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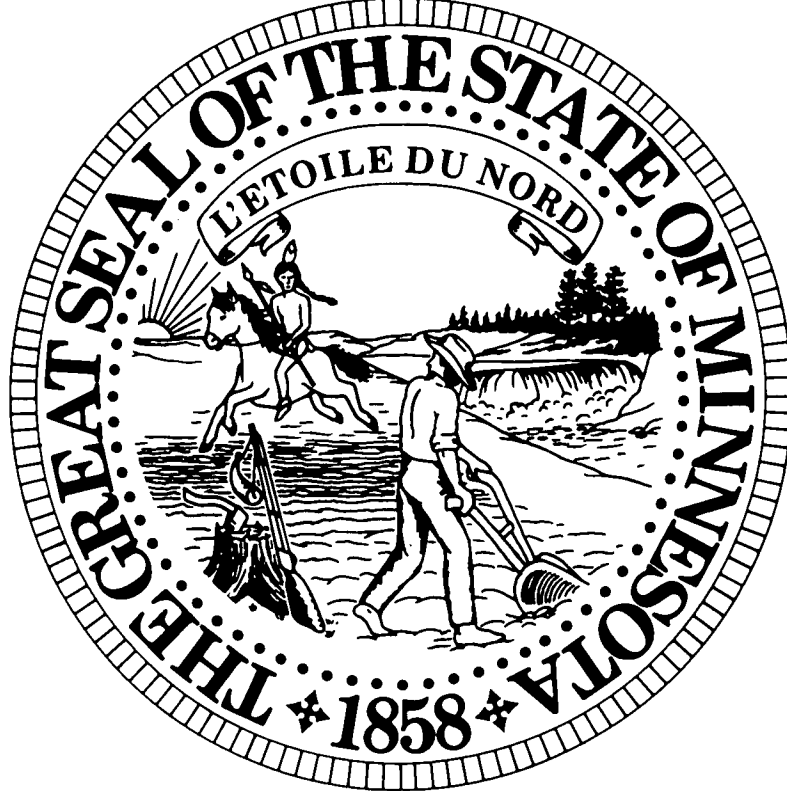
The Minnesota
**State
Register**

Department of Administration—Print Communications Division

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State Register

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

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4	Monday 25 July	Monday 11 July	Monday 18 July
5	Monday 1 August	Monday 18 July	Monday 25 July
6	Monday 8 August	Monday 25 July	Monday 1 August

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Contact: House Information Office
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.

Department of Administration

Building Code Division

Proposed Permanent Rules Relating to the Minnesota Uniform Mechanical Code

Dual Notice:

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 Department of Administration, Building Codes and Standards Division 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. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by August 17, 1994, a public hearing will be held on August 29, 1994. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after August 17, 1994 and before August 29, 1994.

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

Peggi White
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101
612-296-4626
TTY/TDD: Twin Cities 612-297-5353 or;
Greater Minnesota 800-657-3529 and ask for voice number.

Subject of Rule and Statutory Authority. The proposed rule is about Chapter 1346, Minnesota Uniform Mechanical Code. The proposed rules primarily relate to the adoption by reference of the *1991 Uniform Mechanical Code* as published by the International Conference of Building Officials in Whittier, California. The statutory authority to adopt the rule is *Minnesota Statute* 16B.61 subdivision 1. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:00 p.m. on August 17, 1994, to submit written comment in support of or in opposition to the proposed rule or 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 comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. A free copy of the rule is available upon request from Peggi White.

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 4:00 p.m. on August 17, 1994.

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

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 requests 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 as 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 August 29, 1994, will be cancelled 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 the hearing will be held. You may also call Peggi White at 612-296-4626 Voice or TTY/TDD Twin Cities 612-297-5353 or Greater Minnesota 800-657-3529 and ask for voice number, after August 17, 1994 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 14.14 to 14.20. The hearing will be held on August 29, 1994, in the Building Codes and Standard Division Conference Room, 408 Metro Square Building, 7th & Robert Streets, St. Paul, Minnesota, beginning at 9:00 a.m., and will continue until all interested persons have been 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 Judge Jon Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401-2138, 612-341-7645.

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 comment 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 submitted during the five-day response period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 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 presenting at the 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.

Small Business Considerations. In preparing these rules, the Building Codes and Standards Division has considered the requirements of *Minnesota Statutes* section 14.155, in regard to the impact of the proposed rules on small businesses. The proposed rules favorably affect small businesses in that none of the reporting requirements, schedules, or deadlines identified in items (a), (b), or (c) are applicable to chapter 1346.

Expenditure of Public Money by Local Public Bodies. Pursuant to *Minnesota Statutes* section 14.11, subd. 1, the expenditure of public money will not exceed \$100,000 in either of the two years following the adoption of these rules.

Impact on Agriculture Lands. Pursuant to *Minnesota Statutes*, section 14.11, subd. 2, the adoption of these rules will not have any impact on agricultural land.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, 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 to be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Peggi White 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 to be notified of the date on which the administrative law judge's report

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will be available, after which date the agency may not take any final action on the rule 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 of adoption must be mailed on the same day that 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 the filing of the rule with the Secretary of State.

Dated: 24 June 1994

Debra Rae Anderson
Commissioner

Statement of Need and Reasonableness

I. Introduction

The Commissioner of the Minnesota Department of Administration proposed to adopt amendments to chapter 1346 of the Minnesota State Building Code entitled the *Minnesota Uniform Mechanical Code*. In addition to substantive changes, reorganization and grammatical changes are proposed to improve clarity and to conform with current style requirements.

The present *Minnesota Uniform Mechanical Code* Rules, 1990 printing effective July 16, 1990, contains *Minnesota Rules* 1346.0050 to 1346.2226 including the adoption by reference of the 1988 edition of the *Uniform Mechanical Code* as promulgated by the International Conference of Building Officials in Whittier, California. The proposed rules contain certain amendments to the *Minnesota Uniform Mechanical Code* and includes adoption by reference of the 1991 edition of the *Uniform Mechanical Code*.

The Department began the present rule notification process on July 8, 1991 publishing a note in the *State Register* (16 S.R. 68) soliciting opinions and information from the public on the rules regarding the Minnesota State Building Code.

II. Statement of Agency's Statutory Authority

The commissioner's authority to adopt the rule amendments is set forth in *Minnesota Statute* 16B.61 subdivision 1, which states:

Subdivision 1, Adoption of code. Subject to sections 16B.59 to 16B.73, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alternation, and repair of state-owned buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to 16B.73, the commissioner shall administer and enforce the provisions of those sections.

III. Statement of Need

It is necessary to adopt the 1991 edition of the *Uniform Mechanical Code* in order to remain in keeping with the legislative intent of *Minnesota Statute* 16B.61 Subdivision 1 to "...conform insofar as practicable to model building codes generally accepted and in use throughout the United States." The 1991 edition incorporates revisions to the 1988 edition that are needed to address changes in technology, materials, and methods of construction.

Various elements of the proposed rules are to be repealed, revised, or contain an entirely new rewrite or section. Since the initial adoption of the *Uniform Mechanical Code* in 1990, the division has discovered that this model code does not sufficiently regulate the range of mechanical systems being used in the State of Minnesota. These proposed changes in the rule are needed to produce a current mechanical code that best governs the safe and efficient design and use of mechanical systems for buildings being constructed and remodeled in Minnesota. The need and reasonableness of each rule will be discussed in part IV.

IV. Statement of Reasonableness

Minnesota Statutes Chapter 14 requires the agency to make an affirmative presentation of facts establishing the reasonableness of

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Proposed Rules

the proposed rules. This means that the agency must set forth the reasons for its proposal, and the reasons must not be arbitrary or capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness means that the solution proposed by the department is appropriate. The reasonableness of the proposed rules is discussed below.

A. Reasonableness of the Rules as a Whole

The proposed rules are reasonable because they adopt by reference the 1991 *Uniform Mechanical Code (UMC)*, a "model code" that is widely used throughout parts of the mid and western United States. This fulfills the legislative directive of *Minnesota Statute* 16B.61 subdivision 1 referenced in the Statement of Need in Part III.

The proposed amendments to the *1991 Uniform Mechanical Code* are reasonable because they incorporate changes that are needed to regulate the safe use of current mechanical systems technology.

B. Reasonableness of Individual Rules

Part 1346.0050 Title; Incorporation By Reference

This change is needed to identify the 1991 edition of the new model mechanical code being proposed and the revised title of this chapter.

Part 1346.0108, Section 108 Balancing

This requirement is needed to assure that installed systems operate properly, safely, efficiently and to demonstrate conformance of the system with requirements of the code. Such a requirement is already in place for pressurized stairways in *Uniform Building Code* section 3310 and for piping equipment in UMC section 305(c). This requirement existed in part 1345.1350 of the State Mechanical Code prior to July 16, 1990. A similar requirement was recently added to part 7670.0610 of the Minnesota Energy Code.

Part 1346.0201; Section 201

This item is being repealed because the intent of the provision is now located in the 1991 UMC.

Part 1346.0403; Section 403

This is being repealed because the definitions are included in the 1991 UMC.

Part 1346.0406; Section 406

The amended definition of direct gas fired make up air heater is being deleted in lieu of the model code language.

Part 1346.0411; Section 411

The amended definition of "Inaccessible Installation" is being deleted in lieu of the new language in the model code.

Part 1346.0424; Section 424

This definition is needed because the word is used frequently throughout the code. It is reasonable because it is identical to the definition already incorporated by chapter 7670 in both the *Model Energy Code* and *ASHRAE Standard 62-89*.

Part 1346.0706; Section 706

This item is being repealed because it has been relocated to part 1346.1002. Subpart (d) remains in the 1991 UMC.

Part 1346.0707; Section 707

This requirement is needed to prohibit installations that would result in a potentially life threatening environment in the habitable area. Supply ducts connecting habitable areas with garages provide a passageway for toxic automobile exhaust and other gases from the garage to transfer to the habitable area through the duct system when the furnace fan is not in operation.

Part 1346.0808; Section 808

This change is made to reference the most current available edition of the standard.

Part 1346.0809; Section 809

This change is made to reference the most current available edition of the standard.

Part 1346.0906; Section 906

This item is being repealed in lieu of the language in the 1991 UMC.

Part 1346.0913; Section 913

This change is needed to clarify that a liner must not be installed in a masonry chimney when it serves a gas log appliance because gas log appliances are only tested and listed to be installed within a masonry fireplace and chimney.

Part 1346.1002

Section 1002(a). This change is needed and reasonable because exhaust ducts operating under negative pressure, such as central restroom exhaust or general ventilation exhaust ducts with roof-mounted exhaust fans, pose no threat or problem to the environmental air handled by a return-air plenum ceiling or return shaft. The current language would exclude such an installation and require a separate horizontal and vertical enclosure for this type of installation. Since this practice is already recognized by most jurisdictions, it is commonly permitted despite the fact that it is clearly in violation of the code text.

Section 1002(g). This provision is reasonable because it is existing language relocated from part 1346.0706(d). It will now be easier to find if it is located in the section of the code pertaining to ductwork. It's present location seems to imply that dampers are needed in warm air systems only.

Section 1002(h). This provision is reasonable because the *Uniform Mechanical Code* does not currently address elbows, transitions and obstructions. To minimize pressure losses and reduce energy consumption, duct systems must be designed to promote the unrestricted flow of air. The proposed language is consistent with methods illustrated in *SMACNA HVAC Duct Construction Standards*, 1985 edition and is, therefore, reasonable.

Part 1346.1004; Section 1004 (a), (d) and (e)

Subsections (a) and (e) are needed because of the resurgence of water problems experienced by new homeowners with underslab ductwork. This is reasonable because these provisions were in the previous editions of Minnesota's Mechanical Code. They have now been renumbered and reformatted for the Minnesota Uniform Mechanical Code.

Subsection (d) is needed because duct walls, joints and supports are designed for the dynamics of the duct system only and materials fastened to ducts could cause leakage and potential failure of the support system. This is reasonable because neither the Mechanical Code or the Building Code currently address this situation.

Part 1346.1005; Section 1005(a) and (b)

The proposed standards for insulating and sealing up ducts are needed because *Minnesota Statutes* Section 216C.195, subpart 2 (1) requires that the State Building Code incorporate HVAC standards at least as stringent as *ASHRAE Standard 90.1*. The standards proposed are derived from *ASHRAE Standard 90.1*. The need for insulating underground ducts is further demonstrated in a 1986 Minnesota research project. The "Energy Efficient House Research Project" showed for a large number of houses, a statistically significant increase of energy use for houses with (uninsulated) below slab warm air distribution systems. The specific requirements for insulation material that is utilized for insulation of underground ducts is needed to assure that the insulation will not deteriorate and lose effectiveness. This requirement is reasonable because it had been in the previous State Mechanical Code through July 1, 1990 and is based on the model standard, *ASHRAE 90.1*.

Part 1346.1104; Section 1104

The need and reasonableness for this item is as stated for part 1346.1002, section 1002(a).

Part 1346.1107; Section 1107 (b) and (C)

These sections are taken directly from the model code except that the reference to "Schedule 40" PVC has been deleted. This is needed because nearly all PVC piping used in central vacuum-cleaning systems is manufactured in Schedule 30. This rule is reasonable as Schedule 30 is all but universally accepted in this application with no apparent problems. In addition, the *1994 Uniform Mechanical Code* has also deleted the reference to "Schedule 40" for the same reasons. When the State of Minnesota proposes adoption of the 1994 UMC, this rule will be repealed.

Part 1346.1207; Section 1207

The need and reasonableness for this item is as stated for part 1346.0707.

Part 1346.1503; Section 1503

This change is needed as these new refrigerants are currently being used as a result of EPA regulations. The provision is reasonable as it permits the user of the code to properly classify the refrigerants and refer to the applicable requirements governing their safe use. In addition, this provision is taken directly from the *1994 Uniform Mechanical Code*.

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Proposed Rules

Part 1346.1505; Section 1505

This change adding compressors to the types of equipment which are required to be contained in a Group I refrigeration room is necessary to provide an equivalent level of safety for similar equipment types.

Part 1346.1520; Table No. 15-D

This change in the refrigerant classification is both needed and reasonable for the same reasons given in part 1346.1503.

Part 1346.1521; Section 1521

This change is made to reference the most current available edition of the standard.

Part 1346.1906; Section 1906

This requirement is needed in order to prohibit water heaters from being installed in potentially hazardous locations. The provision is reasonable because it is in line with the "*National Fuel Gas Code*" and the "*Uniform Plumbing Code*."

Part 1346.2002; Section 2002

The term "penetration" is added to this provision of the model code because it is needed to reduce the risk of a grease fire outside of the hood or duct system when caused by a leak through an oversized hole for sprinkler pipe. The provision is reasonable as the method of protection is the same as that currently required for the joints and seams.

Part 1346.2003; Section 2003

The words "such as pizza ovens" needs to be deleted after the model code language "under a Type II hood", because some pizza ovens are grease producing and require the construction of a Type I hood. This is reasonable as the rule would eliminate the current confusion over this issue by directing the designer, installer, or inspector to consider the appropriate hood design based on the potential grease generation of a particular pizza oven.

