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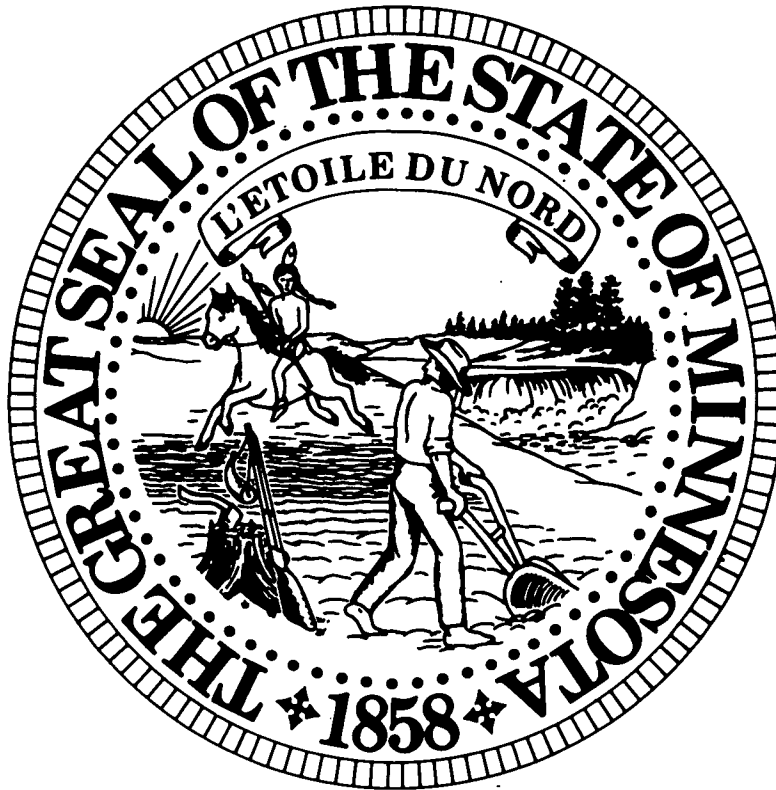
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State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional, technical and consulting contracts, non-state bids and public contracts, and grants.

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Debra Rae Anderson, Commissioner
Department of Administration

Kathi Lynch, Director
Print Communications Division
Debbie George, Circulation Manager

Robin PanLener, Editor
612/297-7963

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Room 231 State Capitol, St. Paul, MN 55155
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Room 175 State Office Building, St. Paul, MN 55155
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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Proposed Rules

Pursuant to Minn. Stat. §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.

Board of Accountancy

Proposed Permanent Rules Relating to the Code of Professional Conduct

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Accountancy ("Board") intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have until 4:30 p.m. on March 9, 1994 to submit a written request that a hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

David J. O'Connell
Executive Secretary
Minnesota Board of Accountancy
Suite 125
85 East Seventh Place
St. Paul, Minnesota 55101
Telephone: (612) 296-7937

Subject of Rule and Statutory Authority. The proposed rule is about the Board of Accountancy Relating to the Code of Professional Conduct. The statutory authority to adopt this rule is Minnesota Statute § 326.18 (1992). A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. A free copy of the rule is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on March 9, 1994, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitted comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on March 9, 1994. Your written request for public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20 (1992).

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rules as attached and printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. It is the position of the Board that *Minnesota Statutes* § 14.115 (1992) relating to small business considerations in rulemaking does not apply to the rules it promulgates. *Minnesota Statutes* § 14.115, subd. 7(2) (1992) states that

section 14.115 does not apply to "agency rules that do not affect small businesses directly." The Board's authority relates only to public accountants and not to the businesses they operate.

However, should these proposed rules in some way be construed as being subject to *Minnesota Statutes* § 14.115, the Board notes below how the five suggested methods listed in section 14.115, subdivision 2, for reducing the impact of the rules on small businesses should be applied to the proposed rules. The five suggested methods enumerated in subdivision 2 are as follows:

- (a) The establishment of less stringent compliance or reporting requirements for small businesses;
- (b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- (c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- (d) The establishment of performance standards for small businesses to replace design or operational standards required in the rule; and
- (e) The exemption of small businesses from any or all requirements of the rule.

The feasibility of implementing each of the five suggested methods and whether implementing any of the five methods would be consistent with the statutory objectives that are the basis for this rulemaking are considered below.

1. It would not be feasible to incorporate any of the five suggested methods into these proposed rules.

Methods (a) to (c) relate to lessening compliance or reporting requirements for small businesses either by establishing less stringent requirements, establishing less stringent schedules or deadlines for compliance with the requirements, or consolidating or simplifying the requirements. Since the Board is not proposing any compliance or reporting requirements for either small or large businesses, it follows that there are no such requirements for the Board to lessen with respect to small businesses. If, however, these proposed rules are viewed as compliance or reporting requirements for businesses, then the Board finds that it would be unworkable to lessen the requirements for those public accountants who practice in a solo or clinic setting of fewer than 50 employees, since that would include at a minimum the vast majority of licensees and probably all of them. Method (d) suggests replacing design or operational standards with performance standards for small businesses. The Board's rules do not propose design or operational standards for businesses and therefore there is no reason to implement performance standards for small businesses as a replacement for design or operational standards that do not exist. Finally, method (e) suggests exempting small businesses for any or all requirements of the rules. The application of this provision would exempt virtually all licensees from the purview of the rules, a result which would be absurd.

2. Reducing the impact of the proposed amendments on small businesses would undermine the objectives of the Minnesota licensing law for public accountants.

Pursuant to *Minnesota Statutes* § 326.165 et seq., the Board was created for the purpose of establishing requirements for licensure and adopting standards for disciplinary action to govern the practices or behavior of all licensees. Pursuant to *Minnesota Statutes* § 326.18, the Board is specifically mandated to promulgate rules as may be necessary to carry out the Board's purposes. Given these statutory mandates, it is the Board's duty to establish licensure qualifications and disciplinary standards which apply to and govern all applicants and licensees regardless of the nature of their practice. As stated above, it is the Board's position that the proposed rules will not affect small businesses and certainly do not have the potential for imposing a greater impact on public accountants in a solo or small practice than on those practices large enough to remove them from the definition of small business. It has also been explained above that the Board considers it infeasible to implement any of the five suggested methods enumerated in subdivision 2 of the small business statute. Nonetheless, to the extent that the proposed rules may affect the business operation of a public accountant or group of public accountants and to the extent it may be feasible to implement any of the suggested methods for lessening the impact on small businesses, the Board believes it would be unwise and contrary to the purpose to be served by these rules for the Board to exempt one group of public accountants - indeed, the vast majority of public accountants and perhaps the entire profession - from the requirements of these rules. Similarly, the Board believes it would be unwise and contrary to its statutory mandate for the Board to adopt one set of standards for those public accountants (which may consist of a nonexistent class) who work in a large business setting and adopt another, less stringent, set of standards to be applied to those public accountants who practice in a solo or small clinic practice. It is the Board's view that these rules must apply equally to all public accountants if the public whom they serve is to be adequately protected.

Licensees, regardless of whether they are considered as individuals or small businesses, have had and will continue to have an opportunity to participate in the rulemaking process for these proposed rules. The Board has used a very open process to draft these

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

rules and has kept the various associations well informed of the proposed rules as they were developed. The associations have in turn informed their constituents.

Expenditure of Public Money by Local Public Bodies and Impact on Agricultural Land. Promulgation of these proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1992).

Adoption and Review of Rule. If no hearing is required after the end of the comment period the Board may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Dated: 21 January 1994

State of Minnesota
Board of Accountancy
David J. O'Connell
Executive Secretary

Rules as Proposed

LICENSING ADMINISTRATION

1100.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms in this part have the meanings given them.

Subp. 1a. AICPA or institute. "AICPA" or "institute" means the American Institute of Certified Public Accountants.

Subp. 1b. Applicant. "Applicant" means a person applying to take the uniform Certified Public Accountant examination.

Subp. 1c. Board. "Board" means the Minnesota Board of Accountancy.

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

Subp. 3a. Certificate holder. "Certificate holder" means a person who has passed the uniform Certified Public Accountant examination and the Minnesota ethics examination and is not licensed.

Subp. 3b. Client. "Client" means the person or entity which retains a certified public accountant, a licensed public accountant, or the accountant's firm, engaged in the practice of public accounting, for the performance of professional accounting services.

[For text of subp 4, see M.R.]

Subp. 4a. Enterprise. "Enterprise" means any person or entity, whether organized for profit or not, for which a CPA or LPA provides services.

Subp. 4b. Firm. "Firm" means a partnership, professional corporation, limited liability company, limited liability partnership, or association engaged in the practice of public accounting, including individual partners or shareholders.

Subp. 4c. Financial statements. "Financial statements" means statements and footnotes related to the statements that purport to show financial position or results of operation which are related to a point in time or periods of time, or statements of cash flow, which relate to periods of time, and statements which use cash or other incomplete basis of accounting. Balance sheets, statements of income, statements of retained earnings, statements of cash flow, and statements of changes in owners' equity are financial statements.

Incidental financial data included in management advisory services reports to support recommendations to a client, and tax returns and supporting schedules do not, for this purpose, constitute financial statements, and the statement, affidavit, or signature of preparers required on tax returns neither constitutes an opinion on financial statements nor requires a disclaimer of such opinion.

Subp. 5. **In public practice and rendering professional service.** "In public practice" and "rendering professional service" means

A. when used in reference to a CPA or LPA, that individually or as an employer the a CPA or LPA firm that performs professional accounting services for a fee within this state;

B. when used in reference to a CPA partnership or LPA partnership, that it performs professional accounting services for a fee within this state;

C. when used in reference to a CPA corporation or LPA corporation, that it performs professional accounting services for a fee within this state.

[For text of subs 6 and 7, see M.R.]

Subp. 7a. Licensee. "Licensee" means a person holding an active or inactive license issued under Minnesota Statutes, section 326.20, subdivision 1.

[For text of subs 8 and 9, see M.R.]

Subp. 10. Practice of public accounting. "Practice of public accounting" means the performance or the offering to perform by a person or firm holding itself out to the public as a licensee, for a client or potential client, of one or more kinds of services involving the use of accounting or auditing skills, including the issuance of reports on financial statements, or of one or more kinds of management advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters.

Subp. 11. Professional accounting services. "Professional accounting services" means one or more types of services performed in the practice of public accounting.

1100.0200 INTERPRETATION OF RULES.

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

Subp. 2. Interpretation powers of board. Nothing contained in these rules this chapter shall be deemed to prohibit or limit in any way the exercise by the board of powers granted to it by *Minnesota Statutes*, sections 319A.01 to 319A.22; 326.17 to ~~326.22~~ 326.229; 326.53; and 214.001 to 214.12.

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

1100.0600 COMMUNICATIONS WITH BOARD.

An applicant, certificate holder, or licensee shall respond to communications from the board, committees of the board, or the attorney general on behalf of the board within 30 days of the mailing of communications, unless an earlier response is requested within the communications. An applicant, certificate holder, or licensee shall appear before the board, committees of the board, or the attorney general on behalf of the board when requested to do so and provide copies of all pertinent records, including handwriting samples, to assist the board in its deliberations. Communications should be addressed to "Executive Secretary, Board of Accountancy."

1100.0650 AGREEMENT TO OBSERVE CODE.

The act of filing an application for examination, certification, or licensure constitutes an agreement upon the part of the applicant to observe the Code of Professional Conduct, parts ~~1100.3800~~ 1100.4000 to ~~1100.6200~~ 1100.6100. Also, in the practice of public accounting and in rendering professional accounting services, a CPA and LPA shall adhere to the code.

CODE OF PROFESSIONAL CONDUCT

1100.4000 AUTHORITY FOR RULES.

Parts ~~1100.3800~~ 1100.4000 to ~~1100.6300~~ 1100.6100 are adopted under the authority granted by *Minnesota Statutes*, section 326.18, which delegates to the board the power and duty to make rules of professional conduct.

1100.4200 SCOPE OF CODE OF PROFESSIONAL CONDUCT.

Subpart 1. Limitations. The rules of professional conduct which follow apply to all services performed in the practice of public accounting including tax and management advisory services except:

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

B. that a licensee who is practicing outside the United States shall not be subject to discipline for departing from ~~any of the rules stated herein~~ parts 1100.4000 to 1100.6100 so long as the licensee's conduct is in accord with the rules of the organized accounting profession in the country in which the licensee is practicing. However, where a licensee's name is associated with financial statements in such a manner as to imply that he or she is acting as an independent public accountant and under circumstances that would entitle the reader to assume that United States practices were followed the licensee shall comply with the requirements of parts 1100.4800 and 1100.4900.

A licensee engaged in the practice of public accounting shall observe all the rules of professional conduct. ~~A licensee~~ An individual with an inactive license or a retiree not engaged in the practice of public accounting shall observe only parts 1100.0600.

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

1100.4300, and 1100.4500; 1100.5600, and 1100.6200 since all other rules of professional conduct relate only to the practice of public accounting.

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

1100.4300 NONEXCLUSIVENESS OF RULES ACTS DISCREDITABLE.

These rules Subpart 1. Generally. A licensee shall not commit an act discreditable to the profession. Parts 1100.4000 to 1100.6100 do not comprise all acts that may be considered incompatible with the obligations and responsibilities imposed by professional status or discreditable or harmful even though not specifically mentioned or described in the rules this part. Any licensee may be censured, suspended, or expelled for cause by the board, after due opportunity of a hearing upon charges, whether or not the alleged misconduct is specifically enumerated or described in the following rules this part.

Subp. 2. Discrimination in employment practices. Discrimination in employment that violates Minnesota Statutes, section 363.03, is presumed to constitute an act discreditable to the profession.

Subp. 3. Negligence in preparation of financial statements or records. A licensee who through negligence makes, permits, or directs another to make false and misleading entries in the financial statements or records of an entity shall be considered to have committed an act discreditable to the profession.

Subp. 4. Attest or similar services. When a licensee agrees to perform an attest or similar service for the purpose of reporting to governmental bodies, commissions, or regulatory agencies, the licensee must follow their requirements, in addition to the generally accepted auditing standards incorporated by reference in part 1100.4650, where applicable. Failure to follow the requirements is an act discreditable to the profession, unless the licensee discloses in the licensee's report that the requirements were not followed and gives the reasons.

1100.4400 INDEPENDENCE.

Subpart 1. Financial statements. A licensee and a firm of which the licensee is a partner or shareholder shall not express an opinion on financial statements of an enterprise unless they are independent with respect to such enterprise shall be independent when the licensee or the licensee's firm performs:

A. an audit or review of a financial statement;

B. a compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

C. an examination of prospective financial information.

Subp. 2. Conflicts of interest. Independence shall be considered to be impaired if, for example, a licensee had any of the following transactions, interests, or relationships:

A. During the period of While providing professional engagement accounting services for the client, or at the time of expressing an opinion, the a licensee or a licensee's firm:

(1) had or was committed to acquire any direct or material indirect financial interest in the enterprise;

(2) was a trustee of any trust or executor or administrator of any estate if such trust or estate had or was committed to acquire any direct or material indirect financial interest in the enterprise;

(3) had any joint, closely held business investment with the enterprise or with any officer, director, or principal stockholder thereof which that was material in relation to the firm's licensee's net worth or to the net worth of the licensee's firm; or

(4) had any loan to or from the enterprise or any officer, director, or principal stockholder. This latter proscription does not apply to home mortgage loans obtained from a financial institution when made under normal lending procedures, terms, and requirements of the enterprise.

B. During the period covered by the financial statements, during the period of the while providing professional engagement accounting services for the client, or at the time of expressing an opinion, the a licensee or a licensee's firm:

(1) was connected with the enterprise as a promoter, underwriter, or voting trustee, as a director or officer, or in any capacity equivalent to that of a member of management or an employee; or

(2) was a trustee of any trust or executor or administrator of any estate if the trust or estate had a direct or indirect financial interest in the enterprise; or was a trustee for any pension or profit-sharing trust of the enterprise.

Items A and B are examples and are not intended to be all-inclusive.

