>D3033</del> D3034 F789 <u>F679</u> <u>F794</u>	<del>FHA-UM-26</del> WW-P-00380a	CSA-B182.2
6C	(3) Acrylonitrile- Butadiene-Styrene (ABS)	D2751		CSA-B182.1
6C	<u>(4) Corrugated High Density Polyethylene (Corrugated HDPE) (12- to 24-inch) (Storm only)</u>			<u>AASHTO M294</u>

WATER SERVICE - Minimum working pressure rating shall be at least 150 psi for municipal water service and 100 psi for other service.

6D	Polyethylene (PE)	B72.1	D2239 D2737	LP-315a FHA-UM-31C	NSF14 CS255 CSA-B137.1
6E	Acrylonitrile- Butadiene- Styrene (ABS)	B72.3	D2282		NSF14 CS254

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## Proposed Rules

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6F	Polyvinyl Chloride (PVC)	B72.2	D2241 D1785	L-P-1036 FHA UM-41	NSF14 CS256 CSA-B137.3
6G	Polybutylene		D2662 D2666		NSF14 CSA-B137.7
	SPECIAL WASTES				
6H	Polyethylene		D2239	LP 315a	PS10-69 PS11-69 PS12-69
6J	Polypropylene (Type II 24308)		D2146		

WATER DISTRIBUTION - Polybutylene (PB) systems (PB tubing together with recommended fittings) and chlorinated polyvinyl chloride (CPVC) pipe together with fittings must be tested by the manufacturer at 150 psi and 210 degrees Fahrenheit for a period of not less than 48 hours by an independent testing laboratory acceptable to the administrative authority.

6K	Polybutylene		D3309		CSA-B137.8 (tubing)
6L	Chlorinated polyvinyl chloride (CPVC)	119.1, 119.2	D2846		NSF14 FHA Bulletin #76 CSA-B137.6
	GENERAL DRAINAGE		ASTM		
6M	Polyethylene (corrugated)		F405		

### VII. FIBERGLASS PIPE AND FITTINGS

7A	<u>Fiberglass pipe (reinforced thermosetting resin pipe) (one- to 16-inch) (18- to 48-inch must be manufactured in accordance with ASTM D2996)</u>		<u>D2996</u>		<u>NSF14</u> <u>NSF61</u> <u>AWWA C-950</u>
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#### **4715.0510 WATER SERVICE PIPE.**

The following materials may be used for water service pipe:

[For text of items A to H, see M.R.]

I. Fiberglass pipe 7A. Installation must be in accordance with the manufacturer's requirements, recommendations, and guidelines.

#### **4715.0520 WATER DISTRIBUTION PIPE.**

The following materials may be used for water distribution pipe:

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

C. Steel pipe 2C(a), stainless.

[For text of items D to J, see M.R.]

K. Plastic pipe 6L and corresponding fittings. Installation must be in accordance with International Association of Plumbing and Mechanical Officials (IAPMO) Installation Standards ~~20-84~~ 20-93.

L. Fiberglass pipe 7A. Installation must be in accordance with the manufacturer's requirements, recommendations, and guidelines.

#### **4715.0530 BUILDING SEWERS.**

The following materials may be used for building sewers:

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

G. Plastic 6A, 6B(1), ~~6B(3)~~, 6C(1), 6C(2), and 6C(3) and corresponding fittings must be laid on a continuous granular bed. Installation must comply with ASTM D2321.

H. Bituminized-fiber drain and sewer pipe ~~50~~ 50, laid on a continuous granular bed.

I. Fiberglass pipe 7A for pressure sewers. Installation must be in accordance with the manufacturer's requirements, recommendations, and guidelines.

#### **4715.0540 STORM WATER AND YARD DRAINAGE (OUTSIDE FOUNDATION WALLS).**

For storm water and yard drainage outside foundation walls; ~~approved the following materials may be used:~~

A. those materials shall be as specified in part 4715.0530; and

B. corrugated high density polyethylene 6C(4) and approved joints. Installation must comply with ASTM D2321.

#### **4715.0570 SOIL AND WASTE PIPING UNDERGROUND OR EMBEDDED.**

For soil and waste piping, except special wastes, underground or embedded in masonry construction the following materials may be used:

A. Cast iron 1A or 1B and fittings, and hubless cast iron 1K;

B. Cast iron 1C or 1D with 1E fittings;

C. Steel pipe 2C(b), stainless;

D. Lead 4A pipe with wiped joints, fittings 4C; and

~~D. E.~~ E. Plastic 6A, 6B(1), ~~or 6B(2)~~, ~~6B(3)~~, or ~~6B(4)~~ and corresponding fittings must be laid on a continuous granular bed. Reference ASTM D2321-72. Installation must comply with ASTM D2321.

#### **4715.0580 SOIL AND WASTE PIPING ABOVE GROUND.**

For soil and waste piping, except special wastes, above ground, the following materials may be used:

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

C. Steel pipe 2A ~~and~~, wrought iron 2B with 1J fittings, and stainless 2C(b).

[For text of items D and E, see M.R.]

F. Plastic 6A, 6B(1), ~~or 6B(2)~~, ~~6B(3)~~, or ~~6B(4)~~ with corresponding fittings may be installed except that no horizontal drain may exceed 35 feet in total length. No stack may exceed 35 feet in total height unless an approved expansion and contraction joint is installed at intervals not to exceed 35 feet.

#### **4715.0590 VENT PIPING BELOW GROUND.**

For vent piping below ground, the following materials may be used:

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

C. Steel pipe 2C(b), stainless;

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## Proposed Rules

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- D. Brass 3A or 3B with 3C fittings;
- ~~D.~~ E. Copper 3F or 3B with 3C fittings;
- ~~E.~~ F. Copper 3L with 3C fittings;
- ~~F.~~ G. Copper 3M with fittings; and
- ~~G.~~ H. Plastic 6A, 6B(1), ~~6B(2)~~, 6B(3), or 6B(4) with corresponding fittings.

### 4715.0600 VENT PIPING ABOVE GROUND.

For vent piping above ground, the following materials may be used:

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

- C. Steel 2A pipe ~~and~~, wrought iron 2B with 1H fitting, and stainless 2C(b);

[For text of items D to G, see M.R.]

H. Plastic 6A, 6B(1), ~~6B(2)~~, 6B(3), or 6B(4) with corresponding fittings may be installed except that no horizontal vent may exceed 35 feet in total length.

No vent stack or stack vent may exceed 35 feet in total height unless an approved expansion and contraction joint is installed at intervals not to exceed 35 feet.

### 4715.0610 SPECIAL WASTES.

For special wastes, the following materials may be used:

A. The following corrosion resistant materials are acceptable for chemical waste and vent systems: stainless steel 2C(b), chemically resistant glass pipe 5H, high silicon content cast iron 1G, and chemically resistant plastic pipe 6H or 6J. Use of any other materials must be approved by the administrative authority, who shall grant approval if the applicant can show that the material in question is as resistant to corrosion as are those listed above.

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

### 4715.0700 TIGHTNESS.

Joints and connections in the plumbing system shall be gastight and watertight for the pressure required by test, with the exception of those portions of perforated or open joint piping which are installed for the purpose of collecting and conveying ground or seepage water. Portions of storm sewers that do not require testing as provided in part 4715.2820 must be constructed with a code-approved type of pipe and joint that has been certified by the manufacturer to be able to pass the air test specified in part 4715.2820, or an internal hydrostatic pressure of ten pounds per square inch for ten minutes with no leakage.

### 4715.0810 PLASTIC JOINTS.

Subpart 1. **Joint methods.** Every joint in plastic piping must be made with approved fittings using solvent welded connections, fusion welded connections, insert fittings with metal clamps and screws of corrosion-resistant material or approved crimp rings, threaded joints according to accepted standards, or special IAPMO listed fittings of other types. Large diameter water service pipe may have approved elastomeric-gasket push-on type joints which comply with ASTM D 3139. All solvent materials must meet approved recognized standards. Expansion and contraction joint materials and dimensions must conform to ASTM D 2661 or ASTM D 2665 and shall be of an approved type. Gasketed sewer fittings must comply with ASTM F1336.

Subp. 2. **Primer.** Solvent weld joints in PVC and CPVC pipe must include use of a primer of contrasting color to the pipe and cement. Primers must comply with the National Sanitation Foundation (NSF) Standard Number 14. A mechanical method of preparing PVC or CPVC pipe for solvent cement is not acceptable in lieu of using a primer.

Exception: A one-step solvent cement complying with ASTM F493 and ASTM D2846 may be used for CPVC pipe.

### 4715.1000 LOCATION.

There shall be at least two cleanouts in the building drain, one at or near the base of the stack and one near the connection between the building drain and the building sewer. The cleanout at the outside wall may be inside or outside the building, and shall be made with a full "Y" branch fitting and shall extend at least two inches above grade or finished floor, except that the administrative authority may grant permission to use a flush cover in traffic areas.

A cleanout which is easily accessible shall be provided at or near the foot of each vertical soil or waste stack and each vertical storm water leader.

Each horizontal branch drain pipe shall be provided with a cleanout at its upper terminal, except that a fixture trap or a fixture with an integral trap, readily removable without disturbing concealed piping, may be accepted as a cleanout equivalent for this purpose.

A trap opening from a lavatory, drinking fountain, urinal, sink, or similar fixture may serve as a cleanout for a horizontal branch drain up to two inches in size, if the drain opening is not more than one pipe size smaller than the horizontal branch drain.

**4715.1300 FLOOR DRAINS.**

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

Subp. 4. **Venting of floor drains.** ~~Floor drains used for drain fixture branches which are less than 25 feet in length and connect to a vented main or branch do not require an individual vent. Floor drains not meeting these requirements and floor drains used for shower drains, recessed slop, or similar receptors, shall be vented in accordance with parts 4715.2520, subparts 5 and 6, and 4715.2550, subpart 3, sized in accordance with part 4715.2300, subpart 3. Floor drains installed more than 25 feet from a vented main or branch shall be provided with a vent installed on the floor drain branch and 4715.2620, subpart 4.~~

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

**4715.1390 SINKS.**

Subpart 1. Drain sizing. Sinks shall be provided with waste outlets not less than 1-1/2 inches in diameter. A strainer, crossbar, or similar device shall be provided. Sinks on which a food grinder is installed shall have a waste opening of not less than 3-1/2 inches in diameter. Pot or scullery sinks must be provided with waste outlets not less than two inches in diameter.

Subp. 2. Commercial kitchen sinks. All pot, scullery, food preparation, and bar sinks must be connected directly to the drainage system. A floor drain constructed without a backwater valve must be installed on the horizontal branch serving the fixture.

**4715.1430 HANGERS AND SUPPORTS.**

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

Subp. 7. **Piping in the ground.** Piping in the ground shall be laid on a firm bed for its entire length, except where support is otherwise provided which is adequate in the judgment of the administrative authority. Installation of plastic sewer pipe must comply with ASTM D2321.

**4715.1750 WATER HAMMER.**

In all building supply systems in which devices or appurtenances are installed which cause noises due to water hammer, protective devices ~~such as air chambers~~ or approved mechanical shock absorbers shall be installed as close as possible to the quick-acting valve causing the water hammer. ~~Where air chambers are installed, they shall be in an accessible place.~~ Where mechanical devices are used the manufacturer's specifications shall be followed as to location and method of installation.

**4715.1770 MINIMUM PRESSURES REQUIRED IN WATER DISTRIBUTION SYSTEM.**

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

Subp. 2. **Table of minimum flow pressure and flow rates.**

Location	Flow Pressure psi	Flow Rate gpm
Ordinary basin faucet	8	2.0
Self-closing basin faucet	8	<del>2.5</del> 2.0
Sink faucet, 3/8 inch	8	<del>4.5</del> 2.0
Sink faucet, 1/2 inch	8	<del>4.5</del> 2.0
Bathtub faucet	8	6.0
Laundry tub cock, 1/2 inch	8	5.0
Shower	8	<del>5.0</del> 2.0
Ball cock for closet	8	3.0
Flush valve for closet	15	15-35
Flushometer valve for urinal	15	15.0
Drinking fountains	15	0.75
Still cock-wall hydrant	10	5.0

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# Proposed Rules

## 4715.1910 IDENTIFICATION OF POTABLE AND NONPOTABLE WATER.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Metal tags.** When tags are used, potable water lines shall be identified by three-inch-diameter metal tags bearing the legend "SAFE WATER" in letters not less than one-half inch in height.

Nonpotable water lines shall be identified by firmly attached metal tags having the shape of a four-inch equilateral triangle bearing the legend "~~NONPOTABLE WATER UNSAFE~~" in letters not less than 7/16 inch in height.

As in the use of color bands, tags shall be attached to pipes at intervals of not more than 25 feet, and, at either side of points where pipes pass through walls and above and below points where pipes pass through floors or roofs.

## 4715.2100 BACKFLOW PREVENTERS.

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

### C. Spill-proof vacuum breaker (SVB):

- (1) must be installed at least six inches above spill line;
- (2) no possibility of back pressure permitted;
- (3) continuous line pressure permitted; and
- (4) field testable.

### D. Hose connection vacuum breaker (Hose VB):

- (1) required for threaded hose connections;
- (2) back pressure not permitted; ~~and~~
- (3) continuous line pressure not permitted; and
- (4) any new device must be field testable.

