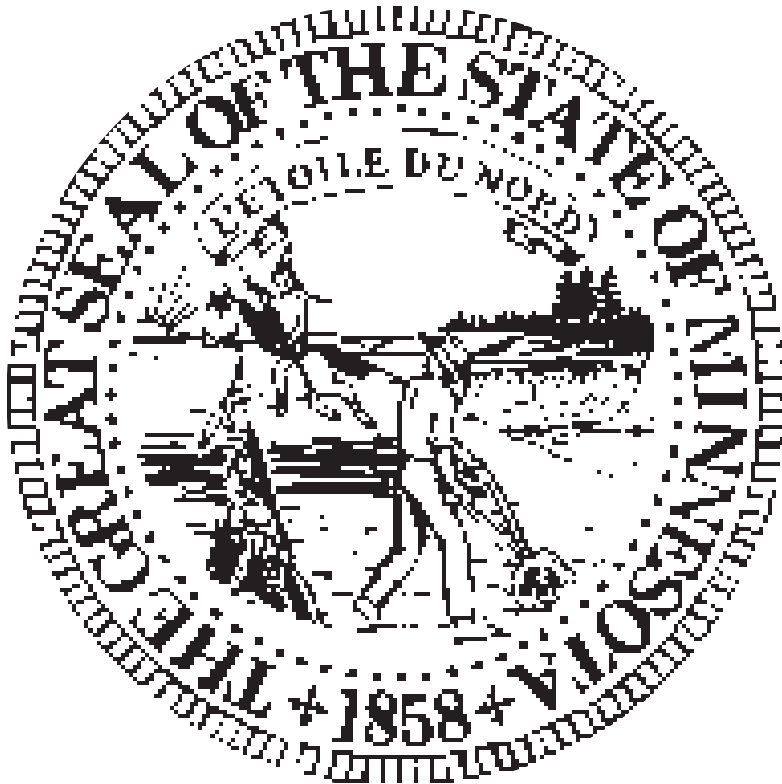


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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

The *State Register* is the official publication of the State of Minnesota, 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.

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Printing Schedule and Submission Deadlines

Vol. 23 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#43	Monday 26 April	Noon Wednesday 14 April	Noon Tuesday 20 April
#44	Monday 3 May	Noon Wednesday 21 April	Noon Tuesday 27 April
#45	Monday 10 May	Noon Wednesday 28 April	Noon Tuesday 4 May
#46	Monday 17 May	Noon Wednesday 5 April	Noon Tuesday 11 May

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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 (651) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

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

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Minnesota Rules: Amendments and Additions

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

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

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

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

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

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Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

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

Department of Administration

Building Codes and Standards Division

Proposed Permanent Rules Relating to Electrical Code

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing the Electrical Code, *Minnesota Rules*, Chapter 1315.

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. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Janet Streff at Building Codes and Standards Division, 121 7th Place East, Suite 408, St. Paul, MN 55101-2181, Her telephone is 651-296-4329, FAX is 651-297-1973, and email is janet.streff@state.mn.us. TTY users may call the Department of Administration at 651-297-5353 or (800) 627-3529.

Subject of Rules and Statutory Authority. The proposed rules concern the adoption of the 1999 National Electric Code (NEC), incorporated into the Minnesota State Building Code by reference. The statutory authority to adopt the rules is *Minnesota Statutes*, section 326.243, 16B.61 to 16B.64 and 14.07, subd. 4. A copy of the proposed rules is published in the *State Register*.

Comments. You have until 4:30 p.m. on May 26, 1999 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

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 May 26, 1999. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Proposed Rules

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

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, 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.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. The statement of need and reasonableness is also included in this notice. 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.

Copies of the National Electric Code. Copies of the 1999 National Electrical Code are in general distribution and may be reviewed at Building Codes and Standards Division or obtained from the State Board of Electricity, 1821 University Avenue, Suite S-128, St. Paul, MN 55104-2993.

Adoption and Review of Rules. 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.

Dated: 13 April 1999

David Fisher
Commissioner

1315.0200 SCOPE.

Subpart 1. **Electrical code.** All new electrical wiring, apparatus, and equipment for electric light, heat, power, and alarm and communication systems must comply with the regulations contained in the ~~1996~~ 1999 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute (ANSI/NFPA ~~70-1996~~ 70-1999), *Minnesota Statutes*, section 326.243, and the Minnesota State Building Code as adopted by the commissioner of administration. The 1999 edition of the National Electrical Code, developed and published by the National Fire Protection Association, Inc., is incorporated by reference and made part of the Minnesota State Building Code. The National Electrical Code is not subject to frequent change and is available in the office of the commissioner of administration, from the State Board of Electricity, 1821 University Avenue, Suite S-128, St. Paul, MN 55104-2993, through public libraries, or from National Fire Protection Association, Inc., One Battery March Park, Post Office Box 9101, Quincy, MA 02269-9101. This subpart is effective July 1, ~~1996~~ 1999.

Department of Agriculture

Proposed Permanent Rules Relating to Noxious Weeds

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules Governing Noxious Weed, *Minnesota Rules* 1505.0734, 1505.0732, 1505.0740, and 1505.0750.

Introduction. The Minnesota Department of Agriculture intends to adopt amendments to permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22-14.28 and rules of the Office of Administrative Hearings parts 1400.2300-1400.2310. You have 30 days to submit written comments on the proposed amendments and may also submit a written request that a hearing be held on the amendments.

Agency Contact Person. Comments or questions on the amendments and written requests for a public hearing on the amendments must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107: Phone 651-296-6906, FAX 651-297-5522. TTY users may contact the Department of Agriculture through Minnesota Relay Service at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed amendments are about designations of noxious weeds and the establishment of a noxious weed evaluation committee. The statutory authority to adopt these amendments is *Minnesota Statutes*, section 18.79, subd. 4. A copy of the proposed amendments is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. May 26, 1999, to submit written comment in support of or in opposition to the proposed amendments or any subpart of the amendments. Your comments 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 amendments addressed and the reason for the comment. You are encouraged to propose any change desired. Any comment you would like to make on the legality of the proposed rule 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 amendments. 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 May 26, 1999. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed amendments to which you object or state that you oppose the entire rule. 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 amendments.

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 request 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 14.131-14.20.

Modifications. The proposed amendments may be modified as a result of public comment. The modifications must be supported by the comments and information submitted to the agency, and the adopted rule may not be substantially different than the proposed amendments. If the proposed amendments/rules affect you in any way, you are encouraged to participate in the rulemaking process.

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 amendments including a description of who will be affected by the proposed amendments and an estimate of the probable cost of the proposed amendments.

Adoption and Review of the Rules. If no hearing is required, the agency may adopt the amendments after the end of the comment period. The amended 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 amended rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted amendments, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 6 April 1999

Sharon Clark, Deputy Commissioner
Department of Agriculture

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

Proposed Rules

1505.0730 PROHIBITED NOXIOUS WEEDS.

Subpart 1. **State prohibited noxious weed list.** The following plants listed in this part are deemed by the commissioner of agriculture to be prohibited noxious weeds because they are injurious to public health, the environment, public roads, crops, livestock, and other property as. Prohibited noxious weeds must be controlled or eradicated as required in Minnesota Statutes, section 18.78.

<u>Common Name</u>	<u>Botanical Name</u>
Field Bindweed	Convolvulus arvensis
Hemp	Cannabis sativa
Loosestrife, purple	<u>Lythrum salicaria, virgatum,</u> <u>or any combination</u>
Mustard, garlic	<u>Alliaria petiolata</u> <u>(formerly alliaria officinalis)</u>
*Poison Ivy	<u>Toxicodendron radicans</u> <u>(formerly rhus radicans)</u>
Spurge, leafy	Euphorbia esula
Sow thistle, perennial	Sonchus arvensis
Thistle, bull	Cirsium vulgare
Thistle, Canada	Cirsium arvense
Thistle, musk	Carduus nutans
Thistle, plumeless	Carduus acanthoides

*Native species to Minnesota

Subp. 2. **Federal noxious weed list.** For the purpose of this part, the plants listed in the Code of Federal Regulations, title 7, section 360.200, are also prohibited noxious weeds.

1505.0732 RESTRICTED NOXIOUS WEEDS.

The plants listed in this part are restricted noxious weeds whose only feasible means of control is to prohibit the importation, sale, and transportation of them or their propagating parts in the state except as provided by Minnesota Statutes, section 18.82.

<u>Common Name</u>	<u>Botanical Name</u>
<u>Buckthorn, common</u> <u>or European</u>	<u>Rhamnus cathartica</u>
<u>Buckthorn, glossy,</u> <u>including all cultivars</u>	<u>*Rhamnus frangula, (columnaris,</u> <u>tallcole, asplenifolia, and</u> <u>and all other cultivars</u>

*Rhamnus frangula is a restricted noxious weed effective December 31, 2000.

1505.0734 NOXIOUS WEED POTENTIAL EVALUATION COMMITTEE.

The commissioner shall appoint a committee composed of ten members and ten alternate members to evaluate species for invasiveness, difficulty of control, cost of control, benefits, and amount of injury caused by them. For each species evaluated, the committee shall recommend to the commissioner on which noxious weed list or lists, if any, the species should be placed. Species currently designated as prohibited or restricted noxious weeds must be re-evaluated every five years for a recommendation on whether or not they need to remain on the noxious weed lists. Members and alternates must be appointed upon the recommendation of each of the following:

- A. two members and alternates representing horticultural science, agronomy, and forestry at the University of Minnesota;
- B. one member and an alternate representing the Minnesota Nursery and Landscape Association;
- C. one member and an alternate representing the seed industry in Minnesota;
- D. one member and an alternate from the Department of Agriculture;
- E. one member and an alternate from the Department of Natural Resources;
- F. one member and an alternate from a conservation organization;
- G. one member and an alternate from an environmental organization;
- H. one member and an alternate from a farm organization; and
- I. one member and an alternate from the Minnesota Association of County Agricultural Inspectors.

An alternate member may serve only in the absence of the member for whom the person is an alternate.

The committee shall select a chair and a secretary from its membership. The chair shall conduct meetings and deliberations of the committee. The secretary shall keep accurate records of all meetings and deliberations and perform other duties for the committee as the chair may direct. The purpose of the committee is to conduct evaluations of terrestrial plant species to recommend if they need to be designated as noxious weeds in the state. The committee may be called into session by or at the direction of the commissioner or upon direction of its chair to evaluate terrestrial plants to consider recommending additions or deletions to the noxious weed lists contained in parts 1505.0730 to 1505.0740.

1505.0740 SECONDARY NOXIOUS WEEDS.

The common and botanical names for secondary noxious weeds are those listed in the following table.

Common Name	Botanical Name
Alyssum, hoary	Berteroa incana
*Artichoke, Jerusalem	Helianthus tuberosus
Buckwheat, wild	Polygonum convolvulus
*Buffalobur	Solanum rostratum
Burdock	Arctium minus
Buttercup, tall	Ranunculus acris
*Bracken	Pteridium aquilinum
Carrot, wild	Daucus carota
Catchfly, nightflowering	Silene noctiflora
Cockle, white	Lychnis alba
*Cocklebur, common	Xanthium pennsylvanicum
Daisy, oxeye	Chrysanthemum leucanthemum
Dock, curly	Rumex crispus
Flixweed	Descurainia sophia
Foxtail, giant	Setaria faberii
*Gumweed, curlycup	Grindelia squarrosa
Hawksbeard, narrowleaf	Crepis tectorum
Hawksbeard, smooth	Crepis capillaris
Hawkweed, orange	Hieracium aurantiacum
Jimsonweed	Datura Stramonium
<u>Knapweed, Russian</u>	<u>Centaurea repens</u>
<u>Knapweed, spotted</u>	<u>Centaurea maculosa</u>
Kochia	Kochia scoparia
Lamb's-quarters, common	Chenopodium album
Mallow, Venice	Hibiscus trionum
*Marsh elder	Iva xanthifolia
*Milkweed, common	Asclepias syriaca
*Muhly, wire stem	Muhlenbergia frondosa
Mustard, wild	Brassica kaber
Nightshade, black	Solanum nigrum
Nutsedge, yellow (nutgrass)	Cyperus esculentus
Oat, wild	Avena fatua
Panicum, fall	Panicum dichotomiflorum
Panicum, wild proso millet	Panicum miliaceum
Pigweed, redroot	Amaranthus retroflexus
Pigweed, prostrate	Amaranthus blitoides
Quackgrass	Agropyron repens
Radish, wild	Raphanus raphanistrum

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Proposed Rules

*Ragweed, common
*Ragweed, giant
*Sanbur, ~~field long spined~~
*Smartweed, Pennsylvania
Smartweed (lady's thumb)
Sorghum-almum
*Sunflower, common (except
cultivars)
Tansy
Thistle, Russian
Velvetleaf
Yellow rocket
Wooly cupgrass
*Wormwood, absinth

Ambrosia artemisiifolia
Ambrosia trifida
Cenchrus ~~pauciflorus~~ incertus
Polygonum pennsylvanicum
Polygonum persicaria
Sorghum almum
Helianthus annuus

Tanacetum vulgare
Salsola kali
Abutilon theophrasti
Barbarea vulgaris
Eriochloa villosa
Artemisia absinthium

*Native species to Minnesota

1505.0750 ADDING TO NOXIOUS WEED LIST; COUNTY NOXIOUS WEED PETITION.

The Minnesota commissioner of agriculture may without further hearing, take a weed or weeds from the secondary noxious weed list; ~~in part 1505.0740; and add it to the prohibited or restricted noxious weed list; part in parts 1505.0730; and 1505.0732 on a county basis if:~~

A. a majority of the ~~township town~~ boards and city mayors in a county petition the commissioner of agriculture, on forms provided by the department, to add a weed or weeds to the ~~primary county prohibited or restricted~~ noxious weed list on the grounds that the weed or weeds are injurious to public health, the environment, public roads, crops, livestock, or other property; ~~and~~

B. the petition is approved by that county's board of county commissioners; and

C. the commissioner of agriculture deems the weed or weeds to be injurious to public health, the environment, public roads, crops, livestock, or other property.

Department of Public Safety

Proposed Permanent Rules Relating to License Plate Fees

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING.

Proposed Amendments to *Minnesota Rules*, part 7403.1300, Governing License Plate, Replacement Plate and Duplicate Plate Fees.

Introduction. The Minnesota Department of Public Safety, Driver and Vehicle Services Division, intends to amend an existing adopted rule without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comment on the proposed rule amendments and may also submit a written request that a public hearing be held on the proposed rule amendments.

Agency contact person. Comments or questions on the proposed rule amendments and written requests for a public hearing on the amendments must be submitted to the agency contact person. The agency contact person is: Jane A. Nelson, Minnesota Department of Public Safety, Driver and Vehicle Services Division, 445 Minnesota Street, Suite 196, St. Paul, Minnesota, 55101-5196. Phone 651-296-2608. FAX 651-296-3141. TTY users may call the Department of Public Safety at 651-282-6555.

Subject of rule amendments. The proposed rule amendments are about the fees that must be paid to obtain an initial, replacement, or duplicate license plate. The rule sets fees for license plates where the plate fee is not already set in state law. The rule does not govern fees set in state statute for motor vehicle registration and registration tabs.

The Department of Public Safety is compelled by state law to cover the cost of the manufacture, issuance and replacement of license plates where a fee for the plate is not already specified in law or a charge for the plate is exempted by state law. The fee amendments in the proposed rule are set to recover the costs of plate manufacture, issuance and replacement.

The proposed amendments increase the fee for a pair of standard passenger car plates from \$2.50 to \$3. Fee increases in other sequentially-numbered plate categories range from 25 cents to 50 cents. The cost of license plate manufacture, issuance and replacement were last set in fee in 1992.

A copy of the proposed rule amendments is published in the *State Register* and attached to this notice as mailed. A free copy of the proposed rule amendments is available on request from the agency contact person listed above.

Statutory authority. The statutory authority to adopt the rules is found in *Minnesota Statutes*, section 14.06, 168.12, 168.29 and 16A.1285.

Comment. You have until 4:30 p.m. on May 26, 1999, to submit written comment in support of or in opposition to the proposed rule amendments and any part or subpart of the rule amendments. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule amendments addressed and the reason for the comment. You are encouraged to proposed any change desired. Any comment you would like to make on the legality of the proposed rule amendments must also be made during this comment period.

Request for a hearing. In addition to submitting comment, you may also request that a public hearing be held on the proposed rule amendments. 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 May 26, 1999. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule amendments.

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 comment 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. On request, this notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by comment and information submitted to the agency, and the adopted rule may not be substantially different than the proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

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 rule amendments, including a description of who will be affected by the proposed rule amendments and an estimate of the probable cost of the proposed rule amendments. Copies of the statement may be obtained from the agency.

Adoption and review of rule amendments. If no hearing is required, the agency may adopt the proposed rule amendments after the end of the comment period. The rule 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 rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: April 9, 1999

Charles R. Weaver, Jr., Commissioner
Minnesota Department of Public Safety

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Adopted Rules

7403.1300 PLATE AND VALIDATION STICKER FEES.

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

Subp. 2. **Original issuance.** Unless otherwise specified or exempted by statute, the following plate and validation sticker fees apply for the first issuance of a plate in a plate year:

A.	(1) Sequential Double Plate	\$2.50 \$3.00
	(2) Sequential Special Plate-Double	3.50 4.00
	(3) Sequential Single Plate	1.50 2.00
	(4) Sequential Special Plate-Single	2.75 3.00
B.	(1) Nonsequential Double and Collegiate Double Plate	9.75 14.00
	(2) Nonsequential Single Plate	9.00 10.00

Subp. 3. **Replacement and duplicate plates.** ~~Duplicate~~ Replacement plate fees apply for to plates that are issued when the original plates are scheduled for replacement. Duplicate plate fees apply to plates that are lost, stolen, destroyed, or otherwise become unserviceable. The replacement and duplicate plate fees are the same as for original issuance in subpart 2.

[For text of subp 4, 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.

Department of Administration

Adopted Permanent Rules Relating to Accessibility for Buildings and Facilities

The rules proposed and published at *State Register*, Volume 23, Number 18, pages 918-997, November 2, 1998 (23 SR 918), are adopted with the following modifications:

1341.0100 ADAAG 1: PURPOSE.

This chapter sets requirements for accessibility to all occupancy classifications within the State Building Code. The requirements of this chapter shall be applied during the design, construction, and alteration of buildings and facilities to the extent required by this chapter.

EXCEPTION 1: Group R-1 apartment house occupancies containing not more than three dwelling units.

EXCEPTION 2: Group R-3 dwelling occupancies containing not more than three ~~or less~~ dwelling units.

EXCEPTION 3: Group U-1 sheds and agricultural buildings; and private garages and carports not containing accessible parking.

EXCEPTION 4: Group U-2 Occupancies.

The new construction requirements of this chapter shall be applied to existing buildings that undergo a change in use, unless technically infeasible. A change in character within the same occupancy group where the new occupant is the professional office of a health care provider, a public transportation facility, or a public facility shall also trigger new construction requirements, unless technically infeasible. If compliance is technically infeasible, compliance shall be obtained to the extent which is technically feasible.

Most of the text and diagrams in this chapter are reproduced from the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

The initial listing of each rule part number, subpart number, item, subitem, and unit is followed by the corresponding ADAAG section number in bold face type. The ADAAG numbers are only a guide to language found in the ADAAG that is similar to, but not the same as, the language in this chapter.

1341.0350 ADAAG 3.5: DEFINITIONS.

Subp. 61. **Walk.** “Walk” ~~mean~~ means an exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts.

1341.0403 ADAAG 4.1.2: ACCESSIBLE SITES AND EXTERIOR FACILITIES; NEW CONSTRUCTION.

An accessible site shall meet the following minimum requirements in items A to G.

E. (1) **ADAAG 4.1.2(5)(a):** If parking spaces are provided for self-parking, then accessible spaces complying with part 1341.0428 shall be provided in each ~~such~~ parking area in conformance with the table in this subitem. The number of accessible spaces shall be based on the total number of parking spaces provided within the site.

