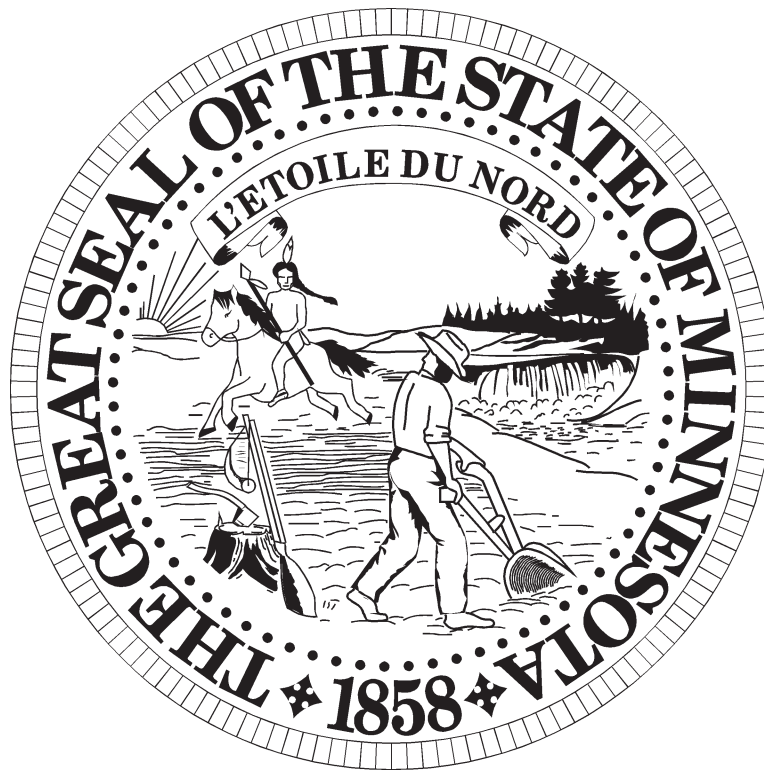


Minnesota

State Register

(Published every Monday (Tuesday when Monday is a holiday.)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts & Grants**

**Monday 17 November 2014
Volume 39, Number 20
Pages 679 - 714**

Minnesota State Register

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

The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 39 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 21	Monday 24 November	Noon Tuesday 18 November	Noon Thursday 13 November
# 22	Monday 1 December	NOON MONDAY 24 NOVEMBER	Noon Thursday 20 November
# 23	Monday 8 December	Noon Tuesday 2 December	NOON WEDNESDAY 26 November
# 24	Monday 15 December	Noon Tuesday 9 December	Noon Thursday 4 December

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Minnesota Rules: Amendments and Additions

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

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

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

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety, but 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.

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 #40-52 inclusive, with final index (#1-52, or 53 in some years). 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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529

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

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

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

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

Minnesota Board of High Pressure Piping Systems

Proposed Permanent Rules Governing High Pressure Piping Systems

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04253, OAH docket # 11-1900-31930
Proposed Amendment to Rules Governing the Minnesota High Pressure Piping Systems Code, Minnesota Rules, Chapter 5230

Introduction. The Minnesota Board of High Pressure Piping Systems ("Board") intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and 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 by 4:30 p.m. on December 17, 2014, a public hearing will be held in the Minnesota Room, Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:30 a.m. on Wednesday, January 7, 2015. To find out whether the Board will adopt the rules without a hearing or if a public hearing will be held, you should contact the agency contact person after December 17, 2014, and before January 7, 2015.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Suzanne Todnem at Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, phone 651.284.5851 and e-mail: Suzanne.todnem@state.mn.us.

Subject of Rules and Statutory Authority. The proposed rules are about the Minnesota High Pressure Piping Code in *Minnesota Rules*, chapter 5230. The statutory authority to adopt the rules is *Minnesota Statutes*, section 326B.925, subdivision 2(a), clauses 3 and 5. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, December 17, 2014, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, December 17, 2014.

Proposed Rules

You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for January 7, 2015, will be cancelled if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person after December 17, 2014, to find out whether the hearing will be held. You may also track the status of the rulemaking and hearing at www.dli.mn.gov/PDF/docket/5230docket.pdf.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Neilson is assigned to conduct the hearing. Judge Neilson's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7900 and **fax:** (651) 539-0300, or **e-mail:** denise.collins@state.mn.us.

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 before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness ("SONAR") summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. A link to a copy of the SONAR is available at www.dli.mn.gov/PDF/docket/5230docket.pdf.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone: (651) 539-1180 or 1-800-657-3889.

Proposed Rules

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: November 4, 2014

Larry Stevens, Jr., Chair
Minnesota Board of High Pressure Piping Systems

5230.0005 DEFINITIONS.

[For text of subps 1 to 15, see M.R.]

Subp. 15a. **Registered unlicensed individual.** "Registered unlicensed individual" means an individual who is:

A. employed in the trade of the practical construction and installation of high pressure piping and appurtenances by a licensed high pressure piping business; and

B. registered with the department under part 5230.0035.

[For text of subps 16 and 17, see M.R.]

5230.0220 BIOPROCESS PIPING.

Subpart 1. **ASME BPE.** All bioprocess piping must meet the requirements of ASME BPE. For purposes of this chapter, "ASME BPE" means the ~~2005~~ 2012 edition of the Bioprocessing Equipment Standard adopted and published by ASME, Three Park Avenue, New York, New York 10016. ASME BPE is incorporated by reference and made part of the code for high pressure piping systems. ASME BPE is not subject to frequent change and a copy of ASME BPE is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

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

5230.0260 SCOPE.

Valves, fittings, and piping for boilers, as prescribed in the ASME Code for Power Boilers, are within the scope for this code but provisions of the ASME Code for Power Boilers shall govern where they exceed corresponding requirements of this code. For purposes of this chapter, "ASME Code for Power Boilers" means the ~~2007~~ 2013 edition of the ASME Boiler and Pressure Vessel Code, section I, as adopted and published by ASME, Three Park Avenue, New York, New York 10016. The ASME Code for Power Boilers is incorporated by reference in the code for steam or heating media piping systems. The ASME Code for Power Boilers is not subject to frequent change; and a copy is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

Economizers, heaters, tanks, and other pressure vessels are outside the scope of this code, but connecting piping shall conform to the requirements herein specified.

5230.0265 ADOPTION OF ASME B31.1 BY REFERENCE.

For purposes of this chapter, "ASME B31.1" means the ~~2007 revision~~ 2012 edition of the standard for power piping, as approved and published by ASME, Three Park Avenue, New York, New York 10016. ASME B31.1 is incorporated by reference and made part of the code for steam or heating media piping systems, except as amended in this chapter. Portions of this chapter reproduce text from ASME B31.1. ASME B31.1 is not subject to frequent change and a copy of ASME B31.1 is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. ASME B31.1 is copyright by ASME. All rights reserved.

Proposed Rules

5230.0275 CHAPTER I, SCOPE AND DEFINITIONS.

Subpart 1. Section 100.1.2. The first paragraph of part (A) of ASME B31.1, section 100.1.2 is amended to read as follows:

(A) This code covers boiler external piping as defined below for power boilers and high temperature, high pressure water boilers in which: steam or vapor is generated at a pressure of more than 15 p.s.i. gauge; and high temperature water or other medium used for heating is generated at pressures exceeding 30 p.s.i. gauge and temperatures exceeding 250 degrees Fahrenheit (120 degrees Celsius).

Subp. 2. Section 100.1.3. Subparagraph (F) of ASME B31.1, section 100.1.3, is deleted.

5230.5001 INCORPORATIONS BY REFERENCE.

Subpart 1. **ANSI/IIAR 2.** For purposes of this chapter, “ANSI/IIAR 2” means the 2008 revision with addendums A and B of the standard for Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigerating Systems, as approved by the American National Standards Institute and as published by the International Institute of Ammonia Refrigeration, 1110 North Glebe Road, Suite 250, Arlington, Virginia 22201. ANSI/IIAR 2 is incorporated by reference and made part of the code for ammonia refrigeration systems, except as amended in this chapter. Portions of this chapter reproduce text from ANSI/IIAR 2. ANSI/IIAR 2 is not subject to frequent change and a copy of ANSI/IIAR 2 is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. ANSI/IIAR 2 is copyrighted by the International Institute of Ammonia Refrigeration. All rights reserved.

Subp. 2. **ASME B31.5.** For purposes of this chapter, “ASME B31.5” means the ~~2006~~ 2013 revision of the standard for ammonia refrigeration piping as approved and published by ASME, Three Park Avenue, New York, New York 10016. ASME B31.5 is incorporated by reference and made part of the code for ammonia refrigeration piping. ASME B31.5 is not subject to frequent change and a copy of ASME B31.5 is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

5230.5007 SECTION 11, OVERPRESSURE PROTECTION DEVICES.

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

Subp. 4. Section 11.3.3. ANSI/IIAR 2, section 11.3.3 of addendum A, is amended to read as follows: 11.3.3. The discharge piping from pressure relieving devices to atmosphere shall be a minimum schedule 40 steel for all pipe sizes.

5230.5920 QUALIFICATION OF WELDING PROCEDURES, WELDERS, AND WELDING OPERATORS.

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

Subp. 2. **Incorporation by reference.** For purposes of this chapter, “ASME section IX” means the ~~2007~~ revision 2013 edition of section IX of the Boiler and Pressure Vessel Code, as approved and published by ASME, Three Park Avenue, New York, New York 10016. ASME section IX is incorporated by reference and made a part of this chapter. ASME section IX is not subject to frequent change. A copy of ASME section IX is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

[For text of subs 3 to 9, see M.R.]