### ~~D.~~ E. Double-check valve with intermediate atmospheric vent (DCVIAV):

- (1) permitted for low or moderate hazard with small pipe sizes;
- (2) back pressure permitted; and
- (3) continuous line pressure permitted.

### ~~E.~~ F. Reduced pressure zone backflow preventer assembly (RPZ):

- (1) any degree of hazard permitted;
- (2) back pressure permitted; and
- (3) continuous line pressure permitted.

### ~~F.~~ G. Double-check valve assembly (DCVA):

- (1) permitted only for nontoxic, low hazard installations with nuisance or aesthetic concern;
- (2) back pressure permitted; and
- (3) continuous line pressure permitted.

## 4715.2110 TYPES OF DEVICES REQUIRED WHERE AN AIR GAP CANNOT BE PROVIDED. <sup>1</sup>

						Only allowed where no back pressure is possible
						<u>SVB</u>
						<u>or</u>
			DCV			
Hose						
		RPZ	IAV	DCVA	PVB	AVB
VB						
A. Boiler, <del>commercial</del>		X				
<u>other than one- or</u>						
<u>two- family residential</u>						
B. Boiler, <u>one- or two- family</u>						
residential ( <del>R-3 occupancy</del> )		X	X			



[For text of items C to FF, see M.R.]

**4715.2210 PRESSURE RELIEF VALVES.**

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

Subp. 2. **Temperature relief valves.** Temperature relief valves shall be of adequate relief rating, expressed in Btu/hr, for the equipment served. They shall be installed so that the temperature sensing element is immersed in the hottest water in the head or within the top six inches of the vertical portion of the tank. The valve shall be set to open when the stored water temperature is 210 degrees Fahrenheit (or less).

[For text of subs 3 and 4, see M.R.]

**4715.2240 ACCESS TO WATER HEATERS.**

Every water heater installation shall be readily accessible for inspection, repair, or replacement. The appliance space shall be provided with an opening or doorway of sufficient size to provide such access.

Exception: A water heater with a tank capacity not greater than six gallons may be concealed in a ceiling space provided the water heater has been set in an overflow pan that has been constructed of a corrosion-resistant material, has side walls extending at least four inches upward, and has an outlet that shall not be sized less than the supply line to the water heater. This outlet shall be piped undiminished in size to a point of safe disposal below the ceiling area. No tools shall be required to gain access to a water heater.

**4715.2300 LOAD ON DRAINAGE PIPING.**

[For text of subs 1 to 2a, see M.R.]

Subp. 3. **Table of fixture unit values for various plumbing fixtures.**

Type of Fixture	Fixture Unit Value	Minimum Fixture Trap and Drain Size
Clothes washer (domestic use)	2	1-1/2
<u>Clothes washer (single unit, discharge to standpipe)</u>	<u>2</u>	<u>2</u>
Clothes washer (public use in groups of 3 or more)	6 each	
Bath tub with or without shower	2	1-1/2
Bidet	2	1-1/2
Dental unit or cuspidor	1	1-1/4
Drinking fountain	1	1-1/4
Dishwasher, domestic (gravity drain)	2	1-1/2
Dishwasher, commercial	4	2
Floor drain with 2 inch waste	2	2
Floor drain with 3 inch waste	3	3
Floor drain with 4 inch waste	4	4
Lavatory	1	1-1/4
Laundry tray (1 or 2 compartment)	2	1-1/2
Shower stall, domestic	2	1-1/2
Shower (gang) per head	1	
<b>SINKS:</b>		
Classroom, with or without drinking fountain	2	1-1/2

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## Proposed Rules

Combination, sink and tray (with disposal unit)	3	1-1/2
Combination, sink and tray (with one trap)	2	1-1/2
Domestic	2	1-1/2
Domestic, with disposal unit	2	1-1/2
Surgeons	3	1-1/2
Laboratory, cup sink	1	1-1/2
Flushrim or bedpan washer	6	3
Service	3	2
Pot or scullery	4	2
Soda fountain	2	1-1/2
Commercial, flat rim, bar, or counter	3	1-1/2
Wash, circular, or multiple (per set of faucets)	2	1-1/2
URINAL pedestal, wall hung, with 3 inch trap (blowout and syphon jet)	6	3
Wall hung with 2 inch trap	3	2
Wall hung with 1-1/2 inch trap	2	1-1/2
Trough (per 6 foot section)	2	1-1/2
Stall	3	2
WATER CLOSET	6	3
Unlisted Fixture or Trap Size		
1-1/4 inch	1	
1-1/2 inch	2	
2 inch	3	
2-1/2 inch	4	
3 inch	5	
4 inch	6	

### 4715.2330 MINIMUM SIZE OF STACK VENT OR VENT STACK.

Any structure in which a building drain is installed shall have at least one stack vent or vent stack carried full size through the roof not less than three inches in diameter. Where one or more soil stacks are required to extend through the roof undiminished in size they should be the stack or stacks most remote from the location where the building drain leaves the building. When a soil or waste stack receives the discharge of fixtures located on two or more floors, and the uppermost fixture is located three or more floors above the building drain, such stack and stack vent shall continue undiminished in size through the roof. For purposes of this part, "floor" means any building floor level which is above the floor level of the building drain.

### 4715.2520 VENT STACKS AND STACK VENTS.

Subpart 1. **Vent stack required.** Every building in which plumbing is installed shall have at least one three-inch vent stack (or stack vent) carried full size through the roof as provided in part 4715.2330. A vent stack or main vent shall be installed with a soil or waste stack whenever individual vents, relief vents, or branch vents are required ~~in building~~ for stacks of three or more branch intervals.

Subp. 2. **Connections at base and top.** ~~In buildings~~ For stacks of three or four branch intervals in height, all main vents or vent stacks shall connect full size at their base to the main soil or waste stack below, through, or not more than 18 inches above the lowest fixture branch.

~~In buildings~~ For stacks of five or more branch intervals in height, a main vent or vent stack shall connect full size with the soil or waste stack it serves, with a wye and one-eighth bend below the lowest fixture branch connected to such soil or waste stack, or at a point approved by the administrative authority.

Each such soil or waste stack, and vent stack shall be similarly cross-connected with a yoke vent at intervals of not more than five branch intervals as described in part 4715.2640.

Subp. 3. **Offsets in buildings for stacks of five or more branch intervals.** As provided in part 4715.2360, soil and waste stacks offset at an angle of more than 45 degrees from the vertical, that receive the discharge of fixtures four or more branch intervals or stories above the offset, shall have a yoke vent installed (as per part 4715.2640) at the base of the upper stack section.

[For text of subs 4 to 6, see M.R.]

**4715.2560 STACK VENTING.**

A group of fixtures consisting of one bathroom group and a kitchen sink or combination fixture may be installed without individual fixture vents at the uppermost branch interval of a stack, if each fixture drain connects independently to a stack at least three inches in diameter extended full size through the roof, and bathtub or shower stall drain enters the stack at or above the same level as the water closet drain, and in accordance with requirements in part 4715.2620, subpart 4. Where the trap arm distances are exceeded the fixtures must be reverted. When a water closet discharges to a sanitary tee in the vertical position, and a bathtub or shower on the same floor level also discharges to the sanitary tee through a side inlet, the water closet vent must be at least three inches in size unless the bathtub or shower is reverted.

**4715.2580 COMMON VENTS.**

Subpart 1. **Individual vent as common vent.** An individual vent, installed vertically, may be used as a common vent for ~~two~~ fixture traps similar fixtures when both fixture drains connect with a vertical drain at the same level.

[For text of subp 2, see M.R.]

**4715.2600 CIRCUIT AND LOOP VENTING.**

Subpart 1. **Battery venting.** A branch or waste pipe to which two, but not more than eight water closets (except blowout type) are connected in battery, ~~shall~~ may be vented by circuit or loop vent which shall be taken off in front of the last fixture connection of the battery. When the battery consists of not more than four closets, the vent shall be two inches; when the battery consists of five or six closets, the vent shall be 2-1/2 inches; and when the battery consists of seven or eight closets, the vent shall be three inches. In addition, lower floor branches shall be provided with a relief vent which shall be the same size as the branch vent, taken off in front of the first fixture connection of the battery. When lavatories, or similar fixtures discharge into such branches, each vertical branch from such fixtures shall be provided with a continuous vent. When closets are installed back to back, such installation shall be as per subpart 2 or 4.

[For text of subs 2 to 4, see M.R.]

**4715.2710 SIZE OF BUILDING STORM DRAINS AND LEADERS.**

[For text of subs 1 and 2, see M.R.]

Subp. 3. ~~Values for continuous flow Reduction in size prohibited. Where there is a continuous or semicontinuous discharge into the building storm drain or building storm sewer, as from a pump, ejector, air conditioning plant, or similar device, each gallon per minute of such discharge shall be computed as being equivalent to 24 square feet of roof area, based upon a four-inch rainfall Storm drain piping shall not reduce in size in the direction of flow, including changes in direction from horizontal to vertical.~~

Subp. 4. **Size of horizontal storm drains.**

Inches	Diameter of Drain		
	1/8 in. Slope	1/4 in. Slope	1/2 in. Slope
	Square Feet	Square Feet	Square Feet
3	822	1,160	1,644
4	1,880	2,650	3,760
5	3,340	4,720	6,680
6	5,350	7,550	10,700
8	11,500	16,300	23,000
10	20,700	29,200	41,400
12	33,300	47,000	66,600
15	59,500	84,000	119,000

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## Proposed Rules

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This subpart is based upon a maximum Use a rate of rainfall of four inches per hour for sizes not listed in this table. If in any locality, the maximum rate of rainfall is more or less than four inches per hour, then the figures for the roof area must be adjusted proportionately by multiplying the figure by four and dividing by the maximum rate of rainfall in inches per hour.

### Subp. 5. Size of vertical leaders.

Size of Leader or Conductor Inches	Maximum Projected Roof Area Square Feet
2	720
2-1/2	1,300
3	2,200
4	4,600
5	8,650
6	13,500
8	29,000

This subpart is based upon a maximum Use a rate of rainfall of four inches per hour for sizes not listed in this table. If in any locality, the maximum rate of rainfall is more or less than four inches per hour, then the figures for roof area must be adjusted proportionately by multiplying the figure by four and dividing by the maximum rate of rainfall in inches per hour.

The equivalent diameter of square or rectangular leader may be taken as the diameter of that circle which may be inscribed within the cross-sectional area of the leader.

Subp. 6. Values for continuous flow. If there is a continuous or semicontinuous discharge into the building storm drain or building storm sewer, as from a pump, ejector, air-conditioning plant, or similar device, each gallon per minute of the discharge must be computed as being equivalent to 24 square feet of roof area, based upon a four-inch rainfall.

### 4715.2800 INSPECTIONS.

New plumbing systems and parts of existing systems which have been altered, extended, or repaired shall be inspected and tested by the proper administrative authority to ensure compliance with all the requirements of this code and the installation and construction of the system in accordance with the approved plan and the permit, except that testing may be waived for work which does not include addition to, replacement, alteration, or relocation of any water supply, drainage, or vent piping.

All the piping shall be tested and after the plumbing fixtures have been set, and before the system is put into use, the system shall be given a final inspection and test by the proper administrative authority.

The equipment, material, power, and labor necessary for the inspection must be furnished by the plumbing contractor.

### 4715.2820 METHOD OF TESTING.

Subpart 1. **Testing.** The air tests shall be applied to the plumbing drainage system in its entirety or in sections. Sections which are found satisfactory need not be retested after completion of the entire system unless considered necessary by the proper administrative authority.

Subp. 2. **Rough plumbing.** ~~Except for outside leaders and perforated or open drain tile,~~ The piping of plumbing drainage and venting systems shall be air tested upon completion of the rough piping. The air test shall be made by attaching the air compressor or testing apparatus to any suitable opening and closing all other inlets and outlets to the system by means of proper testing plugs. Plaster of paris shall not be used in roof terminals. Air shall be forced into the system until there is a uniform pressure of five pounds per square inch on the portion of the system being tested. The pressure shall remain constant for 15 minutes without the addition of air.

#### Subp. 2a. Exceptions.

A. Testing is not required for:

(1) outside leaders;

(2) perforated or open drain tile; or

(3) portions of storm sewers located more than ten feet from buildings, more than ten feet from buried water lines, and more than 50 feet from water wells, and not passing through soil or water identified as being contaminated.

B. Building storm sewers may be tested in accordance with the Hydrostatic Test Method specified in the Standard Utility Specifications published by the City Engineers Association of Minnesota, 1988 edition, except that an air test may be required for any section of the building storm sewer that passes through contaminated soils or contaminated water.

[For text of subs 3 to 7, see M.R.]

## 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.

### Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

### 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 Animal Health

### Adopted Permanent Rules Relating to Diseases of Poultry

The rules proposed and published at *State Register*, Volume 22, Number 30, pages 1285-1290, January 26, 1998 (22 SR 1285), are adopted with the following modifications:

#### 1710.1300 DEFINITIONS.

Subp. 1a. **Approved salvage program.** “Approved salvage program” means an industrywide program to allow use of an infected flock that meets plan standards and is approved by the board through the executive secretary to allow use of an infected flock in a way that impedes shed of a disease to other poultry the following criteria: (1) it impedes shed of a disease to other poultry; (2) it meets any applicable plan requirements of the United States Department of Agriculture; and (3) it is approved by the board.