EXCEPTION: Two percent of the total number of parking spaces in covered multifamily housing developments shall be accessible.

Spaces required by the table in this subitem need not be provided in the particular lot but shall be dispersed among the various accessible entrances and in the various types of parking facilities, such as surface and enclosed parking areas. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an accessible entrance, parking fee, and convenience, is ensured.

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

Except as provided in subitem (2), access aisles adjacent to accessible spaces shall be a minimum of 60 inches (1,525 mm) wide.

(4) **ADAAG 4.1.2(5)(d):** At facilities providing medical care or other services for persons with mobility impairments, parking spaces complying with part 1341.0428 shall be provided as follows:

(c) **ADAAG 4.1.2(5)(d)(iii):** facilities providing general or routine medical care shall provide parking spaces according to subitem (1).

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Adopted Rules

If a parking facility serves various types of medical care units, the accessible parking spaces required may be provided on a pro-rated basis in relation to the type of medical care units available. For example, if a medical care facility provides 90 percent routine medical care and ten percent outpatient rehabilitation ~~services~~ services for persons with mobility impairments, 90 percent of the parking facility would provide accessible parking according to subitem (1), and the remaining ten percent of the parking facility would provide accessible parking at 20 percent according to unit (b).

1341.0405 ADAAG 4.1.3: ACCESSIBLE BUILDINGS; NEW CONSTRUCTION.

Accessible buildings and facilities shall meet the minimum requirements in items A to W.

E. **ADAAG 4.1.3(5):** One passenger elevator complying with part 1341.0436 shall serve each story and basement level, including mezzanines, in all buildings and facilities unless exempted in this item. If more than one elevator is provided, each passenger elevator shall comply with part 1341.0436. The exceptions in this item do not apply to story levels of buildings and facilities with two or more stories above or below the level of access, for example, an elevator is required to serve each story level in buildings and facilities that have two or more stories above or below the level of access.

(7) press boxes with an aggregate enclosed area of not more than 450 square feet.

Occupant load calculations in subitems (1) to (6) are to be derived from Uniform Building Code Table 10-A.

The elevator exemptions in ~~clauses~~ subitems (1) to (7) do not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this part. For example, floors above or below the accessible ground floor must meet the requirements of parts 1341.0401 to 1341.0488 except for elevator service. If toilet or bathing facilities are provided on a level not served by an elevator, then toilet or bathing facilities must be provided on the accessible ground floor. In new construction, if a building or facility is eligible for exemption but a passenger elevator is nonetheless planned, that elevator shall meet the requirement of part 1341.0436. A passenger elevator that provides service from a garage to only one level of a building or facility is not required to serve other levels.

EXCEPTION 2: Elevator pits, elevator penthouses, mechanical and electrical rooms, piping, or equipment catwalks are exempted from this requirement.

EXCEPTION 3: Accessible ramps complying with part 1341.0432 may be used instead of an elevator.

EXCEPTION 4: Platform lifts (wheelchair lifts) and limited-use/limited-application lifts complying with part 1341.0438 may be used instead of an elevator when approved by the authority having jurisdiction only under the following conditions:

- (1) to provide an accessible route to a performing area in an assembly occupancy;
- (2) to comply with the wheelchair viewing position line-of-sight and dispersion requirements of part 1341.0482, subpart 3;
- (3) to provide access to incidental occupiable spaces and rooms that house no more than five persons, including but not limited to equipment control rooms and projection booths;
- (4) to provide access where existing site constraints or other constraints make use of a ramp or an elevator infeasible; and
- (5) to provide access to raised judges' benches, clerks' stations, speakers' platforms, jury boxes, and witness stands or to depressed areas such as the well of a court.

EXCEPTION 5: Elevators located in air traffic control towers are not required to serve the cab and the floor immediately below the cab.

H. **ADAAG 4.1.3(8):** ~~The requirements in subitems (1) and (2) shall be satisfied independently. Accessible entrances complying with part 1341.0444 shall independently satisfy the requirements in subitems (1) and (2).~~

(1)(a) ~~ADAAG 4.1.3(8)(a)(i): At least 50 percent of all public entrances, excluding those in unit (b), shall comply with part 1341.0444. At least one must be a ground floor entrance. Public entrances are any entrances that are not loading or service entrances.~~

~~(b) ADAAG 4.1.3(8)(a)(ii): Accessible entrances must be provided in a number at least equivalent to the number of exits required by the applicable building and fire codes. This unit does not require an increase in the total number of entrances planned for a facility; for example, when the number of code required exits from the building equals or exceeds the number of proposed entrances, all proposed entrances must be accessible. ADAAG 4.1.3(8)(a)(i) and 4.1.3(8)(a)(ii): When the number of public entrances to a building is less than or equal to the number of exits required by the applicable building and fire codes, all of the entrances shall be accessible. When the number of public entrances is greater than the number of required exits, 50 percent of the building entrances shall be accessible or accessible entrances shall equal the number of required exits, whichever provides the greatest number of accessible entrances. At least one shall be a ground floor entrance. Public entrances are any entrances that are not loading or service entrances.~~

~~(c) (b) ADAAG 4.1.3(8)(a)(iii): An accessible entrance must be provided to each tenancy in a facility, such as individual stores in a strip shopping center.~~

~~(d)~~ (c) In detention and correctional facilities subject to parts 1341.1210 to 1341.1260, public entrances that are secured shall be accessible as required by part 1341.1220, subpart 1.

One entrance may be considered as meeting more than one of the requirements in this ~~unit~~ subitem. Where feasible, accessible entrances shall be the entrances used by the majority of people visiting or working in the building.

P. **ADAAG 4.1.3(16)**: Building signage shall meet the requirements of subitems (1) to (3).

(1) **ADAAG 4.1.3(16)(a)**: Signs that designate ~~restrooms~~ toilet rooms, room numbers, room names such as named conference rooms, and exit stairways shall comply with part 1341.0476, subparts 1, 4, 5, and 6.

Q. **ADAAG 4.1.3(17)**: Public telephones shall meet the requirements of subitems (1) to (4).

(3) **ADAAG 4.1.3(17)(c)**: Units (a) to (c) shall be provided according to part 1341.0478, subpart 9.

(a) **ADAAG 4.1.3(17)(c)(i)**: Each interior public telephone required to be accessible by subitem (1) shall be provided with a permanently affixed TTY.

EXCEPTION 1: One ~~permanently affixed portable TTY complying with part 1341.0478, subpart 9, item B,~~ may be provided instead of the permanently affixed device if there are not more than three public telephones provided, including both interior and exterior telephones. ~~However, the distance between public telephones without TTYs and public telephones with TTYs shall not exceed 500 feet.~~ Signage shall be provided at all of the public telephones not providing a TTY indicating the location of the portable TTY. The TTY device shall be provided by the business entity and shall be readily available anytime the public telephone is available. This exception does not apply to public facilities as defined in part 1341.0350, subpart 40.

EXCEPTION 2: ~~In small business occupancies that provide not more than one public telephone, the building official may approve the use of a portable TTY complying with part 1341.0478, subpart 9, item B, instead of the permanently affixed device. The TTY device shall be made available by the business entity and the building official must be assured that the TTY is easily accessible and readily available anytime the public telephone is available. Signage shall be provided at the public telephone indicating the location of the portable TTY device.~~

EXCEPTION 3 2: Portable TTY devices may be used in inmate portions of Group I, Division 3 Occupancies.

EXCEPTION 4 3: A permanently affixed TTY device shall not be installed on public telephones designed for front approach.

1341.0409 ADAAG 4.1.5: ACCESSIBLE BUILDINGS; ADDITIONS.

Each addition to an existing building or facility shall be regarded as new construction. Each space or element added to the existing building or facility shall comply with parts 1341.0401 to 1341.0405, 1341.0420 to 1341.0488, and 1341.0510 to 1341.1640. Each addition shall be located on an accessible route unless technically infeasible or otherwise exempted. When existing toilet rooms, telephones, or drinking fountains serve the addition, they shall be made accessible as required in this chapter in the order stated and to the maximum extent feasible. The alterations to the toilet rooms, telephones, and drinking fountains serving the addition need not exceed 20 percent of the cost of the addition.

1341.0411 ADAAG 4.1.6: ACCESSIBLE BUILDINGS; ALTERATIONS.

Subp. 2. **ADAAG 4.1.6(2): Alterations to an area containing a primary function.** In addition to the requirements of subpart 1, an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made to ensure that, to the maximum extent feasible, the path of travel to the altered area and the ~~restrooms~~ toilet rooms, telephones, and drinking fountains serving the altered area meet the requirements of this chapter. The alterations to the path of travel and the ~~restrooms~~ toilet rooms, telephones, and drinking fountains serving the altered area need not exceed 20 percent of the cost of the alteration to the primary function area.

If a tenant is undertaking an alteration, neither the tenant nor the landlord is required to provide accessible facilities in common use areas that are outside the control of the tenant.

Priority for application of the 20 percent cost for the primary function area shall be as follows:

1341.0413 ADAAG 4.1.7: ACCESSIBLE BUILDINGS; HISTORIC PRESERVATION.

Subp. 2. ~~ADA~~ **ADAAG 4.1.7(2): Guidance for altering qualified historic buildings and facilities.** This subpart is not enforceable or incorporated as part of the Minnesota State Building Code but is provided for information and guidance only.

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Adopted Rules

1341.0422 ADAAG 4.3: ACCESSIBLE ROUTE.

Subp. 8. **ADAAG 4.3.8: Changes in levels.** Changes in levels along an accessible route shall comply with part 1341.0426, subpart 2. If an accessible route has changes in level greater than ~~two inches~~ one-half inch (13 mm), then a curb ramp, ramp, elevator, or platform lift as permitted in parts 1341.0405 and 1341.0411 shall be provided that complies with part 1341.0430, 1341.0432, 1341.0436, or 1341.0438, respectively. An accessible route does not include stairs, steps, or escalators. See the definition of "egress, accessible means of" in part 1341.0350.

1341.0432 ADAAG 4.8: RAMPS.

Subp. 5. **ADAAG 4.8.5: Handrails.** A ramp run that has a rise greater than six inches (150 mm) or a horizontal projection greater than 72 inches (1,830 mm) shall have handrails on both sides. Handrails are not required on curb ramps or adjacent to seating in assembly areas. Handrails shall comply with part 1341.0468 and shall have the features in items A to G.

F. **ADAAG 4.8.5(6):** Ends of handrails shall be ~~either rounded or returned smoothly to floor, wall, or post~~ returned or shall terminate in newel posts or safety terminals.

1341.0434 ADAAG 4.9: STAIRS.

Subp. 3. **ADAAG 4.9.3: Nosings.** The undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than ~~two inches~~ one-half inch (13 mm). Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal. Nosings shall project no more than 1-1/2 inches (38 mm). See Figure 18 in subpart 2.

Subp. 4. **ADAAG 4.9.4: Handrails.** Stairways shall have handrails at both sides of all stairs. Handrails shall comply with part 1341.0468 and shall have the features in items A to G.

F. **ADAAG 4.9.4(6):** The ends of handrails shall be ~~either rounded or returned smoothly to floor, wall or post~~ returned or shall terminate in newel posts or safety terminals.

1341.0436 ADAAG 4.10: ELEVATORS.

Subp. 13. **ADAAG 4.10.13: Car position indicators.** In elevator cars, a visual car position indicator shall be provided above the car control panel or over the door to show the position of the elevator in the hoistway. As the car passes or stops at a floor served by the elevators, the corresponding numerals shall illuminate, and an audible signal shall sound. Numerals shall be a minimum of ~~two inches~~ one-half inch (13 mm) high. The audible signal shall be no less than 20 decibels with a frequency no higher than 1,500 Hertz. An automatic verbal announcement of the floor number at which a car stops or which a car passes may be substituted for the audible signal.

1341.0442 ADAAG 4.13: DOORS.

Subp. 6. **ADAAG 4.13.6: Maneuvering clearances at doors.** Minimum maneuvering clearances at doors that are not automatic or power-assisted shall be as shown in Figure 25. The floor or ground area within the required clearances shall be level and clear.

EXCEPTION: Entry doors to nonaccessible acute care hospital bedrooms for in-patients are exempt from the requirement for space at the latch side of the door (see dimension "x" in Figure 25) if the door is at least 44 inches (1,120 mm) wide.

With the door in a closed position, the plane of the door and the plane of the adjacent wall shall be separated by not more than eight inches (205 mm) at the latch side of the door.

EXCEPTION 1: The push side of doors ~~without an actual latching mechanism~~ not provided with both a closer and latch.

Subp. 8. **ADAAG 4.13.8: Thresholds at doorways.** Thresholds at doorways shall not exceed three-fourths inch (19 mm) in height for exterior sliding doors or ~~two inches~~ one-half inch (13 mm) for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2. See part 1341.0426, subpart 2.

1341.0448 ADAAG 4.16: WATER CLOSETS.

Subp. 6. **ADAAG 4.16.6: Dispensers.** Toilet paper dispensers shall be installed within reach, as shown in Figure 29(c) in subpart 3, below the horizontal grab bar with the leading edge of the dispenser seven inches (180 mm) to nine inches (230 mm) in front of the water closet. The outlet of the dispenser shall be located a minimum of 15 inches (380 mm) above the floor with at least two inches (50 mm) of clearance between the top of the dispenser and the horizontal grab bar. ~~The dispenser shall protrude a maximum of four inches (100 mm) from the side wall.~~

EXCEPTION: In nursing home and boarding care resident rooms required to be accessible, the toilet paper dispensers must be centered between 19 inches (485 mm) to 25 inches (635 mm) above the floor, and six inches (150 mm) to 12 inches (305 mm) in front of the seat.

Dispensers that control delivery, or that do not permit continuous paper flow, shall not be used.

Subp. 7. **Water closets for children.** Water closets used primarily by children ages 12 and younger shall comply with part 1341.0448, subpart 7, as permitted by part 1341.0448, subpart 1.

E. Toilet paper dispensers shall be installed a minimum of 14 inches (355 mm) to a maximum of 19 inches (485 mm) above the finished floor, measured to the dispenser centerline. The outlet of the dispenser shall be located below the horizontal grab bar with at least two inches (50 mm) of clearance between the top of the dispenser and the horizontal grab bar. ~~The dispenser shall protrude a maximum of four inches (100 mm) from the side wall.~~ Dispensers that control delivery, or that do not permit continuous paper flow, shall not be used.

1341.0464 ADAAG 4.24: SINKS.

Subp. 3. **ADAAG 4.24.3: Knee clearance.** Knee clearance ~~that is at least 27 inches (685 mm) high, 30 inches (760 mm) wide, and 19 inches (485 mm) deep shall be provided underneath sinks~~ shall comply with Figure 31 in part 1341.0454, subpart 2.

EXCEPTION 1: Sinks used primarily by children ages six through 12 are permitted to have a knee clearance a minimum of 24 inches (610 mm) high, provided that the rim or counter surface is no higher than 31 inches (760 mm).

EXCEPTION 2: Sinks used primarily by children ages five and younger are not required to provide knee clearance if clear floor space for a parallel approach complying with part 1341.0420, subpart 4, is provided that is centered on the sink.

1341.0472 ADAAG 4.28: ALARMS.

Subpart 1. **ADAAG 4.28.1: General.** Alarm systems required to be accessible by part 1341.0401 shall comply with this part. At a minimum, visual signal appliances shall be provided in buildings and facilities in ~~restrooms~~ toilet rooms and any other general usage areas, such as meeting rooms; hallways; lobbies; and any other area for common use.

Subp. 3. **ADAAG 4.28.3: Visual alarms.** Visual alarm signal appliances shall be integrated into the building or facility alarm system. If single station audible alarms are provided, then single station visual alarm signals shall be provided. Visual alarm signals shall have the minimum photometric and location features in items A to H.

B. **ADAAG 4.28.3(2):** The color shall be clear or nominal white, such as unfiltered or clear filtered white light).

1341.0478 ADAAG 4.31: TELEPHONES.

Subp. 9. **ADAAG 4.31.9: TTYs required by part 1341.0401.**

A. **ADAAG 4.31.9(1):** TTYs used with a public telephone shall be permanently affixed within; ~~or adjacent to;~~ the telephone enclosure. If an acoustic coupler is used, the telephone cord shall be sufficiently long to allow connection of the TTY and the telephone receiver.

1341.0482 ADAAG 4.33: ASSEMBLY AREAS.

Subp. 3. **ADAAG 4.33.3: Placement of wheelchair locations.** Wheelchair areas shall be an integral part of any fixed seating plan and shall provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. ~~In movie theaters, a majority of wheelchair seating areas shall be located a minimum of 30 feet (9.14 m) from the screen. In movie theaters with sloped floors, a majority of wheelchair seating spaces shall be located in the rear three-fourths of the auditorium. In movie theaters with stadium-type seating where the stadium seating begins 40 or more feet from the screen, a majority of wheelchair seating spaces shall be located on at least the first riser back from the screen or on the floor near the first riser. In movie theaters where the stadium seating is less than 40 feet from the screen, a majority of wheelchair seating spaces shall be located on at least the first riser back from the screen.~~ In assembly occupancies where spectators can be expected to stand, lines of sight from wheelchair locations shall be maintained over standing spectators. They shall adjoin an accessible route that also serves as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seating area. If the seating capacity exceeds 300, wheelchair spaces shall be evenly dispersed both vertically and horizontally throughout the fixed seating area to the greatest extent practicable. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users.

EXCEPTION: Accessible viewing positions may be clustered for bleachers, balconies, and other areas having sight lines that require slopes of greater than ten percent. Equivalent accessible viewing positions may be located on levels having accessible egress.

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Adopted Rules

1341.0740 ADAAG 7.4: SECURITY BOLLARDS.

Subp. 2. **Fixed security barriers.** At least one accessible route complying with part 1341.0422 shall be provided through fixed security barriers at each single barrier or group of security barriers. A group is two or more security barriers immediately adjacent to each other at a single location. If security barriers incorporate equipment ~~that~~ such as metal detectors, fluoroscopes, or other similar devices that cannot be made accessible, an accessible route shall be provided adjacent to the security screening devices to facilitate an equivalent circulation path.

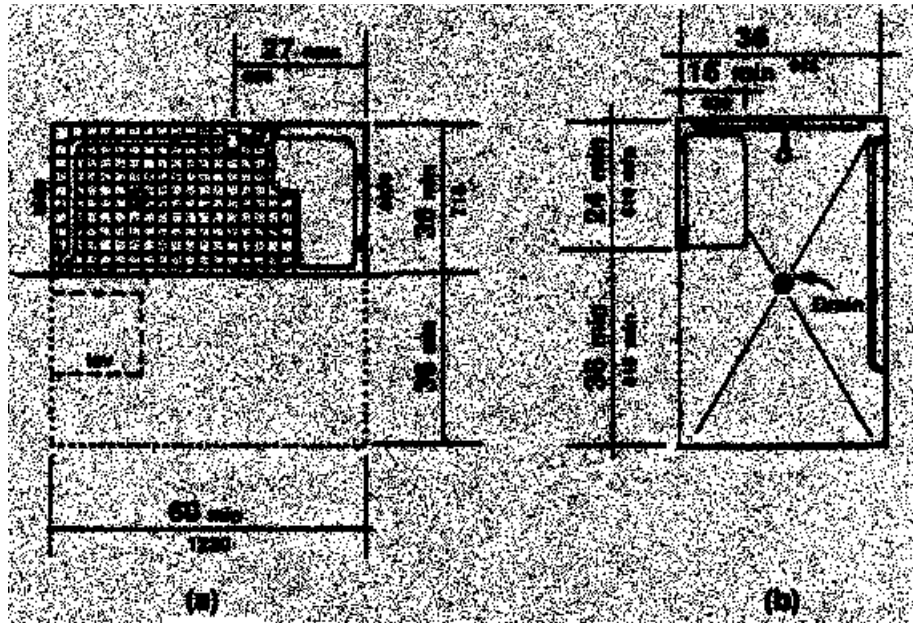
1341.0910 ADAAG 9(1) and 9.1: HOTELS, MOTELS, INNS, BOARDING HOUSES, DORMITORIES, RESORTS, AND OTHER SIMILAR PLACES OF TRANSIENT LODGING.