INCORPORATIONS BY REFERENCE:

Part 5230.0220, subpart 1: ASME BPE, 2012 edition of the Bioprocessing Equipment Standard adopted and published by ASME, Three Park Avenue, New York, New York 10016. ASME BPE is incorporated by reference and made part of the code for high pressure piping systems. ASME BPE is not subject to frequent change and is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

Part 5230.0260: ASME Code for Power Boilers, 2013 edition of the ASME Boiler and Pressure Vessel Code, section I, as adopted and published by ASME, Three Park Avenue, New York, New York 10016. The ASME Code for Power Boilers is incorporated by reference in the code for steam or heating media piping systems. The ASME Code for Power Boilers is not subject to frequent change and is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

Part 5230.0265: ASME B31.1, 2012 edition of the standard for power piping, as approved and published by ASME, Three Park Avenue, New York, New York 10016. ASME B31.1 is incorporated by reference and made part of the code for steam or heating media

pipng systems, except as amended in this chapter. Portions of this chapter reproduce text from ASME B31.1. ASME B31.1 is not subject to frequent change and is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. ASME B31.1 is copyrighted by ASME. All rights reserved.

Part 5230.5001, subpart 1: ANSI/IIAR 2, 2008 revision with addendums A and B of the standard for Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigerating Systems, as approved by the American National Standards Institute and as published by the International Institute of Ammonia Refrigeration, 1110 North Glebe Road, Suite 250, Arlington, Virginia 22201. ANSI/IIAR 2 is incorporated by reference and made part of the code for ammonia refrigeration systems, except as amended in this chapter. Portions of this chapter reproduce text from ANSI/IIAR 2. ANSI/IIAR 2 is not subject to frequent change and is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. ANSI/IIAR 2 is copyrighted by the International Institute of Ammonia Refrigeration. All rights reserved.

Part 5230.5001, subpart 2: ASME B31.5, 2006 2013 revision of the standard for ammonia refrigeration piping as approved and published by ASME, Three Park Avenue, New York, New York 10016. ASME B31.5 is incorporated by reference and made part of the code for ammonia refrigeration piping. ASME B31.5 is not subject to frequent change and is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

Part 5230.5920, subpart 2: ASME section IX, 2013 edition of section IX of the Boiler and Pressure Vessel Code, as approved and published by ASME, Three Park Avenue, New York, New York 10016. ASME section IX is incorporated by reference and made a part of this chapter. ASME section IX is not subject to frequent change and is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

Minnesota Department of Labor and Industry (DLI) Proposed Amendment to Rules Governing the Adoption of the 2012 International Energy Conservation Code – Commercial Energy Provisions, *Minnesota Rules*, chapter 1323

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor’s ID Number R-04146

Introduction. The Department of Labor and Industry intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and 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 by 4:30 p.m. on December 17, 2014, the Department will hold a public hearing in the Minnesota Room at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55128, starting at 9:30 a.m. on Tuesday, January 6, 2015. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after December 17, 2014, and before January 6, 2015.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Colleen Clayton at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, **phone:** (651) 284-5867, **fax:** (651) 284-5749, and **e-mail at:** colleen.clayton@state.mn.us.

Subject of Rules and Statutory Authority. The proposed rules are about the commercial energy code in Minnesota. The proposed rules incorporate by reference chapters two through five of the 2012 International Energy Conservation Code (“IECC”), with amendments. The chapters include definitions, general requirements, commercial energy efficiency and referenced standards. The chapters, with amendments, form the comprehensive commercial energy code for Minnesota.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.02, subdivision 5, 326B.101 and 326B.106, subdivision 1. A copy of the proposed rules is published on the Department’s web site at: <http://www.dli.mn.gov/PDF/docket/1323docket.pdf>. A free paper copy of the rules is available upon request from the agency contact person listed above.

Proposed Rules

Comments. You have until 4:30 p.m. on Wednesday, December 17, 2014, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, December 17, 2014. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Department might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for January 6, 2015, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 284-5867 after December 17, 2014, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Mortenson is assigned to conduct the hearing. Judge Mortenson's Legal Assistant, Rachel Youness, can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7881, and **fax:** (651) 539-0300.

Hearing Procedure. If the Department holds a hearing, 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 before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Proposed Rules

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. A link to the Department's Statement of Need and Reasonableness for this rulemaking may be viewed at:

<http://www.dli.mn.gov/PDF/docket/1323sonar.pdf>

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone: (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 7 November 2014

Ken B. Peterson, Commissioner
Department of Labor and Industry

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.

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

Minnesota Department of Labor and Industry (DLI) Adopted Permanent Rules Adopting the International Mechanical and Fuel Gas Codes

The rules proposed and published at *State Register*, Volume 38, Number 48, pages 1559-1561, May 27, 2014 (38 SR 1559), are adopted with the following modifications:

1346.0202 SECTION 202 GENERAL DEFINITIONS.

Subpart 1. Section 202; Adding or amending definitions. IMC section 202 is amended by adding or amending the following definitions:

APPROVED. "Approved" means approval by the building official, pursuant to the Minnesota State Building Code, by reason of: inspection, investigation, or testing; accepted principles; computer simulations; research reports; or testing performed by either a licensed engineer or by a locally or nationally recognized testing laboratory.

CODE. For purposes of parts 1346.0050 to 1346.1500, "the code" or "this code" means the Minnesota Mechanical Code.

CLOSED COMBUSTION SOLID FUEL BURNING APPLIANCE. A heat producing appliance that employs a combustion chamber having no openings other than the flue collar, fuel charging door, and adjustable openings provided to control the amount of combustion air that enters the combustion chamber and includes doors with gaskets or flanges that permit tight closure and glass or ceramic panels which must be tightly sealed or gasketed at their frames.

DECORATIVE SOLID FUEL BURNING APPLIANCE. A natural draft appliance, usually a fireplace, intended primarily for viewing of the fire and which may or may not incorporate doors that substantially close off the firebox opening when the appliance is in operation.

EXHAUST SYSTEM. An assembly of connected ducts, plenums, fittings, registers, grilles and hoods, including domestic kitchen exhaust hoods, domestic kitchen and bathroom exhaust fans, clothes dryers, and subslab soil exhaust systems through which air is conducted from the space or spaces and exhausted to the outside atmosphere.

Exception: Central vacuum systems are allowed to exhaust into an attached residential garage.

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.

POWER VENT APPLIANCE. An appliance with a venting system which uses a fan or other mechanical means to cause the removal of flue or vent gases under positive static vent pressure.

POWERED MAKEUP AIR. Air which must be brought in from the outdoors by means of a fan to replenish the air expelled by a mechanical exhausting device.

READY ACCESS (TO). That which enables a device, appliance or equipment to be directly reached, without requiring the removal or movement of any panel, door or similar obstruction, and without requiring the use of portable access equipment (see "Access").

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

SOLID FUEL APPLIANCE. A natural draft appliance that is either a closed combustion solid fuel burning appliance or a decorative solid

fuel burning appliance.

Subp. 2. **Deleting definitions.** IMC section 202 is amended by deleting the following definitions:

EXTRA-HEAVY-DUTY COOKING APPLIANCE.

HEAVY-DUTY COOKING APPLIANCE.

LIGHT-DUTY COOKING APPLIANCE.

MEDIUM-DUTY COOKING APPLIANCE.

1346.0401 SECTION 401 GENERAL.

Subpart 1. **Section 401.1.** IMC section 401.1, Scope, is amended by adding the following exception to the end of the section:

Exception: Residential buildings complying with the ventilation requirements in *Minnesota Rules*, chapter 1322.

Subp. 2. **Section 401.4.** IMC section 401.4 is amended to read as follows:

Air intake openings shall comply with all of the following:

A. Intake openings shall be located a minimum of 10 feet (3,048 mm) from lot lines or buildings on the same lot. Intake openings that front on a street or public way must be located a minimum of 10 feet (3,048 mm) horizontally from the centerline of the street or public way.

B. Mechanical outdoor air intake openings shall be located a minimum of 10 feet (3,048 mm) from any hazardous or noxious contaminant, such as chimneys, plumbing vents, streets, alleys, parking lots, and loading docks, except as specified in item C or section 501.2.1. Outdoor air intake openings shall be permitted to be located less than 10 feet (3,048 mm) horizontally from streets, alleys, parking lots, and loading docks provided that the openings are located not less than 25 feet (7,620 mm) vertically above such locations. Where openings front on a street or public way, the distance shall be measured to the centerline of the street or public way.

C. Intake openings shall be located not less than 3 feet (914 mm) below contaminant sources where such sources are located within 10 feet (3,048 mm) of the opening.

1346.0506 SECTION 506 COMMERCIAL KITCHEN HOOD VENTILATION SYSTEM DUCTS AND EXHAUST APPLIANCES.

Subpart 1. **Section 506.1.** IMC section 506.1 is amended by adding a sentence to the end of the section to read as follows:

For additional requirements for commercial kitchen hoods licensed and inspected by the Department of Agriculture, Department of Health, or local authorities that conduct inspections of food establishments, refer to the Minnesota Food Code, Minnesota Rules, chapter 4626.