## Board of Education

### Adopted Permanent Rules Relating to Graduation Rule, Profile of Learning

The rules proposed and published at *State Register*, Volume 22, Number 25, pages 1068-1102, December 22, 1997 (22 SR 1068), are adopted with the following modifications:

#### 3501.0330 GRADUATION REQUIREMENTS.

##### Subp. 2. Districts and students.

C. This part shall be implemented according to Laws 1998, chapter 398, article 5, section 9, to be coded as *Minnesota Statutes*, section 121.1114.

##### Subp. 7. Variations.

A. A district shall require completion of the requirements in subparts 1 to 5 for a student unless variations are expressly stated for the student. Variations for a student from the requirements in subparts 1 to 5 are permitted only as specified in parts 3501.0340 and 3501.0350.

B. Upon application of a student, with approval of the student's parent or guardian, the district must waive any content standard when the district determines that:

(1) the student is participating in a course of study as rigorous or more rigorous than required by this rule for graduation;

(2) achieving the content standard to be waived would have the effect of precluding the student's opportunity to participate in the rigorous course of study; and

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## Adopted Rules

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(3) the content standard could not feasibly have been attained earlier in the student's course of study.

The district must annually inform the commissioner of the number, type, and conditions of waivers granted in a format prescribed by the commissioner and must work with the commissioner to reduce the number of waivers needed.

### 3501.0370 ASSESSMENT AND SCORING STUDENT ACHIEVEMENT.

Subp. 4. **Other scoring considerations.** While schools may offer and students may complete specifications of content standards at various grades and ages, the index used by the commissioner to select exemplars for scoring shall be:

### 3501.0462 PREPARATORY CONTENT STANDARDS IN LEARNING AREA THREE: THE ARTS.

Subp. 3. **Middle-level content standards.**

A. **Artistic creativity and performance.** A student shall demonstrate knowledge of at least three art forms through artistic process and presentation by:

(c) using ~~improvisation~~ improvisation to generate and communicate artistic intent; and

## Department of Natural Resources

### Adopted Permanent Rules Relating to Harmful Exotic Species

The rules proposed and published at *State Register*, Volume 22, Number 17, pages 651-664, October 27, 1997 (22 SR 651), are adopted with the following modifications:

#### 6216.0200 DEFINITIONS.

Subp. 3a. **Free-living state.** "Free-living state" means to be unconfined or outside the control of a person, and:

A. in the case of animals other than fish, includes the ability to fly, walk, or swim out of human control;

B. in the case of a fish or aquatic plants, the following locations shall be considered to be in a free-living state:

(1) waters identified as public waters;

(2) natural or artificial waters that are continually or intermittently connected to public waters; or

(3) water-using facilities, such as fish hatcheries, aquatic farms, zoos, and minnow retail or wholesale operations, with outflows that provide direct access for species to enter public waters; and

C. in the case of a fish or aquatic plant, the following locations are not considered a free-living state:

(1) artificial ponds such as water gardens that have no outlet to public waters;

(2) waters whose shorelines are entirely within the land owned by a person, not continually or intermittently connected to public waters, and not identified by the department as public waters; or

(3) water-using facilities, such as fish hatcheries, aquatic farms, zoos, and minnow retail or wholesale operations, with outflows that do not provide direct access for species to enter public waters.

Subp. 7. **Public waters.** "Public waters" means public waters as defined under *Minnesota Statutes*, section 103G.005, subdivision 15, that have been designated as public waters under the public waters inventory pursuant to *Minnesota Statutes*, section 103G.201.

#### 6216.0230 NOMENCLATURE.

The scientific taxonomic nomenclature used in parts 6216.0100 to 6216.0600 follows the nomenclature assigned by the following sources, which are incorporated by reference. The sources are available through the Minitex interlibrary loan system and are not subject to frequent change:

D. John T. Kartesz, *A Synonymized Checklist of the Vascular Flora of the United States, Canada, and Greenland* (second edition 1994); ~~and~~

E. Ronald M. Nowak, *Walker's Mammals of the World* (fifth edition 1991);

F. A.J. Healy and Elizabeth Edgar, *Flora of New Zealand, volume III* (1980);

G. C.J. Webb, W.R. Sykes, and P.J. Garnock-Jones, *Flora of New Zealand, volume IV* (1988); and

H. *Flora of North America Editorial Committee, Flora of North America North of Mexico, volume 3* (1997) (for waterlilies only).

**6216.0260 REGULATED EXOTIC SPECIES.**

Subp. 2. **Aquatic plants.** The following aquatic plants are designated as regulated exotic species:

C. ~~nonnative~~ waterlilies (*Nymphaea* spp. ~~with flowers other than white~~) Linnaeus, ~~or any variety, hybrid, or cultivar thereof.~~ Native Minnesota waterlilies are: *Nymphaea odorata* Aiton subsp. *odorata* Aiton, *N. leibergeii* Morong, and *N. Odorata* Aiton subsp. *tuberosa* (Paine) Wiersema & Hellquist.

Subp. 3. **Fish.** The following fish are designated as regulated exotic species:

- B. common carp, koi (*Cyprinus carpio*) Linnaeus;
- D. ~~koi~~ (~~*Carassius auratus* subspecies or selected strains~~);
- ~~E.~~ rainbow smelt (*Osmerus mordax*) Mitchell; and
- ~~F. *oneochromis*, *sartheradon*,~~ E. tilapia (*Tilapia*, *Oreochromis*, *Sartheradon* spp.).

**6216.0265 PERMITS FOR PROHIBITED AND REGULATED EXOTIC SPECIES.**

Subpart 1. **Requirement.** No person may possess, import, purchase, propagate, or transport a prohibited exotic species without a permit from the commissioner issued according to this part, except as authorized by *Minnesota Statutes*, section 84D.05. No person may introduce a regulated exotic species without a permit from the commissioner issued according to this part, except as authorized in subpart 2. A regulated exotic species permit is not required for a person to possess, import, purchase, propagate, transport, own, or sell a regulated exotic species.

Subp. 2. **Exemptions and alternate permits for regulated exotic species.** ~~Permits and licenses issued under *Minnesota Statutes*, sections 17.4981 to 17.4994 and chapter 97C, may authorize the introduction of regulated exotic species under the conditions specified in the permits. In lieu of an additional permit issued under *Minnesota Statutes*, section 84D.11, permits and licenses issued under *Minnesota Statutes*, sections 17.4981 to 17.4994 and chapter 97C, and rules adopted thereunder, may authorize the introduction of regulated exotic species, provided that the conditions specified in those permits and licenses are in accordance with the conditions specified under this part.~~

Subp. 4. **Eligibility; prohibited exotic species permit.** An applicant for a prohibited exotic species permit must:

- A. have experience in ~~or demonstrate~~ the skills necessary for handling potentially harmful species, including:

Subp. 5. **Permit application.**

A. Written application for a permit for a prohibited or regulated exotic species shall be made on a form prescribed by the commissioner and shall contain the following:

(6) a written contingency plan for eradication or recapture in the event of an unauthorized introduction of ~~a~~ the prohibited exotic species ~~for which the permit application is submitted~~; and

C. The commissioner shall review the permit applications and respond to the applicant within 30 days of receipt of the application or the additional information requested in item B.

Subp. 10. **Disclaimer of liability.** A prohibited exotic species permit or regulated exotic species permit issued under this part is permissive only. No liability is ~~incurred~~ assumed by the state or any of its officers, agents, or employees by issuing a prohibited or regulated exotic species permit or by any acts or operations of the permittee or any prohibited or regulated exotic species in possession of the permittee. ~~A prohibited exotic species or regulated exotic species permittee is solely responsible for damage or injury to persons, domestic or wild animals, plants, and any real or personal property of any kind, resulting from any activities undertaken pursuant to the permit.~~

**6216.0270 UNREGULATED EXOTIC SPECIES.**

Subp. 4. **Mammals.** The following ~~mammals are~~ mammal is designated as an unregulated exotic species:

- A. ass, burro, donkey (*Equus asinus*);
- B. camel (*Camelus bactrianus* and *C. dromedarius*);
- C. cat, all domestic breeds (*Felis catus*);

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- ~~D.~~ eattle (*Bos taurus* and *Bos indicus*);
- ~~E.~~ chinehilla (*Chinchilla laniger*);
- ~~F.~~ dog, all domestic breeds (*Canis familiaris*);
- ~~G.~~ farmed cervidae, as defined in *Minnesota Statutes*, section 17.451, subdivision 2;
- ~~H.~~ gerbil, all species;
- ~~I.~~ Guinea pig (*Cavia porcellus*);
- ~~J.~~ hamster (*Mesocricetus auratus*);
- ~~K.~~ horse (*Equus caballus*);
- ~~L.~~ llamas, alpaca (*Lama* spp.);
- ~~M.~~ mouse, house mouse (*Mus musculus*);
- ~~N.~~ mule, hinney (*Equus asinus* × *E. caballus*);
- ~~O.~~ rat (*Rattus norvegicus* and *Rattus rattus*);
- ~~P.~~ sheep (*Ovis aries*); and
- ~~Q.~~ swine (*Sus scrofa domestica*).

Subp. 5. **Birds.** The following birds are designated as unregulated exotic species:

- ~~A.~~ chicken (*Gallus gallus*) Gray;
- ~~B.~~ chucker partridge (*Alectoris chucker*) Gray;
- ~~C.~~ domestic ducks, including Peking duck and Muscovy duck (*Cairina moschata*) Linnaeus;
- ~~D.~~ B. helmeted Guinea fowl (*Numida meleagris*) Linnaeus;
- ~~E.~~ C. house sparrow (*Passer domesticus domesticus*) Linnaeus;
- ~~F.~~ D. Hungarian partridge, gray partridge (*Perdix perdix*) Linnaeus;
- ~~G.~~ E. peafowl (*Pavo cristatus*) Linnaeus;
- ~~H.~~ F. pigeon or rock dove (*Columba livia*) Gmelin;
- ~~I.~~ ostriches, emus, rheas, and other members of the ratitae family;
- ~~J.~~ G. ring-necked pheasant (*Phasianus colchicus*) Linnaeus; and
- ~~K.~~ H. starling (*Sturnus vulgaris vulgaris*) Linnaeus; and
- ~~L.~~ turkey, domestic (*Melagris gallopavo*) Linnaeus; morphologically distinct from wild turkey.

### 6216.0300 DESIGNATION, NOTICE, AND MARKING OF INFESTED WATERS AND LIMITED INFESTATIONS OF EURASIAN WATER MILFOIL.

Subp. 3. **Delineation and markers for limited infestations of Eurasian water milfoil.** Areas of infestation of Eurasian water milfoil where control is planned in water bodies designated as having limited infestations shall be marked by the commissioner, or other persons authorized by the commissioner, using buoys or signs as specified in part 6110.1500, subpart 7. A minimum of three buoys or signs must be used to delineate an infested area, and placed at intervals of not more than 300 feet apart. In addition, at least two buoys or signs shall be placed at or near the shoreline to delineate an infested area if adjacent to shore. Buoys or signs shall be removed after control actions are completed and ~~water use restrictions have expired~~ the posting requirements specified in *Minnesota Rules*, part 6280.0600, subpart 2, have been met.

### 6216.0500 TRANSPORTATION AND APPROPRIATION OF WATER FROM INFESTED WATERS.

Subp. 3. **Persons leaving select infested waters.** A person leaving infested waters designated as having populations of zebra mussel or spiny water flea must drain bait containers, other boating-related equipment holding water excluding marine sanitary systems, and livewells and bilges by removing the drain plug before transporting the watercraft and associated equipment on public roads.



## Public Utilities Commission

### Adopted Permanent Rules Relating to Telephone Service Provided in Areas Served by Local Telephone Companies with Fewer than 50,000 Subscribers

The rules proposed and published at *State Register*, Volume 22, Number 11, pages 426-455, September 15, 1997 (22 SR 426), are adopted with the following modifications:

#### 7811.0100 DEFINITIONS.

Subp. 15. **Eligible telecommunications carrier or ETC.** “Eligible telecommunications carrier” or “ETC” means a local service provider designated by the commission as eligible to receive federal universal service support pursuant to the federal Telecommunications Act of 1996, at in accordance with *United States Code*, title 47, section 254, based on a determination by the commission that the local service provider, at a minimum, meets the requirements of items A and B, throughout the applicable universal service area and relevant federal regulations.

A. The local service provider offers the services identified by the Federal Communications Commission as eligible for support by federal universal service support mechanisms under the federal Telecommunications Act of 1996, at *United States Code*, title 47, section 254, using its own facilities or a combination of its own facilities and either the unbundled network elements of a local exchange carrier or resale of another carrier’s services.

B. The local service provider advertises the availability of the services referenced in item A and the charges for those services using media of general distribution.

Subp. 21. **Facilities.** “Facilities” means the plant and equipment of a telecommunications service provider. This includes, but is not limited to, including a telecommunications service provider’s network facilities.

Subp. 35. **Network element.** “Network element” means a the local loop, switching functions, ports, trunks, and any other functional capability of a network, disaggregated from other network capabilities and made available to other carriers and end-users separately from all other network capabilities. Network elements include, but are not limited to, the local loop, switching functions, ports, and trunks.

