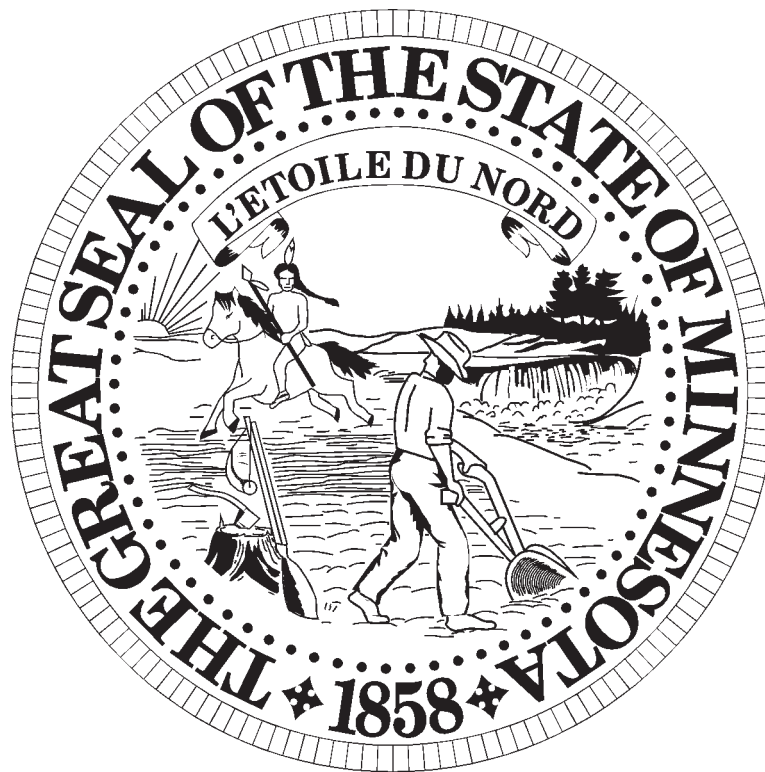


State of Minnesota

# State Register



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# State Register

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#12	Monday 20 September	Noon Tuesday 14 September	Noon Wednesday 8 September
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## Minnesota Rules: Amendments & Additions

Monday 13 September 2004, Volume 29, #1-11..... 298

## Adopted Rules

### Administration Department

Adopted Permanent Rules Relating to International  
Mechanical Code and International Fire Code..... 299

### Dentistry Board

Adopted Permanent Rules Relating to Licensure and  
Registration Renewal and Continuing Education/  
Professional Development..... 306

## Official Notices

### Agriculture Department

Minnesota Rural Finance Authority: Public Hearing  
on Issuance of Agricultural Development Revenue  
Bond on behalf of Bradley Milbrath..... 308

Rural Finance Authority Board: Request for Comments  
on Possible Amendments to Rules Governing Loan  
Programs..... 309

### Comprehensive Health Association

Communications Committee meeting Wednesday  
15 September 2004..... 309  
Finance Committee meeting Monday 20 September 2004.... 309

### Health Department

Intent to Adopt Exempt Rules Regarding a Manual for  
Minnesota Standards for the Use of the ADA Dental  
Claim Form (2002)..... 309

### Human Services Department

Authorization List of Drugs that have been Added as a  
Condition of Minnesota Health Care Programs  
Payment..... 310

### Metropolitan Council

Adoption of the 2005-2008 Transportation Improvement  
Program (TIP) for the Twin Cities Metropolitan Area..... 311

### Peace Officers Standards and Training Board

Request for Comments on Possible Amendment to Rules  
Governing Reciprocity Licensing Examination..... 311

### Minnesota State Retirement System

Regular Meeting of the Board of Directors Thursday  
16 September 2004..... 312

### Minnesota State Retirement System (MSRS) Public Employees Retirement Association (PERA) Teachers Retirement Association (TRA)

Meeting of the Joint Board Thursday 16 September 2004.... 312

### Public Employees Retirement Association (PERA)

Meeting of the Board of Trustees..... 312

## Transportation Department

State Aid for Local Transportation Division: Appointment  
and Meeting of a State Aid Variance Committee..... 312  
State Aid for Local Transportation Division: Petition of  
the City of Stillwater for a Variance from State Aid  
Procedural and Administrative Requirements..... 313

## State Grants & Loans

### Public Safety Department

Office of Justice Programs: Availability of Funds for  
Abused Children or Parenting Time Center Services  
in Judicial District 3..... 314

## State Contracts

### Colleges and Universities, Minnesota State

Minneapolis Community and Technical College: Bids  
Sought for Printing and Mailing of Class Schedules  
for 2005 (Spring, Summer, Fall)..... 314

### Human Services Department

Request for Proposals to Identify Qualified Testing Labs to  
Provide Genetic Testing and Other Associated Services in  
Title IV-D Paternity Cases..... 314

### Natural Resources Department

Sale of State Metallic Mineral Leases..... 315

## Transportation Department

Engineering Services Division: Potential Availability of  
Contracting Opportunities for a Variety of Highway  
Related Technical Activities (the "Consultant  
Pre-qualification Program")..... 316  
Engineering Services Division: Professional/Technical  
Contract Opportunities..... 317

## Non-State Contracts & Grants

### Metropolitan Council

Advertisement for Bids for Hastings Wastewater  
Treatment Plant Disinfection and Influent Wet  
Wall Improvements..... 317  
Request for Proposals for Electrical Engineering  
Services for Power Distributions Systems..... 318  
Request for Proposals for Office Building Renovation  
Design Services..... 318  
Request for Proposals for Rosemount Interceptor  
Lift Stations..... 319

### University of Minnesota

Bid Information Service (BIS) Available for All  
Potential Vendors..... 319

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available from the Dept of Administration, Materials Management  
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# Minnesota Rules: Amendments and Additions

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The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

## Volume 29, Issues #1-11

### Administration Department

**1346.0050; .0060; .0101; .0102; .0103; .0104; .0105; .0106; .0107; .0108; .0108; .0109; .0110; .0201; .0202; .0301; .0306; .0309; .0401; .0403; .0404; .0505; .0506; .0507; .0508; .0603; .0604; .0703; .0709; .0801; .0803; .0901; .1001; .1003; .1004; .1006; .1007; .1011; .1204; .1500; .1601; .1602; .1603; .1604; .1605; .1606; .5050; .5201; .5202; .5301; .5303; .5304; .5306; .5402; .5403; .5404; .5406; .5407; .5408; .5409; .5410; .5501; .5503; .5504; .5602; .5620; .5629; .5630; .5700; .5801; .5802; .5803; .5804; .5805; .5806; .5807; .5900 (adopted)..... 299**  
**1346.0108; .0203; .0204; .0302; .0304; .0405; .0406; .0407; .0408; .0409; .0410; .0411; .0414; .0418; .0421; .0424; .0504; .0602; .0605; .0606; .0607; .0608; .0707; .0710; .0807; .0808; .0809; .0913; .1002; .1005; .1104; .1107; .1207; .1503; .1505; .1520; .1521; .1906; .2002; .2003; .2101; .2102; .2104; .2106; .2107; .2108; .2109; .2110; .2111; .2113; .2114; .2115; .2120; .2122; .2123; .2124; .2125; .2126; .2127; .2133; .2201; .2202; .2205; .2206; .2211; .2212; .2213; .2215; .2216; .2220; .2226; .2500; .2600 (repealed)..... 299**

### Agriculture Department

**.0402; .0408; 1930; .1943; .1947; .2070; .2130; .2180; .2190; .2200; .2220; .2230; .2500; .2510; .2520; .2530; .2540; .2550; .2560; .2570; .2580; .2590; .2595; 1515.3000; .3100; .3200; .3400; .3500; .3600; .3800; 1552.0050; 1556.0110; .0120; .0132; .0134; .0145; .0160; 1570.0700; .0800 (proposed)..... 239**  
**1505.0060; .0360; .0370; 1510.0890; .0900; .0910; .0920; .0930; .0940; .0950; .0960; .0970; .0980; .0990; .1000; .1010; .1020; .1030; .1040; .1050; .1060; .1070; .1080; .1090; .1935; .1940; .1950; .2000; .2010; .2020; .2030; .2040; .2050; .2060; .2080; .2090; .2100; .2110; .2120; .2140; .2150; .2160; .2210; 1515.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2500; .2550; .2600; .2700; .2800; .2900; .3100 s.6; 3900; 1552.0030 s.4; 1556.0140 (proposed repealer)..... 239**

### Animal Health Board

**1710.1300; .1310; .1350; .1360; .1410; .1420; .1440; .1500 (proposed)..... 71**

### Dentistry Board

**3100.0100; .1700; .1750; .1850; .2000; .3600; .5100; .5200; .5300; .5400; .6300 (proposed)..... 306**  
**3100.0100 s. 20; .2000 s. 8, 8a; .4100; .4200; .4300; .4400; .4500; .4600 (repealed)..... 306**

