

State of Minnesota

State Register



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

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

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- Withdrawn Rules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

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Vol. 37 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
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# 13	Monday 24 September	Noon Tuesday 18 September	Noon Wednesday 12 September
# 14	Monday 1 October	Noon Tuesday 25 September	Noon Wednesday 19 September
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Minnesota Rules: Amendments & Additions

Rules Index: Volume 37, #1-11: 2 July - 10 September 2012..... 350

Proposed Rules

Health Department (MDH)

Division of Environmental Health:

Proposed Permanent Rules Relating to Indoor Ice Arenas and Motorsports Arenas..... 358

Exempt Rules

Labor and Industry Department (DLI)

Adopted Exempt Permanent Rules Regarding Federal OSHA Standards..... 364

Adopted Exempt Permanent Rules Relating to Workers' Compensation; 2012 Adjustments to Independent Medical Examination Fees; Relative Value Fee Schedule Conversion Factors..... 373

Natural Resources Department (DNR)

Adopted Exempt Permanent Game and Fish Rules: Wolf Restitution Value and Use of Snares; Game Farms..... 374

Expedited Rules

Minnesota Plumbing Board

Proposed Expedited Permanent Rules Relating to Backflow Prevention Rebuilders and Backflow Prevention Testers..... 375

Expedited Emergency Rules

Natural Resources Department (DNR)

Adopted Expedited Emergency Game and Fish Rules: Prohibited Invasive Species..... 378

Revenue Notices

Department of Revenue

Modification of Revenue Notice # 02-12: Sales and Use Tax – Taxable Delivery Charges – Aggregate Materials..... 380

Revenue Notice # 12-09: Sales and Use Tax – Government Exemptions – Water Used Directly in Providing Fire Protection..... 380

Official Notices

Subscribers' Services..... 382

Emergency Medical Services Regulatory Board (EMSRB)

Completed Application in the Matter of the License Application of Sanford Worthington Ambulance Service, Worthington, Minnesota..... 382

Human Services Department (DHS)

Request for Comments on Possible Amendment to Rules Governing the Rehabilitative and Therapeutic Services, Therapists Eligible to Enroll as Providers, and Required Documentation of Rehabilitative and Therapeutic Services..... 383

Request for Statements of Interest for Development and Implementation Council for Community First Services and Supports and Money Follows the Person..... 384

Labor and Industry Department (DLI)

Safety and Workers' Compensation Division:

Annual Adjustment to Workers' Compensation Vocational Rehabilitation Hourly Rates..... 385

Natural Resources Department (DNR)

Hearing on Sale of State Lands in Roseau County..... 385

Minnesota Public Utilities Commission (PUC)

Permit Decision in the Matter of the Route Permit Application by Great River Energy for the Parkers Prairie 115 kV Transmission Line Project in Otter Tail County (PUC Docket No. ET2/TL-11-867)..... 386

Teachers Retirement Association (TRA)

Board of Trustees Meeting 19 September 2012..... 386

Transportation Department (Mn/DOT)

Engineering Services Division,

Office of Construction and Innovative Contracting:

Notices of Suspension and Debarment..... 387

State Contracts

On-going State Contracts..... 388

Administration Department (Admin)

Health Related Licensing Boards:

Request for Information (RFI) for Health Board Regulatory System..... 388

Real Estate and Construction Services:

Availability of Request for Proposal (RFP) for Development of a Facility Condition Assessment (FCA) Process..... 389

State Designer Selection Board (Project No. 12-11):

Availability of Request for Proposal (RFP) for New Well and Treatment Facility, Minnesota Correctional Facility-Stillwater..... 389

Colleges and Universities, Minnesota State (MnSCU)

Northland Community and Technical College:

Request for Proposal for Imagery Analysis Training Simulators for the Imagery Analysis Program..... 390

Natural Resources Department (DNR)

Availability of Contract for Marketing of Minnesota's Hunting and Fishing Recreation to Increase License Sales, Promote License Price Changes and Increase Women's Representation in Hunting and Fishing.... 390

Public Safety Department (DPS)

Minnesota Board of Firefighter Training and Education (MBFTE):

Request for Proposals for to Present Incident Safety Officer Training..... 391

Transportation Department (Mn/DOT)

Engineering Services Division:

Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")..... 391

Engineering Services Division:

Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices..... 392

Office of Materials and Road Research:

Request for Proposals (RFP) for Development of an Improved Design Procedure for Unbonded Concrete Overlays..... 392

Non-State Public Bids, Contracts & Grants

Vendors Needed for These Projects..... 393

Metropolitan Airports Commission (MAC)

Request for Qualifications Statements for Legislative Consultant Services..... 394

Washington County

Public Works Department:

Request for Proposals for Red Rock Corridor Alternatives Analysis Update..... 394

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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.