1100.4500 INTEGRITY AND OBJECTIVITY; CONFLICT OF INTEREST.

A. In the performance of any professional accounting services, a licensee shall maintain objectivity and integrity, shall be free

of conflicts of interest, and shall not knowingly misrepresent facts, and when engaged in the practice of public accounting, including the rendering of tax and management advisory services, shall not subordinate his or her judgment to others.

B. A licensee who knowingly makes, or permits or directs another to make, false and misleading entries in an entity's financial statements or records shall be considered to have knowingly misrepresented facts.

C. A conflict of interest may occur if a licensee performs a professional accounting service for a client or employer, and the licensee or the licensee's firm has a significant relationship with another person, entity, product, or service that could be viewed as impairing the licensee's objectivity. If this significant relationship is disclosed to and consent is obtained from the client, employer, or other appropriate parties, this part shall not operate to prohibit the performance of the professional accounting service.

D. Certain professional engagements require independence. Independence impairments cannot be eliminated by disclosure and consent.

1100.4650 INCORPORATION BY REFERENCE.

For the purposes of parts 1100.4300, 1100.4700, 1100.4800, and 1100.4900, the following documents are incorporated by reference, are subject to frequent change, and are available through the state law library:

A. AICPA Professional Standards, Volumes 1 and 2, published for the American Institute of Certified Public Accountants by Commerce Clearing House, Inc. (June 1, ~~1991~~ 1993);

B. Current Text, Accounting Standards as of ~~June 1, 1991~~, published by the Financial Accounting Standards Board (June 1, ~~1991~~ 1993); and

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

1100.4900 ACCOUNTING PRINCIPLES.

A licensee shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if the statements contain any departure from accounting principles in AICPA Professional Standards, Volume 1 and 2, or Current Text, Accounting Standards, as of June 1, ~~1991~~ 1993, incorporated by reference in part 1100.4650, item A or B, which has a material effect on the statements taken as a whole, unless the licensee can demonstrate that due to unusual circumstances the financial statements would otherwise have been misleading. In such cases the licensee's report must describe the departure, the approximate effects thereof, if practicable, and the reasons why compliance with the principle would result in an otherwise misleading statement.

1100.5100 CONFIDENTIAL CLIENT INFORMATION.

A licensee shall not disclose any confidential information obtained in the course of a professional engagement except with the consent of the client.

This ~~rule part~~ shall not be construed to relieve a licensee of the obligation under parts 1100.4800 and 1100.4900, to affect in any way compliance with a validly issued subpoena or summons enforceable by order of a court, to prohibit review of a licensee's professional practices as part of voluntary quality review under board authorization or to preclude a licensee from responding to any inquiry made by the board, under state statutes.

Members of the board and professional practice reviewers under board authorization shall not disclose any confidential client information which comes to their attention from licensees in disciplinary proceedings or otherwise in carrying out their official responsibilities. However, this prohibition shall not restrict the exchange of information with an aforementioned duly constituted investigative or disciplinary body.

This prohibition shall also not be construed to prohibit the review of a professional CPA or LPA practice.

A review of a CPA's or LPA's professional practice is authorized to include a review in conjunction with a prospective purchase, sale, or merger of all or part of the practice. The licensee must take appropriate precautions, for example, through a written confidentiality agreement, so that the prospective purchaser does not disclose any information obtained in the course of the review, since the information is deemed to be confidential client information.

Licensees reviewing a practice in connection with a prospective purchase or merger shall not use to their advantage nor disclose any confidential client information that comes to their attention.

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Proposed Rules

1100.5300 FURNISHING INFORMATION TO CLIENTS.

A licensee shall furnish to a client upon request:

- A. original records given to the licensee by the client, taken from the client's premises, or obtained from the client; or
- B. a copy of the licensee's workpapers which contain data which should properly be reflected in the client's books and records but which for convenience have not been duplicated. Examples of working papers that are considered to be client's records include:

(1) worksheets in lieu of books of original entry, for example, listings and distributions of cash receipts or cash disbursements on columnar working paper;

(2) worksheets in lieu of general ledger or subsidiary ledgers, such as accounts receivable, job cost and equipment ledgers or similar depreciation records;

(3) all adjusting and closing journal entries and supporting details. If the supporting details are not fully set forth in the explanation of the journal entry but are contained in analysis of accounts in the accountant's working papers, then copies of such analysis shall be furnished to the client; and

(4) consolidating or combining journal entries and worksheets and supporting detail used in arriving at final figures incorporated in an end product such as financial statements or tax returns.

A licensee may not withhold accounting or other records received from or on behalf of the client, irrespective of whether the fee has been paid.

The licensee shall not have a lien on the client's records. If a licensee is engaged to perform certain work for a client and the engagement is terminated before the completion of such work, the licensee shall return or furnish copies of these records originally given to the licensee by the client or taken from the client's premises.

If the licensee completes the engagement, but the client refuses to pay the fee, the licensee shall return or furnish copies of records originally given to the licensee by the client or taken from the client's premises.

Once the certified public accountant or licensed public accountant has returned the client's records or furnished copies of the records or necessary supporting data, the obligation has been discharged in this regard and it is not necessary to comply with any subsequent requests to again furnish the records.

If the certified public accountant or licensed public accountant has retained copies of a client's records already in possession of the client, the certified public accountant or licensed public accountant is not required to release copies to the client. Retention of client records after a demand is made for them is an act discreditable to the profession.

A client's records are any accounting or other records belonging to the client that were provided to the licensee by or on behalf of the client. If an engagement is terminated prior to completion, the licensee is required to return only client records.

A licensee's workpapers, including, but not limited to, analyses and schedules prepared by the client at the request of the licensee, are the licensee's property, not client records, and need not be made available.

In some instances a licensee's workpapers contain information that is not reflected in the client's books and records, with the result that the client's financial information is incomplete. This includes:

A. adjusting, closing, combining, or consolidating journal entries; and

B. information normally contained in books of original entry and general ledgers or subsidiary ledgers.

In these instances when an engagement has been completed, the information must also be made available to the client upon request. However, the licensee may require that fees due the licensee with respect to the completed engagements be paid before the information is provided.

Once the licensee has complied with the requirements in this part, the licensee need not comply with any subsequent requests to again provide the information.

1100.5800 COMMISSIONS AND REFERRAL FEES.

A licensee shall not pay a commission to obtain a client, nor accept a commission for a referral to a client of products or services of others. This rule shall not prohibit payments for the purchase of an accounting practice or retirement payments to individuals formerly engaged in the practice of public accounting or payments to their heirs or estates.

Subpart 1. Prohibited commissions. A licensee shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer to any product or service to be supplied by a client, or receive a commission, when the licensee or the licensee's firm also performs for that client.

A. an audit or review of a financial statement;

B. a compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

C. an examination of prospective financial information.

This prohibition applies during the period in which the licensee is engaged to perform any of the services listed in items A to C and the period covered by any historical financial statements involved in such listed services.

Subp. 2. Disclosure of permitted commissions. A licensee who is not prohibited by this part from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.

Subp. 3. Referral fees. Any licensee who accepts a referral fee for recommending or referring any service of a CPA or LPA to any person or entity or who pays a referral fee to obtain a client shall disclose such acceptance or payment to the client.

1100.5850 CONTINGENT FEES.

A licensee shall not:

A. perform for a contingent fee any professional accounting services for, or receive such a fee from, a client for whom the licensee or the licensee's firm performs:

(1) an audit or review of a financial statement;

(2) a compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

(3) an examination of prospective financial information; or

B. prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client.

The prohibition in item A applies during the period in which the licensee or the licensee's firm is engaged to perform any of the services listed in item A and the period covered by any historical financial statements involved in the listed services.

Except as stated in the next sentence, a contingent fee is a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained or in which the amount of the fee is otherwise dependent upon the finding or result of the service. Solely for purposes of this part, fees are not regarded as being contingent if fixed by courts or other public authorities or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies.

A licensee's fees may vary depending, for example, on the complexity of services rendered.

RENUMBERER. The parts in column A shall be renumbered as shown in column B.

<u>Column A</u>	<u>Column B</u>
<u>1100.6000</u>	<u>1100.1902</u>
<u>1100.4600</u>	<u>1100.4950</u>

REPEALER. Minnesota Rules, parts 1100.3800; 1100.3900; 1100.5200; 1100.5400; 1100.5500; 1100.5600; 1100.5900; and 1100.6200, are repealed.

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Proposed Rules

Department of Agriculture

Proposed Permanent Rules Relating to Poultry and Eggs and Purified Water

Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Department of Agriculture intends to adopt amendments to rules without a public hearing following the procedures set forth in the Administrative Procedures Act sections 14.22-14.28. You have 30 days to submit written comment on the proposed amendments and may also submit a written request that a hearing be held on the amendments.

Department Contact Person. Comments or questions on the amendments and written requests for a public hearing on the amendments must be submitted to:

Carol Milligan
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107
(612) 296-6906, Fax (612)297-7678.

Subject of Rules and Statutory Authority. The proposed amendments are changes to the egg rules necessary to bring them into compliance with federal requirements and amendments made to the egg law. There is also one part that amends the purified water rules by correcting an error in punctuation. The statutory authority to adopt these amendments is *Minnesota Statutes*, section 29.27 and *Minnesota Statutes*, section 31.11. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. February 7, 1994, to submit written comment in support of or in opposition to the proposed amendments or any subpart of the amendments. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitted comments, you may also request that a hearing be held on the amendments. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on February 7, 1994. Your written request for public hearing must include your name and address. You are encouraged to identify the portion of the proposed amendments which caused your request, the reason for the request and any changes you want made to the proposed amendments. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

Modifications. The proposed amendments may be modified as a result of public comment. The modifications must be supported by the data and views submitted to the department and may not result in a substantial change in the proposed amendments as attached and printed in the *State Register*. If the proposed amendments affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the department contact person. This statement describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments.

Small Business Considerations. Most of the businesses affected by the rule are small businesses. Since the standards of the rule are necessary to assure that eggs stay fresh and wholesome, no special considerations were given to small impact to reduce the impact of the rule. These businesses are already following standards set in rule and state and federal law.

Adoption and Review of the Rules. If no hearing is required, after the end of the comment period the department may adopt the amendments. The amendments and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the amendments are submitted to the Attorney General or be notified of the Attorney General's decision on the amendments. If you wish to be so notified, or wish to receive a copy of the adopted amendments submit your request to the department contact person listed above.

Dated: 18 January 1994

Elton Redalen, Commissioner
Department of Agriculture

Rules as Proposed**1520.0200 DEFINITIONS.**

Subpart 1. **Applicability Scope.** For the purposes of The definitions in this part and in *Minnesota Statutes*, section 29.21, apply to parts ~~1520.0100~~ 1520.0200 to 1520.2000; the terms defined in this part have the meanings given them.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's authorized representative.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 11. [See repealer.]

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

Subp. 14. **Pack date.** "Pack date" means the date of candling and grading.

Subp. 15. **Quality assurance date.** "Quality assurance date" means any date after which the manufacturer or processor reasonably determines that the product may, by spoilage, wiltage, drying, or any other foreseeable and natural phenomenon, lose its palatability or its desired or nutritive properties.

1520.0300 CANDLING.

~~Dealers Egg handlers~~ must have adequate equipment and, adequate space, and a sanitary room darkened sufficiently to make possible accurate quality determinations of the candled appearance of the eggs. The room shall be free from dirt, mustiness, foreign odors, and debris. Processing operations using mechanical equipment, except when candling, must have adequate light for all necessary procedures, including the detection of be well lighted to detect dirties, the detection of staining stains, and the determination of the condition of the packing material.

1520.0400 STORAGE AND REFRIGERATION.

~~Dealers Egg handlers~~ must have adequate space and proper storage facilities with temperatures capable of maintaining processed eggs at a temperature of 60 ~~45~~ degrees Fahrenheit (seven degrees centigrade) or less as required by law or 50 degrees Fahrenheit (ten degrees centigrade) or less for unprocessed eggs. All storage and transportation facilities must be maintained in a sanitary condition. ~~Dealers Egg handlers~~ must transport eggs in enclosed trucks that are sanitary and provide insulation or refrigeration necessary to maintain the quality and temperature of the eggs. Trucks with canvas tarpaulins, blankets, or similar covers are not "enclosed" unless special permission is given when roads are officially posted for weight limits capable of maintaining eggs at an ambient air temperature of 50 degrees Fahrenheit (ten degrees centigrade) or less.

1520.0500 EGG CLEANING.

Subpart 1. **Protection of eggs.** Eggs must, so far as reasonably possible, be protected from being soiled or dirtied by foreign matter in contamination through all stages of production, transportation, and processing.

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

Subp. 4. **Washing equipment and procedures.** Eggs may be washed Egg washing is subject to the following requirements: items A to J.

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Proposed Rules

- A. Egg ~~washing~~ equipment and the surrounding area must be ~~of such construction~~ so constructed as to permit thorough cleaning.
- B. Egg ~~washing~~ equipment and the surrounding area must be ~~kept~~ maintained in a sanitary condition.
- C. ~~The~~ Water used ~~in for~~ washing eggs must be potable and contain less than ~~five~~ two parts of ~~iron~~ per million of iron.
- D. ~~The~~ Water temperature for both washing and rinsing must be thermostatically controlled.
- E. The temperature of the wash water must be maintained at a ~~minimum~~ of 90 degrees Fahrenheit (32 degrees centigrade) or above and must be at least 20 degrees Fahrenheit (11 degrees centigrade) warmer than the temperature of the eggs. The rinse water temperature must exceed the wash water temperature by at least ten degrees Fahrenheit (six degrees centigrade). Prewetting must be accomplished by spraying a continuous flow of water over the eggs in a manner that permits the water to drain away.
- F. Only approved cleaning and sanitizing compounds ~~may be used~~. Refer to approved by the United States Department of Agriculture list of ~~compounds authorized for use under the meat, rabbit, and egg products inspection programs~~ may be used.
- G. Washed eggs must be spray-rinsed with an approved sanitizing agent. The rinse must contain at least not less than 50 parts per million and ~~may contain no~~ not more than 200 parts per million of available chlorine or its equivalent.
- H. Washed eggs must be reasonably dry prior to cartoning or casing.
- I. ~~Washers must be operated in accordance with the manufacturer's instructions in all instances which are not in conflict with parts 1520.0100 to 1520.2000.~~
- J. Immersion type washers may not be used.
- K. ~~All~~ Eggs must be removed from the washing and rinsing area of the egg washer and the scanning area ~~where~~ when there ~~may be~~ is a build up of heat ~~when those areas are not in use~~.

1520.0600 CANDLING AND GRADING RECORDS.

Subpart 1. Bench record. A dealer An egg handler must keep an accurate candling and grading record, known as a "bench record," records for each patron from whom eggs are purchased on a graded basis. Candling and grading bench records must be kept in a manner sufficient to indicate that the eggs purchased by the first dealer have been candled and graded and all inedible eggs removed. Bench Records, consecutively numbered, must be permanently written in ink or other nonerasable writing and must include the following data: name and address of the dealer egg handler; name or number and address of the producer or person selling eggs; date received; number of dozen eggs received; exact number of eggs in each Minnesota purchase grade; as defined in part 1520.1100, deductions for inedible or adulterated eggs; name or initial of candler and date candled; and dirties and checks may be, identified as such, or may be grouped together in one column in order to simplify record keeping.

Subp. 2. Permanent office records. Records must be kept in a neat and orderly manner, maintained and must be available to the commissioner at all reasonable times, and must be retained by the dealer for official review for a period of at least not less than 90 days after the date of purchase.

1520.0700 MINNESOTA PURCHASE GRADES REQUIRED EGGS PURCHASED FROM A PRODUCER.

A person buying Graded eggs bought by an egg handler from a producer on a must be graded basis must do so on the basis of the purchase grades according to the standards set in parts 1520.1100 to 1520.1400.

1520.0800 MINNESOTA CONSUMER GRADES REQUIRED GRADED EGGS PURCHASED FOR RESALE.

~~All~~ Candled and graded eggs ~~which are~~ purchased for resale, sold, transferred, or consigned to consumers, dealers egg handlers, brokers, retailers, or wholesalers within the state must be sold, transferred, or consigned based on the basis of the consumer grades requirements set in parts 1520.1100 to 1520.1400. All eggs sold, consigned, or transferred, except eggs sold at retail, must be accompanied by an invoice to the receiver showing the number of cases of eggs of each consumer by grade in each shipment.