### Health Department

**62J (propopsed exempt)..... 217**

### Labor and Industry Department

**5208.1500 (proposed exempt)..... 99**

### Natural Resources Department

**6216.0250; .0350 (adopted emergency)..... 135**  
**6230.0400; 6234.0400; .1700; .2000; .6240.0610; .1000; .1200; .1500; .1600; .1700; .1750; .1800; .1850; .2100 (adopted expedited emergency)..... 218**  
**6230.0400 s.29; 6234.1800; 6240.1000 s.2; .1800 s. 2,3 (repealed expedited emergency)..... 218**  
**6232.0900; 1000; .2550; .2560 (adopted expedited emergency)..... 77**  
**6232.1100, s. 5 (repealed expedited emergency)..... 77**  
**6232.3056 (adopted expedited emergency)..... 109**  
**6234.0300; 6236.0700; 6237.0100; .0200; .0300; .0400; .0500; .0600; .0700 (adopted expedited emergency)..... 5**

### Pollution Control Agency

**7001.0010; .0140; .3050; .3075; .3400; .3410; .3500; 7011.1245; 7035.0300; .0800; .2525; .2535; .2545; .2565; .2585; .2625; .2635; .2645; .2655; .2870 (proposed)..... 189**  
**7035.2865 (proposed repealer)..... 189**  
**7007.0100; .0150; .0200; .0250; .1050; .1100; .1102; .1105; .1107; .1110; .1140; .1141; .1142; .1143; .1144; .1145; .1146; .1147; .1148; 7011.0065; .0070; .0075; .0917; 7019.3020; .3030 (proposed)..... 35**

# Minnesota Rules: Amendments and Additions

## Public Safety Department

7406.0100; .0300; .0310; .0330; .0350; .0355; .0360; .0370;  
.0380; .0450; .0475; .0500; .0700; .0900; .1000; .2700  
(adopted)..... 97  
7406.0100 s. 20; .0350 s. 5; .0500 s. 3 (repealed)..... 97

## Public Utilities Commission

7829.2550 (proposed)..... 5

## Revenue Department

8130.8700 (adopted)..... 217

## Human Services Department

9530.6405; .6410; .6415; .6417; .6420; .6422; .6425; .6430;  
.6435; .6440; .6445; .6450; .6455; .6460; .6465; .6470;  
.6475; .6480; .6485; .6490; .6495; .6500; .6505; .6510;  
.6515; .6520; .6525; .6530; .6535; .6540; .6545; .6550;  
.6555; .6560; .6565; .6570; .6575; .6580; .6585; .6590;  
.6605 (adopted)..... 129  
9530.43100; .4110; .4120 s. 1, 3, 5, 6; .4200; .4210; .4230;  
.4250; .4260; .4270; .4280; .4300; .4310; .4320; .4330;  
.4340; .4350; .4370; .4380; .4390; .4400; .4410; .4450;  
.5000; .5100; .5200; .5300 s. 1, 10; .5500; .5700; .5800;  
.6000; .6100; .6200; .6300; .6400 (repealed)..... 129

## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

## Department of Administration

### Adopted Permanent Rules Relating to International Mechanical Code and International Fuel Gas Code

The rules proposed and published at *State Register*, Volume 28, Number 14, pages 413-467, October 6, 2003 (28 SR 413), are adopted with the following modifications:

#### 1346.0060 REFERENCES TO OTHER INTERNATIONAL CODE COUNCIL (ICC) CODES.

Subp. 5. **Fuel gas code.** References to the International Fuel Gas Code in this code mean the Minnesota ~~Mechanical Fuel Gas~~ Code, adopted pursuant to chapter 1346 and *Minnesota Statutes*, section 16B.61, subdivision 1.

#### 1346.0101 SECTION 101 SCOPE.

IMC Section 101 is amended to read as follows:

**101 Scope.** This ~~chapter code~~ shall regulate the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. ~~For the purposes of this section, the term "mechanical systems" includes~~ Fuel gas piping systems, fuel gas utilization equipment, and related accessories shall be regulated by parts 1346.5050 through 1346.5900. This code shall also regulate those mechanical systems, system components, equipment, and appliances specifically addressed in the IMC and IFGC. This code shall also regulate process piping installed within, or in conjunction with, buildings or structures. For the purposes of this section, the term "process piping" includes piping or tubing which conveys gas, liquid, or fluidized solids and which is used directly in research, laboratory, or production processes. Process piping and tubing shall be installed in accordance with ASME B31.3-1999, Process Piping Code, or ASME B31.9-1996, Building Services Piping Code, as applicable. Refer to chapter 1300 for additional administrative provisions of the Minnesota State Building Code. For purposes of this section, refer to *Minnesota Statutes*, section 13.37, subdivision 1, paragraph (b), on disclosure of nonpublic data.

#### 1346.0202 SECTION 202 GENERAL DEFINITIONS.

**FAN-ASSISTED APPLIANCE.** An appliance equipped with an integral mechanical means to either draw or force products of combustion through the combustion chamber or heat exchanger. ~~A fan-assisted appliance is a type of atmospherically vented gas or oil appliance.~~

**SEALED.** Secured with a product meeting UL 181 or equivalent.

**SOLID FUEL APPLIANCE.** An atmospherically vented appliance that is either a closed combustion solid fuel burning appliance or a decorative ~~wood~~ solid fuel burning appliance.

**KEY: Proposed Rules Section -** Underlining indicates additions to existing rule language. ~~Strikeouts~~ 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. ~~Strikeout~~ indicates deletions from proposed rule language.



# Adopted Rules

## 1346.0404 SECTION 404 ENCLOSED PARKING GARAGES.

Subpart 1. **Section 404.1.** IMC Section 404.1 is amended to read as follows:

**404.1 Enclosed parking garages.** Mechanical ventilation systems for enclosed parking garages shall provide a minimum ~~ventilation~~ exhaust rate of 0.75 cfm per square foot (0.0038 m<sup>3</sup>/s) of floor area. Mechanical ventilation systems are not required to operate continuously where the system is arranged to operate automatically upon detection of a concentration of carbon monoxide of 25 parts per million (ppm) by approved automatic detection devices.

Subp. 2. **Section 404.2.** IMC Section 404.2 is ~~deleted~~ amended to read as follows:

**404.2 Motor vehicle repair garages.** Mechanical ventilation systems for motor vehicle repair garages shall provide a minimum exhaust rate of 0.75 cfm per square foot (0.0038 m<sup>3</sup>/s) of floor area instead of the rate specified in ASHRAE 622001.

## 1346.0501 SECTION 501 GENERAL.

Subp. 2. **Section 501.4.** IMC Section 501.4 is amended to read as follows:

**501.4.1.1 Carbon monoxide detector.** ~~When any atmospherically vented appliance is installed in a new dwelling, a carbon monoxide detector complying with UL Standard 2034 shall be installed in accordance with the manufacturer's installation instructions.~~

**501.4.2.5 Separate makeup air and combustion air openings.** When both makeup air and combustion air openings are required, they shall be provided through separate openings to the outdoors. Refer to IFGC Section 304, to determine requirements for air for combustion and ventilation.

**Exception:** Combination makeup air and combustion air systems may be approved by the building official where they are reasonably equivalent in terms of health, safety, and durability.

**501.4.3 Additions, alterations, or installations of mechanical systems in existing dwellings.** Makeup air shall be supplied to existing dwellings when any of the following conditions occur:

1. If a dwelling was constructed after ~~2002~~ 2003 using the makeup air provisions of IMC Section 501.4.1, makeup air quantity shall be determined by using Table 501.4.1 and shall be supplied according to IMC Section 501.4.2 when any of the following conditions occur:

3. When a solid fuel ~~burning~~ appliance is installed in a dwelling constructed during or after 1994 under the Minnesota Energy Code, *Minnesota Rules*, chapter 7670, makeup air quantity shall be determined by using IMC Table 501.4.1 and shall be supplied according to IMC Section 501.4.2.

**Exception.** If a closed combustion solid fuel burning appliance is installed with combustion air in accordance with the manufacturer's installation instructions, additional makeup air is not required.

6. When a solid fuel ~~burning~~ appliance is installed in a dwelling constructed prior to 1994, makeup air quantity shall be determined by using IMC Table 501.4.3(3) and shall be supplied according to IMC Section 501.4.2.

Table 501.4.1

Procedure to Determine Makeup Air Quantity for Exhaust Equipment in Dwellings

One or multiple power vent or direct vent appliances or no combustion appliances <sup>A</sup>	One or multiple fan-assisted appliances and power vent or direct vent appliances <sup>B</sup>	One atmospherically vented gas or oil appliance or one solid fuel appliance <sup>C</sup>	Multiple atmospherically vented gas or oil appliances or solid fuel appliances <sup>D</sup>
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### 2. Exhaust Capacity

d) 80% of next largest

exhaust not  
rating appli-  
(cfm): cable

(not applicable if recirculating system or if powered makeup air is electrically interlocked and matched to exhaust)

## 1346.0510 SECTION 510 HAZARDOUS EXHAUST SYSTEMS.

Subpart 1. **Section 510.1.** IMC Section 510.1 is amended by adding an exception to the end of this section as follows:

**Exception:** Other than sections 510.4 and 510.7, this section shall not apply to laboratory ventilation

systems that comply with NFPA 45.