Subp. 41a. **Reference date.** “Reference date” means the later of the following three dates:

A. the date of the commission order granting the applicant’s certificate of authority;

B. the date of the commission order under part 7811.1100, approving the necessary agreements resulting from the negotiations that provided the basis under part 7811.0200, subpart 3, item A, for granting the certificate; or

C. the effective date of this subpart.

#### 7811.0150 APPLICABILITY OF RULES OF PRACTICE AND PROCEDURE.

Proceedings under this chapter must be conducted according to the commission’s rules of practice and procedure, parts 7829.0100 to 7829.1200 and 7829.2600 to 7829.3200, to the extent those parts are consistent with the requirements of this chapter. These parts set forth, among other things, the treatment of trade secret and proprietary information, the content and use of service lists, the means for achieving intervenor and participant status, the conduct of expedited proceedings, and the means for waiving commission rules.

#### 7811.0200 GENERAL CERTIFICATION REQUIREMENTS.

Subp. 2. **Certification categories.** A person may seek certification in any of the following ~~five~~ four categories:

C. interexchange service; or

D. local niche service; ~~or~~

E. ~~local self-provisioned service.~~

A certificate to provide local facilities-based service authorizes the provision of all forms of local service, interexchange service, and local niche service in Minnesota. A certificate to provide local resale service only authorizes the provision of local resale service. A certificate to provide interexchange service only authorizes the provision of interexchange service. A certificate to

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provide local niche service only authorizes the provision of local niche service. ~~A certificate to provide local self-provisioned service authorizes all forms of local service, interexchange service, and local niche service within a LEC's service area, but only to the extent that the provider does not resell the LEC's services or purchase the LEC's network elements.~~ An applicant may request certification in multiple categories in a single petition.

Subp. 3. **Limitations on local service certification/intent to provide service.** ~~Except as provided in subpart 4a,~~ An applicant may obtain certification to provide local service for a geographic area only if:

B. the applicant files plans to comply with subpart 4.

A certificate for local service obtained under part 7811.0300 or 7811.0350 applies only to the service area designated in the petition within the limits established in this subpart. The service area may be expanded under part 7811.0300, subpart 5, or 7811.0350, subpart 5.

Subp. 3a. **Reporting service area status.** Each local service provider (LSP) shall report to the commission six months before ~~each~~ the deadline identified in subpart 4, items ~~B and A to C, or subpart 4a, item B,~~ regarding the extent to which it is offering local service in its service area. The report must indicate which portions of the LSP's service area, if any, remain nonoperational and delineate the LSP's projected timetable for offering local service throughout the entire area as required in subpart 4 ~~or 4a.~~

Subp. 4. **Service obligations.** The local service provider (LSP) certified under part 7811.0300 or 7811.0350 ~~has the service obligations listed in items A to C~~ must offer services, consistent with part 7811.0600, throughout its entire service area within 36 months after the later of the following three dates:

A. ~~No LSP shall offer a telecommunications service within a telephone exchange area without contemporaneously offering basic local service and advertising throughout that exchange area, and notifying the commission that it has begun offering service throughout the exchange area.~~

B. ~~If the LSP provides a telecommunications service within a LEC's service area, then within 24 months of the reference date the LSP shall offer basic local service and advertise throughout the portion of the LEC's service area contiguous with the area where the LSP provides service.~~

C. ~~The LSP shall offer basic local service and advertise throughout the LEC's service area within 48 months of the reference date.~~

~~Failure to offer basic local service throughout the entire service area as required in this subpart will result in the commission taking appropriate action under Minnesota Statutes, chapter 227, unless the LSP demonstrates to the satisfaction of the commission, under subpart 5, that its failure to offer basic local service throughout the entire service area results from factors beyond the local service provider's control.~~

Subp. 4a. **Local self-provisioned service.** Notwithstanding subpart 3, an applicant for certification to provide local self-provisioned service may obtain certification to provide local service for a geographic area if:

A. the applicant has started any necessary negotiations for interconnection under section 252 of the federal act with the LEC currently serving the area; and

B. the applicant plans to offer basic local service throughout the area without reselling the LEC's services or purchasing the LEC's network elements, within 36 months after the date of the applicant's petition.

A certificate for local service obtained under part 7811.0525 applies only to the service area designated in the petition within the limits established in this subpart. The service area may be expanded under part 7811.0525, subpart 5.

A. the date of the commission order granting the applicant's certificate of authority;

B. the date of the commission order under part 7811.1100 approving the necessary agreements resulting from the negotiations that provided the basis under subpart 3, item A, for granting the certificate; or

C. the effective date of this subpart.

Unless a local ~~self-provisioned~~ service provider demonstrates to the satisfaction of the commission, under subpart 5, that its failure to offer basic local service throughout its entire service area within 36 months ~~of the reference date~~ is the result of factors beyond the LSP's control, the commission shall revoke the LSP's certificate with respect to those areas in which the LSP is not offering basic local service.

Subp. 5. **Show-cause proceeding to justify failure to serve entire area.** An LSP shall file a petition with the commission to justify anticipated failure to offer basic local service as required under this part. A petition must be filed at least 90 days before the applicable deadline under subpart 4 ~~or 4a.~~ The petition must include the basis for the local service provider's failure to meet the deadline and an alternative date by which the LSP expects to begin offering service in the areas for which it will not meet the deadline.

Subp. 6. **Required notification.** Petitions for certification under this chapter must be served on the department, the OAG-RUD, the Department of Administration, persons certified to provide telecommunications service within the ~~petitioner's~~ applicant's designated service area, and the city clerk, or other official authorized to receive service or notice on behalf of the municipality, of all municipalities within the ~~petitioner's~~ applicant's designated service area.

### **7811.0300 LOCAL FACILITIES-BASED SERVICE CERTIFICATION.**

Subp. 2. **Filing requirements.** A petition for authority to provide local facilities-based service must include the following information:

B. a description of the applicant's organizational structure, including documentation identifying the ~~petitioner's~~ applicant's legal status, for example, sole proprietorship, partnership, limited liability partnership, company, limited liability company, corporation, and so forth; a copy of its articles of incorporation; and, a list of shareholders, partners, or members owning ten percent or more of the interest in the business;

M. a description of the applicant's facilities and the location or proposed location of those facilities; ~~and~~

N. other information needed to demonstrate that the applicant has the managerial, technical, and financial ability to provide the services it intends to offer consistent with the requirements of this chapter and applicable law; and

O. a statement of when comments and responsive comments are due pursuant to part 7811.0200, subpart 7.

Subp. 3. **Decision criteria.** A certificate to provide local facilities-based service must not be granted unless the applicant establishes that it has the financial, technical, and managerial capability to provide the services described in its petition consistent with the public interest, including the requirements of this chapter, *Minnesota Statutes*, section 237.16, and all other applicable laws, rules, and commission orders. The decision to grant a certificate under this part must be based on the following criteria:

D. the applicant's cash reserves and the extent to which those reserves or cash equivalent are adequate to meet the ~~petitioner's~~ applicant's start-up costs and expenses;

H. any other factors relevant to determining the applicant's technical, managerial, and financial capability to provide the ~~reasonably adequate~~ services, as described in its petition, consistent with the public interest, including the requirements of this chapter, *Minnesota Statutes*, section 237.16, and all other applicable laws, rules, and commission orders.

Subp. 4. **Conditional certificate.** The commission may grant a conditional certificate pending submittal and commission approval of the tariffs and intercompany agreements necessary for providing the services contemplated in the applicant's petition for certification. The filings necessary to make the conditional certificate operational must include any related changes to every service area map filed under subpart 2, item I. The maps must distinguish clearly between operational areas and nonoperational areas. ~~A local self-provisioned service provider's failure to offer service in the nonoperational areas by the deadline under part 7811.0200, subpart 4a, results in the automatic revocation of the local service provider's certificate with respect to those nonoperational areas as provided in part 7811.0200.~~

Subp. 5. **Amended certificate for change in service area.** A local service provider (LSP) shall not provide local service in an area for which it does not have a valid certificate under this part or acquire ownership or control of another LSP without first obtaining an amended certificate from the commission applicable to the area into which the LSP proposes to expand. A petition to modify a local service provider's service area must include a revised map and descriptive narrative as provided in subpart 2, item I, indicating the ~~petitioner's~~ applicant's proposed service area changes. If the LSP proposes to expand into an area served by a separate LEC, the LSP must meet the service area coverage requirements of part 7811.0200 with respect to the area served by that separate LEC. The petition must be served on the parties identified in part 7811.0200, subpart 6. An amended certificate under this subpart is deemed approved within 20 days of the petition's service date unless:

B. an objection to the petition is filed within 20 days of the petition's service date, in which case the commission shall determine whether to grant the petition in an expedited proceeding under *Minnesota Statutes*, section 237.61. An objection must identify the reasons for opposing the petition, including a statement of why the proposed service area revisions would not be consistent with the public interest.

When an objection is filed under item B, the ~~petitioner~~ applicant has the burden of proving ~~at a minimum~~ that it has the technical, managerial, and financial resources to provide local service in the service area into which it proposes to expand, consistent with this chapter and applicable rules, commission orders, and laws.

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### 7811.0350 LOCAL RESALE SERVICE CERTIFICATION.

Subp. 2. **Filing requirements.** A petition for authority to provide local service as a reseller must include the information required under part 7811.0300, subpart 2, items A to L and item Q, except for the information relevant only to facilities-based service identified or contemplated in part 7811.0300, subpart 2, items G and K. The applicant shall provide any additional information needed to demonstrate that it satisfies the requirements for certification under subpart 3.

Subp. 3. **Decision criteria.** A certificate to provide local service as a reseller must be granted when the ~~petitioner~~ applicant establishes that it has the financial, technical, and managerial capability to provide the services described in its petition consistent with the public interest, including the requirements of this chapter, *Minnesota Statutes*, section 237.16, and all other applicable laws, rules, and commission orders. The decision to grant a certificate under this part must be based on the criteria in part 7811.0300, subpart 3, to the extent those criteria relate to the applicant's technical, managerial, and financial ability to provide ~~reasonably adequate~~ resale service consistent with the public interest, including the requirements of this chapter, *Minnesota Statutes*, section 237.16, and all other applicable laws, rules, and commission orders.

### 7811.0500 LOCAL NICHE SERVICE CERTIFICATION.

Subpart 1. **Filing requirements.** A petition to provide local niche service, but not local service or interexchange service, must include a description of the ~~petitioner's~~ applicant's business organization, experience, and expertise in providing telephone or telecommunications services, including local niche service. The petitioner must also submit a balance sheet indicating its current financial status, and a statement of when comments and responsive comments are due pursuant to part 7811.0200, subpart 7.

Subp. 2. **Decision criteria.** The commission shall apply the criteria identified in part 7811.0300 or 7811.0350 to the extent those criteria are relevant to providing the local niche services the petitioner intends to provide.

### 7811.0525 LOCAL SELF-PROVISIONED SERVICE CERTIFICATION.

~~Subpart 1. **Scope of certificate.** A certificate to provide local self-provisioned service authorizes the provision of telecommunications services in Minnesota within the area identified in the applicant's petition. However, this does not include authority to provide local service through the resale of a local exchange carrier's services or the purchase and recombination of a local exchange carrier's network elements.~~

~~Subp. 2. **Filing requirements.** A petition for authority to provide local self-provisioned service must include the information required under part 7811.0300, subpart 2, except for the information only relevant to service provided via resale or via purchase of the LEC's network elements. The applicant shall provide any additional information needed to demonstrate that it satisfies the requirements for certification under subpart 3.~~

~~Subp. 3. **Decision criteria.** A certificate to provide local self-provisioned service must not be granted unless the petitioner establishes that it has the financial, technical, and managerial capability to provide the services described in its petition consistent with the public interest, including the requirements of this chapter, *Minnesota Statutes*, section 237.16, and all other applicable laws, rules, and commission orders. The decision to grant a certificate under this part must be based on the criteria in part 7811.0300, subpart 3.~~

~~Subp. 4. **Conditional certificate.** The commission may grant a conditional certificate for local self-provisioned service as provided in part 7811.0300, subpart 4.~~

~~Subp. 5. **Amended certificate for change in service area.** A provider of local self-provisioned service may expand its service area as provided in part 7811.0300, subpart 5.~~

~~Subp. 6. **Changes in terms and conditions.** A provider of local self-provisioned service may change its terms and conditions of service as provided under part 7811.0300, subpart 6.~~

### 7811.0550 911 EMERGENCY SERVICE CAPABILITIES AND REQUIREMENTS.

Subp. 3. **Factors to apply in reviewing CLEC plan.** In determining whether to approve a competitive local exchange carrier's 911 plan under subpart 1, the commission shall consider; ~~at a minimum~~, the competitive local exchange carrier's ability and intent to:

J. ensure that the competitive local exchange carrier's identity is shown on the ALI record and displayed at the PSAP to the extent required by the county; ~~and~~

K. provide for operator-assisted emergency calls, including calls from speech-impaired, hearing-impaired, or non-English speaking customers; and

L. perform any other function relevant to the provision of 911 emergency service.

Subp. 4. **Use of decision criteria.** The factors identified in subpart 3, items A to ~~K~~ L, must be considered as criteria to assist the commission in its evaluation of the adequacy of 911 plans. No one factor ~~may need~~ be considered dispositive.