1520.0900 CONTAINERS AND PACKAGING MATERIAL USED IN MARKETING EGGS.

~~Any container~~ Containers, including the packaging material inside the container containers, which is unfit for the marketing of eggs due to condition or contamination must, at the discretion and under the supervision of the inspector, be rendered unusable must be maintained in a clean, sanitary condition.

1520.1000 IDENTIFICATION OF EGGS IN THE POSSESSION OF DEALERS EGG HANDLERS.

Each case of eggs held by a dealer an egg handler must be identified as to by grade and size in a legible manner acceptable to the commissioner. Grade and size designation may not be abbreviated. Acceptable methods of identifying cases include stamping, marking with chalk or other legible marking, or a grade slip or label in or attached to each case. Each case or part of a case of eggs ~~which has not been~~ candled and graded must be legibly identified with the producer's name and address in a manner satisfactory to the commissioner.

1520.1100 MINNESOTA PURCHASE GRADES.

Subpart 1. **Consumer grades.** Eggs may be purchased only on the basis of the standards of ~~grades~~ grade and weight classes established for consumer grades in parts 1520.1200 to 1520.1400.

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

Subp. 3. **Restricted eggs.** ~~All~~ Restricted eggs; must be handled in a manner conforming to the requirements of the federal Egg Products Inspection Act of 1970, as amended, and regulations promulgated under that act, and *Minnesota Statutes*, section 29.235.

Subp. 4. **Eggs used in manufacture of food products.** ~~All~~ Eggs used in the manufacture of food products or by a restaurant, caterer, nursing home, school, charitable organization, or similar establishment ~~which prepares~~ preparing or ~~serves~~ servicing food for human consumption must be of grade B or better, except ~~for~~ checks and dirties ~~which~~ may be processed for human consumption by an official egg processing plant licensed by the department.

1520.1200 MINNESOTA CONSUMER GRADES.

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

Subp. 3. **Grade A at origin.** "Grade A (at origin)" consists of eggs which are at least 87 percent A quality or better. Within the maximum tolerance of 13 percent which may be below A quality, not more than one percent may be B quality due to air cells over three-eighths inch, blood spots aggregating not more than one-eighth inch in diameter, or serious yolk defects. Not more than five percent checks, or seven percent checks for jumbo size, ~~echecks~~ are permitted and not more than 0.50 percent leakers, dirties, or loss due to meat or blood spots are permitted in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

Subp. 4. **Grade A at destination.** "Grade A (at destination)" consists of eggs which are at least 82 percent A quality or better. Within the maximum tolerance of 18 percent which may be below A quality, not more than one percent may be B quality due to air cells over three-eighths inch, blood spots aggregating not more than one-eighth inch in diameter, or serious yolk defects. Not more than seven percent checks, or nine percent checks for jumbo size, ~~echecks~~ are permitted and not more than one percent leakers, dirties, or loss due to meat or blood spots are permitted in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

[For text of subs 5 and 6, see M.R.]

1520.1300 QUALITY STANDARDS SPECIFICATIONS.

Specifications for Standards for of quality of individual for shell eggs must be in accordance with the United States Department of Agriculture Standards for Quality of Individual Shell Eggs and Weight Classes for Shell Eggs, Code of Federal Regulations, title 7, part 2856, effective December 26, 1978, as amended October through May 1, 1984 1991.

1520.1400 WEIGHT CLASSES FOR SHELL EGG GRADES.

Weight classes for shell egg grades are ~~established in set by~~ set by the following table:

Size or Weight Class	Minimum Net Weight per dozen, in ounces	Minimum Net Weight per 30 dozen, in pounds	Minimum Weight for Individual Eggs at Rate per dozen, in ounces
Jumbo	30	56	29
Extra Large	27	50-1/2	26
Large	24	45	23
Medium	21	39-1/2	20
Small	18	34	17

A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds five percent.

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1520.1500 INVOICES.

Every dealer egg handler selling eggs to a retailer must give the retailer an invoice showing the grade of the eggs under part 1520.1200. A copy of each invoice must be kept maintained on file by the seller and the retailer at their respective places of business for 30 days and must be available to and open for inspection at all reasonable times for official review upon request by the commissioner.

1520.1600 LABELING.

Any dealer exposing or Egg handlers offering eggs for sale to a consumer must give notice of the grade of eggs in the a manner set out in complying with this part.

A. If Eggs are exposed or offered for sale in cartons, bags, or other containers, the cartons, bags, or containers or other package form must be plainly and conspicuously labeled in printed in letters not smaller than one-quarter inch in height, or plainly and conspicuously stamped or and marked in letters not smaller than one-half inch in height with the exact product identity, the grade and size, the name and address of the producer, processor, or distributor, the words "packed for" or "distributed by" or equivalent, the statement "Perishable. Keep Refrigerated"; and the pack date and quality assurance date.

B. If Eggs are offered or exposed for sale in bulk, there must be sold under a placard among or adjacent to the eggs which states the grade and size of the eggs and is in letters not smaller than one-half inch in height. Grade designations may not be abbreviated. All containers must also include the name and address of the producer, processor, or distributor. In the case of the processor or distributor, the words "packed for" or "distributed by" or some equivalent phrasing must be used. all the information in item A.

C. Grade and size designations may not be abbreviated.

1520.1700 ADVERTISING.

Any advertisement of eggs at for a given price must plainly and conspicuously indicate the grade and size. Grade and size designations may not be abbreviated.

All reference to grades of eggs in advertising or in any other manner, either for procurement or sale of eggs, must conform to the grade and size terminology for purchase and consumer grades promulgated by the commissioner set in parts 1520.1100 to 1520.1400.

1520.1800 MISLEADING STATEMENTS.

No dealer egg handler may sell, offer for sale, or advertise for sale eggs for human consumption if the package containing them, a the label on the package, or any advertising accompanying them bears any statement or device which is in any way false or misleading.

1520.1900 CODING PACK AND OPEN DATING QUALITY ASSURANCE DATE.

Subpart 1. Coding Pack date. Consumer grades of eggs must be code pack dated in type not smaller than eight point one-quarter inch capitals to indicate the date of delivery, which must not be more than three days from the date of candling and grading pack. All cartons and cases must bear a code pack date, and cases of eggs for bulk sales shall be plainly coded. If Retailers who carton eggs which have been delivered in bulk cases, the code date on the carton must be the same as on the cases must label the cartons with the identical pack date on the bulk case.

Subp. 2. Open dating Quality assurance date. All consumer grade eggs must carry an a "open quality assurance date" in addition to the code pack date. The code pack date is the day of delivery and must be a Julian date so it is to not confused confuse it with the open quality assurance date by consumers. The open date or freshness quality assurance date must be spelled out as the month or number of the month and day, for example, "2-1" or "Feb. 1." The open quality assurance date must have an explanatory clause, such as "Sell by" or "Use by," the word "Expires," or the abbreviation "Exp."

1520.2000 USE OF WORD "FRESH."

The use of the word "Fresh" is limited to eggs of grades AA, A, and B quality which are less not older than 31 30 days old from the date of candling and grading. The term "Fresh" or a similar term is not a substitute for grade designation.

1520.5200 DEFINITIONS.

Subpart 1. Applicability. Except where the context otherwise requires, for the purposes of parts 1520.5200 to 1520.7300 1520.7200 the following terms shall be construed, respectively, to mean.

[For text of subs 2 to 19, see M.R.]

Subp. 20. Plan. "Plan" means the provisions of the National Poultry Improvement Plan contained in parts 1520.5200 to 1520.7300 1520.7200.

[For text of subs 21 to 30, see M.R.]

1520.6500 SPECIFIC PROVISIONS FOR PARTICIPATING DEALERS.

Dealers in poultry breeding stock or hatching eggs or poultry shall comply with all provisions in parts 1520.5200 to ~~1520.7300~~ 1520.7200 which apply to their operations.

1550.3200 DEFINITIONS.

[For text of subs 1 to 19, see M.R.]

Subp. 20. **Purified water.** "Purified water" means water produced by distillation, deionization, ion-exchange treatment, reverse osmosis, or other suitable process. Purified water must not contain more than ten parts per million total dissolved solids. Water that meets this definition and is vaporized and then condensed may be labeled distilled water.

[For text of subs 21 to 33, see M.R.]

REPEALER. *Minnesota Rules*, parts 1520.0100; 1520.0200, subparts 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 13; 1520.2100; 1520.2200; 1520.2300; 1520.2400; 1520.2500; 1520.2600; 1520.2700; 1520.2800; 1520.2900; 1520.3000; 1520.3100; 1520.3200; 1520.3300; 1520.3400; 1520.3500; 1520.3600; 1520.3700; 1520.3750; 1520.3800; 1520.3900; 1520.4000; 1520.4100; 1520.4200; 1520.4300; 1520.4400; 1520.4500; 1520.4600; 1520.4700; 1520.4800; 1520.4900; 1520.5000; 1520.5100; and 1520.7300, are repealed.

Department of Public Service

Energy Division

Proposed Amendments to Permanent Rules Relating to the Minnesota Energy Code

Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for a Hearing are Received

Introduction. The Minnesota Department of Public Service intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act *Minnesota Statutes*, sections 14.22-14.28. If however, 25 or more persons submit a written request for a public hearing on the rule within 30 days (or by March 14, 1994), a public hearing will be held on March 25, 1994. To find out whether the rule will be adopted without a public hearing, or whether a hearing will be held, you should contact the department after March 14 and before March 25, 1994. Contact either the agency contact person or call the Department of Public Service Energy Information Center between the hours of 8:00 a.m. and 4:00 p.m. at 296-5175 or Minnesota toll free 800-657-3710.

Proposed amendments to chapter 7670 were published in the *State Register* on August 30, 1993, however the proposed amendments were withdrawn because of substantive errors in the Statement of Need and Reasonableness that accompanied those proposed changes. The amendments to chapter 7670 which this notice addresses are proposed in the February 7 *State Register* refer at several items to the proposed amendments published in the *State Register* on August 30, 1993 because the proposed amendments (for those items) are unchanged from the earlier (8/30/93) publication, and reprinting them would be expensive and unnecessary. A copy of the *complete* proposed amendments to chapter 7670 is available *at no charge* as described below.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Bruce Nelson, Senior Engineer
Department of Public Service
121 East 7th Place, Suite 200
St. Paul, MN 55101
Phone (612) 297-2313 fax (612) 297-1959.

A free copy of the proposed rule is available upon request from this agency contact person.

Subject of Rule and Statutory Authority. The proposed rule is about amending the Minnesota Energy Code, a part of the State building code. The statutory authority to adopt the rule is in *Minnesota Statute* section 216C.19, subdivision 8. A copy of the proposed rule is published in the *State Register* dated February 7, 1994. A free copy of the proposed rule is available upon request

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from either the agency contact person identified above, or the Department of Public Service Energy Information Center at 296-5175 or Minnesota toll free 800-657-3710.

The proposed rule is an extensive revision of the Minnesota Energy Code, with changes proposed to every part of the chapter. The nature of the proposed rule includes:

- inclusion of language currently only adopted by reference — substantially lengthening *Minnesota Rules* Chapter 7670, but making chapter 7670 more convenient for users;
- modifying the scope of the chapter to clearly delineate its applicability to remodeled elements of buildings;
- modifying the thermal envelope requirements for all buildings, and specifically for high-rise residential and non-residential buildings making the requirements equivalent to the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 90.1-1989;
- modifying requirements affecting the air leakage of all buildings, and specifically for residential buildings establishing criteria when a residential mechanical ventilation system must be installed;
- modify the requirements for heating, ventilating and air conditioning systems, and specifically for air-handling ducts regarding insulation and sealing;
- modify requirements regarding service water heating, and particularly heated pools;
- modify the requirements in the Minnesota energy code for lighting and electric power; and proposing adoption of a more stringent standard for residential buildings effective January 1, 1998.

The effect of the proposed rule is to decrease the energy requirements of new and remodeled buildings, but may also increase their initial cost.

Comments. You will have until 4:30 p.m. on March 14, 1994 to submit written comment in support of or in opposition to the proposed rule or any subpart of the proposed rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on March 14, 1994. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing.

Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for March 25 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not a hearing will be held. You may also call either Bruce Nelson at 612/297-2313, or the Department of Public Service Energy Information Center between the hours of 8:00 a.m. and 4:00 p.m. at 296-5175 or Minnesota toll free 800-657-3710 after March 14 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.22 to 14.28. The hearing will be held on March 25, 1994 in Suite 200, Metro Square Building, 121 7th Place East, St. Paul, Minnesota beginning at 9:00 a.m. and continuing until all interested persons have an opportunity to be heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Allan W. Klein. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis MN 55402; telephone (612) 341-7609.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be admitted during the

five day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, Section 14.15 to 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presented at the public hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Lobbyist Registration. *Minnesota Statutes*, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement should be directed to the Ethical Practices Board, 658 Cedar Street, St. Paul, Minnesota 55155; telephone 612-296-5148.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule submit your request to Mr. Nelson at the address listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request notification of the date on which the administrative law judge's report will be available, after which date the agency may not take final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice must be mailed on the same day the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to filing the rules with the Secretary of State.

Dated: 21 January 1994

Krista L. Sanda, Commissioner
Department of Public Service

Amendments as Proposed

7670.0100 AUTHORITY; SCOPE; APPLICABILITY.

[For text of subs 1 and 2, see 18 SR 672]

Subp. 3. **Applicability.** Buildings covered by this chapter must comply with the Model Energy Code as amended by parts 7670.0260 to 7670.1000 7670.0800. This chapter also applies to driveways, walkways, entrances, parking lots, and grounds. Enforcement of this chapter shall not abridge safety, health, or environmental requirements under other applicable codes or ordinances.

EXCEPTION:

[For text of subp 4, see 18 SR 672]

Subp. 5. Application to existing buildings.

A. Additions, alterations, and repairs. Additions, alterations, and repairs to existing buildings or structures may be made without making the entire building or structure comply, provided that the additions, alterations, and repairs comply with all the requirements of this chapter.

[For text of items B and C, see 18 SR 672]

D. Change of occupancy. A change in the occupancy or use of an existing building or structure constructed under this chapter which would require an increase in demand for either fossil fuel or electrical energy supply shall not be permitted unless the building or structure is made to comply with the requirements of this chapter.

Subp. 6. Alternate materials and methods. The provisions of this chapter are not intended to prevent the use of any material.

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method of construction, design, or insulating system not specifically prescribed herein, provided that such construction, design, or insulating system has been approved by the building official as meeting the intent of the chapter.

Subp. 7. Plans and specifications.

A. General. With each application for a building permit, and when required by the building official, plans and specifications shall be submitted. The building official may require that plans and specifications be prepared by an engineer or architect licensed to practice by the state. Designs submitted under the provisions of part 7670.0460 must be prepared by an engineer or architect licensed to practice in Minnesota.

B. Details. Plans and specifications shall show in sufficient detail pertinent data and features of the building and the equipment and systems as herein governed, including, but not limited to: design criteria, exterior envelope component materials, U-factors of the envelope systems, R-values of insulating materials, size and type of apparatus and equipment, equipment and systems controls, and other pertinent data to indicate conformance with the requirements of this chapter.

7670.0130 INCORPORATIONS BY REFERENCE.

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

A. Chapters 4 and 6 of the Model Energy Code, 1989 Edition, as published by the Council of American Building Officials (Falls Church, Virginia); as amended by parts 7670.0260 to 7670.1000.

[For text of items B to E, see 18 SR 672]

E. ASTM E283-91, Standard Method of Test for Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors.

[For text of items G to L, see 18 SR 672]

M. Section 4 of the HVAC Air Duct Leakage Test Manual, 1985 edition, as published by the Sheet Metal and Air Conditioning Contractors National Association, Inc. (Vienna, Virginia).