Subp. 1a Subpart 1. **Section 506.3.** IMC section 506.3 is amended to read as follows: 506.3 Ducts serving Type I hoods. Commercial kitchen exhaust systems serving Type I hoods shall be designed, constructed and installed in accordance with NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

1346.0507 SECTION 507 COMMERCIAL KITCHEN HOODS.

Subp. 2. **Section 507.2.** IMC section 507.2 is amended to read as follows: **507.2 Where required.** A Type I or Type II hood shall be installed at or above all commercial cooking appliances in accordance with ASHRAE standard 154. Where any cooking appliance under a single hood requires a Type I hood, a Type I hood shall be installed. Where a Type II hood is required, a Type I or Type II hood shall be installed. **507.2.1 Type I hoods.** Type I hoods shall be installed where cooking appliances produce grease or smoke as a result of the cooking process. Type I hoods shall be installed over medium-duty, heavy-duty, and extra-heavy-duty cooking appliances. Type I hoods shall be installed over light-duty cooking appliances that produce grease or smoke. The duty classifications of cooking appliances served by Type I hoods shall be in accordance with Table 507.2.1.

Exception: A Type I hood shall not be required for an electric cooking appliance where an approved testing agency provides documentation that the appliance effluent contains 5 mg/m³ or less of grease when tested at an exhaust flow rate of 500 cfm (0.236 m³/s) in accordance with Section 17 of UL 710B.

Adopted Rules

Table 507.2.1

Appliance Description	Appliance Duty Classifications by Appliance Type			
	Size	Type I Hoods		
		Light Duty	Medium Duty	Heavy Duty
Braising pan/tilting skillet, electric	All	•		
Oven, rotisserie, electric and gas	All	•		
Oven, combi, electric and gas	All	•		
Oven, convection, full-size, electric and gas	All	•		
Oven, convection, half-size, electric and gas (protein cooking)	All	•		
Oven, deck, electric and gas	All	•		
Oven, mini-revolving rack, electric and gas	All	•		
Oven, rapid cook, electric	All	•		
Oven, rotisserie, electric and gas	All	•		
Range, discrete element, electric (with or without oven)	All	•		
Salamander, electric and gas	All	•		
Braising pan/tilting skillet, gas	All		•	
Broiler, chain conveyor, electric	All		•	
Broiler, electric, under-fired	All		•	
Conveyor oven, electric 6 kW or larger			•	
Conveyor oven, gas	All		•	
Fryer, doughnut, electric and gas	All		•	
Fryer, kettle, electric and gas	All		•	
Fryer, open deep-fat, electric and gas	All		•	
Fryer, pressure, electric and gas	All		•	
Griddle, double-sided, electric and gas	All		•	
Griddle, flat, electric and gas	All		•	
Range, cook-top, induction	All		•	
Range, open-burner, gas (with or without oven)	All		•	
Range, hot top, electric and gas	All		•	
Broiler, chain conveyor, gas	All			•
Broiler, electric and gas, over-fired (upright)	All			•
Broiler, gas, under-fired	All			•
Range, wok, gas and electric	All			•
Appliances using solid fuel (wood, charcoal, briquettes, and mesquite) to provide all or part of the heat source for cooking				•
Exception: Appliances complying with Section 14.3.4 of NFPA Standard 96	All			

507.2.1.1 Operation. Type I hood systems shall be designed and installed to automatically activate the exhaust fan whenever cooking operations occur. The activation of the exhaust fan shall occur through an interlock with the cooking appliances, by means of heat sensors or by means of other approved methods. A method of interlock between an exhaust hood system and appliances equipped with standing pilot burners shall not cause the pilot burners to be extinguished. A method of interlock between an exhaust hood system and cooking appliances shall not involve or depend upon any component of a fire extinguishing system. 507.2.2 Type II hoods. Type II hoods shall be installed above dishwashers and appliances as required by Table 507.2.2. The duty classifications of cooking appliances served by Type II hoods shall be in accordance with Table 507.2.2. Type II hoods shall be installed above all appliances that produce products of

Adopted Rules

combustion and do not produce grease or smoke as a result of the cooking process. Where hoods are not required, the additional heat and moisture loads generated by such appliances shall be accounted for in the sensible and latent loads for the HVAC system.

Table 507.2.2

Appliance Description	Size	Hood Not Required^{a,b}	Type II Hoods^a	
			Light Duty	Medium Duty
Cabinet, holding, electric	All	•		
Cabinet, proofing, electric	All	•		
Cheese-melter, electric	All	•		
Coffee maker, electric	All	•		
Cooktop, induction, electric	All	•		
Dishwasher, under-counter, electric	All	•		
Dishwasher, powered sink, electric	All	•		
Drawer warmer, 2 drawer, electric	All	•		
Egg cooker, electric	All	•		
Espresso machine, electric	All	•		
Grill, panini, electric	All	•		
Hot dog cooker, electric	All	•		
Hot plate, countertop, electric	All	•		
Ovens, conveyor, electric	< 6 kW	•		
Ovens, microwave, electric	All	•		
Ovens, warming, electric	All	•		
Popcorn machine, electric	All	•		
Rethermalizer, electric	All	•		
Rice cooker, electric	All	•		
Steam table, electric	All	•		
Steamers, bun, electric	All	•		
Steamer, compartment atmospheric, countertop, electric	All	•		
Steamer, compartment pressurized, countertop, electric	All	•		
Table, hot food, electric	All	•		
Toaster, electric	All	•		
Waffle iron, electric	All	•		
Cheese-melter, gas	All	•		
Dishwasher, conveyor rack, chemical sanitizing	All	•		
Dishwasher, conveyor rack, hot water sanitizing	All	•		
Dishwasher, door-type rack, chemical sanitizing	All	•		
Dishwasher, door-type rack, hot water sanitizing	All	•		
Kettle, steam jacketed, tabletop, electric, gas and direct steam	< 20 gallons	•		
Oven, convection, half-size, electric and gas (nonprotein cooking)	All	•		
Pasta cooker, electric	All	•		
Rethermalizer, gas	All	•		
Rice cooker, gas	All	•		
Steamer, atmospheric, gas	All	•		
Steamer, pressurized, gas	All	•		
Steamer, atmospheric, floor-mounted, electric	All	•		

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Steamer, pressurized, floor-mounted, electric	All	•
Kettle, steam-jacketed floor-mounted, electric, gas and direct steam	< 20 gallons	•
Pasta cooker, gas	All	•
Smoker, electric and gas, pressurized	All	•
Steam-jacketed kettle, floor-mounted, electric and gas	<20 gallons or larger	•

^aA hood shall be provided for an electric appliance if it produces $3.1 \times 10^{-2} \text{ lb/ft}^3$ (5 mg/m³) of grease or more when measured at 500 cfm (236 L/s).

^bWhere hoods are not required, the additional heat and moisture loads generated by such appliances shall be accounted for in the sensible and latent loads for the HVAC system.

507.2.2.1. Type II hood exhaust flow rates. The net exhaust flow rate for Type II hoods shall comply with Table 507.2.2.1. The duty level for the hood shall be the duty level of the appliance that has the highest (heaviest) duty level of all of the appliances that are installed underneath the hood according to Table 507.2.2.

Table 507.2.2.1

Type II Hood Minimum Net Exhaust Airflow Rates

Type of Hood	Minimum Net Exhaust Flow Rate per Linear Hood Length in cfm/ft (L/s/m)	
	Light-Duty Equipment	Medium-Duty Equipment
Wall-mounted canopy	200 (310)	300 (465)
Single island	400 (620)	500 (775)
Double island (per side)	250 (388)	300 (465)
Eyebrow	250 (388)	250 (388)
Backshelf/Pass-over	200 (310)	300 (465)

507.2.2.2 Type II hood overhang. Type II hoods shall overhang the appliances and equipment served in accordance with Table 507.2.2.2.

Table 507.2.2.2

Minimum Overhang Requirements for Type II Hoods

Type of Hood	End Overhang	Front Overhang	Rear Overhang
Wall-mounted canopy	6 in. (154 mm)	12 in. (154 mm)	N/A
Single-island canopy	12 in. (154 mm)	12 in. (154 mm)	12 in. (154 mm)
Double-island canopy	12 in. (154 mm)	12 in. (154 mm)	N/A
Eyebrow	N/A	12 in. (154 mm)	N/A
Backshelf/Proximity/Pass-over	6 in. (154 mm)	10 in. (254 mm) (setback)	N/A

N/A = not applicable

1346.0607 SECTION 607, DUCT AND TRANSFER OPENINGS.

IMC section 607.6.1 is amended to read as follows:

607.6.1 Through penetrations. In occupancies other than Group I-2 and I-3, a duct constructed of approved materials in accordance with this code that penetrates a fire-resistance-rated floor or floor/ceiling assembly that connects not more than two stories is permitted without a shaft enclosure protection, provided a listed fire damper is installed at the floor line or the duct is protected in accordance with IBC section 714.4, as amended. For air transfer openings, see IBC section 712.1.8, as amended.

Exceptions:

1. A duct is permitted to penetrate three floors or less without a fire damper at each floor, provided such duct meets all of the following requirements:
 - a. The duct shall be contained and located within the cavity of a wall and shall be constructed of steel having a minimum wall thickness of 0.0187 inches (0.4712 mm) (No. 26 gage) or the duct shall be protected by an approved through-penetration firestop system installed and tested in accordance with ASTM E 814 or UL 1479. The approved through-penetration firestop system shall have an F rating or T rating of not less than the required rating of the horizontal assembly being penetrated.
 - b. The duct shall open into only one dwelling unit or sleeping unit and the duct system shall be continuous from the unit to the exterior of the building.

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c. The duct shall not exceed 4-inch (102 mm) nominal diameter and the total area of such ducts shall not exceed 100 square inches (0.065 m²) in any 100 square feet (64,516 mm² per 9.3 m²) of the floor area.

d. The annular space around the duct is protected with materials that prevent the passage of flame and hot gases sufficient to ignite cotton waste where subjected to ASTM E 119 or UL 263 time-temperature conditions under a minimum positive pressure differential of 0.01 inch (2.49 Pa) of water at the location of the penetration for the time period equivalent to the fire-resistance rating of the construction penetrated.

e. Grille openings located in a ceiling of a fire-resistance-rated floor/ceiling or roof/ceiling assembly shall be protected with a listed ceiling radiation damper installed in accordance with IBC section 717.6.2.1, as amended.