Part 1346.2104; UMC Appendix B

The first three definitions are being deleted because they are now included in the body of the model code. The boiler definitions shown are being deleted from the model code because part 1346.0404 already defines the applicable boiler pressure designations.

Part 1346.2107; Section 2107

The reference to 50 psig in subsection (c) is being changed to 30 psig in order to align with the current threshold between low and high pressure identified in part 1346.0404 and 1346.0410. This change should have occurred with the adoption of the current *Minnesota Uniform Mechanical Code*.

Part 1346.2133; Table No. 21-C

The change in footnote 10 is made to reference the most current available edition of the standard.

Part 1346.2212; Section 2212

This section has been completely reformatted to a structure similar to the Uniform Mechanical Code in order to improve its ease of use. Provisions to permit plastic pipe, tubing and fittings in certain applications, have been added while the remaining material is a reorganization of existing provisions. Plastic pipe has been proven to be a safe and reliable material for gas systems. This change is necessary to permit it to be used in a manner similar to that in nationally recognized codes including the National Fuel Gas Code.

Part 1346.2213; Section 2213

(a) This has been changed to clarify that screwed and welded joints apply to metallic piping only. Provision for the safe joining of non-metallic piping as permitted in Section 2212(a) 4 has been added.

(d) This addresses the additional depth of bury for plastic gas piping and the necessary means of protection when rising above grade. These provisions for the safe installation of plastic gas piping are very similar to those in the National Fuel Gas Code.

(h) This change is necessary to prohibit the use of potentially dangerous fittings in concealed gas lines. The proposed amendment is reasonable because it prohibits the use of fittings which were prohibited in the previous State Mechanical Code and are currently prohibited in the *National Fuel Gas Code ANSI Z233. 1-1988*.

Part 1346.2500; Section 2502

These changes are being made to reference the most current available editions of the standards.

Part 1346.2600; Section 2605

This change is made to reference the most current available edition of the standard.

V. Small Business Considerations

Minnesota Statute 14.115, subdivision 2 (1988) requires the department, when proposing rules which may affect small businesses, to consider the following methods for reducing the impact on small businesses:

- (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 division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods listed above for reducing the impact of the rules on small businesses. The adoption of these rule amendments may have some effect on small businesses in Minnesota.

Since Chapter 1346 contains no scheduling, deadline or reporting requirements, items (a), (b) and (c) are not applicable.

Chapter 1346 is performance based for all uses, not just for small businesses identified in item (d).

Item (e) is not applicable as *Minnesota Statute* 16B.59 requires the commissioner of administration to administer a state code of building construction which will provide basic and uniform performance standards for all residents of the state.

VI. Fiscal Impact

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

VII. Conclusion

Based on the foregoing the proposed amendments to *Minnesota Rules* Chapter 1346 are both needed and reasonable.

Dated: 24 June 1994

Debra Rae Anderson, Commissioner
Department of Administration

Rules as Proposed**1346.0050 TITLE; INCORPORATION BY REFERENCE.**

This chapter is known and may be cited as the "Minnesota ~~Uniform State~~ Mechanical Code." As used in this chapter, "the code" and "this code" refer to this chapter.

Chapters 1 to 20 and appendixes A, B, and C of the ~~1988~~ 1991 edition of the Uniform Mechanical Code, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 and the International Association of Plumbing and Mechanical Officials, 20001 South Walnut Drive, Walnut, California 91789, are incorporated by reference as part of the Minnesota ~~Uniform State~~ Mechanical Code with the amendments in this chapter. As used in this chapter, "UMC" means the Uniform Mechanical Code incorporated in this part.

The UMC is not subject to frequent change and a copy of the UMC, with amendments for use in Minnesota, is available in the office of the commissioner of administration.

1346.0108 SECTION 108.

UMC Section 108 is amended by adding a section to read as follows:

Section 108(a) Balancing. Means must be provided to balance air and water systems in accordance with this section.

(b) Air system balancing. Air systems must be balanced. Fan speed must be adjusted to meet design air system flow.

EXCEPTION: Speed adjustment is not required for air system balancing with fan motors of one horsepower or less.

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(c) Hydronic system balancing. Hydronic systems must be balanced. Pump impellers must be trimmed or pump speed must be adjusted to meet design system flow.

EXCEPTION: Impeller trimming or speed adjustment is not required for hydronic system balancing with pump motors of five horsepower or less.

(d) Systems balancing reports. Systems balancing reports must be submitted to the building official upon request.

1346.0406 SECTION 406.

UMC Section 406 is amended by adding the following definitions ~~definitions~~ definition:

"Direct gas-fired makeup air heater" means a gas heating device in which gas is burned and in which the products of combustion are mixed with the air that is to be heated in passing through the heater. The installation includes the unit and equipment from its outside air inlet to the outlet where the heated air leaves the unit with all appropriate control devices.

"Dual fuel burner" means a gas burner firing into the same combustion chamber zone into which another fuel is used and connected to an approved flue.

1346.0411 SECTION 411.

UMC Section 411 is amended by adding the following definitions:

"Inaccessible installation" means those sections of piping systems installed in walls, floors, ceilings, or other areas where access cannot be made without the removal of permanent construction.

"Interlock" means a device that senses a limit or off-limit condition or improper sequence of events, shuts down the offending or related piece of equipment, and prevents proceeding in an improper sequence to prevent a hazardous condition from developing.

"Intermittent pilot" means a pilot that burns during light-off and while the main burner is firing and that is shut off with the main burner.

"Interrupted pilot" means a pilot that burns during light-off and that is shut off during normal operation of the main burner.

1346.0424 SECTION 424.

UMC Section 424 is amended by adding the following definition:

"Ventilation" means the process of supplying or removing air by natural or mechanical means to or from any space. The air may or may not have been conditioned.

1346.0707 SECTION 707.

UMC Section 707(c) is added to read as follows:

(c) Garage Heating. Warm air supply ducts must not be installed for the purpose of heating attached private garages from any forced air system serving habitable areas.

1346.0710 SECTION 710.

UMC Section 710(h) is amended to read as follows:

(h) Access.

1. Every furnace installed in or on an exterior wall of a building that is designed so that the burners or controls must be serviced from the outside of the building must be accessible.

2. Mechanical equipment installed on the roof of a building must be provided with access as required by ~~part 1305-1750~~ in chapter 1300.

1346.0808 SECTION 808.

UMC Section 808 is ~~added~~ amended by adding a section to read as follows:

Section 808. Duct furnaces. Installation of duct furnaces must comply with the requirements of NFPA 54-1984 ~~54-1988~~ 54-1992.

1346.0809 SECTION 809.

UMC Section 809 is amended by adding a section to read as follows:

Section 809. Infrared heaters. Installation of infrared heaters must comply with the requirements of NFPA 54-1988 ~~54-1988~~ 54-1992.

NOTE: Mechanical exhaust must be provided in the quantity recommended by the manufacturer and be sufficient to prevent condensation in the space to be heated. Heaters must be installed so they will not operate until the exhaust air quantity has been proved. Makeup air must be provided to the space to be heated.

1346.0913 SECTION 913.

UMC Section 913(b), the first two paragraphs, are amended to read as follows:

(b) Gas venting into masonry chimneys. Lined and unlined masonry chimneys may be used to vent gas appliances, provided:

1. Except when serving a gas log appliance for installation in a vented fireplace, an approved liner must be installed in a masonry chimney when the combined input is less than 400,000 Btu/h or when considered necessary by the building official considering local problems of vent gas condensate. The liner must comply with one of the following:

A. aluminum 2S-H14, 1/2 hard, thickness .032 inches to eight inches diameter, temperatures not to exceed 550 degrees Fahrenheit at outlet of equipment;

B. stainless steel No. 302, No. 26 U.S. Standard gauge to eight inches diameter, No. 24 U.S. Standard gauge to eight inches diameter;

C. vitreous coated steel of No. 22 U.S. Standard gauge before coating;

D. class "B" vents approved by Underwriters Laboratories, or other approval and listing agencies, temperatures not to exceed 550 degrees Fahrenheit at outlet of appliance; or

E. other types of liners as approved by the building official.

1346.1002 SECTION 1002.

UMC Section 1002(a), the fifth paragraph, is amended to read as follows:

Exhaust ducts under positive pressure must not extend into or pass through ducts or plenums.

UMC Section 1002(g) is added to read as follows:

(g) Volume dampers. Volume dampers must be provided for all ducts. The dampers must be set according to air measurements of the system and be locked in place. In finished or inaccessible locations, a friction-type register box may be used.

UMC Section 1002(h) is added to read as follows:

(h) Elbows, transitions, and obstructions.

1. Elbows. Radius elbows with velocities exceeding 1,000 FPM shall have an inside radius not less than the width of the duct or have turning vanes. Square throat elbows with velocities exceeding 1,000 FPM shall have turning vanes.

EXCEPTION: Ducts serving a dwelling unit need not comply.

2. Transition fittings. Transition fittings shall be constructed with a maximum slope of 45 degrees.

3. Obstructions. Where a pipe or other obstruction passes through a duct, a streamlined sleeve must be constructed equal in type and gauge to the duct. The area of the duct, at the point of such obstruction, must be increased by an amount equal to the area of the streamlined sleeve.

1346.1004 SECTION 1004.

UMC Section 1004(a), the second paragraph, is amended to read as follows:

Metal ducts must be installed with at least four inches separation from earth. Metal ducts when installed in or under concrete slab must comply with each of the following:

1. Ducts must be completely coated with asphalt or bituminous coating.

2. Ducts must be encased in at least two inches of concrete.

3. A vapor barrier of polyethylene at least four mill thickness or equal must be installed around the underground duct.

UMC Section 1004(d), is amended by adding a third paragraph to read as follows:

Duct system supports may be used for the support of other materials and equipment only when the duct support systems have been specifically engineered for the total load.

UMC Section 1004(e) is added to read as follows:

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(e) Underground duct installation. Ducts must slope back to the plenum or a collection point. Access openings must be provided for inspection and cleaning at each low point of the system.

Underground ducts must not be installed unless means are provided to collect and drain surface and underground water by the installation of a drainage system around the perimeter of the space served by the underground duct system. The drainage system must be designed to prevent water from entering the duct system. When drain tile is installed, the top of the drain tile must be installed at an elevation lower than the bottom of the underground duct.

1346.1005 SECTION 1005.

UMC Section 1005 is amended to read as follows:

Insulation and Sealing of Ducts

UMC Section 1005(a) Insulation. Ducts must be insulated in accordance with the following table:

Minimum Required Duct Insulation (see table notes for letter interpretations)

<u>Duct Location</u>	<u>Cooling only or heating and cooling</u>	<u>Heating only</u>
<u>Exterior of building, attics, garages, and ventilated crawl spaces</u>	<u>C, V, and W</u>	<u>C and W</u>
<u>Inside of building and in unconditioned spaces¹ TD less than or equal to 15°F</u>	<u>None required</u>	<u>None required</u>
<u>TD greater than 15°F and less than or equal to 40°F</u>	<u>A and V</u>	<u>A</u>
<u>TD greater than 40°F</u>	<u>B and V</u>	<u>B</u>
<u>Within conditioned space or in basements with insulated walls</u>	<u>None required</u>	<u>None required</u>
<u>Intake and exhaust ducts²</u>	<u>A and V</u>	<u>A</u>
<u>Within cement slab or within ground</u>	<u>B</u>	<u>B</u>

NOTES:

¹Duct insulation is not required at the following locations:

(a) ceilings which form plenums; and

(b) for that portion of the duct which is located within a wall or a floor-ceiling space with conditioned space on both sides.

²Exhaust ducts within a heated space must be insulated for a distance of three feet from the duct outlet.

A = A material with installed minimum thermal resistance of R-3.3. Examples:

1.5-inch, 0.60 lb/cu ft mineral fiber, slag, or fiberglass blankets;

one-inch, 1.5 to 3.0 lb/cu ft mineral fiber blanket duct liner;

one-inch, 3.0 to 10.0 lb/cu ft mineral fiber board.

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B = A material with installed minimum thermal resistance of R-5.0. Insulation encased in cement or within ground must be approved for that application and be installed on the bottom and sides of ducts and plenums. Examples:

2.5-inch, 0.60 lb/cu ft mineral fiber, slag, or fiberglass blankets;

1.5-inch, 1.5 to 3.0 lb/cu ft mineral fiber blanket duct liner;

1.5-inch, 3.0 to 10.0 lb/cu ft mineral fiber board;

one-inch, 1.35 lb/cu ft extruded polystyrene board.

C = A material with installed minimum thermal resistance of R-8.0. Examples:

four-inch, 0.60 lb/cu ft mineral fiber, slag, or fiberglass blankets;

two-inch, 1.5 to 3.0 lb/cu ft mineral fiber blanket duct liner;

two-inch, three to ten lb/cu ft mineral fiber board.

The example of materials listed under each type is not meant to limit other available thickness or density combinations with the equivalent installed resistance based on the insulation only. <BL1> V = Vapor retarder with all joints sealed. <BL1> W = Approved weatherproof barrier.

TD = the design temperature differential between the air in the duct and the ambient temperature outside of the duct.

(b) Sealing: Ducts must be sealed in accordance with this subsection. Pressure sensitive tape must not be used as the primary sealant for ducts designed to operate at static pressure of one inch 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 less than or equal to 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 except ducts within return, relief, or exhaust plenums</u>	<u>3.0 to greater than 0.25 inches water gauge</u>	<u>All transverse joints must be sealed</u>
<u>Ducts within return, relief, or exhaust plenums</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.

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Proposed Rules

1346.1104 SECTION 1104.

UMC Section 1104, the fourth paragraph, is amended to read as follows:

Bathroom and laundry room exhaust ducts may be of gypsum wallboard subject to the limitations of Section 1002(a), including part 1346.1002. Exhaust ducts under positive pressure must not extend into or through ducts or plenums.

1346.1107 SECTION 1107.

UMC Section 1107(b), exception 3, is amended to read as follows:

3. Ducts used in central vacuum-cleaning systems within a dwelling unit may be of PVC pipe. Penetrations of fire walls, floor-ceiling, or roof-ceiling assemblies must comply with Sections 4304 and 4305 of the Building Code. Copper or ferrous pipes or conduits extending from within the separation between a garage and dwelling unit to the central vacuuming unit may be used.

UMC Section 1107(c), exception 2, is amended to read as follows:

2. Ducts used in central vacuuming systems within a dwelling unit may be constructed of PVC pipe. Penetrations of fire-resistive walls, floor-ceiling, or roof-ceiling assemblies must comply with Sections 4304 and 4305 of the Building Code. Copper or ferrous pipes or conduit extending from within the separation between a garage and dwelling unit to the central vacuum unit may be used.

1346.1207 SECTION 1207.

UMC Section 1207 is added to read as follows:

Section 1207. Air supply. Cooling system supply ducts must not be installed for the purpose of cooling attached private garages from any forced air system serving habitable areas.

1346.1503 SECTION 1503.

UMC Section 1503(c) is amended by adding the following:

(c) Alternative Refrigerants. The following refrigerants may be used in air-conditioning and refrigeration equipment as substitutes for the refrigerants listed in Section 1503(a).