Subp. 2. **Section 510.4.** IMC Section 510.4 is amended to read as follows:

**510.4 Independent system.** Hazardous exhaust systems shall be independent of other types of exhaust systems. Incompatible materials, as defined in the International Fire Code, shall not be exhausted through the same hazardous exhaust system. Hazardous exhaust systems where the duct is under positive pressure shall not share common shafts with other duct systems, except where the systems are hazardous exhaust systems originating in the same fire area.

(The second paragraph remains unchanged.)

Subp. 3. **Section 510.7.** IMC Section 510.7 is amended by adding exceptions as follows:

**Exceptions:** An approved automatic fire suppression system shall not be required in:

1. ducts conveying materials, fumes, mists, and vapors that are nonflammable and noncombustible;
2. ducts where the largest crosssectional diameter is less than 10 inches (254 mm); or
3. laboratory hoods or exhaust systems having interiors with a flame spread index less than 25 where the laboratory ventilation system is installed in accordance with NFPA 45.

## 1346.0603 SECTION 603 DUCT CONSTRUCTION AND INSTALLATION.

Subp. 9. **Section 603.8.** IMC Section 603.8 is amended to read as follows:

**603.8 Joints, seams and connections.** All transverse joints, longitudinal seams, and connections shall be securely fastened and sealed in accordance with this section. Pressure sensitive tape shall not be used as the primary sealant for ducts designed to operate at static pressure of one inch water gauge or greater.

Location	Design Static Pressure	Minimum Required Sealing
All locations	Greater than 3.0 inches (750 Pa) water gauge	All transverse joints, longitudinal seams, and duct wall penetrations shall be sealed. Ductwork shall be equal to or less than Leakage Class 6 as defined in Section 4 of the <i>SMACNA HVAC Duct Leakage Test Manual</i> .
Portions of ducts not completely inside the vapor retarder/air barrier enclosing conditioned space	3.0 inches (750 Pa) water gauge and less	All transverse joints, longitudinal seams, and duct wall penetrations shall be sealed with a product meeting UL181 or equivalent.
Portions of return air ducts in the same space as an atmospherically vented or fan assisted appliance.	3.0 inches (750 Pa) water gauge and less	All transverse joints, longitudinal seams, and duct wall penetrations shall be sealed.

**KEY: Proposed Rules Section -** Underlining indicates additions to existing rule language. ~~Strikeouts~~ 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. ~~Strikeout~~ indicates deletions from proposed rule language.

# Adopted Rules

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All locations	Greater than 0.50 to 3.0 inches (125 to 750 Pa) water gauge	All transverse joints and duct wall penetrations shall be sealed.
All locations	0.50 inches (125 Pa) water gauge and less	All transverse joints, longitudinal seams, and duct wall penetrations shall have no visible gaps and shall be sufficiently airtight in accordance with Section 1.7 of the <i>SMACNA HVAC Duct Construction Standards Metal &amp; Flexible</i> .

\*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. Representative sections totaling no less than 25 percent of the total installed duct area for the designated pressure class shall be tested. Duct systems with pressure ratings in excess of three inches water column shall be identified in the construction documents.

## 1346.1004 SECTION 1004 BOILERS.

Subpart 1. **Section 1004.1.** IMC Section 1004.1 is amended to read as follows:

**1004.1 Standards.** Oil-fired boilers and their control systems shall be listed and labeled in accordance with UL 726 and amended IMC Section 301.4 or shall utilize burner assemblies and control systems listed and labeled in accordance with UL 296 and shall be installed in accordance with NFPA 31 and the manufacturer's installation instructions. Electric boilers and their control systems shall be listed and labeled in accordance with UL 834 and amended IMC Section 301.4. Boilers with an input rating above 400,000 Btu/hr (3,660 kW) shall be designed and constructed in accordance with the requirements of the *ASME Boiler and Pressure Vessel Code*, Sections I, II, IV, V, VIII and IX, as applicable. Boilers with an input rating above 400,000 Btu/hr (117 kW) and less than 12,500,000 Btu/hr (3,660 kW) shall comply with ASME CSD 1, and boilers with an input rating of 12,500,000 Btu/hr (3,660 kW) or greater shall comply with NFPA 852001, *Boiler and Combustion Systems Hazards Code*.

## 1346.1007 SECTION 1007 BOILER LOWWATER CUTOFF.

Subpart 1. **Section 1007.1.** IMC Section 1007.1 is amended to read as follows:

**1007.1 General.** AH Steam and hot water boilers shall be protected with a low-water fuel cutoff control to stop the combustion operation when the water level drops below the lowest safe permissible water level in accordance with the following items and any other applicable requirements:

3. A low-water fuel cutoff shall be installed when recommended by the manufacturer's installation instructions or listing and when special consideration and installations will require a low-water fuel cutoff to protect a hot water or steam boiler in the opinion of the building official.

**Exception:** 5. A watertube or coil-type boiler requiring forced circulation to prevent overheating of the tubes or coils shall have a flow-sensing device installed, in lieu of the lowwater fuel cutoff, to automatically stop the combustion operation when the circulating flow is interrupted.

## 1346.1500 CHAPTER 15, REFERENCED STANDARDS.

D. ASHRAE 62-2001 *Ventilation for Acceptable Indoor Air Quality*, including addenda h, i, k, n, o, r, t, u, v, x, z, ab, ad, ae, and af;

## 1346.1601 SECTION 1601 GENERAL.

The IMC is amended by adding a section to read as follows:

### SECTION 1601

#### GENERAL

**1601.1 General.** Chapter 16 governs the installation, testing, or repair of: oil or liquid fuel burners, oil or liquid fuel burning systems,



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## Adopted Rules

oil or liquid fuel burning equipment, and the oil or liquid fuel piping systems installed within, or in conjunction with, buildings or structures. The requirements of this chapter shall apply to the following equipment:

1. Equipment utilized to provide control of environmental conditions.

**Exception:** Equipment and appliances listed and labeled to an appropriate standard by a nationally recognized testing laboratory, which is qualified to evaluate the equipment or appliance, when installed and tested according to the manufacturer's installation instructions.

### 1346.5303 SECTION 303 (IFGC) APPLIANCE LOCATION.

IFGC Section 303.3 is amended to read as follows:

**303.3 Prohibited locations.** Appliances shall not be located in, or obtain combustion air from, any of the following rooms or spaces:

1. Sleeping rooms.
2. Bathrooms.
3. Toilet rooms.
4. Storage closets.
5. Surgical rooms.

**Exceptions:**

1. Direct-vent appliances ~~that obtain all combustion air directly from the outdoors.~~

### 1346.5304 SECTION 304 (IFGC) COMBUSTION, VENTILATION AND DILUTION AIR.

Subpart 1. **Section 304.1.** IFGC Section 304 is deleted and replaced with the following:

**304.1 General.** Air for combustion, ventilation, and dilution of flue gases for gas utilization equipment installed in buildings shall be obtained by application of one of the methods covered in IFGC Section 304.2, 304.3, 304.4, 304.5, or 304.6. Gas utilization equipment of other than natural draft, power vent, and category I vented appliances shall be provided with combustion, ventilation, and dilution air in accordance with the equipment manufacturer's instructions. ~~Where infiltration does not provide the necessary air, outdoor air shall be introduced in accordance with methods covered in IFGC Sections 304.3, 304.4, 304.5, and 304.6. Refer to IFGC Appendix E for Worksheet E-1, "Residential Combustion Air Calculation Method" and Table E-1, "Residential Combustion Air Required Volume."~~

Subp. 7. **Section 304.7.** IFGC Section 304.7 is amended to read as follows:

**304.7.1 Motorized louvers.** Motorized louvers shall be interlocked with the equipment so they are proven in the full open position prior to main burner ignition and during main ~~main~~ burner operation. Means shall be provided to prevent the main burner from igniting should the louver fail to open during burner startup and to shut down the main burner if the louvers close during burner operation.

Subp. 8. **Section 304.8.** IFGC Section 304.8 is amended to read as follows:

**304.8 Combustion air ducts.** Combustion air ducts shall comply with the following:

1. Ducts shall be of galvanized steel or an equivalent corrosionresistant material. If flexible duct is used, increase the duct diameter by one inch. Flexible duct shall be stretched with minimal sags.

9. Combustion air intake openings shall be located to avoid intake of exhaust air in accordance with ~~IFGC Sections 401.5.2 and 503.8~~ IMC Section 401.5.2 and IFGC Section 503.8 and shall be covered with corrosion resistant screen of not less than 1/4 inch (6.4 mm) mesh.

11. When both makeup air and combustion air openings are required, they shall be provided through separate openings to the outdoors. Refer to IMC Section 501.4 to determine requirements for makeup air.

**Exception:** Combination makeup air and combustion air systems may be approved by the building official where they are reasonably equivalent in terms of health, safety, and durability.