2. In Group I-2 and I-3 occupancies, a duct constructed of approved materials in accordance with this code that penetrates a fire-resistance-rated floor or floor/ceiling assembly that connects not more than two stories is permitted without a shaft enclosure protection, if a listed smoke/fire damper is installed at the floor line.

1346.1001 SECTION 1001 GENERAL.

Subpart 1. **Section 1001.1, Scope.** IMC section 1001.1 is amended as follows:

1001.1, Scope. This chapter shall govern the installation, alteration, and repair of boilers, water heaters, and pressure vessels.

Exceptions:

1. Pressure vessels used for unheated water supply.
2. Portable unfired pressure vessels and Interstate Commerce Commission containers.
3. Containers for bulk oxygen and medical gas.
4. Unfired pressure vessels having a volume of 5 cubic feet (0.14 m³) or less operating at pressures not exceeding 250 pounds per square inch (psi) (1724 kPa) and located within occupancies of Groups B, F, H, M, R, S, and U.
5. Pressure vessels used in refrigeration systems that are regulated by IMC chapter 11.
6. Pressure tanks used in conjunction with coaxial cables, telephone cables, power cables, and other similar humidity control systems.
7. Any boiler pressure vessel under the direct jurisdiction of the United States.

Subp. 1a. **Section 1001.2, Scope; boilers; labor and industry.** IMC section 1001 is amended by adding a section to read as follows:

1001.2, Scope; boilers; labor and industry. Anyone who installs a boiler must ensure that the boiler is inspected by the Department of Labor and Industry after installation is complete and before the boiler is placed in operation if the individual or combined Btu input exceeds:

Subp. 1b. **Section 1001.3, Scope; pressure vessels; labor and industry.** IMC section 1001 is amended by adding a section to read as follows:

1001.3 Scope; pressure vessels; labor and industry. The owner of a pressure vessel not specifically exempted by *Minnesota Statutes*, section 326B.988, must ensure that the pressure vessel is inspected by an insurance company authorized to do business in the state or the Department of Labor and Industry at least every two years.

Exceptions: Pressure vessels identified in *Minnesota Statutes*, section 326B.988, including the following, are not subject to this subpart:

1. Pressure vessels in buildings occupied solely for residential purposes with accommodations for not more than five families.
2. Pressure vessels under the direct jurisdiction of the United States.
3. Pressure vessels located on farms used solely for agricultural or horticultural purposes; for the purposes of this section, boilers used for mint oil extraction are considered used for agricultural or horticultural purposes, provided that the owner or lessee complies with the inspection requirements contained in *Minnesota Statutes*, section 326B.958.

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

Subpart 1. **Section 304.1.** IFGC section 304 is amended by adding language to the end of the first paragraph and additional exceptions to read as follows:

304.1 General. Refer to IFGC Appendix E for Worksheet E-1, "Residential Combustion Air Calculation Method" and Table E-1, "Residential Combustion Air Required Volume:" in part 1346.6012.

Exceptions:

1. Direct vent appliances.
2. Type 1 clothes dryers that are provided with makeup air in accordance with the manufacturer's installation instructions.
3. Replacement of a fuel gas utilization appliance that complies with all of the following conditions:
 - 3.1 Replacement appliance has a Btu/hr (kW) input rating not greater than 30 percent above the original appliance input rating.
 - 3.2 Combustion air provisions meet the code requirements in effect at the time of the original installation.
 - 3.3 Replacement appliance shall not cause an existing mechanical system to become unsafe, hazardous, or overloaded.
4. Combustion air may be determined using Table 304.1 for gas-fired appliances when combustion air is provided from a single

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opening from the outdoors, commencing within 12 inches of the bottom of the enclosure.

5. Combustion air for power burner appliances equipped with a draft control device and having an input above 400,000 Btu/hr shall have a net free area of 0.2 square inches per 1,000 Btu/hr. Combustion air shall be provided from a single opening from the outdoors, terminating within 12 inches of the bottom of the enclosure. In lieu of this requirement, combustion air requirements specified by the manufacturer for a specific power burner appliance may be approved by the building official.

6. Combustion air for power burner appliances not equipped with a draft control device and having an input above 400,000 Btu/hr shall have a net free area of 0.1 square inches per 1,000 Btu/hr. Combustion air shall be provided from a single opening from the outdoors, terminating within 12 inches of the bottom of the enclosure. In lieu of this requirement, combustion air requirements specified by the manufacturer for a specific power burner appliance may be approved by the building official.

Table 304.1

Combustion Air Requirements for Gas-Fired Appliances When the Combined Input is Up to and Including 400,000 Btu/hr

Total input of appliances ¹ , thousands of Btu/hr (kW)	Required free area of air-supply opening or duct, square inches (sq mm)	Acceptable approximate round duct equivalent diameter ² , inch (mm)
25 (8)	7 (4,500)	3 (75)
50 (15)	7 (4,500)	3 (75)
75 (23)	11 (7,000)	4 (100)
100 (30)	14 (9,000)	4 (100)
125 (37)	18 (12,000)	5 (125)
150 (45)	22 (14,000)	5 (125)
175 (53)	25 (16,000)	6 (150)
200 (60)	29 (19,000)	6 (150)
225 (68)	32 (21,000)	6 (150)
250 (75)	36 (23,000)	7 (175)
275 (83)	40 (26,000)	7 (175)
300 (90)	43 (28,000)	7 (175)
325 (98)	47 (30,000)	8 (200)
350 (105)	50 (32,000)	8 (200)
375 (113)	54 (35,000)	8 (200)
400 (120)	58 (37,000)	9 (225)

¹For total inputs falling between listed capacities, use next largest listed input.

²If flexible duct is used, increase the duct diameter by one inch.*

*Flexible duct shall be stretched with minimal sags.

1346.5800 CHAPTER 8 REFERENCED STANDARDS.

Subp. 2. **Supplemental standards.** The standard standards listed in this part shall supplement the list of referenced standards in chapter 8 of the 2012 IFGC. The standard standards referenced in this rule shall be considered part of the requirements of this rule to the extent prescribed in each rule or reference.

A. NFPA 54-2012 National Fuel Gas Code.

B. ANSI LC-4-2012 Press-Connect Metallic Fittings for Use In Fuel Gas Distribution Systems.

1346.5901 SECTION 901 (IFGC) GENERAL. [RENUMBERED TO PART 1346.5900]1346.5900CHAPTER 9, INSTALLATION AND TESTING OF FUEL GAS-FIRED EQUIPMENT. [MOVED FROM PARTS 1346.5901 TO 1346.5907]

Subpart 1. **Chapter 9.** The IFGC is amended by adding a chapter to read as follows:

SECTION 901

GENERAL CHAPTER 9

Subp. 2. **Installation and testing of fuel gas-fired equipment; general.** ~~901.1~~General: Chapter 9 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.

2. Equipment with a fuel input of 1,000,000 Btu/hr or greater.
3. Unlisted equipment.
4. Miscellaneous equipment when required by the building official.

Subp. 3. Placing equipment in operation.

SECTION 902
EQUIPMENT PLACEMENT

902.1 ~~Placing equipment in operation.~~ After completion of the installation, all safety and operating controls and venting shall be tested before placing the burner in service. The correct input of fuel shall be determined and the fuel-to-air ratio set. Each gas or fuel burner shall be adjusted to its proper input according to the manufacturer's instructions. Overtating the burners or appliance is prohibited. Btu/hr input range shall be appropriate to the appliance.

1. The rate of flow of the gas or fuel shall be adjusted to within plus or minus two percent of the required Btu/hr rating at the manifold pressure specified by the manufacturer. When the prevailing pressure is less than the manifold pressure specified, the rates shall be adjusted at the prevailing pressure.

2. For conversion burners installed in hot water (liquid) boilers or warm air furnaces, the rate of flow of the gas or fuel in Btu/hr shall be adjusted to within plus or minus five percent of the calculated Btu/hr heat loss of the building in which it is installed, or the design load, and shall not exceed the design rate of the appliance.

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

Subp. 4. Pilot operation.

SECTION 903
PILOT OPERATION

903.1 Pilot operation. Pilot flames shall ignite the gas or fuel at the main burner or burners and shall be adequately protected from drafts. Pilot flames shall not become extinguished during pilot cycle when the main burner or burners are turned on or off in a normal manner, either manually or by automatic controls.

Subp. 5. Burner operation.

SECTION 904
BURNER OPERATION

904.1 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.

1. The flames from each burner shall freely ignite the gas or fuel from adjacent burners when operating at the prevailing gas or fuel pressure and when the main control valve is regulated to deliver at one-third of the fuel gas or fuel rate.

2. Burner flames shall 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 shall not flash back when the gas or fuel is turned on or off by an automatic control mechanism.

4. Main burner flames shall ignite freely from each pilot when the main control valve is regulated to one-third the full gas or fuel rate and when the pilot flame is reduced to a minimum point at which it will actuate the safety device.

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

6. Burners shall not expel gas or fuel through air openings when operating at prevailing pressure.

7. Burners shall have proper fuel air mixture to ensure smooth ignition of the main burner.

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.

Subp. 6. Method of test.

SECTION 905
METHOD OF TEST

905.1 Method of test.

1. Operational checking. The flue gas, venting, safety and operating controls of the appliance shall be checked to ensure proper and safe operation.