Ethane, 2,2-Dichloro-
1,1-Trifluoro (Refrigerant 123)



Ethane, 1,1,1,2-
Tetrafluoro (Refrigerant 134a)



Limitations:

With direct systems the quantity must be limited to the amount noted in pounds per 1,000 cubic feet of room volume.

R123
0.004

R134a
16.0

With indirect systems, detectors and machinery room alarms must be provided as noted.

R123
Compound specific refrigerant
detector, alarm at the allowable
exposure limit (AEL) of 10 ppm

R134a
Oxygen monitor, alarm
below 19.5 percent

The above refrigerants must be installed in a refrigeration machinery room as required by Section 1505 for systems greater than 100 horsepower.

Construction and ventilation requirements must comply with Sections 1507 and 1508 and other applicable provisions of this chapter.

In addition, at least one self-contained breathing apparatus must be provided for each refrigeration machinery room containing these refrigerants.

If a purge system is provided for the above refrigerants, it must be discharged to the outside of the building in the same manner as relief devices specified in Section 1517.

1346.1505 SECTION 1505.

UMC Section 1505(a), the first paragraph, is amended to read as follows:

Condensing units and compressors or combinations of refrigerant interconnected condensing unit and compressors totaling 100 or more horsepower rating which contain a Group 1 refrigerant must be enclosed in a refrigeration machinery room.

1346.1520 TABLE NO. 15-D.

UMC Table No. 15-D, is amended by adding the following:

	<u>HIGH-PRESSURE</u>	<u>LOW-PRESSURE</u>
	<u>TEST</u>	<u>TEST</u>
<u>Refrigerant</u>		
<u>Ethane, 2,2-Dichloro-1</u>		
<u>1, 1-Trifluoro (Refrigerant 123)</u>	<u>30</u>	<u>30</u>
<u>Ethane, 1,1,1,2-Tetrafluoro</u>		
<u>(Refrigerant 134a)</u>	<u>235</u>	<u>140</u>

1346.1521 SECTION 1521.

UMC Chapter 15 is amended by adding a section to read as follows:

GAS AIR CONDITIONERS.

Section 1521. The installation of gas-fired air conditioners must comply with the requirements of NFPA 54-1988 54-1992 Section 6.2.

1346.1906 SECTION 1906.

UMC Chapter 19 is amended by adding a section to read as follows:

WATER HEATERS.

Section 1906. Water heaters which depend on the combustion of fuel for heat shall not be installed in a room used or designed to be used for sleeping purposes, bathroom, clothes closets, or in a closet or other confined space opening into a bathroom or bedroom.

EXCEPTION: Direct vent water heaters.

1346.2002 SECTION 2002.

UMC Section 2002(a)1, the third paragraph, is amended to read as follows:

Joints, seams, and penetrations shall be made with a continuous liquid-tight weld or braze made on the external surface of the duct system. A vibration isolation connector may be used, provided it consists of noncombustible packing in a metal sleeve joint of approved design.

1346.2003 SECTION 2003.

UMC Section 2003(g)4, the first paragraph, is amended to read as follows:

4. Type I hoods where the cooking equipment includes low-temperature appliances such as medium-to-low temperature ranges, roasters, roasting ovens, pastry ovens, and equipment approved for use under a Type II hood.

UMC Section 2003(i) is amended to read as follows:

(i) Makeup air. Each room provided with an exhaust system must have air supplied to the room equal to the amount of air to be exhausted. Makeup diffusers must be located to prevent a short circuiting of air furnished to the exhaust system. Windows and doors must not be used for the purpose of providing makeup air. The exhaust and makeup air systems must be connected by an electrical interlocking switch. Exhaust systems must be provided with tempered makeup air. Tempered air is air of a temperature

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not less than 55 degrees Fahrenheit, measured at the flow of air from the discharge diffuser into the room. Compensating hoods must meet the airflow requirements in Section 2003(g), 2, 3, and 4. Compensating hoods must extract at least 80 percent of their required exhaust airflow from the kitchen area.

1346.2104 SECTION 2104.

UMC Appendix B, Section 2104, the first paragraph, is amended to read as follows:

Section 2104. The definitions in this section apply to this chapter, unless a word's context clearly indicates a different meaning. For additional definitions, see Chapter 4 of this code.

UMC Appendix B, Section 2104, is amended by adding the following definitions ~~definitions~~ definition:

~~"Accessible installation" means accessible whether in a shaft, tunnel, or other concealed space by readily removable construction.~~

~~"Exposed installation" means installation that is visible and accessible without the removal of an item of construction.~~

~~"Inaccessible installation" means inaccessible whether in a shaft, tunnel, or other concealed space and only accessible by the removal of permanent construction.~~

"Piping system" means the method of conveying liquid, vapor, steam, gases, or slurry from one point to another for purposes of this code, including accessories, appurtenances, and equipment necessary for proper operation.

UMC Appendix B, Section 2104, the definitions of "package boiler" and "pressure vessel (unfired)," are amended to read as follows:

"Package boiler" means a boiler equipped and shipped complete with electrical heating elements or fuel burning equipment, automatic controls and accessories, and mechanical draft equipment, if used.

"Pressure vessel" means an unfired, closed container for liquids, gases, or vapors subjected to pressures exceeding 15 pounds per square inch, or steam and hot water under any pressure.

UMC Appendix B, Section 2104, is amended by deleting the definitions of "low-pressure hot-water-heating boiler," "power hot-water boiler (high-temperature water boiler)," and "steam heating boiler."

1346.2107 SECTION 2107.

UMC Appendix B, Section 2107(a), (b), and (c) are amended to read as follows:

Section 2107. (a) General. A hot water heating system must be provided with an air expansion tank securely fastened to the structure. Supports must be adequate to carry twice the weight of the tank filled with water without placing any strain on connecting piping. Hot water heating systems incorporating hot water tanks or fluid relief columns must be installed to prevent freezing under normal operating conditions.

EXCEPTION: Small expansion tanks installed consistent with manufacturer's recommendations may be supported by the piping if so designed.

(b) Systems with open expansion tank. Systems equipped with an open expansion tank to satisfy thermal expansion must be provided with an indoor overflow from the upper portion of the expansion tank in addition to an open vent. The indoor overflow must be carried within the building to a suitable plumbing fixture.

(c) Closed-type systems. Systems of the closed type must have an airtight tank or other suitable air cushion that will be consistent with the volume and capacity of the system, and must be suitably designed for a hydrostatic test pressure of 2-1/2 times the allowable working pressure of the system. Expansion tanks for systems designed to operate at or above ~~50~~ 30 psig must be constructed according to nationally recognized standards approved by the building official. Provisions must be made for draining the tank without emptying the system, except for pressurized tanks. The valve between the boiler or mains and the expansion tank must have permanently attached to it a metal tag having substantially the following wording stamped or etched on it: "This valve must be OPEN at all times except when draining the expansion tank."

1346.2133 TABLE NO. 21-C.

UMC Appendix B, Table No. 21-C, is amended to read as follows:

TABLE NO. 21-C—CONTROLS AND LIMIT DEVICES FOR AUTOMATIC BOILERS

BOILER GROUP	FUEL	FUEL INPUT RANGE ¹ (Inclusive)	TYPE OF PILOT ²	SAFETY CONTROL TIMING (Nominal Maximum Time in Seconds)				ASSURED FUEL SUPPLY CONTROL ⁴	ASSURED AIR SUPPLY CONTROL ⁵	LOW FIRE START UP CONTROL ⁶	PRE-PURGING CONTROL ⁷	HOT WATER TEMPERATURE AND LOW WATER LIMIT CONTROL ⁸	STEAM PRESSURE AND LOW WATER LIMIT CONTROL ⁹	APPROVED FUEL SHUTOFF ¹⁰	CONTROL AND LIMIT DEVICE SYSTEM DESIGN ¹¹
				TRIAL FOR PILOT	TRIAL FOR MAIN BURNER FLAME		MAIN BURNER FLAME FAILURE ³								
					DIRECT ELECTRIC IGNITION	FLAME PILOT									
A	Gas	0-400,000 BTU/h	Any type	90	Not Required	90	90	Not Required	Required	Not Required	Not Required	Required	Required	Not Required	Required
B	Gas	400,001-2,500,000 BTU/h	Interrupted or intermittent	15	15	15	2-4	Not Required	Required	Not Required	Not Required	Required	Required	Not Required	Required
C	Gas	2,500,001-5,000,000 BTU/h	Interrupted or intermittent	15	15	15	2-4	Required	Required	Required	Required	Required	Required	Required	Required
D	Gas	Over 5,000,000 BTU/h	Interrupted	15	15	15	2-4	Required	Required	Required	Required	Required	Required	Required	Required
E	Oil	0-5 GPM	Any type	Not Required	90	90	90	Not Required	Required	Not Required	Not Required	Required	Required	Not Required	Required
F	Oil	Over 5 GPM	Interrupted	Not Required	15	15	2-4	Required	Required	Not Required	Not Required	Required	Required	Not Required	Required
G	Oil	7 to 10 GPM	Interrupted	Not Required	10/15	10/15	2-4	Lo - Oil Required	Required	Required	Required	Required	Required	Required	Required
H	Oil	Over 10 GPM	Interrupted	Not Required	15	15	2-4	Lo - Oil Required	Required	Required	Required	Required	Required	Required	Required
K	Electric	All	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Required	Required	Not Required	Required

TABLE NO. 21-C—CONTROLS AND LIMIT DEVICES FOR AUTOMATIC BOILERS

BOILER GROUP	FUEL	FUEL INPUT RANGE ¹ (Inclusive)	TYPE OF PILOT ²	SAFETY CONTROL TIMING (Nominal Maximum Time in Seconds)				ASSURED FUEL SUPPLY CONTROL ⁴	ASSURED AIR SUPPLY CONTROL ⁵	LOW FIRE START UP CONTROL ⁶	PRE-PURGING CONTROL ⁷	HOT WATER TEMPERATURE AND LOW WATER LIMIT CONTROL ⁸	STEAM PRESSURE AND LOW WATER LIMIT CONTROL ⁹	APPROVED FUEL SHUTOFF ¹⁰	POC 10	CONTROL AND LIMIT DEVICE SYSTEM DESIGN ¹¹
				TRIAL FOR PILOT	TRIAL FOR MAIN BURNER FLAME		MAIN BURNER FLAME FAILURE ³									
					DIRECT ELECTRIC IGNITION	FLAME PILOT										
A	Gas	0-400,000 BTU/h	Interrupted, Intermittent or Continuous	90	Not Allowed	90	90	Not Required	Required	Not Required	Not Required	Required	Required	Required	Not Required	Required
B	Gas	400,001-999,999 BTU/h	Interrupted, Intermittent	15	Not Allowed	15	2-4	Hi Gas Required	Required	Not Required	Required	Required	Required	Required	Not Required	Required
C	Gas	1,000,000-2,499,999 BTU/h	Interrupted	15	Not Allowed	15	2-4	Lo/Hi Gas Required	Required	Required	Required	Required	Required	Required	Required	Required
D	Gas	2,500,000 over BTU/h	Interrupted	10	Not Allowed	10	2-4	Lo/Hi Gas Required	Required	Required	Required	Required	Required	Required	Required	Required
E	Oil	0-5 GPM	Any Type	15	90	90	90	Not Required	Required	Not Required	Not Required	Required	Required	Required	Not Required	Required
F	Oil	Over 5 GPM	Interrupted	15	Not Allowed	15	2-4	Required	Required	Not Required	Required	Required	Required	Required	Not Required	Required
G	Oil	7 to 10 GPM	Interrupted	15	Not Allowed	10/15	2-4	Lo - Oil Required	Required	Required	Required	Required	Required	Required	Not Required	Required
H	Oil	Over 10 GPM	Interrupted	15	Not Allowed	10/15	2-4	Lo - Oil Required	Required	Required	Required	Required	Required	Required	Not Required	Required
K	Electric	All	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Required	Required	Not Required	Not Required	Required

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Proposed Rules

FOOTNOTES FOR TABLE NO. 21-C

¹ Fuel input must be determined by the maximum burner input as shown on the burner nameplate.

² Automatic boilers must have one flame failure device on each burner that must prove the presence of a suitable ignition source at the point where it will reliably ignite the main burner, except that boiler group E that is equipped with direct electric ignition must monitor the main burner. Boiler group A equipped with continuous pilot must accomplish 100 percent shutoff within 90 seconds after flame failure. Boiler groups G and H trial for ignition timing is ten seconds for distillate oils and 15 seconds for oil requiring preheating.

³ Electronic safety equipment must be provided for all burners exceeding 400,000 Btu/h input, except on multiple burner equipment where each section of 400,000 Btu/h input or fraction of it is supervised by an approved safety pilot.

⁴ Boiler groups B, C, and D must have controls interlocked to accomplish a nonrecycling fuel shutoff upon high or low gas pressure and boiler groups B, C, D, F, G, and H using steam or air for fuel atomization must have controls interlocked to accomplish a nonrecycling fuel shutoff upon low atomizing steam or air pressure. Boiler groups F, G, and H equipped with a preheated oil system must have controls interlocked to provide fuel shutoff upon low oil temperature. Boiler groups F, G, and H must have controls for high oil temperature, and groups G and H must have controls for low oil pressure.

⁵ Automatic boilers must have controls interlocked to shut off the fuel supply in the event of draft failure if forced or induced draft fans are used or, in the event of low combustion air flow, if a gas power burner is used. If a single motor directly driving both the fan and the oil pump is used, a separate control is not required.

⁶ Boiler groups B, C, D, G, and H, when firing in excess of 400,000 Btu/h per combustion chamber, must be provided with low fire start of its main burner system to permit smooth light-off. This will normally be a rate of approximately one-third of its maximum firing rate.

⁷ Boiler groups B, C, D, F, G, and H must not permit pilot or main burner trial for ignition operation before a purging operation. Purging is an acceptable method of scavenging the combustion chamber, boiler passages, and breeching to remove all combustion gases. It consists of at least four air changes for trial of ignition and after lockout at high fire damper setting, at least 90 seconds minimum. An atmospheric gas burner with no mechanical means of creating air movement or an oil burner that obtains two-thirds or more of the air required for combustion without mechanical means of creating air movement must not require purge by means of four air changes so long as its secondary air openings are not provided with means of closing. If burners have means of closing secondary air openings, a time delay must be provided that puts these closures in a normally open position for four minutes before an attempt for ignition. An installation with a trapped combustion chamber must in every case be provided with a mechanical means of creating air movement for purging.

⁸ Every automatic hot water supply boiler, low pressure hot water heating boiler, and power hot water boiler must be equipped with two high temperature limit controls with a manual reset on the control with the higher setting interlocked to shut off the main fuel supply, except that manual reset on the high temperature limit control must not be required on an automatic package boiler not exceeding 400,000 Btu/h input and that has been approved by an approved testing agency. Every automatic hot water heating, power boiler, and package hot water supply boiler exceeding 400,000 Btu/h input must be equipped with one low water level limit control with a manual reset interlocked to shut off the fuel supply installed to prevent damage to the boiler and to permit testing of the control without draining the heating system.