Minnesota Rules

appearing in Volume 37, #1-11

Monday 2 July - Monday 10 September 2012

Animal Health Board

1721.0010; .0020; .0030; .0034; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0104; .0110; .0120; .0130; .0140; .0150; .0160; .0165; .0170; .0175; .0180; .0190; .0200; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0330; .0340; .0344; .0350; .0360; .0370; .0380; .0390; .0400; .0410; .0420; .0430; .0440; .0450; .0460; .0470; .0480; .0490; .0500; .0510; .0520; .0530; .0540; .0550; .0560; .0570; .0580; .0590; .0600; .0610; .0620; .0630; .0640; .0650; .0660; .0670; .0680; .0690; .0695; .0700; .0710; .0720; .0730; .0740 (proposed)..... 97
1700.0100 s. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17; .0200; .0300; .0400; .0500; .0550; .0600; .0700; .1100; .1200; .1500; .1600; .1700; .1810; .1820; .1830; .1840; .1850; .1860; .2100; .2200; .2300; .2305; .2310; .2400; .2450; .2500; .2590; .2600; .2650; .2700; .2800; .2850; .2900; .2950; .3010; .3110; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000; .4100; .4200; .4300; .4400; .4500; .4900; .5000; .5100; .5200; .5300; 1705.0010; .0020; .0030; .0040; .0045; .0050; .0060 s. 1, 1a, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370; .0380; .0390; .0410; .0420; .0440; .0450; .0480; .0490; .0500; .0520; .0530; .0540; .0640 s. 1, 2, 4, 8a, 9; .0720; .0725; .0726; .0727; .0732; .1090; .1100; .1110; .1120; .1130; .1131; .1145; .1146; .1147; .1151; .1152; .1170; .1175; .1180; .1190; .1200; .1210; .1220; .1230; .1240; .1250; .1550; .1560; .1570; .1580; .1590; .1600; .1610; .1620; .1630; .1640; .1650; .1660; .1670; .1680; .1690; .1700; .1710; .1720; .1730; .1740; .1750; .1760; .1770; .1780; .1790; .1800; .1810; .1820; .1830; .1840; .1850; .1860; .1870; .1880; .1890; .1900; .1910; .1920; .1930; .1940; .1950; .1960; .1970; .1980; .1990; .2000; .2010; .2020; .2030; .2040; .2050; .2260; .2270; .2280; .2290; .2300; .2310; .2320; .2400 s. 1, 1a, 1b, 1c, 1d, 2, 3, 3a, 3b, 3c, 3d, 3e, 4, 5, 5a, 5c, 5d, 6, 6a, 6b, 6c, 6d, 7a, 7b, 7c, 8, 9, 10, 11, 12; .2410; .2420; .2430; .2434 s. 1, 2, 4, 5; .2440; .2450 s. 1, 2, 4; .2460 s. 1, 2, 3, 4, 5, 6, 7, 8, 8a, 8b; .2470 s. 1a, 1b, 1c, 1d, 3, 4, 5, 6, 7; .2472 s. 1; .2474 s. 1, 2, 3; .2476 s. 1, 2, 4, 5, 6, 7, 8; .2480; .2500; .2520; .2530; .2700; .2710; .2720; .2730; .2740; .2750; 1710.1300; .1310; .1320; .1330; .1340; .1350; .1360; .1370; .1380; .1385; .1390; .1400; .1410; .1420; .1430; .1435; .1440; .1445; .1450; .1455; .1460; .1470; .1480; .1490; .1500; .1510; .1520; .1530; 1715.0005 s. 1, 2, 2a, 2b, 2c, 2d, 3, 3a, 3b, 4,