2. Method of test - atmospheric type/induced draft type/fan-assisted type. The appliance shall be allowed to operate until the stack temperature becomes stabilized after which a sample of the undiluted flue products shall be taken from the appliance flue outlet. The sample taken shall be analyzed for carbon monoxide, carbon dioxide and oxygen. Stack temperature shall be noted.

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Note: Appliance designs incorporating induced draft assemblies may require a flue gas sample to be taken after the draft regulator or induced draft fan.

3.1. Performance standards for atmospheric type.

- a. Minimum of 75 percent efficiency as determined by flue gas analysis method at appliance flue outlet.
- b. Carbon monoxide concentration in flue gas not greater than 0.04 percent on an air-free basis.
- c. Stack temperature not greater than 480°F, plus ambient.
- d. Carbon dioxide concentration between 6 and 9 percent, inclusive.
- e. Oxygen concentration between 4 and 10 percent, inclusive.

3.2. Performance standards for induced draft type/fan-assisted type.

- a. Minimum of 75 percent efficiency as determined by flue gas analysis method at appliance flue outlet.
- b. Carbon monoxide concentration in flue gas not greater than 0.04 percent on an air free basis.
- c. Stack temperature not greater than 480°F, plus ambient.
- d. Oxygen concentration between 4 and 10 percent, inclusive, with carbon dioxide concentration between 6 and 9 percent, inclusive.

Note: Induced draft type and fan-assisted type appliances may require a sample to be taken after the induced draft fan, which may cause oxygen figures in excess of limits stated. In such cases, safe fuel combustion ratios shall be maintained and be consistent with appliance listing.

4. Method of test - power type. The appliance shall be allowed to operate until the stack temperature becomes stabilized after which a sample of the undiluted flue products shall be taken from the appliance flue outlet. The sample shall be analyzed for carbon monoxide, carbon dioxide and oxygen. Stack temperature shall be recorded.

5. Performance standards for power type.

- a. Minimum of 80 percent efficiency as determined by flue gas analysis method method at appliance flue outlet.
- b. Carbon monoxide concentration in flue gas not greater than 0.04 percent.
- c. Stack temperature not greater than 480°F plus ambient, or 125°F in excess of fluid temperature plus ambient.
- d. Carbon dioxide concentration between 6 and 9 percent, inclusive.
- e. Oxygen concentration between 3 and 10 percent, inclusive.

6. After completion of the test of newly installed gas or fuel burner equipment as provided in this section, complete test records shall be filed with the building official on an approved form. The tag stating the date of the test and the name of the installer shall be attached to the appliance at the main valve.

7. Oxygen concentration.

- a. The concentration of oxygen in the undiluted flue products of gas or fuel burners shall in no case 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.
- b. The allowable limit of carbon monoxide shall not exceed 0.04 percent.
- c. The flue gas temperature of a gas appliance, as taken on the appliance side of the draft regulator, shall not exceed 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 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.

9. Supervised start-up.

- a. Supervised start-up may be required to verify safe operation of gas or fuel burner and to provide documentation that operation is consistent with this code, listing and approval. Supervised start-up is required for all fuel burners in b, c, and d. Supervised start-up requires that fuel burners shall be tested in the presence of the building official in an approved manner. Testing shall include safety and operating controls, input, flue gas analysis, and venting. Flue gas shall be tested at high, medium and low fires. Provisions shall be made in the system to allow firing test in warm weather. After completion of the test of newly installed gas or fuel burner equipment as provided in this section, complete test records shall be filed with the building official on an approved form. The tag stating the date of the test and the name of the installer shall be attached to the appliance at the main valve.
- b. Gas and fuel burners of 1,000,000 Btu/hr input or more require a supervised start-up as in a.
- c. Installation of oxygen trim systems, modulating dampers, or other draft control or combustion devices require a supervised start-up as in a.
- d. All direct fired heaters require a supervised start-up as in a.

10. A complete control diagram of the installation and suitable operating instructions shall be supplied to the building official.

Subp. 7. Pressure regulators.

SECTION 906 PRESSURE REGULATORS

906.1—Pressure regulators.

(a) General.

1. Regulators shall be provided with access for servicing.
2. Regulators shall be provided with a shutoff valve, union and test taps (both upstream and downstream of the regulator) for servicing.
3. 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 have an approved high pressure manual gas valve in the supply piping upstream of the regulator.
4. 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.

5. Regulators may not be vented into a combustion chamber or an appliance vent.
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.
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 lock-up type.

(b) Appliance.

1. Appliance regulators shall be installed consistent with the listing and approval of the equipment and the listing and approval of the regulator manufacturer.
2. Each gas burner or appliance shall have its own gas pressure regulator. This appliance regulator is in addition to any pounds-to-pounds or pounds-to-inches regulators in the system.

Subp. 8. Equipment information.

SECTION 907
EQUIPMENT INFORMATION

907.1—Equipment information.

A. All installations of gas or fuel burners with input above 400,000 Btu/hr and all combination gas or fuel burners shall be approved before installation. The following information shall be supplied if required by the building official.

1. Name, model, and serial number of the burner.
2. Input rating and type of fuel.
3. Name of the nationally recognized testing laboratory that tested and listed the unit.
4. Name, model, and serial number of the furnace or boiler that the burner will be installed in if not part of a complete package.
5. A complete wiring diagram showing the factory and fuel wiring installed or to be installed including all controls, identified by the brand name and model number.
6. A print of the gas or fuel train from the manual shutoff to the appliance showing all controls that will be installed, their names, model numbers, and approvals.

B. All installations of gas or fuel burners with input above 400,000 Btu/hr and all combination gas and oil or other combination fuel burners that are installed in new or renovated boiler or equipment rooms, or are installed in a package with the boiler or furnace, shall include the following information in addition to that required in item A, subitems 1 to 6.

1. A complete piping diagram from the supply source showing all components and materials identified by brand name and model number with relevant approvals.
2. Detailed provisions for combustion air, venting, and stacks.
3. A floor plan drawn to scale showing all relevant equipment. Plans and specifications shall be approved before proceeding with an installation.

1346.5902 SECTION 902 (IFGC) EQUIPMENT PLACEMENT.

[RENUMBERED TO PART 1346.5900, SUBPART 3]

1346.5903 SECTION 903 (IFGC) PILOT OPERATION.

[RENUMBERED TO PART 1346.5900, SUBPART 4]

1346.5904 SECTION 904 (IFGC) BURNER OPERATION.

[RENUMBERED TO PART 1346.5900, SUBPART 5]

1346.5905 SECTION 905 (IFGC) METHOD OF TEST.

[RENUMBERED TO PART 1346.5900, SUBPART 6]

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1346.5906 SECTION 906 (IFGC) PRESSURE REGULATORS.

[RENUMBERED TO PART 1346.5900, SUBPART 7]

1346.5907 SECTION 907 (IFGC) EQUIPMENT INFORMATION.

[RENUMBERED TO PART 1346.5900, SUBPART 8]

1346.6000 CHAPTER 9 10, MANUFACTURED HOME PARK/COMMUNITY FUEL GAS EQUIPMENT AND APPLIANCE INSTALLATION.

Subpart 1. ~~IFGC Chapter 9~~ **Chapter 9 10**. The IFGC is amended by adding a chapter to read as follows:

CHAPTER 9 10
MANUFACTURED HOME PARK/COMMUNITY FUEL GAS
EQUIPMENT AND APPLIANCE INSTALLATION

Subp. 3. **Required gas supply.** The minimum hourly volume of gas required at each manufactured home lot outlet or any section of the manufactured home gas piping system shall be calculated as shown in ~~IFGC Table 902.1002~~. Required gas supply for buildings or other fuel gas utilization equipment and appliances connected to the manufactured home gas piping system shall be calculated as provided in this code.

Table ~~902.1002~~

Demand Factors for Calculating Gas Piping Systems in Manufactured Home Parks and Communities		
Number of Manufactured Home Sites	Demand Factor (Btu/hr) per Manufactured Home Site	Demand Factor (Watts) per Manufactured Home Site
1	125,000	36,638
2	117,000	34,293
3	104,000	30,482
4	96,000	28,138
5	92,000	26,965
6	87,000	25,500
7	83,000	24,327
8	81,000	23,741
9	79,000	23,155
10	77,000	22,569
11-20	66,000	19,345
21-30	62,000	18,172
31-40	58,000	17,000
41-60	55,000	16,121
Over 60	50,000	14,655

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

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

Minnesota Department of Public Safety (DPS) Adopted Exempt Permanent Rules Relating to Requirements Governing Graduated Drivers Licensing

7410.010 0DEFINITIONS.

[For text of subs 1 to 10, see M.R.]

Subp. 10a. **Primary driving supervisor.** "Primary driving supervisor" has the meaning given in Minnesota Statutes, section 171.01, subdivision 45a.

Subp. ~~10a~~ 10b. **Professional license.** "Professional license" means any requirement by law to be licensed or registered by the state to carry on or practice a trade, employment, occupation, or profession within the state and any requirement by law to renew the license or certificate of registration at stated intervals and to pay a fee for such renewal on or before a specified date or be subject to revocation of the license or certificate or other penalties.

[For text of subs 11 to 15, see M.R.]

7410.0800 APPLICATION FOR INSTRUCTION PERMIT UNDER AGE 18.

A. An applicant under the age of 18 applying for an instruction permit may present proof of completion of a department-established or department-approved supplemental parental curriculum by the primary driving supervisor.

B. Proof of completion is satisfied by presenting a fully completed, department-authorized certification of completion that contains:

- (1) the signature of the program's authorized official and driving instructor;
- (2) the date of completion;
- (3) the name of the primary driving supervisor; and
- (4) the full legal name and date of birth of the applicant under the age of 18.