Except as specified in parts 1341.0910 to 1341.0950, accessible transient lodging shall comply with parts 1341.0401 to 1341.0488. Transient lodging includes facilities or portions of facilities used for sleeping accommodations, when not classed as a medical care facility.

B. **ADAAG 9.1.2:** Accessible sleeping rooms or suites that comply with parts 1341.0920 and 1341.0930 shall be provided in conformance with the table in this item. In addition, in hotels of ~~50~~ 51 or more sleeping rooms or suites, additional accessible sleeping rooms or suites that include a roll-in shower shall also be provided in conformance with the table in this item. The accommodations shall comply with parts 1341.0458 and 1341.0920 and Figure 57(a) or (b).

Number of Rooms	Accessible Rooms	Room with Roll-in Showers
1 to 25	1	
26 to 50	2	
51 to 75	3	1
76 to 100	4	1
101 to 150	5	2
151 to 200	6	2
201 to 300	7	3
301 to 400	8	4
401 to 500	9	4, plus one for each additional 100 over 400
501 to 1,000	2 percent of total	
1,001 and over	20, plus 1 for each 100 over 1,000	

FIGURE 57
ROLL-IN SHOWER WITH FOLDING SEAT



C. **ADAAG 9.1.3:** In addition to the accessible sleeping rooms and suites required by item B, sleeping rooms and suites that comply with part 1341.0930 shall be provided in conformance with the following table:

Number of Elements <u>Rooms</u>	Accessible Elements <u>Rooms</u>
1 to 25	1
25 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20, plus one for each 100 over 1,000

1341.1620 GENERAL.

Parts 1341.1610 to 1341.1640 apply to developments of multifamily dwelling units such as apartment houses, condominiums, and single family attached with at least four dwelling units in a single building, as well as congregate residences and other similar types of living facilities.

EXCEPTION: Living facilities with at least four dwelling units in a single building and congregate residences where the anticipated length of stay is less than one year shall comply with parts 1341.0910 to 1341.0950.

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

Adopted Rules

For purposes of parts 1341.1610 to 1341.1640, multiple dwelling units in a single structure separated by fire walls or property lines do not constitute separate buildings.

Apartment houses are not required to provide an elevator to serve each floor. However, at a minimum, multifamily housing must comply with parts 1341.1610 to 1341.1640 as required by Table 16.2.

**TABLE 16.2
REQUIREMENTS FOR ACCESSIBILITY IN MULTIFAMILY
HOUSING DEVELOPMENTS**

OCCUPANCY CLASS	USE	TYPE / SIZE OF DEVELOPMENT	ELEVATOR PROVIDED	GROUND FLOOR RESIDENCE	ACCESSIBLE ROUTE TO ENTRY	ADAPTABLE UNITS	ACCESSIBLE UNITS ²
R-1	apartment buildings / condominiums	1-2 or more one-story dwelling units	Yes	Yes	All units	All units	None
			No	Yes	All ground floor units	All units on an accessible route	None
		3 or more one-story dwelling units	Yes	Yes	All units	All nonconvertible units	2-percent ³
			No	Yes	All ground floor units	All accessible units on an accessible route	2-percent ³
		4 or more multi-story dwelling units	Yes	Yes	All units	Adaptable features are required on entry level ⁴	None
			No	No	Not required	None	None
R-1 R-2	detached residences	All	Yes	Yes	All units	None	2-percent ³
			No	Yes	All ground floor units	None	2-percent ³
R-3	single-family attached (townhouses)	4 or more one-story dwelling units	Yes	Yes	All units	All units	None
			No	No	Not required	None	None

¹Number of units in a development may be a combination of one-story and multistory dwelling units. Numbers appearing in this column of the table represent the number of units in the development and not necessarily the number of a particular type of unit.

²Number of accessible units is based on total number of dwelling units provided. Accessible units shall be dispersed among the various types of dwelling units. Dispersion of accessible units shall not require an increase in the number of accessible units required.

³Accessible units are not required in owner-occupied dwelling units.

⁴At a minimum, the entry level shall be the main entry level, provide that a bathroom and all other rooms located on the entry level comply with parts 1341.1610 to 1341.1640, and provide an accessible route throughout the accessible level.

⁵At a minimum, the entry level shall be the main entry level; provide a sleeping room, full bathroom, living space and, when provided, kitchen that comply with parts 1341.1610 to 1341.1640; and provide an accessible route throughout the accessible level.

All public use and common use areas of covered developments shall be designed and constructed to be accessible according to parts 1341.0401 to 1341.0488.

EXCEPTION: Sales or rental offices open to the general public shall be accessible and be located on an accessible route and, where provided, shall have accessible parking.

Alterations to existing facilities shall comply with parts 1341.1610 to 1341.1640 to the extent technically feasible. No alteration shall require access beyond that required for new construction. If compliance is technically infeasible, compliance shall be obtained to the extent it is technically feasible.

EXCEPTION: Parts 1341.1610 to 1341.1640 shall not apply to alterations to owner-occupied dwelling units.

1341.1640 DWELLING UNITS, SLEEPING ROOMS, AND ASSOCIATED BATHING FACILITIES.

Dwelling units required to be accessible or adaptable by Table 16.2 in part 1341.1620 shall comply with this part.

E. All toilet rooms and bathrooms located on an accessible route within individual dwelling units shall comply with this part.

At least one of each type of fixture in each toilet room or bathroom must meet the requirements of this part, for example, when two sink basins are provided in the same room, only one must be accessible. The bathtub and shower are considered bathing fixtures; therefore, when one of each is provided in a room, only one must be accessible.

Clear floor spaces required at fixtures may overlap.

A clear floor space 30 inches (760 mm) by 48 inches (1,220 mm) shall be provided within the room clear of the swing of the door. The clear space may include knee and toe clearances beneath fixtures.

(5) A shower stall shall be a minimum of 36 inches (915 mm) by 36 inches (915 mm) if it is the only bathing fixture provided.

EXCEPTION: Apartment developments requiring three or more accessible dwelling units shall provide at least one accessible dwelling unit with an accessible roll-in shower measuring at least 30 inches (760 mm) by 60 inches (1,525 mm). The threshold for the roll-in shower shall not exceed ~~two inches (50 mm)~~ one-half inch (13 mm) and shall be beveled at 1:2.

A clear floor space a minimum of 30 inches (760 mm) wide by 48 inches (1,220 mm) long shall be provided adjacent to the shower. The 48-inch (1,220 mm) dimension of the clear space shall begin flush with the end wall, generally the control wall of the shower, and extend parallel to the shower away from the end wall. If the shower stall is the only bathing facility provided in the dwelling unit, or on the accessible level of a multistory unit, and measures 36 inches (760 mm) by 36 inches (760 mm) ~~or smaller~~, the shower stall must have reinforcing to allow for installation of an optional wall-hung bench seat.

Department of Administration

Adopted Permanent Rules Relating to Elevators and Related Devices

The rules proposed and published at *State Register*, Volume 23, Number 18, pages 997-1010, November 2, 1998 (23 SR 997), are adopted with the following modifications:

1307.0005 TITLE.

This chapter is known and may be cited as the "~~Minnesota Elevator~~ Elevators and Related Devices Code." As used in this chapter, "the code" and "this code" refer to this chapter.

1307.0010 PURPOSE AND SCOPE.

The provisions of parts 1307.0010 to 1307.0090 are to safeguard life, limb, property, and public welfare by establishing minimum requirements relating to the design, construction, installation, alteration, repair, removal, and operation and maintenance of passenger elevators, freight elevators, handpowered elevators, dumbwaiters, escalators, moving walks, vertical reciprocating conveyors, stage and orchestra lifts, endless belt lifts, wheelchair lifts, and other related devices. The requirements for the enforcement of these provisions are established by this chapter, and by municipal option, according to *Minnesota Statutes*, section 16B.747, subdivision 3.

1307.0025 DEFINITIONS.

Subp. 9. **Vertical reciprocating conveyor.** "Vertical reciprocating conveyor" means a vertical device for moving material only that is not designed to carry passengers or an operator, and that is governed by ASME B20.1-1996, Safety Standard for Conveyors and Related Equipment.

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

1307.0030 PERMITS.

Subpart 1. **Permits required.** It is unlawful for any person, firm, or corporation to hereafter install any new passenger elevators, freight elevators, handpowered elevators, moving walks, escalators, dumbwaiters, wheelchair lifts, endless belt lifts, vertical reciprocating conveyors, stage and orchestra lifts, or any other related device, or make alterations or repairs to or remove any existing of the same without having first obtained a permit for the work from the authority having jurisdiction. Alterations, modifications, and practical difficulties will be done in keeping with the rules of the Department of Administration.

Exception: Permits for repairs and periodic routine inspections per Part XII of ASME A17.1-1996 are not required by the Department of Administration.

Subp. 3. **Plans and specifications.** For elevators under the Department of Administration's jurisdiction, plans and specifications describing the extent of the work involved must be submitted with the application for a permit. The authority having jurisdiction may require that such plans and specifications for work associated with the installation of equipment by this chapter be prepared by an architect or engineer licensed to practice in Minnesota. A permit will be issued to the applicant when the plans and specifications have been approved and the appropriate permit fee specified in this code has been paid by the applicant.

Subp. 4. **Certificate of operation required.** It is unlawful to operate ~~an elevator, dumbwaiter, escalator, moving walk, or related device~~ equipment governed by ASME A17.1-1996, ASME A17.3-1996, and ASME A90.1-1997 without a current Certificate of Operation issued by the authority having jurisdiction. The certificate will be issued upon payment of prescribed fees and the presentation of a valid inspection report indicating that the conveyance is safe and that the inspections and tests have been performed according to this code. A certificate will not be issued when the conveyance is posted as unsafe.

Subp. 5. **Application for certificate of operation.** Application for a certificate of operation must be made by the owner, or an authorized representative, for ~~any elevator, lift, dumbwaiter, escalator, moving walk, reciprocating conveyor, or other related device~~ equipment governed by ASME A17.1-1996, ASME A17.3-1996, and ASME A90.1-1997. The application must be accompanied by an inspection report. Fees for the Certificate of Operation must be as specified by the administrative authority.

1307.0032 FEES.

Subpart 1. **Jurisdiction.** Fees for the installation, alteration, repair, or removal of devices or for routine or periodic inspections covered in this part are as set forth in the fee schedule adopted by the jurisdiction or, in cases under permit issuance by the Department of Administration, as established in this part.

Subp. 2. **Establishment.** ~~The department's~~ Department of Administration's fees for a permit to install, alter, or remove ~~an elevator~~ are devices within the scope of this code:

C. An elevator that passes Department of Administration's inspection will be issued an operating permit by the department.

Subp. 3. **Inspection fees.** The fees for ~~routine or periodic~~ a requested inspection of existing elevators by the Department of Administration are:

Subp. 4. Vertical reciprocating conveyor inspection fees. Vertical reciprocating conveyors (ASME Standard B20.1) are subject to filing and inspection fees for new and altered installations, but are exempt from routine inspections by an elevator inspector.

1307.0035 INSPECTION, TESTS, AND APPROVALS.

Subp. 2. **Inspections and tests.** No person, firm, or corporation may put into service any installation covered by parts 1307.0010 to 1307.0070 whether the installation is newly installed, relocated, or altered materially, without the installation being inspected and approved by the authority having jurisdiction. The installer of any equipment included in this chapter must request inspections by notifying the authority having jurisdiction to schedule a date and time for inspection. The authority having jurisdiction shall require tests as described in the applicable ASME Code to prove the safe operation of the installation.

Subp. 3. **Approval.** A certificate or letter of approval must be issued by the authority having jurisdiction for equipment governed by ASME A17.1-1996, ASME A17.3-1996, ASME A90.1-1997, and ASME B20.1-1996 when the entire installation is completed in conformity with this code. ~~An inspection must include all enclosures or shafts, gates, doors, machinery safety and control devices, and all other appurtenances necessary.~~

1307.0045 SPECIAL PROVISIONS.

Subpart 1. **Scope.** The special provisions in this part apply to the design, construction, and installation of ~~new elevators and related~~ equipment governed by ASME A17.1-1996 and ASME A17.3-1996.

Subp. 5. **Minimum car size.** In buildings with passenger elevators having 25 feet or more of travel above or below the designated level, at least one passenger elevator must be provided with a minimum clear distance between walls or between walls and door excluding return panels, not less than 80 inches by 54 inches, and a minimum distance from wall to return panel not less than 51 inches with a 42-inch side slide door, unless otherwise designed to accommodate an ambulance-type stretcher 76 inches by 24

inches in the horizontal position. In buildings where one passenger elevator does not serve all floors, two or more passenger elevators may be used. All other passenger elevators must be provided with a minimum clear distance between walls or between wall and door, excluding return panels, of 68 inches by 54 inches. The minimum distance from wall to return panel is 51 inches.

Exception. When approved by the authority having jurisdiction, passenger elevators to be installed in existing buildings where existing hoistway configuration or technical infeasibility prohibits strict compliance with the minimum required car size, the minimum inside car area may be reduced to not less than 48 inches by 48 inches.

1307.0065 AMENDMENTS TO ASME A17.1-1996.

Subpart 1. ~~Rule 1.2(e).~~ ~~Rule 1.2(e) is deleted.~~

~~Subp. 2.~~ ~~Rule 1.2(f).~~ ~~Rule 1.2(f) is deleted.~~

~~Subp. 3.~~ **Rule 100.4.** Rule 100.4 is amended by deleting the first paragraph and replacing it with the following:

Hoistway venting. Shafts (hoistways) housing elevators having a travel distance of 25 feet or more shall be vented to the outside. The area of the vent shall be not less than 3-1/2 percent of the area of the elevator shaft, provided a minimum of three square feet per elevator is provided.

The venting of each individual hoistway must be independent from any other hoistway venting, and the interconnection of separate hoistways for the purpose of venting is prohibited. Keyed manual remote devices must operate vents. Keyed manual remote devices must be provided with visual indicators for open or closed status and must be located adjacent to the fire control panel, if provided, or the elevator lobby on a designated floor. Vents must not be of automatic operation such as by fusible links or smoke or fire detection. Vents must be located in the side of the hoistway enclosure directly below the floor or floors at the top of the hoistway, and must open either directly to the outer air or through noncombustible ducts to the outer air; or in the wall or roof of the penthouse or overhead machinery space above the roof when the openings have a total area not less than the minimum specified in this part. Vents passing through machine rooms must be in noncombustible ducts and must provide and maintain access around electrical and mechanical equipment. When a vent is installed in the roof of the hoistway, a protective grille must be provided to prevent persons from falling into the hoistway.

Subp. ~~4.~~ 2. **Rule 101.5b.** Rule 101.5b is amended to read as follows:

When relay logic or solid state equipment is used to operate the elevators, the elevator equipment room and hoistways must be provided with independent natural or mechanical equipment to maintain an ambient temperature of 50 degrees to 90 degrees Fahrenheit or as otherwise permitted by the manufacturer of the listed equipment.

When standby power is connected to elevators, the machine room and hoistway ventilation or air conditioning must be connected to standby power.

Subp. ~~5.~~ 3. **Rule 102.2(c)(3).** Rule 102.2(c)(3) is amended by adding an exception to read as follows:

Exception: If sprinklers are ~~installed~~ added in an existing elevator machine room or hoistway, automatic disconnect of the main power supply is not required if the existing elevator is hydraulic, installed prior to the adoption of ASME A17.1-1996, and equipped with Phase I and Phase II firefighter's service in compliance with Rules 211.3 through 211.9. This exception does not apply to elevators being altered.

Subp. ~~6.~~ 4. **Rule 106.1b(3).** Rule 106.1b(3) is amended by adding a paragraph to read as follows:

When an elevator pit drain is installed, ~~it~~ must discharge to the sanitary sewer using an indirect connection that precludes the possibility of sewage backup into the pit. If a sump is used, it must be located outside the pit with a dry pan drain flowing to it.

The sump for the elevator pit drain must not be located in the elevator machine room.

Subp. ~~7.~~ 5. **Rule 111.9(d).** Rule 111.9(d) is deleted.

Subp. ~~8.~~ 6. **Rule 111.9(e)(1).** Rule 111.9(e)(1) is amended as follows: (1) The device shall unlock and permit the opening of the hoistway door from the bottom landing irrespective of the position of the car.

Subp. ~~9.~~ 7. **Rule 111.9(e)(2).** Rule 111.9(e)(2) is amended as follows: (2) The device shall be installed at only the bottom landing.

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Adopted Rules

Subp. ~~40~~ 8. **Rule 211.1(a)(2)**. Rule 211.1(a)(2) is amended to read as follows: (2) A means of two-way communication between the car and a point outside the hoistway. The two-way communication shall be capable of initiation from both inside the car and a point outside the hoistway. The point outside the hoistway shall ~~connect to an approved emergency service that operates on a 24-hour daily basis and responds directly to the car without delay~~ operate on a 24-hour basis, initiate action which will free the occupants of the car, and respond directly to the car when such action has commenced. Accessibility requirements for the communication device shall comply with chapter 1341. The communication shall be located a maximum of 48 inches above the car floor and shall provide both a visible signal and voice communication. The visible signal shall illuminate inside the car upon response from emergency personnel. Signage shall be provided within the car explaining to the occupants that when the visible indicating device is illuminated, emergency personnel have received the distress signal and assistance is on the way. Emergency personnel must be able to identify and locate the car in distress without voice communication from inside the car. In addition, a permanent plaque or label must be affixed adjacent to the communication device identifying the car number and building address.

Subp. ~~41~~ 9. **Rule 211.1(b)**. Rule 211.1(b) is deleted.

Subp. ~~42~~ 10. **Rule 211.8**. Rule 211.8 is amended to read as follows:

On emergency elevators all keyed switches installed to operate the elevator or emergency service must be keyed alike to a pattern approved by the authority having jurisdiction and the fire chief or the keys must be stored in a secure box and must be locked with a key approved by the authority having jurisdiction and the fire chief.

The box must be on the premises readily accessible to authorized personnel and must be located at the elevator lobby on the designated floor as approved by the authority having jurisdiction and labeled "ELEVATOR EMERGENCY USE ONLY."

Keys required to be in the security box include the emergency operation key, the machine room key, the hoistway unlocking device, and other keys required for elevator access and operation as required by the authority having jurisdiction.

Subp. ~~43~~ 11. **Rule 602.1**. Rule 602.1 is amended by adding a fourth paragraph to read as follows:

All hand powered elevators must be equipped with a broken rope safety device.

Subp. ~~44~~ 12. **Rule 701.6h**. Rule 701.6h is amended by adding item h to read as follows:

All hand powered dumbwaiters must be equipped with a broken rope safety device.

Subp. ~~45~~ 13. **Rule 1000.1**. Rule 1000.1 is amended to read as follows:

The inspector must satisfy the minimum qualifications established in *Minnesota Statutes*, section 16B.748, clause (3).

Subp. ~~46~~ 14. **Rules 1202.12b, 1203.8b, and 1203.8c**. Rules 1202.12b, 1203.8b, and 1203.8c are amended to read as follows:

When addition or repair to, or replacement of, leveling devices or truck zoning devices are performed, that work must comply with the requirements in Rules 210.1e and 306.3 and is not considered an alteration as outlined in section XII.

Subp. ~~47~~ 15. **Rule 1500.1**. Rule 1500.1 is amended by adding item 1a to read as follows:

A machine room must be provided for elevator equipment to protect it from the weather.

Subp. ~~48~~ 16. **Rule 1502.7a**. Rule 1502.7a is amended by adding the following language:

The car safety must also conform to the requirements of Rule 205.13.

Subp. ~~49~~ 17. **Part XX**. Part XX is amended by replacing the "SCOPE" with the following:

Inclined and Vertical Wheelchair Lifts. This part applies to vertical wheelchair lifts (Section 2000), and inclined wheelchair lifts (Section 2001), installed in buildings other than in or at a private residence for use by ~~the physically disabled~~ people with physical disabilities. Such lifts shall be permanently installed.