**7811.0600 BASIC LOCAL SERVICE REQUIREMENTS.**

Subp. 2. **Separate flat rate service offering.** ~~At a minimum,~~ Each LSP shall offer the services identified in subpart 1 as a separate tariff or price list offering on a flat rate basis. An LSP may also offer basic local service on a measured rate basis or in combination with other services. An LSP may impose separate charges for the services set forth in subpart 1 only to the extent permitted by applicable laws, rules, and commission orders.

Subp. 7. **Service disconnection.** An LSP may disconnect a customer's basic local service as allowed under parts 7810.1800 to ~~7810.2000~~ 7810.2100, except that it shall not disconnect basic local service for nonpayment of ~~total or information service~~ charges ~~or for any service other than basic local service.~~

**7811.0700 GENERAL SERVICE QUALITY REQUIREMENTS.**

Subp. 2. **Intercarrier agreements.** All local exchange carriers (LECs) and competitive local exchange carriers (CLECs) must include quality standards in their intercarrier agreements for resale, the purchase of network elements, or interconnection. These standards must, at a minimum:

B. ensure that the CLEC receives service, network elements, and interconnection at least at parity with the services, network elements, and interconnection the LEC provides to itself or to any subsidiary, affiliate, or other party consistent with section 251, subsection (c), paragraphs (2) and (3), of the act and section 51.311, ~~paragraphs~~ paragraph (b) and (e), of the FCC interconnection rules.

**7811.1400 ETC DESIGNATION.**

Subp. 4. **Petition information.** A competitive local exchange carrier's petition for designation as an ETC to receive federal universal service support under section 254 of the act, or any state universal service support under *Minnesota Statutes*, section 237.16, subdivision 9, must include:

F. a statement supporting the petition, which specifies why the requested designation satisfies the requirements for receiving universal service support under part 7811.0700; and

G. a statement of when and how a person may intervene, file comments and reply comments, and challenge the petition's form and completeness pursuant to subparts 6, 8, 9, and 10.

Subp. 5. **Filing and service.** A local service provider (LSP) filing a designation petition under subpart 1 shall file an original and 15 copies of the petition with the commission, unless otherwise directed by the executive secretary. A copy of the petition must also be served on the department, the Office of Attorney General-Residential Utilities Division (OAG-RUD), those persons on the applicable general service list established pursuant to part 7829.0600, and on all other LSPs authorized to provide services in the area for which designation is sought.

Subp. 9. **Petition to intervene.** If a person who files initial comments is not entitled to intervene in a commission proceeding as of right and desires full party status, the person shall file a petition to intervene pursuant to part 7829.0800, or 1400.6200 if the matter is before an administrative law judge, before the reply comment period expires. The intervention petition may be combined with comments on the filing.

Subp. 11. **Nature of proceeding.** Unless all parties agree to the use of a different procedure or ~~there are no unresolved all material~~ issues of fact have been resolved, the commission shall conduct an expedited proceeding under *Minnesota Statutes*, section 237.61, or refer the matter for a contested case proceeding.

**7811.1600 MEDIATION OF INTERCARRIER NEGOTIATIONS.**

Subpart 1. **Request for mediation.** A party may request mediation by the commission at any point during the negotiation. The parties to the negotiation may also file a joint request for mediation. The request must be in writing and must include the following information:

G. any recommendations regarding the choice of mediator, including preferences related to qualifications or individuals; ~~and~~

H. any agreements between the parties as to how the mediation should be conducted; and

I. when and how to respond to the request pursuant to subpart 3 if any negotiating party did not join the mediation request.

Subp. 15. **Mediator serving as arbitrator.** The mediator shall not conduct or participate in the arbitration proceedings under part 7811.1700 unless all the parties to the negotiation agree in writing. If the parties and mediator agree to have the mediator

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## Adopted Rules

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conduct the arbitration proceedings under part 7811.1700, they shall notify the commission in writing of this agreement. Unless the commission designates someone else to conduct the arbitration, the mediator ~~is~~ shall be deemed to have been designated to conduct the arbitration effective upon commission receipt of the written notice.

### 7811.1700 ARBITRATION OF INTERCARRIER NEGOTIATIONS.

Subpart 1. **Request to arbitrate.** During the period from the 135th day to the 160th day, inclusive, after the later of (1) the date on which an incumbent local exchange carrier (LEC) receives a bona fide request to negotiate pursuant to part 7811.2000, subpart 1, or (2) the date upon which the LEC's rural exemption was terminated pursuant to part 7811.2000, any party to the negotiation may petition the commission to arbitrate unresolved issues in the negotiation. The petition must include the following:

- Q. a list of all the witnesses and exhibits the petitioner intends to present at the arbitration hearing under subpart 17; ~~and~~
- R. any request for consolidation under subpart 12; ~~and~~
- S. a statement of how those who are not parties may participate, pursuant to subpart 10.

Subp. 14. **Arbitrator discretion.** The arbitrator may establish a schedule for discovery, including setting deadlines for responses to discovery requests and limiting the number of questions permitted in any written depositions or interrogatories, and may set any reasonable limits on the type, scope, or extent of discovery as needed to avoid delay or undue hardship on a party. ~~The arbitrator's authority includes, but is not limited to, authority to set deadlines for responses to discovery requests and to limit the number of questions permitted in any written depositions or interrogatories.~~

Subp. 19. **Arbitrator's recommended decision.** The arbitrator shall issue a recommended decision on the issues submitted for arbitration no later than 35 days before the date nine months after the later of (1) the request for negotiation that gave rise to the arbitration, or (2) the termination of the LEC's rural exemption, pursuant to part 7811.2000. The decision must be in writing, setting forth the recommended resolution of each issue submitted for arbitration that has not been resolved through subsequent negotiations. The decision must also include a recommended schedule for implementation by the parties. The decision must be accompanied by a written memorandum that provides the rationale for each recommended resolution, including any necessary findings and relevant citations to law ~~or the record.~~

Subp. 21. **Commission decision.** The commission shall issue a final arbitration decision no later than ~~35 days nine months~~ after the ~~arbitrator issues later of (1) the recommended decision request for negotiation that gave rise to the arbitration, or (2) the termination of the LEC's rural exemption pursuant to part 7811.2000.~~ The decision must include a resolution of each issue submitted for arbitration that has not been resolved through subsequent negotiations. The decision must also include a schedule for implementation by the parties and a deadline for submitting a final agreement to the commission for approval under part 7811.1800.

### 7811.1800 AGREEMENT APPROVAL.

Subp. 4. **Comments.** If the agreement contains arbitrated terms, then parties and participants may file written comments on the filing under subpart 1 no later than ten days after the agreement is filed. If the agreement contains no arbitrated terms, then parties and participants may file written comments on the filing under subpart 1 no later than 30 days after the agreement is filed.

### 7811.2000 RURAL EXEMPTION FROM NEGOTIATION AND INTERCONNECTION REQUIREMENTS.

Subp. 2. **Notice of claim to rural exemption.** A LEC, seeking to retain or establish a rural exemption under *United States Code*, title 47, section 251, subsection (f), paragraph (1), shall, no later than 20 days after receiving a CLEC's bona fide request for interconnection, services, or network elements under *United States Code*, title 47, section 251, notify the requesting company, the commission, the department, the Office of Attorney General-Residential Utilities Division (OAG-RUD), and the city clerk, or other official authorized to receive service or notice, of all municipalities within the LEC's designated service area, of its claim to the exemption. A LEC failing to assert its exemption claim as provided in this subpart is deemed to have waived any right it may have to the exemption for purposes of the specific bona fide request for which it has failed to assert the exemption. The notice must state ~~the basis upon which the LEC:~~

- A. the basis upon which the LEC considers itself to be a rural telephone company; ~~and~~
- B. the basis upon which the LEC considers the CLEC's request to be unduly economically burdensome, technically infeasible, or inconsistent with *United States Code*, title 47, section 254 ~~€,~~ other than subsections (b), paragraph (7), and (c), paragraph (1), subparagraph (D), of that section; ~~and~~
- C. when and how to intervene, pursuant to part 7829.0800.

Subp. 9. **Standard for terminating exemption; burden of proof.** The commission shall terminate the exemption if the request is:

C. consistent with the universal service provisions of *United States Code*, title 47, section 254, other than subsections (b), paragraph (7), and (c), paragraph (1), subparagraph (D). The burden of production and persuasion with respect to issues of material fact is on the incumbent LEC. The commission or arbitrator may shift the burden of production and persuasion as appropriate, based on which party has control of the critical information regarding the issue in dispute and which party is the proponent of the issue.

**7811.2100 SUSPENSIONS OR MODIFICATIONS OF INTERCONNECTION REQUIREMENTS.**

Subpart 1. **Petition for suspension or modification.** A local exchange carrier (LEC) seeking suspension or modification of the application of the requirements of *United States Code*, title 47, section 251, subsection (b) or (c), pursuant to *United States Code*, title 47, section 251, subsection (f), paragraph (2), shall file a petition with the commission. The petition must include:

F. a description of the obligations the LEC seeks to suspend or modify, including:

(3) a copy of the relevant commission-approved interconnection agreement, if the LEC seeks to suspend or modify the application of any portion of section 251, subsection (b) or (c), of the act, other than the requirement to negotiate;

I. a statement supporting the petition, which must specify why each requested modification or suspension meets the conditions for modification or suspension specified in section 251, subsection (f), paragraph (2), subparagraphs (A) and (B), of the act, and applicable FCC regulations; ~~and~~

J. a statement as to whether the LEC requests the commission to grant a temporary stay under subpart 9 of the obligations the LEC seeks to modify or suspend; ~~and~~

K. a statement of when and how to challenge the form or completeness of the petition, file initial and reply comments, and petition to intervene, pursuant to subparts 3 to 7.

Subp. 2. **Filing and service.** The petition filed under subpart 1 must be served on the department, the Office of Attorney General-Residential Utilities Division (OAG-RUD), each competitive local exchange carrier (CLEC) to which the requested suspensions or modifications would likely apply, and those persons on ~~an~~ the applicable general service list established ~~by the commission~~ pursuant to part 7829.0600.

**7811.2200 COMPETITIVE LOCAL EXCHANGE CARRIER; NEW SERVICE INTRODUCTION AND RATE CHANGES.**

Subp. 5. **Notice of change in service.** A CLEC may offer a new service, increase the rate for a service, or change the terms, conditions, rules, and regulations of its service offering effective upon notice to its customers pursuant to subpart 7.

Subp. 7. **Reasonable notice.** A CLEC may give notice to its customers by bill insert, by publication in newspapers of general circulation, or by any other reasonable means. Written notice of a price increase must be made via bill insert or direct mail at least 20 days before the effective date of the price increase. ~~The LEC~~ CLEC shall also provide to the commission written notice of a price increase at least 20 days before the effective date of the price increase.

**7812.0100 DEFINITIONS.**

Subp. 15. **Eligible telecommunications carrier or ETC.** “Eligible telecommunications carrier” or “ETC” means a local service provider designated by the commission as eligible to receive federal universal service support ~~pursuant to the federal Telecommunications Act of 1996; in accordance with~~ United States Code, title 47, section 254, ~~based on a determination by the commission that the local service provider, at a minimum, meets the requirements of items A and B, throughout the applicable universal service area and relevant federal regulations.~~

A. ~~The local service provider offers the services identified by the Federal Communications Commission as eligible for support by federal universal service support mechanisms under the federal Telecommunications Act of 1996; at United States Code, title 47, section 254, using its own facilities or a combination of its own facilities and either the unbundled network elements of a local exchange carrier or resale of another carrier’s services.~~

B. ~~The local service provider advertises the availability of the services referenced in item A and the charges for those services using media of general distribution.~~

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# Exempt Rules

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

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

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

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

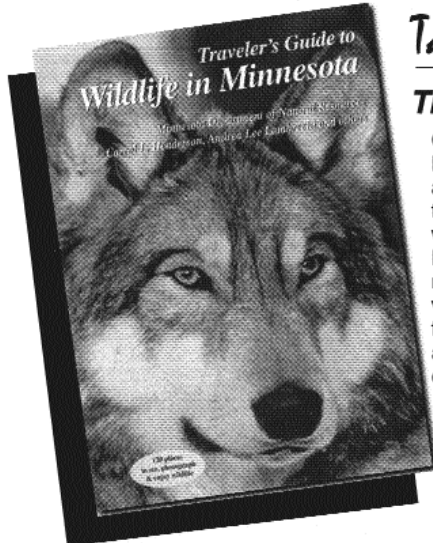
The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

## Department of Labor and Industry

### Adopted Exempt Permanent Rules Relating to Occupational Safety and Health; Standard Industrial Classification List for AWAIR; General Industry and Construction

The rules proposed and published at *State Register*, Volume 22, Number 36, pages 1548-1558, March 9, 1998 (22 SR 1548), are adopted as proposed.