5, 7; .0010; .0020; .0030; .0040; .0050; .0060; .0072; .0090; .0105; .0110; .0125; .0130; .0140; .0150; .0160; .0162; .0200; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0305; .0310; .0320; .0330; .0340; .0350; .0360; .0370; .0380; .0385; .0390; .0410; .0420; .0430; .0440; .0450; .0460; .0470; .0480; .0490; .0500; .0510; .0520; .0550; .0560; .0570; .0580; .0590; .0610; .0620; .0630; .0640; .0650; .0660; .0670; .0680; .0690; .0705; .0710; .0720; .0730; .0740; .0750; .0760 s. 1, 2, 4a, 4b, 4c, 4d, 5; .0770 s. 1, 2, 3, 4, 6, 7; .0780 s. 1, 2, 3, 4, 5, 6, 6a, 7, 9, 10, 11, 12; .0790; .0800; .0810; .0820; .0830; .0840; .0850; .0860; .0870; .0890; .0900; .0910; .0920; .0940; .0950; .0960; .0970; .1000; .1010; .1020; .1030; .1040; .1050; .1060; .1070; .1080; .1100; .1110; .1120; .1130; .1140; .1150; .1160; .1190; .1200; .1210; .1220; .1230; .1240; .1250; .1260; .1270; .1280; .1290; .1300; .1310; .1315; .1320; .1330; .1340; .1350; .1360; .1370; .1380; .1390; .1400; .1420; .1440; .1450; .1480; 1719.0100 s. 1, 2, 3, 4, 5, 6, 6a, 6b, 7, 7a, 9a, 10, 11, 12, 12a, 13; .0200 s. 1; .0300 s. 1; .0310; .0400; .0500 s. 1; .0600; .0700; .0750; .0800; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000 s. 1; .2100; .2200 s. 1; .2300; .2400 s. 2; .2500 s. 1; .2600; .2700; .2800 s. 1; .2900 s. 1; .3000; .3100; .3200; .4000; .4100; .4200; .4250; 1720.0320; .0330; .0581; .0590; .0600; .0610; .0620; .0630; .0640; .0650; .0660; .0670; .0680; .0690; .0700; .0710; .0720; .0730; .0740; .0750; .0760; .0770; .0780; .0790; .0800; .0810; .0860; .0870; .0880; .0890; .0900; .0910; .0920; .0930; .0940; .0950; .0960; .0970; .1000; .1010; .1030; .1040; .1050; .1055; .1060; .1065; .1070; .1080; .1330 s. 1, 2, 2a, 4, 4a, 5, 5a, 6, 7; .1390; .1400; .1410; .1420; .1430; .1440; .1450; .1460; .1480; .1490; .1500; .1510; .1520; .1530; .1535; .1537; .1538; .1540; .1542; .1545; .1546; .1550; .1555; .1560; .1570; .1575; .1576; .1578; .1680; .1690; .1700; .1710; .1720; .1730; .1740 (proposed repealer)..... 97

Health Department (MDH)

4620.3900; .3910; .3950; .4000; .4100; .4450; .4510; .4550; .4600; .4650; .4700; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600; .5650; .5700; .5800; .5900; .5950 (proposed).....352
4620.4000 s. 2, 5, 6, 7; .4200; .4300; .4400; .4500 (proposed repealer)..... 352
4654.0200; .0800 (proposed expedited)..... 242

Labor and Industry Department (DLI) - Plumbing Board

4716.0010; .0070; .0071; .0072; .0090; .0091; .0092; .0200; .0205; .0210 (adopted)..... 5

Minnesota Rules: Amendments and Additions

4716.0095; .0096; .0097 (proposed expedited)....375

Labor and Industry Department (DLI) - OSHA

5205.0010 (proposed exempt).....	8
5205.0010 (adopted exempt).....	364
5219.0500; 5221.4020 (adopted exempt).....	373

Natural Resources Department (DNR)

6216.0250; .0260 (adopted expedited emergency).....	328
6216.0250; .0260 (adopted expedited emergency).....	378
6230.0200; .0295; .0400; 6234.1700; .1900; .2000; .2200; .2400; .2600 (adopted expedited emergency).....	167
6230.0295 s. 2 (expedited emergency repealed).....	167
6230.0400 s. 33a, 61; 6234.1900 in 36 SR 75, August 8, 2011 (expedited emergency amendments repealed).....	167
6133.0075; 6234.0900; .2300; .2400; 6242.0900; .1000 (adopted exempt).....	374

6232.0200; .0300; .0350; .0400; .0800; .1300; .1600; .1750; .1800; .1980; .2100; .2500; .4700 (adopted expedited emergency).....	245
6232.4800 (adopted expedited emergency).....	71
6234.0800; 6240.0610; .0650; .0950 (adopted expedited emergency).....	307
6234.2105 (adopted expedited emergency).....	279
6240.0620 (adopted expedited emergency).....	72