ROAD TEST FOR CLASS D LICENSE.

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

Subp. 3a. **Additional proof optional for minor.**

Exempt Rules

A. An applicant under the age of 18 applying for a Class D driver's license may present proof of completion of a department-established or department-approved supplemental parental curriculum by the primary driving supervisor.

B. Proof of completion is satisfied by presenting a fully completed, department-authorized certification of completion that contains:

(1) the signature of the program's authorized official and driving instructor;

(2) the date of completion;

(3) the name of the primary driving supervisor; and

(4) the full legal name and date of birth of the applicant under the age of 18.

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

EFFECTIVE DATE. Part 7410.0800 and the amendments to parts 7410.0100 and 7410.4920 are effective January 1, 2015.

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Minnesota Office of Administrative Hearings (OAH) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER In the Matter of the Petition for Annexation of Property to, and Detachment of Property from the Lake Washington Sanitary District

The Lake Washington Sanitary District (District), City of Madison Lake (City), Jamestown Township, Kasota Township, Le Ray Township, and Washington Township (Townships) have petitioned the Chief Administrative Law Judge of the Office of Administrative Hearings (OAH) to approve the Petition for Annexation and Detachment (Petition) for the District. The chair and secretary of the District, the chairs and clerks of Townships, and the mayor and city clerk of the City were authorized to sign the Petition pursuant to resolutions passed by their respective government bodies.

Commissioner's Orders

The Chief Administrative Law Judge published the Notice of Intent to Approve the Annexation and Detachment Petition for the Lake Washington Sanitary District (Notice of Intent) in the *State Register* on June 30, 2014. The Chief Administrative Law Judge also mailed notification to all the affected property owners using the addresses certified and provided by the Blue Earth and Le Sueur County Auditors.

After considering the Petition, the Chief Administrative Law Judge published the Notice of Intent to Approve the Annexation and Detachment Petition in the *State Register* and notified the affected property owners of the intent to approve the Petition. Having not received fifty or more timely requests for hearing before the end of the comment period, and upon review of all the files and proceedings herein, the Chief Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The area of the proposed annexation is located in Blue Earth and Le Sueur Counties, Minnesota.
2. The area of the proposed annexation is legally described as:
 - A. R37.05.28.251.001, described as Government Lot 3 and the west half of Government Lot 4, excepting therefrom:
 - a) KJK's Acres, according to the plat thereof on file and of record in the office of the Blue Earth County Recorder;
 - b) KJK's Acres Number 2, according to the plat thereof on file and of record in the office of the Blue Earth County Recorder;
 - c) and that part of Government Lot 3 described in that certain warranty deed recorded as document number 409CR913 in the office of the Blue Earth County Recorder.
 - B. R37.05.28.327.016, described as:

That part of Government Lot 5 of Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota, described as follows: Commencing at the West Quarter corner of Section 28; thence North 89 degrees 52 minutes 42 seconds East (assumed bearing) along the East-West Quarter Section line, also the North line of Government Lot 5, a distance of 1322.89 feet to the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 28; thence South 00 degrees 11 minutes 01 seconds West, 751.08 feet to the point of beginning of the parcel to be described; thence South 13 degrees 01 minutes 39 seconds East, 153.66 feet; thence South 54 degrees 02 minutes 47 seconds East 61.81 feet to the West line of Kimble's Acres according to the recorded plat thereof; thence South 00 degrees 37 minutes 49 seconds East along the West line of Kimble's Acres, 164 feet, more or less, to the shoreline of Lake Ballantyne; thence southwesterly along said shoreline, 100 feet, more or less, to the point of intersection with a line which bears South 00 degrees 11 minutes 01 seconds West from the point of beginning; thence North 00 degrees 11 minutes 01 seconds East, 390 feet, more or less, to the point of beginning. Contains 0.5 acres, more or less.
 - C. R37.05.28.327.018 and R37.05.28.327.019, described as:

That part of Government Lot 5 of Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota, described as follows: Commencing at the West Quarter corner of Section 28; thence North 89 degrees 52 minutes 42 second East (assumed bearing) along the East-West Quarter Section line, also the North line of Government Lot 5, a distance of 1322.89 feet to the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 28; thence South 00 degrees 11 minutes 01 seconds West, 55.00 feet to the southerly right-of-way line of County Road No. 27 and the point of beginning of the parcel to be described; thence continuing South 00 degrees 11 minutes 01 seconds West, 696.08 feet; thence South 13 degrees 01 minutes 39 seconds East, 153.66 feet; thence South 54 degrees 02 minutes 47 second East, 61.81 feet to the West line of Kimble's Acres, according to the recorded plat thereof; thence North 00 degrees 37 minutes 49 seconds West along the West line of Kimble's Acres, 882.87 feet to the southerly right-of-way line of County Road No. 27; thence South 89 degree 52 minutes 42 seconds West along said right-of-way line, 72.73 feet to the point of beginning. Contains 1.49 acres.
 - D. R37.05.28.327.666, described as:

That part of Outlot A, Kimble's Acres according to the plat thereof on file and of record with the Blue Earth County Recorder lying westerly of the following described line: Commencing at the Northeast corner of Lot 5, Block One, Kimble's Acres, the same being the Northwest corner of Outlot A; thence South 07 degrees 54 minutes 24 seconds East (assuming bearing), along the east line of said Lot 5, the same being the west line of Outlot A, a distance of 100.00 feet, thence South 08 degrees 13 minutes 21 seconds West, along the east line of said Lot 5, the same being the west line of Outlot A a distance of 96.51 feet to the point of beginning; thence South 06 degrees 20 minutes 14

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seconds East, and parallel with the west line of Lot 4, Block One, Kimble's Acres, a distance of 100 feet, more or less, to a point on the northerly water's edge of Lake Ballantyne and there terminating.

E. R37.05.35.326.005, described as:

That part of Government Lot 3 in Section 35, Township 109 North, Range 25 West, Blue Earth County, Minnesota described as: Commencing at the northwest corner of Government Lot 3; thence South 00 degrees 14 minutes 18 seconds East (assumed bearing) along the west line of Government Lot 3, a distance of 423.95 feet to a found iron pipe monument approximately 33 feet north of the top of the bank on the northerly side of Madison Lake; thence South 73 degrees 30 minutes 00 seconds East, 118.00 feet to a point on the center line of the creek; thence South 05 degrees 30 minutes 00 seconds East, along said creek center line, 63.59 feet; thence South 84 degrees 30 minutes 00 seconds West, along said creek center line, 27.48 feet to the point of beginning; thence North 84 degrees 30 minutes 00 seconds East, back along the last described course, 27.48 feet; thence North 05 degrees 30 minutes 00 seconds West 63.59 feet; thence South 73 degrees 30 minutes 00 seconds East, 103.59 feet; thence South 68 degrees 15 minutes 40 seconds East, 25.00 feet; thence South 67 degrees 59 minutes 53 seconds East, 114.03 feet; thence South 64 degrees 03 minutes 15 seconds East, 112.39 feet; thence South 59 degrees 04 minutes 14 seconds East, 92.47 feet; thence South 56 degrees 52 minutes 47 seconds East, 73.84 feet; thence South 66 degrees 23 minutes 56 seconds East, 149.88 feet; thence North 35 degrees 30 minutes 00 seconds East, 52.48 feet; thence South 57 degrees 00 minutes 00 seconds East, 56.16 feet; thence South 52 degrees 00 minutes 00 seconds East, 330 feet more or less to a point on the north line of "Idlewood", according to the plat thereof on file and of record with the Blue Earth County Recorder; thence westerly along the north line of "Idlewood", a distance of 450 feet more or less to the point of intersection with the northerly waters edge of Madison Lake; thence Northwesterly along the northerly waters edge of Madison Lake, a distance of 660 feet, more or less to the point of intersection with a line which bears South 35 degrees 00 minutes 00 seconds West, from the point of beginning; thence North 35 degrees 00 minutes 00 seconds East, 90 feet, more or less to the point of beginning.

Containing approximately 3½ acres, subject to an easement for access road purposes to "Idlewood" over and across the above described property.

F. R37.05.35.377.016, R37.05.35.377.017, R37.05.35.378.021, R37.05.35.378.017, R37.05.35.378.009, R37.05.35.378.019, R37.05.35.378.020, R37.05.35.378.015, R37.05.35.378.011, R37.05.35.378.013, R37.05.35.378.022, R37.05.35.377.014, and R37.05.35.377.013, described as:

That part of Government Lot 3, Section 35 Township 109 North, Range 25 West, lying southerly of the following described line:

Commencing at the Northeast corner of Lot 44, Map of Idlewood, on file and of record with the Blue Earth County Recorder, thence North 88 degrees 47 minutes 02 seconds West, along the North line of said Lot 44 and the westerly extension thereof to the Water's Edge of Madison Lake.

G. R39.10.02.301.003, described as:

Easement to Water lying between Lot 27, plat of Lake View Heights Subdivision No. 2 on file and of record in the office of the Blue Earth County Recorder, and Lot 1, plat of Lake View Heights Subdivision on file and of record in the office of the Blue Earth County Recorder.

H. R39.10.02.301.006, described as: Easement to Water lying between Lots 20 and 21, according to the plat of Lake View Heights Subdivision No. 2 on file and of record in the office of the Blue Earth County Recorder.

