

STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION



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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 orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
47	Monday 11 May	Monday 18 May	Monday 25 May
48	Monday 18 May	Friday 22 May	Monday 1 June
49	Friday 22 May	Monday 1 June	Monday 8 June
50	Monday 1 June	Monday 8 June	Monday 15 June

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55155, (612) 296-4273.

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Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Rudy Perpich, Governor

**Sandra J. Hale, Commissioner
Department of Administration**

**Stephen A. Ordahl, Director
Minnesota Documents Division**

Robin PanLener, Editor

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Debbie Kobold, Circulation Manager

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:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

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

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NOTICE

How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
Proposed amendments to rules already in existence in the Minnesota Rules.
Proposed emergency rules.
Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless requested by an agency.)
Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
Notice of adoption of emergency rules.
Adopted amendments to emergency rules (changes made since the proposed version was published).
Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before April 8, 1985 are published in the Minnesota Rules 1985. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 are included in a supplement published in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The State Register publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Table with 2 columns: Issue/Range and Cumulative/Range. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issues 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

MINNESOTA RULES
Amendments and Additions

ADMINISTRATION DEPARTMENT

1300.0940, .0944, .0946, 0948 (proposed) 1977
1315.0200 (proposed) 1982
1315.0200 subpart 2, 1315.0400 (proposed repealer) 1982

AGRICULTURE DEPARTMENT

1550.3100, .3110, .3120, .3130, .3140, .3150, .3170 (adopted) 1989
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JOBS & TRAINING DEPARTMENT

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EDUCATION DEPARTMENT

3510.9100 (proposed) 2025

VOCATIONAL TECHNICAL EDUCATION BOARD

3515.5051-.5066 (adopted emergency) 1834
3515.5067; .5070 (adopted emergency) 2080
3700.0100-.0265 (proposed) 2108

ENERGY & ECONOMIC DEVELOPMENT DEPARTMENT

4300.1100; .1200; .2000; .3100; .3200 (correction) 1951

HEALTH DEPARTMENT

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4615.0200 (repealed) 1887
4700.2600-.4000 (adopted) 1887
4715.3150; .3170; .5900 (proposed) 2073

HOUSING FINANCE AGENCY

4900.0356-.0358 (adopted) 2077

LABOR & INDUSTRY DEPARTMENT

5200.1105 (withdrawn proposed) 2028
5205.0010; .0015; .0040; .0050; .0065; .0070; .0100; .0105; .0110; .0016; .0140; .0200; .0400; .0410; .0420; .0430; .0450; .0460; .0490; .0650; .0660; .0665; .0675; .0680; .0685; .0686; .0690; .0700; .0750; .0755; .0760; .0765; .0770; .0860; .0865; .0870; .0880; .0890; .1000; .1010; .1020; .1030; .1040; .1200; .1210; .1220; .1230; .1240; .1250; .1260; .1270; .1280; .1290; .1300; 5207.0010; .0020; .0030; .0035; .0040; .0050; .0060; .0100; .0200; .0210; .0220; .0250; .0260; .0300; .0310; .0320; .0400; .0410; .0500; .0510; .0520; .0530; .0540; .0600; .0610; .0620; .0630; .0700; .0710; .0720; .0730; .0740; .0800; .0810; .0900; .0910 (proposed) 2138
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5225.0100, .0200, .0300, .0400, .0500, .0600, .0700, .0900, 5230.0050, .0060, .0070, .0080, .0090, .0100 (proposed repealer)	1913	.0275; .0296; .0302; .0395; .0458; .0460; .0468; .0476; .0478; .0482; .0484; .0485; .0538; .0552; .0556; .0584; .0588; .0638 (adopted)	1832
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6310.2800, s.3; .7600; .7700; .7800; .7900; .8000; .8100 (proposed repealer 7/31/87)	1817	7046.0031, .0040, 0050, .0070 (adopted)	1993
6310.3100, s.3,4 (proposed repealer 3/31/88)	1817	7046.0030, .0050 subpart 2 (adopted repealer)	1993
6310.2900, s.6a (proposed repealer 12/31/93)	1817	HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD	
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		8700.5900; .6600 (proposed repealer)	2034
		8700.7000 (proposed repealer effective 7/1/90)	2034
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		9550.6210, .6220 (proposed)	1986
		9553.0050; .0060; .0061; .0075 (proposed)	1857
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1986 NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. \$4.00.

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JANE SMITH
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY

MY COMMISSION EXPIRES JANUARY 1, 1987

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

PROPOSED RULES

Pursuant to Minn. Stat. of 1984, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

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*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Labor and Industry

Proposed Permanent Rules Relating to OSHA; Update and Revision

Request for Comments

Notice is hereby given that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA), proposes to adopt the following amendments and additions to the Department of Labor and Industry, Occupational Safety and Health Rules. Statutory authority to adopt these rules is Minnesota Statutes § 182.655 (1986).

All persons have 30 days in which to submit comments in support of, or in opposition to, the proposed rules or any part or subpart of the rules. Comments are encouraged. Each comment must identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any interested or affected person may make a written request for a public hearing on the rule within the 30-day comment period. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the proposed rule addressed, the reason for the request, and any change proposed.

Written comments, objections or requests for hearing should be submitted to: Patricia Lorentz, Occupational Safety and Health Division, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-3254.

Ray Bohn, Commissioner
Labor & Industry

Rules as Proposed

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

The Minnesota Department of Labor and Industry Occupational Safety and Health Codes and rules are amended by incorporating and adopting by reference, and thereby making a part thereof, Title 29 of the Code of Federal Regulations as follows:

Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the Federal Register on October 24, 1978 and corrected in Volume 43, No. 216 on November 7, 1978 which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to December 31, 1986:

Federal Register, Vol. 43, No. 234, dated 12/5/78; "Corrections to 1910.1043; Occupational Exposure to Cotton Dust."

Federal Register, Vol. 43, No. 234, dated 12/5/78; "Corrections to 1910.1046; Occupational Exposure to Cotton Dust in Cotton Gins."

Federal Register, Vol. 43, No. 237, dated 12/8/78; "Corrections to Tables of Exposure Limits for Air Contaminants, 1910.1000."

Federal Register, Vol. 43, No. 220, dated 11/14/78; "Lead Standard, 1910.1025."

Federal Register, Vol. 44, No. 19, dated 1/26/79; "Corrections to Lead Standard, typographical."

Federal Register, Vol. 44, No. 50, dated 3/13/79; "Modifications to Lead Standard, Portions of Standard Stayed."

Federal Register, Vol. 44, No. 168, dated 8/28/79; "Corrections to Lead Standard, Exemption of Construction Industry."

Federal Register, Vol. 44, No. 138, dated 7/17/79; "Occupational Exposure to Chlorine, Lifting of Stay."

Federal Register, Vol. 44, No. 206, dated 10/23/79; "Appendices to Lead Standard."

- Federal Register, Vol. 44, No. 232, dated 11/30/79; "Corrections to Appendices to Lead Standard."
- Federal Register, Vol. 45, No. 20, dated 1/29/80; "Servicing Multi-Piece Rim Wheels, 1910.177."
- Federal Register, Vol. 45, No. 28, dated 2/8/80; "Mechanical Power Presses; Corrections to Final Rule."
- Federal Register, Vol. 45, No. 121, dated 6/20/80; "Commercial Diving Operations: Correction to Final Rule."
- Federal Register, Vol. 45, No. 179, dated 9/12/80; "Revisions to Subpart L, Fire Protection; Subpart E, Means of Egress; and Subpart H, Hazardous Materials."
- Federal Register, Vol. 46, No. 11, dated 1/16/81; "Subpart S, Electrical."
- Federal Register, Vol. 46, No. 118, dated 6/19/81; "Deletion of 1910.1046; Occupational Exposure to Cotton Dust in Cotton Gins."
- Federal Register, Vol. 46, No. 141, dated 7/23/81; "Occupational Exposure to Lead, New Trigger Levels for Medical Removal Protection; 1910.1025."
- Federal Register, Vol. 46, No. 152, dated 8/7/81; "Corrections to Subpart S, Electrical."
- Federal Register, Vol. 46, No. 162, dated 8/21/81; "Occupational Noise Exposure, Hearing Conservation Amendment; 1910.95."
- Federal Register, Vol. 46, No. 238, dated 12/11/81; "Occupational Exposure to Lead, Final Rule Amended."
- Federal Register, Vol. 47, No. 173, dated 9/7/82; "Hazardous Materials; Attendant Exemption and Latch-Open Devices; 1910.106(g)(2) and (g)(3)(vi)."
- Federal Register, Vol. 47, No. 219, dated 11/12/82; "Occupational Exposure to Lead: Respirator Fit Testing, 1910.1025(f)(3)."
- Federal Register, Vol. 47, No. 228, dated 11/26/82; "Exemption of Educational/Scientific Diving from Subpart T, Part 1910."
- Federal Register, Vol. 47, No. 233, dated 12/3/82; "Occupational Exposure to Lead: Administrative Stay of Compliance Plans for Certain Industries; 1910.1025(c)(e)(i)(B) & (E)."
- Federal Register, Vol. 48, No. 15, dated 1/21/83; "Occupational Exposure to Coal Tar Pitch Volatiles; Modification of Final Interpretation: 1910.1022."
- Federal Register, Vol. 48, No. 25, dated 2/4/83; "Occupational Exposure to Cotton Dust; Stay for Knitting and Hosiery Industry; 1910.1043."
- Federal Register, Vol. 48, No. 46, dated 3/8/83; "Occupational Exposure to Lead; Corrections to Respirator Fit Testing Requirements; 1910.1025 and Occupational Noise Exposure, Hearing Conservation Amendment; 1910.95(c)."
- Federal Register, Vol. 48, No. 125, dated 6/28/83; "Hearing Conservation Amendment, Corrections to Final Rule."
- Federal Register, Vol. 49, No. 4, dated 1/6/84; "Commercial Diving Operations; Deletion of 1910.411."
- Federal Register, Vol. 49, No. 24, dated 2/3/84; "Servicing of Single Piece and Multi-Piece Rim Wheels; 1910.177."
- Federal Register, Vol. 49, No. 29, dated 2/10/84; "Revocation of Advisory and Repetitive Standards."
- Federal Register, Vol. 49, No. 37, dated 2/23/84; "Occupational Exposure to Cotton Dust; Partial Administrative Stay of 1910.1043(m)(2)(ii)."
- Federal Register, Vol. 49, No. 109, dated 6/5/84; "Occupational Exposure to Lead; Effective Date of Compliance Plan Requirements for Primary and Secondary Smelting and Battery Manufacturing Industries, 1910.1025(e)(3)(ii)(B) and (E)."
- Federal Register, Vol. 49, No. 122, dated 6/22/84; "Occupational Exposure to Ethylene Oxide (1910.1047), Final Rule."
- Federal Register, Vol. 50, No. 6, dated 1/9/85; "Educational/Scientific Diving: Guidelines for Scientific Diving (Appendix B) Subpart T of Part 1910."
- Federal Register, Vol. 50, No. 22, dated 2/1/85; "Power Lawnmowers: Amendments; 1910.243(e)."
- Federal Register, Vol. 50, No. 48, dated 3/12/85; "Occupational Exposure to Ethylene Oxide (1910.1047); Amendment of Effective Dates."

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

Federal Register, Vol. 50, No. 72, dated 4/15/85; "Occupational Exposure to Cotton Dust (1910.1043); Extension of Administrative Stay."

Federal Register, Vol. 50, No. 178, dated 9/13/85; "Coke Oven Emissions (1910.1029); Deletion of Portions of Standard."

Federal Register, Vol. 50, No. 198, dated 10/11/85; Occupational Exposure to Ethylene Oxide (1910.1047); Labeling Requirements."

Federal Register, Vol. 50, No. 240, dated December 13, 1985; "Occupational Exposure to Cotton Dust; 29 Code of Federal Regulations 1910.1043.

Federal Register, Vol. 51, No. 119, dated June 20, 1986; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1910.1001 and 1926.58); Final Rules."

Federal Register, Vol. 51, No. 128, dated July 3, 1986; "Occupational Exposure to Cotton Dust (1910.1043), Corrections and Information Collection Requirements Approval."

Federal Register, Vol. 51, No. 132, dated July 10, 1986; "Occupational Exposure to Ethylene Oxide (1910.1047), Technical Amendments and Corrections to Final Rule."

Federal Register, Vol. 51, No. 133, dated July 11, 1986; "Electrical Standards for Construction, Part 1926, Subpart K."

Federal Register, Vol. 51, No. 181, dated September 18, 1986; "Commercial Diving Standard (1910.430); Technical Amendments to Final Rule."

Federal Register, Vol. 51, No. 182, dated September 19, 1986; "Accident Prevention Tags (1910.145); Amendment to Final Rule."

Federal Register, Vol. 51, No. 188, dated September 29, 1986; "Recordkeeping Requirements for Tests, Inspections, and Maintenance Checks (1910.68, 1910.106, 1910.157, 1910.179, 1910.180, 1910.181, 1910.217, 1910.218, 1910.252, and 1910.440)."

Federal Register, Vol. 51, No. 201, dated October 17, 1986; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1910.1101); Partial Administrative Stay of Final Rules and Redesignation and Amendment of Final Rule."

Federal Register, Vol. 51, No. 244, dated December 19, 1986; "Hazardous Waste Operations and Emergency Response (1910.120); Interim Final Rule."

Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the Federal Register on April 20, 1982 and subsequent changes made prior to December 31, 1986, which consolidates Part 1915 and Part 1916, and subsequent changes made prior to December 31, 1986:

Federal Register, Vol. 51, No. 188, dated September 29, 1986; "Recordkeeping Requirements for Tests, Inspections, and Maintenance Checks (1915.113 and 1915.172); Final Rule."

Part 1917: Safety and Health Standards for Marine Terminals as published in Volume 48, No. 129 of the Federal Register on July 5, 1983.

Part 1918: Safety and Health Regulations for Longshoring as published in Part II, Volume 39, No. 119 of the Federal Register on June 19, 1974 incorporating changes, additions, deletions and corrections made up to June 3, 1974; and subsequent changes made prior to June 1, 1984:

Federal Register, Vol. 42, No. 141, dated 7/22/77; "Commercial Diving Operations, adding 1918.99."

Federal Register, Vol. 43, No. 88, dated 5/5/78; "Occupational Exposure to Benzene; supersedes standards in Part 1918."

Part 2926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the Federal Register on February 9, 1979 which incorporates changes, additions, deletions and corrections made up to October 17, 1978 and includes General Industry Occupational Safety and Health Standards (29 CFR Part 1910) which have been identified as applicable to construction work; and subsequent changes made prior to ~~June 1, 1984~~ December 31, 1986:

Federal Register, Vol. 45, No. 222, dated 11/14/80; "Guarding Low-Pitched Roof Perimeters During Performance of Built-Up Roofing Work."

Federal Register, Vol. 51, No. 119, dated 6/20/86; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1926.58 and 1910.1001); Final Rules."

Federal Register, Vol. 51, No. 133, dated 7/11/86; "Electrical Standards for Construction, Part 1926, Subpart K."

Part 2928: Occupational Safety and Health Standards for Agriculture as published in Part II, Volume 40, No. 81 of the Federal Register on April 25, 1975 and subsequent changes made prior to June 1, 1984:

Federal Register, Vol. 41, No. 206, dated 11/22/76; "Non-substantive changes to guarding of farm field equipment."

Federal Register, Vol. 42, No. 141, dated 7/22/77; "Excludes commercial diving operations standards from agricultural applicability."

Federal Register, Vol. 42, No. 146, dated 7/29/77; "Excludes air contaminant standards from agricultural operations."

Federal Register, Vol. 43, No. 122, dated 6/23/78; "Occupational Exposure to Cotton Dust in Cotton Gins, amends 1928.21 by adding paragraph (a)(5)."

Federal Register, Vol. 43, No. 127, dated 6/30/78; "Occupational Exposure to Cotton Dust in Cotton Gins, corrections of errors in 1928.21 and 1928.113."

Federal Register, Vol. 43, No. 153, dated 8/8/78; "Occupational Exposure to Cotton Dust in Cotton Gins, correction of errors in 1928.113."

Federal Register, Vol. 43, No. 234, dated 12/5/78; "Occupational Exposure to Cotton Dust in Cotton Gins, corrections to Appendix C."

5205.0015 APPLICATION OF RULES.

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

WALKING, WORKING SURFACES

5205.0040 ELEVATED STORAGE PLATFORM OR RACK.

No employee shall be required or permitted to work on an elevated platform or rack intended primarily for the storage of materials unless ~~such~~ the storage area has been provided with the safeguards specified in Code of Federal Regulations, title 29, section 1910.23 (c) (1). ~~Existing part 5205.0220 "ships ladders" and part 5205.0230 "ships ladders (special)" will be renumbered as parts 5205.0050 and 5205.0060. This change is intended to allow these standards to apply to general industry locations.~~

5205.0050 SHIPS LADDERS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Treads.** ~~The height between~~ Treads shall be uniformly spaced eight to 12 inches vertically. Tread surfaces other than steel grating shall be provided with skid resistance. Treads shall be flat steps with minimum of six inches in width and at least 24 inches long.

Subp. 4. and 5. [Unchanged.]

5205.0065 SUSPENSION SCAFFOLDS.

Subpart 1. Suspension lines. The scaffold suspension lines shall be secured to the scaffold and to the roof irons, hooks, or outriggers by bolt-type devices or cable eyes and cable clamps. Hooks or safety hooks shall not be permitted as a means of rigging.