Minnesota Pollution Control Agency

7001.3500 (adopted exempt).....	171
7005.0100; 7007.0050; .0100; .0150; .0200; .0250; .0300; .0325; .0350; .0400; .0500; .0750; .0800; .0950; .1050; .1100; .1105; .1107; .1110; .1115; .1120; .1125; .1130; .1140; .1141; .1142; .1145; .1146; .1150; .1300; .1400; .1450; .1500; .1850; 7011.2305; .2310 (proposed).....	47
7011.3520 (proposed repealer).....	47

Proposed Rules

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 Department of Health (MDH)

Division of Environmental Health

Proposed Permanent Rules Relating to Indoor Ice Arenas and Motorsports Arenas 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

Proposed Amendment to Rules Governing Air Quality in Enclosed Sports Arenas, *Minnesota Rules*, Chapter 4620, parts 3900 to 5950

Introduction. The Department of Health 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 October 11, 2012, the Department will hold a public hearing in B-107, Orville F. Freeman Building, 625 Robert Street North, Saint Paul, Minnesota 55164-0975, starting at 9:00 AM on Tuesday, November 13, 2012. 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 October 11, 2012 and before November 13, 2012.

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: John Olson at Minnesota Department of Health, 625 Robert Street North, PO Box 64975, Saint Paul, MN, 55164-0975, **phone:** (651) 201-4614, fax: (651) 201-4606, and **e-mail:** john.d.olson@state.mn.us. **TTY** users may call the Department of Health at 651-201-5797.

Subject of Rules and Statutory Authority. The proposed rules are about maintaining acceptable air quality in the operation and maintenance of enclosed sports arenas. The statutory authority to adopt the rules is *Minnesota Statutes*, section 144.1222, subdivision 3. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above and on the agency's website at: <http://www.health.state.mn.us/divs/eh/indoorair/arenas/rule/2009revision/index.html>.

Comments. You have until 4:30 p.m. on Thursday, October 11, 2012, 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. You must also make any comments about the legality

of the proposed rules 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 Thursday, October 11, 2012. 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 may 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 November 13, 2012, 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) 201-4614 after October 11, 2012 to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 201-4601 or going on-line at <http://www.health.state.mn.us/divs/eh/indoorair/arenas/rule/2009revision/index.html>.

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 Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone: (651) 361-7845, and fax: (651) 361-7936.

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.

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

Proposed Rules

contact person or at the agency's website <http://www.health.state.mn.us/divs/eh/indoorair/arenas/rule/2009revision/index.html>.

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 review for legality. 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: 29 August 2012

Edward P. Ehlinger, MD, MSPH, Commissioner
Minnesota Department of Health

4620.3900 APPLICATION PURPOSE.

~~Parts 4620.3900 to 4620.4800 apply to owners/operators of ice arenas in which internal combustion engine-powered ice resurfacing machines are used; and owners/operators of enclosed sports arenas in which other internal combustion engine-powered vehicles or equipment are used for racing, competition, or for demonstration including, but not limited to, midget cars, motorcycles, and snowmobiles. The purpose of parts 4620.3900 to 4620.4800 is to protect public health by ensuring acceptable air quality in the operation and maintenance of indoor ice arenas.~~

4620.3910 APPLICATION.

~~Parts 4620.3900 to 4620.4800 apply to owners or operators of indoor ice arenas.~~

4620.3950 ACCEPTABLE AIR QUALITY.

~~The owner or operator of an indoor ice arena must maintain acceptable air quality conditions at all times in areas of the arena building that are open to the public. Such conditions are defined as: one-hour average air concentration of not more than 20 parts of carbon monoxide per one million parts of air by volume (20 ppm), and one-hour average air concentrations of not more than 0.3 parts of nitrogen dioxide per one million parts of air by volume (0.3 ppm).~~

4620.4000 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4620.3900 to 4620.4800, the following terms shall have the meanings given them ~~unless the context clearly indicates otherwise.~~

Subp. 1a. **Air quality measuring device.** ~~"Air quality measuring device" means direct-read pump and colorimetric tube or electronic real-time gas detection equipment for sampling and measuring nitrogen dioxide and carbon monoxide air concentrations.~~

Subp. 2. ~~[See repealer.]~~

Subp. 3. ~~[Repealed by amendment, L 1977 c 305 s 39]~~

Subp. 3a. **Arena.** ~~"Arena" means an indoor ice arena.~~

Subp. 3b. **Arena building.** ~~"Arena building" means a structure with a roof and walls that houses an indoor ice arena.~~

Proposed Rules

Subp. 4. **Certificate.** “Certificate” means a certificate of approval issued by the commissioner of health pursuant to under parts 4620.3900 to 4620.4800.