⁹ Every automatic low pressure steam heating boiler, small power boiler, and power steam boiler must be equipped with two high-steam pressure limit controls interlocked to shut off the fuel supply to the main burner with manual reset on the control with the higher setting and two low water level limit controls, one of which must be provided with a manual reset device and independent of the feed water controller.

¹⁰ Boiler groups A, B, C, D, E, F, G, and H must use approved safety shutoff valves for the main burner fuel shutoff that must be interlocked to the flame safeguard control devices required under UMC Chapter 25. On oil burners where the safety shutoff valves will be subjected to pressures in excess of ten pounds per square inch when the burner is not firing, relief valves must be provided. Proof of closing valves must be provided for boiler groups C and D of over 1,000,000 Btu/h. The requirements in NFPA 85-A 85-A-1987 may be used for boilers of groups D and H with Btu/h input of over 12,500,000.

¹¹ Control and limit device systems must be grounded with operating voltage not to exceed 150 volts. Control and limit devices must interrupt the ungrounded side of the current. A readily accessible means of manually disconnecting the control circuit must be provided with controls so arranged that when they are de-energized the burner must be inoperative.

1346.2212 SECTION 2212.

UMC Appendix B, Section 2212, is amended to read as follows:

Section 2212. (a) Materials. Pipe used for the installation, ~~extension~~, alteration, or repair of gas piping must be ~~standard weight wrought iron, galvanized or black steel, copper, or brass of full weight standard gauge and thickness, and must comply with either ANSI/ASTM A-53 or A-120 standards, as applicable (see NFPA-54-1988 Sect. 2.6.2).~~ Copper and brass pipe must comply with

ANSI/ASTM D2420. Steel piping run outside exposed above ground must be galvanized or coated with an approved rust resistant material. Fittings for screw or flange piping, except stopcocks and valves, must be malleable iron or steel. Copper tubing must be of standard type K or L, or equivalent, complying with ASTM specifications.

Joints must be made by approved flared gas fittings or by brazing with a material having a melting point in excess of 1,000 degrees Fahrenheit. Compression-type fittings must not be used for this purpose.

Copper or iron tubing must not be used for piping within the burner zone of the burners.

Gas pipe must be new or may have been used previously for conveying gas. It must be in good condition, clean, and free from internal obstructions. Burred ends must be reamed to the full bore of the pipe.

Valves and appurtenances for gas piping must be designed and approved for use with fuel gas of the following:

1. Standard weight (schedule 40) wrought iron, galvanized or black steel.
2. Copper pipe of full weight standard gauge and thickness.
3. Copper tubing of standard type K, L, or of ACR (AIR CONDITIONING AND REFRIGERATION) specification.
4. Plastic pipe, tubing, and fittings shall be used outside underground only and shall conform with Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings, ASTM D2513. Pipe to be used shall be marked "gas" and "ASTM D2513." The use of plastic pipe, tubing, and fittings in undiluted liquefied petroleum gas piping systems shall be in accordance with Standard for the Storage and Handling of Liquefied Petroleum Gases, ANSI/NFPA 58-1992.

(b) Fittings. Fittings for screw or flange piping, except stopcocks and valves, must be malleable iron or steel. Joints for copper tubing must be made with approved flared gas fittings or by brazing with a material having a melting point in excess of 1,000 degrees Fahrenheit. Compression-type fittings must not be used for joining copper tubing.

Polyethylene plastic pipe tubing and fittings shall be joined in accordance with manufacturer's instructions. Joints may be made by heat fusion or mechanical fittings and must comply with ASTM D2513. Mechanical joints must not be used on polyethylene piping in excess of two-inch pipe size.

(c) Standards. Gas piping, fittings, and materials must be in compliance with the appropriate ANSI/ASME and ASTM Standards as referenced in NFPA 54-1992 Section 2.6.

(d) Steel pipe run outside exposed aboveground must be galvanized or coated with approved rust-resistant material.

(e) Copper or iron tubing must not be used for piping within the burner zone of the burners.

(f) Gas pipe must be new or may have been used previously for conveying gas. It must be in good condition, clean, and free from internal obstructions. Burred ends must be reamed to the full bore of the pipe.

(g) Valves and appurtenances for gas piping must be designed and approved for use with fuel gas.

1346.2213 SECTION 2213.

UMC Appendix B, Section 2213, is amended to read as follows:

Section 2213. (a) Joints. Metallic pipe joints in the piping system, unless welded, must be screwed joints having approved standard threads. Screwed metallic pipe joints must be made with approved pipe joint material, insoluble in fuel gas, and applied to the male threads only. Piping 2-1/2 inches or larger must have welded joints. Nonmetallic pipe may have joints using approved mechanical or heat fusion fittings.

(b) Location. Gas piping must not be installed in or on the ground under a building or structure and exposed gas piping must be kept at least six inches above grade or structure. Concealed, unprotected gas piping may be installed above grade in approved recesses or channels.

EXCEPTIONS: 1. If necessary due to structural conditions, approved-type gas piping may be installed in other locations if permission has been first obtained from the building official.

2. If gas piping is to be run in false ceilings and the space is to be used as an air plenum, the piping must have all connections made by welding or brazing. No valves, threads, unions, or connectors are permitted.

(c) Drip tees. Drip tees comprised of a tee fitting with the bottom outlet capped must be installed at the base of supply piping dropping down to an automatically controlled gas burner or appliance, before any regulator or automatic gas valve, and ahead of all

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Proposed Rules

pounds-to-inches pressure regulators. The tee must be installed so that the gas enters the tee from the top and leaves at a 90 degree angle from the inlet.

(d) Corrosion and covering protection. Ferrous gas piping installed underground in exterior locations must be protected from corrosion by approved coatings or wrapping materials. Horizontal metallic piping must have at least six inches of earth cover or equivalent protection.

Nonmetallic piping shall have at least 18 inches of earth cover or equivalent protection. Risers, including prefabricated risers inserted with plastic pipe, shall be metallic and shall be protected in an approved manner to a point at least six inches above grade. When a riser connects to plastic pipe underground, the horizontal metallic portion underground shall be at least 30 inches in length before connecting to the plastic service pipe. An approved transition fitting or adaptor shall be used where the plastic joins the metallic riser.

(e) Corrosion isolation. If soil conditions present a corrosion problem, underground ferrous gas piping must be electrically isolated from the rest of the gas system with listed isolation fittings installed at least six inches above grade.

(f) [Unchanged.]

(g) Building shutoff. If meters are installed inside the building, a main shutoff valve must be installed in a readily accessible location inside the building on the street side of the meter.

If a meter or meters are installed on the exterior of the building walls, a main shutoff valve the same as the main building gas supply must be installed on the inside of the building between the meter and the first branch gas line. The shutoff valve must be installed in the first readily accessible location for use and operation and must have a permanently attached handle. In multiple dwellings, the main shutoff valve must not be located in an apartment or locked room, but must be in the utility room or otherwise located to be readily accessible to all occupants of the building at all times.

All main shutoff valves must be approved, lubricated plug-type, ball-type, or of a type approved by the administrative authority. Main shutoff valves controlling several gas piping systems must be placed an adequate distance from each other so they will be easily accessible for operation and must be installed to be protected from physical damage. Each valve must be plainly marked with a metal tag attached by the installing contractor so that the gas piping system supplied through it can be readily identified. A shutoff valve must be installed at every location where safety, convenience of operation, and maintenance demands.

In multiple tenant buildings supplied through a master meter or one service regulator when a meter is not provided, or where meters or service regulators are not readily accessible from the appliance location, an individual shutoff valve for each apartment or for each separate house line must be provided in an accessible location.

(h) Unions. Ground joint unions may be used at exposed fixture, appliance, or equipment connections and in exterior locations immediately on the discharge side of the building shutoff valve. Heavy-duty flanged type unions may be used in special cases when approved by the building official. Unions, flared fittings, running threads, right and left couplings, bushings, and swing joints made by a combination of fittings shall not be used on concealed gas piping inside a building.

~~(h)~~ and (i) [Unchanged.]

(j) Valves. Valves used in connection with gas piping must be of approved types, including, but not limited to, approved lubricated plug-type, ball-type, or a type approved by the building official.

Gas valves must be of the lever handle type and be installed in the piping system serving each appliance, located within easy reach of the appliance. For inputs exceeding 1,000,000 Btu/h or where metering or regulating pressure exceeds 14 inches water column, the valve must be an approved, lubricated plug-type, ball-type, or of a type approved by the building official.

(k) and (l) [Unchanged.]

(m) ~~Deleted in its entirety~~ Unchanged.

(n) [Unchanged.]

1346.2500 CHAPTER 25.

UMC Appendix B is amended by adding a new chapter to read as follows:

Chapter 25

INSTALLATION AND TESTING OF GAS- OR FUEL-FIRED EQUIPMENT

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

Subp. 2. SECTION 2502.

Section 2502. Standards. The standards to be used in conjunction with this chapter are the appropriate standards published by ~~ANSI/UL-1984~~ ANSI/UL-1992, NFPA 54-1988 54-1992, and NFPA 85A-1987.

[For text of subs 3 to 10, see M.R.]

1346.2600 CHAPTER 26.

UMC Appendix B is amended by adding a new chapter to read as follows:

Chapter 26

INSTALLATION AND TESTING OF OIL- OR FUEL-FIRED EQUIPMENT

[For text of subps 1 to 4, see M.R.]

Subp. 5. SECTION 2605.

Section 2605. Installation of oil or fuel burning equipment. (a) General. The installation of oil or fuel burning equipment must be in keeping with the requirements of the appropriate ANSI/UL Standards, NFPA 31-1987 31-1992, or the UMC.

(b) Placing equipment in operation. Following completion of all installation, the installer shall test all safety and operating and venting before placing the burner in service. The correct input of fuel must be determined and the fuel-to-air ratio set.

Each fuel burner must be adjusted to its proper input according to the manufacturer's instructions. Overtating of burners is prohibited.

(c) Conversion burners. For conversion burners installed in hot water boilers or warm air furnaces, the rate of flow of the fuel in Btu/h must be adjusted to within plus or minus five percent of 1.7 times the calculated Btu/h heat loss of the building in which it is installed.

For conversion burners installed in steam boilers, the fuel hourly input demand must be adjusted to meet the steam load requirements. The fuel input demand necessitated by an oversized boiler must be established and added to the input demand for load requirements to arrive at a total input demand.

(d) Pilot operation. Pilot flames must be effective to ignite the fuel at the main burner and must be adequately protected from drafts. Pilot flames must not become extinguished when the main burner is turned on or off in a normal manner either manually or by automatic controls.

(e) Burner operation. In conducting tests to determine compliance with the requirements of this section, care must be exercised to prevent the accumulation of unburned fuel in the appliance that might result in an explosion or fire.

1. The flames from the burner must freely ignite the fuel when operating at the prevailing fuel pressure and when the main control valve is regulated to deliver at one-third the full fuel rate.

2. Burner flames must not flash back after immediate ignition nor after turning the fuel cock until the flow rate to the burner is one-third the full supply.

3. Burner flames must not flash back when the fuel is turned on or off by an automatic control mechanism.

4. Main burner flames must ignite freely from the pilot when the main control valve is regulated to one-third the full fuel rate or when the pilot flame is reduced to a minimum point that will actuate the safety device.

5. When ignition is made in a normal manner, the flame must not flash outside the appliance.

6. Burners must not expel fuel through air openings when operating at prevailing pressure.

(f) Method of test. The appliance must be allowed to operate until the stack temperature becomes stabilized after which a sample of the undiluted flue products must be taken from the appliance flue outlet ahead of the draft hood.

The sample taken must be analyzed for carbon monoxide, carbon dioxide, and oxygen.

NOTE: Furnace designs incorporating induced draft assemblies may require flue gas samples to be taken ahead of the inducer fan.

The venting, safety, and operating controls of the appliance must be checked by the installer to ensure proper and safe operation. After completion of the test of newly installed fuel burner equipment as provided in this section, the installer must file with the building official complete records of the test on a form approved by the building official. A tag stating the date of the test and the name of the tester must be attached to the appliance at the main appliance valve.

Oil- or fuel-fired equipment must have draft in water and smoke samples taken.

[For text of subps 6 to 8, see M.R.]

REPEALER. Minnesota Rules, parts 1346.0201; 1346.0403; 1346.0706; and 1346.0906, are repealed.

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

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Financial Assistance

Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Higher Education Coordinating 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 30 days to submit written comments on the proposed rule and may also 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:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building
550 Cedar Street, Suite 400
St. Paul, MN 55101
(612) 296-3974

Subject of Rule and Statutory Authority. The proposed rule is about student eligibility. The statutory authority to adopt this rule is *Minnesota Statutes* 136A.04, Subd. 1(8) and 136A.16, Subd. 2. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m., August 18, 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 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 August 18, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reasons 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.

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 rule 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. *Minnesota Statutes*, section 14.115, subdivision 4, does not apply because adoption of these rules will not affect small businesses. This rule affects student eligibility for state postsecondary financial aid programs.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules. These rules will not impact the spending of local public bodies.

Impact on Agriculture Lands. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Adoption and Review of Rule. 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 the agency contact person listed above.

Dated: 27 June 1994

David Powers
Executive Director

Rules as Proposed**4830.0100 DEFINITIONS FOR HIGHER EDUCATION PROGRAMS.**

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Eligible student.** "Eligible student" means a student who meets, at a minimum, all of the following requirements:

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

C. ~~qualifies for resident tuition other than through a tuition reciprocity agreement is not receiving tuition reciprocity benefits while attending a Minnesota postsecondary institution;~~

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

[For text of subps 6 to 12, see M.R.]

Department of Trade and Economic Development

Proposed Permanent Rules Relating to Once-Through Cooling Conversion Loan Program

Notice of Intent to Adopt a Rule Without a Public Hearing

The Commissioner of Trade and Economic Development intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also 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:

Mr. Terry Kuhlman, Executive Director
Minnesota Public Facilities Authority
Department of Trade and Economic Development
500 Metro Square
121 7th Place
St. Paul, MN 55101-2146
Tele: 612/296-4704 Fax: 612/296-5287

Subject of Rule and Statutory Authority. The proposed rule is about the Minnesota Public Facilities Authority's operation of the Once-Through Cooling Loan Program which will provide financial assistance to public and private entities for the capital cost incurred for the replacement of once-through cooling systems with environmentally acceptable cooling systems. The statutory authority to adopt this rule is *Minnesota Statute* 446A.021. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments: You have until 4:00 p.m., August 19, 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 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 5:00 p.m. on August 19, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which causes 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. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as 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.

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Proposed Rules

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. In preparing the proposed permanent rule, the requirements of *Minnesota Statutes*, section 14.115, subdivision 7(2) were considered in regard to the impact on small businesses. It was concluded that the proposed rule will not impact small businesses.

Expenditure of Public Moneys by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply to the proposed rule as it will not require expenditures of public money as municipalities are not required to participate in the financial assistance program described by the proposed rule.

Impact on Agriculture Lands. The proposed rule will not have a direct or substantial adverse impact on agriculture land as represented in *Minnesota Statutes*, section 14.11, subdivision 2.

Adoption and Review of Rule. 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 the agency contact person listed above.