### 1346.5401 SECTION 401 (IFGC) GENERAL.

**Section 401.5.1.** IFGC Section 401.5 is amended by adding a section to read as follows:

**401.5.1 Medium and high pressure identification.** Exposed medium and high pressure gas piping systems shall include the operating pressure on the label required by Section 401.5.

### 1346.5404 SECTION 404 (IFGC) PIPING SYSTEM INSTALLATION.

Subp. 3. **Section 404.7.** IFGC Section 404.7 is amend to read as follows:

**404.7 Aboveground piping outdoors.** All piping installed outdoors shall be elevated not less than 3-1/2 inches (152 mm) above ground

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# Adopted Rules

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and, where installed across roof surfaces, shall be elevated not less than 3-1/2 inches (152 mm) above the roof surface. Piping installed above ground, outdoors, and across the surface of roofs shall be securely supported and located where it will be protected from physical damage. Where passing through an outside wall, the piping shall also be protected against corrosion by coating or wrapping with an inert material. Where piping is encased in a protective sleeve, the annular space between the piping and the sleeve shall be sealed.

Subp. 4. **Section 404.8.** IFGC Section 404.8 is amended to read as follows:

**404.8 Protection against corrosion.** Metallic pipe or tubing exposed to corrosive action, such as soil condition or moisture, shall be protected in an approved manner. Zinc coatings (galvanizing) shall not be deemed adequate protection for gas piping underground. Steel pipe exposed in exterior locations shall be galvanized or coated with approved corrosionresistant material. Where dissimilar metals are joined underground, an insulating coupling or fitting shall be used. Piping shall not be laid in contact with cinders.

Subp. 4. ~~5.~~ **Section 404.11.** IFGC Section 404.11 is amended to read as follows:

**404.11 Piping underground beneath buildings.** Piping installed underground beneath buildings is prohibited except where the piping is encased in a conduit of wrought iron, plastic pipe, or steel pipe designed to withstand the superimposed loads and with prior approval from the building official. Such conduit shall extend into an occupiable portion of the building and, at the point where the conduit terminates in the building, the space between the conduit and the gas piping shall be sealed to prevent the possible entrance of any gas leakage. Where the end sealing is capable of withstanding the full pressure of the gas pipe, the conduit shall be designed for the same pressure as the pipe. Such conduit shall extend not less than 4 inches (102 mm) outside the building, shall be vented above grade to the outdoors, and shall be installed so as to prevent the entrance of water and insects. Such conduit shall be identified with a yellow label marked "Gas" in black letters, spaced at intervals not exceeding 5 feet (1,524 mm), and shall be located a minimum of 6 inches (152 mm) below the bottom of the concrete floor. The conduit shall be protected from corrosion in accordance with IFGC Section 404.8.

Subp. 5. ~~6.~~ **Section 404.15.** IFGC Section 404.15 is amended to read as follows:

**404.15 Prohibited devices.** A device shall not be placed inside the piping or fittings that will obstruct the free flow of gas.

## 1346.5801 SECTION 801 (IFGC) GENERAL.

The IFGC is amended by adding a chapter to read as follows:

### SECTION 801

#### GENERAL

**801.1 General.** Chapter 8 shall regulate the installation and testing or repair of gas or fuel burning systems, gas or fuel burners, and gas or fuel burning equipment installed within, or in conjunction with, building or structures. The requirements of this chapter shall apply to the following equipment:

1. Equipment utilized to provide control of environmental conditions.

**Exception:** Equipment and appliances listed and labeled to an appropriate standard by a nationally recognized testing laboratory, which is qualified to evaluate the equipment or appliance, when installed and tested according to the manufacturer's installation instructions.

## 1346.5804 SECTION 804 (IFGC) BURNER OPERATION.

The IFGC is amended by adding a section to read as follows:

### SECTION 804

#### BURNER OPERATION

**804.1 Burner operation.** When testing to determine compliance with this section, care shall be exercised to prevent the accumulation of unburned gas or fuel in the appliance or flues that might result in explosion or fire.

8. Dual fuel burners may have controls common or independent to both fuels. Transfer from one fuel to the other shall be by a manual interlock switching system to prevent the gas and other fuel being used simultaneously except by special permission from the building official. The building official shall consider whether an exception will provide equivalent safety. The transfer switch shall have a center off position and shall not pass through the center off position without stopping in the center off position.

## 1346.5805 SECTION 805 (IFGC) METHOD OF TEST.

The IFGC is amended by adding a section to read as follows:

### SECTION 805

#### METHOD OF TEST

### 805.1 Method of test.

#### 7. Oxygen concentration.

a. The concentration of oxygen in the undiluted flue products of gas or fuel burners shall in no case ~~by be~~ less than 3 percent nor more than 10 percent, shall be in conformance with applicable performance standards and shall be consistent with the appliance listing.

8. **Approved oxygen trim system.** The oxygen figures may not apply when there is an approved oxygen trim system on the burner that

# Adopted Rules

is designed for that use, including a low oxygen interlock when approved by the building official. The building official shall consider whether an exception will provide equivalent safety.

## 1346.5806 SECTION 806 (IFGC) PRESSURE REGULATORS.

The IFGC is amended by adding a section to read as follows:

### SECTION 806 PRESSURE REGULATORS

#### 806.1 Pressure regulators.

(a) General.

4. ~~Medium and high pressure regulators shall have the upstream pressure identified by a metal tag permanently attached to the regulator stating the inlet and outlet gas pressures and the words "WARNING! HIGH PRESSURE GAS! DO NOT REMOVE!"~~

5. All regulators with inlet gas pressure exceeding 14 inches water column pressure or used on an appliance having an input exceeding 400,000 Btu/hr shall be vented to the outdoors in separate vents sized according to the manufacturer's specifications.

**Exception:** Regulators equipped with limiting orifices installed in accordance with amended IFGC Section 410.3.

6. ~~5.~~ Regulators may not be vented into a combustion chamber or an appliance vent.

7. ~~6.~~ Regulator vents shall terminate at least 3 feet (914 mm) from doors, operable windows, nonmechanical intake openings, and openings into direct-vent appliances. The vent termination shall be located at least 12 inches (305 mm) above grade and shall be suitably screened and hooded to prevent accidental closure of the vent pipe.

8. ~~7.~~ All pounds-to-pounds and pounds-to-inches regulators used as appliance regulators where downstream controls are not rated for upstream pressure shall be of the full lockup type.

(b) Primary.

~~All pounds-to-pounds or pounds-to-inches gas pressure regulators shall be designed to regulate at a pressure of not less than the gas supplier delivery pressure.~~

(c) Appliance.

## 1346.5900 SECTION 900 MANUFACTURED HOME PARK/COMMUNITY FUEL GAS EQUIPMENT AND INSTALLATION.

The IFGC is amended by adding a chapter to read as follows:

### CHAPTER 9 MANUFACTURED HOME PARK/COMMUNITY FUEL GAS EQUIPMENT AND INSTALLATION

**911 Maintenance.** The manufactured home park/community operator shall be responsible for maintaining all gas piping installations and equipment in good working condition.

IMC Appendix C, Table C-1

Recommended Capacities for Domestic Kitchen Exhaust Hoods  
Equipment with Grills or

Hood Size	Deep Fryers (Number of Exposed Sides)		Ranges and Ovens (Number of Exposed Sides)	
Area (Sq. Ft.)	Four (CFM)	Three (CFM)	Four (CFM)	Three (CFM)
Up to 4	Up to 400	Up to 300	Up to 300	Up to 200
4	400	300	300	200
4.5	450	338	338	225
5	500	375	375	250
5.5	550	413	413	275
6	600	450	450	300
6.5	650	488	488	325
7	700	525	525	350
7.5	750	563	563	375

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## Adopted Rules

8	800	600	600	400
8.5	850	638	638	425
9	900	675	675	450
9.5	950	713	713	475
10	1,000	750	750	500
10.5	1,050	788	788	525
11	1,100	825	825	550
11.5	1,150	863	863	575
12	1,200	900	900	600
12.5	1,250	938	938	625
13	1,300	975	975	650
13.5	1,350	1,013	1,013	675
14	1,400	1,050	1,050	700
14.5	1,450	1,088	1,088	725
15	1,500	1,125	1,125	750
15.5	1,550	1,163	1,163	775
16	1,600	1,200	1,200	800

**IFGC Appendix E, Worksheet E-1**  
**Residential Combustion Air Calculation Method**  
(for Furnace, Boiler, and/or Water Heater in the Same Space)

**Step 4:** Determine Required Volume for Combustion Air.

**4b. Known Air Infiltration Rate (KAIR) Method**

Total Btu/hr input of all fan-assisted and power vent appliances (DO NOT COUNT DIRECT VENT APPLIANCES)

Input: \_\_\_\_\_ Btu/hr

Use Fan-Assisted Appliances column in Table E1 to find Required Volume Fan-Assisted (RVFA)

RVFA: \_\_\_\_\_ ft<sup>3</sup>

Total Btu/hr input of all non-fan-assisted appliances

Input: \_\_\_\_\_ Btu/hr

Use Non-Fan-Assisted Appliances column in Table E1 to find Required Volume Non-Fan-Assisted (RVNFA)

RVNFA: \_\_\_\_\_ ft<sup>3</sup>

Total Required Volume (TRV) = RVFA + RVNFA

RV = \_\_\_\_\_ + \_\_\_\_\_ = \_\_\_\_\_ ft<sup>3</sup>

If CAS Volume (from Step 2) **is greater than** TRV then no outdoor openings are needed.