Exception: Portable lifts are permitted at temporary structures. Those lifts must have permits and inspections in accordance with part 1307.0030. See Part V for private residence elevators, and Part XXI for private residence inclined stairway chairlifts and inclined and vertical wheelchair lifts. Routine and periodic tests and inspections must be conducted according to Rule 1010.2.

Inclined and vertical wheelchair lifts must not be installed outside or exposed to the outside elements. Routine and periodic tests and inspections must be made according to Rule 1010.10.

Subp. ~~20~~ 18. **Rule 2000.1a**. Rule 2000.1a(1) is amended by adding the following:

Lifts that exceed six feet (1,829 mm) of travel must have enclosures extending at least seven feet (2,134 mm) above the upper landing. Enclosure walls more than two inches thick and less than six feet (1,829 mm) high shall be sloped at the top to a 45-degree angle to prevent objects from falling into the enclosure.

Rule 2000.1a(2) is amended by adding the following:

Lifts that exceed six feet (1,829 mm) of travel must have a minimum door height of six feet, eight inches (2,032 mm). The door must guard the entire area of the opening except for the space necessary for operation of the door. Such space must reject a ball three-eighths inch (9.5 mm) in diameter.

Rule 2000.1a(3) is amended by adding the following:

Lifts that exceed six feet (1,829 mm) of travel must have a minimum door height of six feet, eight inches (2,032 mm). The door must guard the entire area of the opening except for the space necessary for operation of the door. Such space must reject a ball three-eighths inch (9.5 mm) in diameter.

Rule 2000.1a(5) is amended to read as follows:

The platform side of the landing doors and sill shall not project beyond the vertical line of travel of the platform. No hardware shall project beyond the vertical line of travel of the platform. Rule 2000.1a(7) is amended by replacing the reference to ANSI A117.1 with a reference to chapter 1341, Minnesota Accessibility Code.

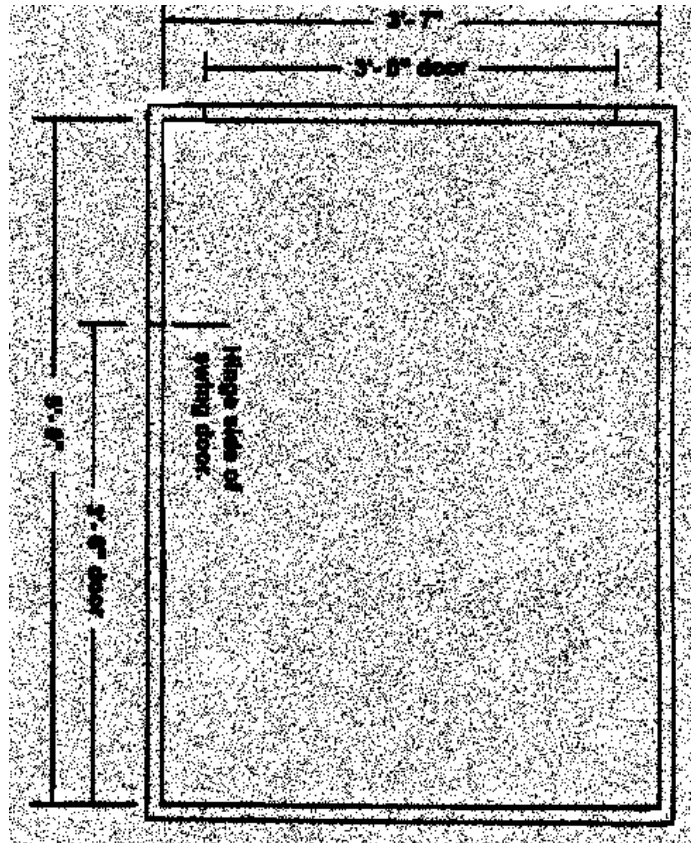
Subp. ~~19~~ 19. **Rule 2000.1b.** Rule 2000.1b is deleted.

Subp. ~~20~~ 20. **Rule 2000.1c.** Rule 2000.1c is deleted.

Subp. ~~21~~ 21. **Rule 2000.6c.** Rule 2000.6c is amended by deleting it and replacing it with the following:

The inside net platform area shall measure 36 inches by 54 inches minimum, not to exceed 18 square feet (1.67 m²). Lift entrance/exit openings shall be provided on opposite ends of the platform on the sides with the shortest dimension.

Exception: Openings which create a 90-degree turn are allowed when the platform is dimensioned and provided with openings as shown in the diagram.



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

Adopted Rules

Subp. ~~24~~ 22. **Rule 2000.10a.** Rule 2000.10a is amended to read as follows:

Operation. "UP" and "DOWN" control switches at all stations shall be by means of a continuous-pressure device. Controls shall be located within 30 to 36 inches above the floor and have a minimum dimension of three inches. Operating devices shall be designed so that both the "UP" and "DOWN" circuits cannot be operated at the same time.

Subp. ~~25~~ 23. **Rule 2000.10b.** Rule 2000.10b is deleted.

Subp. ~~26~~ 24. **Rule 2001.10a.** Rule 2001.10a is amended to read as follows:

Operation. "UP" and "DOWN" control switches at all stations shall be by means of a continuous-pressure device. Controls shall be located within 30 to 36 inches above the floor and have a minimum dimension of three inches. Operating devices shall be designed so that both the "UP" and "DOWN" circuits cannot be operated at the same time.

Subp. ~~27~~ 25. **Rule 2001.10b.** Rule 2001.10b is deleted.

Subp. ~~28~~ 26. **Section 2002.** Section 2002 is amended to add the following:

Rule 2002. These lifts are only allowed in single-family residences.

1307.0090 EXISTING INSTALLATIONS.

Subpart 1. **Routine and periodic inspections and tests.** Notwithstanding the time intervals for routine and periodic inspections and tests established in the ASME code for existing elevators and related devices, pursuant to Minnesota Statutes, section 16B.747, subdivision 3, municipalities authorized to administer this chapter may establish, by local ordinance, a time interval for routine and periodic inspections of existing ~~elevators and related devices~~ equipment governed by ASME A17.1-1996, ASME A17.3-1996, and ASME A90.1-1997.

Subp. 2. **Conditions for continued operation.** All existing installations of equipment governed by ASME A17.1-1996, ASME A17.3-1996, and ASME A90.1-1997 may be continued in service as long as they are properly maintained and are, in the opinion of the authority having jurisdiction, installed and maintained in a safe condition. The authority having jurisdiction may order the installation of the following basic safety devices: car gates or doors, car tops, car walls extending to the car top, car lighting and emergency car lighting, a means of two-way conversation between the car and a readily accessible point outside the hoistway, automatic photoelectric door reopening devices, top of car and under car lights, pit light and ground fault interrupter outlet, pit safety stop switch, pit ladder, ~~lockable escutcheon~~ emergency door unlocking device, and emergency lock box. All hand powered elevators and hand powered dumbwaiters must have broken rope safety devices. All existing freight elevators must meet the capacity requirements of ASME A17.1-1996 Rule 207.2b to meet 50 pounds per square foot for class A and class C loading, elevator machine room lighting must meet the requirements of ASME A17.1-1996 Rule 101.5a to provide ten footcandles of illumination at the floor level. The installation of these safety devices does not require compliance with ASME A17.1-1996. The authority having jurisdiction must have the authority to shut down any piece of equipment covered by this ~~chapter~~ subpart, which in the opinion of the authority having jurisdiction, is dangerous to life, limb, and adjoining property, and the equipment may not be put back into operation until the unsafe condition has been corrected and approved by the authority having jurisdiction.

Subp. 3. **Damaged installations.** Any installation, whether new or existing, which becomes damaged, defective, or worn, by fire or other causes including ordinary wear to the extent that in the opinion of the authority having jurisdiction it is dangerous to life, limb, and adjoining property, such installations must be repaired or rebuilt in conformity with ~~this~~ the applicable ASME code and its associated state amendments. The equipment must, if in the opinion of the authority having jurisdiction, it is found necessary to protect life, limb, and property, be taken out of service until the ~~unsafe condition~~ nonconformity has been removed.

Subp. 4. **Unsafe conditions.** When an inspection reveals an unsafe condition, the inspector must immediately file with the owner and the authority having jurisdiction a full and true report of the inspection and the unsafe condition. If the authority having jurisdiction finds that the unsafe condition endangers human life, limb, and property, the inspector shall place a notice, in a conspicuous location, on the elevator, escalator, or moving walk that the conveyance is unsafe. The owner shall see to it that the notice of unsafe condition is legibly maintained where placed by the authority having jurisdiction. The authority having jurisdiction must issue an order in writing to the owner requiring the repairs or alterations to be made to the conveyance ~~which are necessary to render it safe in compliance with the applicable ASME code and its associated state amendments~~, and may order the operation discontinued until ~~the such~~ such repairs or alterations are ~~made or the unsafe conditions are removed~~ completed. A posted notice of unsafe conditions must be removed only by the authority having jurisdiction when satisfied that the ~~unsafe conditions~~ required repairs or alterations have been ~~corrected~~ completed.

Subp. 5. **Fire protection.** If sprinklers are ~~installed~~ added in an existing elevator machine room or hoistway, automatic disconnect of the main power supply is not required if the existing elevator is hydraulic, installed prior to the adoption of ASME A17.1-1996, and equipped with Phase I and Phase II firefighter's service in compliance with Rules 211.3 through 211.9. This exception does not apply to elevators being altered.

Subp. 6. **Other requirements.** Existing installations covered by subpart 1 must conform to the requirements of:

Subp. 7. **Compliance schedule.**

A. Where noncompliance with the applicable ASME code requirements and its associated state amendments creates an imminent danger to persons or property, correction must be initiated immediately and the unit may not be placed into service until the correction is made or approval is granted by the authority having jurisdiction.

B. Where noncompliance with the applicable ASME code requirements and its associated state amendments does not create an imminent danger, the owner or manager of the property shall submit for review and approval a time schedule for compliance with the authority having jurisdiction within 30 calendar days of receipt of notification by the authority having jurisdiction.

1307.0070 AMENDMENTS TO ASME A17.3-1996.

ASME A17.3 is amended as follows:

B. Firefighters' service required by ASME A17.3-1996, Section 3.11.3, is not required unless an alteration to the elevator or the installation of sprinklers in the machine room or hoistway is commenced in accordance with part 1307.0065, subpart 3 1, and ASME A17.1-1996, Section 102.2(c)(3).

REPEALER. *Minnesota Rules*, parts 1307.0015; 1307.0020, subpart 2; 1307.0050; 1307.0055; 1307.0060; 1307.0075; ~~and~~ 1307.0080; ~~5205.0400; 5205.0401; 5205.0410; 5205.0420; 5205.0430; 5205.0440; 5205.0450; 5205.0460; 5205.0470; 5205.0480; 5205.0490; and 5205.0590,~~ are repealed.

Department of Public Service

Adopted Permanent Rules Relating to Energy Code Changes

The rules proposed and published at *State Register*, Volume 23, Number 25, pages 1414-1426, December 21, 1998 (23 SR 1414), are adopted with the following modifications:

7672.0100 AUTHORITY AND PURPOSE.

This chapter is adopted pursuant to *Minnesota Statutes*, section 216C.19, subdivision 8. The purpose of this chapter is to establish the minimum energy code criteria necessary to construct new and altered elements of buildings classified as Group R, Division 3 Occupancies which are detached ~~one- and two-~~ single-family and two-family dwellings, as well as to provide alternatives for demonstrating compliance with those minimum criteria. The intent of these criteria is to provide a means for furnishing quality indoor air, assuring building durability, and permitting energy efficient operation.

7672.0200 APPLICATION.

Subp. 2. **New buildings.** This chapter applies to all new buildings classified as Group R, Division 3 Occupancies which are detached ~~one- and two-~~ single-family and two-family dwellings.

Subp. 3. **Existing residences.** Additions, alterations, and repairs to existing buildings classified as Group R, Division 3 Occupancies which are detached ~~one- and two-~~ single-family and two-family dwellings must comply with part 7672.1200.

7672.0400 INCORPORATIONS BY REFERENCE.

Subpart 1. **Incorporated items.** The following standards and references are incorporated by reference:

Q. UL1812, Ducted Heat Recovery Ventilators, Underwriters Laboratories, Inc.; and

R. UL2034, Single and Multiple Station Carbon Monoxide Detectors, Underwriters Laboratories, Inc.; ~~and~~

S. ~~ANSI Z21.47 Gas Fired Central Furnaces (except Direct Vent Central Furnaces).~~

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

7672.0900 MECHANICAL SYSTEMS.

Subp. 8. **Protection against depressurization.** Provision must be made to limit excessive depressurization in buildings with fuel burning appliances.

EXCEPTION: Dwellings which contain only ~~direct vent~~ sealed combustion appliances and when the sum of the rated cfm exhausting capacity of the largest mechanical exhausting devices in the three categories of clothes dryer (150 cfm default value), kitchen exhaust, and other exhaust does not exceed 425 cfm.

A. The definitions in this item apply to this subpart.

~~(5)~~ **“Direct vent sealed combustion appliance”** has the meaning given in either unit (a), (b), or (c):

~~(a)~~ A listed direct vent sealed combustion appliance able to function and draft properly in a negative pressure environment of 50 Pascals. (Note that a standard for this listing does not exist at the time of the adoption of this chapter.)

~~(b)~~ A listed direct vent appliance in which joints throughout both the combustion chamber and combustion air inlet meet the requirements of ANSI Z21.47, section 4.4.9.

~~(c)~~ A listed direct vent appliance which acquires all air for combustion through a dedicated, sealed, passage from the outside to a sealed combustion chamber, and all combustion products are vented, under positive pressure, to the outside through a separate dedicated, sealed vent.

~~(6)~~ **(5)** “Mechanical exhausting devices” means exhausting devices including kitchen range fan, bath fan, spa and pool fans, clothes dryer, central vacuum that exhausts to the outside, and radon mitigation system.

EXCEPTION: A central vacuum that exhausts to the outside is not a mechanical exhausting device for Prescriptive Paths 0 and 1.

~~(7)~~ **(6)** “Power vented appliance” has the meaning given in the state Uniform Mechanical Code, chapter 1346.

~~(8)~~ **(7)** “Powered make-up air” means air that must be brought in from outdoors by means of a fan or fans to replenish the air expelled by mechanical exhausting devices.

~~(9)~~ **(8)** “Powered to match flow” means powered make-up air fan or fans which are rated for cfm air flow at not less than the rated amount of air flow of the associated mechanical exhausting devices.

(9) **“Sealed combustion appliance”** means a listed appliance that acquires all air for combustion through a dedicated sealed passage from the outside, to a sealed combustion chamber, and all combustion products are vented to the outside through a separate dedicated sealed vent. The appliance must be able to function and draft properly at a negative pressure of 50 pascals. (Note that a standard for a sealed combustion appliance does not exist at the time of adoption of this chapter. Until a standard is available, equipment may be approved under chapter 1346 of the state Building Code when a manufacturer certifies that the equipment meets the requirements of this definition when installed according to the manufacturer’s instructions.)

B. One of the ~~five~~ **six** paths identified in this item must be followed to provide protection against excessive depressurization. Make-up air must be provided as required in item C. Requirements for combustion air (and dilution air) for vented combustion equipment are provided in chapter 1346.

Within each category of exhausting appliance (clothes dryer, kitchen range exhaust, and other exhaust), only the capacity of the largest exhausting appliance within each category must be considered when sizing for make-up air.

Within each category of combustion equipment, when atmospherically vented is specified, the combustion equipment may also be direct vented, or power vented, or ~~direct vent~~ sealed combustion. When direct or power vented is specified, the combustion equipment may also be ~~direct vent~~ sealed combustion.

(1) PATH 0

Combustion Equipment Space Heating	PRESCRIPTIVE PATH 0 Direct vent Sealed combustion
Service Water Heating	Direct vent Sealed combustion
Gas Hearth	Direct vent Sealed combustion
Wood Hearth	None
CO Alarm Required	No

Ventilation Type	
People ventilation	Balanced or exhaust
Supplemental ventilation	Balanced or exhaust*

*Passive infiltration must not be used to provide make-up air for the supplemental ventilation in excess of 0.05 cfm/sf

Make-Up Air Requirements

Clothes dryer	
Less than or equal to 175 cfm	Passive infiltration
More than 175 cfm	Passive opening for cfm's over 175

Kitchen Exhaust	
Less than or equal to 250	Passive infiltration
251 to 500 cfm	Passive opening for cfm's over 250

More than 670 <u>500</u> cfm	Powered to match flow for cfm's over 670 <u>500</u>
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Other Exhaust	
Up to 140 cfm	Passive opening
More than 140 cfm	Powered to match flow for cfm's over 140

C. Make-up air required in item B must be provided by designated openings (except for passive infiltration) according to this item.

7672.1000 RESIDENTIAL VENTILATION SYSTEM.

Subpart 1. **General.** All new residential buildings covered by this chapter must be equipped with a residential ventilation system meeting the requirements of this part.

C. As an alternative to the requirements of subparts 3 to 6, the residential ventilation system may be designed, installed, and tested according to the alternate performance procedure in subpart 7.

Subp. 3. **Outdoor air requirements.** Residential ventilation systems must be installed as required by this subpart to provide not less outdoor air than the total ventilation rate (cfm) of 0.05 times the area of the house in square feet. For the purposes of equipment requirements and protection against depressurization requirements of this chapter, the total ventilation rate may be divided into people ventilation and supplemental ventilation rates. If the total ventilation rate is not divided, then the most stringent requirement for either people or ventilation rate must apply.

A. The people ventilation rate is 15 cfm for each bedroom plus an additional 15 cfm. The minimum people ventilation rate is 45 cfm; ~~or when baths or kitchens are chosen to be continuously ventilated the minimum people ventilation rate is the continuous.~~ As an alternative to ventilation rate required by requirements of the State Building Code, whichever is greater bathrooms and water closet compartments may be ventilated with a system designed to operate at a continuous rate of 20 cfm and kitchens may be ventilated with a system designed to operate at a continuous rate of 25 cfm.

Subp. 4. **Equipment requirements.**

C. Heat recovery ventilator rated design flow rate must be the average flow rate for a one-hour period at the ventilation design conditions. The average hourly ventilation capacity must be determined in consideration of any reduction of exhaust or outdoor air intake, or both, for defrost or other equipment cycling.

(3) A label stating the manufacturer or provider of the equipment warranty, net air flow, and sensible recovery efficiency at 32 degrees Fahrenheit and at the ventilation design condition must be permanently affixed to the equipment.

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

Exempt Rules

7672.1200 ADDITIONS, ALTERATIONS, AND REPAIRS TO EXISTING RESIDENTIAL BUILDINGS.

Subpart 1. **General.** Additions, alterations, and repairs to existing buildings classified as Group R, Division 3 Occupancies which are detached one- and two- single-family or two-family dwellings must comply with the requirements of this part only. Enforcement of this part for dwellings whose permit for initial construction was applied for prior to the effective date of this chapter shall not require compliance with either part 7672.0900, subpart 8, protection against depressurization, or part 7672.1000, residential ventilation system. For dwellings whose permit for initial construction was applied for on or after the effective date of this chapter, enforcement of this part shall require compliance with part 7672.0900, subpart 8, or 7672.1000 if the addition, alteration, or repair would require an increase in either the combustion air, ventilation air, or make-up air requirement.

Subp. 2. **Reducing air leakage.** If an addition or alteration reduces the air leakage characteristics or capacity of a building, and vented appliances are present that are not sealed, direct, or power vented and are without combustion air supply, then a combustion air supply must be provided according to the Minnesota State Building Code, chapter 1346. Alterations that will likely reduce the air leakage characteristics or capacity of a building include attic insulation, wall insulation, applying siding underlayment, or the replacement of a majority of window or door units.