Subp. 5. [See repealer.]

Subp. 5a. **Commissioner.** “Commissioner” means the commissioner of health or the commissioner’s designee.

Subp. 5b. **Edging.** “Edging” means operation of an ice edger.

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 7a. **Ice edger.** “Ice edger” means power equipment used to modify the perimeter of an ice sheet.

Subp. 7b. **Ice maintenance machine.** “Ice maintenance machine” means an ice resurfacer or ice edger.

Subp. 7c. **Ice resurfacer.** “Ice resurfacer” means power equipment used to modify the entire surface of the ice.

Subp. 7d. **Indoor ice arena.** “Indoor ice arena” means a single room of a permanent or temporary structure where an ice sheet is maintained having the following characteristics:

A. the room has a roof;

B. the room is bounded by walls, doorways, or windows, whether open or closed; and

C. the walls, doorways, or windows cover more than 50 percent of the combined surface area of the vertical planes that make up the room’s perimeter (sides).

Subp. 7e. **Operator.** “Operator” means the person designated by the owner as responsible to operate and maintain the indoor ice arena.

Subp. 7f. **Owner.** “Owner” means the person having legal title to the indoor ice arena or the owner’s legally authorized representative.

Subp. 8. **Person.** “Person” means any natural ~~person~~ individual, corporation, partnership, or other business association and includes the state and its political subdivisions.

Subp. 8a. **Responsible person.** “Responsible person” means the individual authorized by the operator to ensure acceptable air quality conditions in the arena.

Subp. 9. **Resurfacing machine.** “Resurfacing machine” means ~~internal combustion engine-powered operation of an ice resurfacing machine~~ resurfacer.

4620.4100 RESURFACING MACHINES CERTIFICATE OF APPROVAL.

Subpart 1. **Applicability.** After July 1, 1973, No person ~~shall~~ may own or operate an indoor ice arena in which a resurfacing machine is used unless the commissioner issues the person a certificate ~~is issued by the commissioner of health.~~ The certificate must be displayed in a conspicuous place in the ice arena. If all conditions specified in parts 4620.3900 to 4620.4800 are met, the commissioner of health shall issue a certificate.

Subp. 2. **Certificate application.** Applications for a certificate must be submitted on forms prescribed by the commissioner. An application must be submitted:

A. annually, by owners or operators of all existing indoor ice arenas; and

B. at least 30 days before owners or operators open new indoor ice arenas to the public.

Subp. 3. **Certificate issuance.** The commissioner must issue a certificate under subpart 2, if the commissioner determines that the

Proposed Rules

owner or operator has complied with parts 4620.3900 to 4620.4800 and demonstrated the ability to maintain acceptable air quality conditions in the arena building.

Subp. 4. **Certificate expiration and renewal.** A certificate issued under this part expires one year from the date of issue.

A. Owners or operators must apply for renewal on forms prescribed by the commissioner at least 30 days before a certificate expires.

B. If a certificate expires while a renewal application is pending approval, the arena may continue to operate under the expired certificate until the commissioner issues a new certificate or denies the renewal application.

Subp. 5. **Posting of certificate.** The certificate must be prominently displayed in a location that is clearly visible to the public.

4620.4450 TRAINING.

Subpart 1. **Requirements.** The owner or operator must ensure that a trained responsible person is available in the arena building at all times that the arena is open to the public. Training must:

A. be appropriate for the trainee's level of responsibility in operating the arena;

B. be performed annually;

C. include the following topics:

(1) acceptable air quality conditions;

(2) methods of maintaining acceptable air quality in the arena;

(3) proper operation and storage of the arena air quality measuring device;

(4) proper collection of air samples with the arena air quality measuring device;

(5) appropriate actions for correcting unacceptable air quality; and

(6) record-keeping requirements; and

D. be documented.

Subp. 2. **Documentation.** Trainees must acknowledge, with their written signature, that they have received training meeting the requirements of this part. Owners or operators must maintain the written acknowledgment according to part 4620.4650.