 <p>117 University Ave. St. Paul, MN 55155 E-mail: <a href="mailto:mnbook.list@state.mn.us">mnbook.list@state.mn.us</a> Website: <a href="http://www.comm.media.state.mn.us">www.comm.media.state.mn.us</a></p>	Store hours:	Phone:
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## Office of the Governor

### Emergency Executive Order #98-05: Providing for Personnel and Equipment for the Prairie Island Power Plant Drill and Exercise

I, ARNE H. CARLSON, 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 Emergency Executive Order:

**WHEREAS**, the Minnesota Department of Public Safety, Division of Emergency Management, has requested assistance in providing personnel and equipment to support the Prairie Island Nuclear Power Plant drill and exercise; and

**WHEREAS**, adequate personnel and equipment are not available from the Department of Public Safety, other participating agencies, Goodhue and Dakota counties of Minnesota and other local authorities;

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

1. The Adjutant General of Minnesota order to active duty on May 21, June 10, and July 21 - 22, 1998, in the service of the State, such personnel and equipment of the military forces of the State needed by the Department of Public Safety and Goodhue and Dakota counties to successfully complete the Prairie Island Nuclear Power Plant drill and exercise.
2. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be paid by the Department of Public Safety, Division of Emergency Management, as provided by an interdepartmental agreement dated August 7, 1995.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order shall be effective May 21, 1998, and shall remain in effect through July 22,

**IN TESTIMONY WHEREOF**, I have set my hand this twelfth day of May, 1998.

Arne H. Carlson  
Governor

Filed According to Law:  
Joan Anderson Growe  
Secretary of State

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## 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 # 98-07: Sales and Use Tax - Permit Revocation

*Minnesota Statutes*, § 297A.07, provides that where any person fails to comply with the provisions of *Minnesota law* related to sales and use tax, the commissioner of revenue may revoke that person's sales and use tax permit. Before a permit is revoked, the commissioner must give the taxpayer 30 days written notice and an opportunity to contest the revocation before an administrative law judge.

**Issue:** Where a taxpayer has committed repeated violations of the sales and use tax laws and the department has already warned the taxpayer of permit revocation on previous occasions, will filing of the delinquent returns and payment of the delinquent taxes stop the revocation of the permit?

**Department position:** The commissioner has the authority to revoke permits for violations of the sales and use tax laws. Where a taxpayer has committed repeated violations of those laws and the taxpayer was previously warned of permit revocation, simply satisfying the current delinquencies will not be sufficient to stop the revocation.

## Revenue Notices

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Consequently, if a taxpayer is sent a *Notice of Intent to Revoke Sales and Use Tax Permit*, the taxpayer's satisfaction of the current delinquencies within the 30-day notice period will not be sufficient to stop the revocation process when the following has occurred:

- The taxpayer failed to timely file or pay the tax on three or more sales and use tax returns within a two-year period; and
- The department previously sent the taxpayer two or more *Notice(s) of Intent to Revoke Sales and Use Tax Permit* within a two year period.

In such cases, the taxpayer retains the right to contest the commissioner's action before an administrative law judge.

Dated: 26 May 1998

Jennifer L. Engh  
Assistant Commissioner for Tax Policy

## Department of Revenue

### Revenue Notice # 98-08: Income and Corporate Franchise Tax - Federal Entity "Check the Box" Classifications

On December 17, 1996, the Internal Revenue Service issued Reg. § 301-7701-2, which permits certain eligible entities to elect how such entities are to be taxed for federal income tax purposes. These "check the box" elections were effective after January 1, 1997.

The Minnesota Department of Revenue will follow the "check the box" elections made by either a domestic or foreign eligible entity that is electing to be classified either as an association taxable as a corporation or as a partnership.

The Minnesota Department of Revenue will also follow a "check the box" election made by a domestic eligible entity with a single owner electing to be disregarded as a separate entity.

The Minnesota Department of Revenue *cannot* recognize the "check the box" election made by a foreign eligible entity with a single "C" corporation owner which is electing to be disregarded as a separate entity for federal tax purposes. *Minnesota Statutes*, § 290.17, subdivision 4(f), does not permit the net income or the apportionment factors of foreign corporations or foreign entities to be included in a combined report even though they may be part of a unitary business. A foreign corporation that is required to file a return in Minnesota must file on a separate return basis.

Except as described above, a "check the box" election made for federal tax purposes will be effective for Minnesota tax purposes on the date that the election is effective for federal tax purposes.

This revenue notice supersedes Revenue Notice # 97-03 and is effective for elections made after January 1, 1997.

Dated: 26 May 1998

Jennifer L. Engh  
Assistant Commissioner for Tax Policy

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

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

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### Department of Agriculture

#### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C for Approximately 38 Acres of Bare Farmland in McPherson Township, Blue Earth County

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on June 12, 1998, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 38 acres of bare farmland located in Section 5, McPherson Township, Blue Earth County, Minnesota on behalf of Michael R. Ward, a single man (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$50,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 6 May 1998

Jim Boerboom  
RFA Director

### Campaign Finance and Public Disclosure Board

#### Notice of 1998 Election Year Campaign Expenditure Limits

In accordance with *Minnesota Statutes* §§ 10A.25 and 10A.255, the following are election year campaign expenditure limits for 1998 by office sought: House of Representatives, \$24,083; Governor/Lt. Governor, \$1,926,127; Attorney General, \$321,023; Secretary of State/State Treasurer/State Auditor, \$160,514.

### Minnesota Comprehensive Health Association

#### Notice of Meeting of the Finance Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Finance Committee will be held at 9:00 a.m. on Friday, May 29, 1998. The meeting will take place at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (612) 593-9609.

## Minnesota Comprehensive Health Association

### Notice of the MCHA Board of Directors Strategic Planning Session

NOTICE IS HEREBY GIVEN that the strategic planning session of the Minnesota Comprehensive Health Association's (MCHA), Board of Directors will be held at 1:00 p.m. on Wednesday, May 27, 1998. The meeting will take place at the Calhoun Beach Club, 2925 Dean Parkway, Minneapolis, MN.

For additional information, please call Lynn Gruber at (612) 593-9609.

## JOINT NOTICE:

### Executive Council

### State Board of Investment

### Land Exchange Board

### Investment Advisory Council

#### Meeting Notices for the Executive Council, the State Board of Investment, the Land Exchange Board, and the Investment Advisory Council

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Thursday, June 11, 1998 at 10:00 A.M. in Room 125, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, June 2, 1998 at 2:00 P.M. in Suite 105, 55 Sherburne Avenue, St. Paul, MN.

## Minnesota Higher Education Services Office

### Request for Comments on Planned Rules Governing Termination of Institution Participation in Financial Aid Programs, *Minnesota Rules*, 4830.0120 - 4830.0200 and Amendments to Rules Governing the Student Educational Loan Fund Program, *Minnesota Rules*, 4850.0012 and 4850.0014

**Subject of Rules.** The Minnesota Higher Education Services Office [MHESO] requests comments on its planned rules governing the termination of a post-secondary institution's participation in post-secondary financial aid programs administered by the MHESO and the amendment to rules governing the Student Educational Loan Fund [SELF] Program relating to institutional termination for participation in the SELF Program, and the annual and maximum SELF loan amount and terms for graduate students. The MHESO is considering rules that cover the process followed by the Minnesota Higher Education Services Office in the termination of a post-secondary institution's participation in one or more financial aid programs administered by the MHESO. The proposed termination rules include definitions applicable to these proposed rules, the circumstances under which the Minnesota Higher Education Services Office will proceed with termination of the institution's participation in a program, the termination procedure that the MHESO will follow, the request for hearing requirements, the final decision and orders relating to the termination, the reimbursement and refund process to be followed by an institution found to be in violation of applicable program statutes and rules, student awards after termination of an institution's eligibility, and reinstatement of eligibility after termination. The rule amendments to the Student Educational Loan Fund Program specify that the termination rules will apply to the SELF Program and also clarify how the annual and maximum SELF loan amounts are determined for graduate students borrowing from the SELF Program.

**Persons Affected.** The termination rules would likely affect post-secondary institutions participating in financial aid programs administered by the Minnesota Higher Education Services Office and post-secondary students attending those institutions. The amendments to the Student Educational Loan Fund Program rules would likely affect post-secondary institutions participating in the SELF Program and students receiving loans from the SELF Program.

**Statutory Authority.** *Minnesota Statutes*, section 136A.01, Subd. 2(8), which authorizes the Minnesota Higher Education Services Office to adopt rules necessary to administer the programs under its supervision.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on July 27, 1998. The Minnesota Higher Education Services Office does not contemplate appointing an advisory committee to comment on the planned rules.

**Rules Drafts.** The Higher Education Services Office has prepared a draft of the proposed rules and rule amendments.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules and rules amendments should be addressed to: Mary Lou Dresbach, Minnesota Higher Education Services Office, 400 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101, phone: (612) 296-3974 (ext. 3036), fax: (612) 297-8880.

TTY users may call the Minnesota Relay Service at 1-800-627-3529 and request assistance in contacting the Agency Contact Person.

**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: 11 May 1998

Robert K. Poch, Director  
Minnesota Higher Education Services Office

## Department of Human Services

### Division of Community Supports for Minnesotans with Disabilities

#### Solicitation of Interest to Participate in ICF/MR Reimbursement Rule Task Force

The Division of Community Supports for Minnesotans with Disabilities is seeking interested persons, including ICF/MR industry and consumer representatives, for task-force membership to assist in formulation of recommendations for a performance-based contracting reimbursement system to replace the current method of setting total cost payment rates to ICFs/MR under *Minnesota Statutes* section 256B.501, and *Minnesota Rules*, parts 9553.0010 to 9553.0080. The task force will begin its activities in July of 1998 for preparation of recommendations to the Minnesota Legislature by January 15, 1999, and will continue to be active until implementation of the new reimbursement system which is scheduled to be effective October 1, 2000.

If you are interested in being considered for this task force, please contact Pam Erkel at 612-296-1551, or write to Ms. Erkel at Community Supports for Minnesotans with Disabilities Division, 444 Lafayette Road, St. Paul Minnesota, 55155-3857. Requests to participate should be forwarded by June 5, 1998.

## Department of Labor and Industry

### Labor Standards Division

#### Notice of Addition to Prevailing Wage Rates

An additional class of labor, **Code 430, Wiring System Technician**, has been determined for the Commercial Prevailing Wage Rates in **Polk County** which were certified 10/20/97.

An additional class of labor, **Code 431, Wiring System Installer**, has been determined for the Commercial Prevailing Wage Rates in **Polk County** which were certified 10/20/97.

An additional class of labor, **Code 405, Carpet Layers (Linoleum)**, has been determined for the Commercial Prevailing Wage Rates in **Blue Earth County** which were certified 10/20/97.

## Official Notices

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An additional class of labor, **Code 405, Carpet Layers (Linoleum)**, has been determined for the Commercial Prevailing Wage Rates in **Waseca County** which were certified 10/20/97.

An additional class of labor, **Power Equipment Operators, Group 6**, has been determined for the Commercial Prevailing Wage Rates in **Swift County** which were certified 10/20/97.

Copies of the corrected certification may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306 or by calling (612) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and \$.50 for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich  
Commissioner

## Metropolitan Airports Commission

### Notice of Public Hearing

**NOTICE IS HEREBY GIVEN** that on the 15th day of June, 1998 at 7:00 p.m. in the Jefferson Senior High School auditorium, 4001 West 102nd Street, Bloomington, Minnesota, the Metropolitan Airports Commission will hold a public hearing to receive testimony relative to the adoption of:

#### **PROPOSED RATES AND CHARGES ORDINANCE**

**An ordinance to promote and conserve the public safety, health, peace, convenience, and welfare; to amend the rental rates, fuel flowage fees and other charges for property at the Commission's minor and intermediate use airports as provided by *Minnesota Statutes* § 473.651; prescribing the penalty for violation thereof, and repealing Ordinance No. 60.**

The Ordinance regulates rental rates, fuel flowage fees and other charges for property at the Commission's minor and intermediate use airports.

Copies of the draft Ordinance may be obtained by contacting:

Kelly Gerads  
Reliever Airports Department  
Metropolitan Airports Commission  
6040 - 28th Avenue South  
Minneapolis, MN 55450  
(612) 726-8142

Dated: 15 May 1998

Mr. Jeffrey W. Hamiel  
Executive Director  
Metropolitan Airports Commission  
6040 - 28th Avenue South  
Minneapolis, MN 55450

## Metropolitan Airports Commission

### Notice of Adoption Ordinance No. 86

Please take notice that on the 18th of May, 1998, at regular meeting, the Metropolitan Airports Commission adopted Ordinance No. 86.

#### Ordinance No. 86:

**An ordinance to promote and conserve the public safety, health, peace, convenience and welfare by regulating the use of the public properties owned by or under the supervision and control of the Metropolitan Airports Commission, including the regulation of electric Carts or other Carts, and drivers and Owners thereof in or about the Charles A. Lindbergh and Hubert H. Humphrey Terminals; prescribing the penalties for violation thereof, and repealing Ordinance 68.**

Copies of Ordinance No. 86 as adopted will be on file with the Secretary of State and may be obtained from the Metropolitan Airports Commission offices.

Jeffrey W. Hamiel  
Executive Director  
Metropolitan Airports Commission  
6040 - 28th Avenue South  
Minneapolis, MN 55450

## Department of Revenue

### Statement of Presumed Legal Cigarette Prices

The presumed prices for wholesaler and retailers as provided for by *Minnesota Statutes* 325D are shown in this schedule. The computations are based on manufacturer's list prices available as of May 14, 1998. All cigarettes in a wholesalers' or retailer's inventory must be priced to reflect the new presumed prices within 7 calendar days after the manufacture's price change is reflected on a purchase invoice. A wholesaler or retailer may sell for less if they can show that their actual costs of doing business is lower than the presumed minimum.