Subp. 2. **Availability.** All standards and documents incorporated by reference are available for public inspection at the Minnesota State Law Library and through the Minitex interlibrary loan system. In addition:

[For text of items A and B, see 18 SR 672]

D. ~~The WINDOW computer program is~~ C. NFRC standards are available from Bostik Construction Products, 1740 County Line, Huntingdon Valley, PA 19006 National Fenestration Rating Council, 1300 Spring Street, Silver Spring, MD 20910. Council, 1300 Spring Street, Silver Spring, MD 20910.

7670.0260 [See 18 SR 672]

7670.0325 AMENDMENTS TO SECTION 201: DEFINITIONS.

[For text of subs 1 and 2, see 18 SR 672]

Subp. 3. Advanced or improved framing.

[For text of items A to C, see 18 SR 672]

D. "Improved ceiling framing" means a minimum of 7-1/2 inches between the wall top plate and roof sheathing.

[For text of subs 4 to 10, see 18 SR 672]

Subp. 11. **Conditioned space.** "Conditioned space" means space within a building which is provided with heated and/or cooled air or surfaces and, where required, with humidification or dehumidification means so as to be capable of maintaining a space condition falling within the comfort zone defined in ASHRAE Standard 55-1992 Thermal Environment Conditions for Human Occupancy.

[For text of subs 12 to 31, see 18 SR 672]

[For text of subs 32 to 34, see 18 SR 672. Subp 32 deleted and subs 33 to 35 renumbered 32 to 34.]

Subp. 35. **Passive or natural ventilation.** "Passive or natural ventilation" means the movement of outdoor air into a space through intentionally provided openings, such as windows and doors or through nonpowered ventilators.

[For text of subs 36 to 47, see 18 SR 672]

Subp. 48. **Thermal transmittance (U).** "Thermal transmittance (U)" means the coefficient of heat transmission (air-to-air). It is the time rate of heat flow per unit area and unit temperature differential between the warm side and cold side of air films (Btu/h ft² °F). The U-factor of an element is calculated by items A to E, as appropriate.

[For text of items A and B, see 18 SR 672]

C. Metal stud framing equivalent R-value method. The metal stud framing equivalent R-value method employs a table giving

equivalent R-values of opaque elements containing metal stud framing. The following equations must be used to determine the thermal transmittance of the opaque element.

Equations for the thermal transmittance of the opaque element:

$$U \equiv 1/R_t$$

$$R_t \equiv R_i \pm R_e$$

Where:

R_t \equiv the total resistance of the opaque assembly

R_i \equiv the resistance of the series elements (for $i=1$ to n), excluding the insulated metal stud framed element

R_e \equiv the equivalent R-value of the element containing the insulated metal stud framing

Equivalent R-values for metal stud framed (16 gauge or thinner) insulated cavities

<u>Size of studs</u>	<u>Spacing of studs, inches on center</u>	<u>Cavity Insulation R-value</u>	<u>Insulated wall cavity equivalent R-value</u>
2 x 4	16	R-11	R-5.5
2 x 4	16	R-13	R-6.0
2 x 4	16	R-15	R-6.4
2 x 4	24	R-11	R-6.6
2 x 4	24	R-13	R-7.2
2 x 4	24	R-15	R-7.8
2 x 6	16	R-19	R-7.1
2 x 6	16	R-21	R-7.4
2 x 6	24	R-19	R-8.6
2 x 6	24	R-21	R-9.0
2 x 8	16	R-25	R-7.8
2 x 8	24	R-25	R-9.6

[For text of items D and E, see 18 SR 672]

[For text of subs 49 and 50, see 18 SR 672]

Subp. 51. Ventilation or ventilation air. “Ventilation” means the process of supplying or removing air by natural or mechanical means to or from any space. Such air may or may not have been conditioned. “Ventilation air” means that portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

[For text of subs 52 and 53, see 18 SR 672]

7670.0400 [See 18 SR 672]

7670.0450 [See 18 SR 672]

7670.0460 BUILDING DESIGN BY SYSTEMS ANALYSIS.

Building design by systems analysis must comply with the Model Energy Code, chapter 4. The Model Energy Code, chapter 4, is amended by replacing references to chapter 5 or 6 with “Minnesota Rules, parts 7670.0260 to 7670.0800.”

7670.0470 AMENDMENTS TO SECTION 502: ENVELOPE THERMAL TRANSMITTANCE FOR ALL BUILDINGS.

[For text of subs 1 to 3, see 18 SR 672]

502.1.4 Subp. 4. Thermal transmittance of opaque components.

[For text of item A, see 18 SR 672]

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B. Thermal transmittance of opaque wall components and, roof/ceiling, and floor components: Thermal transmittance of opaque wall components (U_w) and roof/ceiling components (U_r), except as permitted in item C, must be calculated using the following methods:

(1) Wood frame: Parallel heat flow method.

(2) Masonry blocks with insulation inserts or filled cores and other envelope assemblies containing nonmetal framing: Series-parallel method.

(3) Metal framing bonded on one or both sides to a metal skin or covering: Thermal bridges in sheet metal construction Wall or roof assemblies with insulation draped over purlins or girts (insulation compressed between the outside skin and purlin or girt): Draped insulation effective assembly R-value method.

(4) Nonmetal surface with metal framing:

(a) Metal stud walls: Metal stud framing equivalent R-value method.

(5) For elements not identified in Standard RS-24 listed in chapter 7, the parallel path correction factor subitem (1), (2), (3), or (4): Zone method.

(b) For elements not identified in Standard RS-24 listed in chapter 7, the zone method.

C. Overall thermal transmittance of walls and floors may be determined from chapter 6 of the Model Energy Code.

Subp. 2: Section 502.1 of the Model Energy Code is amended by adding a paragraph to read:

502.1.5 U_w . Thermal transmittance of window area and skylight elements. Thermal transmittance of window area (U_g) and skylight elements (U_s) must be determined in accordance with one of the following methods:

(1) A. Representative U-values U-factors for Fenestration products, pages 27.16 to 27.18 of Standard RS-1 listed in chapter 7 Systems, ASHRAE, 1993 Handbook of Fundamentals, chapter 27, table 5; or

(2) Standard RS-26 listed in chapter 7;

(3) Standard RS-27 or RS-28 listed in chapter 7 using design conditions specified in footnote (a) of table 13, chapter 27 of Standard RS-1; or

(4) Standard RS-20 listed in chapter 7.

B. NFRC 100-91: Procedure for determining Fenestration Product Thermal Properties (Currently Limited to U-Values).

Subp. 3: Alternative compliance 6. Effectiveness of required thermal insulation. Section 502.2.1 of the Model Energy Code is amended by adding a new section to read:

502.2.1.7 Alternative compliance: Alternative methods of compliance with sections 502.2.1.1, 502.2.1.2, and 502.2.1.3 for one- and two-family residential buildings: Building assemblies are required to maintain the thermal performance of required insulation and the integrity of building materials against cold weather water vapor condensation and intrusion of unconditioned air.

A. Requirements for buildings. This item classifies two categories of buildings, identifying which elements of subpart 6 are required and when a mechanical ventilation system must be installed.

(1) Category 1: All buildings, except those classified as category 2, must meet all requirements in the table in subitem (3). Category 1 residential buildings must have a residential mechanical ventilation system.

(2) Category 2: Buildings where infiltration and passive ventilation are relied on to provide necessary year-round ventilation must only meet the requirements identified in subitem (3), units (a) to (g). Category 2 buildings may also be equipped with a mechanical ventilation system. If a measure identified in subitem (3), unit (h), (i), (j), (k), or (l), is also installed in a residential building, then a residential mechanical ventilation system must be installed.

(3) Table of requirements

(a) Vapor retarder

(b) Continuous air barrier at all

plumbing and heating penetrations

(c) Fire stops must be installed

to block air movement

(d) Penetrations in the building

envelope for electrical and

telecommunications equipment (except for

Reference

Subpart 6, item B

Subpart 6, item C (1)

Subpart 6, item C (2)

electrical boxes and fan housings) must be sealed to prevent air leakage

Subpart 6, item C (3)(a)

(e) Wind wash barrier required at the exterior edge of attic insulation

Subpart 6, item D (1)

(f) Wind wash barrier required at cantilevered floors and bay windows

Subpart 6, item D (2)

(g) Window and door frames and utility penetrations must be sealed

Subpart 7, item B (1)

(h) Electrical boxes and fan housings must be sealed to prevent air leakage

Subpart 6, item C (3)(b)

(i) Rim joists must be sealed to prevent air leakage

Subpart 6, item C (4)

(j) The top of interior partition walls must be sealed to prevent air leakage

Subpart 6, item C (5)

(k) All exterior joints that may be sources of air intrusion must be sealed

Subpart 6, item D (3)

(l) Between wall assemblies, rim joists and foundations must be sealed to prevent air leakage

Subpart 7, item B (2)

[For text of item B, see 18 SR 672]

C. Air leakage barrier. A barrier against air leakage must be installed to prevent the leakage of moisture-laden air from the conditioned space into the building envelope.

(1) Plumbing and heating penetrations. An air barrier must be continuous at all plumbing and heating penetrations of interior surface of the building envelope. If a tub or shower is located on an exterior wall, an air barrier must be provided at the interior surface of the building envelope behind the tub or shower.

(2) Fire stops or fire block. When mineral fiber or glass fiber materials are used as fire stop or fire block construction at ceilings and wall cavities separating conditioned and unconditioned spaces, an additional air leakage barrier must be installed to block air movement.

(3) Penetrations for electrical equipment. Penetrations in the building envelope for electrical and telecommunication equipment must be sealed in accordance with this item to prevent air leakage.

(a) For category 2 buildings, the service entrance, wires, conduit, cables, panels, recessed light fixtures, and fans at point of penetrating the air barrier must be sealed.

(b) Category 1 buildings must be sealed as required in unit (a), and in addition, electrical boxes and fan housings must be sealed.

(4) Rim joists. Rim joists, band joists, and where floor joists or trusses meet the building envelope must be sealed to prevent air leakage.

EXCEPTION: Not required for category 2 buildings.

(5) Interior partition walls. The top of interior partition walls that join insulated ceilings must be sealed to prevent air leakage.

EXCEPTION: Not required for category 2 buildings.

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Proposed Rules

D. Air intrusion barrier. An air-impermeable barrier must be provided where thermal insulation is susceptible to intrusion of outdoor air.

(1) Attic edge. A baffle must be installed at the exterior edge of attic insulation to mitigate wind wash. Baffles must be rigid material resistant to wind driven moisture.

(2) Overhangs. A barrier must be installed at cantilevered floors and bay windows, including corners with adjoining walls above and below, to mitigate wind wash.

(3) Exterior joints. Exterior joints in the building envelope that may be sources of air intrusion must be caulked, foamed, gasketed, joined over solid blocking, or otherwise sealed.

EXCEPTION: Not required for category 2 buildings.

Subp. 7. Air leakage.

A. Doors and windows. Exterior doors and windows must have air infiltration rates not exceeding those shown in this subpart. The allowable air infiltration rates are tested at a pressure differential of 1.567 pounds per square foot, which is equivalent to the impact pressure of a 25-mile per hour wind.

Allowable Air Infiltration Rate

<u>Elements</u>	<u>Value</u>	<u>Dimensional Unit</u>
<u>Windows</u>	<u>0.34</u>	<u>cfm per foot of operable sash crack</u>
<u>Residential doors</u>	<u>0.5</u>	<u>cfm per square foot of door area</u>
<u>Nonresidential doors</u>	<u>1.25</u>	<u>cfm per square foot of door area</u>

For doors, compliance with the criteria for air leakage must be determined by ASTM E283-91.

B. Joints. Joints in the building conditioned envelope that are sources of air leakage must be sealed in accordance with this item. Required items must be sealed with compatible, durable caulking, foam, gasketing, or other materials.

(1) Category 2 buildings must be sealed around window and door frames, between wall cavities and window or door frames, and at utility penetrations.

(2) Category 1 buildings must be sealed as required in subitem (1), and in addition, between wall assemblies and their rim joists, sill plates, foundations; between wall and roof/ceilings; and between separate wall panels.

[For text of item C, see 18 SR 672]

Subp. 8. Slab on grade floors. Slab on grade floors must be insulated around the perimeter of the floor. The thermal insulation must be continuous and must be not less than R-10. The insulation must extend from the top of the slab downward to either the design frost line or to the bottom of the slab then horizontally beneath the slab for a total distance equal to the design frost line.

Subp. 9. Foundation walls.

A. Foundation walls enclosing conditioned spaces must be insulated.

B. The thermal resistance of the insulation on the opaque foundation wall must be not less than required in this item from the top of the wall down to the top of the footing.

(1) For residential buildings three stories and less, insulation must be R-10 minimum.

(2) For all buildings other than residential buildings three stories and less insulation must be R-13 minimum.

C. All insulation used in or on foundation walls must be approved for the intended use. The insulation must be installed in accordance with the approved manufacturer's specifications.

D. If foundation wall insulation is on the exterior, the portion from the top of the foundation wall to six inches below grade must be covered by an approved protective coating finish to protect the insulation from deterioration due to sunlight and physical abuse.

E. If foundation wall insulation is on the interior, a moisture barrier must be located between the insulation and the foundation wall from the floor to grade.

[For text of subps 10 and 11, see 18 SR 672]

7670.0475 CRITERIA FOR WALLS, ROOFS, AND FLOORS OVER UNHEATED SPACES OF ONE- AND TWO-FAMILY RESIDENTIAL BUILDINGS.

[For text of subpart 1, see 18 SR 672]

Subp. 2. Prescriptive criteria. Minimum performance for components of Type A-1 (one- and two-family) buildings:

A. Minimum thermal resistance of the insulation in the roof/ceilings: ceilings to achieve a U_o factor of 0.026 is as follows: In ceilings with attics insulation must be R-38 with improved or advanced framing, or R-44 without improved or advanced framing. In ceilings without attics insulation must be R-38 between framing plus R-5 sheathing. Minimum thermal resistance of the insulation in floors not over conditioned space: R-21.

B. Minimum thermal resistance of the insulation in rim joists: R-19.

C. Maximum thermal transmittance of entrance doors: $U=0.30$ Btu/h ft^2 °F (equivalent to 1-3/4 inch solid core wood door with storm).

EXCEPTION: Swinging and sliding glass patio doors must have a U-factor not greater than the window U-factor for the building.

D. Floors over unheated spaces: $U_o \leq 0.04$ Btu/h ft^2 °F (equivalent to R-24 insulation between floor joists).

E. Foundation windows must be insulated glass, one-half inch between panes and wood or vinyl frame, or equivalent.

F. The building must not exceed the maximum window and door area as a percentage of overall exposed wall area with listed below for the combination of framing technique, R-value of insulation within the insulated cavity, sheathing, R-value, insulation on exposed foundation wall, and window overall U-value as indicated below: U-factor. Other components must meet the requirements of this subpart.

MAXIMUM WINDOW AND DOOR AREA AS A PERCENT OF OVERALL EXPOSED WALL

Framing	Cavity Insulation	Sheathing	R-5 Foundation Wall Insulation			
			Window U-Value	U-Factor	U-Value	U-Factor
			0.49	0.36	0.31	0.27
STANDARD	R-15	$\geq R-5$	11.2%	15.7%	18.6%	21.9%
STANDARD	R-21	$\leq R-5$	11.1%	15.5%	18.4%	21.7%
STANDARD	R-21	$\geq R-5$	12.9%	17.8%	21.1%	24.7%
ADVANCED	R-21	$\leq R-5$	12.0%	16.7%	19.7%	23.2%
ADVANCED	R-21	$\geq R-5$	13.4%	18.5%	18.8%	25.5%

Framing	Cavity Insulation	Sheathing	R-10 Foundation Wall Insulation			
			Window U-Value	U-Factor	U-Value	U-Factor
			0.49	0.36	0.31	0.27
STANDARD	R-15	$\geq R-5$	12.5%	17.6%	20.9%	24.6%
STANDARD	R-21	$\leq R-5$	12.4%	17.4%	20.6%	24.3%
STANDARD	R-21	$\geq R-5$	14.1%	19.7%	23.2%	27.2%
ADVANCED	R-21	$\leq R-5$	13.3%	18.5%	21.0%	25.8%
ADVANCED	R-21	$\geq R-5$	14.7%	20.3%	24.0%	28.0%

Notes:

- 1) maximum of 12 inches foundation wall exposed, excluding window wells.
- 2) Foundation windows must be insulated glass, 1/2-inch between panes and wood or vinyl frame, or equivalent.
- 3) standard framing is wall framing that is not advanced as defined in section 201 of the Model Energy Code.