EXCEPTION: A combustion air supply need not be provided where either:

Subp. 4. **Conversions.** A change in the occupancy of an existing building classified as Group R, Division 3 Occupancies Occupancy which is a detached one- or two- single- family dwelling or two-family dwelling which would require an increase in demand for either fossil fuel or electrical energy supply requires that the building comply with the requirements of this chapter.

EXCEPTION: Existing HVAC and service water heating equipment within an existing building is not required to be replaced.

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; Safety and Health Committees; Workplace Accident and Injury Reduction Program

5205.0015 APPLICATION OF RULES.

Chapter 5205 applies only to general industry locations. Chapter 5207 applies only to construction locations. Chapters 5206, 5208, and 5210 apply to both general industry and construction locations.

5207.0005 STANDARD INDUSTRIAL CLASSIFICATION LIST FOR AWAIR.

Employers in the standard industrial classifications applicable to construction listed in part ~~5205.1500~~ 5208.1500 must comply with *Minnesota Statutes*, section 182.653, subdivision 8. The standard industrial classifications in part ~~5205.1500~~ 5208.1500 are those defined by the Office of Management and Budget published in the Standard Industrial Classification Manual, 1987 edition.

5208.0010 APPLICABILITY.

Every employer required by *Minnesota Statutes*, section 182.676, to establish and administer a joint labor-management safety and health committee shall comply with the requirements of this part. If the size of the employer's work force fluctuates, the employer is required to have a safety and health committee during the periods when more than 25 employees are employed.

5208.0020 LOCATION.

If an employer required to establish a safety and health committee operates at more than one location, the employer shall establish a safety and health committee at each of its establishments at which 50 or more employees work. Multiple buildings in a reasonably close proximity engaged in a common enterprise such as a college campus may be considered to be a single establishment. If work is performed at other locations, one or more centralized safety and health committees representing the safety and health concerns of these other locations shall be established. At a site where the employees of more than one employer work, a multiemployer committee may be used to satisfy the requirements of this part. If an industrywide safety committee has been established pursuant to a collective bargaining agreement, it will satisfy the requirements of this part.

5208.0030 MEMBERSHIP.

Employee representatives on safety and health committees shall be selected by the employee's collective bargaining agent if one exists. If more than one union has the right to select employee representatives for a safety and health committee, they shall collectively select the employee representatives. It is not necessary that the committee contain enough employee representatives to enable each union to be represented on the committee. If there is no collective bargaining agent, the employee representatives shall be selected by their peers. In the absence of volunteers, the employer may select the employee representatives. The number of employee representatives on a safety and health committee shall equal or exceed the number of management representatives on the committee. Unless a collective bargaining agreement provides to the contrary, being a member of a safety and health committee is considered part of an employee's job, and time spent performing the duties of a safety and health committee member shall be considered as time worked.

5208.0040 SAFETY SURVEYS.

The safety and health committees for any employer that has a workers' compensation insurance experience modification factor of 1.4 or greater or has a workers' compensation premium rate of \$30 or more per \$100 of payroll assigned to the greatest portion of the payroll for the employer shall conduct workplace safety and health surveys at each of the employer's workplaces at least quarterly. The safety and health committees of all other employers shall conduct workplace safety and health inspections as frequently as the committee considers necessary. On the request of a member of a safety and health committee, the commissioner of the Department of Labor and Industry shall order the employer to have surveys conducted more frequently if the commissioner determines that to do so would result in a substantially safer workplace. The employer shall keep a record of all hazards identified by and recommendations made by the safety and health committee.

5208.0050 OTHER DUTIES AND RECORDS.

The safety and health committee shall establish a system to obtain safety-related suggestions, reports of hazards, and other information from all persons involved in the operations of their workplace. The safety and health committee shall review and make recommendations about the employer's occupational safety and health program and occupational safety and health records. The safety and health committee shall review incidents resulting in work-related deaths, injuries, and illnesses and make recommendations to prevent further occurrences. The committee's review of these incidents may be limited to a review of a report made by others who have investigated the incident. The employer shall provide materials and facilities to the safety and health committee to enable it to perform its duties. All safety and health committee recommendations or reports made to the employer shall be kept by the employer for two years and shall be provided to the commissioner of the Department of Labor and Industry on the commissioner's request.

5208.0060 DISCRIMINATION.

An employee who is discharged or otherwise discriminated against because the employee has reported a safety hazard to the safety and health committee is subject to the protection afforded under *Minnesota Statutes*, section 182.669.

5208.0070 ALTERNATIVE FORMS OF COMMITTEE.

An employer may comply with this part by establishing a safety and health committee that is innovative or different in form or function if the committee satisfies the intent of *Minnesota Statutes*, section 182.676. A safety and health committee that is established under a collective bargaining agreement is considered to be in compliance with the requirements of this part and is exempt from the specific requirements of this part. A safety and health committee that is established as a part of a workplace accident and injury reduction program under *Minnesota Statutes*, section 182.653, that has substantial employee involvement is considered to be in compliance with the requirements of this part and is exempt from the specific requirements of this part.

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

5208.0080 INSURER'S DUTIES.

An insurer that writes workers' compensation insurance in Minnesota shall have the capability to provide information on the operation of safety and health committees and hazard recognition for the employers it insures. This information must be provided within a reasonable time in a reasonable manner when requested by an insured. For purposes of this part, an administrator under Minnesota Statutes, section 79.251, subdivision 4, who provides administrative services for policies or contracts of coverage under the assigned risk plan is considered an insurance company.

5208.0090 APPLICATION TO INDEPENDENT CONTRACTORS.

For the purposes of this part, an "employee" includes an independent contractor engaged in construction activities and a person who has contracted with an independent contractor to supply construction services.

WORKPLACE ACCIDENT AND INJURY REDUCTION PROGRAM

5208.1500 STANDARD INDUSTRIAL CLASSIFICATION LIST FOR AWAIR.

Employers in the standard industrial classifications listed in this part must comply with Minnesota Statutes, section 182.653, subdivision 8. The standard industrial classifications in this part are those defined by the Office of Management and Budget published in the Standard Industrial Classification Manual, 1987 edition.

A. Agricultural production, crops:

- (1) 0111, wheat;
- (2) 0112, rice;
- (3) 0115, corn;
- (4) 0116, soybeans;
- (5) 0119, cash grains, not elsewhere classified;
- (6) 0131, cotton;
- (7) 0132, tobacco;
- (8) 0133, sugar cane and sugar beets;
- (9) 0134, Irish potatoes;
- (10) 0139, field crops, except cash grains, not elsewhere classified;
- (11) 0161, vegetables and melons;
- (12) 0171, berry crops;
- (13) 0172, grapes;
- (14) 0173, tree nuts;
- (15) 0174, citrus fruits;
- (16) 0175, deciduous tree fruits;
- (17) 0179, fruits and tree nuts, not elsewhere classified;
- (18) 0181, ornamental nursery products;
- (19) 0182, food crops grown under cover; and
- (20) 0191, general farms, primarily crop.

B. Agricultural production, livestock:

- (1) 0211, beef cattle feedlots;
- (2) 0212, beef cattle, except feedlots;
- (3) 0213, hogs;
- (4) 0214, sheep and goats;
- (5) 0219, general livestock, not elsewhere classified;
- (6) 0241, dairy farms;
- (7) 0251, broiler, fryer, and roaster chickens;
- (8) 0252, chicken eggs;

- (9) 0253, turkeys and turkey eggs;
- (10) 0254, poultry hatcheries;
- (11) 0259, poultry and eggs, not elsewhere classified;
- (12) 0271, fur-bearing animals and rabbits;
- (13) 0273, animal aquaculture;
- (14) 0279, animal specialties, not elsewhere classified; and
- (15) 0291, general farms, primarily animal.

C. Coal mining:

- (1) 1221, bituminous coal and lignite, surface;
- (2) 1222, bituminous coal, underground;
- (3) 1231, anthracite mining; and
- (4) 1241, coal mining services.

D. Oil and gas extraction:

- (1) 1381, drilling oil and gas wells;
- (2) 1382, oil and gas exploration services; and
- (3) 1389, oil and gas field services, not elsewhere classified.

E. Nonmetallic minerals, except fuels:

- (1) 1411, dimension stone; and
- (2) 1499, miscellaneous nonmetallic minerals.

F. General building contractors:

- (1) 1521, single-family housing construction;
- (2) 1522, residential construction, not elsewhere classified;
- (3) 1531, operative builders;
- (4) 1541, industrial buildings and warehouses; and
- (5) 1542, nonresidential construction, not elsewhere classified.

G. Heavy construction, except building:

- (1) 1611, highway and street construction;
- (2) 1622, bridge, tunnel, and elevated highway;
- (3) 1623, water, sewer, and utility lines; and
- (4) 1629, heavy construction, not elsewhere classified.

H. Special trade contractors:

- (1) 1711, plumbing, heating, air-conditioning;
- (2) 1721, painting and paper hanging;
- (3) 1731, electrical work;
- (4) 1741, masonry and other stonework;
- (5) 1742, plastering, drywall, and insulation;
- (6) 1743, terrazzo, tile, marble, and mosaic work;

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Exempt Rules

- (7) 1751, carpentry work;
- (8) 1752, floor laying and floor work, not elsewhere classified;
- (9) 1761, roofing, siding, and sheet metal work;
- (10) 1771, concrete work;
- (11) 1781, water well drilling;
- (12) 1791, structural steel erection;
- (13) 1793, glass and glazing work;
- (14) 1794, excavation work;
- (15) 1795, wrecking and demolition work;
- (16) 1796, installing building equipment, not elsewhere classified; and
- (17) 1799, special trade contractors, not elsewhere classified.

I. Food and kindred products:

- (1) 2011, meat packing plants;
- (2) 2013, sausages and other prepared meats;
- (3) 2015, poultry slaughtering and processing;
- (4) 2021, creamery butter;
- (5) 2022, cheese, natural and processed;
- (6) 2023, dry, condensed, and evaporated products;
- (7) 2024, ice cream and frozen desserts;
- (8) 2026, fluid milk;
- (9) 2032, canned specialties;
- (10) 2033, canned fruits and vegetables;
- (11) 2034, dehydrated fruits, vegetables, and soups;
- (12) 2035, pickles, sauces, and salad dressings;
- (13) 2037, frozen fruits and vegetables;
- (14) 2038, frozen specialties, not elsewhere classified;
- (15) 2051, bread, cake, and related products;
- (16) 2052, cookies and crackers;
- (17) 2053, frozen bakery products, except bread;
- (18) 2061, raw cane sugar;
- (19) 2062, cane sugar refining;
- (20) 2063, beet sugar;
- (21) 2064, candy and other confectionery products;
- (22) 2066, chocolate and cocoa products;
- (23) 2067, chewing gum;
- (24) 2068, salted and roasted nuts and seeds;
- (25) 2074, cottonseed oil mills;
- (26) 2075, soybean oil mills;
- (27) 2076, vegetable oil mills, not elsewhere classified;
- (28) 2077, animal and marine fats and oils;
- (29) 2079, edible fats and oils, not elsewhere classified;
- (30) 2082, malt beverages;

- (31) 2083, malt;
- (32) 2084, wines, brandy, and brandy spirits;
- (33) 2085, distilled and blended liquors;
- (34) 2086, bottled and canned soft drinks;
- (35) 2087, flavoring extracts and syrups, not elsewhere classified;
- (36) 2091, canned and cured fish and seafoods;
- (37) 2092, fresh or frozen prepared fish;
- (38) 2095, roasted coffee;
- (39) 2096, potato chips and similar snacks;
- (40) 2097, manufactured ice;
- (41) 2098, macaroni and spaghetti; and
- (42) 2099, food preparations, not elsewhere classified.

J. Tobacco products: 2141, tobacco stemming and drying.

K. Textile mill products:

- (1) 2231, broad woven fabric mills, wool;
- (2) 2241, narrow fabric mills;
- (3) 2252, hosiery, not elsewhere classified;
- (4) 2253, knit outerwear mills;
- (5) 2254, knit underwear mills;
- (6) 2257, weft knit fabric mills;
- (7) 2258, lace and warp knit fabric mills;
- (8) 2259, knitting mills, not elsewhere classified;
- (9) 2261, finishing plants, cotton;
- (10) 2262, finishing plants, manmade;
- (11) 2269, finishing plants, not elsewhere classified;
- (12) 2282, throwing and winding mills;
- (13) 2295, coated fabrics, not rubberized;
- (14) 2296, tire cord and fabrics;
- (15) 2298, cordage and twine; and
- (16) 2299, textile goods, not elsewhere classified.

L. Apparel and other textile products:

- (1) 2311, men's and boys' suits and coats;
- (2) 2321, men's and boys' shirts;
- (3) 2322, men's and boys' underwear and nightwear;
- (4) 2325, men's and boys' trousers and slacks;
- (5) 2326, men's and boys' work clothing;
- (6) 2384, robes and dressing gowns;

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Exempt Rules

- (7) 2385, waterproof outerwear;
- (8) 2391, curtains and draperies;
- (9) 2392, house furnishings, not elsewhere classified;
- (10) 2393, textile bags;
- (11) 2394, canvas and related products;
- (12) 2396, automotive and apparel trimmings; and
- (13) 2399, fabricated textile products, not elsewhere classified.

M. Lumber and wood products:

- (1) 2411, logging;
- (2) 2421, sawmills and planing mills, general;
- (3) 2426, hardwood dimension and flooring mills;
- (4) 2429, special product sawmills, not elsewhere classified;
- (5) 2431, millwork;
- (6) 2434, wood kitchen cabinets;
- (7) 2435, hardwood veneer and plywood;
- (8) 2436, softwood veneer and plywood;
- (9) 2439, structural wood members, not elsewhere classified;
- (10) 2441, nailed wood boxes and shooks;
- (11) 2448, wood pallets and skids;
- (12) 2449, wood containers, not elsewhere classified;
- (13) 2451, mobile homes;
- (14) 2452, prefabricated wood buildings;
- (15) 2491, wood preserving;
- (16) 2493, reconstituted wood products; and
- (17) 2499, wood products, not elsewhere classified.

N. Furniture and fixtures:

- (1) 2511, wood household furniture;
- (2) 2512, upholstered household furniture;
- (3) 2514, metal household furniture;
- (4) 2515, mattresses and bedsprings;
- (5) 2517, wood television and radio cabinets;
- (6) 2519, household furniture, not elsewhere classified;
- (7) 2521, wood office furniture;
- (8) 2522, office furniture, except wood;
- (9) 2531, public building and related furniture;
- (10) 2541, wood partitions and fixtures;
- (11) 2542, partitions and fixtures, except wood;
- (12) 2591, drapery hardware and blinds and shades; and
- (13) 2599, furniture and fixtures, not elsewhere classified.

O. Paper and allied products:

- (1) 2652, setup paperboard boxes;
- (2) 2653, corrugated and solid fiber boxes;

(3) 2655, fiber cans, drums, and similar products;

(4) 2656, sanitary food containers; and

(5) 2657, folding paperboard boxes.

P. Printing and publishing:

(1) 2711, newspapers;

(2) 2721, periodicals;

(3) 2731, book publishing;

(4) 2732, book printing;

(5) 2741, miscellaneous publishing;

(6) 2752, commercial printing, lithographic;

(7) 2754, commercial printing, gravure;

(8) 2759, commercial printing, not elsewhere classified;

(9) 2761, manifold business forms;

(10) 2771, greeting cards;

(11) 2782, blankbooks and looseleaf binders;

(12) 2789, bookbinding and related work;

(13) 2791, typesetting; and

(14) 2796, platemaking services.

Q. Chemicals and allied products:

(1) 2812, alkalies and chlorine;

(2) 2813, industrial gases;

(3) 2816, inorganic pigments;

(4) 2819, industrial inorganic chemicals, not elsewhere classified;

(5) 2821, plastics materials and resins;

(6) 2822, synthetic rubber;

(7) 2823, cellulosic manmade fibers;

(8) 2824, organic fibers, noncellulosic;

(9) 2833, medicinals and botanicals;

(10) 2834, pharmaceutical preparations;

(11) 2835, diagnostic substances;

(12) 2836, biological products, except diagnostic;

(13) 2841, soap and other detergents;

(14) 2842, polishes and sanitation goods;

(15) 2843, surface active agents;

(16) 2844, toilet preparations;

(17) 2851, paints and allied products;

(18) 2861, gum and wood chemicals;

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Exempt Rules

- (19) 2865, cyclic crudes and intermediates;
- (20) 2869, industrial organic chemicals, not elsewhere classified;
- (21) 2873, nitrogenous fertilizers;
- (22) 2874, phosphatic fertilizers;
- (23) 2875, fertilizers, mixing only;
- (24) 2879, agricultural chemicals, not elsewhere classified;
- (25) 2891, adhesives and sealants;
- (26) 2892, explosives;
- (27) 2893, printing ink;
- (28) 2895, carbon black; and
- (29) 2899, chemical preparations, not elsewhere classified.

R. Petroleum and coal products:

- (1) 2951, asphalt paving mixtures and blocks;
- (2) 2952, asphalt felts and coatings; and
- (3) 2992, lubricating oils and greases.

S. Rubber and miscellaneous plastics products:

- (1) 3011, tires and inner tubes;
- (2) 3021, rubber and plastics footwear;
- (3) 3052, rubber and plastics hose and belting;
- (4) 3053, gaskets, packing, and sealing devices;
- (5) 3061, mechanical rubber goods;
- (6) 3069, fabricated rubber products, not elsewhere classified;
- (7) 3081, unsupported plastics film and sheet;
- (8) 3082, unsupported plastics profile shapes;
- (9) 3083, laminated plastics plate and sheet;
- (10) 3084, plastics pipe;
- (11) 3085, plastics bottles;
- (12) 3086, plastics foam products;
- (13) 3087, custom compound purchased resins;
- (14) 3088, plastics plumbing fixtures; and
- (15) 3089, plastics products, not elsewhere classified.

T. Leather and leather products:

- (1) 3111, leather tanning and finishing;
- (2) 3131, footwear cut stock;
- (3) 3142, house slippers;
- (4) 3143, men's footwear, except athletic;
- (5) 3144, women's footwear, except athletic;
- (6) 3149, footwear, except rubber, not elsewhere classified;
- (7) 3151, leather gloves and mittens;
- (8) 3161, luggage; and
- (9) 3199, leather goods, not elsewhere classified.

U. Stone, clay, and glass products:

- (1) 3211, flat glass;
- (2) 3221, glass containers;
- (3) 3229, pressed and blown glass, not elsewhere classified;
- (4) 3231, products of purchased glass;
- (5) 3241, cement, hydraulic;
- (6) 3251, brick and structural clay tile;
- (7) 3253, ceramic wall and floor tile;
- (8) 3255, clay refractories;
- (9) 3259, structural clay products, not elsewhere classified;
- (10) 3261, vitreous plumbing fixtures;
- (11) 3262, vitreous china table and kitchenware;
- (12) 3263, semivitreous table and kitchenware;
- (13) 3264, porcelain electrical supplies;
- (14) 3269, pottery products, not elsewhere classified;
- (15) 3271, concrete block and brick;
- (16) 3272, concrete products, not elsewhere classified;
- (17) 3273, ready-mixed concrete;
- (18) 3274, lime;
- (19) 3275, gypsum products;
- (20) 3281, cut stone and stone products;
- (21) 3291, abrasive products;
- (22) 3292, asbestos products;
- (23) 3295, minerals, ground or treated;
- (24) 3296, mineral wool;
- (25) 3297, nonclay refractories; and
- (26) 3299, nonmetallic mineral products, not elsewhere classified.