I. R39.10.11.251.008, described as: All that part of the East Half of Section 11, Township 108 North, Range 25 West, described as follows:

Commencing at the Northeast corner of said Section 11 (the North line of said Section 11 to have an assumed bearing of due East and West); thence South 62 degrees 33.7 minutes West, 1077.12 feet; thence South 8 degrees 55.7 minutes West, 754.57 feet; thence South 19 degrees 15.7 minutes West, 980.30 feet; thence North 75 degrees 19.3 minutes West, 88 feet more or less to the shoreline of Madison Lake, said point being the place of beginning; thence South 75 degrees 79.3 minutes East, 88 feet more or less to a point on the centerline of County Road No. 48; thence South 19 degrees 15.7 minutes West along said centerline 304.0 feet to the P.I. of a 5 degree 00 minute circular curve to the left

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(centerline data I=13 degrees 46 minutes, T=138.34 feet, R=1145.97 feet); thence South 5 degrees 29.7 minutes West along said centerline 478.34 feet to a point on the centerline of the bridge; thence in a northerly direction along the shoreline of Madison Lake to the place of beginning. Said tract contains 2.3 acres or land more or less.

- J. R39.10.03.327.008, described as: Outlot A, Lakewood Drive Subdivision Addition No. 2.
3. The area of the proposed detachment is located in Blue Earth County, Minnesota.
 4. The area of the proposed detachment is legally described as:
R14.05.27.101.001, R14.05.27.126.002, R14.05.27.126.003, R14.05.27.126.004, R14.05.27.126.005, R14.05.27.126.006, R14.05.27.126.007, R14.05.27.126.008, R14.05.27.126.009, R14.05.27.126.010, R14.05.27.126.011, R14.05.27.126.012, R14.05.27.126.013, R14.05.27.126.014, R14.05.27.126.015, R14.05.27.126.016, R14.05.27.126.017, R14.05.27.126.018, R14.05.27.126.019, R14.05.27.126.020, R14.05.27.126.021, R14.05.27.126.022, R14.05.27.126.023, R14.05.27.126.024, R14.05.27.126.025, R14.05.27.126.026, R14.05.27.126.028, R14.05.27.126.031, R14.05.27.126.030, R14.05.27.152.001, R14.05.27.153.001, R14.05.27.153.002, R14.05.27.153.003, R14.05.27.153.004, R14.05.27.153.005, R14.05.27.153.006, R14.05.27.153.007, R14.05.27.153.008, R14.05.27.153.009, R14.05.27.153.010, R14.05.27.201.026, R14.05.27.201.027, R14.05.27.201.028, R14.05.27.201.029, R14.05.27.201.030, R14.05.27.201.031, R14.05.27.201.032, R14.05.27.201.033, R14.05.27.201.034, R14.05.27.201.035, R14.05.27.201.036, R14.05.27.201.037, R14.05.27.201.038, R14.05.27.201.039, R14.05.27.201.040, R14.05.27.201.041, R14.05.27.201.042, R14.05.27.201.043, R14.05.27.201.044, R14.05.27.201.045, R14.05.27.201.046, R14.05.27.201.047, R14.05.27.201.048, R14.05.27.201.049, R14.05.27.201.666, R14.05.27.201.667, R14.05.27.201.668, R14.05.27.227.024, R14.05.27.227.025, R14.05.27.227.026, R14.05.27.227.027, R14.05.27.227.028, R14.05.27.227.029, R14.05.27.227.030, R14.05.27.227.031, R14.05.27.227.032, R14.05.27.227.033, R14.05.27.326.002, R14.05.27.351.001, R14.05.27.351.002, R14.05.27.351.003, R14.05.27.351.004, R14.05.27.351.005, R14.05.27.351.006, R14.05.27.351.007, R14.05.27.351.008, R14.05.27.351.009, R14.05.27.351.010, R14.05.27.351.011, R14.05.27.351.012, R14.05.27.376.003, R14.05.27.376.002, R37.05.27.400.006, R37.05.28.100.003, R37.05.28.100.005, R37.05.28.100.008, R37.05.33.101.010, R14.05.34.101.001.
 5. On November 19, 2013, the District and the Townships held a joint public meeting to consider the proposed annexation and the proposed detachment. The Notice of Public Hearing (Notice) was published for two successive weeks in the Mankato Free Press and St. Peter Herald, qualified newspapers in the area. The Notice was published on October 30, 2013, and November 6, 2013, in the Mankato Free Press. The Notice was published on October 31, 2013, and November 7, 2013, in the St. Peter Herald. The Notice was posted for two weeks in the designated posting locations for the Townships and the District. The Notice was also mailed three weeks prior to the meeting to property tax billing address for all parcels included in the existing sanitary district, the proposed annexation area, and the proposed detachment area.
 6. On December 2, 2013, the City of Madison Lake adopted a resolution authorizing the submission of the Petition. The resolution was published and became effective forty days after the date of first publication.
 7. On December 9, 2013, the District and the Townships adopted resolutions authorizing the submission of the Petition. The resolutions were published and became effective forty days after the date of first publication.
 8. On March 26, 2014, the Petition was filed with the Chief Administrative Law Judge requesting approval. The chair and secretary of the District, the board chairs and clerks of the Townships, the mayor and city clerk of the City signed the Petition, as authorized by resolutions of each body of government. The Petition has met all the requirements of *Minnesota Statutes* §§ 442A.05, subd. 2, and 442A.06, subd. 2.
 9. On June 30, 2014, the Chief Administrative Law Judge published the Notice of Intent in the *State Register* at 38 SR 1708-1711. The Notice of Intent was mailed to all of the affected property owners using the addresses certified and provided by the Blue Earth and Le Sueur County Auditors. The public comment period lasted for thirty days.
 10. *Minnesota Statutes* §§ 442A.05, subd. 4(b), and 442A.06, subd. 4(b), require the Chief Administrative Law Judge to hold a contested case hearing if fifty or more individual timely requests for hearing are received before the end of the comment period. By July 30, 2014, the end of the public comment period, the Chief Administrative Law Judge did not receive any requests for a hearing.
 11. The proposed annexation to the District will serve the purpose of promoting the public health and welfare by providing an

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adequate and efficient system and means of collecting, conveying, pumping, treating, and disposing of domestic sewage within the District.

12. The maintenance of the proposed annexation is administratively feasible and furthers the public health, safety, and welfare.
13. The proposed annexation area is not within twenty-five miles of the boundary of a city of the first class.
14. The proposed detachment area will not have any negative environmental impact on the proposed detachment area.
15. The conditions for inclusion of the detachment area in the District no longer exist.

Based upon these Findings of Fact, the Chief Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The Chief Administrative Law Judge has jurisdiction over the proposed annexation and the proposed detachment pursuant to *Minnesota Statutes* §§ 442A.01 to 442A.29.
2. The petitioners have substantially complied with all the procedural requirements of *Minnesota Statutes* §§ 442A.01 to 442A.29, as well as other substantive and procedural requirements of law and rule.
3. The conditions described in *Minnesota Statutes* § 442A.05, subd. 1, exist within the annexation area.
4. The requirements of *Minnesota Statutes* § 442A.06 have been met.

ORDER

IT IS HEREBY ORDERED THAT:

1. The property described in Finding Number 2 is annexed to the Lake Washington Sanitary District.
2. The property described in Finding Number 4 is detached from the Lake Washington Sanitary District.

Signed by Tammy L. Pust,
Chief Administrative Law Judge,
Office of Administrative Hearings,
on November 7, 2014.

NOTICE

Pursuant to *Minnesota Statutes* §§ 442A.05, subd. 10, and 442A.06, subd. 10, ten days after public notice of the order in the *State Register*, the chief administrative law judge will deliver a certified copy of the order to the secretary of state for filing.

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.

Minnesota Department of Labor and Industry (DLI)

Labor Standards Unit

Notice of Correction to Highway Heavy Prevailing Wage Rates for Various Labor Codes in Various Locations

Corrections have been made to the Highway Heavy Prevailing Wage Rates certified 10/20/2014 for:

Labor Code 109 (Underground and Open Ditch Laborer) in Region 6.

Labor Code 201 (Articulated Hauler) in Regions 3, 6, 7, 8 and 10.

Labor Code 202 (Boom Truck) in Regions 3, 5, 6, 7 and 8.

Labor Code 203 (Landscaping Equipment) in Regions 1, 5 and 9.

Labor Code 204 (Off-Road Truck) in Regions 5, 6, 7, 8 and 10.

Group 2 (Labor Codes 302 through 308) in Regions 3, 5 and 8.

Group 3 (Labor Codes 309 through 322) in Regions 3, 5 and 7.

Group 4 (Labor Codes 323 through 368) in Regions 3 and 5.

Group 5 (Labor Codes 369 through 385) in Region 3.

Group 6 (Labor Codes 387 through 397) in Regions 3 and 7.

Copies with the corrected certified wage rates for these Regions may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.dli.mn.gov. Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Ken B. Peterson, Commissioner
Department of Labor and Industry

Minnesota Department of Transportation (Mn/DOT)

Notice to Bidders: Suspensions/Debarments as of September 17, 2014

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be suspended effective July 8, 2014:

- Marlin Dahl, Granada, MN
- Dahl Trucking, Elmore, MN
- Elmore Truck and Trailer, Inc., Elmore, MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN

Official Notices

- Watab Hauling Co. and its affiliates, Rice, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective September 17, 2014 until September 17, 2017:

- Jeffrey Plzak and his affiliates, Loretto, MN
- Laurie Plzak and her affiliates, Loretto, MN
- Honda Electric Incorporated and its affiliates, Loretto, MN
- Jeffrey and Laurie Plzak doing business as Honda Electric Logistics, and its affiliates, Loretto, MN

Minnesota Statute section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller's or transfer's debarment.

State Contracts

In addition to the following listing of state contracts, readers are advised to check the Statewide Integrated Financial Tools (SWIFT) Supplier Portal at: <http://supplier.swift.state.mn.us> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be advertised in the Supplier Portal (see link above) or posted on the Department of Administration, Materials Management Division's (MMD) Web site at: <http://www.mmd.admin.state.mn.us/solicitations.htm>.