STANDARD	R-13	$\geq R-7$	13.4%	17.8%	21.3%	24.3%
STANDARD	R-15	$\geq R-5$	12.9%	17.1%	20.1%	23.4%
STANDARD	R-18	$\leq R-5$	11.1%	16.0%	18.8%	22.0%

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Proposed Rules

STANDARD	R-18	≥R-5	13.5%	18.6%	21.8%	25.3%
ADVANCED	R-18	≥R-5	11.1%	17.1%	20.1%	23.4%
ADVANCED	R-18	≥R-5	13.5%	19.2%	22.5%	26.1%
STANDARD	R-21	≤R-5	11.8%	17.0%	19.9%	23.1%
STANDARD	R-21	≥R-5	14.0%	19.3%	22.5%	26.1%
ADVANCED	R-21	≤R-5	11.8%	18.1%	21.2%	24.6%
ADVANCED	R-21	≥R-5	14.0%	19.9%	23.2%	26.9%

Subp. 3. Performance criteria. The combined thermal transmittance (U_c) factors for walls, roof/ceilings, and floors over unheated spaces must be less than or equal to:

- A. 0.110 Btu/h ft² °F for walls;
- B. 0.026 Btu/h ft² °F for roof/ceilings; and
- C. 0.04 Btu/h ft² °F for floors.

7670.0490 WALL AND ROOF CRITERIA FOR MULTIFAMILY RESIDENTIAL BUILDINGS, THREE STORIES OR LESS.

[For text of subpart 1, see 18 SR 672]

Subp. 2. Roof assembly. The gross area of the roof/ceiling assembly must have a combined thermal transmittance (U_c) factor not exceeding 0.026 Btu/°F ft².

EXCEPTION: Alterations and repairs to an existing built-up or membrane roof must have a thermal transmittance value not exceeding 0.033 Btu/°F ft².

[For text of subps 3 and 4, see 18 SR 672]

7670.0495 ROOF AND WALL CRITERIA FOR ALL OTHER BUILDINGS.

[For text of subpart 1, see 18 SR 672]

Subp. 2. Prescriptive criteria.

A. **Zone I.** Buildings located in Zone I (northern Minnesota) as defined in part 1305.5400 must comply with this part. The combined thermal transmittance factor (U_c) for the roof/ceiling must not exceed 0.040 Btu/h ft² °F. The maximum window area as a percentage of exposed wall must not exceed the values given in the table below using the thermal transmittance of the opaque wall, thermal transmittance of the window, and shading coefficient (SC) of the window. Interpolations to intermediate values are permitted.

Window $U =$	Maximum Window Area			
	0.3	0.4	0.5	0.6
Opaque Wall $U = 0.06$				
SC 0.8	32%	27%	23%	20%
SC 0.6	38%	30%	25%	21%
SC 0.4	44%	33%	26%	22%
Opaque Wall $U = 0.07$				
SC 0.8	30%	26%	22%	18%
SC 0.6	36%	29%	23%	19%
SC 0.4	42%	31%	24%	20%
Opaque Wall $U = 0.08$				
SC 0.8	29%	24%	20%	17%
SC 0.6	34%	27%	21%	17%
SC 0.4	40%	29%	22%	18%
Opaque Wall $U = 0.09$				
SC 0.8	27%	22%	18%	15%
SC 0.6	32%	24%	19%	16%
SC 0.4	37%	26%	20%	16%

B. **Zone II.** Buildings located in Zone II (southern Minnesota), as defined in part 1305.5400, must comply with this part. The combined thermal transmittance factor (U_c) for the roof/ceiling must not exceed 0.045 Btu/h ft² °F. The maximum window area as

a percentage of exposed wall must not exceed the values given in the table below using the thermal transmittance of the opaque wall, thermal transmittance of the windows, and shading coefficient (SC) of the windows. Interpolations to intermediate values are permitted.

Window U =	Maximum Window Area			
	0.3	0.4	0.5	0.6
Opaque Wall U = .06				
SC 0.8	23%	22%	20%	18%
SC 0.6	30%	27%	24%	21%
SC 0.4	40%	33%	29%	25%
Opaque Wall U = .07				
SC 0.8	23%	21%	19%	18%
SC 0.6	29%	25%	23%	20%
SC 0.4	38%	32%	27%	23%
Opaque Wall U = .08				
SC 0.8	22%	20%	18%	16%
SC 0.6	28%	24%	21%	19%
SC 0.4	37%	31%	26%	22%
Opaque Wall U = .09				
SC 0.8	21%	19%	17%	16%
SC 0.6	27%	23%	20%	18%
SC 0.4	35%	29%	24%	21%

[For text of subp 3, see 18 SR 672]

BUILDING MECHANICAL SYSTEMS

7670.0610 AMENDMENTS TO SECTION 503: BUILDING MECHANICAL SYSTEMS.

Subpart 1. General.

A. Scope. Building mechanical systems must be designed and constructed in accordance with this part. Standards and definitions for building mechanical systems (including, but not limited to, service systems, sequence, system, thermostat, terminal element, and zone) are located in Code of Federal Regulations, title 10, parts 430 and 435, Energy Conservation Standards for Consumer Products, and Energy Conservation Voluntary Performance Standards for new buildings.

[For text of item B, see 18 SR 672]

[For text of subps 2 to 13, see 18 SR 672]

Subp. 7. 14. Controls. Section 503.8 of the Model Energy Code is amended by adding paragraphs to read:

A. Temperature control. Each system must be provided with at least one adjustable thermostat for the regulation of temperature. Each thermostat must be capable of being set by adjustment or selection of sensors as follows:

[For text of subitems (1) to (3), see 18 SR 672]

[For text of item B, see 18 SR 672]

C. Zoning for temperature control.

[For text of subitems (1) to (3), see 18 SR 672]

(4) Control setback and shutoff.

[For text of unit (a), see 18 SR 672]

(b) Other buildings and occupancies. Each system must be equipped with automatic controls capable of shutting off or reducing the energy used during periods of nonuse or alternate uses of the building spaces or zone served by the system.

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Proposed Rules

EXCEPTIONS:

- i. systems serving areas expected to operate continuously;
- ii. where it can be shown that setback or shutdown will not result in a decrease in overall building energy costs; and
- iii. equipment with full load demands of 2 kW (6826 Btu/h) or less may be controlled by readily accessible manual off-hour controls.

[For text of item D, see 18 SR 672]

E. Isolation of zones. Systems that serve zones which can be expected to operate nonsimultaneously for more than 750 hours per year shall include isolation devices and controls to shut off or set back the supply of heating and cooling to each zone independently. Zones may be grouped into a single isolation area provided that the total conditioned floor area does not exceed 25,000 ft² per group nor include more than one floor.

EXCEPTION: Isolation is not required for zones expected to operate continuously or expected to be inoperative only when all other zones are inoperative.

503.8.6 E. HVAC control system testing. HVAC control systems must be tested to assure that control elements are calibrated, adjusted, and in proper working condition.

[For text of subp 15, see 18 SR 672]

Subp. 9. 16. Duct construction. Section 503.10 of the Model Energy Code is amended to read: 503.10 Duct construction. Ductwork must be constructed and erected in accordance with chapter 1346, Uniform Mechanical Code, adopted by the Department of Administration.

503.10.1 Duct leakage test. Ductwork designed to operate at static pressure in excess of 3 in. we. must be leak tested and classified in a duct leakage class equal to or less than leakage Class 6 according to Standard RS-18 listed in chapter 7.

503.10.2 Additional sealing. Where supply air ducts and plenums that are designed to operate at static pressures from 0.25 in. to 3 in. we. inclusive are located outside of conditioned space or in return plenums, joints must be sealed in accordance with Seal Class B as defined in Standards RS-17, RS-18, and RS-19 listed in chapter 7. All other ducts and plenums operating from 0.25 in. to 3 in. we. inclusive Ducts must be sealed in accordance with Seal Class C this subpart. Pressure sensitive tape must not be used as the primary sealant where for ducts are designed to operate at static pressure of 1 in. we. water gauge or greater. In accordance with the Uniform Mechanical Code, section 706(e), adopted by chapter 1346, return air ducts conducting air into a furnace through the same space as the furnace must be continuously airtight.

Minimum Required Sealing

<u>Location</u>	<u>Design Static Pressure</u>	<u>Sealing Required</u>
<u>All locations</u>	<u>Greater than three inches water gauge</u>	<u>Joints, seams, and all wall penetrations must be sealed. Ductwork must be no less than Class 6 as defined in section 4 of the HVAC Duct Leakage Test Manual.*</u>
<u>Outside conditioned space</u>	<u>3.0 inches water gauge and less</u>	<u>All transverse joints and longitudinal seams must be sealed.</u>
<u>All locations</u>	<u>3.0 to 0.25 inches water gauge inclusive</u>	<u>All transverse joints must be sealed.</u>

*Leakage testing may be limited to representative sections of the duct system, but in no case shall such tested sections include less than 25 percent of the total installed duct area for the design pressure class.

Subp. 17. Pipe insulation.

[For text of item A, see 18 SR 672]

B. Other insulation thicknesses. Insulation thicknesses in the minimum HVAC System Pipe Insulation table are based on

insulation having thermal resistivity in the range of 4.0 to 4.6 h ft² °F/Btu per inch of thickness on a flat surface at a mean temperature of 75°F.

Minimum insulation thickness must be increased for materials having values less than 4.0, or may be reduced for materials having values greater than 4.6 as follows:

For materials with thermal resistivity greater than 4.6, the minimum insulation thickness may be reduced as follows:

New Minimum Thickness = [4.6 x Thickness from Table] + Actual thermal resistance.

For materials with thermal resistivity less than 4.0, the minimum insulation thickness must be increased as follows:

New Minimum Thickness = [4.0 x Thickness from Table] + Actual thermal resistance.

**C. Table of Minimum HVAC System Pipe Insulation
INSULATION THICKNESS FOR PIPE SIZES¹(INCHES)**

<u>PIPING SYSTEM TYPES</u>	<u>FLUID TEMP-ERATURE RANGE °F</u>	<u>Run-outs²</u>	<u>1' and Less</u>	<u>1-1/4" to 2"</u>	<u>2-1/2" to 4"</u>	<u>5" to 6"</u>	<u>8" and larger</u>
<u>HEATING SYSTEMS (STEAM CONDENSATE AND HOT WATER)</u>							
	<u>Above 350</u>	<u>1.5</u>	<u>2.5</u>	<u>2.5</u>	<u>3.0</u>	<u>3.5</u>	<u>3.5</u>
	<u>251-350</u>	<u>1.5</u>	<u>2.0</u>	<u>2.5</u>	<u>2.5</u>	<u>3.5</u>	<u>3.5</u>
	<u>201-250</u>	<u>1.0</u>	<u>1.5</u>	<u>1.5</u>	<u>2.0</u>	<u>2.0</u>	<u>3.5</u>
	<u>141-200</u>	<u>0.5</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>
	<u>105-140</u>	<u>0.5</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.5</u>	<u>1.5</u>
<u>COOLING SYSTEMS</u>							
<u>Chilled water</u>	<u>40-55</u>	<u>1/2</u>	<u>1/2</u>	<u>3/4</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Refrigerant or Brine</u>	<u>Below 40</u>	<u>1</u>	<u>1</u>	<u>1-1/2</u>	<u>1-1/2</u>	<u>1-1/2</u>	<u>1-1/2</u>

¹For piping exposed to outdoor air, increase thickness by one-half inch.

²Runouts two inches and less not exceeding 12 feet in length to individual terminal units.

C. Fluids 32°F and below. For applications with fluid temperatures of 32°F and below, the designer shall consider additional insulation with vapor retarder to prevent condensation.

[For text of subp 18, see 18 SR 672]

7670.0660 AMENDMENT TO SECTION 503: EQUIPMENT EFFICIENCY.

Subpart 1. HVAC equipment efficiency performance requirements. Section 503.4 of the Model Energy Code, with the exception of sections 503.4.2.3 and 503.4.4, is amended to read:

503.4 HVAC equipment performance requirements. HVAC equipment must meet minimum efficiency requirements specified in Standard RS-10 listed in chapter 7 with the following exceptions: this part.

(1) Table 8.3-6 is amended to cite the reference standard for air conditioners, air cooled as ARI 360-86; to cite the reference standard for air conditioners, water/evaporatively cooled as ARI 360-86; and efficiency requirements added as follows: Standards and definitions for HVAC equipment (including, but not limited to, coefficient of performance; package terminal air conditioner; package terminal heat pump; room air conditioner; unitary cooling and heating equipment; unitary heat pump; water-chilling package of absorption; water-chilling package, centrifugal or rotary; and water-chilling package, reciprocating) are located in Code of Federal Regulations, title 10, parts 430 and 435, Energy Conservation Standards for Consumer Products, and Energy Conservation Voluntary Performance Standards for new buildings.

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Proposed Rules

Air Conditioners (air cooled)	≤760,000 Btu/h 8.5 EER	>760,000 Btu/h 8.2 EER
Heat Pumps (cooling) (air cooled)	<760,000 Btu/h 8.5 EER	≥760,000 Btu/h 8.7 EER

(2) Table 8.3-7 is amended to read:

WATER COOLED	CFC	NON-CFC
Centrifugal	0.63 kW/Ton	0.73 kW/Ton
Helical rotary (screw)	0.75 kW/Ton	0.80 kW/Ton
Reciprocating or Scroll	0.93 kW/Ton	
AIR COOLED (any type)		
≥150 Ton	1.41 kW/Ton	
<150 Ton	1.30 kW/Ton	
503.4.1 Heat-operated water chilling packages.		

Double-effect, heat-operated water chilling packages must be used in lieu of single-effect equipment, except where the energy input is from low temperature waste-heat or renewable energy sources.

[For text of subs 2 to 11, see 18 SR 672]

7670.0710 AMENDMENTS TO SECTION 504: SERVICE WATER HEATING.

[For text of subs 1 to 4, see 18 SR 672]

Subp. 5. Swimming pools and spas.

[For text of items A and B, see 18 SR 672]

C. Heated outdoor swimming pools and spas must either be provided with a cover, or the heating system must use renewable energy sources to provide at least 70 percent of the heating energy required over an operating season.

Subp. 6. Pump operation. Circulating hot-water systems must be equipped with automatic time switches or other controls so that the circulation pumps can be conveniently turned off when the use of hot water is not required.

Subp. 7. Pipe insulation. Section 504.7 of the Model Energy Code is amended by deleting the exception and by adding a paragraph to read:

A. Service Water Heating Minimum Pipe Insulation. Domestic and service water heating systems with design temperature of 105°F and greater must comply with this subpart.

EXCEPTION: Piping insulation is not required when the heat loss of the pipeline, without insulation, does not increase the annual energy requirements of the building.

Minimum insulation thickness for normal iron pipe sizes

<u>Application</u>	<u>Insulation thickness</u>
<u>Noncirculating and runouts up to 2 inches</u>	<u>1/2 inch</u>
<u>Circulating up to 2 inches</u>	<u>one inch</u>
<u>Circulating and runouts over 2 inches</u>	<u>1-1/2 inches</u>

Assumed insulation conductivity(k)=0.27

B. Recirculating systems. For recirculating systems, the minimum pipe insulation must be in accordance with item A.

504.7.1 C. Nonrecirculating systems. Either the first eight feet of both inlet and outlet pipe from the storage tank must be insulated in accordance with table No. 504.7 item A, or heat traps must be installed on both inlet and outlet pipes with pipe insulation between the storage tank and heat traps installed in accordance with table No. 504.7 item A.

Subp. 4. Devices to limit temperature. Section 504.8.2 of the Model Energy Code is amended by deleting section 504.8.2.2.