Dated: 24 June 1994

E. Peter Gillette, Commissioner
Department of Trade and Economic
Development

Rules as Proposed (all new material)

ONCE-THROUGH COOLING CONVERSION LOAN PROGRAM

7380.0800 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part apply to parts 7380.0800 to 7380.0840.

Subp. 2. **Applicant.** "Applicant" means those applicants which are eligible to apply as provided in *Minnesota Statutes*, section 446A.21.

Subp. 3. **Authority.** "Authority" means the Minnesota Public Facilities Authority.

Subp. 4. **Capital cost.** "Capital cost" means the costs to be incurred for the replacement of once-through cooling systems with environmentally acceptable cooling systems. Capital cost includes construction and renovation costs, engineering costs, machinery and equipment costs; and legal costs, professional services costs, or loan fees, including those of the authority.

Subp. 5. **Department.** "Department" means the Department of Public Service.

Subp. 6. **Financial institution.** "Financial institution" means an investment or banking institution, a savings and loan, an insurance company, an investment company, a public entity authorized to make loans, or an entity operating a district cooling system, making, purchasing, or participating in a loan or part of a loan.

Subp. 7. **Participation agreement.** "Participation agreement" means the agreement by and between the financial institution and the authority which establishes the relationship between the parties, and contains all the terms and conditions regarding the participation in the borrower's loan which the authority has purchased from the financial institution, and any amendment, modification, or substitution thereof.

Subp. 8. **Participation loan.** "Participation loan" means a loan made under a contract with a financial institution in which the authority purchases a share of a financial institution's loan to an eligible borrower for the purposes of the program.

7380.0810 PROCEDURES FOR FINANCIAL ASSISTANCE APPLICATION.

Subpart 1. **In general.** To apply for financial assistance from the authority, an applicant shall obtain an application form from the authority and submit a completed form to the authority by July 1 of each calendar year. The application form must be signed by a financial institution expressing interest in providing a loan for the purpose of converting the applicant's once-through cooling system to an environmentally sound cooling system. Applications shall be sent to the authority which shall forward the applications to the department for its review and certification of eligible projects.

Those applications certified by the department, based on the information provided by the applicants in the applications, shall be assigned rankings by the authority for funding in a given year as provided in subpart 2, item C, and *Minnesota Statutes*, section 446A.21. The authority shall provide the balance of the application forms by August 1 of a given year to those applicants which have been certified. Applicants shall submit the rest of the applications as provided in subpart 3 to the executive director of the

authority postmarked no later than October 1 or the first business day of October of each year. The full applications must include a letter from the participating financial institution committing the financial institution to provide project funding conditioned upon the authority approval of the loan. The authority shall fund certified projects in order of their rankings, as provided in subpart 2, item C, and *Minnesota Statutes*, section 446A.21, and award loans by December 31 of each year. The authority shall change the application submission due dates and award dates only by public notice in the *State Register*.

Subp. 2. Authority review.

A. When an applicant's project has been certified by the commissioner of the department, the authority shall review and evaluate the application to determine the applicant's capacity to comply with the terms and conditions of this part, *Minnesota Statutes*, section 446A.21, and the terms and conditions of the participation agreement.

B. The authority shall only approve and provide financial assistance for the capital cost for certified applicants that demonstrate that:

- (1) the total financing of the project is assured;
- (2) the applicant has the capacity to repay the loan to the authority;
- (3) the applicant has a written commitment from a financial institution for the necessary amount of the project loan; and
- (4) the applicant is able to provide collateral for the loan.

C. The authority shall give priority to, and shall first fund in a given year, projects for nonprofit organizations and school districts, listed on the Department of Natural Resources once-through cooling water use permit list. Should the authority not have sufficient program funds in a given year to fund all certified and approved projects, the authority shall first fund the most cost-effective projects. The cost effectiveness of a project shall be determined by:

- (1) calculating for each loan application, the gallons per year of groundwater consumption eliminated based on the average of the previous three years consumption as provided by Department of Natural Resources records, per dollar of the authority loan money for which the application has been made;
- (2) ranking applications in descending order according to gallons per year eliminated per dollar of the authority loan; and
- (3) providing funding to as many projects as possible within the limits of available funding based on the rank order.

Subp. 3. Completed application. A project application certified by the commissioner of the department is considered complete by the authority at such time as the applicant provides all the information required in the application.

Subp. 4. Incomplete application. If an incomplete application is received from an applicant before August 1 of a given year, the executive director of the authority shall notify the applicant of the specific deficiencies in the application. If a revised and completed application is not received by the executive director by the application deadline, October 1, or the first business day of October, the application is deemed to be rejected, and the applicant, subject to parts 7685.0100 to 7685.0140, must reapply in a later year to be considered.

Subp. 5. Projects not receiving certification. A project application not receiving certification by the commissioner of the department shall not receive consideration for financial assistance by the authority. The executive director of the authority shall notify the applicant of the rejection of the application by the authority within ten days of the rejection determination.

Subp. 6. Rejection of certified applications by authority. The authority shall reject a certified application from applicants unable to comply with subpart 2, item B.

7380.0820 PARTICIPATION LOAN TERMS AND CONDITIONS.

Subpart 1. In general. The authority shall provide financial assistance as provided by this part.

Subp. 2. Type of assistance and interest rates. The authority shall provide financial assistance and determine interest rates as described in items A and B.

A. The authority shall utilize loan participation as the means to provide financial assistance to borrowers. An applicant may select a financial institution of its choice. The authority, subject to the requirements of this part, shall purchase a loan participation in a loan up to 50 percent of the total eligible project cost of the project.

B. The authority shall set its interest rates to be charged all borrowers on October 1 or the first business day of October of each

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Adopted Rules

year. The interest rate on the authority's portion of the loan shall be at the rate of a United States government treasury security of a comparable maturity to the term of a loan being made, minus 100 basis points. The interest rate to the borrower on the total amount of a participation loan to the borrower shall be a blended rate of the financial institution's rate and the authority's rate in proportion to the respective rates of participation.

Subp. 3. **Dedicated sources of repayment and collateral requirements.**

A. A public entity shall establish, and identify in its application, dedicated sources of revenue sufficient to fully amortize the loan.

B. A public entity shall also, if empowered to do so, provide the financial institution and the authority with a general obligation note for the full amount of the principal and interest payments to be received by the authority.

C. A public entity not empowered to issue general obligation notes shall provide to the financial institution and the authority collateral for the loan that the financial institution and the authority have determined to be adequate to collateralize the loan.

D. As required by *Minnesota Statutes*, section 446A.21, subdivision 2, paragraph (b), a public entity shall provide to the financial institution and the authority, audits and budgets which document that the entity has the revenue to repay the loan.

E. As required in *Minnesota Statutes*, section 446A.21, subdivision 2, paragraph (b), private and nonprofit organizations shall provide to the financial institution or the authority, income and earnings forecasts, audits, credit reports, and other related materials that documents that the entity has revenues to repay the loan. The financial institution and the authority shall take a security interest in capital assets or real property.

Subp. 4. **Term of Loan.** The maximum term of a loan shall not exceed the useful life of the real property being offered as collateral, 80 percent of the useful life of the equipment or machinery, or the following limits, whichever is less:

A. ten years for land, building, or other real property;

B. five years for equipment or machinery; or

C. a weighted average of the limits provided in items A and B for loans that are for a combination of real property and equipment or machinery.

7380.0830 FEES.

Any loan origination fees charged a loan recipient by the authority shall be as provided in *Minnesota Statutes*, section 446A.04, subdivision 5, paragraph (a).

7380.0840 AUDITS.

During the term of the loan, loan recipients shall provide annual independent audits.

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 Governing Lawful Gambling

The rules proposed and published at *State Register*, Volume 18, Number 42, pages 2239-2244, April 18, 1994 (18 SR 2239), are adopted as proposed.

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Purchase and Rehabilitation or Refinance and Rehabilitation Mortgage Loans

The rules proposed and published at *State Register*, Volume 18, Number 41, pages 2193-2194, April 11, 1994 (18 SR 2193), are adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Relating to Motor Vehicle Dealers

The rules proposed and published at *State Register*, Volume 18, Number 36, pages 1992-2010, March 7, 1994 (18 SR 1992), are adopted with the following modifications:

Rules as Adopted

7400.5100 ACQUIRING USED MOTOR VEHICLE; DOCUMENTATION.

Subp. 2. **Purchase agreement.** The purchase agreement must be maintained and made available for the registrar's inspection for three years after the vehicle is sold or otherwise disposed of by the dealer. For a purchase from a licensed dealer or motor vehicle owner, this information does not need to be on a document separate from the certificate of title. The purchase agreement must contain the following information:

Subp. 3. **Odometer statement.** The odometer statement must meet the requirements of chapter 7402, and *Minnesota Statutes*, section 325E.15. The odometer statement must be maintained and made available for the registrar's inspection for three years after the vehicle is sold or otherwise disposed of by the dealer. The odometer statement does not need to be on a document separate from the certificate of title.

7400.5200 SELLING NEW OR USED MOTOR VEHICLE.

Subp. 3. **Odometer statement.** The odometer statement must meet the requirements of chapter 7402, and *Minnesota Statutes*, section 325E.15. The odometer statement must be maintained and made available for the registrar's inspection for three years after the sale of the vehicle. The odometer statement does not need to be on a document separate from the certificate of title.

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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

Adopted Expedited Emergency Game and Fish Rules; Moose Season, Zone Changes, and 1994 Quotas

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 14.29, subdivision 4(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.431 and 97B.505.

Dated: 11 July 1994

Rodney W. Sando, Commissioner
Department of Natural Resources

Rules as Adopted

6232.3600 SEASONS AND DATES FOR TAKING MOOSE.

Moose may be taken by licensed hunters; ~~in odd-numbered years~~; using legal firearm or legal bow and arrow within the following seasons:

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

C. in the Northeast Area consisting of Moose Zones 20 to 80, when opened by the commissioner, for the 16-day period beginning the Saturday nearest October 9 1.

Open zones and date changes, if any, can be found in the annual hunting regulations.

6232.3700 GENERAL REGULATIONS FOR TAKING MOOSE.

[For text of subps 1 to 7, see M.R.]

Subp. 8. License requirement. A moose license is valid for a party of two, three, or four persons only for the zone selected.

Subp. 9. Bag limit. The bag limit of moose is one of any age or sex per licensed party of hunters. Only one moose may be taken by a party.

6232.3800 APPLICATION PROCEDURES FOR A MOOSE LICENSE.

Subpart 1. **General procedures.** The provisions in this part apply to applications for moose licenses.

A. A person may apply for only one of the open zones. A person may apply only once and must apply in a party of two, three, or four. All party members must apply for the same zone and personally sign the application.

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

C. Up to 20 percent of the licenses in each zone of the Northwest Area may be issued in a separate landowner and tenant drawing. The following persons are eligible for this separate drawing:

- (1) owners of at least 160 acres of agricultural or grazing land, within the zone applied for; or
- (2) tenants living on at least 160 acres of agricultural or grazing land, within the zone applied for; or

(3) family members of qualifying owners or tenants, if they live on the owner's or tenant's 160 acres of agricultural or grazing land and are part of the agricultural or grazing operation. Family members include those related by blood, marriage, or adoption.

Applicants unsuccessful in the landowner and tenant drawing will be included in the selection process for the remaining licenses in the same zone. Landowner and tenant party applications that include individuals who do not meet the requirements for this license will be removed from the landowner and tenant drawing and will not be entered into the general drawing.

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

F. An application fee of \$12, as prescribed in Minnesota Statutes, section 97A.431, subdivision 3, in the form of a cashier's check, money order, or personal check must accompany each party's application. Any check returned to the department for non-payment invalidates the application and will be destroyed. Refunds of application fees may not be made for any reason.

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

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

6232.3855 [Emergency] 1994 QUOTAS FOR TAKING MOOSE.

The number of available licenses for the 1994 moose hunting season is as follows:

- A. Moose Zone 3, 40;
- B. Moose Zone 4, 40;
- C. Moose Zone 5, 60;
- D. Moose Zone 6, 10;
- E. Moose Zone 7, 15;
- F. Moose Zone 8A, 20;
- G. Moose Zone 8B, 15;
- H. Moose Zone 9, 20;
- I. Moose Zone 10, 20;
- J. Moose Zone 14, 10;
- K. Moose Zone 15, 4;
- L. Moose Zone 16, 4;
- M. Moose Zone 17, 4;
- N. Moose Zone 20, 25;
- O. Moose Zone 21, 5;
- P. Moose Zone 22, 9;
- Q. Moose Zone 23, 6;
- R. Moose Zone 24, 5;
- S. Moose Zone 25, 8;
- T. Moose Zone 29, 6;
- U. Moose Zone 30, 14;
- V. Moose Zone 31, 8;
- W. Moose Zone 32, 10;
- X. Moose Zone 33, 5;
- Y. Moose Zone 34, 4;
- Z. Moose Zone 35, 3;

Emergency Rules

- AA. Moose Zone 60, 3;
- BB. Moose Zone 61, 9;
- CC. Moose Zone 62, 16;
- DD. Moose Zone 63, 10;
- EE. Moose Zone 72, 6;
- FF. Moose Zone 73, 6;
- GG. Moose Zone 74, 6;
- HH. Moose Zone 76, 9;
- II. Moose Zone 77, 5;
- JJ. Moose Zone 78, 3;
- KK. Moose Zone 79, 5; and
- LL. Moose Zone 80, 3.

Total licenses available, 451.

6232.4000 NUISANCE MOOSE.

Nuisance moose may be taken under special authorization by licensed moose hunters from September 1 to December 31 under the following conditions:

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

E. Authorization may only be granted to a party of hunters that has a valid moose hunting license. Priority must be given to parties with licenses valid for the zone in which the damage is occurring. Authorization may be granted for nuisance moose outside zones open to hunting. Only one party may hunt under an authorization. Each authorization is restricted to a specified location.

6232.4100 MOOSE ZONES.

[For text of subps 1 to 9, see M.R.]

Subp. 9a. Moose Zones 8A and 8B. Moose Zones 8A and 8B consist of that portion of the state lying within the following described boundaries:

A. Moose Zone 8A:

Beginning at the intersection of County State Aid Highway (CSAH) 4, Marshall County and CSAH 11, Marshall County; thence along CSAH 4 to U.S. Highway 59; thence along U.S. Highway 59 to State Trunk Highway (STH) 32; thence along STH 32 to CSAH 3, Pennington County; thence along CSAH 3 to CSAH 10, Pennington County; thence along CSAH 10 to STH 1; thence along STH 1 to CSAH 11, Pennington County; thence along CSAH 11 to CSAH 11, Marshall County; thence along CSAH 11 to the point of beginning.

B. Moose Zone 8B:

Beginning at the intersection of County State Aid Highway (CSAH) 4, Marshall County and U.S. Highway 75; thence along CSAH 4 to CSAH 28, Marshall County; thence along CSAH 28 to CSAH 11, Marshall County; thence along CSAH 11 to CSAH 11, Pennington County; thence along CSAH 11 to State Trunk Highway (STH) 1; thence along STH 1 to CSAH 10, Pennington County; thence along CSAH 10 to CSAH 3, Pennington County; thence along CSAH 3 to CSAH 21, Polk County; thence along CSAH 21 to U.S. Highway 75; thence along U.S. Highway 75 to the point of beginning.