	Presumed Minimum Wholesale Price Per Carton	Presumed Minimum Retail Price Per Carton	Presumed Minimum Retail Price Per Pack
<b>Major Brands</b> (Kings, Regulars 100's, 120's) Examples of major brands: Marlboro, Winston, Merits, Virginia Slims, Kools, Capri, Kent, Newport, Carlton	\$20.00	\$21.60	\$2.16
<b>Players Lights 25's</b> (Kings, 100's)	\$20.00	\$21.60	\$2.16
<b>Marlboro 25's</b> (Kings)	\$20.00	\$21.60	\$2.70
<b>Old Gold, Richland 20's, Best Value, GPC'S, Basics, Mistys, Raliegh Extra, Viceroy, Doral, Riviera, Magna, Sterling, Cambridge, Am Light, Montclair, Pyramid, Bristol, Alpine, Bucks, Stars &amp; Bars, Quality Lights, Class A, Black and Yellow</b> (Kings, Regulars, 100's, 120's)	\$17.18	\$18.55	\$1.86
<b>Ligget Private Label</b> (Kings, Regulars, 100's)	\$17.18	\$18.55	\$1.86

## Department of Public Safety

### Driver and Vehicle Services Division

#### Request for Comments on Planned Rules Governing Youth-oriented Driver Improvement Clinics, *Minnesota Rules, 7411.5100 to 7411.5700*

**Subject of Rules.** The Minnesota Department of Public Safety, Driver and Vehicle Services Division requests comment on planned rules and amendments governing youth-oriented driver improvement clinics. The Department is considering rules to implement and administer *Laws of Minnesota*, Chapter 388 which provided authority to the Department to supervise, administer and conduct such clinics. The commissioner of public safety must promulgate rules setting forth standards for the curriculum and mode of instruction of such clinics. Minnesota law defines such clinics as being designed to assist traffic violators age 18 and under in correcting improper driving practices and reviewing traffic law with a focus on driving problems common to young and novice drivers.

**Persons Affected.** Youth-oriented driver improvement clinics, by law, are to serve youth age 18 or younger, who have had their license revoked or suspended. These rules will be of interested to drivers age 18 or younger, their parents, to other drivers, and the public in general.

**Statutory Authority.** Authority for these rules is found in *Laws of Minnesota 1998*, Chapter 388; and *Minnesota Statutes*, sections 169.973, 171.05, 299A.01, subdivision 6; and section 14.06.

**Public Comment.** Interested persons or groups may submit comment or information on these planned 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 is developing an advisory committee to comment on the planned rules. As prescribed by law, the Department will involve representatives of the commissioner of children, families and learning and state associations of judges. The Department will also involve a county attorney; medical professionals; the administrators, instructors and sponsors of existing driver improvement programs; and the Minnesota Safety Council; the Minnesota Highway Safety Center; the Minnesota Driver and Traffic Safety Education Association; and interested legislative representatives.

**Rules Drafts.** At this time the Department has not prepared a draft of the planned rules. Existing rules governing driver improvement clinics in general are contained in *Minnesota Rules, 7411.5100 to 7411.5700*. These rules will be reviewed for amendment. Drafts of amendments will be available and will be reviewed by the rule advisory committee before the publication of the proposed rules. The Department will be reviewing national recommendations of the American Association of Motor Vehicle Administrators, national safety council and the curriculum and standards of national entities where available such as that of the National Highway Traffic Safety Administration.

**Agency Contact Person.** Written or oral comment, questions, requests to receive a draft of the rules when prepared, and requests for more information on these planned rules should be addressed to: Jane A. Nelson, Department of Public Safety, Driver and Vehicle Services Division, 445 Minnesota Street, Suite 196, St. Paul, Minnesota 55101-5196. (612) 296-2608, FAX (612) 296-3141, TTY users may call the Department at (612) 282-6555. E-mail: [Jane.Nelson@state.mn.us](mailto:Jane.Nelson@state.mn.us)

**Alternative Format.** Upon request, this Request for Comment 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: 14 May 1998

Donald E. Davis, Commissioner  
Department of Public Safety



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

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

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### Department of Administration

#### Governor's Council on Developmental Disabilities

#### Request for Proposal for a Contract Relating to Leadership Development and Cultural Diversity

The Governor's Council on Developmental Disabilities is pleased to announce that it is seeking proposals from nonstate agencies or organizations that have an established and credible community presence, understand the significance and effects of cultural diversity and disability, and are committed to developing community leaders among family members of individuals from the Chicano-Latino community. Applicants must have experience in leadership training, community organizing, and direct experience with racial and ethnic communities.

A total of \$22,000 in federal funds is available under provisions of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996 (P.L. 104-183). One award of \$22,000 will be made to the successful applicant.

The project is for approximately a one year period beginning as soon as possible after August 5, 1998. Funds must be used to carry out a leadership training program for parents of young children with developmental disabilities who are also members of the Chicano-Latino community.

For further information to request a copy of the Request for Proposal, please contact:

Colleen Wieck, Ph.D., Executive Director  
Governor's Council on Developmental Disabilities  
300 Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
(612) 296-4018 voice  
(612) 296-9962 TTY  
e-mail: [admin.dd@state.mn.us](mailto:admin.dd@state.mn.us)

### Department of Children, Families and Learning

#### Notice of Availability of Grants to Develop Learning Resources for the State's Results-Oriented Graduation Rule

The Department of Children, Families and Learning (DCFL) announces the availability of grants to develop learning resources for the state's results-oriented graduation rule. The grants are available to:

- 1) provide staff development for implementation of the graduation standards;
- 2) establish and equip learning resource centers;
- 3) develop and sustain historical educational programming;
- 4) make historical collections available via the Internet;
- 5) develop a system of graduation rule implementation for alternative programs;
- 6) develop systemic site decision-making models and implementing site decision-making in schools;
- 7) expand attention and reading readiness programs; and
- 8) provide for reporting systems.

A total of \$1,700,000.00 is available through this grant application process. Proposals must be aligned with the standards of the Profile of Learning Graduation Rule. Process and/or products developed through these grants must be received by DCFL by 4:00, June 22, 1998. Processes and projects developed through these grants must be available to K-12 schools. To request a copy of the grant application form, contact Carol Joselyn, Department of Children, Families and Learning, 550 Cedar Street, St. Paul, MN 55101, (612) 296-0546, [carol.joselyn@state.mn.us](mailto:carol.joselyn@state.mn.us).

## Department of Children, Families and Learning

### Office of Economic Opportunity

#### Notice of the Availability of Applications from Migrant and Seasonal Farmworker Organizations to Receive Minnesota Economic Opportunity Grant Funding

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Children, Families and Learning (CFL) is soliciting requests for applications from migrant and seasonal farmworker organizations to receive Minnesota Economic Opportunity Grant (MEOG) funding to provide services to migrant and seasonal farmworkers. Applications must be requested by June 12, 1998. Completed applications will be due June 30, 1998.

Applications are being solicited in the event funding from the Minnesota Economic Opportunity Grant (MEOG) becomes available. Funding availability is subject to the outcome of a contested case hearing regarding the Department's decision to terminate the current grantee "for cause". In any event, these funds will not be available before October 1, 1998. The total amount of funding is still being determined, but is expected to be between \$250,000 - \$500,000.

The State Legislature funds the MEOG to provide financial assistance to Community Action Agencies, Indian Reservation Governments, and migrant and seasonal farmworker organizations to carry out community action programs as described in *Minnesota Statutes* §268.52-268.54. The following excerpt from the statute describes the expectations of the grantees:

"The components of (this) program shall be designed to assist participants, including the elderly poor, to achieve increased self-sufficiency and greater participation in the affairs of the community by providing services and programs not sufficiently provided in the community by any governmental unit, any public institution, or any publicly funded agency or corporation. Community action agencies, governmental units, public institutions, or other publicly funded agencies or corporations shall consult on whether or not a program or service is sufficiently provided in the community." - *Minnesota Statutes* 268.54

More specifically, a grantee must:

θ Provide a range of services and activities having a measurable and potentially major impact on the causes of poverty in the community, or those areas of the community where poverty is a particularly acute problem;

θ Provide activities designed to assist low-income participants including homeless individuals and families, migrants and the elderly poor:

- To secure and retain meaningful employment;
- To attain an adequate education;
- To obtain and maintain adequate housing and a suitable living environment;
- To make better use of available income;
- To obtain emergency assistance through loans or grants;
- To meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment related assistance;
- To remove obstacles and solve problems that block the achievement of self-sufficiency;
- To achieve greater participation in the affairs of the community and;
- To make more effective use of other programs related to the purpose of the Community Services Block Grant Programs;

Provide on an emergency basis for provision of such supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the low-income;

Coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of such services to low-income individuals;

Encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community;

Refer clients to education programs that increase literacy, improve parenting skills, and address the needs of children from families in poverty. These programs include, but are not limited to, early childhood family education programs, adult basic education programs, and other life-long learning opportunities. The agencies and agency programs, including Head Start, shall collaborate with child care and other early childhood education programs to ensure smooth transitions to work for parents.

This one-time application process is due to unique circumstances for the 1998-99 biennium that have resulted from the complex interrelationships between the federal law, state law and state rule governing the Community Services Block Grant and the Minnesota Economic Opportunity Grant. Thank you for your willingness to consider providing services to this community under these difficult circumstances.

For additional information or to request an application, please mail, fax or e-mail your request to: Sharon Bonniwell, Department of Children, Families and Learning, 550 Cedar St., 2nd floor, St. Paul, MN 55101, FAX: (612) 282-6977, phone (612) 297-3403, e-mail: [sharon.bonniwell@state.mn.us](mailto:sharon.bonniwell@state.mn.us). This material is available in alternative formats such as large print or computer disk, upon request.

When requesting an application, please provide name of organization, mailing address and a phone number we can use if we have any questions.

## **Department of Children, Families and Learning**

### **Notice of Availability of Grants for Prevention & Intervention Funding**

Approximately \$5.8 million in state and federal funds is available to public and private nonprofit Minnesota organizations for the following types of programs:

- Community Justice: Transforming the Criminal Justice System
- Community Mobilization for Crime Prevention
- In-School Behavior Intervention
- Youth-Focused Crime, Drug and Violence Prevention

Applications are due by 4:30 p.m. on Friday, July 31, 1998. To receive a complete Application Booklet containing information about funding criteria and forms, please contact: Prevention & Intervention Funding, Dept. of Children, Families & Learning, 550 Cedar Street, Suite 362A, St. Paul, MN 55101-2273, telephone (800) 934-7113 or (612) 297-1419; or view and download the booklet via the World Wide Web at: <http://cfl.state.mn.us/wrk&grnt.htm>

## **Department of Children, Families and Learning**

### **Office of Lifework Development**

### **Notice of Request for Minnesota School-to-Work Funding & Application Guide**

The following grants are available through the Office of Lifework Development:

- Agricultural Education School-to-Work Improvement Grants
- County School-to-Work Grants
- Lifework Learning Site Grants
- Work Study Program Grants
- Youth Apprenticeship Grants
- Youth Employer Grants
- Youth Entrepreneurship Grants

#### **Other Funding Options:**

- School-to-Work Employer Rebates
- Federal School-to-Work Effective Practice Grants

The Office of Lifework Development has created a Funding and Application Guide detailing the requirements of each grant. Deadlines range from June 1998 through August 1998. Total funding available for FY-99 is \$4,333,000. Please Contact the School-to-Work Information Line at (612) 296-2960 or (888) 234-5120.

## State Grants & Loans

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### Department of Economic Security

#### Rehabilitation Services Branch

#### Notice of Availability of Funds for Extended Employment Programs

Funding guidelines for Extended Employment Program funding in State Fiscal Year 1999 will be available to interested parties on June 1, 1998. The authority for the Extended Employment Program is described in *Minnesota Statutes*, 268A.03(a) and 268A.15, and in *Minnesota Rule* 3300.2005 to 3300.2055 effective July 1, 1998. The Extended Employment Program includes the Center-Based, Community, and Supported Employment subprograms that provide ongoing employment support services to workers with severe disabilities. In State Fiscal Year 1999, \$9,749,000 in Extended Employment Program funding will be available.

To be an Extended Employment Program provider, an organization must be certified by the Rehabilitation Services Branch of the Department of Economic Security in accordance with *Minnesota Rule* 3300.2010. Individual eligibility for persons who may be served in Extended Employment is defined in *Minnesota Rule* 3300.2015. Extended Employment Standards for program planning and service delivery are set forth in *Minnesota Rule* 3300.2025. The Extended Employment funding system is described in *Minnesota Rule* 3300.2035. Provisions for new and expanded programs are defined in *Minnesota Rule* 3300.2030. Funding for new and expanded programs is contingent upon the availability of funds. Any city, town, county, non-profit organization or combination of these that operates or proposes to operate a public or non-profit Extended Employment program may apply for funding. Applications are required for funding Extended Employment providers currently receiving Extended Employment funds, and are also required for new or expanded programs.