Subp. 2. Outrigger beams or thrustout. When a suspension scaffold is supported by outrigger beams or thrustouts, each outrigger beam or thrustout must meet the following requirements:

A. Each outrigger beam or thrustout shall be of a size and design to support four times the intended load.

B. The inner end of the outrigger beam must be secured from overturning or tilting laterally.

C. Tie-backs that meet the requirements of Code of Federal Regulations, title 29, section 1926.451(i)(4) shall be securely fastened to the outrigger beam.

D. Counterweights, when used, shall be sufficient to balance four times the intended load, shall be securely fastened to the outrigger beam, marked to indicate their weight, and of a rigid nonflowable material.

Subp. 3. Lifelines on single-point suspension scaffolds. A lifeline that meets the requirements of Code of Federal Regulations, title 29, section 1926.104(b), shall be installed on single-point suspension scaffolds. Employees working on the scaffold shall be provided with a safety belt and lanyard that meet the requirements of Code of Federal Regulations, title 29, section 1926.104, and shall be required to tie off to the lifeline.

Subp. 4. Broken wire safeties. When two-point scaffolds are equipped with broken wire safeties, the employees may tie off to a substantial member of the scaffold itself. Guardrails are not considered substantial members. The maximum potential fall before the lanyard becomes taut shall be six feet.

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PROPOSED RULES

5205.0070 PORTABLE LADDERS.

When working off of a portable ladder, fall protection must be provided when the fall potential is greater than 30 feet.

5205.0080 WELLS, PITS, SHAFTS, AND OTHER SIMILAR SPACES.

All wells, pits, shafts, and other similar spaces shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, and other similar spaces shall be backfilled.

GENERAL ENVIRONMENTAL CONTROLS

5205.0100 SUBMISSION OF ENVIRONMENTAL CONTROL MEASURES.

Plans showing the location and type of dust, fumes, gas, vapor, or mist generating operation and the method of control to be employed at each point of dissemination, together with the details of design and operation of such dust, fumes, gas, vapor, or mist control measures, shall be submitted in duplicate before installation of the proposed equipment by the owner or his authorized agent. One copy each to the Department of Labor and Industry and to the Department of Health for review and conditional approval subject to final acceptance after tests have been conducted to determine whether the control measure is effective in maintaining the concentrations of toxic materials below those specified herein. Submission of plans for engineering control of dust, fumes, gas, vapor, or mist generating operations is not required except as noted in part 5205.0110, subpart 4. Tests shall be conducted after the installation of engineering controls to determine whether the control measure is effective in maintaining the exposure concentrations of toxic materials below those limits specified herein.

5205.0105 VENT PIPE OUTLETS.

Vent pipe outlets for hazardous substances, as defined by part 5206.0100, subpart 7, under pressure, including ammonia and refrigerant compressor systems, shall be so located that the discharge is released at a point outside of the building where it will not re-enter the building or work area.

5205.0110 WORKROOM VENTILATION AND TEMPERATURE.

Subpart 1. **Air.** Air shall be provided and distributed in all workrooms as required in this code.

Outside air shall be provided to all workrooms at the rate of 15 cubic feet per minute per person or 1-1/2 air changes per hour, whichever is greater.

Air circulated in any workroom shall be supplied through air inlets arranged, located, and equipped so that the workers shall not be subjected to air velocities exceeding 200 feet per minute except under special circumstances specified in this code or where approved by the Department of Labor and Industry.

Subp. 2. **Temperature and humidity table.** The following tables shall be used as a guide in appraising and controlling health hazards associated with extremes in temperature and humidity.

High Environmental Dry and Wet-Bulb Temperatures* That can
Be Tolerated in Daily Work by Healthy,
Acclimatized Men Persons
Wearing Warm Weather Clothing

Activity	Relative Humidity Percent	Air Movement					
		15-25 fpm		100 fpm		300 fpm	
		Dry Bulb	Wet Bulb	Dry Bulb	Wet Bulb	Dry Bulb	Wet Bulb
Summer season	80	89	84	91	85	93	87
Light sedentary activities	60	94	82	96	84	98	85
** (ET 85° F)	40	100	79	101	81	103	82
	20	109	75	110	75	110	75
	5	119	69	118	69	117	68
Summer season	80	83	78	86	81	89	83
Heavy work	60	88	76	90	78	93	80
** (ET 80° F)	40	93	73	95	75	97	76
	20	100	69	101	70	102	70
	5	107	64	107	64	106	63

Activity	Relative Humidity Percent	Air Movement					
		15-25 fpm		100 fpm		300 fpm	
		Dry Bulb	Wet Bulb	Dry Bulb	Wet Bulb	Dry Bulb	Wet Bulb
Winter season	80	78	73	81	77	85	79
Light or heavy work	60	81	71	85	74	88	76
** <u>(ET 75° F)</u>	40	86	68	89	70	91	72
	20	91	63	93	65	94	66
	5	97	58	97	58	97	59

*(Including Radiation Effect.)

**ET = Effective Temperature as defined in "Industrial Ventilation, A Manual of Recommended Practice," as issued by the American Conference of Governmental Industrial Hygienists, Committee on Industrial Ventilation, Lansing, Michigan.

If thermal radiation appears to be an important factor, the value listed above should be corrected accordingly.

Subp. 3. **Minimum air temperature.** Workroom temperatures shall be maintained as follows:

A. The minimum air temperature of 60 degrees Fahrenheit shall be maintained in all rooms where work of a strenuous nature is performed; and,

B. The minimum air temperature of 65 degrees Fahrenheit shall be maintained in all other workrooms unless prohibited by process requirements.

Subp. 4. **Recirculated air.** Air from any exhaust system handling materials listed herein in Code of Federal Regulations, title 29, subpart Z, shall not be recirculated without written permission from the Department of Labor and Industry.

5205.0115 GAS FIRED MACHINES AND APPLIANCES.

The flame of the gas pilot, burner, or burners in gas fired units, except process heaters in refineries and top burners on domestic kitchen-type stoves, shall be protected by a quick-acting, flame-sensitive safeguard that will automatically shut off the fuel supply in case of pilot or burner failure.

5205.0116 CARBON MONOXIDE MONITORING.

Subpart 1. Internal combustion engines. The employer shall monitor environmental exposure of employees to carbon monoxide whenever internal combustion engines are operated indoors to ensure that carbon monoxide levels do not exceed those given in Code of Federal Regulations, title 29, section 1910.1000, Table Z-1. The air sampling shall be done at least bimonthly and represent exposures during a day of highest usage in the areas where carbon monoxide exposure is most likely.

Subp. 2. Lift trucks. Where the carbon monoxide source is lift trucks, the employer shall ensure that engine exhaust gases do not contain more than one percent carbon monoxide for propane fueled trucks or two percent carbon monoxide for gasoline fueled trucks.

ILLUMINATION

5205.0140 EXIT AND EMERGENCY LIGHTING.

Subpart 1. Stairway and exit lighting. The lighting to be provided in all important stairways and all exits from work places and in the passageways related thereto shall be so supplied that it will not be subject to failure of the room or work-space lighting from internal causes. In artificial illumination, the service for exit and emergency lighting shall preferably be from an independent connection or connections extending back to the main service entrance.

Subp. 2. Separate supply source. In cases of unusual danger which may exist on account of the type of building or nature of the work, crowded conditions, or lack of suitable exit space, an independent service shall be assured by connecting to a separate source of supply without or within the building. During the hours of occupancy when daylight is lacking, this separate source of supply shall be connected so as to function continuously or to come on automatically upon failure of the regular lighting service.

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PROPOSED RULES

VENTILATION FOR GARAGES

5205.0200 GARAGE VENTILATION.

Subpart 1. ~~Size of system.~~ Provide a ventilation system capable of removing a volume of air equal to the floor area times a height of six feet not less than once every ten minutes. Exhaust ducts are to be not more than 14 inches from the floor, so placed as to remove carbon monoxide gas from the entire garage. An equal amount of tempered fresh air should be provided for, preferably ten to 14 feet high. Scope. Ventilation shall be provided for all repair garages, service stations, body shops, and all live storage garages, housing six or more vehicles driven by internal combustion engines. A live storage area is any area within a building used for the storage of fire trucks, tractors, automobiles, trucks, and other self-propelled vehicles driven in and out under their own power.

Subp. 2. ~~Department approval of plans.~~ Plans showing the location and type and the method of control to be employed at each point of dissemination, together with the details of design and operation of control measure, shall be submitted in duplicate before installation of the proposed equipment by the owner or his authorized agent, one copy each to the Department of Labor and Industry and to the Department of Health, for review and conditional approval, subject to final acceptance after tests have been conducted to determine whether the control measure is effective in maintaining the concentration of toxic materials below those specified in this code. Size of general ventilation system. The ventilation system shall be capable of removing a volume of air not less than three-fourths cubic foot per minute per square foot of floor area in garages and not less than one-half cubic foot per minute per square foot of floor area in service stations. Exhaust ducts shall not be more than 18 inches from the floor, so placed as to remove carbon monoxide gas from the entire garage. An equal amount of tempered fresh supply air shall be provided.

Subp. 3. Size of vehicle exhaust pipe ventilation system. In addition to general ventilation requirements, exhaust gases from the internal combustion engines being tested shall be discharged to the outdoors through a duct or flexible hose of noncombustible material of suitable size attached as an extension to the exhaust pipe. Repair stalls may be located adjacent to an outside wall so that ten feet or less of extension duct will reach the outdoors through openings not more than one foot above floor level. If repair stalls are not so located, each stall shall be provided with a suitable exhaust extension duct or flexible hose that is or can be connected to a mechanical exhaust system and to the exhaust pipe of the vehicle. The mechanical exhaust system shall have a capacity in accordance with the following table:

<u>Engine Type</u>	<u>Engine Horsepower</u>	<u>cfm per Tailpipe</u>	<u>Minimum Flexible Duct Inside Diameter, Inches</u>
<u>Gasoline</u>	<u>200 and under</u>	<u>100</u>	<u>3</u>
<u>Gasoline</u>	<u>over 200</u>	<u>200</u>	<u>4</u>
<u>Diesel</u>	<u>=</u>	<u>400</u>	<u>4-1/2</u>

Subp. 4. Inspection and repair pits. Inspection and repair pits shall be provided with a ventilating system capable of assuring one complete air change every five minutes (12 air changes per hour). The exhaust air inlet opening or openings shall terminate in a grille that shall be perpendicular to the floor. The bottom of the ventilation openings shall extend to the floor at the lowest point or points of the pit.

ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS

5205.0400 SCOPE.

The matters covered in this code shall include rules for passenger elevators, freight elevators, hoists, lifts, dumbwaiters, moving stairways, moving walks, or any mechanical device or apparatus, permanently installed and fixed in position in any building or structure except private residences, for the purpose of conveying people, animals, vehicles, merchandise, building materials, or any other load regardless of whether said the load is to be conveyed above or below the grade line.

The rules given herein shall Parts 5205.0400 to 5205.0590 apply to the construction, installation, alteration, and operation of all such the installations listed in the first paragraph of this part, which are constructed, installed, or altered within the limits of the state of Minnesota after July 7, 1980 the effective date of these codes.

5205.0410 DEFINITIONS.

Subpart 1. ~~Existing elevator installation or moving stairway.~~ An "Existing elevator installation or moving stairway" shall mean means one on for which construction was begun prior to July 7, 1980, before the effective date of this code:

A. all work of installation was completed; or

B. the plans and specifications were filed with the enforcing authority and work was begun not later than 12 months after approval of the plans and specifications.

Subp. 2. ~~New elevator or moving stairway installation.~~ A "New elevator or moving stairway installation" shall mean one on which construction was begun after July 7, 1980 means any installation that is not an existing installation.

5205.0420 EXISTING INSTALLATIONS.

Subpart 1. **Requirements.** All existing installations may be continued in service as long as they are properly maintained and are installed and maintained in a safe condition. The Department of Labor and Industry shall have the authority to shut down any piece of equipment covered by parts 5205.0400 to 5205.0490, which is dangerous to life, limb, and adjoining property, and ~~such the~~ equipment shall not be put back into operation until ~~such the~~ unsafe condition has been corrected and approved by the Department of Labor and Industry. Specific requirements for existing installations are:

A. to F. [Unchanged.]

G. Car door or gate electric contacts: car doors or gates shall be provided with electric contacts conforming to rule 111.5 of ANSI A17.1-1978 A17.1-1984.

H. to J. [Unchanged.]

Subp. 2. **Material changes.** Any installation which is materially changed after ~~July 7, 1980~~ the effective date of this code, shall comply with all of the requirements covering a new installation. A material change ~~shall be~~ is defined as any change which moves the location, increases or decreases the length of travel, changes the type of operation, increases the speed or carrying capacity, or changes the types of power supply of an existing installation.

Subp. 3. [Unchanged.]

5205.0430 INSPECTIONS, TESTS, AND APPROVAL.

Subpart 1. [Unchanged.]

Subp. 2. **Inspections and tests.** It shall be unlawful for any person, firm, or corporation to put into service any installation covered by parts 5205.0400 to 5205.0490 whether ~~such the~~ installation is newly installed, relocated, or altered materially without ~~such the~~ installation being inspected and approved by the Department of Labor and Industry. The installer of any equipment included in parts 5205.0400 to 5205.0490 shall notify the Department of Labor and Industry seven days ~~prior to~~ before completion of the installation for ~~such the~~ inspection. The Department of Labor and Industry shall have the authority to require tests necessary to prove the safe operation of any installation providing these tests meet the requirements as outlined in ANSI ~~A17.1-1978~~ A17.1-1984 and supplements.

Subp. 3. [Unchanged.]

5205.0450 STANDARDS INCORPORATED BY REFERENCE.

The ~~ninth edition of the~~ American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI ~~A17.1-1978~~ A17.1-1984, including supplements ~~A17.1a-1979~~, is ~~hereby~~ incorporated by reference and made a part of these Minnesota Department of Labor and Industry occupational safety and health rules.

5205.0460 EXCEPTIONS AND AMENDMENTS TO ANSI A17.1.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Door unlocking devices.** Hoistway door unlocking devices shall not be permitted except at the bottom landings.

A. Top and bottom landings shall be provided with hoistway access switches conforming to rules 111.9b and 111.9c of ANSI ~~A17.1-1978~~ A17.1-1984.

B. and C. [Unchanged.]

Subp. 6. and 7. [Unchanged.]

Subp. 8. **Emergency elevators.** ~~In each lobby served by elevators complying with ANSI rule 211.3 of the elevator code identified as ANSI A17.1-1978, all automatic operation elevators serving three or more stories above or below the main floor or having a travel of 25 feet or more above or below the main floor, at least one elevator car serving all floors in a building shall have a platform size that is standard for the elevator supplier, and capable of accommodating an ambulance stretcher in its horizontal position. The opening to the elevator car shall be capable of passageway for such ambulance stretcher. Operation of elevators under fire or other emergency conditions. All elevators having a travel of 25 feet (7.62 meters) or more, above or below the~~

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designated level must conform to the requirements of Rule 211.3 of ANSI A17.1-1984. NOTE: Section 3 of Rule 211.3 defines "designated level."

In buildings with elevators requiring Phase I and II operation as defined in ANSI A17.1-1984 and supplement ANSI A17.1a-1985, all floors must be served by cars sized to accommodate an ambulance stretcher in the horizontal position. The opening to the elevator car must be capable of passageway for an ambulance stretcher.

Subp. 9. **Height of call buttons.** Exterior elevator call buttons shall not be placed ~~not~~ higher than 60 inches above the floor. No emergency stop switch, door opening and door closing buttons, or elevator floor buttons shall be placed higher than 60 inches above the floor.

Subp. 10. **Standby power.** In every building over one story and more than 75 feet in height, emergency power shall be provided for at least one passenger elevator in each bank. This emergency power shall be transferable to any other elevator in the bank and shall be capable of operating the elevator with a full load at contract speed or not less than 150 feet per minute. Emergency power shall be provided by an approved self-contained generator set to operate whenever there is a loss of power in the normal power supply. The generator shall be in a separate room having at least a one-hour fire-resistive occupancy separation from the remainder of the building and shall have an on-site fuel supply adequate to operate the equipment for two hours. See Uniform Building Code Standard 48-1 Standby power must be provided as required by the Uniform Building Code, section 5103(c).

Subp. 11. to 14. [Unchanged.]

Subp. 15. [See Repealer.]

Subp. 16. [Unchanged.]

Subp. 17. **Emergency keys.** All keyed switches installed to operate elevators on emergency service ~~will~~ shall be required to be keyed alike to a pattern approved by the Department of Labor and Industry. In lieu of the above, keys for emergency elevator service may be in a metal box placed in a location approved by the Department of Labor and Industry, provided ~~said~~ the box is locked with a five-pin tumbler core lock or equivalent which is keyed to the same pattern.

Subp. 18. **Special requirement.** One car in each bank of automatic-operation elevators serving five or more floors above or below the main floor or having a travel of 50 feet or more above or below the main floor shall meet the requirements of rule 211.3a of ANSI A17.1-1978 A17.1-1984.

Subp. 19. [See Repealer.]

Subp. 20. Fire-resistive construction. Hoistways shall be enclosed throughout their height with fire-resistive enclosures as required by part IV of the Uniform Building Code.

Partitions between fire-resistive hoistways and machine rooms having fire-resistive enclosures and that are located at a side of or beneath the hoistway may be of unperforated noncombustible material at least equal to 0.059878 inches (1.519 millimeters) thick sheet steel in strength and stiffness with openings essential for ropes, drums, sheaves, and other elevator equipment.

All hoistway openings shall be provided with fire-resistive protective assemblies. The fire resistance rating shall not be less than 1-1/2 hours when installed in two-hour fire-resistance rated construction. Protective assemblies installed in fire-resistance rated construction of less than two hours shall have ratings as required by the Uniform Building Code. The fire-resistance rating shall be determined by the test specified in section 1102 of the Uniform Building Code.