[For text of subp 10, see M.R.]

Subp. 11. Moose Zone 10. Moose Zone 10 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 41, Polk County and CSAH 8, Polk County; thence along CSAH 41 to State Trunk Highway (STH) 59; thence along STH 59 to STH 32; thence along STH 32 to STH 1; thence along STH 1 to CSAH 27, Pennington County; thence along CSAH 27 to CSAH 2, Polk County; thence along CSAH 2 to STH 92; thence along STH 92 to CSAH 8, Red Lake 6, Polk County; thence along CSAH 8 to CSAH 8; 6 to the south boundary of Polk County; thence along CSAH 8 the south boundary of Polk County to STH 59; thence along STH 59 to the point of beginning.

[For text of subps 12 to 25, see M.R.]

Subp. 26. Moose Zone 30. Moose Zone 30 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 2, Lake County and Forest Road (FR) 122; thence along FR 122 to CSAH 44, St. Louis County; thence along CSAH 44 to CSAH 16, St. Louis County; thence along CSAH 16 to the Soudan

Emergency Rules

Branch of the Duluth, Missabe and Iron Range Railway Company (DM&IR); thence along said railroad to Wyman Creek; thence along Wyman Creek to the Erie Mining Company railroad in Section 17, T. 59N, R. 14W; thence eastward along the Erie Mining Company said railroad to CSAH 2, Lake County; thence along CSAH 2 to the point of beginning.

[For text of subps 27 to 29, see M.R.]

Subp. 29a. Moose Zone 34. Moose Zone 34 consists of that portion of the state lying within the following described boundary: Beginning at the intersection of County State Aid Highway (CSAH) 116 (Echo Trail), St. Louis County and Forest Road (FR) 200; thence along FR 200 to Hilda Creek; thence along Hilda Creek to Oriniack Lake; thence along the north and east shore of Oriniack Lake to the portage connecting Oriniack Lake and Trout Lake; thence along said portage to Trout Lake; thence along the north and east shores of Trout Lake to the portage connecting Trout Lake and Vermilion Lake; thence along said portage to Vermilion Lake; thence along the north shore of Vermilion Lake to the Vermilion River; thence along the Vermilion River to CSAH 24, St. Louis County; thence along CSAH 24 to CSAH 116, St. Louis County; thence along CSAH 116 to the point of beginning.

Subp. 29b. Moose Zone 35. Moose Zone 35 consists of that portion of the state lying within the following described boundary: Beginning at the intersection of the Little Indian Sioux River and County State Aid Highway (CSAH) 116 (Echo Trail), St. Louis County; thence along the Little Indian Sioux River to Upper Pauness Lake; thence along the east shore of Upper Pauness Lake to the outlet of Upper Pauness Lake; thence along said outlet to Lower Pauness Lake; thence along the east shore of Lower Pauness Lake to the Little Indian Sioux River; thence along the Little Indian Sioux River to the Canadian border; thence along the Canadian border through Loon, Loon River, Little Vermilion, and Sand Pit lakes; thence through King Williams Narrows to the east shore of Crane Lake; thence along the east and south shore of Crane Lake to the Vermilion River; thence along the Vermilion River to CSAH 24, St. Louis County; thence along CSAH 24 to CSAH 116, St. Louis County; thence along CSAH 116 to the point of beginning.

[For text of subps 30 to 44, see M.R.]

EFFECTIVE DATE. Minnesota Rules, part 6232.3855, is effective through December 31, 1994.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Fall Turkey Season and Quotas

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 14.29, subdivision 4(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.045, subdivision 2 and 97B.711, subdivisions 1 and 3.

Dated: 7 July 1994

Rodney W. Sando, Commissioner
Department of Natural Resources

Rules as Adopted

6236.0700 FALL TURKEY SEASON.

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

Subp. 4. **Open areas.** Turkey Zones 1 through 4 5 are open for the fall turkey season.

6236.0855 1994 FALL TURKEY HUNT QUOTAS.

Time Period	Dates	Zone Quotas				
		1	2	3	4	5
A	Oct. 12-16	200	400	400	100	150
B	Oct. 19-23	200	400	400	100	150
	TOTAL	400	800	800	200	300

The grand total for all zones is 2,500.

This part is effective through December 31, 1994.

Executive Orders

Office of the Governor

Emergency Executive Order 94-5: Providing for Assistance to Officials in Becker County

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, the Sheriff of Becker County, Minnesota has requested assistance in searching for a missing 80 year old man with serious medical problems; and

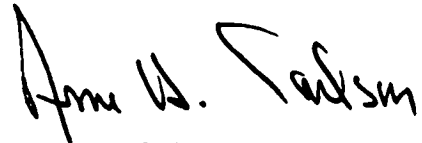
WHEREAS, Becker County does not have adequate personnel and equipment for an effective search;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty, on July 9, 1994, in the service of the State, such elements and equipment of the military forces of the State as required, and for such period of time as necessary, to assist and support the Becker County Sheriff in searching for the lost individual.
2. The cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 1992, Sections 192.49, subd. 1, 192.51 and 192.52.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1992, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this 12th day of July, 1994.



Arne H. Carlson
Governor

Filed According to Law:



Joan Anderson Grove
Secretary of State

Information for Health Care Services

Health Care Facilities Directory

Lists of all Minnesota licensed and certified health care facilities. Statistical data tables and listings organized alphabetically by county, town and facility. Features hospitals, nursing homes, boarding homes, outpatient care, hospice and more. 213 pp. plus index. 1-89 SR \$18.95

Minnesota Health Statistics -- 1990

Minnesota Center for Health Statistics, published August 1992. Tables, diagrams outlining vital statistics for live births, induced abortions, fertility, infant and general mortality, marriage, divorce and population. 142 pp. 10-16SR \$15.00

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

Commissioners' Orders**Department of Transportation****Order No. 80246: Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825**

Whereas, the Commissioner of Transportation has made his Order No. 80000, dated March 10, 1994, which order has been amended by Order No. 80212 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 80000 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

COUNTY ROADS

Beltrami County

- C.S.A.H. 11 from T.H. 2 to one mile South [Beltrami Transfer Station] (12 Month.)
- County Road 507 from T.H. 2 to 1/2 mile South [Northwood Panel Board Co.] (12 Month.)

Dated: 7 July 1994

James N. Denn
Commissioner

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 94-15: Solid Waste Assessment-Audit, Penalty, Enforcement, and Administrative Provisions****General Information:**

Minnesota Statutes Section 116.07, Subdivision 10, provides that certain solid waste collectors and waste disposal facilities are required to collect a solid waste assessment and to remit the assessed dollar amount to the Commissioner of Revenue. The Commissioner is authorized to use whatever audit, penalty, enforcement, and administrative provisions that apply to sales and use tax, Chapter 297A, in the administration and enforcement of the waste assessment.

Department Position:

Required remittance of assessed dollar amount: Waste collectors and waste disposal facilities must remit the assessed dollar amount, whether the amount is collected or not. Waste collectors and waste disposal facilities that fail to remit the assessed dollar amount when due will be subject to audit, penalty, and other enforcement and administrative actions by the Department of Revenue in the same manner as sales and use tax assessment.

Dated: 18 July 1994

Patricia A. Lien
Assistant Commissioner for Tax Policy

Department of Revenue

Revenue Notice 94-16: Used Farm Machinery

“Used farm machinery” means any used farm machinery as defined in M.S. 297A.01, Subd. 15, that qualifies for the 2.5% rate that has been subject to a prior retail sale, lease, or rental, to a different person for entity.

Demos: A farm machine that has been used only for demonstration purposes is not “used” machinery.

Leases: Pre-existing leases of used farm machinery are not subject to sales tax for lease periods from July 1, 1994 through June 30, 1995. Leases of used farm machinery executed between July 1, 1994 and June 30, 1995 are also not subject to sales tax for those periods. However, lease periods after June 30, 1995 are subject to sales tax.

Renewable leases: If the farm machinery was used when initially leased, lease payments for a renewed lease are exempt for lease periods from July 1, 1994 through June 30, 1995.

If the farm machinery was new when initially leased, lease payments for a renewed lease are still taxable as a lease of new farm machinery on the lessee is the same person.

Logging equipment: M.S. 297A.01, Subd. 15 defines Farm Machinery to include “logging equipment”. Therefore, the above guidelines apply to sales of used logging equipment.

Dated: 18 July 1994

Patricia A. Lien
Assistant Commissioner for Tax Policy

NEW Fire Code Books Now Available

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National fire standards. Includes requirements for inspections, fire extinguishers, storage and handling of combustible materials, fireworks and more. **19-37 SR \$48.75**

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

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

Minnesota Rural Finance Authority

Notice of Change in Meeting Site

The August meeting of the Rural Finance Authority Board will be held at the Holiday Inn on West Division Street at 37th Avenue in St. Cloud, Minnesota. The meeting will start at 1:00 P.M. in the Conference Room on Wednesday, August 3, 1994. Future monthly meetings will return to the normal meeting location at 90 West Plato Boulevard in St. Paul, Minnesota.

LaVonne Nicolai
RFA Executive Director

Ethical Practices Board

Advisory Opinions

Advisory Opinion #141 Re: Gift from Lobbyist or Principal

Issued 6-2-94 to Wes D. Lane - SUMMARY - 141. A gift from a lobbyist or a lobbyist principal is prohibited unless the gift falls within an exemption provided in *Minnesota Statutes* § 10A.071 (*Laws of 1994*, Ch. 377, sec. 2).

Advisory Opinion #142 Re: Gifts to Local Officials

Issued 6-7-94 to Jeff C. Cole - SUMMARY - 142. Effective August 1, 1994, local officials attending meetings of the Minnesota Association of County Officers may accept gifts from vendors in the form of payments that reduce the costs for the meetings unless the vendors are lobbyists or lobbyist principals. The association may wish to confer with legal counsel or contact the county attorney about the existence of other laws that may apply, including *Minnesota Statutes* § 471.895 (*Laws of 1994*, Ch. 377, sec. 6).

Advisory Opinion #143 Re: Complimentary Copies of Newspapers

Issued 6-7-94 to Mark R. Anfinson, Esq. - SUMMARY - 143. The distribution of complimentary copies of a newspaper to legislators by the newspaper's publisher is included in the exceptions to the gift prohibition in *Minnesota Statutes* § 10A.071 (*Laws of 1994*, Ch. 377, sec. 5). Payment of dues to the Minnesota Newspaper Association does not cause a member to be a lobbyist or a lobbyist principal.

Advisory Opinion #144 Re: Campaign Expenditure Limits

Issued 6-3-94 to Thomas L. Owens, Esq. - SUMMARY - 144. A candidate who has agreed to be bound by spending limits must abide by spending limits unless the candidate has an opponent who: 1) is the nominee of a major political party; and 2) does not agree to be bound by spending limits but is otherwise eligible to receive a public subsidy. Spending limits are not waived for a candidate because an opponent was nominated to the general election ballot as an independent. *Minnesota Statutes* § 10A.25, subd. 10 (1992).

Advisory Opinion #145 Re: Governor and Lt. Governor Joint Expenditures

Issued 6-15-94 to Ronald W. Esau - SUMMARY - 145. An individual who runs for lieutenant governor who has not previously sought or held statewide office and is running together with an individual who has run previously for governor does not qualify for the expenditure increase as set out in *Minnesota Statutes* § 10A.25, subd. 2 (c). The 1994 expenditure limit of \$1,725,920 may be increased by up to \$86,296 for the amount spent by the Carlson/Benson Volunteer Committee on behalf of Joanne Benson's endorsement for the office of lieutenant governor. Any expenditures made by the governor and lieutenant governor running together as a single team, under *Minnesota Statutes* § 10A.25, subd. 1, toward the endorsement of the lieutenant governor candidate may be treated as expenditures under *Minnesota Statutes* § 10A.25, subd. 3, in addition to the expenditures limit of *Minnesota Statutes* § 10A.25, subd. 2 (a) (1).

Advisory Opinion #146 Re: Contribution Plan

Issued 6-27-94 to Bob Krogman - SUMMARY - 146. If the Northwest Petroleum Association contributes more than \$100 to the Northwest Petroleum Political Action Committee, the contribution must be accompanied by a statement that meets the disclosure

Official Notices

and reporting period requirements of *Minnesota Statutes* § 10A.20. *Minnesota Statutes* § 10A.22, subd. 7 (1992). The Northwest Petroleum Association may wish to confer with legal counsel about the existence of other laws, such as *Minnesota Statutes* § 211B.15, that may apply to the use of the association's surplus funds as a contribution to the Northwest Petroleum Political Action Committee.

Advisory Opinion #147 Re: Gifts to Officials

Issued 6-30-94 to Rollin M. Dennistoun - SUMMARY - 147. *Minnesota Statutes* Ch. 10A does not prohibit the distribution of gifts to officials or the acceptance of gifts by officials unless the donor is a lobbyist principal or a lobbyist. Effective August 1, 1994, officials participating in the State Fair Agricultural Get-together may accept items or funds from a commodity organization unless the organization is a lobbyist principal or the items or funds are provided by a lobbyist. *Minnesota Statutes* § 10A.071 (*Laws of 1994*, Ch. 377, sec. 5). The Minnesota Agricultural Commodity Coalition and the Minnesota Agri-Growth Council may wish to confer with legal counsel about the existence of other laws that may apply to the preparations for the 1994 State Fair Agricultural Get-together including, but not limited to, *Minnesota Statutes* § 471.895 (*Laws of 1994*, Ch. 377, sec. 6).

Advisory Opinion #148 Re: Gifts to Officials

Issued 6-27-94 to G. D. Garski - SUMMARY - 148. Effective August 1, 1994, a licensed assessor who is a local official of a metropolitan governmental unit is subject to the provisions of state law prohibiting acceptance of gifts from lobbyists and lobbyist principals. *Minnesota Statutes* § 10A.071 (*Laws of 1994*, Ch. 377, sec. 5). Licensed assessors who serve local governments other than metropolitan governmental units should confer with legal counsel or contact the county attorney about the existence of other laws that may apply including *Minnesota Statutes* § 471.895 (*Laws of 1994*, Ch. 377, sec. 6).

Advisory Opinion #149 Re: Change in Office Sought

Issued 6-27-94 to Alan W. Weinblatt, Esq. - SUMMARY - 149. The campaign expenditure limit is increased by ten percent for the first time a candidate runs for a statewide office. If the same candidate seeks another statewide office the ten percent increase is not applicable to the candidate's expenditure limit for the second office. *Minnesota Statutes* § 10A.25, subd. 2 (c) (1993 Supplement). When a candidate who sought nomination or election to one statewide office subsequently seeks nomination or election to another statewide office in the same election year, expenditures incurred by that candidate's principal campaign committees for all the statewide offices must be aggregated for purposes of the application of the limits on campaign expenditures. *Minnesota Statutes* § 10A.25, subd. 2a (1992).