V. Primary metal industries:

- (1) 3312, blast furnaces and steel mills;
- (2) 3313, electrometallurgical products;
- (3) 3315, steel wire and related products;
- (4) 3316, cold finishing of steel shapes;
- (5) 3317, steel pipe and tubes;
- (6) 3321, gray and ductile iron foundries;
- (7) 3322, malleable iron foundries;
- (8) 3324, steel investment foundries;
- (9) 3325, steel foundries, not elsewhere classified;

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Exempt Rules

- (10) 3331, primary copper;
- (11) 3334, primary aluminum;
- (12) 3339, primary nonferrous metals, not elsewhere classified;
- (13) 3341, secondary nonferrous metals;
- (14) 3351, copper rolling and drawing;
- (15) 3353, aluminum sheet, plate, and foil;
- (16) 3354, aluminum extruded products;
- (17) 3355, aluminum rolling and drawing, not elsewhere classified;
- (18) 3356, nonferrous rolling and drawing, not elsewhere classified;
- (19) 3357, nonferrous wire-drawing and insulating;
- (20) 3363, aluminum die castings;
- (21) 3364, nonferrous die casting except aluminum;
- (22) 3365, aluminum foundries;
- (23) 3366, copper foundries;
- (24) 3369, nonferrous foundries, not elsewhere classified;
- (25) 3398, metal heat treating; and
- (26) 3399, primary metal products, not elsewhere classified.

W. Fabricated metal products:

- (1) 3411, metal cans;
- (2) 3412, metal barrels, drums, and pails;
- (3) 3421, cutlery;
- (4) 3423, hand and edge tools, not elsewhere classified;
- (5) 3425, saw blades and handsaws;
- (6) 3429, hardware, not elsewhere classified;
- (7) 3431, metal sanitary ware;
- (8) 3432, plumbing fixture fittings and trim;
- (9) 3433, heating equipment, except electric;
- (10) 3441, fabricated structural metal;
- (11) 3442, metal doors, sash, and trim;
- (12) 3443, fabricated plate work (boiler shops);
- (13) 3444, sheet metal work;
- (14) 3446, architectural metal work;
- (15) 3448, prefabricated metal buildings;
- (16) 3449, miscellaneous metal work;
- (17) 3451, screw machine products;
- (18) 3452, bolts, nuts, rivets, and washers;
- (19) 3462, iron and steel forgings;
- (20) 3463, nonferrous forgings;
- (21) 3465, automotive stampings;
- (22) 3466, crowns and closures;
- (23) 3469, metal stampings, not elsewhere classified;
- (24) 3471, plating and polishing;

- (25) 3479, metal coating and allied services;
- (26) 3491, industrial valves;
- (27) 3492, fluid power valves and hose fittings;
- (28) 3493, steel springs, except wire;
- (29) 3494, valves and pipe fittings, not elsewhere classified;
- (30) 3495, wire springs;
- (31) 3496, miscellaneous fabricated wire products;
- (32) 3497, metal foil and leaf;
- (33) 3498, fabricated pipe and fittings; and
- (34) 3499, fabricated metal products, not elsewhere classified.

X. Industrial machinery and equipment:

- (1) 3511, turbines and turbine generator sets;
- (2) 3519, internal combustion engines not elsewhere classified;
- (3) 3523, farm machinery and equipment;
- (4) 3524, lawn and garden equipment;
- (5) 3531, construction machinery;
- (6) 3532, mining machinery;
- (7) 3533, oil and gas field machinery;
- (8) 3534, elevators and moving stairways;
- (9) 3535, conveyors and conveying equipment;
- (10) 3536, hoists, cranes, and monorails;
- (11) 3537, industrial trucks and tractors;
- (12) 3541, machine tools, metal cutting types;
- (13) 3542, machine tools, metal forming types;
- (14) 3543, industrial patterns;
- (15) 3544, special dies, tools, jigs, and fixtures;
- (16) 3545, machine tool accessories;
- (17) 3546, power-driven hand tools;
- (18) 3547, rolling mill machinery;
- (19) 3548, welding apparatus;
- (20) 3549, metalworking machinery, not elsewhere classified;
- (21) 3552, textile machinery;
- (22) 3553, woodworking machinery;
- (23) 3554, paper industries machinery;
- (24) 3555, printing trades machinery;
- (25) 3556, food products machinery;
- (26) 3559, special industry machinery, not elsewhere classified;
- (27) 3561, pumps and pumping equipment;

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Exempt Rules

- (28) 3562, ball and roller bearings;
- (29) 3563, air and gas compressors;
- (30) 3564, blowers and fans;
- (31) 3565, packaging machinery;
- (32) 3566, speed changers, drives, and gears;
- (33) 3567, industrial furnaces and ovens;
- (34) 3568, power transmission equipment, not elsewhere classified;
- (35) 3569, general industrial machinery, not elsewhere classified;
- (36) 3581, automatic vending machines;
- (37) 3582, commercial laundry equipment;
- (38) 3585, refrigeration and heating equipment;
- (39) 3586, measuring and dispensing pumps;
- (40) 3589, service industry machinery, not elsewhere classified;
- (41) 3592, carburetors, pistons, rings, and valves;
- (42) 3593, fluid power cylinders and actuators;
- (43) 3594, fluid power pumps and motors
- (44) 3596, scales and balances, except laboratory; and
- (45) 3599, industrial machinery, not elsewhere classified.

Y. Electronic and other electric equipment:

- (1) 3621, motors and generators;
- (2) 3624, carbon and graphite products;
- (3) 3625, relays and industrial controls; and
- (4) 3629, electrical industrial apparatus, not elsewhere classified.

Z. Transportation equipment:

- (1) 3711, motor vehicles and car bodies;
- (2) 3713, truck and bus bodies;
- (3) 3714, motor vehicle parts and accessories;
- (4) 3715, truck trailers;
- (5) 3716, motor homes;
- (6) 3721, aircraft;
- (7) 3724, aircraft engines and engine parts;
- (8) 3728, aircraft parts and equipment, not elsewhere classified;
- (9) 3731, ship building and repairing;
- (10) 3732, boat building and repairing;
- (11) 3743, railroad equipment;
- (12) 3751, motorcycles, bicycles, and parts;
- (13) 3761, guided missiles and space vehicles;
- (14) 3764, space propulsion units and parts;
- (15) 3769, space vehicle equipment, not elsewhere classified;
- (16) 3792, travel trailers and campers;
- (17) 3795, tanks and tank components; and
- (18) 3799, transportation equipment, not elsewhere classified.

AA. Miscellaneous manufacturing industries:

- (1) 3911, jewelry, precious metal;
- (2) 3914, silverware and plated ware;
- (3) 3915, jewelers' materials and lapidary work;
- (4) 3931, musical instruments;
- (5) 3942, dolls and stuffed toys;
- (6) 3944, games, toys, and children's vehicles;
- (7) 3949, sporting and athletic goods, not elsewhere classified;
- (8) 3951, pens and mechanical pencils;
- (9) 3952, lead pencils and art goods;
- (10) 3953, marking devices;
- (11) 3955, carbon paper and inked ribbons;
- (12) 3961, costume jewelry;
- (13) 3965, fasteners, buttons, needles, and pins;
- (14) 3991, brooms and brushes;
- (15) 3993, signs and advertising specialties;
- (16) 3995, burial caskets;
- (17) 3996, hard surface floor coverings, not elsewhere classified; and
- (18) 3999, manufacturing industries, not elsewhere classified.

BB. Trucking and warehousing:

- (1) 4212, local trucking without storage;
- (2) 4213, trucking, except local;
- (3) 4214, local trucking with storage;
- (4) 4215, courier services, except by air;
- (5) 4221, farm product warehousing and storage;
- (6) 4222, refrigerated warehousing and storage;
- (7) 4225, general warehousing and storage;
- (8) 4226, special warehousing and storage, not elsewhere classified; and
- (9) 4231, trucking terminal facilities.

CC. Water transportation:

- (1) 4412, deep sea foreign transportation of freight;
- (2) 4424, deep sea domestic transportation of freight;
- (3) 4432, freight transportation on the Great Lakes;
- (4) 4449, water transportation of freight, not elsewhere classified;
- (5) 4491, marine cargo handling;
- (6) 4492, towing and tugboat service;
- (7) 4493, marinas; and
- (8) 4499, water transportation services, not elsewhere classified.

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Exempt Rules

DD. Transportation by air:

- (1) 4512, air transportation, scheduled;
- (2) 4513, air courier services;
- (3) 4522, air transportation, nonscheduled; and
- (4) 4581, airports, flying fields, and services.

EE. Electric, gas, and sanitary services:

- (1) 4911, electric services;
- (2) 4922, natural gas transmission;
- (3) 4923, gas transmission and distribution;
- (4) 4924, natural gas distribution;
- (5) 4925, gas production and/or distribution;
- (6) 4931, electric and other services combined;
- (7) 4932, gas and other services combined;
- (8) 4939, combination utilities, not elsewhere classified;
- (9) 4941, water supply;
- (10) 4952, sewerage systems;
- (11) 4953, refuse systems;
- (12) 4959, sanitary services, not elsewhere classified;
- (13) 4961, steam and air-conditioning supply; and
- (14) 4971, irrigation systems.

FF. Wholesale trade, nondurable goods:

- (1) 5111, printing and writing paper;
- (2) 5112, stationery and office supplies;
- (3) 5113, industrial and personal service paper;
- (4) 5122, drugs, proprietaries, and sundries;
- (5) 5131, piece goods and notions;
- (6) 5136, men's and boys' clothing;
- (7) 5137, women's and children's clothing;
- (8) 5139, footwear;
- (9) 5141, groceries, general line;
- (10) 5142, packaged frozen foods;
- (11) 5143, dairy products, except dried or canned;
- (12) 5144, poultry and poultry products;
- (13) 5145, confectionery;
- (14) 5146, fish and seafoods;
- (15) 5147, meats and meat products;
- (16) 5148, fresh fruits and vegetables;
- (17) 5149, groceries and related products, not elsewhere classified;
- (18) 5153, grain and field beans;
- (19) 5154, livestock;
- (20) 5159, farm-product raw materials, not elsewhere classified;
- (21) 5162, plastics materials and basic shapes;

(22) 5169, chemicals and allied products, not elsewhere classified;

(23) 5171, petroleum bulk stations and terminals;

(24) 5172, petroleum products, not elsewhere classified;

(25) 5181, beer and ale;

(26) 5182, wine and distilled beverages;

(27) 5191, farm supplies;

(28) 5192, books, periodicals, and newspapers;

(29) 5193, flowers and florists' supplies;

(30) 5194, tobacco and tobacco products;

(31) 5198, paints, varnishes, and supplies; and

(32) 5199, nondurable goods, not elsewhere classified.

GG. Building materials and garden supplies:

(1) 5211, lumber and other building materials;

(2) 5231, paint, glass, and wallpaper stores;

(3) 5251, hardware stores;

(4) 5261, retail nurseries and garden stores; and

(5) 5271, mobile home dealers.

HH. General merchandise stores:

(1) 5311, department stores;

(2) 5331, variety stores; and

(3) 5399, miscellaneous general merchandise stores.

II. Food stores:

(1) 5411, grocery stores;

(2) 5421, meat and fish markets;

(3) 5431, fruit and vegetable markets;

(4) 5441, candy, nut, and confectionery stores;

(5) 5451, dairy products stores;

(6) 5461, retail bakeries; and

(7) 5499, miscellaneous food stores.

JJ. Automotive dealers and service stations:

(1) 5511, new and used car dealers;

(2) 5521, used car dealers;

(3) 5531, automotive and home supply stores;

(4) 5541, gasoline service stations;

(5) 5551, boat dealers;

(6) 5561, recreational vehicle dealers;

(7) 5571, motorcycle dealers; and

(8) 5599, automotive dealers, not elsewhere classified.

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Exempt Rules

KK. Furniture and home furnishings stores:

- (1) 5712, furniture stores;
- (2) 5713, floor covering stores;
- (3) 5714, drapery and upholstery stores;
- (4) 5719, miscellaneous home furnishings stores;
- (5) 5722, household appliance stores;
- (6) 5731, radio, television, and electronic stores;
- (7) 5734, computer and software stores;
- (8) 5735, record and prerecorded tape stores; and
- (9) 5736, musical instrument stores.

LL. Hotels and other lodging places:

- (1) 7011, hotels and motels;
- (2) 7021, rooming and boarding houses;
- (3) 7032, sporting and recreational camps;
- (4) 7033, trailer parks and campsites; and
- (5) 7041, membership-basis organization hotels.

MM. Personal services:

- (1) 7211, power laundries, family and commercial;
- (2) 7212, garment pressing and cleaners' agents;
- (3) 7213, linen supply;
- (4) 7215, coin-operated laundries and cleaning;
- (5) 7216, drycleaning plants, except rug;
- (6) 7217, carpet and upholstery cleaning;
- (7) 7218, industrial launderers;
- (8) 7219, laundry and garment services, not elsewhere classified;
- (9) 7221, photographic studios, portrait;
- (10) 7231, beauty shops;
- (11) 7241, barber shops;
- (12) 7251, shoe repair and shoeshine parlors;
- (13) 7261, funeral service and crematories;
- (14) 7291, tax return preparation services; and
- (15) 7299, miscellaneous personal services, not elsewhere classified.

NN. Automobile repair services and parking:

- (1) 7513, truck rental and leasing, no drivers;
- (2) 7514, passenger car rental;
- (3) 7515, passenger car leasing;
- (4) 7519, utility trailer rental;
- (5) 7521, automobile parking;
- (6) 7532, top and body repair and paint shops;
- (7) 7533, automobile exhaust system repair shops;
- (8) 7534, tire retreading and repair shops;
- (9) 7536, automotive glass replacement shops;

- (10) 7537, automotive transmission repair shops;
- (11) 7538, general automotive repair shops;
- (12) 7539, automotive repair shops, not elsewhere classified;
- (13) 7542, car washes; and
- (14) 7549, automotive services, not elsewhere classified.

OO. Miscellaneous repair services:

- (1) 7622, radio and television repair;
- (2) 7623, refrigeration service and repair;
- (3) 7629, electrical repair shops, not elsewhere classified;
- (4) 7631, watch, clock, and jewelry repair;
- (5) 7641, reupholstery and furniture repair;
- (6) 7692, welding repair;
- (7) 7694, armature rewinding shops; and
- (8) 7699, repair services, not elsewhere classified.

PP. Health services:

- (1) 8051, skilled nursing care facilities;
- (2) 8052, intermediate care facilities;
- (3) 8059, nursing and personal care, not elsewhere classified;
- (4) 8062, general medical and surgical hospitals;
- (5) 8063, psychiatric hospitals;
- (6) 8069, specialty hospitals, except psychiatric;
- (7) 8082, home health care services;
- (8) 8092, kidney dialysis centers;
- (9) 8093, specialty outpatient clinics, not elsewhere classified; and
- (10) 8099, health and allied services, not elsewhere classified.

QQ. Social services:

- (1) 8322, individual and family services;
- (2) 8331, job training and related services;
- (3) 8351, child day care services;
- (4) 8361, residential care; and
- (5) 8399, social services, not elsewhere classified.

REPEALER. *Minnesota Rules*, parts 5204.0010; 5204.0020; 5204.0030; 5204.0040; 5204.0050; 5204.0060; 5204.0070; 5204.0080; 5204.0090; and 5205.1500, are repealed.

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

Expedited Emergency Rules

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

Department of Natural Resources

Expedited Emergency Game and Fish Rules; Designated Infested Waters

NOTICE IS HEREBY GIVEN that the above entitled rule has been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of this rule is *Minnesota Statutes* 84D.12, subdivision 3.

Dated: 13 April 1999

Allen Garber
Commissioner of Natural Resources

6216.0350 DESIGNATED INFESTED WATERS.

Subpart 1. **Listing of waters infested with Eurasian water milfoil.** The following water bodies are designated by the commissioner as infested with Eurasian water milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to parts 6216.0100 to 6216.0600, *Minnesota Statutes*, section 84D.13, and other applicable laws.

Name	DNR Protected Waters Inventory Number
[For text of item A, see 22 SR 2344, 6/29/98]	
[For text of item B, see M.R.]	
C. Chisago County	
(1) <u>Ellen Lake</u>	13-0047
(2) <u>Green Lake</u>	13-0041
(2) (3) <u>Rush Lake</u>	13-0069
[For text of item D, see M.R.]	
[For text of item E, see 22 SR 2344, 6/29/98]	
[For text of item F, see M.R.]	
G. Hennepin County	
(1) Arrowhead Lake	27-0045
(2) Bass Lake	27-0015
(3) Brownie Lake	27-0038
(4) Bryant Lake	27-0067
(5) Bush Lake	27-0047
(6) Lake Calhoun	27-0031
(7) Cedar Lake	27-0039
(8) Christmas Lake	27-0137
(9) Dutch Lake	27-0181
(10) Eagle Lake	27-0111
(11) Fish Lake	27-0118
(12) Forest Lake	27-0139
(13) Gleason Lake	27-0095
(14) Lake Harriet	27-0016
(15) Hiawatha Lake	27-0018
(16) Lake Independence	27-0176
(17) Lake of the Isles	27-0040
(18) Libbs Lake	27-0085

Expedited Emergency Rules

(19) Little Long Lake	27-0179
(20) Long Lake	27-0160
(21) Medicine Lake	27-0104
(22) Minnehaha Creek	27-0000
(23) Lake Minnetonka	27-0133
(24) Niccum's Pond	private
(25) Lake Nokomis	27-0019
(26) Parker's Lake	27-0107
(27) Peavy Lake	27-0138
(28) (28) Lake Rebecca	27-0192
(28) (29) Rice Lake	27-0116
(29) (30) Round Lake	27-0071
(30) (31) Lake Sarah	27-0191
(31) (32) Schmidt Lake	27-0102
(32) (33) Swan Lake	27-0000
(34) Tanager Lake	27-0141
(33) (35) Whaletail Lake	27-0184
(34) (36) Wirth Lake	27-0037

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

I. Mille Lacs County

(1) <u>Lake Mille Lacs</u>	48-0002
(2) <u>from the mouths of each tributary of Lake Mille Lacs upstream to the first public road</u>	48-0000

J. Olmsted County (1) George Lake 55-0008

K. Pope County

(1) Gilchrist Lake	61-0072
(2) Lake Minnewaska	61-0130

K. L. Ramsey County

(1) Bald Eagle Lake	62-0002
(2) Lake Gervais	62-0007
(3) Island Lake	62-0075
(4) Keller Lake	62-0010
(5) Phalen Lake	62-0013
(6) Round Lake	62-0012
(7) Silver Lake	62-0001
(8) <u>Spoon Creek, between Keller and Phalen lakes</u>	62-0000
(8) (9) Sucker Lake	62-0028
(9) (10) Lake Vadnais	62-0038
(10) (11) Lake Wabasso	62-0082

L. Scott County

(1) Lower Prior Lake	70-0026
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N. Stearns County

(1) <u>unnamed wetland along Clearwater River</u>	73-0312
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Expedited Emergency Rules

~~M. Q.~~ Todd County

(1) Sauk Lake 77-0150

~~N. P.~~ Washington County

(1) Powers Lake 82-0092
(2) White Bear Lake 82-0167
(3) St. Croix River 82-0001

~~O. Q.~~ Wright County

(1) Augusta Lake 86-0284
(2) Beebe Lake 86-0023
(3) Clearwater Lake 86-0252
(4) Clearwater River,
downstream of Clearwater Lake 86-0000
(5) Lake Mary 86-0156
~~(5)~~ (6) Little Waverly Lake 86-0106
~~(6)~~ (7) Lake Pulaski 86-0053
~~(7)~~ (8) Rock Lake 86-0182
~~(8)~~ (9) Sugar Lake 86-0233
~~(9)~~ (10) Waverly Lake 86-0114
(11) Weigland Lake 86-0242

~~P. R.~~ Multiple Counties

(1) Mississippi River,
downstream of St. Anthony Falls

[For text of subs 2 to 6, see M.R.]

EFFECT OF EMERGENCY AMENDMENT. After the emergency amendment to *Minnesota Rules*, part 6216.0350, expires, the permanent rule as it read prior to the amendment takes effect, except as it may be amended by permanent rule.