Subp. 21. Multiple hoistways. If there are three or fewer elevator cars in a building, they may be located within the same hoistway enclosure. If there are four elevator cars, they shall be divided so that at least two separate hoistway enclosures are provided. If there are more than four elevators, not more than four elevator cars may be located within a single hoistway enclosure.

Subp. 22. Control of smoke and hot gases. Hoistways of elevators shall be provided with means to prevent the accumulation of smoke and hot gases in case of fire. Hoistways housing elevators extending through more than two floor levels 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, as long as a minimum of three square feet per elevator is provided.

The venting of each individual hoistway shall be independent from any other hoistway venting, and the interconnection of separate hoistways for the purpose of venting is prohibited.

Vents shall be manually openable or remote control automatic vents. Location of operating devices is subject to the approval of the fire chief.

Subp. 23. Location of vents. Vents shall be located:

A. in the side of the hoistway enclosure directly below the floor or floors at the top of the hoistway, and shall open either directly to the outer air or through noncombustible ducts to the outer air; or

B. in the wall or roof of the penthouse or overhead machinery space above the roof, if the openings have a total area not

less than the minimum specified in rule 100.4c of ANSI A17.1-1984. Vents passing through machine rooms shall be in noncombustible ducts. When a vent is installed in the roof of a hoistway, a protective grille shall be provided to prevent persons from falling into the hoistway.

Subp. 24. Pressurization of hoistway. If air pressurization of a hoistway is used as a means of smoke and hot gas control, the air shall not be introduced into the hoistway in such a manner as to cause erratic operation by impingement of traveling cables, selector tapes, governor ropes, compensating ropes, and other components sensitive to excessive movement or deflection.

Subp. 25. Emergency signs. Except at the main entrance level, an approved pictorial sign of a standardized design shall be posted adjacent to each elevator call station to indicate that, in case of fire, the elevator will not operate and exit stairways should be used.

Subp. 26. Emergency stop switches. Emergency stop switches shall not be installed inside the car on new installations of automatic operation elevators.

NOTE: Emergency stop switches shall not be removed from existing automatic operation elevators that do not conform to rule 210.10 of ANSI A17.1-1984.

5205.0490 WHEELCHAIR ELEVATING DEVICES.

Wheelchair elevating devices shall conform to the requirements of ANSI A17.1-1984, part XX, and the requirements of the Minnesota State Building Code, parts 4320.2500 1320.2001 to 4320.2700 1320.2035.

MAINTENANCE AND REPAIR OF BUILDINGS AND EQUIPMENT

5205.0650 SCOPE.

Parts 5205.0650 to ~~5205.0700~~ 5205.0710 apply to building and in-plant maintenance and repair necessary to maintain buildings and equipment in safe operating condition. ~~They are not intended to cover construction of new buildings or equipment.~~

5205.0660 MAINTENANCE GOALS.

Subpart 1. Building maintenance. Buildings shall be maintained so as to assure that no loose parts or equipment including bricks, mortar, glass, wood, or cement parts can fall in passage or work areas occupied by employees.

Subp. 2. Walkway maintenance. Catwalks, platforms, walkways, and stairways shall be maintained in a condition free from the hazards associated with ice, snow, overhanging ice or snow, holes, loose members, or badly deteriorated or corroded members.

Subp. 3. Asbestos. Exposed friable asbestos-containing materials on ceilings, beams, pipes, boilers, tanks, and similar areas shall be repaired, replaced, removed, enclosed, or encapsulated. Precautions shall be taken to protect employees as required by Code of Federal Regulations, title 29, section 1910.1001 or 1926.58.

5205.0665 ELECTRICAL REQUIREMENTS.

Exposed noncurrent-carrying metal parts of cord and plug connected equipment that may become energized shall be grounded if used near wet or conductive equipment, materials, or locations.

5205.0675 COVERS AND OVERHEAD DOORS.

All covers and horizontal, sliding, and overhead doors of sufficient weight or pressure to cause crushing injury to employees in the event of their powered or unpowered closure shall be provided with a constant pressure closing switch, safety edge, or pressure relief mechanism.

5205.0680 LOCKOUT DEVICES.

Subpart 1. Electrical power disconnect. Any main electrical power disconnect means which controls a source of power or material flow shall be locked out with a lockout device whenever employees are maintaining, cleaning, adjusting, or servicing machinery or equipment, if ~~such~~ the disconnect is not in clear sight of the employee. A "Do Not Start" tag as described in Code of Federal Regulations, title 29, section 1910.145 (f) (3) shall be affixed to any and all operating controls.

Subp. 2. Pneumatic and hydraulic lines. The pressure shall be eliminated from any pneumatic and hydraulic lines which activate a mechanism or machine and the valve holding back the activating substance shall be locked out before an employee works on that mechanism or machine.

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PROPOSED RULES

Subp. 3. Spring tension mechanisms. Mechanisms under spring tension or compression shall be blocked, clamped, secured in position, or the compression or tension totally relieved before being worked on by an employee.

Subp. 4. Suspended mechanisms. Suspended mechanisms or parts that normally cycle through a lower position shall be lowered to the lowest position, be clamped, blocked, or otherwise secured in position before being worked on by an employee.

Subp. 5. Individual lockouts. Where more than one employee is engaged in working on machinery or equipment, each employee shall affix their individual lockout device or lock to the disconnect switch or power supply.

Subp. 6. Exemption. Utility companies, when working on lines and equipment, will be exempt from this standard but must comply with the requirements of Code of Federal Regulations, title 29, section 1926.950(d).

5205.0685 KNIVES AND CUTTING TOOLS.

Knives and cutting tools shall be kept in sheaths or holders made for the purpose when those tools are not in use.

5205.0686 PRESSURE HOSES.

All hand-held pressure hoses and nozzles that could cause injury when the hose or nozzle is not being held, including air, water, hot water and steam, and all high temperature hoses or nozzles including hot water and steam, shall have a constant pressure control.

5205.0690 LUBRICATION OF MOVING MACHINERY.

Machinery or equipment shall be shut down during manual lubrication unless access to lubrication fittings are safeguarded is located far enough away from moving parts that employees cannot contact them.

5205.0700 WIRE ROPE CLIPS.

Subpart 1. Location of U-bolts. Wire rope clips attached with U-bolts shall have the U-bolts on the dead or short end of the rope.

Subp. 2. Clip construction. Clips shall be made of drop forged steel. When a newly installed rope has been in service for one hour, All nuts on the clip bolts of a newly installed rope shall be retightened after the first hour of service.

Subp. 3. Clip spacing. Spacing and number of clips shall be in accordance with the table below:

Rope Diameter Inches	Number of Clips Drop Forged	Minimum Spacing (inches)
<u>1/8</u>	<u>2</u>	<u>3/4</u>
<u>3/16</u>	<u>2</u>	<u>1-1/8</u>
<u>1/4</u>	<u>2</u>	<u>1-1/2</u>
<u>5/16</u>	<u>2</u>	<u>1-7/8</u>
<u>3/8</u>	<u>2</u>	<u>2-1/4</u>
<u>7/16</u>	<u>2</u>	<u>2-5/8</u>
<u>1/2</u>	<u>3</u>	<u>3</u>
<u>5/8</u>	<u>3</u>	<u>3-3/4</u>
<u>3/4</u>	<u>4</u>	<u>4-1/2</u>
<u>7/8</u>	<u>4</u>	<u>5-1/4</u>
<u>1</u>	<u>5</u>	<u>6</u>
<u>1-1/8</u>	<u>6</u>	<u>6-1/4</u>
<u>1-1/4</u>	<u>6</u>	<u>7-1/2</u>
<u>1-3/8</u>	<u>7</u>	<u>8-1/4</u>
<u>1-1/2</u>	<u>7</u>	<u>9</u>

5205.0710 ALTERATION OF TOOLS AND EQUIPMENT.

All tools and equipment, whether powered or manually operated, shall be used only for their intended purpose. Tools and equipment shall not be altered, modified, or used for other than their intended purpose without the manufacturer's written approval.

VEHICLES

5205.0750 MOTORIZED SELF-PROPELLED VEHICLES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Transportation of employees. Vehicles being used to transport employees shall be equipped with a seating arrangement securely anchored, a rear end gate, a guardrail and steps or a ladder for mounting and dismounting.

A. Under no circumstances shall any employee be allowed to ride in a standing position or with arms or legs outside of the

truck body, or seated on the side fenders, cabs, cabshields, rear of truck, or on the load unless such a position is dictated by a job assignment.

B. No explosives, flammable materials (excepting normal fuel supply), or toxic substances shall be transported in the passenger carrying area of vehicles carrying employees.

C. No vehicle transporting employees shall be moved until the driver has ascertained that all employees are seated and required guardrails and end gates are in place and doors closed.

D. No employee shall be allowed to get on or off any vehicle while it is in motion.

Subp. 4. [Unchanged.]

5205.0755 POLICE AND PATROL VEHICLES.

All police and patrol vehicles that are marked in accordance with Minnesota Statutes, section 169.98, that may be used to transport violators or offenders shall be provided with an effective barrier between the front and back seat to protect the officers from assault. The barrier may be retractable so as not to be a hindrance to officers when not transporting violators or offenders.

5205.0760 POWERED INDUSTRIAL TRUCK OPERATIONS.

Subpart 1. Restricted use. All industrial trucks designed and constructed for use on solid hard level surfaces shall be restricted to such operations.

Subp. 2. Surface condition. All solid hard level surfaces must be free of cracks, irregularities, or holes that could upset the balance of the industrial truck.

Subp. 3. Load positioning. When a fork truck operator is positioning a load in an area which is not fully visible to the fork truck operator, the operator shall be assisted by a designated person who shall direct the safe placing of the load by using predetermined signals.

5205.0765 SCISSOR POINT PROTECTION.

Scissor points on all rubber-tired skid steer equipment including front-end loaders shall be guarded.

5205.0770 GREASE RACKS, HOISTS, AND PITS.

Subpart 1. Vehicle support. Vehicles shall not be supported on jacks or held suspended by ropes, chains, or cables but shall be supported by adequate blocking or cribbing or set on supports designed for that purpose.

Subp. 2. Barricades. Employees shall not be allowed to stand directly in front of self-propelled vehicles while directing the vehicle onto the hoist or pit, or to work in front of a moving vehicle unless a crib or barricade, adequate to stop the vehicle, is between the employee and the moving vehicle. The crib or barricade shall not in itself create any additional hazards to the employees.

Subp. 3. Spacing. A space of two feet or more shall be provided as working clearance between the sides of a vehicle on a floor hoist and any wall surface.

Subp. 4. Safety factor. On automotive hoists, an automatic mechanical device having a safety factor of three based on the manufacturer's rated load capacity shall be provided to hold the lift in the fully extended position at the manufacturer's rated load capacity.

MACHINE GUARDING

5205.0860 MACHINES WITH REVOLVING PARTS.

Subpart 1. [Unchanged.]

Subp. 2. Requirements Guarding. Each machine shall be fully guarded with a cover, hatch, or grate with an interlocking device that will prevent the cover, hatch, or grate from being opened while the rotating parts are in motion, and will also prevent the power operation of the machine while the cover, hatch, or grating is not fully closed and secured.

Subp. 3. Secured position. Each machine shall be effectively secured in position on the floor or foundation so as to eliminate unnecessary vibrations.

Subp. 4. Labeling for operating speed. The manufacturer's recommended speeds shall be stamped on the machine, and located where they are readily visible in letters not less than one-quarter inch in height. The maximum permissible speed shall be given in revolutions per minute (RPM).

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5205.0865 MACHINE CONTROLS AND EQUIPMENT.

On machines with points of operation, pinch points, or nip points, a mechanical or electrical power control shall be provided on each machine to make it possible for the operator to cut off the power from each machine without leaving the position at the point of operation.

5205.0870 FOOT-ACTUATED MACHINES.

The treadle or pedal of foot-actuated machines, tools, or equipment shall be physically protected to prevent unintended operation.

5205.0880 MOTOR START BUTTON.

The motor start button on machines shall be physically protected against unintended operation.

5205.0890 HYDRAULIC PRESSES.

A barrier guard shall be maintained on all hydraulic presses, whether hand or power operated, where there is a possibility of materials being ejected from the press.

Rules as Proposed (all new material)

CONFINED SPACES

5205.1000 SCOPE.

Parts 5205.1000 to 5205.1040 prescribe minimum standards for preventing employee exposure to dangerous air contamination or oxygen deficiency, as defined by part 5205.1010, within such spaces as silos, tanks, vats, vessels, boilers, compartments, ducts, sewers, pipelines, vaults, bins, tubs, pits, and other similar spaces.

Parts 5205.1000 to 5205.1040 do not apply to underwater operations conducted in diving bells or other underwater devices or to supervised hyperbaric facilities.

5205.1010 DEFINITIONS.

Subpart 1. **Confined space.** "Confined space" is defined by the existence of the following conditions:

- A. dangerous air contamination or oxygen deficiency may exist or develop; or
- B. emergency removal of a suddenly disabled employee is difficult due to the location or size of the access opening.

Subp. 2. **Confined space entry.** "Confined space entry" means any action resulting in any part of the employee's face breaking the plane of any opening of the confined space, and includes any ensuing work activities inside the confined space.

Subp. 3. **Dangerous air contamination.** "Dangerous air contamination" is an atmosphere presenting a threat of death or acute injury, illness, or disablement due to the presence of flammable, explosive, toxic, or otherwise injurious or incapacitating substances.

A. Dangerous air contamination due to the flammability of a gas or vapor is defined as an atmosphere containing the gas or vapor at a concentration greater than ten percent of its lower explosive (lower flammable) limit.

B. Dangerous air contamination due to a combustible particulate is defined as a concentration greater than ten percent of the minimum explosive concentration of the particulate.

C. Dangerous air contamination due to atmospheric concentration of any toxic, corrosive, or asphyxiant substance listed in Code of Federal Regulations, title 29, part 1910, subpart Z, above the listed numerical value of the permissible exposure limit (PEL). In addition, an atmospheric concentration above the numerical limit listed on the Material Safety Data Sheet prepared in conformance with Code of Federal Regulations, title 29, section 1910.1200(g)(2)(vi) or the Minnesota Employee Right-to-Know Standards, chapter 5206.

D. Dangerous air contamination that presents an acute illness hazard represents an atmospheric concentration immediately dangerous to life and health (IDLH); for example, above a maximum concentration from which one could escape within 30 minutes or the length of time an employee will be exposed, whichever is longer, without any escape-impairing symptoms or any immediate severe health effects. "Immediate severe health effect" means that an acute clinical sign of a serious, exposure-related reaction is manifested within 72 hours after exposure.

Subp. 4. **Oxygen deficiency.** "Oxygen deficiency" is defined as an atmosphere containing oxygen at a concentration of less than 19.5 percent by volume.

5205.1020 OPERATING PROCEDURES AND EMPLOYEE TRAINING.

Subpart 1. **Implementation.** The employer shall implement the provisions of this part before any employee is allowed to enter a confined space.

Subp. 2. **Entry permit system.** The employer shall develop, implement, and use an entry permit system that includes a written permit procedure that provides all the means necessary to:

- A. determine and identify to employees the confined spaces where entry permits are required to prevent unauthorized entry;
- B. determine the actual and potential hazards associated with the space at the time of entry so the employer can choose the appropriate means to execute a safe entry;
- C. assure by appropriate testing that the control measures used are effective;
- D. provide for preplanned emergency rescue;
- E. identify by job title those persons who must sign the entry permit and the duties of each, including the person in charge of entry; and
- F. assure proper calibration of testing and monitoring equipment.

Subp. 3. **Entry permit and checklists.** A written permit form must be completed before allowing an employee to enter a confined space. The written permit must contain the following minimum specific information for each permit entry space:

- A. date;
- B. location;
- C. time of issue/expiration;
- D. names of employees assigned to enter and name and job title of the person authorizing or in charge of the entry (employer's representative);
- E. description of the hazards known or reasonably expected to be present in the confined space;
- F. the atmospheric testing required to be done immediately before and during the entry period and the designated individual responsible for performing the tests;
- G. the personal protective equipment required, including respiratory protection, clothing, or harnesses required for entry and rescue;
- H. description of any additional hazards that may be reasonably expected to be generated by the entrants' activities in the space and identification of all special work practices or procedures to be followed; and
- I. specification of all means of isolation, cleaning, purging, or inerting to be done before entry to remove or control those hazards, or certification that these procedures have been done.

Subp. 4. **Duration and retention of permit.** The maximum duration for which a permit form may be issued is one day. Each written permit form for confined space entry must be retained for a minimum of 30 days and be readily available at the work site.

Where atmospheric testing showed unacceptable air quality, the employer shall retain, for a minimum of one year, the written permit form or record showing the results of the atmospheric testing.

Subp. 5. Operating procedures.

A. Written, understandable operating and rescue procedures shall be developed and provided to affected employees. When respiratory protection is used, a respiratory protection program as outlined in Code of Federal Regulations, title 29, section 1910.134, shall be in place.

B. Operating procedures shall conform to the applicable requirements of parts 5205.1030 and 5205.1040 and shall include provision for surveillance of the surrounding area to avoid hazards such as drifting vapors from tanks, piping, and sewers.

Subp. 6. **Employee training.** Employees, including standby persons required by part 5205.1040, subparts 1, item A, and 3, item D, shall be trained in operating and rescue procedures, including instructions on the hazards they may encounter.

5205.1030 PRE-ENTRY PROCEDURES.

Subpart 1. **Application.** The applicable provisions of this part shall be implemented before entry into a confined space is permitted.