If CAS Volume (from Step 2) **is less than** TRV then go to **STEP 5**.

## Board of Dentistry

### Adopted Permanent Rules Relating to Licensure and Registration Renewal and Continuing Education/Professional Development

The rules proposed and published at *State Register*, Volume 28, Number 45, pages 1387-1397, May 10, 2004 (28 SR 1387), are adopted with the following modifications:

**3100.1850 REINSTATEMENT OF LICENSURE OR REGISTRATION.**

Subpart 1. **Requirements.** Upon complying with the requirements specified in this part, the applicant's license or registration shall be reinstated. Any person desiring the reinstatement of a license or registration which expired pursuant to part 3100.1700, subpart 3, or was voluntarily terminated shall:

- A. submit to the board a completed reinstatement application form provided by the board;
- B. submit with the reinstatement application the fee specified in part 3100.2000, subpart 6; and

## Adopted Rules

C. if the applicant cannot provide the information required on the application form, submit either:

(1) evidence of having successfully completed part II of the national board examination or the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination or the clinical examination specified in part 3100.1200, item C, for dental hygienists; or the registration examination specified in part 3100.1300, item C, for registered dental assistants; or

(2) a statement setting forth the facts concerning the expiration or voluntary termination, request a waiver of the applicable examination on the basis of those facts and, if desired, request an interview before the appropriate board committee. If the board committee finds from the statement or any other evidence submitted, that good cause has been shown for granting a waiver of the applicable examination, the board committee shall waive the examination requirement and, if determined necessary, stipulate a reentry educational program on a casebycase basis.

Upon reinstatement, the person shall be assigned to the biennial term to which the licensee or registrant was assigned prior to termination of the license or registration. ~~include with the reinstatement application a letter stating the reasons for applying for reinstatement; and~~

D. comply with the applicable provisions of subparts 2 to 5.

Upon reinstatement, the person shall be assigned to the biennial term to which the licensee or registrant was assigned prior to termination of the license or registration.

Subp. 2. ~~See repeater: Expiration or voluntary termination of six months or less than five years.~~ Applicants ~~An applicant~~ whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated ~~their~~ the license or registration ~~six months or less than five years~~ previous to the application for reinstatement must:

A. ~~Submit provide~~ evidence of having completed the ~~CDE professional development~~ requirements as described under part 3100.5200 that would have applied to ~~them~~ the applicant had their licenses ~~the license~~ or registration not expired. ~~If the license or registration had expired because of failure to meet CDE requirements or if the applicant's CDE cycle concluded during the time that the license or registration was in expired status and the requirements had not been complied with, the applicant must first successfully complete part II of the national board examination or the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination or the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the examination for initial registration for registered dental assistants. Professional development requirements must have been completed within 24 months prior to the board's receipt of the application; and~~

B. ~~pay the annual biennial renewal fees fee and applicable penalty fees for the years between expiration or termination of licensure or registration and filing~~ file a reinstatement application as specified in part 3100.1850, subpart 1.

Subp. 2a. ~~Expiration or voluntary termination of more than six months but less than 24 months.~~ An applicant whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated the license or registration more than six months but less than 24 months previous to the application for reimbursement must:

A. ~~provide evidence of having completed the professional development requirements as described under part 3100.5200 that would have applied to the applicant had the license or registration not expired. Professional development requirements must have been completed within 24 months prior to the board's receipt of the application;~~

B. ~~pay the biennial renewal fee and file a reinstatement application as specified in part 3100.1850, subpart 1;~~

C. ~~submit evidence of having successfully completed the examination of the laws of Minnesota relating to dentistry and the rules of the board. The examination must have been completed within 12 months prior to the board's receipt of the application;~~

D. ~~submit evidence of having had a complete physical examination to include a physician's statement attesting to the applicant's physical and mental condition. The physical examination must have been completed within 12 months prior to the board's receipt of the application; and~~

E. ~~submit evidence of having had a complete optical examination and having complied with required optical prescriptions. The optical examination must have been completed within 12 months prior to the board's receipt of the application.~~

Subp. 3. ~~See repeater: Expiration or voluntary termination of 24 months or more than five years.~~ Applicants ~~An applicant~~ whose license or registration has expired pursuant to part 3100.1700, subpart 3, or who voluntarily terminated ~~their~~ the license or registration ~~24 months or more than five years~~ previous to the application for reinstatement must:

A. ~~comply with the provisions of part 3100.1850, subpart 2a, items A to E; and~~

B. ~~submit either:~~

(1) evidence of having successfully completed part II of the national board examination ~~and or~~ the clinical examination specified in part 3100.1100, subpart 2, for dentists; the national board examination ~~and or~~ the clinical examination specified in part 3100.1200, item C, for dental hygienists; and the registration examination specified in part 3100.1300, item C, for registered dental assistants. ~~The examination must have been completed within 24 months prior to the board's receipt of the application; or~~

(2) evidence of having successfully completed applicable board-approved coursework with minimal hour requirements directly

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# Adopted Rules

relating to the practice of dentistry, dental hygiene, or dental assisting as indicated in the reinstatement application. The board-approved coursework must have been completed within 24 months prior to the board's receipt of the application.

~~B. Pay the annual renewal fees and applicable penalty fees for the five years immediately preceding application for reinstatement.~~

## 3100.5100 PROFESSIONAL DEVELOPMENT.

Subp. 3. **Professional development activities.** Professional development activities include, but are not limited to, continuing education, community services, publications, and career accomplishments throughout a professional's life. Professional development activities are categorized as fundamental or elective activities as described in items A and B.

A. Fundamental activities include, but are not limited to, clinical subjects, core subjects, and CPR training. Examples of fundamental activities for an initial or biennial cycle are as described in subitems (1) to (4).

(4) The board shall approve other additional fundamental activities if the board finds the activity to be a seminar, symposium, lecture, or program whose contents are directly related to dental care and treatment to patients or public safety and professionalism.

**REPEALER.** *Minnesota Rules*, parts 3100.0100, subpart 20; ~~3100.1850, subparts 2 and 3~~; 3100.2000, subparts 8 and 8a; 3100.4100; 3100.4200; 3100.4300; 3100.4400; 3100.4500; and 3100.4600, are repealed.

## Official Notices

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

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

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C on Behalf of Bradley Milbrath

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on October 4, 2004, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 44 acres of bare farmland located immediately south of Okabena, MN on the west side of County Road 9; Section 7, West Heron Lake Township, Jackson County, Minnesota on behalf of Bradley Milbrath, (the Borrower/s).

The maximum aggregate face amount of the proposed bond issue is \$60,000.00.

The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof.

Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: September 1, 2004

Jim Boerboom  
RFA Executive Director

**Department of Agriculture****Rural Finance Authority Board****REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Loan Programs, *Minnesota Rules* Chapters 1650, 1651, 1653, 1655, and 1656**

**Subject of the Rule.** The Rural Finance Authority Board requests comments on its planned amendments to rules governing loan programs. The board is considering amendments that modify borrower eligibility standards and reflect changes to statutes.

**Persons Affected.** The amendments to rules would likely affect farmers who participate in the program and lenders who originate program loans. The board contemplates appointing an advisory committee to comment on the planned rules.

**Statutory Authority.** *Minnesota Statutes*, section 41B.07 allows the authority to adopt rules for the efficient administration of the Rural Finance Authority.

**Public Comment.** Interested persons or groups may submit comments or information on the possible rules in writing or orally until 4:30 p.m. on November 12, 2004. The board does not anticipate that a draft of the rule will be available before publication of the proposed rule. Written or oral comments, questions, requests to receive a draft proposed rules when prepared, and requests for more information on the possible rules should be addressed to: Jim Boerboom, Rural Finance Authority, 90 W. Plato Blvd., St. Paul, MN 55107: **Phone** (651) 297-3395, **Fax** (651) 297-5522, **E-mail:** [jim.boerboom@state.mn.us](mailto:jim.boerboom@state.mn.us). TTY users may contact the Board of Agriculture through Minnesota Relay Service at (800) 627-3529.

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 2 September 2004

Jim Boerboom,  
Executive Director

**Minnesota Comprehensive Health Association****Notice of Meeting of the Communications Committee**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Communications Committee will be held at 9:30 a.m. on Wednesday, September 15, 2004. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

**Minnesota Comprehensive Health Association****Notice of Meeting of the Finance Committee**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Finance Committee will be held at 10:00 a.m. on Monday, September 20, 2004. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

**Minnesota Department of Health****Health Policy, Information and Compliance Monitoring Division****Notice of Intent to Adopt Exempt Rules Regarding a Manual for Minnesota Standards for the Use of the ADA Dental Claim Form (2002); Per *Minnesota Statutes, section 62J.52, subdivision 3.***

**Introduction.** Notice is hereby given that the Minnesota Department of Health (MDH) is seeking information or opinions from outside sources on rules for the standard for the completing the paper ADA Dental Claim Form (2002) as developed by the Administrative Uniformity Committee (AUC) and the Dental Claim Technical Advisory Group. The ADA Dental Claim Form (2002) was developed by the American Dental Association. This rule is a description of the conventions for completing the paper claim form.