Guidelines for Extended Employment Program funding in State Fiscal Year 1999 include information on application procedures, provider certification, funding procedures, and the new Extended Employment Program rule that becomes effective 7/1/98. A statewide training conference on the Extended Employment Program will be held on June 10-11 in St. Paul. Persons or parties who wish to obtain the guidelines for Extended Employment Program funding in State Fiscal Year 1999 may contact:

David Sherwood-Gabrielson, Director  
Extended Employment Program  
Rehabilitation Services Branch  
P.O. Box 1705  
St. Paul, MN 55101  
Phone: (612) 296-9150      FAX: (612) 297-5159

Completed applications must be postmarked no later than July 31, 1998 or delivered to Sharon Abrahamson, Extended Employment Program Secretary, First Floor, 390 North Robert Street, St. Paul, Minnesota by 4:30 p.m. on that date.

## Department of Human Services

#### Request for Proposals for Development and Expansion of Case Management Services for Pregnant Women

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter CDPD) is soliciting proposals for development or expansion of maternal and child collaborative case management services to reduce the incidence of Fetal Alcohol Syndrome and Fetal Alcohol Effects. CDPD anticipates allocating approximately \$851,000 annually to this effort. Persons to be served are pregnant women with alcohol and/or drug abuse problems who receive little or no prenatal care for the unborn child, and who may have children at risk for abuse or neglect. The funding of up to 12 proposals is contemplated.

Funds may be used for operating costs. Preferred proposals will implement case management involving chemical health and child protection services and public health nurses on a county wide basis. Eligible applicants are counties, reservations, or non-profit organizations who have experience providing county wide services. Projects in Greater Minnesota and projects serving more than one county are encouraged to apply.

The full Request for Proposals and grant application forms are available on request from:

Sue Marinkov  
Chemical Dependency Program Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3823  
(612) 296-4618

Proposals must be received no later than 3:30 p.m. on Wednesday, June 24, 1998.

## Department of Human Services

### Request for Proposals for Development and Expansion of Treatment and Halfway House Services

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter CDPD) is soliciting proposals for development or expansion of specialized treatment and halfway house services, including transitional housing alternatives, to reduce the incidence of Fetal Alcohol Syndrome, Fetal Alcohol Effects, and other drug effects in infants. CDPD anticipates allocating approximately \$985,000 annually to this effort. Persons to be served are alcohol and drug abusing pregnant women and chemically dependent women with young children. The funding of up to 12 proposals is contemplated.

Funds may be used for operating costs. Preferred proposals will implement specialized treatment and supervised, supportive housing for pregnant women and women with children experiencing alcohol and/or drug abuse problems. Eligible applicants are counties, reservations, or non-profit organizations who have experience providing county wide services. Projects in Greater Minnesota and projects serving more than one county are encouraged to apply.

The full Request for Proposals and grant application forms are available on request from:

Sue Marinkov  
Chemical Dependency Program Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3823  
(612) 296-4618

Proposals must be received no later than 3:30 p.m. on Wednesday, June 24, 1998.

## Department of Public Safety

### Minnesota Auto Theft Prevention Program

#### Notice of Grant Availability for Businesses, Government Units, and Community Organizations for Auto Theft Prevention

The Minnesota Auto Theft Prevention Program Board announces the availability of over \$350,000.00 in grant funds still accessible for the July 1, 1998 through June 30, 1999 grant period. Applications will be accepted from State, County, Local Police Departments, Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. This reimbursement grant program must be for projects dedicated to the area of auto theft. Grant application packets may be obtained by contacting Dennis Roske at the Auto Theft Prevention Office at (612/405-6153 or 405-6155). To be considered, applications must be received in the MATPP office in Mendota Heights by 4:30 p.m. on June 1, 1998.

# Professional, Technical & Consulting Contracts

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

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

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## Department of Administration

### Notice of Request for Information from Parties Interested in Developing the Historic Dahl House

The 140-year-old William Dahl House was moved from its original site in November 1997, due to construction of the new Department of Revenue building in St. Paul. A six-person committee, representing historic preservation organizations and the state, is working to find a new use to ensure a future for this historic structure. The Minnesota Department of Administration is issuing a Request for Information to solicit ideas from interested parties about the house's potential for a commercial, office, historic preservation/interpretation, or other use near its original site in the State Capitol Complex Area.

Interested parties can contact the Minnesota Department of Administration for a complete request for information packet:

Peter Butler  
Minnesota Department of Administration  
Administration Building, Room 203  
50 Sherburne Avenue  
St. Paul, MN 55155  
Phone: (612) 297-4535, FAX: (612) 297-1117, E-mail: [peter.butler@state.mn.us](mailto:peter.butler@state.mn.us)

## Colleges and Universities, Minnesota State (MnSCU)

### Anoka-Hennepin Technical College

#### Request for Proposal for FoodService Management

**NOTICE IS HEREBY GIVEN** that a FoodService Management Request for Proposals is now available for Anoka-Hennepin Technical College (AHTC).

Contact the purchasing office to obtain RFP document which outlines the process, terms and conditions for evaluating and contracting for the management of the AHTC foodservice locations. The objective of the AHTC FoodService is to provide a healthy, high quality foodservice program with a reasonably priced menu for our students and staff. This service is to include catering of specific college related events upon request and as an option the management of the Vending Machines.

Interested firms and individuals should contact: Monica Hanson, Purchasing Agent, AHTC, 1355 West Highway 10, Anoka, Minnesota 55303, (612) 576-4723; Fax: (612) 576-4715.

**NOTE:** Mandatory Site Visit: Thursday, May 28th, at 3:00 PM, AHTC Purchasing Office Bid Due Date: Friday, June 12, 1998 at 3:00 PM, AHTC Purchasing Office Award Date by: Friday, June 26, 1998 at 3:00 PM.

## Colleges & Universities, Minnesota State (MnSCU)

### Notice of Request for Qualifications for Provision of Dining Services

**NOTICE IS HEREBY GIVEN** that the Minnesota State Colleges and Universities (MnSCU) is issuing a Request for Qualifications for vendors to operate dining services (including contract, retail and catering) at one or all of the seven state universities. They are as follows: Bemidji State University in Bemidji, Minnesota; Mankato State University in Mankato, Minnesota; Metropolitan State University in St. Paul, Minnesota; Moorhead State University in Moorhead, Minnesota; St. Cloud State University in St. Cloud, Minnesota; Southwest State University in Marshall, Minnesota; and Winona State University in Winona, Minnesota.

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## Professional, Technical & Consulting Contracts

Only those vendors who have responded to the Request for Qualifications, and who are deemed qualified, will receive a Request for Proposal for Dining Services.

If you are interested in receiving a Request for Qualifications please contact:

Joyce Fasano  
The Cornyn Fasano Group  
1618 SW First, Suite 315  
Portland, OR 97201  
FAX: (503) 224-6704  
Phone: (503) 223-9504

The responses to the Request for Qualifications must be received at the designated addresses by 4:00 PM on 26 June 1998.

The individual named above is the only one authorized to answer questions regarding the RFQ and the RFP process. MnSCU personnel are not to be contacted.

Dated: 15 May 1998

Sieglinde Bier  
Program Manager - Revenue Fund  
Minnesota State Colleges and Universities (MnSCU)

## Department of Corrections

### Minnesota Correctional Facility-Red Wing

#### Notice of Availability of Contract for Transitional Services

The Minnesota Correctional Facility-Red Wing requires transitional programming development which addresses the needs of the facility and its changing clientele dealing with short and long term assessments of the juveniles' needs. The goal of this project is to attain transitional programs in the counties and communities to assist juvenile residents in their transition back into their community and to educate the districts on the new programming that has been put in place at MCF-Red Wing. Total cost for the year (7/1/98 to 6/30/99) is limited to \$31,200.00.

For further information on this contract, contact:

Captain Mark Freer  
Minnesota Correctional Facility-Red Wing  
1079 Highway 292  
Red Wing, Minnesota 55066  
Telephone: (612) 267-3612

## Department of Human Services

### Notice of Extension for Submission of Proposals to Develop Training and Provide Initial Training for Financial and Child Support Workers on Issues Related to Domestic Violence and Sexual Assault

The Minnesota Department of Human Services, Families with Children Division and Child Support Enforcement Division (the State) is seeking proposals from qualified contractors to develop and provide statewide training for county financial and child support workers on issues related to domestic violence and sexual assault. **The original closing date for proposal submission was May 4, 1998. The State is now extending the proposal submission date to no later than 4:00 p.m. on June 26, 1998.**

In conjunction with the public notice of this contract, notice of this project will be provided to the Human Resources offices of all *Minnesota Statutes* 15.091 agencies and the Higher Education Board. In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. Responses of any state employees along with other responses to this Request for Proposal (RFP) shall be evaluated. This notice or the RFP does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

## Professional, Technical & Consulting Contracts

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A copy of the complete RFP may be obtained by contacting Diane Calkin at: (612) 297-5748; FAX: (612) 297-4450; or by writing to:

Attn: Diane Calkin  
Minnesota Department of Human Services  
Child Support Enforcement Division  
444 Lafayette Road  
St. Paul, MN 55155-3846

**The closing date for proposal submission is no later than 4:00 p.m. on June 26, 1998.**

No faxed or other electronically transmitted proposals will be accepted.

## Department of Human Services

### Request for Proposals for Nursing Services

**NOTICE IS HEREBY GIVEN** that Eastern Minnesota State Operated Community Services is seeking nursing services for the period July 1, 1998 through June 30, 1998 for clients of Rochester State Operated Community Services. These services are to be performed as requested by the administration of Eastern Minnesota State Operated Community Services. The amount of this contract is estimated not to exceed \$16,000.00 (per fiscal year).

To receive a copy of the Request for Proposal contact:

Spencer Wilker, Contract Coordinator  
Eastern Minnesota State Operated Community Services  
802 Circle Drive  
Faribault, MN 55021  
(507) 332-3530

Award of any of this contract is contingent upon availability of funds. This request does not obligate the State and the State reserves the right to cancel the solicitation.

Proposals must be received by 12:00 PM June 16, 1998.

## Department of Transportation

### Engineering Services Division

#### Notice of availability of Contract for Highway Related Technical Activity

**Responses to this advertisement become public information under the Freedom of Information 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 (Mn/DOT) is soliciting expressions of interest and statements of qualifications for Cultural Resource Investigations. This includes archaeological surveys of prehistoric and historic sites, inventory and evaluations of historical structures, and geomorphological studies. Surveys will identify and evaluate properties for the National Register of Historic Places that are known or suspected to be impacted by current or future Trunk Highway and County/Municipal projects eligible for federal aid. This work will assist in assessments of the most advantageous location of highways and associated transportation facilities and corridors in the State of Minnesota. This will be a certified short list of qualified vendors who will receive Requests for Proposals on a project or multiple project basis.



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## Professional, Technical & Consulting Contracts

Those consultants who wish to be considered for this Certified List must furnish the following information, in the order listed:

1. Affirmative Action

Indicate if your firm is certified by the Department of Human Rights for Affirmative Action as stated in Minnesota Statute 363.073. Any questions, call (612) 296-5683.

- A copy of your firm's current Certificate of Compliance issued by the Commissioner of Human Rights.
- A letter from Human Rights certifying that your firm has or has for a current Certification of Compliance or;
- A notarized letter certifying that your firm had fewer than forty full-time employees at any time during the previous twelve months.

**NOTE: Your proposal will not be considered if you have not met the affirmative action requirement action at the time of this submittal.**

2. For information purposes please indicate if your firm is certified by the Department of Transportation as a Disadvantage Business Enterprise (DBE). Any questions, call the EEO Contract management at (612) 297-1376.

Indicate if your firm is certified by the Department of Administration as a Small Targeted Business, *Minnesota Statute* 16B.19. Any questions, call 296-2600.

Request for Qualification and Interest Proposals (RFQ&IP) is available by mail or fax. Please submit, in writing, a request for the RFQ&IP. Requests must be received before June 12, 1998 at 2:00 p.m. Requests made after that date must be in person. Request for the RFQ&IP may be mailed or faxed to:

Dawn D. Thompson, Associate Agreement Administrator  
Consultant Services Unit  
Transportation Building  
Seventh Floor, Mail Stop 680  
395 John Ireland Boulevard  
St. Paul, MN 55155  
FAX: (612) 282-5127

Note: PROPOSALS WILL BE DUE ON JUNE 18, 1998 BY 2:00 P.M.

## Minnesota Zoo

### Request for Proposal for Ticketing System

The State of Minnesota, Minnesota Zoo is accepting proposals from qualified and experienced firms for a ticketing, admission, registration, and scheduling system.

The purpose of this Request for Proposal (RFP) is to acquire the services of a firm possessing specialized expertise in the area of entertainment ticketing and scheduling. The contractor will be required to design and install the system, as well as train end users and IS staff.

Proposal Submission Date: June 26, 1998

Prospective responders who would like a copy of the complete RFP or have any questions regarding this Request for Proposal may call or fax:

Tim Payne, IS Director  
Minnesota Zoological Garden  
Phone: (612) 431-9473  
FAX: (612) 431-9211

# Non-State Public Bids, Contracts & Grants

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

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

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## Metropolitan Airports Commission

### Notice of Request for Qualifications for Tunnel/Bridge Consulting Services

The Metropolitan Airports Commission (MAC) is soliciting qualifications for Tunnel/Bridge Consulting Services for the Minneapolis-St. Paul International Airport. Submittals for the position are due on June 5, 1998. For a copy of the RFQ, contact Robert Vorpahl, P.E.; Program Development Engineer; 6040-28th Avenue South; Minneapolis, MN 55450; (612) 726-8127.

## University of Minnesota

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

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

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