Subp. 2. **Disconnection of lines.** Lines that may convey flammable, explosive, toxic, or otherwise injurious or incapacitating substances into the space shall be disconnected, blinded, or blocked off by other positive means to prevent the development of

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dangerous air contamination or oxygen deficiency within the space. The disconnection or blind shall be so located or done in such a manner that inadvertent reconnection of the line or removal of the blind is effectively prevented.

This subpart does not apply to public utility gas distribution systems.

This subpart does not require blocking of all laterals to sewers or storm drains. Where experience or knowledge of industrial use indicates materials resulting in dangerous air contamination may be dumped into an occupied sewer, all such laterals shall be blocked.

Subp. 3. **Purging of contaminants.** The space shall be emptied, flushed, or otherwise purged of flammable, explosive, toxic, or otherwise injurious or incapacitating substances.

Subp. 4. **Calibration of testing and monitoring equipment.** Air testing and monitoring equipment shall be maintained according to manufacturers' instructions. This equipment shall be periodically calibrated with an appropriate test gas to assure proper operation.

Subp. 5. **Air tests.** The air in confined spaces shall be tested with an appropriate device or method to determine whether dangerous air contamination or an oxygen deficiency exists, and a written record of the testing results shall be made and kept at the work site for the duration of the work. Affected employees or their representatives shall be afforded an opportunity to review and record the testing results.

Subp. 6. **Interconnected spaces.** Where interconnected spaces are blinded off as a unit, each space shall be tested and the results recorded in accordance with subpart 5. The most hazardous condition found shall govern procedures to be followed.

Subp. 7. **Ventilation.** Where the existence of dangerous air contamination or oxygen deficiency is demonstrated by tests performed under subpart 5, existing ventilation shall be augmented by appropriate means.

When additional ventilation provided in accordance with this subpart has removed dangerous air contamination or oxygen deficiency as demonstrated by additional testing conducted and recorded under subpart 5, entry into and work within the space may proceed subject to part 5205.1040.

Subp. 8. **Ignition sources.** No sources of ignition may be introduced into the space until implementation of appropriate provisions of this section has ensured that dangerous air contamination due to flammable or explosive substances does not exist.

Subp. 9. **Oxygen-consuming equipment.** Whenever oxygen-consuming equipment is to be used, measures shall be taken to ensure adequate combustion air and exhaust gas venting.

Subp. 10. **Ready access.** Provision shall be made to permit ready entry and exit from confined spaces.

Where there is no ready exit from spaces equipped with automatic fire suppression systems employing harmful design concentrations of toxic or oxygen-displacing gases, or total foam flooding, such systems must be deactivated. When it is not practical or safe to deactivate such systems, the provisions of part 5205.1040 related to the use of respiratory protective equipment shall apply during entry into and work within the spaces.

5205.1040 CONFINED SPACE OPERATIONS.

Subpart 1. **Entry into and work within confined spaces where an atmosphere free of dangerous air contamination or oxygen deficiency has been ensured.** The requirements of this part apply, except as outlined in subpart 2, to entry into and work within a confined space where dangerous air contamination or oxygen deficiency does not exist.

A. At least one employee shall stand by on the outside of the confined space ready to give assistance in case of emergency. At least one additional employee who may have other duties shall be within sight or call of the standby employee.

B. Communications (visual, voice, or signal line) shall be maintained between all individuals in the confined space and the standby employee.

C. The standby employee shall not enter the confined space without alerting at least one additional employee of the intent to enter the confined space. Entry shall only occur after proper tests have been performed to show that a dangerous air contaminant or oxygen deficiency does not exist or the standby employee is protected as prescribed in subpart 3, items C and D, subitem (1).

Subp. 2. **Special entry permits and practices.** The entry permit practices described in items A and B are applicable only for the restricted circumstances and conditions described.

A. Employers whose operations require employees to perform routine repetitive entry into confined spaces where entry permits are required and that are unlikely to develop a dangerous air contaminant or oxygen deficiency and have no potential for an engulfment condition, may issue an annual permit instead of a separate permit for each entry. When work in a permit entry space is to be done under an annual permit, the employer shall:

(1) Establish specific entry practices and procedures that must be followed for entry by annual permit before any employee may be authorized to make an entry.

(2) Train employees in the practices and procedures required for such entries.

(3) Assure that whenever entry into a confined space is to be made, employees test the atmosphere before entry using an appropriate direct reading instrument (or other device capable of quantitatively identifying anticipated contaminants) with a remote sampling probe, testing for the following conditions and in the following order: oxygen concentration, combustible gas, and suspected toxic material, if any. While occupied, additional monitoring for these gases or vapors shall be done during the entry period to assure that a potentially dangerous atmosphere does not develop in the confined space.

(4) Allow, at the employer's discretion, entry by one or more workers without a standby employee where continuous, positive ventilation of 200 cubic feet per minute of clean air and/or sufficient ventilation to maintain the atmosphere within established permit conditions is provided to the confined space.

(5) Revoke the permit whenever any test done pursuant to this item shows deviation from permit conditions to more hazardous conditions. In these circumstances, entry may be made only by an entry permit as outlined in part 5205.1020.

B. Employers whose operations require employees to perform routine repetitive entry into low hazard below-ground chambers where no risk of engulfment can exist, and where the atmosphere cannot develop a dangerous air contaminant or oxygen deficiency, and where all known sources of hazard are positively controlled, may issue an annual permit instead of a separate permit for each entry. When work under these conditions is performed, the employer shall:

(1) Establish specific entry practices and procedures that must be followed for entry by annual permit before any employee may be authorized to make an entry.

(2) Train employees in the practices and procedures required for such entries.

(3) Allow, at the employer's discretion, entry by one or more workers without a standby employee when there is assurance that one or more of the following requirements are met:

(a) the space has been ventilated before entry using a mechanically powered ventilator for not less than is specified in the ventilation nomograph prepared for that ventilator, and that ventilation continues throughout the entry;

(b) the confined space is continuously ventilated, such mechanical ventilation shall provide positive ventilation of clean air at a rate of at least 200 cubic feet per minute per occupant and/or six air changes of the confined space volume per hour; or

(c) there is no mechanically powered ventilation but appropriate continuous atmospheric monitoring or frequent atmospheric testing is performed to assure that permit conditions are maintained.

(4) Revoke the permit whenever any test done pursuant to this item shows deviation from permit conditions to more hazardous conditions. In these circumstances, entry may be made only by an entry permit as outlined in part 5205.1020.

Subp. 3. **Entry into and work within confined spaces whenever an atmosphere free of dangerous air contamination or oxygen deficiency cannot be ensured.** The requirements of this part apply to entry into and work within a confined space whenever an atmosphere free of dangerous air contamination or oxygen deficiency cannot be ensured through the implementation of the applicable provisions of part 5205.1030, or whenever due to an emergency, dangerous air contamination or an oxygen deficiency cannot be prevented through the implementation of the applicable provisions of part 5205.1030.

A. Tanks, vessels, or other confined spaces with side and top openings shall be entered from side openings when practicable. For the purposes of this part, side openings are those within 42 inches of the bottom.

B. Appropriate, approved respiratory protective equipment, in accordance with Code of Federal Regulations, title 29, section 1910.134, shall be provided and worn.

C. An approved safety belt with an attached line must be used. The free end of the line shall be secured outside the entry opening. The line shall be at least one-half inch diameter and 2,000 pounds test.

D. At least one employee shall stand by on the outside of the confined space ready to give assistance in case of emergency. At least one additional employee who may have other duties shall be within sight or call of the standby employee.

(1) The standby employee shall have appropriate, approved, respiratory protective equipment, including an independent source of breathing air that conforms with Code of Federal Regulations, title 29, section 1910.134(d), available for immediate use.

(2) A standby employee protected as prescribed by items C and D may enter the confined space, but only in case of emergency and only after alerting at least one additional employee outside of the confined space of the emergency and of the standby employee's intent to enter the confined space.

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E. When entry must be made through a top opening, the following requirements also apply.

(1) The safety belt shall be of the harness type that suspends a person in an upright position.

(2) An approved hoisting device or other effective means shall be provided for lifting employees out of the space.

F. Work involving the use of flame, arc, spark, or other source of ignition is prohibited within a confined space (or any adjacent space having common walls, floor, or ceiling with the confined space) that contains, or is likely to develop, dangerous air contamination due to flammable or explosive substances.

G. Whenever gases such as nitrogen are used to provide an inert atmosphere for preventing the ignition of flammable gases or vapors, no flame, arc, spark, or other source of ignition may be permitted unless the oxygen concentration is maintained at less than 20 percent of the concentration that will support combustion.

(1) Testing of the oxygen content shall be conducted with sufficient frequency to ensure conformance with this item.

(2) A written record of the results of such testing shall be made and kept at the work site for the duration of the work.

(3) Affected employees or their representatives shall be provided an opportunity to review and record the testing results.

H. Only approved lighting and electrical equipment may be used in confined spaces subject to dangerous air contamination by flammable or explosive substances.

I. Employees working in confined spaces that have last contained substances corrosive to the skin or substances that can be absorbed through the skin shall be provided with, and shall be required to wear, appropriate personal protective clothing or devices in accordance with Code of Federal Regulations, title 29, section 1910.132.

Subp. 4. Precautions for emergencies involving work in confined spaces.

A. At least one person trained in first aid and cardiopulmonary resuscitation (CPR) shall be immediately available whenever the use of respiratory protective equipment is required by this part. Standards for CPR training shall follow the principles of the American Heart Association or the American Red Cross.

B. An effective means of communication between employees inside a confined space and a standby employee shall be provided and used whenever the provisions of this part require the use of respiratory protective equipment or whenever employees inside a confined space are out of sight of the standby employee. All affected employees shall be trained to use the communication system. The system must be tested before each use to confirm its effective operation.

CRANES AND HOISTS

5205.1200 CRANES AND HOISTS.

Subpart 1. **Scope.** This part applies to any crane, derrick, or hoist having a maximum rated capacity of one ton or less; to railway and automobile wrecking cranes; skip hoists; hoist-like units used for horizontal pulling only; mine hoists; conveyors and shovels; drag line excavators; backhoes; and any equipment within the scope of mobile scaffolds, towers, and platforms.

This part also applies to all monorail cranes, underhung cranes, and top running single girder cranes where the ends of the girders are fastened or fixed to the structure.

Subp. 2. **Initial inspection.** Before initial use, all new and altered cranes shall be inspected to ensure compliance with this part.

Subp. 3. **Frequent inspection.** Items A to F shall be inspected for defects at daily to monthly intervals, or as specifically indicated, including observation during operation for any defects that might appear between regular inspections. All deficiencies, such as those listed in items A to F, that constitute a safety hazard shall be corrected before placing the unit in service.

A. All functional operating mechanisms for maladjustment interfering with proper operation - daily.

B. Lines, tanks, valves, drain pumps, and other parts of air or hydraulic systems for deterioration or leakage - daily.

C. Hooks with deformation or cracks - visual inspection daily, monthly inspection with signed reports. For hooks with cracks or having more than 15 percent in excess of normal throat opening or more than ten degrees twist from the plane of the unbent hook, refer to subpart 6, item B, subitem (1).

D. Hoist chains, including end connections, for excessive wear, twist, distorted links, or stretch beyond manufacturer's recommendations - visual inspection daily, monthly inspection with signed certification record.

E. All functional operating mechanisms for excessive wear of components.

F. Rope reeving for noncompliance with manufacturer's recommendations.

Subp. 4. **Periodic inspection.** Complete inspections of the crane shall be performed monthly or as indicated in subpart 5. These inspections shall include the requirements of subpart 3 and items A to I. All deficiencies, such as those listed in items A to I, that constitute a safety hazard shall be corrected before placing the unit in service:

- A. deformed, cracked, or corroded members;
- B. loose bolts or rivets;
- C. cracked or worn sheaves and drums;
- D. worn, cracked, or distorted parts such as pins, bearings, shafts, gears, rollers, and locking and clamping devices;
- E. excessive wear on brake system parts, linings, pawls, and ratchets;
- F. load, wind, and other indicators over their full range, for any significant inaccuracies;
- G. gasoline, diesel, electric, or other power plants for improper performance or noncompliance with applicable safety requirements;
- H. excessive wear of chain drive sprockets and excessive chain stretch; and
- I. electrical apparatus, for signs of pitting or any deterioration of controller contactors, limit switches, and push-button stations.

Subp. 5. **Cranes not in regular use.** A crane that has been idle for one month or more, but less than six months, shall be given an inspection conforming with the requirements of subpart 3 before being placed in service.

A crane that has been idle for over six months shall be given a complete inspection conforming with subparts 3 and 4 before being placed in service.

Standby cranes shall be inspected at least semiannually in accordance with subpart 3.

Subp. 6. **Adjustments and repairs.** Any condition disclosed by the inspections required by this part shall be corrected before operation of the crane is resumed. Adjustments and repairs shall be done only by designated, qualified personnel.

A. Adjustments shall be maintained to ensure correct functioning of all components, such as the following:

- (1) all functional operating mechanisms;
- (2) limit switches;
- (3) control systems;
- (4) brakes; and
- (5) power plants.

B. Repairs or replacements required by this part shall be provided promptly before resumed operation, including any deficiencies such as:

- (1) crane hooks showing defects described in subpart 3, item C, shall be discarded;
- (2) load attachment chains and rope slings showing defects described in subpart 3, items D and E, respectively;
- (3) all critical parts that are cracked, broken, bent, or excessively worn; and
- (4) pendant control stations shall be kept clean and function labels kept legible.

C. After adjustments and repairs have been made, the crane shall not be operated until all guards have been reinstalled, safety devices reactivated, and maintenance equipment removed.

5205.1210 HOIST HOOK SAFETY DEVICES.

Safety latches (mousings) shall be provided on all hoist hooks used on hoists or cranes that lift or travel with loads attached. This includes the hook used to attach the hoist to the rail, trolley, or structure.

5205.1220 WARNING SIGNAL.

Whenever a crane or hoist is used to convey molten metal, a gong or other effective warning signal shall be provided.

PERSONNEL PLATFORMS SUSPENDED FROM CRANES AND DERRICKS

5205.1230 SCOPE AND APPLICATION.

The standards in parts 5205.1230 to 5205.1300 apply to the hoisting of personnel platforms on the load line or other line off the boom of friction or hydraulic portal, tower, crawler, locomotive, truck, and wheel mounted cranes or derricks. No crane or derrick function may be performed while an employee is on a personnel platform attached to a load line on such equipment unless the

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requirements of parts 5205.1230 to 5205.1300 are met. The practice of hoisting employees on such equipment is only permitted under the specific circumstances defined in part 5205.1290.

5205.1240 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 5205.1230 to 5205.1300 have the meanings given them in this part.

Subp. 2. **Anti-two-blocking device.** "Anti-two-blocking device" means a positive acting device that prevents contact between the load block or fall ball and the boom tip.

Subp. 3. **Hoisting.** "Hoisting" means lowering, lifting, or suspending.

Subp. 4. **Live boom.** "Live boom" means a boom in which lowering is controlled by brake without aid from other lowering retarding devices.

Subp. 5. **Set-up location.** "Set-up location" means the location to which the crane or derrick is brought and set up, including assembly and leveling.

Subp. 6. **Two-block damage prevention feature.** "Two-block damage prevention feature" means a system that deactivates the hoisting action before damage occurs in the event of a two-block situation. Two-blocking occurs when the boom is extended or lowered and the load cable is not paid out simultaneously so the bottom block contacts the boom point.

Subp. 7. **Work location.** "Work location" means the location to which the personnel platform is positioned.

5205.1250 GENERAL REQUIREMENTS.

The use of a friction or hydraulic portal, tower, crawler, locomotive, truck, or wheel mounted crane or derrick to hoist personnel platforms is permitted when their use is as safe as the erection, use, or dismantling of conventional means of reaching the work site, such as ladders, stairways, aerial lifts, elevating work platforms or scaffolds, or when those means are either more hazardous, or are not possible because of structural design or work site conditions.

5205.1260 OPERATIONAL CRITERIA.

Subpart 1. **Application.** The general provisions in this part apply when cranes or derricks are used to hoist employees.

A. Lifting and lowering speeds shall not exceed 100 feet (30.48 meters) per minute. Free fall is prohibited.

B. The minimum load hoist wire rope safety factor is seven.

C. Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs, as equipped, shall be engaged when the occupied personnel platform is in a stationary working position. A positive means controllable from the operator's station shall be provided to hold the drum from rotating in the lowering direction and be capable of holding the rated load indefinitely without further attention from the operator.

D. The crane shall be uniformly level within one percent of level grade and located on firm footing. Crane outriggers, if provided, shall be used according to manufacturer's specifications when hoisting employees.

E. The total weight of the loaded personnel platform and related rigging shall not exceed 50 percent of the rated capacity for the radius and configuration of the crane or derrick.

F. The use of machines having live booms is prohibited.

Subp. 2. **Instruments and components.** Cranes or derricks used to hoist employees shall be equipped as follows:

A. A boom angle indicator shall be installed on cranes, readily visible to the operator.

B. Telescoping booms shall be marked or equipped with a device to clearly indicate at all times to the operator the boom's extended length.

C. An anti-two-blocking device or two-block damage prevention feature shall be installed. Prevention features shall be maintained in adverse weather conditions so as to function properly at all times.

5205.1270 PERSONNEL PLATFORM.

Subpart 1. **Design criteria.** The personnel platform shall be designed by a qualified person competent in structural design.

A. The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

B. The entire personnel platform shall be designed with a minimum safety factor of five.

C. Six feet (1.8 meters) minimum headroom shall be provided for employees occupying the platform.

Subp. 2. **Platform specifications.** Each personnel platform shall be provided with perimeter protection from the floor to 42 inches

(106.7 centimeters), ± 3 inches (7.62 centimeters) above the floor, that shall consist of either solid construction or expanded metal having openings no greater than one-half inch (1.27 centimeters).