# Official Notices

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**Contact Person.** MDH requests information and opinions concerning the applicability and functionality of the rule. Interested persons or groups may submit data or views in writing. Written statements should be addressed to Tracy Johnson, MDH, P.O. Box 64882, St. Paul, MN 55164-0882, **Internet** at [tracy.l.johnson@health.state.mn.us](mailto:tracy.l.johnson@health.state.mn.us) or **fax** (651) 282-5628.

**Description of the Rules.** *Minnesota Statutes, section 62J.52, subdivision 3*, requires all dental services provided in Minnesota that are not billed using an electronic format, shall be billed using the American Dental Association uniform dental billing form. Under *Minnesota Statutes, section 62J.61*, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59. Because the Commissioner of Health has determined that it is unduly cumbersome to publish the entire text of the proposed rules, the Commissioner of Health is publishing this notice of the proposed rules with a detailed description.

**Public Review Process.** MDH will provide free copies of the draft rule in paper or electronic PDF format to persons and organizations interested in reviewing the rule. The draft rule will be available as of Monday, September 13, 2004. ***Comments and suggestions for improvements on the rule will be accepted at the above address until October 12, 2004.*** After the Commissioner of Health has considered all comments received, the Commissioner will publish a notice of adoption in the *State Register*. The rules will take effect 30 days after the notice of adoption is published.

**How to Obtain the Manual.** A free copy of the proposed rules is available upon request. Persons who wish to obtain a paper copy should call Tracy Johnson at MDH, (651) 282-5650, or fax a request to (651) 282-5628 or write at the address above. The document will also be available for downloading on the World Wide Web at <http://www.mmaonline.net/auc>.

Dated: September 13, 2004

Dianne M. Mandernach, Commissioner  
Department of Health

## Department of Human Services

### All Drugs Added to Authorization List as a Condition of Minnesota Health Care Programs (MHCP) Payment

The following is a listing of added drugs to the current authorization list. The newly added drug codes will require authorization on or after October 1, 2004. As authorized by *Minnesota Statutes*, section 256B.0625 subdivision 25, the following list includes all drugs that have been added requiring authorization as a condition of Minnesota Health Care Programs (MHCP) payment. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health services needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health services are generally available.
- D. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

These newly added non preferred drugs will require Authorization for services provided on or after October 1, 2004

#### DRUGS

##### Added drugs

Aciphex  
Avandia  
Clarinex  
Protonix

## **Metropolitan Council**

### **Adoption of the 2005-2008 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area**

The Metropolitan Council intends to adopt the 2005-2008 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area at its meeting October 13, 2004. The program includes highway, transit, bikeway and pedestrian enhancements and air quality projects that use federal funds in the seven-county metropolitan area over the next three years. The program is prepared annually in accordance with federal requirements and must contain all projects that are to be implemented with federal transportation funding assistance. This TIP also contains Metropolitan Council's Program of Projects (POP).

- **Metropolitan Council Meeting**

Wednesday, October 13, 2004, 4:00 PM

Metropolitan Council Chambers

Mears Park Centre, 230 East Fifth Street

St. Paul, Minnesota

The TIP is prepared jointly by the Metropolitan Council and the Minnesota Department of Transportation. Projects contained in the TIP reflect the region's priorities and help implement the region's transportation plan. Projects have been analyzed to determine impact on regional air quality. Progress made on implementing the region's transportation plan is reported in the TIP.

The Council's Transportation Advisory Board (TAB) initiated the public input process on June 16, 2004, when it adopted the draft 2005-2008 TIP for purposes of a public hearing. The public hearing was held on July 21, 2004. The public comment period closed on August 2, 2004. Copies of all comments received were sent to TAB Members for their consideration. Staff response and recommendations were included in the public hearing report that will also be considered by the Council on October 13, 2004.

Upon request, the Council will provide reasonable accommodation to persons with disabilities. Free copies of the 2005-2008 Transportation Improvement Program are available at the Council's Regional Data Center. **Call** (651) 602-1140 or **TTY** (651) 291-0904 to request a copy. Other background materials describing the Council's transportation planning and programming efforts also are available.

**Questions** about the hearings or transportation assumption and technical materials may be directed to Kevin Roggenbuck (651) 602-1728, or Carl Ohrn (651) 602-1719, Metropolitan Council, 230 East Fifth Street, St. Paul, MN 55101.

## **Minnesota Board of Peace Officers Standards and Training**

### **REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Licensing, *Minnesota Rules*, Chapter 6700.0501, Reciprocity Licensing Examination**

**Subject of Rules.** The Minnesota Board of Peace Officer Standards and Training requests comments on its possible amendment to rules governing licensing. The Board is considering rule amendments to change the requirements to qualify for the reciprocity examination. The current matrix was devised in the late 1980s to ensure a uniform interpretation of *comparable law enforcement experience* for officers from other states seeking reciprocity with Minnesota. One of the concerns is that Minnesota requires a postsecondary degree for Minnesota-trained officers but does not require it for out-of-state officers to be eligible to take the reciprocity exam. In addition, the certification requirements in most, if not all, other states have increased to the point where the current matrix is obsolete. The Board tried to bring the standards in-line with the requirements for Minnesota-trained officers by initially proposing a degree requirement for reciprocity, but compromised after listening to concerns from law enforcement associations with the current proposed changes of three years of experience plus a postsecondary degree or five years of experience.

**Persons Affected.** The amendment to the rules will affect the eligibility of individuals from other states who wish to qualify to take the reciprocity licensing exam.

**Statutory Authority.** *Minnesota Statutes*, sections 626.84 to 626.863, authorizes the Board to adopt rules and standards relating to the selection, education and training of peace officers and part-time peace officers in the state of Minnesota.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the proposed rules.

**Rules Draft.** The Board has prepared a draft of the proposed rules amendments.

**Agency Contact Person.** Written comments, questions or requests for more information on these possible rules should be directed to: Dee Dodge at the Minnesota Board of Peace Officer Standards and Training, 1600 University Avenue, Suite 200, St. Paul, Minnesota 55104, or at **Phone:** (651) 643-3064; **Fax:** or at (651) 643-3072; or **E-mail:** [dee.dodge@state.mn.us](mailto:dee.dodge@state.mn.us). **TTY** users may call the Board at (651) 297-2100.

# Official Notices

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

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: September 7, 2004

Neil W. Melton, Executive Director  
Minnesota Board of Peace Officer Standards and Training

## Minnesota State Retirement System Regular Meeting of the Board of Directors

The Board of Directors of the Minnesota State Retirement System (MSRS) is scheduled to meet on Thursday, September 16, 2004, at 9:00 a.m. in the Retirement Systems of Minnesota Building, 60 Empire Drive, Suite 117, Saint Paul, Minnesota.

## Minnesota State Retirement System (MSRS), Public Employees Retirement Association (PERA), and Teachers Retirement Association (TRA) Notice of Joint Board Meeting

A joint meeting of the Boards of the Minnesota State Retirement System, Public Employees Retirement Association, and Teachers Retirement Association will be held on Thursday, September 16, 2004, at 1:00 p.m. at the Retirement Systems of Minnesota Building, 60 Empire Drive, Room 106, St. Paul, Minnesota.

## Public Employees Retirement Association Notice of Meeting of the Board of Trustees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, September 16, 2004, at 9:30 a.m., in the PERA offices, 60 Empire Drive, Room 117, Saint Paul, Minnesota.

## Department of Transportation State Aid for Local Transportation Division Notice of Appointment and Meeting of a State Aid Variance Committee

**NOTICE IS HEREBY GIVEN** that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Thursday, September 30, 2004 at 9:00 a.m. at the Mn/DOT Arden Hills Training Center, located at 1900 West County Road I, in Shoreview, Minnesota, 55126.

This notice is given pursuant to *Minnesota Statute* 47k.705.

The purpose of this open meeting is to investigate and determine recommendations for variance requests from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3300 adopted pursuant to *Minnesota Statutes* Chapters 161 and 162.

The agenda will be limited to the following:

**1. Petition of Hennepin County** for a variance from *Minnesota Rules* 8820.9936, as they apply to the reconstruction of CSAH 3 (Lake Street) between 2<sup>nd</sup> Avenue and 21<sup>st</sup> Avenue in Minneapolis, Minnesota, under State Aid project number 27-603-31, so as to allow



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## Official Notices

10.83 foot travel lanes in lieu of required 11 foot width and a 1.5 foot curb reaction distance in lieu of the required 2 foot distance.