Subp. 5. Efficiency requirements. Service water heating equipment regulated by the National Appliance Energy Conservation Act of 1987 must conform to the efficiency requirements of Standard RS-5 listed in chapter 7.

ELECTRICAL POWER AND LIGHTING

7670.0800 AMENDMENTS TO SECTION 505: ELECTRIC ELECTRICAL POWER AND LIGHTING.

[For text of subpart 1, see 18 SR 672]

Subp. 2. **Lighting power budget.** The lighting requirements of sections 505.3 and 505.4 of the Model Energy Code are amended to read:

The lighting power budget must be the upper limit of the power to provide the lighting needs in accordance with the 1993 criteria and calculation procedure specified in Standard RS-29 listed in chapter 7 with the following exceptions:

- (1) at each occurrence, the words "sections 11 and 12" are amended to read "Chapter 4 of the Model Energy Code";
- (2) each time the word "shall" is used in reference to an inanimate object, "shall" is changed to "must";
- (3) all recommendations identified by "may" or "should" are deleted;
- (4) section 3.1.6.2 is amended to reference equation 3.4-1;
- (5) section 3.2 is deleted;
- (6) section 3.3.1.2.2 is amended to read:

A. General.

(1) Purpose. This subpart contains a set of minimum requirements for all lighting, exterior lighting power requirements, and two alternative compliance procedures for building interior lighting and lighting control systems. The procedures in this subpart are solely for use in establishing lighting power budgets and are not intended for use as lighting design procedures.

[For text of subitem (2), see 18 SR 672]

(3) Exemptions. Except for fluorescent lamp ballasts, which must meet the requirements of item B, subitem (2), the following are exempt from the lighting power budget standards:

[For text of units (a) to (o), see 18 SR 672]

[For text of subitems (4) to (9), see 18 SR 672]

B. Minimum requirements.

(1) Lighting controls.

[For text of units (a) and (b), see 18 SR 672]

(c) The minimum number of controls must not be less than one lighting control for each space and one lighting control for each task or group of task locations within an area of 450 square feet or less.

3.3.1.2.2 i. Equivalent number of controls. A reduction in the minimum number of controls is permitted by using an equivalent number of controls from Table No. 3.3-1, where control types used in Table No. 3.3-1 are used indicated in the table below. However, The minimum number of controls must not be less than one for each 20 ampere circuit. Control of the same load from more than one location must not be credited as additional control points.

(7) section 3.3.1.2.3(a) is amended to read:

3.3.1.2.3

Equivalent Number of Controls

<u>TYPE OF CONTROL</u>	<u>EQUIVALENT NUMBER OF CONTROLS</u>
<u>Manually operated ON/OFF switch</u>	1
<u>Occupancy sensor</u>	2
<u>Programmable timer readily accessible from the space being controlled</u>	2
<u>Three level, including off, step control or preset dimming</u>	2
<u>Four level, including off, step control or preset dimming</u>	3
<u>Automatic or continuous dimming</u>	3

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Proposed Rules

(a) ii. Exception: Lighting for spaces that must be used as a whole, such as public lobbies of office buildings, hotels, and hospitals; retail and department stores; and warehouses, storerooms, and service corridors under centralized supervision ~~may be permitted to be controlled by a lesser number of controls, but not less than one control for each 20 ampere circuit or a total of three controls, whichever is greater; of connected lighting power.~~

(8) sections 3.3.2.1 and 3.3.2.2 are amended to read: (d) Hotel and motel guest rooms must have one or more master controls at the main entry door that turn off all permanently wired lighting fixtures and lighting and television receptacles. For multiple room suites, controls at the entry of each room, in lieu of a master switch, will meet these requirements.

(e) All lighting controls must be readily accessible to personnel occupying or using the space. Exceptions are automatic controls, programmable controls, lighting for safety hazards and security, controls requiring trained operators, and those controls for spaces that must be used as a whole.

(f) Controls provided for task areas, if readily accessible, may be mounted as part of the task lighting luminaire.

(g) Exterior lighting must be automatically controlled by timer, photocell, or combination of timer and photocell. Timers must be of the automatic type capable of adjustment for seven days and for seasonal daylight schedule variations. All time-controllers must be equipped with back-up mechanisms to keep time during a four-hour power outage.

(h) When the building is served by an energy management system, programmable controls, shared tenant services that affect interior environments, or "intelligent building" systems, provisions must be made to incorporate lighting controls into the system if a separate automatically controlled lighting system is not provided.

(2) Fluorescent lamp ballasts.

(a) Fluorescent lamp ballasts must comply with Standard RS-5 listed in chapter 7 of the Model Energy Code;

(9) section 3.5.5 is amended by changing the units of Interior Power Allowance in equation 3.5.3 to Watts;

(10) section 3.5.5 is amended to calculate "unlisted space" by subtracting the Listed Space Area (LSA) from the Gross Lighting Area (GLA);

(11) Table 3.5.2 is amended to read: Code of Federal Regulations, title 10, part 435.103, section 3.3.2, Fluorescent Lamp Ballast Standards.

EXCEPTION: Ballasts specifically designed for use with dimming controls.

(b) One-lamp or three-lamp fluorescent luminaires must be tandem wired to eliminate unnecessary use of single lamp ballasts if they are used for general lighting; recess mounted within ten feet center-to-center of each other; or pendant or surface mounted within one foot of each other, and within the same room. Tandem wiring consists of pairs of luminaires powered by a single two-lamp ballast.

EXCEPTION: Three-lamp ballasts may be used.

(c) Fluorescent lamp ballasts must have a power factor equal to or greater than 80 percent.

EXCEPTION: Ballasts for circline lamps.

C. Exterior lighting power allowance.

(1) Scope. Building exteriors, exterior areas, roads, grounds, and parking must have a lighting power density not to exceed the exterior lighting power allowance of this item.

(2) Procedure. The exterior lighting power allowance is the sum of the allowances for each of the area descriptions below, as calculated in accordance with this item, using unit power densities from the table in this item.

$$ELPA = \sum DO_i \times UPD_{D_i} + \sum A_i \times UPD_{A_i}$$

Where:

DO = Door opening, linear feet.

i = Numerical subscript (1,2,...,n) for each occurrence of doors or exterior areas of the building.

UPD_D = UPD for the door.

A = Exterior area for each separate UPD, square feet.

UPD_A = UPD for the area.

(3) Exterior lighting unit power density table.

Exterior Lighting Unit Power Density

<u>AREA DESCRIPTION</u>	<u>UNIT POWER DENSITY</u>
<u>Exit (with or without canopy)</u>	<u>25 W/Lin.ft. of door opening</u>
<u>Entrance (without canopy)</u>	<u>30 W/Lin.ft. of door opening</u>
<u>Entrance (with canopy)</u>	
<u>High Traffic (retail, hotel, airport, theater, etc.)</u>	<u>10 W/ft² of canopied area</u>
<u>Light Traffic (hospital, office, school, etc.)</u>	<u>4 W/ft² of canopied area</u>
<u>Loading area</u>	<u>0.40 W/ft²</u>
<u>Loading door</u>	<u>20 W/Lin.ft. of door opening</u>
<u>Building Exterior Surfaces/Facades</u>	<u>0.25 W/ft² of surface area to be illuminated</u>
<u>Storage and nonmanufacturing work areas</u>	<u>0.20 W/ft²</u>
<u>Other activity areas for casual use such as picnic grounds, gardens, parks, and other landscaped areas</u>	<u>0.10 W/ft²</u>
<u>Private driveways/walkways</u>	<u>0.10 W/ft²</u>
<u>Public driveways/walkways</u>	<u>0.15 W/ft²</u>
<u>Private Parking lots</u>	<u>0.12 W/ft²</u>
<u>Public Parking lots</u>	<u>0.10 W/ft²</u>

[For text of items D and E, see 18 SR 672]

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

[For text of subp 4, see 18 SR 672]

7670.1115 EFFECTIVE DATES.

The effective date of amendments to this chapter is ~~September 7, 1992~~ 45 days after publication of the adopted rule in the State Register.

EXCEPTION: ~~The Effective date of part 7670.0550, subpart 3, is January 1, 1993~~ 1998, residential buildings (one- and two-family and other residential buildings three stories or less in height) must meet the requirements of the R-2000 Home Program Technical Requirements, Canadian Home Builders' Association, September 1992.

REPEALER. Minnesota Rules, parts 7605.0100; 7605.0110; 7605.0120; 7605.0130; 7605.0140; 7605.0150; 7605.0160; 7670.0125; 7670.0480; 7670.0500; 7670.0510; 7670.0530; 7670.0550; 7670.0850; and 7670.1000, are repealed.

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

Adopted Rules

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 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.

Gambling Control Board

Adopted Permanent Rules Relating to Break-Open Bingo

The rules proposed and published at *State Register*, Volume 18, Number 20, pages 1336-1339, November 15, 1993 (18 SR 1336), are adopted with the following modifications:

Rules as Adopted

7861.0070 BINGO.

Subp. 8. **Break-open bingo.** In addition to complying with subparts 1 to 7, break-open bingo is a bingo game that must also comply with the following:

A. A sealed bingo paper sheet is lawful gambling equipment in which the bingo face or faces are concealed by being sealed in a manner that prevents revealing any part of the bingo face. Break-open bingo sheets must be constructed so that all 24 numbers on each face cannot be determined from the outside of a break-open bingo sheet using a high intensity lamp of up to 500 watts.

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Education; Postsecondary; Student Financial Assistance; SELF Loans

The rules proposed and published at *State Register*, Volume 18, Number 1, pages 22-24, July 6, 1993 (18 SR 22), and as proposed to be amended at Volume 18, Number 13, pages 913-915, September 27, 1993 (18 SR 913), are adopted with the following modifications:

Rules as Adopted

4850.0014 AMOUNT AND TERMS.

Subpart 1. **Loan amounts.** The minimum loan amount from the student educational loan fund is \$500.

The annual and maximum loan amounts for:

B. a graduate student are those prescribed in *Minnesota Statutes*, section 136A.1701. The loan must not exceed the annual graduate student borrowing maximum of \$9,000 for grade levels 6 through 9 or the cost of attendance less all other financial aid (including PLUS loans borrowed on the student's behalf); and the cumulative student loan debt of the graduate student (excluding PLUS loans borrowed on the student's behalf) does not exceed the total amount prescribed in *Minnesota Statutes* \$40,000 for both undergraduate and graduate educations combined. For example, if the stated total borrowing maximum is \$40,000, the cumulative graduate student borrowing maximum, by grade level, is:

(6) grade level 6, \$40,000;

(7) grade level 7, \$40,000;

(8) grade level 8, \$40,000; and

(9) grade level 9, \$40,000.

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Education; Postsecondary, Student Financial Assistance, Work-Study Grants

The rules proposed and published at *State Register*, Volume 18, Number 1, pages 16-17, July 6, 1993 (18 SR 16), and as proposed to be amended at Volume 18, Number 13, pages 913-916, September 27, 1993 (18 SR 913), are adopted as proposed.

Department of Veterans Affairs

Adopted Permanent Rules Relating to the County Veterans Service Officer Operational Improvement Grant Program

The rules proposed and published at *State Register*, Volume 18, Number 23, pages 1439-1442, December 6, 1993 (18 SR 1439), are adopted as proposed.

Withdrawn Rules

Department of Public Service

Notice of Withdrawal of Proposed Permanent Rules Relating to the Minnesota Energy Code

NOTICE IS HEREBY GIVEN that the proposed permanent rules amending the Minnesota Energy Code, *Minnesota Rules* chapter 7670, as proposed in the August 30, 1993, *State Register* on pages 672 to 714 (18 S.R. 672) are withdrawn on January 21, 1994. Amendments to this chapter are being repropounded in a modified form on pages 1830 - 1846 in this edition of the *State Register*.

Dated: 21 January 1994

Krista L. Sandra,
Commissioner

Emergency Rules

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. §§14.14-14.28 supercede emergency rules.

Department of Natural Resources

Notice of Continuation of Emergency Game and Fish Rules; Ecologically Harmful Exotic Species

NOTICE IS HEREBY GIVEN that the Department of Natural Resources is continuing the above entitled emergency rules in effect for an additional 180 days in accordance with *Minnesota Statutes*, section 14.35.

The notice adopting the emergency rules was published at *State Register*, Volume 18, Number 8, page 621 on August 23, 1993. (18 S.R. 621). The rules became effective August 11, 1993 and are scheduled to expire on February 7, 1994. This notice of continuation will extend the effective life of the above-entitled rules through August 6, 1994.

Dated: 28 January 1994

Rodney W. Sando, Commissioner
Department of Natural Resources.

Revenue Notices

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

Department of Revenue

Revenue Notice #94-3: MinnesotaCare

Patient Services

This Revenue Notice replaces Revenue Notice #93-14. For interpretation of the tax on payments received by persons selling, renting, or repairing medical supplies or equipment, see Revenue Notice #93-26.

Under the MinnesotaCare Act, health care providers are taxed on their receipts for patient services. Patient services are defined in section 295.50 as any of the following goods and services provided to a patient or consumer:

- bed and board;
- nursing services and other related services;
- use of the facility;
- medical social services;
- drugs, biological, supplies, appliances and equipment;
- other diagnostic or therapeutic items or services;
- medical or surgical services;
- items and services furnished to ambulatory patients not requiring emergency care;
- emergency services; or
- services covered under the medical assistance program.

Generally, patient services include services or goods provided by:

- a. a licensed or registered individual who provides the services within the scope of his or her professional duties;
- b. a person who qualifies for reimbursement under the medical assistance program; or
- c. a person selling, renting or repairing medical supplies.

Patient services include health care goods and services provided to a patient or a consumer. This means for example that wholesalers of medical supplies who sell wheel chairs to a hospital are not subject to tax. Patient services include goods and services that involve or aid the health care provider in examining or treating the medical or mental condition of an individual patient or consumer regardless of the existence of a medical relationship between the patient and the provider. Patient services do not include educational services that are given to the general public.

Examples of patient services that are subject to tax

- Patient counseling by a university nurse or by a physician hired by a business to treat employees;
- Medical transportation by an ambulance service;
- Preventive, corrective or diagnostic services provided by or under supervision of a dentist;
- Independent laboratory services;
- Professional services provided by a physician;
- Immunizations;
- Voluntary and medically necessary surgeries;
- Independent Medical Exams (IME) to determine eligibility for insurance or employment, or exams conducted for purpose of an adversarial proceeding;
- Utilization reviews of the treatment given to an individual patient based on reviewing the patient's file
- Reviewing cases for malpractice litigation;

Examples of services that are not taxable as patient services

- Quality utilization reviews where a health care provider reviews the work of a clinic or other medical facility in order to determine the efficiency of the procedures used in that facility in general, rather than reviewing the procedures used for a specific patient;
- Payments received by a health care provider for testifying in court as an expert witness;
- Payments received by a provider for advising a business on occupational safety in the workplace;
- Payments received by a provider teaching a class to the general public about smoke cessation or correct nutrition;
- Payments received by Qualified Rehabilitation Consultants for evaluations of the work environment in order to accommodate the needs of an employee;
- Payments received for transferring copies of a patient's records;

Dated: 7 February 1994

Debra L. McMartin
Assistant Commissioner for Tax Policy

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.

Department of Agriculture

Agronomy Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Soil and Plant Amendment Labeling

NOTICE IS HEREBY GIVEN that the State Department of Agriculture is seeking information or opinions from sources outside the department in preparing to propose adoption of amendments to rules governing soil and plant amendment labeling. The adoption is authorized by *Minnesota Statutes*, section 18C.121, subd. 1 which allows the department to adopt rules necessary to implement and enforce *Minnesota Statutes*, chapter 18C, Fertilizers, Soil Amendments.

The current Minnesota soil and plant amendment label and labeling rules need to be updated and clarified. Minnesota has attempted to adopt soil and plant amendment labeling rules that are uniform with national standards. The current rules are based on outdated national standards and need be amended to reflect current standards. The current rules are also based on old statutes and need to be amended to reflect statutory changes. Amendments are also necessary to clarify the current rule and make it easier to understand.

The department does not intend to form an advisory task force on the rule.

The rulemaking process should take approximately seven months.