A. A grab rail shall be provided inside the personnel platform.

B. An access gate, if provided, shall swing inward and shall be equipped with a restraining device to prevent accidental opening.

C. Overhead protection shall be provided on the personnel platform when there is the potential for exposure to falling objects.

D. All rough edges exposed to contact by employees occupying the platform shall be ground smooth.

E. All welding shall be performed by a welder qualified for the weld grades, types, and material specified in the design.

F. A plate or other permanent marking shall be conspicuously posted on the platform indicating the personnel platform weight and its rated load capacity.

G. Personnel platforms shall be easily identifiable by color or marking as being for personnel only.

Subp. 3. Personnel platform loading. The rated load capacity of the personnel platform shall not be exceeded.

The personnel platform shall not be used for general transportation or movement of employees or lifting of materials or tools other than those used by employees to do their work from the platform.

Materials on an occupied personnel platform shall be secured and evenly distributed while the platform is in motion.

Subp. 4. Rigging. When a wire rope bridle is used to connect the personnel platform to the load line, the bridle legs shall be connected to a single ring or shackle.

A. Hooks on fall ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, a shackle with a screw pin, nut, and retaining pin may be used.

B. Wire rope, shackles, rings, and other rigging hardware shall have a minimum safety factor of seven.

C. All eyes on wire rope slings shall be fabricated with thimbles.

D. The platform shall be tied off above the load block or above the ball with an independent safety line from the frame of the platform or cage.

5205.1280 INSPECTION AND TESTING.

Subpart 1. Inspection. In addition to the inspections required by Code of Federal Regulations, title 29, section 1926.550(a)(5), (a)(6), (b)(2), and (e), cranes and derricks that are used to hoist personnel platforms shall be inspected by a competent person, as defined in Code of Federal Regulations, title 29, section 1926.32(f), at the beginning of each shift and before hoisting employees on the personnel platform after the crane or derrick has been used for any material handling operations in which greater than 50 percent of the rated capacity was lifted.

Subp. 2. Trial lift. A trial lift with the personnel platform unoccupied shall be made for each new work location and at the beginning of each shift to ensure that all systems, controls, and safety devices are functioning properly.

Subp. 3. Full-cycle test lift. A full-cycle operational test lift at 150 percent of the intended load of the personnel platform shall be made before hoisting employees for the first time at each new set-up location.

A visual inspection of the crane or derrick, personnel platform, and base support shall be conducted immediately after lift testing in order to determine whether the testing has produced any adverse effect upon any component or structure.

Any defects that may affect the safe operation of the equipment found during such inspections shall be corrected before further use.

5205.1290 SAFE WORK PRACTICES.

Subpart 1. Employee placement. Employees shall keep all parts of their bodies inside the platform during raising, lowering, and positioning of the personnel platform.

Subp. 2. Securing platform. If the personnel platform is not landed, it shall be secured to the structure before employees exit or enter the platform.

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Subp. 3. **Tag lines.** Tag lines shall be used where practical.

Subp. 4. **Hoisting during travel.** Hoisting employees while the crane is traveling is prohibited, except for portal and tower cranes operating on a fixed track.

Subp. 5. **Operator's duty.** The crane or derrick operator shall remain at the controls at all times when hoisting employees.

Subp. 6. **Weather conditions.** Hoisting of employees shall be discontinued upon indication of any severe weather conditions.

Subp. 7. **Conditions for hoisting employees.** The platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced before employees are allowed to occupy the platform. In addition, employees shall not be hoisted unless the following conditions are determined to exist:

- A. hoist ropes are free of kinks;
- B. multiple part lines are not twisted around each other;
- C. the primary attachment is centered over the platform; and

D. if the wire rope is slack, the hoisting system shall be inspected to ensure all ropes are properly seated on drums and in sheaves.

Subp. 8. **Communication.** Employees being hoisted shall remain in continuous sight of or communication with the operator or signal person.

Subp. 9. **Use of body belt.** Employees occupying the personnel platform shall, at all times, wear a body belt with lanyard appropriately attached to the load block or fall ball, or to a structural member within the personnel platform capable of supporting a fall impact.

Subp. 10. **Other use of equipment.** Bridles and associated hardware used for attaching the personnel platform to the hoist line shall not be used for any other service.

Subp. 11. **Caution required.** When lowering a personnel platform, the operator shall not allow the ball to lower into the platform once the platform is landed.

5205.1300 PRELIFT MEETING.

Subpart 1. **Meeting to review requirements.** A meeting attended by the crane or derrick operator, signal person (if required by this part or another standard), person to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of parts 5205.1230 to 5205.1300 and the procedures to be followed.

Subp. 2. **Time of meeting.** The meeting required in subpart 1 shall be held before the beginning of personnel hoisting operations at each new work location and thereafter for any employees newly assigned to the operation.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR CONSTRUCTION

GENERAL

5207.0010 ANCHOR BOLTS.

During the erection phase of any structure, if the size, weight, or balance of any structural member is such that temporary anchoring with two bolts does not provide adequate support to secure it, additional support shall be provided.

5207.0020 BAR, FLOOR, AND ROOF JOISTS.

Where bar, floor, or roof joists are set in place overhead, they shall be field bolted or welded.

5207.0030 DEMOLITION OPERATIONS.

The cutting or removal of reinforcing steel or cables that are suspending debris, or the removal of columns or studs that support debris, shall not take place in close proximity to any area where employees are working unless the area has been isolated by a protective enclosure separating the work area from falling or sliding debris.

5207.0035 DEMOLITION, RESTORATION, REMODELING ASBESTOS SURVEY.

Before permitting employees to start any demolition, restoration, or remodeling project where there is a substantial probability of encountering asbestos-containing materials, a survey by a competent person shall be made to determine if there are asbestos-containing materials present in the structure. The project controlling employer shall have written evidence that an evaluation has been performed. If asbestos-containing material is to be disturbed, removed, replaced, or repaired, the provisions of Code of Federal Regulations, title 29, section 1926.58, apply.

5207.0040 SPRAY PAINTING OF BUILDING INTERIORS.

Subpart 1. **Nonflammable paints.** Where spray painters are applying nonflammable paint on walls, ceilings, or fixtures, at times

PROPOSED RULES

when employees other than painters are employed in or near such areas, safeguarding measures shall be taken to protect the lives and health of spray painters and others as per code:

A. Respiratory mouth and nose masks and/or fresh air hoods shall be provided for spray painters by employers at no cost to spray painters.

B. Personal respiratory equipment shall meet the requirements of ANSI Z88.2-1969, Practices for Respiratory Protection.

C. Areas being spray painted shall be sealed off from other areas of the building by means of curtains. Employees other than painters shall not be required to work in enclosed areas.

D. Curtains shall have no openings except entry ways, which shall be kept closed during painting.

E. Cross-ventilation shall be provided to remove spray paint fumes from the enclosures to the outside air by means of either mechanical exhaust or window ventilation.

F. Provisions shall be made to prevent exhaust fumes from reentering any part of the building.

Subp. 2. **Flammable paints.** In addition to meeting the requirements of subpart 1, where flammable paints are being applied, the following requirements also apply:

A. All motors, lights, switches, and electrical appliances shall be deenergized. Exception: portable vapor proof lights may be used when located 20 feet or more from the painting area.

B. The Air Quality Division of the Minnesota Pollution Control Agency should be consulted for any air pollution control measures required.

5207.0050 WIRE ROPE CLIPS.

Subpart 1. **Location of U-bolts.** Wire rope clips attached with U-bolts shall have the U-bolts on the dead or short end of the rope.

Subp. 2. **Clip construction.** Clips shall be made of drop forged steel. All nuts on the clip bolts of a newly installed rope shall be retightened after the first hour of service.

Subp. 3. **Clip spacing.** Spacing and number of clips shall be in accordance with the table below:

Rope Diameter (inches)	Number of Clips Drop Forged	Minimum Spacing (inches)
1/8	2	3/4
3/16	2	1-1/8
1/4	2	1-1/2
5/16	2	1-7/8
3/8	2	2-1/4
7/16	2	2-5/8
1/2	3	3
5/8	3	3-1/4
3/4	4	4-1/2
7/8	4	5-1/4
1	5	6
1-1/8	6	6-1/4
1-1/4	6	7-1/2
1-3/8	7	8-1/4
1-1/2	7	9

5207.0060 FLAMMABLE LIQUID TANK SUPPORTS.

Tank supports shall be installed on firm foundations. Tank supports must be of concrete, masonry, or protected steel. Single wood timber supports (not cribbing) may be used for outside aboveground tanks if the fall potential of the tank is not more than 12 inches at the lowest point of the tank.

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PERSONAL PROTECTIVE EQUIPMENT

5207.0100 HIGH VISIBILITY PERSONAL PROTECTIVE EQUIPMENT.

Employees exposed to vehicular traffic when the work area is on the driving lanes or on the shoulders or berms, or on the median adjacent to streets, highways, or roadways shall be provided with and required to wear warning vests or other high visibility garments. For work during the hours of darkness, this protective equipment must be made of or marked with reflectorized material.

Where permanent or semipermanent barricades are installed to protect employees from vehicular traffic, high visibility vests or other high visibility equipment is not required.

WALKING, WORKING SURFACES

5207.0200 SHIPS LADDERS.

Subpart 1. **Requirement.** Employers shall replace fixed and portable ladders with ships ladders whenever possible.

The angle of rise of ships ladders shall be between 50 and 60 degrees measured from the horizontal.

Subp. 2. **Soffits.** Where ladders are located one above the other, soffits shall be enclosed except where solid treads and risers are provided.

Subp. 3. **Treads.** Treads shall be uniformly spaced eight to 12 inches vertically. Tread surfaces other than steel grating shall be provided with skid resistance. Treads shall be flat steps that are a minimum of six inches wide and at least 24 inches long.

Subp. 4. **Handrails.** Handrails shall be provided on both sides of ladders and shall be placed to run parallel with stringers and be positioned 12 to 14 inches measured vertically, from the stringers. Handrail diameters shall be 1-1/4 to 1-5/8 inches outside diameter. When ships ladders serve door entrances, handrails shall continue to the door.

Subp. 5. **Stringers.** Ladder stringers shall be at least six inches in depth and permanently attached at terminations.

5207.0210 SHIPS LADDERS, SPECIAL REQUIREMENTS.

Ships ladders shall be provided in all buildings where mechanical equipment is located on the roof in order to make all equipment accessible to maintenance and inspection personnel. Ships ladders shall be placed at an angle between 50 and 60 degrees measured from the horizontal. The opening in ceilings and building roofs shall have a minimum area of nine square feet and a minimum width of two feet. No ships ladders shall be located in or pass through elevator shafts, elevator penthouses, or elevator machine rooms.

Inside a penthouse, handrails shall continue through ceiling and roof openings to a distance of 36 inches. A guardrail and intermediate rail shall be provided on all open sides with a substantial chain guard on the entrance.

5207.0220 PORTABLE LADDERS.

When working off of a portable ladder, fall protection shall be provided when the fall potential is greater than 30 feet.

5207.0250 WALKING, WORKING SURFACES.

Subpart 1. **Labeling floor or wall opening covers.** In those instances where floor or wall opening covers are used, they shall be labeled, "Floor Opening — Do Not Remove," or "Wall Opening — Do Not Remove" as applicable with lettering at least two inches in height.

Subp. 2. **Displacement.** Floor or wall opening covers shall be secured against accidental displacement.

Subp. 3. **Tripping and impaling hazards.** Where employees are exposed to tripping or impaling hazards caused by projecting conduit ends, reinforcing rods, pipe ends, or similar objects, these hazards shall be barricaded, guarded, or otherwise covered.

Subp. 4. **Construction stairways.** In addition to the requirements of Code of Federal Regulations, title 29, section 1926.501, semifinished permanent stairways or temporary stairways to a second floor are to be in place before supports or structure to the sixth floor are raised. Similarly, the supports or structure on multi-floored buildings shall never be more than five floors ahead of stairways.

A. On steel frame buildings, stairways shall extend to the uppermost floor that has been planked or decked. Ladders for access purposes may be used only above that point.

B. A second means of egress remote from the prime means of egress shall be provided, for emergency use, when any multi-floored structure reaches the 30-foot level or the fourth floor.

C. Ladders which meet the requirements of Code of Federal Regulations, title 29, section 1926.450 may be used as a second means of egress.

Subp. 5. **Roofs.** Employees on flat roofs, other than those actually engaged in roofing operations (roofers), shall be protected from potential fall hazards as required by Code of Federal Regulations, title 29, section 1926.500(d)(1), or equivalent protection such as tying off to a substantial building structure using an approved safety belt and lanyard.

5207.0260 SUSPENSION SCAFFOLDS.

Subpart 1. **Multistage suspension scaffolds.** Multi-stage suspension scaffolds shall meet the requirements of Code of Federal Regulations, title 29, section 1926.451(i) with the exception of section 1926.451(i)(8).

In addition, the following requirements shall be met:

A. All multistage suspension scaffolds shall be equipped with at least one additional emergency support cable and automatic locking device at each end of the platform capable of supporting the work platform in the event one or both of the main suspension cables should fail.

B. The two additional emergency support cables required in item A, shall provide the required strength for a safety factor of six times the platform's intended load, including support for scaffold platforms, materials, tools, and employees working on the scaffold.

C. Employees shall tie off with a lanyard to the scaffold system in lieu of a lifeline to the building. The section of scaffold system or cable used by employees for attachment of lanyard, when tying off to the scaffold in lieu of a lifeline as required above, shall be capable of supporting at least six times the intended load.

Subp. 2. **Suspension scaffolds.** The scaffold suspension lines shall be secured to the scaffold and to the roof irons, hooks, or outriggers by bolt-type devices or cable eyes and cable clamps. Hooks or safety hooks are not permitted as a means of rigging.

Subp. 3. **Outrigger beams or thrustout.** When a suspension scaffold is supported by outrigger beams or thrustouts, each outrigger beam or thrustout must meet the following requirements:

A. Each outrigger beam or thrustout shall be of a size and design to support four times the intended load.

B. The inner end of the outrigger beam must be secured from overturning or tilting laterally.

C. Tie-backs that meet the requirements of Code of Federal Regulations, title 29, section 1926.451(i)(4), shall be securely fastened to the outrigger beam.

D. Counterweights, when used, shall be sufficient to balance four times the intended load, shall be securely fastened to the outrigger beam, marked to indicate their weight, and of a rigid nonflowable material.

Subp. 4. **Lifelines on single-point suspension scaffolds.** A lifeline that meets the requirements of Code of Federal Regulations, title 29, section 1926.104(b), shall be installed on single-point suspension scaffolds. Employees working on the scaffold shall be provided with a safety belt and lanyard that meet the requirements of Code of Federal Regulations, title 29, section 1926.104, and shall be required to tie off to the lifeline.

Subp. 5. **Broken wire safeties.** When two-point scaffolds are equipped with broken wire safeties, the employees may tie off to a substantial member of the scaffold itself. Guardrails are not considered substantial members. The maximum potential fall before the lanyard becomes taut shall be six feet.

ENVIRONMENTAL CONTROLS**5207.0300 CONFINED SPACES.**

Subpart 1. **Scope.** This subpart prescribes minimum safeguards for preventing employee exposure to dangerous air contamination or oxygen deficiency within such spaces as silos, tanks, vats, vessels, boilers, compartments, ducts, sewers, pipelines, vaults, bins, tubs, pits, and other similar spaces. This subpart does not apply to underwater operations conducted in diving bells or other underwater devices or to supervised hyperbaric facilities.

Subp. 2. **General requirements.** Work in confined spaces on construction sites shall meet the requirements of parts 5205.1000 to 5205.1040.

5207.0310 CARBON MONOXIDE MONITORING.

Subpart 1. **Internal combustion engines.** The employer shall monitor environmental exposure of employees to carbon monoxide whenever internal combustion engines or unvented space heaters are operated indoors to ensure that carbon monoxide levels do not exceed those given in Code of Federal Regulations, title 29, section 1910.1000, Table Z-1. The air sampling shall be done during initial operation and at least bimonthly thereafter and during a period representing highest usage in areas where carbon monoxide exposure is most likely.

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PROPOSED RULES

Subp. 2. **Lift trucks.** Where the carbon monoxide source is lift trucks, the employer shall ensure that exhaust gases do not contain more than one percent carbon monoxide for propane fueled trucks or two percent carbon monoxide for gasoline fueled trucks.

5207.0320 GAS FIRED MACHINES AND APPLIANCES.

The flame of the gas pilot, burner, or burners in gas fired units shall be protected by a quick-acting flame-sensitive safeguard that will automatically shut off the fuel supply in case of pilot or burner failure.

CRANES, HOISTS, AND DERRICKS

5207.0400 CRANES, HOISTS, AND DERRICKS.

Subpart 1. **Scope.** This part applies to any crane, hoist, or derrick having a maximum rated capacity of one ton or less; to railway and automobile wrecking cranes; skip hoists; hoist-like units used for horizontal pulling only; mine hoists; conveyors and shovels; drag line excavators; backhoes; and any equipment within the scope of mobile scaffolds, towers, and platforms.

Subp. 2. **General requirements.** Cranes, hoists, or derricks within the scope of this part shall meet the requirements of parts 5205.1200 to 5205.1210.

5207.0410 PERSONNEL PLATFORMS SUSPENDED FROM CRANES AND DERRICKS.

This part applies to the hoisting of personnel platforms on the load line of friction or hydraulic portal, tower, crawler, locomotive, truck, and wheel mounted cranes or derricks.