**2. Petition of the City of Woodbury** for a variance from *Minnesota Rules* 8820.9936, as they apply to the proposed improvement project with S.A.P. 82-616-17 and S.A.P. 192-101-09 on Weir Drive between Valley Creek Road to 500 north of Valley Creek Road in the City of Woodbury, Minnesota, so as to allow 25.5 mph and 27.6 mph design speed for northbound and southbound respectively, based on a normal crown of -0.02 ft/ft/, in lieu of s30 mph design speed required.

**3. Petition of Wabasha County** for a variance from *Minnesota Rules* 8820.9920, as they apply to the reconstruction of project number S.A.P. 79-606-15 on a portion of CSAH 6 approach to old bridge number L-1006, located 0.6 miles south of CSAH 11 in Wabasha County, Minnesota, so as to allow for a 30 mph design speed, in the lieu of minimum 40 mph design speed required and a 21 foot recovery area, in lieu of a 27 foot recovery area required.

**4. Petition of Lake of the Woods County** for a variance from *Minnesota Rules* 8820.9961, as they apply to the proposed reconstruction of two block portion of Main Avenue in Baudette from T.H. 11, north to 2<sup>nd</sup> Street NW (CSAH 26), in the Lake of the Woods county, Minnesota, so as to allow street width of 62 feet and allow 45-degree diagonal parking, in lieu of required 68 feet street width and 45-dgree diagonal parking.

**5. Petition of Morrison County** for a variance from *Minnesota Rules* 8820.9961, as they apply to the proposed improvement project on CSAH 3 from U.S. Trunk Highway 10 to CSAH 1 in Morrison County, Minnesota, State Aid project number 49-603-02, so as to allow for design of 60-degree diagonal parking in an existing 35 mph speed zone, in lieu of 30 mph speed zone required.

**6. Petition of the City of Duluth** for a variance from *Minnesota Rules* 8820.1500, as they apply to the proposed State Aid project number 118-199-01, in the City of Duluth, Minnesota, so as to allow for reimbursement of project development and construction engineering costs in excess of the 25 percent limitation.

9:20 a.m.	Hennepin County
9:40 a.m.	City of Woodbury
10:00 a.m.	Wabasha County
10:20 a.m.	Lake of the Woods County
10:40 a.m.	Morrison County
11:00 a.m.	City of Duluth

Dated: September 2, 2003

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

## Department of Transportation

### State Aid for Local Transportation Division

### Petition of the City of Stillwater for a Variance from State Aid Procedural and Administrative Requirements

**NOTICE IS HEREBY GIVEN** that the City of Stillwater Council has made written request to the Commissioner of Transportation pursuant to Minnesota Rules, part 8820.2800, subpart 2, Local State Aid Route Standards, Financing, for a variance from rules pertaining to State Aid operations as they apply to improvement project S.A.P. 169-106-05 in the City of Stillwater, Minnesota.

The request is for variance from *Minnesota Rules*, part 8820.2800, subpart 2, adopted pursuant to *Minnesota Statutes*, chapters 161 and 162, and insofar as the rules apply to the proposed improvement project S.A.P. 169-106-05, to permit the approval of project plans after bids are opened in lieu of approval by the State Aid Engineer prior to the opening of contract bids.

If a written objection is received within 20 days of published date of this notice in the State Register, the variance can granted only after a contested case hearing has been held on the request.

Dated: September 2, 2004

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

## State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

## Office of Justice Programs

### Notice of Availability of Funds for Abused Children or Parenting Time Center Services in Judicial District 3 FY05

The Office of Justice Programs (OJP) announces the availability of grant funds for abused children or parenting time center services in one or more counties in Judicial District 3 (Dodge, Fillmore, Freeborn, Houston, Mower, Olmsted, Rice, Steele, Wabasha, Waseca and Winona). One grant of up to \$30,750 in State funding is available for the 8-month period of November 1, 2004 – June 30, 2005. The successful applicant will be eligible to apply for Fiscal Year 2006 (July 1, 2005 – June 30, 2006) funds in the amount of \$30,750. Eligible applicants are non-profit, non-governmental victim service programs; local units of government or Indian tribal governments.

Applicants will be responsible for planning and implementing services according to minimum programmatic standards developed by OJP.

The full Request for Proposals (RFP) will be available beginning Monday, September 13, 2004, on OJP's Web-Enabled Grants Operations (WEGO) system at <http://www.wego.dps.state.mn.us>. All applications must be completed and submitted on WEGO by **4:30 p.m. on Monday, October 18, 2004.**

Please contact Chris Anderson at 651-205-4820 or [chris.anderson@state.mn.us](mailto:chris.anderson@state.mn.us) with questions or to establish a user ID on WEGO.

## State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

## Colleges and Universities, Minnesota State (MnSCU)

### Minneapolis Community & Technical College

### NOTICE OF INTENT to Solicit Bids for Printing and Mailing of Class Schedules for 2005 (Spring, Summer, Fall)

**Description:** Bid will consist of three different class schedules. Tabloid-size 10 3/4" x 17" saddle-stitched. Refold to 10 3/4" x 8 1/2". Image area approximately 9 3/4" x 15 7/8" w/no bleeds. 35# white Alternative Offset self-cover. Black and 1 PMS throughout. Also furnish price for possible 4 color process (4/2) front cover. Bids requested for quantities of 125,000 – 200,000 and page ranges of 12, 16, 28, 32 and 36.

**Print schedule** -Spring 2005 issue to printer 10/15/04 and deliver by 10/28/04. Summer and Fall schedules to be delivered to printer mid-March 2005. 10 day turn-around requested.

**Bid Questions:**

Sandra Wolfe Wood – Graphic Designer

**Phone:** (612) 659-6223

**E-mail:** [Sandra.WolfeWood@minneapolis.edu](mailto:Sandra.WolfeWood@minneapolis.edu)

**Deadline for Bids:**

1:00 p.m. – Monday September 27, 2004

**Contact for bid copies and to submit bids:** Michael Noble-Olson – Purchasing Manager  
Minneapolis Community & Technical College  
1501 Hennepin Avenue – Business Office  
Minneapolis, MN 55403  
**Phone:** (612) 659-6866  
**E-mail:** [Michael.Noble-Olson@minneapolis.edu](mailto:Michael.Noble-Olson@minneapolis.edu)

## Department of Human Services

### Request for Proposals to Identify Qualified Testing Laboratories to Provide Genetic Testing and Other Associated Services in Title IV-D Paternity Cases

The Minnesota Department of Human Services, Office of Child Support Enforcement, is seeking proposals from qualified testing laboratories for the purpose of providing genetic testing and other associated services in Title IV-D paternity cases. In accordance with 42 U.S.C. §666(a)(5)(F), 45 C.F.R. §303.5(c), and 45 C.F.R. §304.20(d), the primary goal of this RFP is to identify laboratories that provide accurate, reliable, legally admissible parentage tests and/or court testimony in Title IV-D paternity cases at competitive prices.

Responders must have American Association of Blood Banks (AABB) accreditation as a parentage testing laboratory and be licensed by the United States Department of Health and Human Services (DHHS) to perform intra and interstate testing. It is anticipated that the State will contract with multiple genetic testing laboratories as a result of this RFP. Any contracts awarded as a result of this RFP will be for two (2) years from the date of execution, with the option of extending the contracts for three additional one year periods. The anticipated start date of the contracts is February 16, 2005.

In Minnesota, the Title IV-D child support program is supervised by the State and administered by the State's 87 Counties through 84 separate county child support offices. A list of approved genetic testing laboratories, upon execution of contracts, will be made available to each County. Each County will have sole discretion to select which of the approved genetic testing laboratories the County will utilize for paternity testing. Costs for testing will be paid for by the individual Counties and not the State. In order to receive the maximum amount of federal reimbursement of their genetic testing costs, Minnesota Counties must use a lab from the list or perform their own competitive procurement. In addition to Counties, the State's list of successful genetic testing laboratories will also be made available to the courts, law enforcement officials, and to the public upon request.

The deadline for submitting proposals is **October 18, 2004**. To receive a full copy of the Request for Proposals contact the Minnesota Department of Human Services at:

Minnesota Department of Human Services  
Attention: Melissa Rossow  
444 Lafayette Road  
St. Paul, MN 55155-3846  
**Phone:** (651) 215-5613  
**E-mail:** [melissa.rossow@state.mn.us](mailto:melissa.rossow@state.mn.us)

## Department of Natural Resources

### Notice of Sale of State Metallic Minerals Leases

**NOTICE IS HEREBY GIVEN** that a sale of leases to explore for, mine and remove metallic minerals in trust fund lands, lands and minerals forfeited for non-payment of taxes, lands and minerals otherwise acquired, and other state-owned land under the jurisdiction of the Commissioner of Natural Resources, and located in portions of Itasca, Kanabec, Lake, Mille Lacs, and Saint Louis Counties, is scheduled to be held on October 13, 2004, at 9:00 a.m. The sale will take place in the Fourth Floor Conference Room, Department of Natural Resources, 500 Lafayette Road, Saint Paul, Minnesota.

The Commissioner of Natural Resources, c/o Division of Lands and Minerals, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045, will receive sealed bids and applications for leases covering minerals in state lands, in accordance with Minnesota Rules, parts 6125.0100 through 6125.0700, the metallic minerals rules, issued under the authority of Minnesota Statutes, sections 93.08 through 93.12 and 93.25.