The State Department of Agriculture requests information and opinions concerning the subject matter of the amendments. 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: Carol Milligan, Agriculture Planning Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, MN 55107. Oral statements will be received during regular business hours over the telephone by Paul McNelly at 612/297-7285 and in person at the above address.

All statements of information and opinions shall be accepted until a Notice of Intent to Adopt a Rule Without A Public Hearing or a Notice of Hearing for this rule is published in the *State Register*. Any written material received by the department shall become part of the rulemaking record to be submitted to the attorney general in the event that the amendments are adopted.

Dated: 20 January 1994

Elton Redalen
Commissioner

Department of Agriculture

Agronomy Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Fertilizer Labeling

NOTICE IS HEREBY GIVEN that the State Department of Agriculture is seeking information or opinions from sources outside the department in preparing to propose adoption of amendments to rules governing fertilizer labeling. The adoption is authorized by *Minnesota Statutes*, section 18C.121, subd. 1 which allows the department to adopt rules necessary to implement and enforce *Minnesota Statutes*, chapter 18C, Fertilizers, Soil Amendments.

The current Minnesota fertilizer label and labeling rules are obsolete and impractical to enforce. In order to provide uniform and meaningful labeling standards, these rules need to be amended. Minnesota has attempted to adopt fertilizer labeling rules that are uniform with national standards. The current rules are based on outdated national standards and need be amended to reflect current standards. The current rules are also based on old statutes and need to be amended to reflect statutory changes. In recent years there has been an increased demand for organic and natural fertilizers for home use. The current rules are not adequate to address the many changes in this market. Finally, amendments are necessary to clarify the current rule and make it easier to understand.

The department does not intend to form an advisory task force on the rule.

The rulemaking process should take approximately seven months.

The State Department of Agriculture requests information and opinions concerning the subject matter of the amendments. 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: Carol Milligan, Agriculture Planning Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, MN 55107. Oral statements will be received during regular business hours over the telephone by Paul McNelly at 612/297-7285 and in person at the above address.

All statements of information and opinions shall be accepted until a Notice of Intent to Adopt a Rule Without A Public Hearing or a Notice of Hearing for this rule is published in the *State Register*. Any written material received by the department shall become part of the rulemaking record to be submitted to the attorney general in the event that the amendments are adopted.

Dated: 20 January 1994

Elton Redalen
Commissioner

Housing Finance Agency

Notice of Public Hearing on the Low Income Housing Tax Credit Allocation Plan

The Minnesota Housing Finance Agency (MHFA) will hold a public hearing pursuant to Section 42 of the *Internal Revenue Code of 1986*, as amended. The public hearing will be held at the time and place listed below:

Thursday, February 10, 1994
10 a.m. - Board Room
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN

The Omnibus Budget Reconciliation Act of 1989 (OBRA) requires that Low Income Housing Tax Credit Allocating Agencies develop a plan for allocating tax credits within their jurisdiction, setting forth criteria to determine priorities for selection of developments to receive tax credits. The OBRA also requires Tax Credit Agencies to hold a public hearing to receive public comment on the Allocation Plan.

The above public hearing is for the Allocation Plan developed by MHFA, in cooperation with local government representatives, for use within the Tax Credit Allocation jurisdiction of the MHFA. Other Tax Credit Suballocating Agencies in Minnesota will be holding public hearings for their areas of jurisdiction. Currently, the following cities and counties are eligible to be Suballocating Agencies in Minnesota: Duluth, St. Cloud, Rochester, Minneapolis, St. Paul, Bloomington, Washington and Dakota Counties.

All persons interested will be given an opportunity to express their views. In order to more effectively plan for the conduct of the hearings, persons desiring to speak at the hearing must so request in writing at least 24 hours before the hearing. Oral remarks by any person will be limited to 10 minutes. Written comments may also be submitted to the undersigned, and will be considered at the hearing.

Note that this public hearing is not a workshop or training session, but is intended to solicit the comments of the public.

Copies of the Allocation Plan may be picked up at the address listed below and by mail or phone at (612) 297-3294, and by requesting a copy of the Low Income Housing Tax Credit Allocation Plan.

Minnesota Housing Finance Agency
Multi-Family Underwriting
Low Income Housing Tax Credit Program
400 Sibley Street, Suite 300
St. Paul, MN 55101

Department of Human Services

Announcement of Vacancy on Medicaid Drug Formulary Committee

The Minnesota Department of Human Services is seeking applications from Minnesotans interested in serving on the Minnesota Medicaid Drug Formulary Committee. The purpose of the committee is to advise the Department on drug coverage for the Medical Assistance Program. There are currently openings on the 9-member committee for two physicians who are not employed by the Department of Human Services, and whose practice is primarily with persons paying privately or through health insurance.

Official Notices

Members currently serve 3-year terms and volunteer their time and service to the committee. The Department will reimburse members for expenses for mileage to and from committee meetings and will award continuing education credits for attending committee meetings. For more information, please contact Gerald Drinane, Health Care Policy Division, at (612) 296-4528, or send a letter of interest and vita to Gerald Drinane, Pharmacy Policy Unit, Health Care Management Division, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3853. Applications will be accepted until April 1, 1994.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective February 7, 1994 prevailing wage rates were determined and certified for commercial construction projects in: **Anoka County:** Anoka-Hennepin School District-University/Mississippi/Sorteberg/Eisenhower/SandCreek/Crooked Lake Fire Alarm-Coon Rapids, Blaine & Andover, L.O. Jacob Elementary/Blaine High/Coon Rapids Middle/Morris Bye Elementary/Franklin Elementary Door Renovation-Anoka/Blaine/Coon Rapids. **Clay County:** MSU Snarr & Neumaier Temperature Control Valve Replacement, Wastewater Treatment Plant Addition. **Cook County:** Cook County Arrival & Departure Building-Grand Marais. **Dakota County:** Burnsville Siphon Interceptor Improvements-Burnsville. **Hennepin County:** U of M Addition of Chiller Jackson Owre Hall-Minneapolis, Park Center High School Kitchen Remodeling-Maple Grove, Bloomington Siphon Interceptor Improvements-Bloomington, Civil Mineral Engineering Building Repair & Assessment Improvements-Minneapolis, Anoka-Hennepin School District Evergreen Park Fire Alarm-Brooklyn Center. **Koochiching County:** Falls Jr. High School Thermal System Insulation-International Falls. **Murray County:** Fulda High School Asbestos Work-Fulda. **Ramsey County:** Blaine Interceptor-Blaine & Mounds View, ISD #624 White Bear Lake Area Schools Remodeling and Additions to 14 Schools-White Bear Lake, Post Bio-P Modifications-St. Paul. **St. Louis County:** U of M/Duluth Griggs Hall 7 Lake Superior Hall Roof Replacement & Stadium Apartments Ventilation-Duluth, Schools Early Detection Emergency Lighting & Exit Signs-Hibbing. **Washington County:** ISD #624 White Bear Lake Area Schools Remodeling and Additions to 14 Schools-White Bear Lake, Cottage Grove WWTP Phase 9 Final Clarifiers-Cottage Grove.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by March 1, 1994. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1993 Annual Compilation and Statistical Report is available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1993 fiscal year. The 1993 Annual Compilation also indicates members with terms that are scheduled to end in January 1994 as open for application. The cost of the 1993 Annual Compilation is \$5.95 per copy plus sales tax. There is a \$2.00 charge for mailing per order; an order may include any number of copies. To order copies of the 1993 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE ARCHITECTURE & INTERIOR DESIGN

133 7th St. E., St. Paul, MN 55101-2333. 612-296-2388.
Minnesota Statutes 326.04.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Public member.

The board licenses and regulates architects, engineers, land surveyors, landscape architects and certifies interior designers. The board consists of twenty members including three licensed architects, five licensed engineers, one licensed landscape architect, two licensed land surveyors, one certified interior designer, and eight public members. Not more than one member may be from the same branch of the profession of engineering. Each professional member must have ten years experience in their profession and have been in responsible charge of work for at least five years. Meetings four times a year on the second Monday of January and the third Monday of April, July and October. Meetings are normally held at the Sheraton Inn Midway. Members must file with the Ethical Practices Board.

BOARD OF MEDICAL PRACTICE

2700 University Ave. W., Room 106, St. Paul, MN 55114-1080. 612-642-0538.

Minnesota Statutes 147.01.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Licensed M.D. position. Term expires January 1997.

The board examines, licenses, and registers medical doctors and doctors of osteopathy, physician assistants, midwives, respiratory care practitioners, physical therapists and athletic trainers and enforces the relevant practice Acts. The board consists of sixteen members, including ten licensed M.D. physicians; one licensed Doctor of Osteopathy; and five public members. Monthly meetings, some committee meetings. Time commitment expected is one business day and one Saturday per month, plus preparation time. Members must file with the Ethical Practices Board.

CHEMICAL ABUSE PREVENTION RESOURCE COUNCIL

Department of Public Safety, Office of Drug Policy and Violence Prevention

316 Transportation Bldg., St. Paul, MN 55155. 612-297-4749

Minnesota Statute 299A.31.

APPOINTING AUTHORITY: Governor.

COMPENSATION: Per diem plus expenses.

VACANCY: One vacancy: Member with expertise or interest in chemical abuse prevention.

The council is to serve as an advisory body to the governor and legislature on all aspects of alcohol and drug abuse; assist state agencies in coordination of drug policies, programs and services; oversee comprehensive data collection, research and evaluation of alcohol and drug program activities; evaluate whether law enforcement narcotics task forces should be reduced in number and increased in geographic size; and review and approve state agency plans regarding the use of federal funds for programs to reduce chemical abuse or reduce the supply of controlled substances. The council consists of nineteen members: the commissioners of Public Safety, Education, Health, Corrections, and Human Services, the director of the Office of Strategic and Long Range Planning and the attorney general each appoint one member from their employees; the speaker of the house and the subcommittee for committees of the senate each appoint a legislative member; the governor appoints ten members from throughout the state representing the following: public health, education including preschool, elementary and higher education; social services; financial aid services; chemical dependency treatment; law enforcement; prosecution; defense; the judiciary; corrections; treatment research professionals; drug abuse prevention professionals; the business sector; religious leaders; representatives of racial and ethnic minority communities and other community representatives. Meetings held the second Thursday of the month at various locations (call 297-4749 for time and locations).

COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE

506 Rice St., St. Paul, MN 55103. 612-296-9587.

Minnesota Statutes 3.9223.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Member from Northern Minnesota of Mexican heritage.

The council advises the governor and legislature on issues affecting the Spanish-speaking community. Monthly meetings.

Official Notices

HEALTH COVERAGE REINSURANCE ASSOCIATION BOARD

Department of Commerce, 133 E. 7th St., St. Paul, MN 55101. 612-297-4634.
Laws of 1992, Chapter 549, Sec. 13-22.

APPOINTING AUTHORITY: Commissioner of Commerce.

COMPENSATION: Expenses.

VACANCY: One vacancy: Public member.

The association shall provide reinsurance to health carriers providing health coverage to the small employer market. The board consists of thirteen members, including four public members, three members representing accident and health insurers, three members representing HMOs, and three members representing Blue Cross-Blue Shield. Initial members will be appointed by the Commissioner of Commerce and will serve for a two year period effective the date of the first annual meeting, which must be held by December 1, 1992. The board will be elected by association membership after this two year interim, except for public members. Meetings at the Department of Commerce.

HOUSING FINANCE AGENCY

400 Sibley St., Suite 300, St. Paul, MN 55101. 612-296-5738.
Minnesota Statutes 462A.04.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Public member for a term expiring in January 1995.

The agency provides housing for low and moderate income persons. The agency consists of seven members, including the commissioner of the Department of Trade and Economic Development, the state auditor, and five public members appointed by the governor. There can be no more than two members from the seven county metropolitan area and no more than one member from any state development region. Monthly meetings. Members must file with the Ethical Practices Board.

INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL (IISAC)

Dept. of Administration, Room 320, Centennial Office Bldg.,
658 Cedar St., St. Paul, MN 55155. 612-297-5530.
Minnesota Statutes 16B.42.

APPOINTING AUTHORITY: Commissioner of Administration.

COMPENSATION: \$55. per diem plus expenses for public members.

VACANCY: One vacancy: Member-at-large.

The council promotes the use and electronic exchange of information between state and local governments through a grant program and also acts as a liaison in the area of information systems. Twenty-five members (fourteen elected or appointed government officials, seven representatives of state agencies and four public members) include two each from counties outside of the metro area, 2nd and 3rd class cities within and outside of metro area, and 4th class cities; one member each from Metropolitan Council, outstate regional body, counties within metro area, 1st class cities, school districts within and outside metro area, state department officials, and four from the state community at large. Members are appointed for four year terms. The full council meets the second Wednesday of every other month. Members are required to serve on a working committee which may meet more frequently.

MINNESOTA ACADEMIC EXCELLENCE FOUNDATION

971 Capitol Square Bldg., St. Paul, MN 55101. 612-297-1875.
Minnesota Statutes 121.612.

APPOINTING AUTHORITY: Governor.

COMPENSATION: None.

VACANCY: One vacancy: Requesting applicants/nominees who are experienced, willing and able to participate in MAEF fundraising activities; persons from communities of color in nonmetro areas, southwestern, central, and northeastern Minnesota in particular. Minnesota law requires that MAEF members represent education and business groups. The endorsement of the group is essential. There is a vacancy from education groups such as the Secondary School Principal Assoc., the School Boards Assoc., the Association of School Administrators and/or a higher education group.

The foundation is a nonprofit, public-private partnership, created in 1993 by legislative statute to be the primary advocate for the

promotion and recognition of academic excellence in all schools and communities in the state of Minnesota. MAEF coordinates and supports initiatives which promote: Systemic change to increase student learning; Societal values which demand academic achievement by all learners; Increased student and family/guardian expectations for academic learning; Expanded opportunities for academic learning and recognition; Partnerships between education, business and government to support the work of MAEF. The board of directors consists of a member of the State Board of Education who shall serve as chair, the commissioner of the Dept. of Education, and twenty members including eight who represent various education groups and twelve who represent various business groups. All meetings scheduled for the State Board Meeting Room (716) in the Capitol Square Building; upcoming board meetings are scheduled for November 17, 1993, March 16, 1994 and June 15, 1994.

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE

2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089. 612-642-0591.

Minnesota Statutes 148.01 - 148.106.

APPOINTING AUTHORITY: Executive Director, MN Board of Chiropractic Examiners.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Professional member. Must be able to attend first meeting on Tuesday, April 12, 1994 at 12:30 p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are varied.

MINNESOTA EARLY CHILDHOOD CARE & EDUCATION COUNCIL

117 University Ave., 3rd Fl., St. Paul, MN 55155. 612-296-1400.

Laws of 1991, Chpt. 292, Section 62.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem, plus expenses.

VACANCY: One vacancy: Prefer a parent with a special needs child. May represent parents, family child care providers, child care center provider, private foundations, corporate executives, small business owners or public school districts.

The council is to collaborate child care programs statewide and plans for allocating state and federal funds; develop a biennial plan for early childhood care and education in Minnesota; advocate for a coordinated child care system, and provide a report to the legislature on January 1st of every odd-numbered year describing work plan and legislative recommendations of council. Nineteen members to represent parents, family and center child care providers, private foundations, corporate executives, small business owners, and public school districts; also includes the commissioners of two Minnesota counties, three members from child care resources and referral programs, one from county operated resource and referral, one from rural location, one from metro area, and a community group representative. The governor shall consult with state councils of color to ensure council ethnic and racial representation. Meeting schedule and location information available upon request.

MINNESOTA RURAL FINANCE AUTHORITY (RFA)

90 West Plato Boulevard, St. Paul, MN 55107. 612-297-3557.

Minnesota Statutes 41B.025.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Public member, not residing within the metropolitan area.