No crane or derrick function may be performed while an employee is on a personnel platform attached to a load line on such equipment unless the requirements of parts 5205.1240 to 5205.1300 are met. The practice of hoisting employees on such equipment is only permitted under the specific circumstances defined in part 5205.1290.

5207.0500 ENCLOSURES AT CONSTRUCTION OR ENGINEERING PROJECTS.

The ground actually occupied by the building construction operations or engineering project shall be shut off by an enclosure from places accessible to the public. The enclosure shall be such as to avoid any risk that might arise from the fall of any objects whatsoever. Places on the building site that are accessible to the workers shall be protected in a similar manner.

5207.0510 WELLS, PITS, SHAFTS, AND OTHER SIMILAR SPACES.

All wells, pits, shafts, and other similar spaces shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, and other similar spaces shall be backfilled.

5207.0520 WARNING SIGNS AT CONSTRUCTION OR ENGINEERING PROJECTS.

Warning signs and red lights shall be conspicuously placed and maintained at all dangerous places on the job.

5207.0530 SIDEWALK SHEDS.

Whenever a building shall be erected or increased over two stories in height, or whenever a building of more than 25 feet in height is to be demolished upon any street of a municipality on which municipal regulations will not allow sidewalks to be blockaded, the owner, builder, or contractor constructing, repairing, or demolishing the building shall erect and maintain, during the period of construction and repair, a shed which shall extend over not less than one-half the width of the sidewalk and shall have a minimum width of three feet. The side wall toward the building shall be sealed with boards. The roof over the shed shall be constructed to support the approximate load carried, but in no case shall the planks on the roof be less than two inches thick. The street side of the sidewalk shed shall have a hand and an intermediate rail.

5207.0540 LIGHTS AT SIDEWALK SHEDS.

Every sidewalk shed shall be kept in good repair, free from unnecessary obstruction, and properly lighted at night. The ends of the sidewalk shed walk shall be marked with red lights on the street side.

MACHINE GUARDING

5207.0600 LOCKOUT DEVICES.

Subpart 1. **Electrical power disconnect.** Any main electrical power disconnect means which controls a source of power or material flow shall be locked out with a lockout device whenever employees are maintaining, cleaning, adjusting, or servicing machinery or equipment, if the disconnect is not in clear sight of the employee. A "Do Not Start" tag as described in Code of Federal Regulations, title 29, section 1910.145(f)(3), shall be affixed to any and all operating controls.

Subp. 2. **Pneumatic and hydraulic lines.** The pressure shall be eliminated from any pneumatic and hydraulic lines that activate a mechanism or machine, and the valve holding back the activating substance shall be locked out before an employee works on that mechanism or machine.

Subp. 3. **Spring tension mechanisms.** Mechanisms under spring tension or compression shall be blocked, clamped, secured in

position, or the compression or tension totally relieved before being worked on by an employee.

Subp. 4. **Suspended mechanisms.** Suspended mechanisms or parts that normally cycle through a lower position shall be lowered to the lowest position, be clamped, blocked, or otherwise secured in position before being worked on by an employee.

Subp. 5. **Individual lockouts.** Where more than one employee is engaged in working on machinery or equipment, each employee shall affix the employee's individual lockout device or lock to the disconnect switch or power supply.

Subp. 6. **Exemption.** Utility companies, when working on lines and equipment, will be exempt from this standard but must comply with the requirements of Code of Federal Regulations, title 29, section 1926.950(d).

5207.0610 MOTOR START BUTTON.

The motor start button on machines shall be physically protected against unintended operation.

5207.0620 MACHINE CONTROLS AND EQUIPMENT.

On machines with points of operation, pinch points, or nip points, a mechanical or electrical power control shall be provided on each machine to make it possible for the operator to cut off the power from each machine without leaving the position at the point of operation.

5207.0630 FOOT ACTUATED MACHINES.

The treadle or pedal of foot actuated machines, tools, or equipment shall be physically protected to prevent unintended operation.

MAINTENANCE AND REPAIR OF EQUIPMENT

5207.0700 COMPRESSED GAS CONTAINERS.

Valves on compressed gas containers shall be protected from damage while in use or storage.

5207.0710 PRESSURE HOSES.

All hand-held pressure hoses and nozzles that could cause injury when the hose or nozzle is not being held, including air, water, hot water and steam, and all high temperature hoses or nozzles including hot water and steam, shall have a constant pressure control.

5207.0720 ALTERATION OF TOOLS AND EQUIPMENT.

All tools and equipment, whether powered or manually operated, shall be used only for their intended purpose. Tools and equipment shall not be altered, modified, or used for other than their intended purpose without the manufacturer's written approval.

5207.0730 LUBRICATION OF MOVING MACHINERY.

Machinery or equipment shall be shut down during manual lubrication unless access to lubrication fittings is located far enough away from moving parts that employees cannot contact them.

5207.0740 SCISSOR POINT PROTECTION.

Scissor points on all rubber tired skid steer equipment including front-end loaders shall be guarded.

SANITATION

5207.0800 PRIVIES AT CONSTRUCTION AND ENGINEERING PROJECTS.

Privies shall be provided on all construction and engineering projects as provided for in the sanitation laws of Minnesota. Privies shall be placed inside of heated buildings wherever possible to do so. Where privies are not placed inside of heated buildings, provisions shall be made for heating privies to a minimum of heat that can be emitted from the installation of a 1,300 watt heater or other type equivalent heater.

5207.0810 JOBSITE SHELTER.

Subpart 1. **Definitions.** "Suitable place" means an enclosed shed, designated area within a new or existing structure, or van, panel truck, or mobile home. A "man-day" is equivalent to one person working an eight-hour shift.

Subp. 2. **Scope.** The provisions of this standard apply to those construction projects which have exceeded 30 man-days.

Subp. 3. **Place to change and eat.** From November 1 to March 15 of each winter season, all construction jobs shall be provided with a suitable place for employees to change their clothes and eat their lunch.

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PROPOSED RULES

Subp. 4. **Size.** The size of jobsite shelters shall be based on the maximum number of employees using the room at one time. The minimum space requirements, in square feet per person, shall be determined by the values as shown below:

- A. 25 or fewer employees, 13 square feet;
- B. 26 to 74 employees, 12 square feet;
- C. 75 to 149 employees, 11 square feet; and
- D. 150 employees and over, 10 square feet.

Subp. 5. **Temperature.** Jobsite shelters shall be heated to a temperature of at least 50 degrees Fahrenheit during all periods when the shelter is occupied.

Subp. 6. **Contaminated clothing storage.** If toxic or harmful substances are handled so that work clothes become contaminated, facilities shall be provided so that street clothes and work clothes will not be stored in contact with each other.

Subp. 7. **Lighting.** Jobsite shelters shall be lighted with not less than ten footcandles of light.

Subp. 8. **Crew mobility.** The requirements of this standard can be met by furnishing transportation to a reasonably convenient location which meets the other requirements of this standard.

VEHICLES

5207.0900 POWERED INDUSTRIAL TRUCK OPERATIONS.

All industrial trucks designed and constructed for use on solid hard level surfaces shall be restricted to such operations.

All solid hard level surfaces must be free of cracks, irregularities, or holes that could upset the balance of the industrial truck.

When a fork truck operator is positioning a load in an area that is not fully visible to the fork truck operator, the operator shall be assisted by a designated person who shall direct the safe placing of the load by using predetermined signals.

5207.0910 SERVICING MULTIPIECE AND SINGLE PIECE RIM WHEELS.

Subpart 1. **Scope.** This subpart applies to the servicing of multipiece and single piece rim wheels used on large vehicles such as trucks, tractors, off-road machines, and similar vehicles used on construction sites. It does not apply to the servicing of rim wheels used on automobiles or pickup trucks and vans using automobile tires or truck tires designated "LT."

Subp. 2. **General requirements.** Servicing of multipiece and single piece rim wheels on large vehicles on construction sites shall meet the requirements of Code of Federal Regulations, title 29, section 1910.177.

REPEALER. Minnesota Rules, parts 5205.0160; 5205.0170; 5205.0180; 5205.0210; 5205.0220; 5205.0230; 5205.0240; 5205.0250; 5205.0260; 5205.0270; 5205.0280; 5205.0290; 5205.0300; 5205.0310; 5205.0320; 5205.0460, subparts 15 and 19; 5205.0900; 5205.0910; 5205.0920; 5205.0930; 5205.0940; and 5205.0950, are repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *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.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Agriculture

Adopted Permanent Rules Relating to Seed Potato Field Inspection

The rule proposed and published at *State Register*, Volume 11, Number 36, pages 1578-1579, March 9, 1987 (11 S.R. 1578) is adopted as proposed.

Capitol Area Architectural And Planning Board

Adopted Rule Governing Zoning Districts for the Capitol Area

The rule proposed and published at *State Register*, Volume 10, Number 49, pages 2366-2367, June 2, 1986 (10 S.R. 2366); Volume 10, Number 53, page 2642, June 30, 1986 (10 S.R. 2642); and Volume 11, Number 37, page 1642, March 16, 1987 (11 S.R. 1642) is adopted as proposed.

Department of Human Services

Adopted Permanent Rules Relating to Adult Day Care Center Licensure

The rules proposed and published at *State Register*, Volume 11, Number 13, pages 582-598, September 29, 1986 (11 S.R. 582) are adopted with the following modifications:

Rules as Adopted

9555.9600 DEFINITIONS.

Subp. 13. **Fire marshal.** "Fire marshal" means the person designated by Minnesota Statutes, section ~~299F.01~~ 299F.011, to administer and enforce the Minnesota Uniform Fire Code, or the fire marshal's authorized representative.

Subp. 18. **Medication assistance.** "Medication assistance" means assisting participants to take medication and monitoring the effects of medication but does not include administering injections. Medication includes a prescription substance ingested, injected, or applied externally to prevent or treat a condition or disease, heal, or relieve pain.

9555.9610 ADULT DAY CARE CENTER LICENSURE.

Subp. 2. **Applicability.** Parts 9555.9600 to 9555.9730 govern the licensing of adult day care centers.

An identifiable unit in a nursing home, hospital, or boarding care home licensed by the commissioner of health that regularly provides day care for six or more functionally impaired adults at any given time who are not residents or patients of the nursing home, hospital, or boarding care home must be licensed as an adult day care center.

Subp. 3. **Exemptions from licensure.** The following facilities or situations in which adult day care is provided are exempt from licensure as adult day care centers:

B. facilities that provide day care to adults and are excluded from licensure under Minnesota Statutes, section 245.791, including:

(4) an identifiable unit of a nursing home, hospital, or boarding care home licensed by the commissioner of health that regularly provides day care for five or fewer functionally impaired adults at any given time who are not residents or patients of the nursing home, hospital, or boarding care home;

Subp. 4. Licensure of existing centers. An adult day care center that is in operation prior to July 1, 1987, must submit a completed application for licensure to the commissioner by October 1, 1987.

9555.9620 LICENSING PROCESS.

Subp. 3. **Licensing study.** The commissioner shall conduct a study of the center as set forth in items A and B before issuing or renewing a license:

B. A study of the applicant and of all center staff must be made under Minnesota Statutes, section 245.783, subdivision 3.

(1) ~~The applicant shall submit to the commissioner a completed form signed by each applicant and employee enabling the commissioner to obtain disclosure of arrest, conviction, or criminal history records. The form must disclose A check of arrest, conviction, or criminal history records must be conducted on each applicant and staff member. Each applicant and staff member~~

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ADOPTED RULES

shall complete and sign a form disclosing the person's full name, date of birth, the specific nature of the information to be obtained, who will receive the information, and who will disclose it. The commissioner shall seek the assistance of the Minnesota Bureau of Criminal Apprehension, the county attorney, and the sheriff or the chief of police in the locality where the person resides in determining the person's arrest, conviction, or criminal history record.

9555.9630 NEGATIVE LICENSING ACTIONS.

Subp. 8. **Reapplication after revocation or nonrenewal.** An operator whose license has been revoked or not renewed because of noncompliance with applicable laws or rules shall may not be granted a new license for five years following revocation or nonrenewal. ~~The department may grant a variance to this provision and issue a license after two years following revocation or nonrenewal if the applicant then substantially meets all provisions of parts 9555.9600 to 9555.9730.~~ When the commissioner initiates a negative licensing action against an operator, the operator shall not voluntarily withdraw his or her license without providing written assurance that the operator is voluntarily accepting revocation and will not reapply for two years.

9555.9640 POLICY AND PROGRAM INFORMATION REQUIREMENTS.

A center shall have available for review and shall distribute to ~~prospective~~ participants and their ~~representatives~~ caregivers upon admission written information about the points in items A to N:

9555.9650 PERSONNEL RECORDS.

A center shall maintain the personnel files in items A and B.

A. A personnel file for each employee that includes:

(7) documentation, when applicable, that the employee has completed the cardiopulmonary resuscitation and airway obstruction treatment training required in part 9555.9690, subpart 2, item ~~D~~ C.

9555.9660 PARTICIPANT RECORDS.

A center shall develop and maintain a written record for each participant. Access to participants' records shall be governed by subpart 2.

Subpart 1. **Participant's written record.** Each participant's written record shall include:

A. an application form signed by the participant or the participant's caregiver that includes:

B. a medical report dated within the three months prior to or 30 calendar days after the participant's admission to the center, signed by a physician or signed by a physician's assistant or registered nurse and cosigned by a physician, that includes:

(1) a report on a physical examination ~~of the participant completed within the three months prior to or 30 calendar days after the participant's admission to the center and,~~ updated annually;

(2) a medical history of the participant;

(3) indication of dietary restrictions and medication regimen, including the need for medication assistance, that apply to the participant;

H. a copy of the center's statement on participants' rights, signed by the participant or the participant's caregiver to indicate the participant has been informed of rights;

K. in a center licensed ~~to serve participants capable of taking emergency action for self-preservation under emergency conditions as meeting group E-3 occupancy code requirements~~, (1) a statement signed by the center director and the participant at the time of the participant's admission specifying the basis on which the participant was determined to be capable or not capable of taking appropriate action for self-preservation under emergency conditions as that capability is defined in part 9555.9600, subpart 8; and (2) documentation that the participant has demonstrated the capability defined in part 9555.9600, subpart 8, by participating in a fire drill within at least ~~three~~ six months of admission to the center; and

L. discharge summary, if the participant ~~leaves~~ is discharged from the center.

9555.9680 PERSONNEL REQUIREMENTS.

Subpart 1. **Center director.** The center director must meet both the requirements in items A and B or only the requirement in item C:

A. licensure by the state of Minnesota as a licensed practical nurse or completion of at least two years of postsecondary education from an accredited college, university, technical institute, or correspondence school; and

Subp. 2. **Personnel standards.** The standards and requirements in items A to C apply to all employees:

C. An employee, other than a physician, registered pharmacist, registered nurse, or licensed practical nurse, who is responsible for medication assistance shall provide a certificate verifying successful completion of a trained medication aid program for unli-

censed personnel approved by the Minnesota Department of Health or shall be trained by a registered nurse to provide medication assistance in accordance with part 9555.9710, subpart 3. ~~Medication assistance by unlicensed personnel includes responsibility for assisting participants to take medication and monitoring the effects of medication but does not include injections.~~

9555.9690 STAFF RATIO AND CENTER COVERAGE.

Subp. 2. **Staff coverage of center.** Centers must meet the standards specified in items A to D.

C. A person trained in basic first aid, and certified in cardiopulmonary resuscitation, and the treatment of obstructed airways must be present at all times:

~~D. Persons designated by the center to meet the requirements in item C must be certified in cardiopulmonary resuscitation and the treatment of obstructed airways.~~

Subp. 4. **In-service training.** A center shall provide a minimum of eight hours of in-service training annually. In-service training must be in areas related to care of center participants, including provision of medication assistance and review of parts 9555.8000 to 9555.8500, 9555.9600 to 9555.9730, and Minnesota Statutes, section 626.557.

9555.9710 SERVICE AND PROGRAM REQUIREMENTS.

Subp. 3. **Health services.** The center shall offer health services developed in consultation with a registered nurse. A registered nurse shall provide consultation and review of the health services at least ~~four hours~~ monthly. Health services must include:

D. developing policies and monitoring procedures for participant self-administration of medications for training unlicensed personnel who provide medication assistance; and

Subp. 4. **Structured exercise program.** The center shall offer a daily structured exercise program for participants whose physicians have authorized their participation. The program shall be developed in consultation with a registered physical therapist. A registered physical therapist shall provide consultation and review of the exercise program, at least ~~four hours~~ quarterly.

9555.9720 SAFETY REQUIREMENTS.

Subp. 5. **Hazardous objects, materials, or equipment.** Chemicals that are poisonous when swallowed or inhaled or that are damaging to eyes or skin must be stored in an area not accessible to the participants. Use of scissors, knives, matches, ~~razors~~ razor blades, and other potentially hazardous materials by participants shall be allowed only under supervision.

Subp. 9. **Emergencies caused by fire and weather.** The center shall have written plans for emergencies caused by fire, blizzards, and tornadoes. The plans must be posted in a visible place and be on file in the center. The plans must include items A to J:

A. the responsibilities each staff person will assume in case of emergency, ~~including assignment of staff persons to participants known to require assistance in responding to danger or alarms and in exiting the facility;~~

9555.9730 PHYSICAL PLANT AND SPACE REQUIREMENTS.

Subp. 2. **Determination of occupancy code.** The occupancy code requirements for a center shall be determined according to items A to D.

A. Centers serving only participants who are capable of taking appropriate action for self-preservation under emergency conditions shall meet all applicable building and fire code requirements relative to either group E-3 occupancies or group I occupancies as specified in the State Building Code. When one or more participants enrolled are nonambulatory but mobile, the center meeting group E-3 occupancy code requirements must be located on a floor level with an exit directly to grade without any intervening stairs.