Official Notices

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

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

Department of Administration

State Designer Selection Board (SDSB)

Meeting Dates, Times, and Agenda Items

Pursuant to SDSB *Minnesota Rule* 3200.0400, below is the schedule of State Designer Selection Board meeting dates, times and agenda items as of April 16, 1999:

- May 11, 9:00 a.m.
 1. Interview/Selection: Project 3-99 University of Minnesota, Minneapolis
Rehabilitation of Folwell Hall

Unless otherwise stated, all meetings are held in the Administration Building, 50 Sherburne Avenue, St. Paul, Room G-10/Conference Room A. Other matters may come before the Board and be added to the agenda as needed. For additional information, contact Lisa Blue at 651-297-5526.

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

NOTICE IS HEREBY GIVEN that a public hearing will be held on May 7, 1999, 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 70 acres of bare farmland located in Section 19, Severence Township, Sibley County, Minnesota on behalf of David J. Wiethoff, a married man (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$129,666.00. 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: 7 April 1999

Jim Boerboom
RFA Director

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

NOTICE IS HEREBY GIVEN that a public hearing will be held on May 7, 1999, 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 156 acres of farmland with buildings located in Section 32, Shellrock Township, Freeborn County, Minnesota on behalf of Chad M. Anderson, a single man (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$140,000.00. 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: 7 April 1999

Jim Boerboom
RFA Director

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

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

Board of Barber Examiners

REQUEST FOR COMMENTS on Planned Amendment to Rule Governing Fees, *Minnesota Rules* 2100.9300, Subpart 1

Subject of Rules. The Board of Barber Examiners requests comments on its planned amendment to Rule 2100.9300, subpart 1, governing fees. The Board is considering amending its rule to increase the renewal fees for apprentices, registered barbers, shop registration, instructors and schools.

Persons Affected. The amendment to the rule would likely affect apprentices, registered barbers, shop owners, instructors and school owners.

Statutory Authority. *Minnesota Statutes* section 214.06 requires the Board by rule, to adjust any fee the Board is empowered to assess, so that the total fees collected by the Board will as closely as possible equal anticipated expenditures during the fiscal biennium. The Board has statutory authority pursuant to *Minnesota Statutes* section 154.24 to amend this rule.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing until 4:00 p.m. on June 29, 1999. The Board does not contemplate appointing an advisory committee to comment on the planned rule.

Rule Drafts. The Board does not anticipate that a draft of the rule will be available before the publication of the proposed rule.

Agency Contact Person. Written comments, questions or requests for more information on this planned rule should be addressed to:

Maureen Tibbetts
Executive Secretary
Board of Barber Examiners
1885 University Avenue West - #335
St. Paul, MN 55104-3403

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 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: 8 April 1999

Maureen Tibbetts
Executive Secretary
Board of Barber Examiners

Minnesota Comprehensive Health Association

Notice of Meeting of the Actuarial Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Actuarial Committee will be held at 1:00 p.m. on Thursday, April 29, 1999. 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.

Health Technology Advisory Committee

Notice of: 1) Availability of Preliminary "Treatment of Obstructive Sleep Apnea in Adults" Evaluation Report; 2) Availability of Preliminary "Refractive Eye Surgery" Evaluation Report; and 3) Solicitation of Written Comments

The Health Technology Advisory Committee (HTAC) is charged under *Minnesota Statutes* 62J.152 with conducting evaluations of specific technologies and their specific use and application. For the purposes of evaluation, the definition of technologies in statute includes "... drugs, devices, procedures, or processes applied to human health care" As part of the evaluation process, HTAC is required to submit a report to the Legislative Oversight Commission on Health Care Access and to solicit written comments on reports. Before completing final comments and recommendations on the HTAC technology evaluation reports, HTAC solicits public comment.

The Health Technology Advisory Committee (HTAC) has recently completed these preliminary evaluation reports, "Treatment of Obstructive Sleep Apnea in Adults" and "Refractive Eye Surgery".

Brief Summary of the Preliminary HTAC Report: Treatment of Obstructive Sleep Apnea in Adults

The Health Technology Advisory Committee (HTAC) assessment outlines diagnostic and treatment options for obstructive sleep apnea (OSA), the most severe type of sleep-disordered breathing. This assessment summarizes findings in the medical literature regarding the clinical effectiveness of surgical treatments compared with behavioral treatments and nasal continuous positive airway pressure (nCPAP) and discusses unresolved issues surrounding patient selection and outcomes measurement in sleep centers and laboratories. Pharmacological regimens, dental and oral devices also used to treat OSA are not addressed in this report.

Official Notices

Comparative or general patient outcome data on diagnostic and treatment methods for OSA are lacking. OSA is a complex condition which may be exacerbated or relieved by a number of physiological factors. Particular attention must be paid to informing patients on what is and is not known about the effectiveness of diagnosis and treatment strategies for OSA.

Evidence shows that diagnosis and treatment of OSA vary greatly between facilities. Interpretation of data was limited due to small and lack of randomized controlled studies. Conclusions on patient selection for diagnosis of OSA are included in the assessment report along with comparisons of the safety and efficacy of medical, behavioral, and surgical treatments.

HTAC presents recommendations on necessary elements of patient selection, treatment protocol, and patient education in treating OSA.

Brief Summary of the Preliminary HTAC Report: Refractive Eye Surgery

The popularity of refractive eye surgery is increasing. There can be adverse effects as a result of the surgery and for this reason a close analysis of whether to have the surgery should be done. The technology used with excimer laser surgery is undergoing rapid change and in some instances is still in the experimental stage.

Many patients may not achieve the results they are looking for. Some will not achieve a complete independence from glasses, and for some a decrease in visual acuity will actually happen. It should be noted that there are no studies which give the long term results from having LASIK surgeries. The short term results are encouraging but regression, cataract formation, and the results from having future eye surgery are not known. The potential patient should do careful research into the surgeries being considered.

Refractive eye surgeries are an elective procedures that do not constitute a medical necessity. These irreversible procedures have different degrees of risks associated with them. Persons considering refractive eye surgery should carefully weigh the decision between continued use of glasses or contacts (which do not have the same complications associated with them) versus eye surgery.

Individuals or organizations requesting information or a copy of either report should contact HTAC. Written comments are due within 30 days from the publication of this notice. Any written material received by HTAC shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13) and should be forwarded to:

Nancy Cusick
Health Technology Advisory Committee
121 East 7th Place, Suite 400
St. Paul, MN 55101
Phone: 651-282-6374
Fax: 651-282-5628
<http://www.health.state.mn.us/htac/index.htm>

Department of Human Services

Aging Initiative: Project 2030 - Continuing Care for the Elderly

Public Notice Regarding Payment Rates Related to Nursing Facilities and Intermediate Care Facilities for Persons with Mental Retardation Participating in the Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of proposed payment rate changes for nursing facilities and intermediate care facilities for persons with mental retardation (ICFs/MR) participating in the Medical Assistance Program. The proposed rate changes are expected to be effective for rate years beginning on or after July 1, 1999 for nursing facilities and on or after October 1, 1999 for ICFs/MR. Notice of final rate changes enacted by the 1999 Legislature will be published in the *State Register* prior to the effective date of those changes.

This notice is published pursuant to §4711 of the Balanced Budget Act of 1997 (P.L. 105-33), signed by the President on August 5, 1997. Section 4711 of the Act amended Title XIX of the Social Security Act (42 *United States Code*, section 1296(a)(13)) and requires the Department to publish proposed and final facility payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates.

The Department is notifying interested persons that the Governor's biennial budget for 1999-2000 contains the following proposed changes to payment rates or to rate methodology for nursing facilities and ICFs/MR:

- 1. The Governor's budget includes an increase for staff compensation for nursing facilities whose rates are established under *Minnesota Statutes*, section 256B.431 (cost-based payment method).** The amount proposed in the budget is based on a 3.0% rate increase for F.Y. 2000 (rate year effective July 1, 1999), applied to the forecasted service costs for compensation for staff other than the administrator and central office. Facilities will receive state approval for a plan which ensures that these increased funds are used to increase the compensation of facility employees other than the administrator or central office staff. The budget and legislation assume that the increase will be effective July 1, 1999, for nursing facilities.

The effect of the change on cost-based facilities was calculated on February 19, 1999, using data from the Department's February 1999 forecast as the most complete and currently available at the time this proposal was developed. For the rate year beginning July 1, 1999, each nursing facility's rate will be determined based on information contained in the cost report for the report year ending September 30, 1998, and incorporation of the 3.0% increase. Therefore, the effect of the final facility rates will vary from currently available estimates.

- 2. The Governor's budget includes an increase for staff compensation for nursing facilities whose rates are established under *Minnesota Statutes*, section 256B.435 (performance-based contracting payment method).** The amount proposed in the budget is based on a 3.0% rate increase for F.Y. 2001 (rate year effective July 1, 2000) which must be directed to staff compensation increases according to a plan submitted by the facility and approved by the state. The amount proposed also assumes that all facilities currently reimbursed under the cost-based method will be reimbursed under performance-based contracting as required in existing law.

The effect of the change on contract facilities was calculated on February 19, 1999 using data from the Department's February 1999 forecast as the most complete and currently available at the time this proposal was developed. For the rate year beginning July 1, 2000, a facility's contract rate will be determined based on the method outlined in *Minnesota Statutes*, section 256B.435, and incorporation of the 3.0% increase. Therefore, the effect of the final facility rates will vary from currently available estimates.

- 3. The Governor's Budget includes an increase for staff compensation for ICFs/MR whose rates are established under *Minnesota Statutes*, section 256B.501, and *Laws of Minnesota 1993, First Special Session, Chapter 1, Article 4, section 11*.** The amount proposed in the budget is based on a 3.0% rate increase for F.Y. 2000 (rate year effective October 1, 1999), applied to the forecasted service costs for compensation for staff other than the administrator and central office. Facilities will receive state approval for a plan which ensures that these increased funds are used to increase the compensation of facility employees other than the administrator or central office staff. The budget and legislation assume that the increase will be effective October 1, 1999, and in the cost report for ICFs/MR (report year ending December 31, 1998)

The effect of the change on ICFs/MR was calculated on February 19, 1999, using data from the Department's February 1999 forecast as the most complete and currently available at the time this proposal was developed. For the rate year beginning October 1, 1999, each facility's rate will be determined based on information contained in the cost report for the report year ending December 31, 1998, and incorporation of the 3.0% increase. Therefore, the effect of the final facility rates will vary from currently available estimates.

The changes proposed above are intended to help facilities offer more competitive wages to address problems with staff shortages and turnovers. These shortages and turnovers increase administrative and training costs, as well contribute to decreased occupancy rates when facilities cannot maintain required staff contingents. High staff turnover may also affect the provider's ability to provide continuity and quality in care.

The net effect of these changes is an increase in Medical Assistance expenditures for nursing facility services and intermediate care facility services for persons with mental retardation. The Governor's budget recommends an increase in the general fund budget base to cover increased facility expenditures resulting from these changes of \$4,958,000 in State Fiscal Year 2000 (\$3,910,000 for nursing facility services and \$1,048,000 for intermediate care facility services for persons with mental retardation), and \$17,126,000 in State Fiscal Year 2001 (\$14,488,000 for nursing facility services, and \$2,638,000 for intermediate care facility services for persons with mental retardation).

- 4. The Medical Assistance rate for the 47-bed nursing facility operated by the Red Lake Band of Chippewa Indians** shall be calculated in accordance with allowable reimbursement costs under the Medical Assistance program as specified in *Minnesota Statutes*, section 246.50, subject to the facility-specific Medicare upper limits. In addition, the Commissioner shall make available a salary adjustment effective July 1, 1999 equal to 3.0% of total salaries, related payroll taxes and fringe benefits, exclusive of general and administrative costs, divided by total resident days. The Commissioner shall use the final 1998 Medicare cost report to calculate the rate adjustment. The rate adjustment shall be available based on a plan submitted and approved in accordance with *Minnesota Statutes*, section 256B.431, subdivision 2(i), paragraph c, clause 3.

Official Notices

This facility's payment rate methodology was established under *Laws of Minnesota, 1987*, Chapter 400, Section 22, subdivision 2. This proposal reestablishes that rate methodology and allows for the additional rate increase subject to the same parameters established for other nursing facilities in the state.

The cost of this rate adjustment is approximately \$30,000 state dollars annually (\$60,000 total dollars annually).

A copy of the relevant budget pages and proposed rate changes may be obtained from Sue Banken, Minnesota Department of Human Services, Aging Initiative, 444 Lafayette Road North, St. Paul, Minnesota 55155-3844, 651-296-5724.

Department of Natural Resources

Division of Fish and Wildlife

Notice of Waters Identified and Designated as Infested Waters

NOTICE IS HEREBY GIVEN by the Minnesota Department of Natural Resources that until further notice, the following waters in the state have been identified and designated as infested waters in *Minnesota Rules*, part 6216.0350. Activities at these waters are subject to *Minnesota Rules*, parts 6216.0100 to 6216.0600, *Minnesota Statutes*, section 84D.13, and other applicable laws.

Waters identified as infested with Eurasian water milfoil.

The following water bodies are identified and designated by the commissioner as infested with Eurasian water milfoil (*Myriophyllum spicatum*).

<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
Anoka County	
Cenaiko Lake	02-0654
Crooked Lake	02-0084
Lake George	02-0091
Otter Lake	02-0003
Unnamed lake (in Springbrook Nature Center)	02-0688
Carver County	
Lake Ann	10-0012
Auburn Lake	10-0044
Bavaria Lake	10-0019
Firemen's Lake	10-0226
Lotus Lake	10-0006
Lake Minnewashta	10-0009
Pierson Lake	10-0053
Riley Lake	10-0002
Schutz Lake	10-0018
Stone Lake	10-0056
Lake Virginia	10-0015
Lake Waconia	10-0059
Lake Zumbra	10-0041
Chisago County	
Ellen Lake	13-0047
Green Lake	13-0041
Rush Lake	13-0069

<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
Crow Wing County	
Bay Lake	18-0034
Ruth Lake	18-0212
Dakota County	
Crystal Lake	19-0027
Lac Lavon	19-0347
Lake Marion	19-0026
Twin Lakes	19-0028
Douglas County	
Oscar Lake	21-0257
Hennepin County	
Arrowhead Lake	27-0045
Bass Lake	27-0098
Brownie Lake	27-0038
Bryant Lake	27-0067
Bush Lake	27-0047
Lake Calhoun	27-0031
Cedar Lake	27-0039
Christmas Lake	27-0137
Dutch Lake	27-0181
Eagle Lake	27-0111
Fish Lake	27-0118
Forest Lake	27-0139
Gleason Lake	27-0095
Lake Harriet	27-0016
Hiawatha Lake	27-0018
Lake Independence	27-0176
Lake of the Isles	27-0040
Libbs Lake	27-0085
Little Long Lake	27-0179
Long Lake	27-0160
Medicine Lake	27-0104
Minnehaha Creek	27-0000
Lake Minnetonka	27-0133
Niccum's Pond	private
Lake Nokomis	27-0019
Parker's Lake	27-0107
Peavy Lake	27-0138
Lake Rebecca	27-0192
Rice Lake	27-0116

Official Notices

<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
Round Lake	27-0071
Lake Sarah	27-0191
Schmidt Lake	27-0102
Swan Lake	27-0000
Tanager Lake	27-0141
Whaletail Lake	27-0184
Wirth Lake	27-0037
Kanabec County	
Knife Lake	33-0028
Mille Lacs County	
Lake Mille Lacs, and from the mouths of each tributary to Lake Mille Lacs upstream to the first public road	48-0002 48-0000
Olmsted County	
George Lake	55-0008
Pope County	
Gilchrist Lake	61-0072
Lake Minnewaska	61-0130
Ramsey County	
Bald Eagle Lake	62-0002
Lake Gervais	62-0007
Island Lake	62-0075
Keller Lake	62-0010
Phalen Lake	62-0013
Round Lake	62-0012
Silver Lake	62-0001
Spoon Creek (between Keller and Phalen lakes)	62-0000
Sucker Lake	62-0028
Lake Vadnais	62-0038
Lake Wabasso	62-0082
White Bear Lake	82-0167
Scott County	
Lower Prior Lake	70-0026
Stearns and Todd County	
Sauk Lake	77-0150
unnamed wetland along the Clearwater River	73-0312
Washington County	
Powers Lake	82-0092
White Bear Lake	82-0167
St. Croix River	82-0001

<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
Wright County	
Augusta Lake	86-0284
Beebe Lake	86-0023
Clearwater Lake	86-0252
Clearwater River (downstream of Clearwater L.)	86-0000
Lake Mary	86-0156
Little Waverly Lake	86-0106
Lake Pulaski	86-0053
Rock Lake	86-0182
Sugar Lake	86-0233
Waverly Lake	86-0114
Weigand Lake	86-0242

Multiple Counties

Mississippi River (downstream of St. Anthony Falls)

Waters identified as infested with round goby.

The following water bodies are identified and designated by the commissioner as infested with round goby (*Neogobius melanostromus*).

Multiple Counties

Lake Superior 16-0001

St. Louis River (downstream of the Fond du Lac dam)

Waters identified as infested with ruffe.

The following water bodies are designated by the commissioner as infested with ruffe (*Gymnocephalus cernuus*).

Multiple Counties

(1) Lake Superior 16-0001

(2) St. Louis River (downstream of the Fond du Lac dam)

Waters identified as infested with spiny water flea.

The following water bodies are designated by the commissioner as infested with spiny water flea (*Bythotrephes cederstroemi*).

St. Louis

(1) Fish Lake 69-0491

(2) Island Lake 69-0372

Multiple Counties

(1) Lake Superior 16-0001

(2) Cloquet River (from Island Lake to the St. Louis River)

(3) St. Louis River (downstream of the Cloquet River)

Waters identified as infested with white perch.

The following water bodies are designated by the commissioner as infested with white perch (*Morone americana*).

Multiple Counties

Lake Superior 16-0001

St. Louis River (downstream of the Fond du Lac dam)

State Grants & Loans

Waters identified as infested with zebra mussels.

The following water bodies are designated by the commissioner as infested with zebra mussel (*Dreissena sp.*).

<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
Multiple Counties	
Lake Superior	16-0001
Mississippi River (downstream of St. Anthony Falls)	
St. Louis River (downstream of the Fond du Lac dam)	

Dated: 26 April 1999

Department of Natural Resources
Exotic Species Program
William J. Rendall
Program Coordinator

Teachers Retirement Association

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, May 13, 1999 at 9:00 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

State Grants & Loans

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

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

Department of Trade and Economic Development

Minnesota Job Skills Partnership

Grant Proposal Deadlines for Training Programs Designed for Specific Businesses

The Minnesota Job Skills Partnership (MJSP) Board solicits grant proposals from educational and training institutions for training programs designed for specific businesses. This is to announce the deadlines for grant submission.

The deadline for submission of proposals for both the MJSP Partnership program and the Pathways welfare-to-work program is 4:00 P.M. on May 14, 1999. Upon prior staff approval of technical requirements, 20 copies of the final application must be submitted no later than 4:00 P.M. on May 14, 1999 for consideration at the next scheduled MJSP Board meeting on June 21, 1999. No proposals will be accepted after May 14, 1999.

A meeting of the MJSP Board is scheduled for Monday, June 21, 1999 at 8:30 A.M. in 300 North, State Office Building, 100 Constitution Avenue, St. Paul, to hear completed proposals accepted by May 14, 1999.

Please contact the Partnership office at 651-296-0388 for details.

Professional, Technical & Consulting Contracts

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

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

Department of Children, Families and Learning

Notice of Request for Proposal for Design, Development and Implementation of Grade Ten and Eleven Minnesota Comprehensive Assessments in Reading, Writing and Mathematics

The Department of Children, Families and Learning is soliciting proposals from qualified vendors to design and implement a comprehensive assessment system in the areas of reading, writing and mathematics at the high school level. These tests will fulfill the requirements of the statewide testing law *Minnesota Statutes* 121.1113 requiring testing of selected required High Standards.

The Department has estimated the cost of this project should not exceed \$8.6 million over the five year period of the RFP. The anticipated project period is July 1, 1999 to June 30, 2004.

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

Cathy Wagner
Statewide Testing
Department of Children, Families and Learning
1500 Highway 36 West
Roseville, Minnesota 55113-4567
Phone: 651-582-8892
FAX: 651-582-8874

Proposals are due no later than 3:00 P.M. May 27, 1999. Late proposals will not be considered.