The authority's purpose is to develop the state's agricultural resources by extending credit on farm real estate security and depreciable agricultural property (improvements, machinery, animals). The authority carries out this purpose by purchasing participation interests in loans or selling Agricultural Development Revenue Bonds to agricultural lenders or farmers for the purchase of these agricultural items. Another loan participation program provides for restructuring farmer agricultural debt. The RFA also makes direct loans to farmers to make improvements to a farm. A new service is being offered to assist farmers wanting to purchase farmland in Minnesota in finding farms that are being offered for sale. This service is called the "Minnesota Farm Connection." The board consists of the commissioners of the Depts. of Agriculture, Commerce, Finance, Trade and Economic Development, and six public members. No public member may reside within the metropolitan area. The board meets the first Wednesday of each month at 1:00 PM at the Department of Agriculture, 90 W. Plato Blvd., St. Paul. Members must file with the Ethical Practices Board.

State Grants

MINNESOTA STATE UNIVERSITY BOARD

230 Park Office Bldg., 555 Park St., St. Paul, MN 55103. 612-296-3717.
Minnesota Statutes 136.02.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Resident of Congressional District 3.

The board manages state universities; responsible for academic programs, fiscal management, personnel, admissions requirements, rules and regulations. The board consists of nine members including at least one student or graduate of the Minnesota state university system. Other than student or recent graduate member, at least one member must be a resident of each congressional district, and two members must be graduates of a state university. Approximately ten meetings per year, seven in St. Paul and three on campus. Members must file with the Ethical Practices Board.

PHYSICIAN ASSISTANT ADVISORY COUNCIL

Board of Medical Practice, Suite 106, 2700 University Ave. W.,
St. Paul, MN 55114-1080. 612-642-0538.
Minnesota Rules 5600.2665.

APPOINTING AUTHORITY: Commissioner of Health.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Licensed physician.

The council advises the Board of Medical Practice regarding physician assistant registration standards and the complaint/discipline process, and provides for distribution of information regarding standards. Seven members include two public members, three physician assistants, two licensed physicians (one of whom must be a representative of the Board of Medical Practice). Bimonthly meetings.

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.

Department of Human Services

Family & Children's Services Division

Request for Proposals (RFP) for Statewide Toll-Free Consultation Hotline for Child Abuse Training & Consultation Services

The Minnesota Department of Human Services, Family and Children's Services Division is soliciting proposals for a statewide toll-free 24-hour telephone line to provide consultation and training services for professionals involved in child protection. Services provided must include emergency and longer term consultation on individual child protection cases.

The contract will end on June 30, 1995. Up to \$90,000 in state appropriated funds is designated for the hotline program; \$45,000 is appropriated for the period March 31, 1994 through June 30, 1994, and \$45,000 is appropriated for the period July 1, 1994 through June 30, 1995. Renewal of the contract will be considered upon satisfactory performance.

This request for proposals 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.

Proposals in response to this RFP must be submitted according to the RFP application instructions. A copy of the complete RFP material is available by contacting the Family & Children's Services Division, Richard Dean, Program Consultant, at (612) 297-

Professional, Technical & Consulting Contracts

1648. Upon request, this information will be made available in an alternative format, such as Braille, large print, or audiotape. There will not be a pre-application conference.

All responders must provide six (6) copies of their completed proposal to the Family & Children's Services Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3830, no later than the close of business (4:30 p.m.) on February 28, 1994.

Evaluation and selection of the provider will be completed by March 11, 1994.

Department of Trade and Economic Development

Business and Community Development

Grant Proposals Solicited for the Minnesota Job Skills Partnership Board for Training Programs

The Minnesota Job Skills Partnership Board solicits grant proposals from educational and other non-profit organizations for training programs designed for specific businesses.

At their June 20, 1994 meeting, The MJSP Board will be considering grant proposals submitted by May 1, 1994. Projects will be starting with the new grant round beginning July 1, 1994, subject to the availability of funds.

Please contact the Partnership office at 612/296-0388 for details regarding grant proposal instructions.

Professional, Technical & Consulting Contracts

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

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

Department of Administration

Proposals Sought for Development of GIS Base Map

Materials Management Division, Department of Administration working with the Minnesota Department of Transportation is requesting proposals for the development of a Minneapolis/St. Paul Area GIS Base Map for various IVHS projects. GIS map must be compatible with specially equipped vehicles.

For a copy of the RFP can be obtained by contacting:

Don Olson CPPB, Contract Administrator
50 Sherburne Ave.
112 State Administration Building
St. Paul, MN 55155
Fax 1-612-297-3996

Proposals must be received and time stamped by 3:00 P.M. March 1, 1994. This request does not obligate the State of Minnesota to execute any contract contemplated in this notice. The State reserves the right to cancel the solicitation.

Dated: 31 January 1994

Professional, Technical & Consulting Contracts

Department of Corrections

Oak Park Heights Correctional Facility

Notice of Request for Proposals for Providing Education Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for the professional delivery of education services to the inmates at the Minnesota Correctional Facility - Oak Park Heights for the period of July 1, 1994 through June 30, 1995. The estimated cost will not exceed \$279,000 for the one year contract period. The proposals must be submitted by 4:30 p.m. on March 1, 1994 to: Tom Dowdle, Associate Warden/Operations. Please contact Mr. Dowdle at (612) 779-1488, if interested or for additional information.

Department of Corrections

Sex Offender and Chemical Dependency Services Unit

Notice of Request for Proposals for an Independent Evaluation of the Juvenile Sex Offender Program at the Minnesota Correctional Facility at Sauk Centre, Minnesota

The Minnesota Department of Corrections, Sex Offender and Chemical Dependency Services Unit, announces the availability of funding for an independent evaluation of the Juvenile Sex Offender Program at the Minnesota Correctional Facility at Sauk Centre, Minnesota. The contract period will run from the date of execution of the contract through June 30, 1995.

The deadline for submission of proposals is Monday, March 7, 1994, 4:30 p.m.

The Request for Proposals contains detailed requirements and instructions. To receive a copy of the Request for Proposals contact: Joan Sutherland, Minnesota Department of Corrections, Sex Offender Services Unit, 300 Bigelow Building, 450 North Syndicate Street, Saint Paul, Minnesota 55104. (612) 642-0264.

Housing Finance Agency

Request for Proposal for Network and Microcomputer Support

The Minnesota Housing Finance Agency (Agency) will have a Request for Proposals for network, telephone and Apple Macintosh microcomputer support available on January 28, 1994. The services to be provided under this proposal include, but are not limited to, the following: install, maintain and troubleshoot Agency data networks, complete moves, adds, changes and cabling as required for telephone service, diagnose, repair or replace broken Macintosh hardware components and diagnose and resolve Macintosh software problems. Proposals are to be submitted to the Minnesota Housing Finance Agency, David Ruch, Information Systems Director, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101-1998, 612/296-9816, no later than 4:00 P.M. February 28, 1994.

Department of Human Services

Child Welfare/Child Protection Training

Request for Proposals (RFP) for Developing a Statewide Comprehensive Competency-Based Training System

The Family & Children's Services Division, Minnesota Department of Human Services is soliciting proposals for development of a statewide, comprehensive, competency-based training system for county child protection and child welfare social workers and supervisors. Services must include development and initial implementation of foundation and advance training.

The project will end on April 30, 1995. \$100,000 in state appropriated funds is designated for the development and pilot implementation of this training.

This request for proposals 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.

Proposals in response to this RFP must be submitted according to the RFP application instructions. A copy of the complete RFP material is available by contacting the Family & Children's Services Division, Richard Dean, Program Consultant, at (612) 297-1648. Upon request, this information will be made available in an alternative format, such as Braille, large print or audiotape. The Department will be holding a pre-application conference.

Professional, Technical & Consulting Contracts

All applicants must provide six (6) copies of their completed proposal to the Family & Children's Services Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3830, no later than the close of business (4:30 p.m.) on March 21, 1994.

Evaluation and selection of the provider will be completed by March 31, 1994.

Pollution Control Agency

Request for Proposals for a Multi Site Contract to Conduct Investigation and Corrective Action at Aboveground and Underground Petroleum Storage Tank Release Sites

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking proposals from consultants/contractors qualified to conduct investigations and take other corrective actions at sites where a release of petroleum from a storage tank has occurred or is suspected. The MPCA desires to contract with these qualified consultants/contractors for services during fiscal years 1994 and 1995. No actual work or payment is guaranteed pursuant to the contract.

The term of the contract will be two years with an execution date anticipated for July 1, 1994. Funding for this contract may be provided by federal or state funds. The MPCA may contract with three or more consultants/contractors and the MPCA reserves the right to limit the number of parties to the contract.

A document describing the requirements necessary for the contract has been prepared (RFP document). Requests for the RFP document should be directed to:

Jayne Stilwell Lamb
Minnesota Pollution Control Agency
Tanks and Spills Section
520 Lafayette Road
St. Paul, Minnesota 55155
612/297-8584

A pre-proposal meeting will be held February 18, 1994 at 1:00 p.m. at the MPCA, 520 Lafayette Road, St. Paul, Minnesota.

The deadline for receipt of completed proposals is 2:00 p.m. on March 18, 1994. Proposals should be submitted to the attention of the above MPCA contact person. Late submittals will not be accepted.

Charles W. Williams
Commissioner

Department of Transportation

Engineering Services Division

Notice of Availability of Contract for an Evaluation of Aggregate and Chip Seal Surfaced Roads at Mn/ROAD

The Department of Transportation is requesting proposals for conducting research on aggregate and chip seal surfaced roads at the Minnesota Road Research Project (Mn/ROAD). The study will include preparing detailed work plans, collecting and evaluating data, and the preparation and presentation of a final report.

The department has estimated that the cost of this project need not approach but shall not exceed \$50,000. It is anticipated that the contract period will begin March, 1994 and continue through July, 1995.

For further information, or to obtain a copy of the completed Request for Proposal, Contact:

Curtis Eastlund, Assistant Project Manager, Mn/ROAD
1400 Gervais Avenue
Maplewood, MN 55109
Phone: (612) 779-5514

Proposals must be received at the above address no later than 4:30 p.m. on March 4, 1994.

This request does not obligate the State of Minnesota, Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Professional, Technical & Consulting Contracts

Department of Transportation

Notice to Consulting Engineers - Registered Civil and Structural

The Minnesota Department of Transportation (Mn/DOT) is soliciting expressions of interest from qualified design firms for inclusion on its 1994 Bridge Design Consultant List.

Mn/DOT anticipates retaining Bridge Design Consultants to design and prepare construction plans for individual bridge projects during 1994. Mn/DOT will also issue several T-Contracts (Work Order type contracts) during 1994 for bridge design services.

Consultant selection for individual design contracts and T-Contracts will be from the approved 1994 Consultant List.

Firms desiring consideration for the 1994 Bridge Design Consultant List must meet the following minimum qualifications:

1. Must have an office in Minnesota staffed to handle the work.
2. Firm's staff must have recent experience in the satisfactory completion of bridge plans of average complexity for the State Highway System, the County State Aid Highway System, or equivalent.
3. Firm's Minnesota office must be staffed by at least two registered engineers licensed in a discipline appropriate for bridge design.
4. The engineering and drafting staff of the Minnesota office must be capable of completing the work to meet Mn/DOT schedules.
5. The drafting staff must be capable of competing all plans on Cadd.

Applicants shall identify personnel who will conduct the work and detail their training and experience; summarize Computer Aided Drafting and Design (CADD) experience and qualifications; and list the bridge analysis and design programs used by the firm.

New applicants shall submit copies of Federal Forms 254 and 255. Firms reapplying from the 1993 Consultant List shall submit updates of these forms.

Applicants shall indicate if your firm is:

A. Certified by the Department of Human Rights for Affirmative Action as follows:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00; all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

Your proposal will be rejected unless it includes one of the following:

- 1.) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - 2.) A letter from Human Rights certifying that your firm has a current certificate of compliance; or
 - 3.) A notarized letter certifying that your firm has not had more than 20 full-time employees at any time during the previous 12 months
- B. Certified as a Disadvantaged Business Enterprise (DBE).
- C. Qualified as a Small Business - *Minnesota Statutes* 645.445
- D. Qualified as a Targeted Group Business - *Minnesota Statutes* 16B.19

All eligible design firms desiring to be considered as design contractors are asked to submit their applications to:

Robert J. Miller
Bridge Agreements Engineer
200 Waters Edge Building
1500 W. County Road B2
Roseville, Minnesota 55113

Applications will be received until 4:00 P.M., March 7, 1994. Include your Affirmative Action qualifications with these submittals.

Applicants may be requested to interview at the Waters Edge Building in Roseville, Mn.

Names of selected firms will be retained on file with Mn/DOT for consideration during 1994.



ATTENTION: Minnesota Business Leaders

Avoid getting lost in your search for government services and marketing information. Reach your market and keep you on top of state government policies and programs.

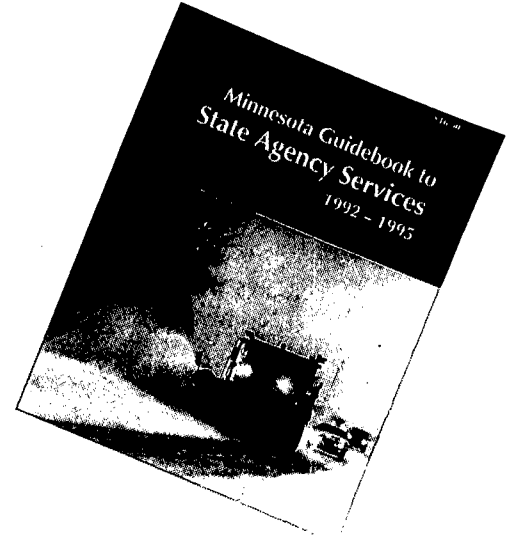
Business & Professional Directories -----

Minnesota Guidebook to State Agency Services 1992-95

An obvious "headliner" on any list for the business reference desk. The perfect "owner's manual" to Minnesota state government is a great reference tool for:

- * applying for grants, bidding on contracts
- * addresses, phone numbers and key contact people for each agency
- * license requirements and fees
- * gaining access to government services
- * participating in state policy making and service delivery
- * understanding the structure of Minnesota government with detailed descriptions of state agencies, their functions and services.

A MUST for the Minnesota business person. 710 pp. **Stock No. 1-11 SR** ~~REDUCED PRICE -- \$16.00~~ **NOW \$9.95**



Minnesota Manufacturer's Directory 1994

Lists companies alphabetically, by community, and by type of product manufactured. Includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing. Also FAX numbers, data processing managers and chief engineers, when available. 742 pp. **Stock No. 40-2 SR \$95.00**

Healing Arts (Physician's) Directory 1991

Names and addresses in alphabetical order for licensed physicians, chiropractors, osteopaths, optometrists, podiatrists and registered physical therapists. 426 pp. **Stock No. 1-1 SR \$19.95**

State Agency Telephone Directory

Orders are now being taken for the 1994 Directory. This directory lists all State of Minnesota government agencies. Features a greatly expanded FAX section with over 250 numbers, alphabetical employee listings, a classified section, organized by department, and "yellow pages" listing state offices in Greater Minnesota. 264pp. **Stock No. 1-87 SR \$12.95**

Airport Directory 1993

List of airports throughout the state. Approaches, rivers, all detailed markings, and much more. 178 pp. (pocket-size) **Stock No. 1-8 SR \$5.95**

Law Enforcement Directory 1993

Directory of state law enforcement agencies, sheriffs and police departments 51pp. **Stock No. 1-6 SR \$ 7.00**

Directory of Chemical Dependency Programs '92-93

Comprehensive listing of chemical dependency treatment programs in Minnesota. Information on services provided, funding and staff, and a map are also included. 282 pp. **Stock No. 1-12 SR \$17.00**

Mailing Lists ---

Let our Mailing List Service guide you through their **broad selection of State of Minnesota licensed professionals and permit holders**. Lists are available in a variety of formats including computer printouts, directories, cheshire or pressure-sensitive labels, or diskette. **For a free catalog or further information, call - 612/ 296-0930.**

Minnesota's Bookstore

117 University, St Paul, Minnesota 55155 (located 1/2 block west of the State Capitol)
612/297-3000 (Metro area) 1-800-657-3757 (Toll Free)

TDD (Telecommunications Device for the Deaf): 612/282-5077 1-800-657-3706 (Toll Free)
FAX 612/296-2265 Online computer access: 612/821-4096 (8-N-1, 1200/2400 bps)