B. Centers serving a population that includes both participants who are capable and participants who are not capable of taking appropriate action for self-preservation under emergency conditions shall meet occupancy code requirements specified either under subitem (1) or (2):

Subp. 4. **Usable space requirements.** The licensed capacity of a center shall be limited by the amount of usable indoor space available ~~to the center for adult day care programming for use by participants.~~ The total indoor space ~~used by the day care program available for use by participants~~ must equal at least 40 square feet for each day care participant and each day care staff member present at the center. When a center is located in a multifunctional organization, the center may share common space with the multifunctional organization if the required space available for use by participants is maintained while the center is operating. In determining the square footage of usable indoor space available, a center must not count:

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ADOPTED RULES

A. hallways, stairways, closets, offices, restrooms, and utility and storage areas; or

B. more than 25 percent of the space occupied by furniture or equipment used by participants or staff; or

C. in a multifunctional organization, any space occupied by persons associated with the multifunctional organization while participants are using common space.

EFFECTIVE DATE. Parts 9555.9600 to 9555.9730 are effective July 1, 1987.

EXECUTIVE ORDERS

Order 87-9

Providing for a Governor's Planning Council on Developmental Disabilities and Assigning Responsibility to the State Planning Agency; Repealing Executive Order No. 83-16

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

WHEREAS, provision of services to persons with developmental disabilities is of concern and importance to the state; and

WHEREAS, Public Law 98-527, directs state participation in assisting people with developmental disabilities, provides funds for such assistance, and requires the establishment of a planning council in the preparation of a state plan; and

WHEREAS, no state agency has been designated by law to apply for, to receive, to accept, and to expend federal funds for such purposes;

NOW, THEREFORE, I hereby order that:

1. In accordance with Public Law 98-527 there be established the Governor's Planning Council on Developmental Disabilities, whose responsibility it shall be to supervise the development of a three-year state plan describing the quality, extent, and scope of needed services being provided or to be provided to persons with developmental disabilities; to monitor and evaluate the implementation of the state plan, and to review state service plans for persons who are developmentally disabled.

2. Pursuant to Minnesota Statutes, Section 4.07, the State Planning Agency be designated the state agency to act for the Governor in applying for, receiving, accepting and expending federal funds granted to the State of Minnesota by Public Law 98-527.

3. The State Planning Agency be designated as the responsible agency to provide staff and other administrative assistance to the Governor's Planning Council on Developmental Disabilities, and to carry out all other responsibilities relating to the developmental disabilities program as required under state and federal law.

This Order repeals Executive Order No. 83-16.

Pursuant to Minnesota Statutes, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in

effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this fourth day of May, 1987.



Rudy Perpich
Governor

OFFICIAL NOTICES

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Minnesota State Agricultural Society Minnesota State Fair

Meeting Notice

The board of managers of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will conduct a general business meeting at 10 a.m. Friday June 12 at the Administration Building on the fairgrounds. Preceding the general meeting will be a meeting of the board's space rental committee at 9:30 a.m.

Department of Agriculture

Notice of Special Local Need Registration (SLN)

This is to inform you that pursuant to Minnesota Statute Section 18A.23, and 3 MCAR, Section 1.0338 B, the Minnesota Department of Agriculture, on May 12, 1987, issued a Special Local Need Registration (24c) for Furadan CR-10 manufactured by FMC Corporation. The State Registration Number assigned is MN-87-0001.

In addition to the uses prescribed on the product label, this Special Local Need Registration permits the use of this pesticide to control Crucifer and Striped flea beetles on rape seed intended solely for export to Canada.

This SLN Registration will remain in effect until May 12, 1992, unless otherwise cancelled by this department or request withdrawn by the manufacturer.

If you have any questions regarding this registration, please contact this office.

Larry P. Palmer
Pesticide Regulatory Specialist
Agronomy Services Division

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Department of Commerce

Notice of Activation of the Minnesota Joint Underwriting Association to Insure Specified Classes of Business and Public Hearing

Notice is hereby given that, pursuant to Minnesota Statutes, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

- **Salvage Yards**
- **Workers' Compensation Self-Insurer's Bond**
- **Medical Equipment Sales and Rental**
- **Bankers Blanket Bond**

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415 on June 29, 1987 at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by Minnesota Statute Sections 14.57-14.69 and by Minnesota Rules Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge, Peter Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of Minnesota Statutes, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 10:00 a.m. on June 19, 1987, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

- (1) That members of those classes are unable to obtain insurance through ordinary means;
- (2) That the insurance being sought is required by statute ordinance, or otherwise required by law, and is necessary to earn a livelihood or conduct a business; and
- (3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register*.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (Minnesota Rules Parts 1400.5100-1400.8400).

Minnesota Statutes chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statute Section 10A.01, subdivision 11 as an individual:

- (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or
- (b) Who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, telephone (612) 296-5615.

Dated: 15 May 1987

Michael A. Hatch
Commissioner of Commerce

62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

62I.22 HEARING.

Subdivision 1. **ADMINISTRATIVE LAW JUDGE.** The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and administrative law judge assigned to the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

Subd. 2. **NOTICE.** The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required.

Subd. 3. **CONTESTED CASE; REPORT.** The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. **DECISION.** The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. **WAIVER OR MODIFICATION.** If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Department of Energy and Economic Development Business Financial Management Division

Notice of Availability of Tax Exempt Financing Issuance Authority

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 22

The Department gives notice that the amounts of tax exempt financing issuance authority available to qualified issuers as of May 18, 1987, is as follows:

Competitive Pool (Federal Volume Limitation Act)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19

Total Pool Available (Priority to:

- | | |
|---------------------------------|--------------|
| (a) General Obligation Projects | |
| (b) Manufacturing Projects | \$39,289,380 |

For:

- | | |
|---|--------------|
| Pollution Control/Waste Management Projects | \$ 2,847,876 |
| Commercial Redevelopment | |
| Multifamily Housing Projects | \$17,708,783 |

OFFICIAL NOTICES

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19, Subd. 2, and Section 21, Subd. 2, issuers requesting allocations of issuance authority must submit applications, any applicable deposit and any other supporting documents required. Application forms are available from the Department upon request.

Higher Education Facilities Authority

Notice of Public Hearing on Proposal to Issue Revenue Bonds

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of Gustavus Adolphus College, a Minnesota non-profit corporation and institution of higher education, whose address is College Avenue, St. Peter, Minnesota 56082 (the "College"), at the Authority's offices at 278 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota on Wednesday, June 24, 1987 at 3:00 o'clock p.m.

The proposal involves the issuance of revenue bonds to provide funds for a Project on the campus of the College in the City of St. Peter, Minnesota generally described as follows: remodeling the Johnson Student Union, constructing and equipping an interpretive center having approximately 2000 square feet of covered space and 700 square feet of enclosed space for the arboretum, constructing a ring road connection and 40-car parking lot for Wahlstrom Residence Hall and a 120-car parking lot for the Schaefer Fine Arts Center, and realigning and constructing the South campus entry drive with a new stone entrance sign.

The Project facilities will be owned and operated by the College upon completion of construction. The maximum principal amount of revenue bonds of the Authority to be issued under the proposal is \$2,400,000.

At said time and place the Authority shall give all parties who appear an opportunity to express their views with respect to the proposal. A copy of the Application of the College is on file at the offices of the Authority and is available for inspection during regular business hours, 8:00 a.m. to 4:00 p.m., Monday through Friday.

Dated: 6 May 1987

BY ORDER OF THE MINNESOTA HIGHER
EDUCATION FACILITIES AUTHORITY
Joseph E. La Belle,
Executive Director

State Board of Investment

Official Notice of Meetings for the State Board of Investment and the Investment Advisory Council

The State Board of Investment will meet on Wednesday, June 3, 1987 at 8:30 a.m. in Room 112, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, June 2, 1987 at 2:00 p.m. in Conference Room "A", MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

Department of Labor and Industry Division of Labor Standards

Notice of Correction to Prevailing Wage Rates

Prevailing wage rates certified February 1, 1987, for Sheet Metal Workers (421) on commercial construction projects in Clearwater and Koochiching counties have been corrected.

The new rates, effective May 15, 1987, may be obtained by contacting the Minnesota Documents Division, 117 University Avenue, St. Paul, Minnesota 55155.

Ray Bohn, Commissioner
Minnesota Department of Labor & Industry

Bureau of Mediation Services

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Contract Transmittal

Notice is hereby given that the State Bureau of Mediation Services is seeking information or opinions from sources outside the agency in preparing to propose the repeal of the rule governing contract transmittal. The repeal of the rule is authorized by Minnesota Statutes, section 179A.03, subd. 3(f), which permits the agency to adopt rules.

The State Bureau of Mediation Services requests information and opinions concerning the subject matter of the rule. Under provisions of the current rule, the employer is required to submit a copy of executed labor contracts to the Bureau. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Paul W. Goldberg, Director, Minnesota Bureau of Mediation Services, 205 Aurora Avenue, St. Paul, MN 55103. Oral statements will be received during regular business hours over the telephone at (612) 296-2525.

All statements of information and opinions shall be accepted until June 25, 1987. Any written material received by the State Bureau of Mediation Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is repealed.

Dated: 25 May 1987

Paul W. Goldberg, Director
Bureau of Mediation Services

STATE CONTRACTS AND ADVERTISED BIDS

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers, whose initials are next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Steam traps & replacements parts (DM)	May 26	Oak Terrace Nursing Home	Minnetonka	55 520 03843
Van (DM)	May 27	State University	Bemidji	26 070 11993
Servo system (Pat)	May 27	State University	St. Cloud	26 073 19657
Drill press (DRT)	May 27	Transportation	Windom, Morris, Rochester	79 000 74431
Map buckets, map outfits & sup- plies (DR)	May 27	Various	Various	Price Contract
Roll paper towel service (BV)	May 28	Military Affairs	Duluth	Price Contract
Drinking water & cooler rental (BV)	May 28	Various	Various	Price Contract

STATE CONTRACTS & ADVERTISED BIDS

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
A complete line of safety shoes (EFS)	May 28	Various	Various	Price Contract
DNR uniform clothing (JPK)	May 28	Natural Resources	Grand Rapids	29 000 10025
Ribbons & typewriter, calculator & printer (AW)	May 28	Central Stores	St. Paul	Price Contract
Sperry computers (PA)	May 28	State University	Moorhead	26 137 03919
IBM PC's (PA)	May 27	State University	St. Cloud	26 073 19839
Conversion/upgrade of micom equip.—rebid (PA)	May 29	State University	Mankato	26071 17276
35MM film & supplies for photo- log inventory (PA)	May 29	Transportation	St. Paul	Price Contract
L.P. gas (EFS) rebid	May 29	Various	Various	Schedule 93A
Video equipment (PA)	May 29	State University	Bemidji	26 070 11999 etc.
Paper, misc. (index cards, scratch pads, etc.) (AW)	May 29	Central Store	St. Paul	Price Contract
Recording tape for dictaphone re- corder (Pam)	May 29	Public Safety	St. Paul	07 500 42862
Tubular knit fabric (AW)	June 1	Correctional Facility	Oak Park Heights	Price Contract
Lettering machine supplies—Kroy & Merlin (AW)	June 2	Various	Various	Price Contract
Sony-Confer-Corder (Pam)	June 2	Administrative Hearings	Minneapolis	99 690 70146
Traffic sign holders (DRT)	June 2	Department of Transportation	Various	Price Contract
All-purpose 4-wheel drive tractor/ truck with dump box (DM)	June 2	Department of Transportation	Duluth	79 382 01219
Musical instruments (JPK)	June 2	State University	Mankato	26 071 17374
Video equipment (PA)	June 2	State University	Mankato	26 072 10167

Department of Administration: Printing & Mailing Services

Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Recruiting booklet and companion handout	June 2	State University	Bemidji	7057 26070 13009

Minnesota State Arts Board

Request for Graphic Arts Services

The Minnesota State Arts Board is requesting proposals for bids to provide a variety of graphic arts services beginning July 1986. (See description in the May 11, 1987 issue of the *State Register*).

Proposals will be accepted until **June 26, 1987**. For more information contact:

Marjorie Casey
Minnesota State Arts Board
432 Summit Avenue
Saint Paul, MN 55102
612/297-2603

Department of Corrections Health Care Unit

Notice of Request for Proposals for Primary Care Physician Services

Notice is hereby given that the Minnesota Department of Corrections is seeking the service of a primary care physician. These services are to be performed at the Minnesota Correctional Facilities—Stillwater, Oak Park Heights, St. Cloud, and Lino Lakes. Proposal should cover the period of July 1, 1987 through June 30, 1989.

For additional information, contact:

Howard L. Johnson, Health Care Administrator
Department of Corrections
300 Bigelow Building
450 North Syndicate Street
St. Paul, Minnesota 55104
Phone: (612) 642-0248

Proposals for the above contract must be submitted no later than Monday, June 8, 1987, by 4:30 p.m.

Department of Human Services

Request for Proposal for Psychological Interpretation of Tests Administered at Brainerd Regional Human Services Center

Notice is hereby given that the Brainerd Regional Human Services Center, Department of Human Services is seeking the following services for the period July 1, 1987 through June 30, 1988. The services are to be performed as requested by the administration of the Brainerd Regional Human Services Center. This notice does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interests.

Psychological interpretation of tests administered by Brainerd Regional Human Services Center on persons admitted to its Psychiatric Program. Tests will be done in response to a physician's order and mailed to the contractor. Reports to be returned by mail. Tests involved are as follows:

- a. Admission Battery, including Minnesota Multiphase Personality Inventory and Shipley Institute of Living Scale—estimated annual volume 350.
- b. Sentence Completion Test—estimated annual volume 40.
- c. Bender Gestalt Test—estimated annual volume 15.

Proposals are requested indicating the proposed charge per test and total annual price estimate based on above volume estimates. The estimated amount of the contract will not exceed \$13,750.

Response must be received by 11 a.m., June 16, 1987. Proposals or inquiries are to be directed to:

Elmer O. Davis
Assistant Administrator
Brainerd Regional Human Services Center
1777 Highway 18E
Brainerd, MN 56401
(218) 828-2399

Dated: 25 May 1987

Department of Natural Resources

Notice of a Request for Proposal to Develop a Forest Products Marketing and Industrial Development Program Strategy and Operating Guide

The Department of Natural Resources, Division of Forestry is seeking proposals from qualified firms to develop a comprehensive forest products marketing and industrial development strategy guide and operating handbook. Forest products utilization and marketing (FPU&M) program staff will use this tool to more effectively and efficiently:

STATE CONTRACTS & ADVERTISED BIDS

1. Direct forest products industrial development efforts into areas of highest potential for success.
2. Direct forest products marketing efforts into areas of highest potential for increased trade and value added.

The project consists of the following general tasks:

1. Produce a written operating handbook and strategy guide including, but not limited to, the following general topics:
 - A. Appropriate roles for the FPU&M program in marketing and industrial development.
 - B. Strategies to accomplish FPU&M program marketing and industrial development goals.
 - C. Case histories illustrating the successful implementation of strategies.
 - D. Appendices containing resources relating to forest products marketing and industrial development.
2. Give a presentation describing the application of this handbook at the Northeastern Area Forest Products Utilization and Marketing Conference in LaCrosse, WI in July, 1988.

The estimated amount of the contract is \$30,000. Proposals must be submitted by July 31, 1987. A camera-ready copy of the finished product should be completed no later than May 1, 1988.

The full text of the Request for Proposal is available on request. Direct inquiries and responses to:

Robert E. Pajala
Forest Products Utilization and Marketing Specialist
Box 44, DNR Building
500 Lafayette Road
St. Paul, MN 55146
(612) 296-6502

NON-STATE PUBLIC CONTRACTS

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

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

Metropolitan Council of the Twin Cities Area

Invitation for Sealed Bids to Print a Regional Parks Map

The Metropolitan Council, 300 Metro Square Bldg., St. Paul 55101, is requesting sealed bids to print a regional parks map.

Specifications for printing the map can be obtained by contacting Nadine Farrington, publications division, at 291-6478.

Sealed bids will be accepted by the Metropolitan Council until 4 p.m. May 27, 1987. The Council's purchasing officer will open the sealed bids publicly in the Council offices at 10 a.m. May 28.

All sealed bids shall be marked "Bid to print regional parks map." Bids shall be mailed to Nadine Farrington, Community Services Department, Metropolitan Council, 300 Metro Square, 7th and Robert Sts., St. Paul, MN 55101.

The Metropolitan Council reserves the right to reject any or all bids, and to waive any minor irregularity or deviation from the specifications.

Dated: 12 May 1987

Steve Keefe, Chair

STATE GRANTS

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant 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 notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Department of Health

Notice of Availability of Funds and Solicitation of Letters of Intent for AIDS Prevention and Risk Reduction

A letter of intent (see form attached) must be received by the Department of Health no later than **4:30 p.m., Monday, June 15, 1987**. Submit to:

Commissioner of Health
Minnesota Department of Health
717 S.E. Delaware Street
Minneapolis, Minnesota 55414
Attention: AIDS Programs Unit
Acute Disease Epidemiology Section

Solicitation of Letters of Intent

As published in the *State Register*, today the Minnesota Department of Health will have funds available for a 15-month period, October 1, 1987 to December 31, 1988 for AIDS prevention and risk reduction programs, according to the following priorities: 1) targeted risk reduction education to people most at risk for HIV infection and AIDS, including: a) men who have sex with other men and their sexual partners, b) people with hemophilia and their sexual partners, c) people who engage in and/or experiment with intravenous drugs and their sexual partners, d) men and women who are sexually active (high-risk singles and people who engage in prostitution behavior) and their sexual partners, and e) ethnic minorities, especially blacks and Native Americans who engage in high-risk behaviors as described above; 2) model community organization efforts that involve multiple constituencies in the planning and delivery of AIDS prevention activities; 3) community health education; 4) centralized AIDS information system (statewide clearinghouse and AIDS information and resources); 5) toll-free and local hotline services for the accurate, up-to-date, and confidential delivery of AIDS information, referral, and counseling. Proposals addressing at least one of these priorities will be funded on a competitive basis. Upon receipt of a completed letter of intent, **the RFP will be available by June 15**. Approximately \$350,000 is available for the funding period contingent upon legislative approval.