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 advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWIFT system.

Minnesota State Colleges and Universities (MnSCU)

Inver Hills Community College

Notice of Request for Proposals for Purchase of High Fidelity Tetherless Manikin

Complete proposal information go at: <https://voices.inverhills.edu/rfp>

Any and all questions **MUST** be sent to Karla Colwell by e-mail at: karla.colwell@inverhills.edu.

All questions received and answered will be posted to this site. It is your responsibility to check this site for all updates. Karla will not respond to phone calls and will not reply directly to emails.

Faxed or email proposals will not be accepted.

Proposals **MUST** be sealed in an envelope with a notation on the outside of the envelope stating: **LifePak-15 Monitor– DELIVER IMMEDIATELY**

Sealed proposals must be delivered no later than 12:00 P.M., Monday, November, 24th 2014 to:

Inver Hills Community College
Attn: Karla Colwell
Business Office, College Center Building
2500 - 80th Street East
Inver Grove Heights, MN 55076

Minnesota State Colleges and Universities (MnSCU) Inver Hills Community College Notice of Request for Proposals for Purchase of LifePak-15 Monitor

Complete proposal information go at: <https://voices.inverhills.edu/rfp>

Any and all questions **MUST** be sent to Karla Colwell by e-mail at: karla.colwell@inverhills.edu.

All questions received and answered will be posted to this site. It is your responsibility to check this site for all updates. Karla will not respond to phone calls and will not reply directly to emails.

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Attn: Karla Colwell
Business Office, College Center Building
2500 - 80th Street East
Inver Grove Heights, MN 55076

Minnesota State Colleges and Universities (MnSCU) Minnesota State University, Mankato Advertisement for Bids for construction of new Clinical Sciences Building

Sealed Bids for: MSU Mankato Clinical Sciences Building
Wiecking Center Room 358
415 Malin Street
Mankato, MN 56001

Will be received by: Donna Hensel, Facilities Purchasing Coordinator
Minnesota State University, Mankato
Wiecking Center Room 358
415 Malin Street
Mankato, MN 56001

Until 2:00 p.m. local time, December 16, 2014, at which time the bids will be publically opened and read aloud in Wiecking Center Room 357.

State Contracts

Project Scope: Construct a new 59,451 square foot Clinical Sciences Building to house general classrooms, labs, and clinics for the Nursing, Dental Hygiene, and Speech Hearing and Rehabilitation departments.

A **Pre-Bid Meeting** has been scheduled at 9:30 a.m. on November 21, 2014, in the Centennial Student Union building Room 253.

Interested parties may view the Bidding Documents at no cost on the website:

<http://www.finance.mnscu.edu/facilities/design-construction/index.html>

and click on “Announcements,” then click on “Advertisement for Bids (E-Plan Room).”

Minnesota Department of Health (MDH) Notice of Availability of Contract for State-based Risk Adjustment Evaluation

The Minnesota Department of Health is requesting proposals from vendors with demonstrated expertise in employing actuarial science and developing risk adjustment models to evaluate the feasibility and potential benefit of conducting state-based risk adjustment for Minnesota’s small group and individual health insurance markets.

Work is proposed to start on January 21, 2015.

A Request for Proposals will be available from this office on November 17, 2014. A copy of the Request for Proposals can be requested by contacting the Health Economics Program of the Minnesota Department of Health by telephone at 651-201-3764, or by e-mail at: anne.krohmer@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address below no later than 4:00 p.m., Central Time, on December 12, 2014. **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

Anne Krohmer
Health Economics Program
Minnesota Department of Health
Golden Rule Building
85 East 7th Place, Suite 220
St. Paul, MN 55101

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Judicial Branch State Court Administrator’s Office Court Services Division Request for Proposal for an Analysis and Report Regarding the Level of Effort to Achieve Statewide Submission of Electronic Citations (eCitations) from Law Enforcement to the Courts

The Court Services Division of the State Court Administrator’s Office is using a competitive selection process to select the vendor responsible for analyzing and documenting the current state of eCitations including the issues, obstacles, constraints, options, and plans for fully expanding electronic submission of citations from law enforcement agencies to the courts in all counties and jurisdictions in the State of Minnesota.

State Contracts

THE STATE IS NOT OBLIGATED TO RESPOND TO ANY PROPOSAL SUBMITTED NOR IS IT LEGALLY BOUND IN ANY MANNER WHATSOEVER BY THE SUBMISSION OF A PROPOSAL. THE STATE RESERVES THE RIGHT TO CANCEL OR WITHDRAW THE REQUEST FOR PROPOSAL AT ANY TIME IF IT IS CONSIDERED TO BE IN ITS BEST INTEREST. IN THE EVENT THE REQUEST FOR PROPOSALS IS CANCELLED OR WITHDRAWN FOR ANY REASON, THE STATE SHALL NOT HAVE ANY LIABILITY TO ANY PROPOSER FOR ANY COSTS OR EXPENSES INCURRED IN CONNECTION WITH THIS REQUEST FOR PROPOSALS OR OTHERWISE. THE STATE ALSO RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS, OR PARTS OF PROPOSALS, TO WAIVE ANY INFORMALITIES THEREIN, AND TO EXTEND PROPOSAL DUE DATES. This Request for Proposal does not obligate the Minnesota Judicial Branch to award a contract or complete the project and the Minnesota Judicial Branch reserves the right to cancel.

Your proposal must be submitted in writing in a sealed envelope to:

Rebecca Becker
Court Services Division
State Court Administrator's Office
105 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155
E-mail: Rebecca.becker@courts.state.mn.us

The submission, including four (4) paper copies and one (1) electronic (PDF) copy, is due by 4:30 p.m. CST December 1, 2014. No facsimile submissions will be accepted.

A complete copy of the Request for Proposal may be found on the Minnesota Judicial Branch website (in the News and Announcements/Public Notices section) at www.mncourt.gov

Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop 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 awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to 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 expenses are 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 applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson
Consultant Services

State Contracts

Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. - Mail Stop 680
St. Paul, MN 55155

Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

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

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. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

Minnesota Zoo Notice of Request for Proposals for Minnesota Zoo Discovery Bay Interpretive Project

In the spring of 2015, the Minnesota Zoo will be renovating existing Discovery Bay exhibits, adding new species and tanks to the Clubhouse Cove area of Discovery Bay, and opening a brand new Hawaiian Monk Seal display. The Minnesota Zoo requests proposals for the design, theming, fabrication, and installation of interpretive elements that will integrate with the new aquariums and lighting systems. An integrated design should address multiple factors of the guest experience, included visitor flow, sight lines, lighting and sound, environment, graphics, and educational messaging. Multimedia technology and tactile elements will be included. The Zoo will provide direction with interpretive content and messaging, graphic design, and will also be responsible for the installation of the new aquariums. The selected firm will be responsible for the theming of the aquarium bases (and any other methods of shrouding their functional elements while providing staff access to life support systems).

Details are included in the complete Request for Proposals which is available by e-mailing Jessica Madole, Minnesota Zoo Project Manager at Jessica.madole@state.mn.us. There is a mandatory pre-bid meeting Thursday Nov 20, 2014, the deadline for submitting a proposal is 3:00 PM., CST, December 1, 2014.

This Request for Proposals does not obligate the State of Minnesota or the Minnesota Zoo to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation. All expenses incurred in response to this notice are solely the responsibility of the responder.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *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.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

Dakota County, MN

Notice of Request for Proposals (RFP) for Design Engineering Services

NOTICE IS HEREBY GIVEN That the Dakota County Transportation Department requests proposals for the design of the reconstruction of the interchange at TH 52 and CSAH 42 in the City of Rosemount (CP 42-82, City Project 461, SP 019-624-045).

Qualification-based selection criteria will be used to evaluate submittals from responding consultants. Upon completion of the technical rankings, Dakota County will enter into contract negotiations with the most qualified firm. There is a **4.7% DBE Goal** for this contract.

The Request for Proposals was issued on November 10, 2014. The proposal deadline is December 11, 2014 at 2:00 PM.

The Request for Proposals can be found on the Dakota County website at (cut and paste the link provided below):

www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/cсах-42-th-52-interchange.aspx

Prospective responders who have any questions regarding the RFP may contact Jacob Rezac at jacob.rezac@co.dakota.mn.us

Metropolitan Airports Commission (MAC)

Minneapolis-Saint Paul International Airport

Notice of Call for Bids for Electrical Infrastructure Rehab 2015 (P7)

MAC Contract No.:

106-2-732

Bids Close At:

2:00 p.m., December 16, 2014

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The work includes installing new electrical equipment in existing electrical rooms.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 6%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of the Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on November 17, 2014, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids.)



Several convenient ways to order:

- ♦ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- ♦ **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- ♦ **On-line orders:** www.minnesotasbookstore.com
- ♦ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- ♦ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

PREPAYMENT REQUIRED. Prices and availability subject to change.

Fax and phone orders: Credit card purchases ONLY (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery. **Mail orders:** Complete order blank and send to address above. Enclose check or include credit card information. Please allow 4-6 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A \$20.00 fee will be charged for returned checks.

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<i>If Product</i>	<i>Please</i>
<i>Subtotal is:</i>	<i>Add:</i>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$1,000	\$ 17.00*
<small>*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.</small>	
More than \$1,000	Call

Product Subtotal _____

Shipping _____

Subtotal _____

Sales tax _____

(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 7.125% MN transit tax or other local sales tax if applicable)

TOTAL _____

If tax exempt, please provide ES number or completed exemption form.
ES# _____