Advisory Opinion #150 Re: Report of Receipts and Expenditures

Issued 6-27-94 to Thomas B. Heffelfinger, Esq. - SUMMARY - 150. The Carlson/Benson Volunteer Committee (formerly Carlson/Dyrstad Volunteer Committee) need not amend its report for 1990. The detailed description of the Committee transactions in November and December, 1990, provided by Attorney Thomas B. Heffelfinger in his letter dated June 13, 1994, and a copy of this advisory opinion have been entered into the committee file in the office of the Ethical Practices Board.

Advisory Opinion #151 Re: Volunteer Activities

Issued 6-30-94 to Kathryn L. Nelson - SUMMARY - 151. Services provided without compensation by an individual volunteering personal time on behalf of a candidate are not considered a contribution to that candidate. *Minnesota Statutes* § 10A.01, subd. 7 (1992). Therefore, volunteer activities by a lobbyist provided without compensation on behalf of an incumbent legislator or constitutional officer seeking re-election are included in the exception from the gift prohibition for services of insignificant monetary value. *Minnesota Statutes* § 10A.071, subd. 3 (3) (*Laws of 1994*, Ch. 377, sec. 5).

Advisory Opinion #152 Re: Governor-Lieutenant Governor Contribution Limit

Issued 6-24-94 to Barbara Lawrence - SUMMARY - 152. A candidate for governor and a candidate for lieutenant governor, running together, are to be treated as a single entity. If they accept a public subsidy, the total contributions and loans from the candidate for governor and from the candidate for lieutenant governor to their principal campaign committee must not exceed \$20,000 in 1994. *Minnesota Statutes* § 10A.25, subd. 1 (1992); *Minnesota Statutes* § 10A.27, subds. 1 (a), 8, and 10 (1993 Supplement).

Department of Human Services

Reimbursement Division

Notice of Disproportionate Population Adjustment for State Regional Treatment Centers

The purpose of this notice is to provide information concerning the Disproportionate Population Adjustment (DPA) under the Medical Assistance (MA) Program. The following DPA factors are effective for admissions occurring from July 1, 1994 through June 30, 1995. The inpatient cost of care rate of each hospital is increased by the indicated percentage.

P/D	HOSPITAL	DPA %
1700012	Anoka Regional Treatment Center	56.83
1700023	Brainerd Regional Treatment Center	57.77
1700056	Fergus Falls Regional Treatment Center	51.34
1700078	Moose Lake Regional Treatment Center	46.72
170009X	St. Peter Regional Treatment Center	57.84
1700103	Willmar Regional Treatment Center	52.42

Questions and comments may be directed to:

Larry Houff
 Department of Human Services
 Reimbursement Division
 444 Lafayette Road
 St. Paul, MN. 55155-3824
 (612) 297-4184

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective July 11, 1994 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Cass: Akeley Elementary School-Akeley.

Dakota: Hastings Veterans Home Remodeling-Hastings; U of M Research Center Reroofing-Rosemount; Lebanon Hills Regional Park Improvement-Apple Valley & Eagan.

Hennepin: Mid River Residences Exterior Lead Paint Abatement, North Star Elementary School 1994 Reroofing, Millard Hall 4th Floor Biochemistry Renovation-Minneapolis; Hennepin County Adult Correctional Facility Landscape Improvements-Plymouth.

Isanti: Cambridge Community College-Cambridge.

Koochiching: Bronko Arena Reroofing, International Falls Airport Repairs-International Falls.

Ramsey: State Office Parking Garage Remodeling, Centennial Office Building Elevator Modernization, Centennial Office Building Intertechnologies Group Modifications 1st Floor North-St. Paul; Macgillis & Gibbs Co. Operate Unit #1 Phase I Remedial Action-New Brighton.

St. Louis: U of M/Duluth Sod Replacement-Duluth.

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

Department of Natural Resources

Division of Fish and Wildlife

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Various Game and Fish Matters

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing various game and fish matters.

Subject of Rules and Statutory Authority. Specifically, the proposed rules will cover: walleye fishing closure on Black Bay of Rainy Lake; roughfish spearing regulations on the Minnesota and North Dakota border waters; sturgeon fishing season on the Minnesota and South Dakota border waters; catfish possession limits on the Minnesota, North Dakota, and South Dakota border waters; number of hooks allowed per line for anglers on the Minnesota and North Dakota border waters; angling hours for trout in streams south of U.S. Highway 12 on opening day; walleye and northern pike possession limits on Lake Superior; clarification of stream trout seasons in lakes partially within the B.W.C.A.W. and in Aitkin, Becker, Cass, Crow Wing, and Hubbard counties; use of traps, hoop nets, and trap nets for taking minnows; insurance policy requirements for release of fish toxicants; the commissioner's authority to terminate fish toxicant permits; clarification of the requirements for transportation of fish taken by angling, and labeling and packing of fish taken by angling under a fish packer license; payment of pelting fees; certification of predator control; restrictions on sale or disposal of game farm animals and record keeping and reporting for game farms; alternative to blaze orange requirement during firearm deer season; use of retractable broadheads; general provisions for use of wildlife management areas; special provisions for wildlife management areas; special provisions for state game refuges; archery deer of either sex during firearms season; intensive harvest permits for taking additional deer; antlerless permit area boundaries; eligibility requirements for bear quota drawing; bear quota area boundaries; blaze orange for moose hunters; moose hunting party size; moose hunting zone boundaries; additional game bird species for commercial shooting preserves; wild rice harvest at Newstrom Lake wildlife management area; clarification of opening day possession limits for migratory game birds; and use of blinds on public lands and in public waters.

The adoption of the rules is authorized by *Minnesota Statutes*, sections 97A.045, subdivision 4; 97C.005, subdivision 3; 97C.395, subdivision 1a; 97C.505, subdivision 1; 97C.051, subdivisions 1 and 2; 97A.418; 97A.551; 97C.865; 97A.055, subdivision 7; 97B.671; 97A.105, subdivision 9; 97B.071; 97B.211, subdivision 2; 97B.711, subdivision 3; 86A.06; 97A.137; 97A.091; 97B.311; 97B.301, subdivision 4; 97B.311; 97B.405; 97B.411; 97B.505; 97A.431, subdivision 1; 97A.115, subdivision 2; 84.152, subdivision 1; 97B.803; and 97B.811, which permit the agency to promulgate rules for the above mentioned programs.

Small Business Considerations. Outside opinion is also being solicited as to any effect the rules might have on small businesses, as defined under *Minnesota Statutes*, section 14.115, subdivision 1. The rules may have an impact on small businesses dealing with commercial minnow harvesting, private aquaculture, game farms and commercial shooting preserves. Commercial minnow harvesters may be impacted by the rules because they will include specifications for gear used to take minnows. However, the impact should be minimal because the proposed gear specifications were developed in consultation with representatives of the bait industry to avoid restrictions which would hurt small businesses.

Private fish hatchery and aquatic farm licensees may be impacted if they wish to use fish toxicants on licensed waters that may be accessed by the public. The proposed rules would require insurance policies before such use of fish toxicants could occur. Businesses with commercial general liability insurance would not have to purchase additional insurance to meet the requirements of the proposed rule. Businesses without such coverage would probably have to pay an annual premium of \$1,000 to \$7,500 depending on their operational experience and past insurance history.

Game farms may be impacted by these rules because of changes involving record keeping and reporting required by *Minnesota Statutes*, section 97A.425. The changes should have minimal impact because they are clarifications in requirements rather than new requirements.

Commercial shooting preserves may be impacted by these rules because of provisions designating additional game bird species for commercial shooting preserves. There will be no qualitative or quantitative impact because the rule will simply list species in rule that have previously been allowed by a listing on the commercial shooting preserve licenses.

Comments and Agency Contact Person. The Minnesota Department of Natural Resources requests information and opinions concerning the subject matter of the rules. 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:

Michael Grupa
Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4047

Oral statements will be received during regular business hours over the telephone at (612) 297-2447 and in person at the above address.

A copy of this notice will be mailed to all parties who have registered their names with the department for purposes of notice of rulemaking activity.

The department does not intend to establish an advisory task force on this issue. If no hearing is required, the rulemaking process is expected to be completed during November of 1994.

All statements of information and opinions shall be accepted throughout the rulemaking process until the rules are either adopted or withdrawn. All written material received by the Department of Natural Resources shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 1 July 1994

Rodney W. Sando, Commissioner
Department of Natural Resources

Pollution Control Agency

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Coal Ash Utilization, *Minnesota Rules Part 7035*

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the Agency in preparing to propose the adoption of rules governing the utilization of coal ash in various products. The adoption of the rule is authorized by *Minnesota Statutes* § 116.07, subd. 4, which permits the Agency to adopt rules governing the collection, transportation, storage, processing and disposal of solid waste.

The Agency requests information and opinions concerning the subject matter of the rule. 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:

Cathy Latham
Ground Water and Solid Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Fax. Number: 612/296-9707

Oral statements will be received during regular business hours over the telephone at 612/296-8585 and in person at the above address.

All statements of information and opinions shall be accepted until November 30, 1994. Any written material received shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

The Agency plans to convene an advisory committee to assist it in development of the rule. Interested persons or groups may request to participate on the advisory committee by contacting the Agency by August 7, 1994, at the address or telephone number given above.

Dated: 7 July 1994

Charles W. Williams
Commissioner

Department of Public Safety

Office of the Commissioner

Notice of Solicitation of Outside Information or Opinions Regarding Development of Rules Governing the Design of the Uniform Dangerous Dog Tag

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the Department in preparing to propose the adoption of rules governing the design of the uniform dangerous dog tag. The adoption of the rules is authorized by *Minnesota Statutes*, section 347.51, which states:

“A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and **containing the uniform dangerous dog symbol**, affixed to the dog’s collar at all times. The commissioner of public safety, after consultation with animal control professionals, shall provide by rule for the design of the tag.”

The following is a summary of issues that may be considered by the commissioner when the rules are proposed:

- 1) The dimensions and appearance of the uniform dangerous dog tag;
- 2) Whether the dangerous dog warning symbol will be the symbol used on the uniform dangerous dog tag;
- 3) The material from which the dog tag shall be made;
- 4) Where the registration number shall appear on each dog tag and whether it will be inscribed onto or attached thereto;
- 5) Whether an inscription or attachment of the statutory authority will appear on the dog tag;
- 6) Whether this dog tag will be worn by dangerous dogs, in addition to the dog tag that all dogs are required to wear pursuant to *Minnesota Rule 1720.1555*; and
- 7) Any other concerns regarding the safety of humans and dangerous dogs, relating to *Minnesota Statutes*, section 347.51.

The commissioner’s office does not intend to formulate a task force on this matter because it has already consulted with numerous animal control professionals regarding the design of the dangerous dog warning symbol, pursuant to *Minnesota Statutes*, section 347.51, subdivision 2a.

The State Department of Public Safety expects the rulemaking process to be completed by no later than October 1, 1994.

The State Department of Public Safety requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Eric A. McFarland
Office of the Commissioner
Minnesota Department of Public Safety
445 Minnesota Street, Suite 100
St. Paul, MN 55101-2156

Oral statements will be received during regular business hours over the telephone at (612) 282-6597 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. Any written material received by the Department will become part of the rule making record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 11 July 1994

Michael S. Jordan, Commissioner
Department of Public Safety

Department of Revenue

Notice of Counties Which Have Adopted the Local Option Sales Tax

The Commissioner of the Department of Revenue announces that the counties listed below did adopt a local option sales tax of one-half percent, which became effective in each county on January 1, 1992.

Aitkin	Isanti	Pipestone
Anoka	Itasca	Polk
Becker	Jackson	Pope
Beltrami	Kanabec	Ramsey
Benton	Kandiyohi	Red Lake
Big Stone	Kittson	Redwood
Blue Earth	Koochiching	Renville
Brown	Lac Qui Parle	Rice
Carlton	Lake	Rock
Carver	Lake of the Woods	Roseau
Cass	Le Sueur	St. Louis
Chippewa	Lincoln	Scott
Chisago	Lyon	Sherburne
Clay	Mc Leod	Sibley
Clearwater	Mahnomen	Stearns
Cook	Marshall	Steele
Cottonwood	Martin	Stevens
Crow Wing	Meeker	Swift
Dakota	Mille Lacs	Todd
Dodge	Morrison	Traverse
Douglas	Mower	Wabasha
Faribault	Murray	Wadena
Fillmore	Nicollet	Waseca
Freeborn	Nobles	Washington
Goodhue	Norman	Watsonwan
Grant	Olmsted	Wilkin
Hennepin	Otter Tail	Winona
Houston	Pennington	Wright
Hubbard	Pine	Yellow Medicine

The publication of this notice is required by *Minnesota Statutes* 297A.021, subdivision 4.

Dated: 18 July 1994

Patricia A. Lien
Assistant Commissioner for Tax Policy

Department of Revenue

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Relating to Capital Equipment and/or Replacement Capital Equipment

NOTICE IS HEREBY GIVEN that the Minnesota Department of Revenue is seeking information or opinions from sources outside the department in preparing to propose the adoption of rules governing the sales tax capital equipment exemption and/or reduction and the replacement capital equipment reduction.

Specifically, the rules will address filing requirements, qualifying capital equipment and replacement equipment purchases and leases, and definition of terms.

The Minnesota Department of Revenue requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Mary A. Blackburn, Revenue Auditor
Minnesota Department of Revenue
10 River Park Plaza
St. Paul, MN 55146-9906

Oral statements will be received during regular business hours over the telephone at 296-8393 and in person at the above address. All statements of information and opinions will be accepted until 4:30 p.m. on August 15, 1994. Any written statement received by the department will become part of the rule making record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 18 July 1994

Patricia A. Lien
Assistant Commissioner for Tax Policy

Department of Revenue

Special Taxes Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Lawful Gambling-Annual Audit and Financial Reviews of Licensed Organizations

NOTICE IS HEREBY GIVEN that the State Department of Revenue is seeking additional information or opinions of sources outside the agency in preparing to propose the adoption of the permanent rules governing the annual audit and financial reviews of organizations licensed to conduct lawful gambling. The adoption of the rule is authorized by *Minnesota Statute* section 270.06 which permits the agency to adopt permanent rules to administer and enforce state tax laws and section 297E.06, subdivision 4 which requires the Commissioner of Revenue to prescribe standards for audits and financial reviews for certain organizations licensed to conduct lawful gambling.

During the course of the rule development process the following issues may be considered:

- (1) The standards for audits and financial reviews for organizations licensed to conduct lawful gambling.

The State Department of Revenue is forming an advisory task force to aid in the development of the rule that includes representatives from the Gambling Control Board, the Minnesota State Accountancy Board, Independent Accountants licensed by the State of Minnesota, and other interested parties. In addition, the Department has sought and will be receiving advice from organizations licensed to conduct lawful gambling in Minnesota.

The Department anticipates that the rule adoption process will take approximately six months.

The State Department of Revenue requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of the rule, or other related concerns, either in writing or orally. Written statements should be addressed to:

Patrick J. Finnegan
Appeals & Legal Services Division
Department of Revenue
10 River Park Plaza
St. Paul, MN 55146-2220

Oral statements will be received by Patrick J. Finnegan during regular business hours or over the telephone at (612) 296-1902 Ext. 114 and in person at the above address. Statements or comments may also be faxed to (612) 297-5192.