Eligibility Criteria

1. Any public or private not-for-profit agency that can demonstrate administrative, organizational, programmatic, and fiscal capability to deliver a proposed program.
2. Demonstrated support from the at-risk, public health, educational, and medical communities.
3. Demonstrated current and/or future potential for additional complimentary resources/revenues for development, implementation, and/or evaluation and continuation of proposed program.

Minimum Expectations

1. Demonstration of community-wide, and preferably, statewide coordination of training and service delivery.

LETTER OF INTENT

AIDS Prevention and Risk Reduction

Agency _____ Date _____

Organizational Status (i.e., public, non-profit, etc.) _____

Program Title _____ New _____ Ongoing _____

Program Priorities _____
(see notice)

STATE GRANTS

Address: _____

Contact Person: _____

Telephone No. _____

Program Summary—Briefly describe: 1) one or more program priorities, 2) geographic area, 3) program strategies, 4) evaluation methods and capability and, 5) community support. Description is not binding for full proposal.

Agency Mission—Briefly describe.

Please return to: Minnesota Department of Health
Acute Disease Epidemiology Section
AIDS Programs Unit
717 S.E. Delaware Street
Minneapolis, Minnesota 55440
Telephone: (612) 623-5414

Letter of Intent Due: June 15, 1987

Proposals Due: July 22, 1987

Dated: 19 May 1987

Sister Mary Madonna Ashton
Commissioner of Health

SUPREME COURT DECISIONS

Decisions Filed Friday 15 May 1987

Compiled by Wayne O. Tschimperle, Clerk

C0-86-920 Roger E. Johnson, et al. v. Joseph Urie and American Family Mutual Insurance Company, petitioners, Appellants. Court of Appeals.

Any common law duty of an insurance agent to offer to an insured the optional underinsured motorist coverage was not extinguished by repeal of Minn. Stat. § 65B.49, subd. 6(e)(1978).

Whether an insurance agent has a common law duty to offer or explain an optional insurance coverage, such as underinsured motorist coverage, is a question of law dependent upon the facts and surrounding circumstances of the relationship between the agent and the insured.

Affirmed. Kelley, J.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

Regular Division Docket No. 4612 Dated: April 27, 1987

Cook Associates, Inc., d/b/a/ Cook Slurry Company, Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, on November 18, 1986 at the courtroom of the Tax Court, 444 Lafayette Road, St. Paul, Minnesota.

Merrill A. Cook, president of appellant, appeared pro se.

James W. Neher, Special Assistant Attorney General, appeared for appellee.

Post-trial briefs were filed and the case was submitted to the Court for decision on February 2, 1987.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. Appellant, Cook Associates, Inc. d/b/a/ Cook Slurry Company, is a Utah corporation doing business in both Utah and Minnesota.
2. Appellant's business operation in Minnesota is a facility located in the city of Gilbert. They principally engage in the production and marketing of "slurry," which is a component of explosives used by the mining industry. The Gilbert facility employed from 8 to 10 persons during the calendar years at issue (1982, 1983 and 1984).
3. Merrill A. Cook, president of appellant, supervised and was responsible for appellant's business operations in both Minnesota and Utah. Further, Mr. Cook and his father, Melvin Cook, shared the responsibility of appellant's investment activities during these years. Each owned 50% of the corporate stock issued and outstanding.
4. Appellant timely filed its Minnesota corporate excise tax returns for the years 1982, 1983 and 1984, using the three-factor apportionment method prescribed by Minn. Stat. § 290.19 (1984).
5. On April 21, 1986, the Commissioner of Revenue issued an Order to the appellant assessing additional corporate excise tax and interest in the respective amounts of \$1,226.19, \$5,039.85 and \$1,756.06 for the years 1982, 1983 and 1984. These amounts represent additional tax plus interest assessed on interest earned on United States treasury obligations purchased and held by the appellant.
6. Appellant contends that the interest on these U.S. treasury bills was improperly includible in the taxable net income measure of its Minnesota corporate excise tax for the years 1983 and 1984.
7. Appellant further contends that a Minnesota adjustment to its federal depreciation deduction should be allowed in the same amount as the federal deduction.
8. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. The United States treasury bill interest received by the appellant in 1983 and 1984 is includible in the taxable net income measure of appellant's corporate franchise tax for the years 1983 and 1984.
2. The Minnesota adjustment to the federal depreciation deduction for the years 1982 through 1984 is in all respects valid and proper.
3. The Commissioner's Order assessing additional tax should therefore be affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

Dated: 27 April 1987

BY THE COURT,
Earl B. Gustafson, Chief Judge
Minnesota Tax Court

TAX COURT

Regular Division Docket No. 4658 Dated: May 11, 1987

Josephine C. Bennett and Joseph C. Bennett and Thomas H. Bennett as trustees of the Theodore W. Bennett Marital Trust, Appellants, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable M. Jean Stepan, Judge of the Minnesota Tax Court, on March 11, 1987, at the Hennepin County Government Center in Minneapolis, Minnesota, upon cross motions for summary judgment.

Myron L. Frans, Attorney at Law, appeared on behalf of appellants.

James W. Neher, Special Assistant Attorney General, appeared on behalf of appellee.

The Court, having heard and considered the evidence adduced at the hearing, and upon all of the files and records herein, now makes the following:

CONCLUSIONS OF LAW

1. Appellants are entitled to take \$205,043 in deductions on their amended 1983 Minnesota income tax return pursuant to Minn. Stat. § 290.089 (1983 Supp.).
2. Appellants must use the full \$205,043 of allowable federal deductions to determine their "federal minimum tax liability for tax preference items" when computing their 1983 Minnesota minimum alternative tax pursuant to Minn. Stat. § 290.091 (1983 Supp.).
3. The Order of the Commissioner of Revenue dated June 20, 1986 should reflect a refund due to appellants on their amended 1983 Minnesota Income Tax Return of \$7,110 rather than \$9,502.60.

ORDER

1. Appellee's motion for summary judgment is granted in accordance with the above conclusions, and the Order of the Commissioner of Revenue dated June 20, 1986, from which this appeal was taken, is affirmed as modified by the conclusions herein.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

Dated: 11 May 1987

BY THE COURT,
M. Jean Stepan, Judge
Minnesota Tax Court

ANNOUNCEMENTS

Environmental Quality Board The following Environmental Assessment Worksheet (EAW) comments are due June 17, 1987: Rockledge, Winona County; Carriage Farms PUD, City of Woodbury; Johnston Hall demolition, City of Faribault; County Road 787, Blue Earth County; Laurel Village, City of Minneapolis; Hills of Bunker Lake, City of Andover; Target Northern Distribution Center Expansion, City of Fridley; Peat Production Company-Thompson Site, Dept. of Natural Resources; Sparboe Summit Farms, Inc., Meeker County. No EAWs are needed for Wedgewood Hills in Mahtomedi. No Environmental Impact Statements (EIS) are required for West Ridge Additions, Rosemount; Canby Wastewater Facility, Pollution Control Agency; and Best Buy Distribution Center, Bloomington. Petitions have been filed on the following projects: South Lake Reshanau Estates, City of Lino Lakes; and Brentridge, City of Shorewood. Review of the Final Environmental Impact Statement for TH 10 in Washington County, and Pierce County, Wisconsin—a new lift bridge over the St. Croix at Prescott, Wisconsin—has been requested before the Minnesota Environmental Quality Board Technical Committee at its meeting of June 9, 1987. A public hearing will be held on Wednesday, June 17, 1987 at 7pm with an informal open house beginning at 5pm in the Senior High Auditorium at Cloquet, MN on the proposed TH 33 improvement which involves changing a primary two-lane highway to a four-lane expressway from the junction with Interstate 35 to the junction with TH 53, a distance of 19.7 miles. Contact *EQB Monitor* editor Greg Downing (612) 296-8235 for more information.

Department of Natural Resources The annual State Park Open House will be held Saturday June 7. The open house is a free family day to explore Minnesota's 64 state parks. Complete open house and state park information is available free from the DNR Information Center, 500 Lafayette Road, St. Paul, MN 55101, Monday through Friday. Call (612) 296-4776 or toll-free in Minnesota 1-800-652-9747 and ask for the DNR. The Minnesota River between Judson and Mankato has been selected as the site of the Fifth Annual Minnesota Family Canoe Day on June 13th. Lt. Governor Marlene Johnson will be leading the float down the river and families, individuals and groups are encouraged to join them. Canoeists will paddle about 12 miles starting about 10am at Judson. Free shuttle service will be provided before and after canoeing. The river trip will take about 2½ hours. Contact Steven Kirch (612) 296-0735 or Mary Ordal 297-3357 for more information.

Catching criminals is only one part of law enforcement. Here's the rest of it.

Police Report Writing Style Manual 1986—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$12.50.

Background Investigation Manual 1986—A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. \$10.00.

Motor Vehicle Traffic Laws 1986—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$12.50.

Criminal Code & Selected Statutes 1986—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$12.00.

Blue Binder—3 ring, 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Murder: Minnesota style

Murder in Minnesota is a treasury of vintage crimes. Characters, some famous, some obscure, come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp, photos, index. Code 17-35, \$5.95.

Robber and Hero On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

Secrets of the Congdon Mansion The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$4.95.

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NEW Human Services Laws and Rules

Human Services Laws 1986

An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$20.00

Human Services Rules as in effect July 7, 1986

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$24.95.

3 ring binder, 2" capacity. 1 required for each of above listed publications. Code No. 10-21. \$4.25.

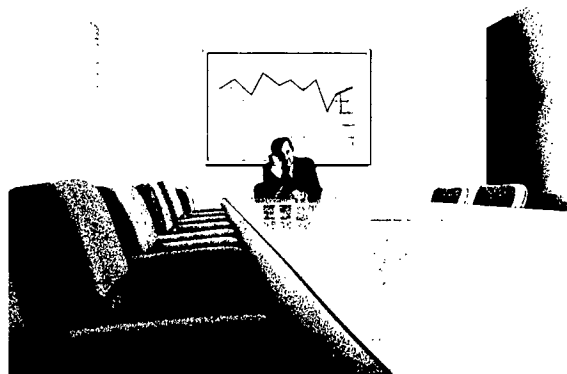
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Business and NonProfit Corporation Act

Laws governing establishment and conduct of for-profit and non-profit businesses and corporations. Covers incorporation, bylaws, mergers, dissolution, franchises, and definitions. Laws in effect on January 1, 1985. Contains Minnesota Statutes Chapters 80B, 302A, and 317. Paperbound, 102 papers, Code # 2-87, \$10.00.



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Woodworking for Wildlife



Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$6.00.

Help Minnesota's Wildlife, feed the birds and give to the Nongame Wildlife Checkoff on your Minnesota Tax Forms. Poster. 22" x 17", full color. Code #9-2, \$4.00.

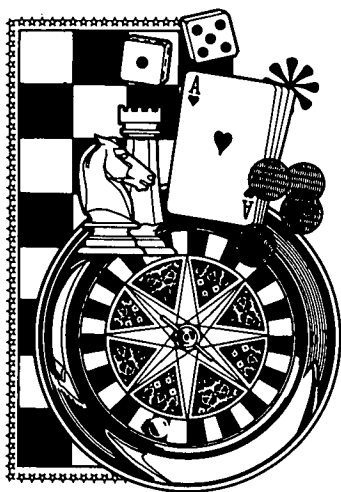
Fifty Birds of Town and City, describes the activities and habitats of these birds commonly seen today through full color paintings, Hardbound. 50 pp. Code #16-23, \$7.50.

Mammals of Minnesota, discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperbound, 290 pp. Code #19-35, \$15.95.

Bird Portraits in Color, a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristics, U of M Press, 1980, index, 92 color plates, hardbound. Code #19-41, \$12.95.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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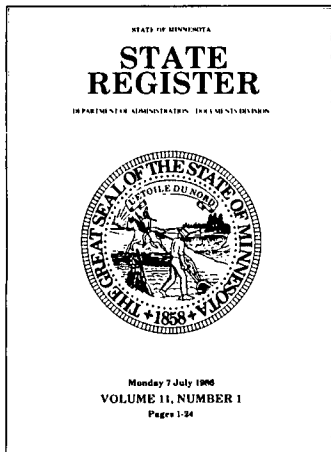
Charitable Gambling Directory

A complete listing in alphabetical order of organizations licensed for charitable gambling in the state. Includes the name, address, zip code and name of contact person. 64 pages. Code #1-11. \$20.00.

SPECIAL NOTE: New Charitable Gambling Rules will be available Spring '87. Governs the conduct of charitable gambling events like bingo. Call for price information in the Spring.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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We want you to have our business—\$1 billion annually

Each year over \$1 billion in state contracts are awarded. About \$20 million in state contracts per week are advertised in the **State Register**, the most complete listing of state contracts available. Just a *sampling* of contracts includes, consulting services, professional services, technical services, commodities, equipment, supplies, and a wide variety of special services.

For 50¢ a day, the price of a **Wall Street Journal**, we will deliver to your office the most effective and economical means of tracking state contracts. The smart way to stay in the know, and land the business of state government, is with the **State Register**.

Come blizzard, tornado, flood or earthquake—you'll find important and valuable information for your business you won't find anywhere else. Every Monday, 52 times a year, the **State Register** publishes the most thorough listing of state contracts, and is the only source of state agency rulemaking activity, plus important tax court decisions, official notices, executive orders of the governor, supreme court decisions, and a calendar of scheduled cases to which you can add your "friend of the court" questions.

Could you hire someone to bring all this information to you and your company for so little money? Let us bring you the business of state government. Subscribe to the **State Register** today, or call 296-4273 for more information.

An annual subscription is \$130 and a 13-week trial subscription is \$40. MasterCard/VISA orders can be taken over the phone, otherwise prepayment is required. Send your orders to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Pheasants in Minnesota

Pheasants in Minnesota, focusing exclusively on the ringneck pheasant, this DNR booklet tells of this popular game bird's origin, introduction and development in Minnesota. Through many full-color photos the book shows the pheasant in various settings, tells how to maintain wildlife habitat and explains the wise management of the hunt. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code #9-13, \$5.95.

Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$6.00.



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Minnesota: national leader in education

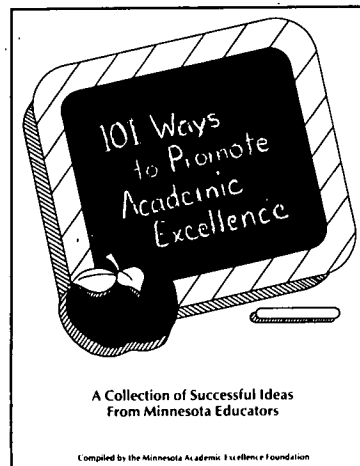
101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

Education Directory, 1986-87

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$5.00.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

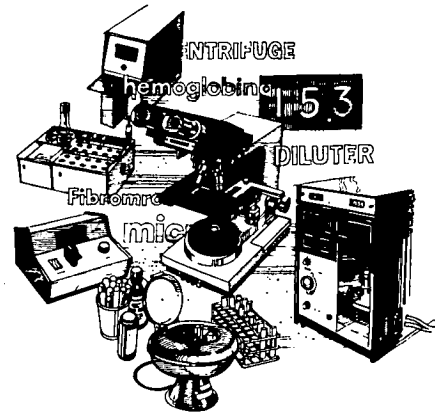


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Buying Or Selling?

In either case, The Medical Alley Directory can help you do your job better. Double your business; the 1986 edition is nearly twice as large as last year's. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations.

Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. Code # 40-7, \$49.95.



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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MAILING LISTS GALORE

Successful business means successful sales

The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155.

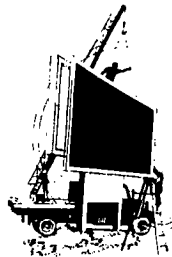
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Minnesota Manufacturer's Directory 1986-87

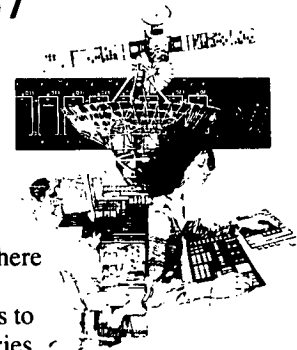


UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$68.50.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



REVISED: There are more than 7,000 changes to the 7,068 entries.



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Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

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The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #9-14, \$6.00.

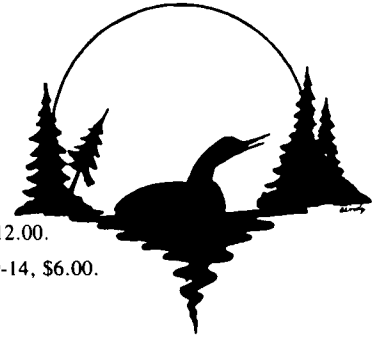
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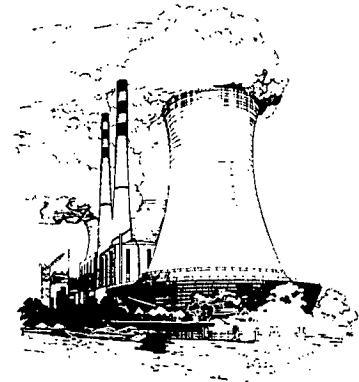
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