Colleges and Universities, Minnesota State (MnSCU)

Northland Community & Technical College, Thief River Falls, MN

Notice of Request for Proposals (RFP) for a Tail Docking System for an MD DC9-10 Aircraft

Northland Community & Technical College is requesting proposals for a tail docking system for an MD DC9-10 aircraft. Proposals are to be submitted to: Northland Community & Technical College, 1101 Highway 1 East, Thief River Falls, MN 56701. ATTN: Dennis Paesler: Tail Dock Bid. All proposals must be received no later than 1:00 P.M., Tuesday, May 18, 1999.

Copies of the RFP are available only by contacting Jeffrey Buzzell at 218-681-0829 or by FAX 218-681-0826.

Professional, Technical & Consulting Contracts

Colleges and Universities, Minnesota State (MnSCU)

St. Cloud State University

Advertisement for Bids for a Gas Chromatograph - Mass Spectrometer Shimadzu QP-5000

Sealed proposed for items hereinafter described will be received by St. Cloud State University at the Business Office, St. Cloud State University, St. Cloud Minnesota until **3:00 P.M. on May 11, 1999** and will then be publicly opened and read aloud. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

Bids are requested on **GAS CHROMATOGRAPH - MASS SPECTROMETER SHIMADZU QP-5000** as per plans and specifications available in the Business Office, St. Cloud State University.

For further information contact:

Lisa Sparks
Director of Purchasing
St. Cloud State University
720 4th Ave. S.
St. Cloud, MN 56301-4498
320-255-4788

Office of the Governor State of Minnesota

Notice of Request for Proposals for an Integrated Office Information Management System

Objective

The information management system will improve operations and enhance the productivity of the Office of the Governor and of the executive agency staff who work directly with the Governor's Office by consolidating data entry, creating a uniform records structure and establishing user-designed flexible search and tracking protocols. The management system will support implementation of accepted best practices in the management of office operations and personnel, and utilization of resources and records.

By creating an office-wide shared information system the Office of the Governor will eliminate redundant operations, increase use of automation for routine procedures, improve efficient access to records and provide an ability to oversee execution of complex activities assigned to the Office. The improved report capabilities will allow the office to evaluate procedures in tangible ways for real, cost effective results. The cost benefits resulting from implementation will be long term.

This contract will begin immediately upon execution and will be competed by December 31, 1999. At that time the system must be fully operational, tested and performing according to our requirements including all necessary training.

All proposals must be received not later than 2:30 p.m. Monday, May 10, 1999.

A copy of the complete Request for Proposal may be obtained from:

Linda Feist, Information & Archival Specialist
Office of the Governor
State of Minnesota
130 State Capitol
St. Paul, Minnesota 55155
Phone: 651-296-0051
FAX: 651-296-0674
E-mail: linda.feist@state.mn.us

Department of Health

Division of Family Health

Minnesota Children with Special Health Needs

Consultant Contracts Available for Medical and Related Services for Children with Special Health Care Needs

Openings exist at clinics for:

1. Board certified or approved physicians to provide medical examinations;
2. Board certified dentists and dental specialists to provide dental examinations;
3. Registered/certified public health or pediatric nurses to provide nursing services;
4. Licensed psychologists to provide psychological assessments;
5. Licensed social workers to provide social work consultation;
6. Certified audiologists to provide audiological examinations;
7. Registered occupational therapists to provide occupational therapy assessments;
8. Certified speech pathologists to provide speech assessments;
9. Registered physical therapists to provide physical therapy assessments;
10. Registered dietitians to provide nutritional counseling;
11. Licensed educational consultants to provide educational assessments;
12. Technicians to provide examinations/assessments.

To obtain detailed specifications for this proposal, qualified, interested persons should contact Mary Wanninger, Minnesota Children with Special Health Needs (MCSHN), PO Box 64882, St. Paul, MN 55164-0882. Phone 651-281-9965 or e-mail: Mary.Wanninger@health.state.mn.us. Proposals must be sent to:

Minnesota Department of Health
Minnesota Children with Special Health Needs (MCSHN),
Attn: Mary Wanninger
P.O. Box 64882
St. Paul, MN 55164-0882

All proposals must be signed in ink and received no later than 4:00 p.m., May 24, 1999. Late proposals will not be considered.

A total of up to \$193,000 for the FY year of 2000 has been budgeted to fund these positions. Funding for individual positions varies by category and position.

Dated: 31 March 1999

Professional, Technical & Consulting Contracts

Department of Human Services

Notice of Request for Proposals to Conduct Quality of Health Care Studies for the Minnesota Department of Human Services

The Minnesota Department of Human Services (DHS) is requesting proposals for two projects expected to last through June 30, 2000. This independent, external, quality assurance review must be conducted by a Peer Review Organization (PRO), by an entity that is eligible to be a PRO or by a private accreditation body. A non-PRO organization that has a contract to review HMO services is also considered to be a PRO for purposes of this quality assurance review. For the first study, the successful responder is expected to abstract data from a random sample of PMAP and MinnesotaCare enrollee medical records to calculate participation in the Early Periodic Screening, Diagnosis and Treatment (EPSDT) program of the federal government, known in Minnesota as the Child and Teen Checkup (C&TC) program. The second study has two components. Both include random samples of all four populations of enrollees (PMAP, PGAMC, MSHO, and MinnesotaCare), as well as a comparison random sample from the fee-for-service population. In the first component of this study, the successful responder will conduct a telephone interview survey to assess met and unmet need for mental health services. In the second component, the responder will abstract data from enrollee primary and enrollee medical records on rates of mental health service provision within plans and fee-for-service.

To obtain a copy of the Request for Proposals, please contact:

Sara Koppe
Performance Measurement and Quality Improvement
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3865
FAX #: 651-215-5754
PHONE #: 651-215-6260

Proposals must be received no later than 3:30 p.m. on May 26, 1999.

Department of Human Services

Brainerd Regional Human Services Center

Request for Proposals for the Services of a Licensed Dentist and a Board Certified or Board Eligible Psychiatrist

NOTICE IS HEREBY GIVEN that Brainerd Regional Human Services Center is seeking the following services for the period July 1, 1999 through June 30, 2000. These services are to be performed as requested by the Medical Director of the Brainerd Regional Human Services Center.

Services of Licensed Dentist to provide dental services to patients of Brainerd Regional Human Services Center. Dental services will be provided on a part-time basis, 32 hours per week. Contractor will provide dental services to include prophylactic hygiene, operative dentistry, endodontics, oral surgery and referral service; provide written reports where indicated on treatments; complete all required dental records; refer clients to other professionals as indicated; provide consultant services to dental staff on procedures and techniques in dental care, safety, sanitation, quality control and methodology; and actively participate in peer review activities and committee assignments. Contractor must have current dental licensure under *Minnesota Statute*, Chapter 150A, and possess a valid federal narcotics number. The amount of the contract is estimated not to exceed \$108,160.00

Services of Board Certified or Board Eligible Psychiatrist to provide consultation services in psychiatry in Timberland Mental Health Adult and Children's Programs, on a regular, continuing, part-time basis, 52 weeks per year. Perform and record psychiatric diagnostic evaluations on newly admitted mentally ill adult and adolescent patients, provide treatment recommendations, review patient progress, meet regularly with treatment teams. Multiple contracts may be awarded in order to provide the total required psychiatric services. If a contract is entered into with a locum tenens company, this company must assign psychiatrists for a minimum of six (6) weeks. Priority consideration will be given to respondent(s) who will be able to provide psychiatric services on a regular, continuing basis. Contractor must have a current license to practice medicine in Minnesota in accordance with *Minnesota Statutes*, Chapter 147, be Board Certified or Board Eligible in psychiatry, and submit proof of registration with the Drug Enforcement Administration. The amount of the contract(s) is estimated not to exceed \$72,840.00.

Professional, Technical & Consulting Contracts

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

Direct inquiries and proposals to:

Keith R. Bernard, Director, Finance & Information Services
Brainerd Regional Human Services Center
1777 Highway 18 East, Brainerd, MN 56401
218-828-6161

Proposals on the above services must be received by 11:00 a.m., May 14, 1999. Submit one copy of the proposal. The proposal must be signed, in ink, by an authorized member of the organization. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

Award of this contract is contingent upon the availability of funds. This request 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.

Pollution Control Agency

Notice of Request for Proposals for Contractor Services for Conducting Toxicity Tests and/or Chemical Analyses of Sediment Samples from Minnesota Slip in Duluth

The Minnesota Pollution Control Agency (MPCA) requests proposals for conducting toxicity tests and/or chemical analyses of sediment samples collected from Minnesota Slip in Duluth, MN. The toxicity tests, with the amphipod *Hyalella azteca* (28-day test) and the midge *Chironomus tentans* (or *riparius*) (10 or 14-day test), will be performed based on U.S. Environmental Protection Agency (EPA) guidelines. Sediment chemistry analyses of polychlorinated biphenyl (PCB) congeners, acid volatile sulfide (AVS), and simultaneously extractable metals (SEM) will be done per the requirements given in the full Request for Proposal. The number of samples to be tested will be limited by the funds available for this project. Approximately \$12,000 is available for conducting both the *Hyalella* and *Chironomus* tests. A maximum of \$73,000 is available to conduct all of the analytical components of this project, the majority of which will go to the Minnesota Department of Health for chemical analyses of polycyclic aromatic hydrocarbons (PAHs), mercury, and metals. It is anticipated that approximately 45-65 samples will be analyzed for PCB congeners and 5-8 samples will be analyzed for AVS and SEM. Most of the sediment samples will be collected during September 27-30, 1999.

Contract Period: August 1, 1999 - September 30, 2000

Proposals must be received not later than 4:00 p.m. CDT on Monday, May 24, 1999. **Separate proposals may be submitted for either the analytical chemistry or toxicity testing components of this project. A single proposal for both work components will also be acceptable.**

To obtain a copy of the complete Request for Proposal, contact:

Judy L. Crane, Ph.D.
Research Scientist 2
Environmental Outcomes Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone: 651-297-4068
Fax: 651-297-7709
e-mail: judy.crane@pca.state.mn.us

In compliance with *Minnesota Statutes* § 16C.08, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

Professional, Technical & Consulting Contracts

Department of Trade and Economic Development

Communications Office

Request for Proposal for Graphic Design Services

The Minnesota Department of Trade and Economic Development wishes to retain a contractor to provide graphic design services for: major publications produced by the department; logo creation as needed; materials for high-profile materials business development missions; as well as other general design as necessary. The services of the contractor will begin July 1, 1999 and end on June 30, 2000, with an option for the Department to renew the contract for three (3) years.

It is estimated that the cost of the annual projects will not exceed \$45,000.

Proposals must be received by 3:00 p.m., Friday, May 28, 1999. To obtain a complete Request for Proposal that offers details, please contact the:

Communications Office
Minnesota Department of Trade and Economic Development
500 Metro Square
121 7th Place East
St. Paul, MN 55101-2146
Phone: 651-297-3879

Department of Transportation

The Minnesota Department of Transportation has published two notices previously concerning the availability of a contract pertaining to real estate appraisal services. The notices were published at 23 S.R. 1878 on March 22, 1999, and at 23 S.R. 1960 on April 5, 1999. The following notice is the third notice in this series.

Engineering Services Division

Request for Proposal for ~~Land Value Real Estate~~ Appraisal Services

The Minnesota Department of Transportation (Mn/DOT) is soliciting general qualifications for ~~Land Value Real Estate~~ Appraisal Services. Mn/DOT will be taking over the responsibilities for maintaining the ~~Land Value Real Estate~~ Appraiser's Master file List for the State of Minnesota. This List use to be maintained by The Minnesota Department of Natural Resources. From this Master List Mn/DOT will also be selecting a qualified Mn/DOT ~~Land Value Real Estate~~ Appraiser list to perform services on an as-needed basis for Mn/DOT's ~~Right of Way Staff~~ Office of Land Management functions.

Program Information for Mn/DOT's ~~Land Value Real Estate~~ Appraiser List

The primary purpose of Mn/DOT's ~~Land Value Real Estate~~ Appraiser List is to establish a Transportation Contract Program (T-contract) involving multiple ~~Land Value Real Estate~~ Appraisal Contractors to provide all services identified within Mn/DOT's Right of Way Manual, (Appraisals section 5-491.200, Appraisal Procedures 5-491.201). It is estimated that this total T-contract program will be \$15,000,000.00 over three years.

Program Application

Contractors interested in this program must respond accordingly.

1. Contractor will be required to adhere to all requirements outlined throughout this Request for Proposal.
2. Contractor will submit the correct number of proposals including work samples as indicated in the Request for Proposal.
3. Contractor will submit all proposals by the time indicated in the Request for Proposal.

When Mn/DOT receives all proposals, the proposals will be distributed to each member of the selection committee and the selection committee will then rate each proposal using the criteria outlined within the "Proposal Evaluation Section". Once the selection committee performs the "Qualification Based Section" each firm will be evaluated, for cost as outlined below. After this portion of the selection is completed, a final selection will be performed and the successful responders will be notified and offered a T-Contract to perform the services described within this Request for Proposal. Contractors will be notified if they were selected to be on either the Master ~~Land Value Real Estate~~ Appraiser List, Mn/DOT's ~~Land Value Real Estate~~ Appraiser List or both.

Professional, Technical & Consulting Contracts

Program Operation for Mn/DOT's ~~Land-Value~~ Real Estate Appraiser List

As projects are identified by Mn/DOT's Valuation Section, the work will be assigned to the selected Contractors on a rotating project specific work order basis as set forth in Mn/DOT policy. Initial Contractor rotation will be established by random selection, however as stated in Mn/DOT policy, exceptions to the rotation may be issued. Mn/DOT also reserves the right to ask for proposals from all of the selected Contractors for any project related to this T-Contract program.

Appraisers may also be directly selected from this list for projects less than \$50,000.00 based on expertise related to the project and/or location.

All Contractors responding to this Request for Proposal will be required to be licensed in the area in which the Contractor will be performing appraisals. ~~Using Sub-Consultants to perform any of the activities will not be permitted.~~

Proposal Content/Company Fact Book

The Proposals or Company Fact Book must conform to the following outline and contain all requested information. **Proposals not containing all of the appropriate information may be removed from further consideration.**

1. Provide the Contractor's full company name and address, indicate a main contact person with title and phone number (both fax and voice), Federal I.D. number and Minnesota tax I.D. number (if applicable). Contractor should also include the addresses for all branch offices.
2. The Contractor will indicate the firm's last five years of experience highlighting State Transportation work which illustrates or relates to performing appraisals. Include any references with phone numbers for any of the projects highlighted above.
3. The Contractor will indicate which licenses they possess.
4. The Contractor will provide an organizational chart for the project staff include project manager and key personnel and the category in which that portion of the chart refers to. Each lead professional and project team member should have a brief resume highlighting their training and most recent experiences, within the last five years. These brief resumes are required and will be considered a part of the proposal content. No changes in key/lead personnel assigned to the project will be permitted without the written approval of the State's Project Director/Manager.
5. ~~The responder will provide a company quality assurance plan and describe the method of implementation. This plan will be limited to 4 pages and will be considered as a work example in the total page count of the proposal.~~
6. The responder will provide one or both of the following work examples.
 - a.) Private resident appraisal using Mn/DOT Appraisal Procedures (5-491.201)
 - b.) Commercial and/or Industrial appraisal using Mn/DOT Appraisal Procedure (5-491.201)
 - e.) ~~Each work examples will be limited to four sheets not larger than 11" x 17".~~
7. Affirmative Action: In accordance with the provisions of *Minnesota Statutes*, section 363.073; for all contracts estimated to be in excess of \$100,000, all responders having more than 40 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the commissioner of Human Rights before a contract may be executed. Please include one of the following:
 - a.) A copy of your firm's current Certificate of Compliance issued by the Commissioner of Human Rights; or
 - b.) A letter from Human Rights certifying that your firm has a current Certificate of Compliance.
 - c.) A notarized letter certifying that your firm has not had more than 40 full-time employees at any time during the previous 12 months.
8. The responder will provide an hourly billing rate for all employees who would be working on these projects.

Supply **ONE COPY** of this information in a separate sealed envelope labeled "**COST EVALUATION**". The cost evaluation is required to be signed in ink by a corporate officer. All rates will be used in determining the cost portion of the evaluation section described below in the "Evaluation Section".

Proposal Evaluation for Mn/DOT's ~~Land-Value~~ Real Estate Appraiser List

All proposal received will be evaluated by Selection Committee Members. Proposals will be ranked on Qualification Based Evaluation factors first determining the first 80% of the evaluation. The factors an weighted values of the Qualification Based Evaluation are as follows:

1. The Contractors past performance with performing Mn/DOT projects.
2. The experience of Contractors as it relates to item number 2 of "Proposal Content".

Professional, Technical & Consulting Contracts

3. The experience of the Key Professionals performing the work as it relates to item number 4 of "Proposal Content". Key Professionals will be defined as any employee who would have some type of connection with work product review or quality or production.
- ~~4. The quality assurance plan as it relates to the company.~~
5. The quality of the work examples supplied by the Contractor as it relates to the Mn/DOT's Requirements.
6. How the Contractor has followed the direction identified within the Request for Proposal.

The next 20% of the evaluation process will involve the cost portion or "Best Value" evaluation of the hourly billing rate for all employees who would be working on these projects. This portion of the evaluation will take place after the Qualification Based Selection portion of the Request for Proposal has been decided. No Selection Committee member will be allowed to review the hourly billing rate until the selection committee meeting takes place.

Proposal Submittal and Questions

Submit all copies of the proposal to the address indicated below, no later than 2:00 PM on May 17, 1999. Late submittals will **NOT** be considered. Send or deliver proposals to:

Joseph D Pignato, P.E.
Sr. Agreement Administrator
Consultant Services Unit
Mail Stop 680, 7th Floor North
395 John Ireland Boulevard
St. Paul, Minnesota 55155-1899
651-297-1172

Firms who have any question regarding this Request for Proposal may call Joe Pignato at the above address. Firms who have technical question regarding this Request for Proposal may call George Eckenroth at (651) 296-8329. Please note that other department personnel are not allowed to discuss the Request for Proposal with firms before the Submittal date.

Submit 5 copies of the each proposal to Joseph Pignato at the address above. Proposals are to be sealed in a mailing envelope or package with the responder's name and address clearly written on the outside. Refer to Item 8 under the "Proposal Content" as it pertains to the cost evaluation portion of this RFP. Each copy of the proposal and cost evaluation must be signed, in ink, by an authorized representative of the company. All expenses incurred in responding to this notice shall be borne by the responder.

Welfare Hiring by Contractors:

To receive the contract under this RFP, the selected contractor must provide to Mn/DOT a statement that the contractor will attempt to recruit Minnesota Welfare recipients to fill vacancies in entry level positions, if the company has entry level employees in Minnesota.

This request does not obligate the Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation at any time. All expenses incurred by submitting contractors responding to this notice will be borne by the responder.

All information will become public information after the selection of the Contractor has been made.

The successful responders will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

In compliance with *Minnesota Statutes* § 16C.08, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

Non-State Public Bids, Contracts & Grants

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

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

Metropolitan Airports Commission

Public Notice for Qualifications Statements for Marketing Consulting Services

The Metropolitan Airports Commission (MAC) is requesting qualifications statements from qualified firms to provide marketing consulting services to MAC as set forth in the Request for Qualifications for Marketing Consultant Services, which is available for review at the Commission offices.

To request a copy of the "Request for Qualifications for Marketing Consulting Services" which outlines the selection process, contact Tina Berkhoel, Air Service Business Development Department at 612-726-8110. The deadline for submission of qualifications statements is May 19th, 1999.

Metropolitan Council

Invitation for Bid on Liquid Sodium or Calcium Nitrate for Odor Control in Sanitary Sewers

Bids must be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, for liquid sodium or calcium nitrate for odor control on or before 2:00 P.M., Tuesday, May 11, 1999.

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

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

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

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.fnop.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.