Each bid must be submitted on a form obtained from the Commissioner. Each bid form must be accompanied by a certified check, cashier's check, or bank money order, payable to the Department of Natural Resources in the sum of the following amounts: a) an application fee of \$100.00 for each mining unit bid upon; and b) rental for one full calendar year for each mining unit bid upon. All bids must be received by the Commissioner at the office of the Division of Lands and Minerals, Fourth Floor, DNR Building, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045, before 4:30 p.m. of October 12, 2004.

# State Contracts

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On October 13, 2004, at the time specified, the Commissioner or his representative will publicly open the bids and announce the amount of each bid separately. At a subsequent time leases will be awarded by the Commissioner, with the approval of the State Executive Council, to the highest bidder for the respective mining units, but no bids will be accepted that do not equal or exceed the base royalty rates set forth in the rules or that do not comply with all provisions of the rules. The right is reserved to the State, through the Executive Council, to reject any or all bids.

The purpose of Minnesota's metallic minerals rules is to promote and regulate the prospecting for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under the rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals which increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and the submission of exploration plans. In addition, the state lessee must comply with all applicable regulatory laws. No land or water areas within the Boundary Waters Canoe Area Wilderness or Voyageurs National Park are included in this or any state mineral lease sale.

After the conclusion of the sale, the Commissioner shall request each high bidder to provide evidence the bidder is qualified to hold state mineral leases pursuant to *Minnesota Rules*, part 6125.0410. The rules state that a lease will only be issued to an applicant qualified to do business in Minnesota and qualified to conduct exploratory borings in Minnesota. In addition, the Commissioner may request evidence that the lease applicant is technically and financially capable of performing under the terms of a state mineral lease. The requested evidence must be provided within 45 days of the request from the Commissioner or the bids from that high bidder will be rejected.

Upon the award of a lease, the application fee submitted with the bid will be deposited with the State Treasurer as a fee for the lease. All bids not accepted will become void, and the application fee and rental payment accompanying such bids will be returned to the respective bidders; provided, however, the application fee and rental payment accompanying a bid shall not be returned if the bidder was the high bidder and subsequently withdrew the bid prior to the awarding of a lease.

Bid forms, instructions on how bids are to be submitted, copies of the rules (Minnesota Rules, parts 6125.0100 through 6125.0700) and copies of the Mining Unit Book, listing the land areas designated by the Commissioner as mining units, may be obtained from the Transactions Section, Division of Lands and Minerals, DNR Building, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045. E-mail inquiries may be sent to [kathy.lewis@dnr.state.mn.us](mailto:kathy.lewis@dnr.state.mn.us).

The Mining Unit Book will be available at least thirty days prior to October 13, 2004. Application for each copy of the Mining Unit Book must be accompanied by a check or money order, payable to the Department of Natural Resources in the sum of \$20.00, as a fee for such Mining Unit Book, plus \$1.30 State of Minnesota Sales Tax. Unit books will also be available for inspection at the Hibbing and Saint Paul offices of the Division of Lands and Minerals, and on the internet through the DNR website at [www.dnr.state.mn.us/lands\\_minerals](http://www.dnr.state.mn.us/lands_minerals).

Dated: September 1, 2004

Gene Merriam, Commissioner  
Department of Natural Resources  
Saint Paul, Minnesota

## Department of Transportation Engineering Services Division

### Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's **web site** at: <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento  
Pre-Qualification Administrator  
Minnesota Department of Transportation  
Consultant Services  
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680  
St. Paul, MN 55155

**Note: DUE DATE:**

**APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.**

## Department of Transportation

### Engineering Services Division

#### Notice Concerning Professional/Technical Contract Opportunities

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult).

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

## Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

## Metropolitan Council

### Advertisement for Bids for Hastings Wastewater Treatment Plant Disinfection and Influent Wet Well Improvements

**NOTICE IS HEREBY GIVEN** that on October 7, 2004 at 2:00 P.M. the Metropolitan Council will receive and publicly open separate sealed bids for MCES Project Number 800602 at their office at 230 East 5th Street, St. Paul, MN, 55101-1634. Sealed bids should be delivered to the 2nd Floor Receptionist.

The Work of this Project includes Improvements to the Influent Wet Well Emergency Pumping Equipment and the Installation of Chlorine Bleach Disinfection Equipment.

The estimated construction cost is between \$100,000 and \$200,000.

Bidding Documents may be obtained at a non-refundable cost of \$25.00 per set from the Metropolitan Council, **Attn:** Sunny Jo Emerson at 230 East 5th Street, St. Paul, MN 55101-1634; **Phone:** (651) 602-1499.

A Pre-Bid Meeting will be held at the Hastings Wastewater Treatment Plant at 100 Lee & 1st Street, Hastings, MN 55033, on September 28, 2004 at 10:00 a.m. Attendees should report directly to the Plant.

Direct inquiries to the COUNCIL's Project Manager, Steve Greenwood at (651) 602-8763.

*Minnesota Statutes*, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600, will be incorporated into any contract based upon the Bidding Documents or any modifications to them. If a contract for the Project is awarded in excess of \$100,000, the requirements of *Minnesota Rules*, Part 5000.3530 will be applicable. Additional pertinent information is contained in the Bidding Documents.



# Non-State Contracts & Grants

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## Metropolitan Council

### Re-Notification of Request for Proposals (RFP) for Electrical Engineering Services for Power Distributions Systems

#### Contract Number 04P017

The Metropolitan Council is soliciting proposals for electrical engineering services for Power Distributions Systems, primarily at the Council's Metro Plant, and to support the Council's Environmental Services Division in completing smaller projects on an as-needed basis.

The Council intends to execute an electrical engineering services contract with one or more proposers that are able to provide these services. The contract(s) are anticipated to have a maximum value of \$200,000 and a term of three years. The contract(s) will be structured to allow the Council to request specific professional services, generally valued at less than \$50,000, on an as-needed basis by issuing Work Orders. Each Work Order will include a specific scope of services, specified cost for the services, and a designated Council Project Manager.

The anticipated schedule for this procurement is given below.

<i>Issue RFP</i>	<b>September 9, 2004</b>
<i>Proposal Due Date</i>	<b>October 12, 2004</b>
<i>Selection of Firm(s)</i>	<b>October 2004</b>
<i>Period of Performance</i>	<b>November 2004 – October 2007</b>

All firms interested in providing these services should submit a written request for a copy of the RFP from the contact listed below. Firms that have responded to previous advertisements for this RFP will be sent a copy of the RFP, and need not respond again.

Amanda Houston, Administrative Assistant  
Contracts and Procurement Unit  
Metropolitan Council  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
**PHONE:** (651) 602-1585 **FAX:** (651) 602-1083  
**e-mail:** [amanda.houston@metc.state.mn.us](mailto:amanda.houston@metc.state.mn.us)

## Metropolitan Council

### Notice of Request for Proposals (RFP) for Office Building Renovation Design Services

#### Contract Number 04P104

The Metropolitan Council is soliciting proposals for architectural/engineering design and construction support services for the renovation of a five story, 137,000 square foot office building located at 390 North Robert Street in St. Paul, Minnesota. The successful proposer will prepare construction plans and specifications for a project that is expected to include building re-roofing, installation of an additional stairwell, installation of fire safety sprinklers, replacement of ceiling-mounted mechanical and electrical systems including HVAC and lighting, and renovation of interior spaces. The successful proposer will also provide technical support during construction activities.

The anticipated schedule for this project is given below.

<i>Issue RFP</i>	<b>September 7, 2004</b>
<i>Proposals Due</i>	<b>October 1, 2004</b>
<i>Selection of Consultant</i>	<b>October 15, 2004</b>
<i>Design Activities</i>	<b>October 2004 – February 2005</b>
<i>Construction Activities</i>	<b>March 2005 – April 2006</b>

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## Non-State Contracts & Grants

Firms interested in providing these services should submit a written request for a copy of the RFP from the contact listed below.

Amanda Houston, Administrative Assistant  
Contracts and Procurement Unit  
Metropolitan Council  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
**PHONE:** (651) 602-1585   **FAX:** (651) 602-1083  
**E-MAIL:** [amanda.houston@metc.state.mn.us](mailto:amanda.houston@metc.state.mn.us)

### Metropolitan Council

#### Notice of Request for Proposals (RFP) for Rosemount Interceptor Lift Stations RFP Number 04P073

The Metropolitan Council is soliciting proposals for engineering design and construction support services for two (2) sewage lift stations in the Rosemount area.

*Issue Request for Proposals*

**September 7, 2004**

*Proposals Due*

**October 5, 2004**

*Period of Performance*

**November 2004 – June 2007**

All firms interested in submitting a proposal for this work are invited to request an RFP document from:

Harriet Simmons, Administrative Assistant  
Metropolitan Council  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**PHONE:** (651) 602-1086   **FAX:** (651) 602-1138  
**e-mail:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

### University of Minnesota

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

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

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



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