All statements of information and opinions will be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Revenue shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 18 July 1994

Patricia A. Lien
Assistant Commissioner for Tax Policy

Minnesota State Retirement System

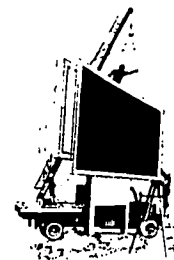
Board of Directors, Regular Meeting

The regular meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, July 22, 1994, at 9:00 a.m. in the office of the System, 175 W. Lafayette Frontage Road, St. Paul, Minnesota.

Attention Builders, Architects, Designers, Property Owners...

Accessible and Usable Buildings and Facilities CABO/ANSI, A117.1

Just released by the Council of American Building Officials, this 2 publication set includes UBC Chapter 31 and appendix. Specifications in this standard (ANSI - American National Standards Institute) are to make buildings and facilities accessible to individuals with disabilities -- both new buildings and existing structures. These standards are applicable to doorways, routes, seating and other elements of building design. Includes diagrams and floor plans. The two books (total of 96 pp) are bound and three-hole drilled for ease of use. **19-2 SR \$35.00**



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

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

Request for Proposals for Treatment Services for Chemically Dependent Pregnant Women and Women with Children

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter, CDPD) is soliciting proposals through a competitive bidding process for initiation or expansion of services to increase positive treatment outcomes for chemically dependent pregnant women and women with children, \$300,000.00 is available for two to three agencies. Eligible applicants are licensed alcohol and drug treatment programs run by non-profit or for profit organizations knowledgeable in the areas of chemical dependency, child development, parenting skills and housing, who are willing to develop or expand a project for recovering substance abusing pregnant women and women in alcohol and drug treatment where their children (ages 0-12) can be with them and that are connected with services that provide pre/postnatal care. Proposals may be submitted for: The development or expansion of residential or non-residential chemical dependency treatment services for pregnant women and women with children. Programs in Western and Southern Minnesota and half-way houses are especially encouraged to apply.

This Request for Proposals is contingent on the availability of funds. Projects are expected to begin October 1, 1994. The State reserves the right to reject any and all proposals and to apply the funds to another purpose. The State will not reimburse for the costs of proposal preparation or participation in proposal consideration procedures. Eight copies of the proposal must be received by CDPD no later than 4:20 p.m., Thursday, August 25, 1994, or have a legible postmark date no later than August 24, 1994. Proposals must follow the CDPD proposal format. Grant application forms and copies of the RFP are available upon request from the Chemical Dependency Program Division (296-3991).

Proposals should be sent to:

Sheila Vadnais, Grants Assistant
Chemical Dependency Program Division
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3823

Requests for information concerning program issues should be addressed to Pamela Young, Women's Planner (612/296-4589), and budget/fund usage questions should be addressed to Mike Zeman (297-1863). Training on how to complete application materials will be provided at the Minnesota Department of Human Services, 444 Lafayette Rd, St. Paul, MN, August 8, 1994. Please call Pamela Young at 296-4589, if you wish to attend this training.

Gambling in Minnesota

<i>Lawful Gambling Statutes 1992</i>					
Chapter 349. 65 pp.	2-5 SR	\$ 6.95	<i>Gaming News Subscription</i>	Yearly subscription.	90-8SR \$40.00
<i>Lawful Gambling Rules 1993</i>			<i>Gambling Organizations Directory</i>	Lists name and address of licensed gambling	
Chapter 7861 thru 7865. 80pp.	3-3 SR	\$ 6.95	organizations in Minnesota	99-2SR	\$29.95
<i>Gambling Manager's Handbook 1992</i>			<i>Regulatory Accounting Manual</i>	Procedures guide includes tax forms	10-40SR \$14.95
Requirements of gambling activities	10-19SR	\$16.95	<i>Accounting Manual Worksheets</i>	8-11SR	\$ 7.95
<i>High Stakes: Gambling in Minnesota 1992</i>			<i>View-through Binder</i>	8 1/2 x 11	10-25 SR \$ 5.95
Overview to gambling in Minnesota	10-46SR	\$ 8.95	<i>Tab Dividers</i>	10 per package	10-19 SR \$16.95
<i>Gambling in Minnesota 1993</i>					
Supplement to High Stakes Gambling	10-26s1SR	\$ 5.95			

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

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

Notice of Availability of Subscription Service for "Contract Award Reports"

Due to many requests from interested subscribers, TRIAL subscriptions of six-months duration will be offered for the two "Contract Award Reports" previously offered only on an individual basis. This service will be more convenient, save subscribers' time in ordering and be less expensive.

Beginning August 1, 1994, TRIAL subscriptions of six-months duration will be offered as follows:

- "Commodity Contract Awards Reports," listing awards of contracts in the State Register Contract Supplement will cost \$75.00 — a savings of about \$38.00 over the cost of purchasing them individually. It will appear every two weeks and can be ordered with stock number 90-14.
- "Professional-Technical-Consulting Award Reports," featuring awards of contracts listed in the Monday edition of the "State Register" magazine, will cost \$50.00, a savings of about \$15.00 over the cost of purchasing them individually. These will appear monthly and can be ordered with stock number 90-15.

These reports are only available in hard copy format.

Individual copies of "Awards Reports" will still be available as follows:

- "Commodity Contract Awards Reports," — published every two weeks cost individually \$5.00 plus \$3.00 shipping if applicable. Order stock # 99-42.
- "Professional-Technical-Consulting Contract Award Reports" — published each month listing the previous month's awards, cost \$7.00 plus \$3.00 shipping if applicable. Order stock # 99-43.

This information is especially useful in the competitive bidding process used by the state's purchasing office, the Materials Management Division. We have been asked by many subscribers for this information and for a convenient method of serving their needs and find this to be the best way to meet subscribers' needs and requests. Comments and suggestions are welcome. Call the "State Register" circulation manager at (612) 296-0931 or the editor at (612) 297-7963, or toll-free nationwide 1-800-657-3757.

To order the appropriate "Awards Reports" for your business or organization, contact Minnesota's Bookstore at (612) 297-3000, or toll-free nationwide: 1-800-657-3757.

Department of Commerce

Request for Proposal for Businesses Wishing to Act as Consultant for the Recovery of Unclaimed Funds and Stock

The Minnesota Department of Commerce, Unclaimed Property Section is seeking proposals from qualified businesses interested in contracting with the State of Minnesota for the recovery of unclaimed funds and stock pursuant to the Minnesota Unclaimed Property Act *Minnesota Statutes* § 345.31 to 345.60.

Minnesota Statutes § 345.455 of the Act allows the Commissioner of Commerce to request an entity to recover unclaimed property on his behalf. Fees will be paid based on a percentage of the value of any property recovered.

For a copy of the RFP, contact Sandy Mackenthun, Minnesota Department of Commerce, Unclaimed Property Section, 133 E. 7th St., St. Paul, MN 55101. (612) 296-2568.

The deadline for submission of letter of intent is August 5, 1994.

Professional, Technical & Consulting Contracts

Department of Corrections

Minnesota Correctional Facility - Sauk Centre

Notice of Request for Proposals for Food Service Management

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility at Sauk Centre requests proposals for management of the facility food service department. Contractor will supervise all aspects of the food service operation, including conversion to central feeding of 3 meals/day for 5 days/week, delivery of food for week-end meals, menu planning, recordkeeping, inventory control, nutrition evaluation, special dietary needs, staff and resident supervision.

Proposals must be submitted by 4:00 P.M. on Monday, August 8, 1994. For guidelines to this proposal or for additional information contact:

Dennis N. Rykken, Assistant Superintendent
Minnesota Correctional Facility - Sauk Centre
Box C
Sauk Centre, MN 56378
(612) 352-1111

Department of Education

State and Federal Programs

Notice of Request for Proposals for Analysis of Activities Affecting Federal Education Programs, Policies and Resources and Their Impact on Minnesota's Education Reform Efforts

Proposals are being solicited to provide the Minnesota Department of Education with timely information concerning analysis of activities affecting federal education programs, policies, and resources as well as the impact they have on Minnesota's education reform efforts.

Copies of the RFP may be obtained by contacting Ms. Diana Moore at the Minnesota Department of Education, 878 Capitol Square, 550 Cedar Street, St. Paul, MN 55101; telephone (612) 296-2181. Proposals must be received by 4:00 p.m., August 8, 1994. Questions regarding the RFP must be directed to Ms. Jessie Montano at the same address and phone number.

Minnesota Historical Society

Notice of Pre-qualification and Request for Bids for Remodeling at the Minnesota History Center, St. Paul, MN

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, equipment, material and supplies for interior remodeling at the Minnesota History Center.

The work consists generally of demolition and construction of new walls and partitions and of electrical and mechanical work. Substantial millwork and finish carpentry is included.

Because of the nature of the facility and the work, pre-qualification of all bidders is required. To obtain pre-qualification materials, call Gary W. Goldsmith, Contracting Officer, at (612) 297-5863.

The primary pre-qualification requirements are as follows:

- Contractor must have successfully completed at least one interior remodeling project with a cost in excess of \$250,000 in a public facility similar to the Minnesota History Center. Contractor must also have a record of general experience in public remodeling projects in excess of \$150,000.
- The contractor must have experience completing such projects while the subject facilities remained open to the public.
- The contractor must have a record of its public remodeling projects being accomplished to the satisfaction of the owner

Professional, Technical & Consulting Contracts

and the architect and of such projects being completed substantially on-time and without cost overruns which were the fault of the general contractor.

- Contractor must be able to demonstrate that it has completed other similar projects in which fine finishes and complex millwork and finishing were included.
- Contractor will be required to provide names, addresses and telephone numbers of references for its public remodeling projects and a description of each project. A contractor will not be qualified if the references contacted do not give satisfactory recommendations.
- Contractor must be able to begin the project shortly after its award, about the beginning of September, 1994.
- Other pre-qualification requirements will be included in the pre-qualification package.

The Request for Bids will be provided to all pre-qualified contractors. Pre-qualification materials are available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids will be due not later than 2:00 P.M. Central Time August 15, 1994.

Complete Specifications and details concerning submission requirements will be included in the Request for Bids.

Dated: 18 July 1994

Minnesota State Lottery

Notice of Request for Proposal for Advertising and Related Services

The Minnesota State Lottery's current contract for advertising services with Carmichael-Lynch will be expiring on December 18, 1994, and pursuant to state law the Lottery is requesting proposals from firms to provide advertising and related services for the Lottery. The new contract will commence around December 19, 1994. In this regard, you are invited to submit a proposal, in accordance with the Request for Proposal (RFP), to supply advertising services to the Minnesota State Lottery. To be considered for review, agencies must have documented billables in excess of \$20 million per year for each of the past three years.

The Lottery will be conducting a pre-proposal conference regarding this RFP on July 28, 1994, at 2:00 p.m. at its offices in Roseville, attendance at this pre-proposal conference is **not** mandatory. Proposals are due by 2:00 p.m. on August 24, 1994. After the proposals are received a committee will evaluate each proposal, and finalists will be given two weeks to prepare a presentation to the evaluation committee on an assignment to be given to the finalist at that time.

The specific requirements for submitting a proposal are detailed in the RFP. Copies of the RFP are available upon request. Requests should be directed to:

Tom Barrett
Administrative Manager
Minnesota State Lottery
2645 Long Lake Road
Roseville, MN 55113
(612) 635-8108
Fax (612) 297-7497

Non-State Public Bids and Contracts

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

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

Lake Area Bus Commission

Notice of Request for Proposals for Dial-a-Ride Service in White Bear Township and City of White Bear Lake

The Lake Area Bus Commission announces the availability of a Request for Proposal (RFP) for its dial-a-ride service. The service operates three 15-passenger vehicles, one of them lift-equipped, in Birchwood, Mahtomedi, White Bear Township and City of White Bear Lake.

Details of the Lake Area Bus service are included in the RFP. Interested bidders may request an RFP by sending a letter of request, along with \$15.00, to Lake Area Bus Commission, 2561 Crestline Drive, White Bear Lake, MN 55110. The deadline for submittal of the proposal is Thursday, August 18, 1994, 4:00 p.m., White Bear Lake City Hall.

Metropolitan Council

Request for Proposals (RFP) for Technical Services Required in Preparation of a Congestion Management System (CMS) for the Twin Cities Metropolitan Area

The Metropolitan Council is requesting proposals for consulting services related to the development of a Congestion Management System (CMS) for the Twin Cities Metropolitan Area. The 1991 Federal Intermodal Surface Transportation Efficiency Act (ISTEA) requires that each state develop and implement a CMS that results in the identification and implementation of strategies that provide the most efficient use of existing and future transportation facilities in all areas of the state. Responsibility for the CMS in the Twin Cities Metropolitan Area is part of the metropolitan planning process.

A working group consisting of staff from the Metropolitan Council, Minnesota Department of Transportation and the former Metropolitan Transit Commission was formed in November 1993 to begin preparing the CMS. This group will provide policy direction to the consultant and review the required products.

The consultant will identify data requirements, sources of data, the appropriateness and adequacy of existing data to identify congestion allocations and the effectiveness of various congestion management techniques. The consultant will identify congestion mitigation methods, prepare conceptual impact evaluation of the techniques and draft interim and final products. In addition, the consultant will provide administrative support to the CMS Work Group, including the preparation of meeting minutes and drafting working memoranda.

The project will commence about September 1, 1994 and should be completed by September 1, 1995.

A disadvantaged business enterprise (DBE) participation goal has been set for this project.

Five copies of the proposal must be received no later than 4 p.m., on Monday, Aug. 15, 1994. Proposals should be sent to: Transportation Planning Division, Metropolitan Council, 230 E. Fifth St., St. Paul, Minnesota 55101, Attention: Carl Ohrn.

Copies of the RFP may be obtained from the Council offices by calling 612/291-6308 or 612/291-0904 (TDD). Inquiries should be directed to Carl Ohrn 612/291-6507 or 612/291-0904 (TDD).



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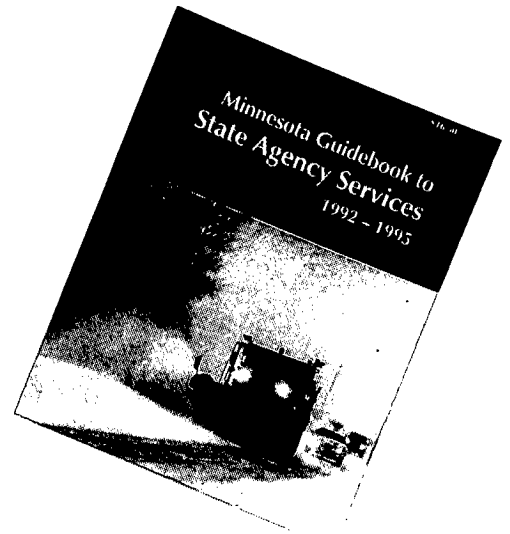
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Minnesota Manufacturer's Directory 1994

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742 pp. **Stock No. 40-2 SR \$95.00**

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List of airports throughout the state. Approaches, rivers, all detailed markings, and much more. 178 pp. (pocket-size)
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Names and addresses in alphabetical order for licensed physicians, chiropractors, osteopaths, optometrists, podiatrists and registered physical therapists. 426 pp.

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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

State Agency Telephone 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**

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