4620.4510 MEASUREMENT OF AIR QUALITY CONDITIONS.

Subpart 1. **Measuring air quality.** Owners or operators of indoor ice arenas must measure carbon monoxide and nitrogen dioxide air concentrations in each arena when internal combustion engine-powered ice maintenance equipment is used.

Subp. 2. **Persons who can take measurements.** Measurements must be made by an individual who has received training as specified in part 4620.4450.

Subp. 3. **Measurements for ice resurfacing.** Owners or operators must measure air concentrations at least twice per week after using an internal combustion engine-powered ice resurfacer. Measurements must be taken:

A. at board height, inside the boards, and at the centerline of the ice;

B. 20 minutes after completing resurfacing unless the commissioner has granted the operator approval to measure under an alternative schedule;

C. at times of maximum use of the resurfacing machine; and

D. at least once on Saturday or Sunday of each week that the arena is open to the public.

Subp. 4. Measurements for ice edging.

A. Owners or operators must measure air concentrations at least once per week after using an internal combustion engine-powered ice edger. Measurements must be taken following a time of maximum ice edger use at board height, inside the boards, and at the centerline of the ice:

- (1) 20 minutes after completing edging if the arena building is open to the public when edging occurs; or
- (2) before the public reoccupies the arena, if the arena is not open to the public when edging occurs.

B. Owners or operators may measure under an alternative schedule if the commissioner has approved one.

Subp. 5. Measurement records. Owners or operators must keep a record of measurement findings and make them available to the commissioner upon request.

Subp. 6. Additional measurements. Owners or operators must make additional measurements as determined by the commissioner.

4620.4550 AIR QUALITY MEASURING DEVICES.

Subpart 1. Device requirements. The owner or operator must demonstrate that the device and methods used to measure air quality conditions are accurate and reliable. Air quality measuring devices must be:

A. capable of measuring carbon monoxide air concentrations in a range from 0 to 100 parts per million (ppm) in increments of 1 ppm; or

B. capable of measuring nitrogen dioxide air concentrations in a range from 0 to 5 parts per million (ppm) in increments of 0.1 ppm.

Subp. 2. Maintenance. The owner or operator must operate, store, maintain, and calibrate the devices according to the device manufacturer's specifications. The owner or operator must also keep maintenance and calibration records.

4620.4600 FAILURE TO MAINTAIN AIR QUALITY.

Subpart 1. Corrective action necessary. When one-hour averages of more than 30 ppm but less than 125 ppm of carbon monoxide and/or more than 0.5 ppm but less than 2 ppm of nitrogen dioxide exist in the arena, immediate corrective action must be taken. This may include an immediate increase in the ventilation rate and/or an increase in the interval between resurfacing operations. Subsequent tests shall be conducted to confirm the effectiveness of such action. The owner or operator must take immediate corrective action when measurements of more than 20 ppm of carbon monoxide or more than 0.3 ppm of nitrogen dioxide are made in an area of the arena building that is open to the public. Corrective action must include:

A. increasing the ventilation rate immediately; and

B. suspending internal combustion-powered equipment use. The owner or operator must continue corrective action until measurements show not more than 20 ppm of carbon monoxide and not more than 0.3 ppm of nitrogen dioxide in all areas of the arena building that are open to the public.

Subp. 2. Report Follow-up testing. Whenever the conditions of subpart 1 occur, a report must be submitted to the commissioner of health within five working days explaining why the methods of air quality control had failed, what immediate corrective action was taken, and what action is planned to prevent recurrence of exceeding the air quality standards. The owner or operator must conduct and document the following air quality tests to confirm the effectiveness of the corrective action:

A. at 20-minute intervals until measurements show not more than 20 ppm of carbon monoxide and not more than 0.3 ppm of nitrogen dioxide;

B. 20 minutes after the next five uses of ice maintenance equipment; and

C. at least once per day for the subsequent three days of arena operation.

Subp. 3. Substantial risk to health of persons Report. One-hour average air concentrations of more than 125 ppm of carbon monoxide and/or more than 2 ppm of nitrogen dioxide constitute an imminent, substantial danger to the health of persons. The arena shall be closed immediately and all people evacuated. The arena may reopen when the air quality standards of part 4620.4300 are obtained and can be maintained. The same procedure prescribed in part 4620.4600, subpart 2, shall be followed. Whenever corrective action is required

Proposed Rules

under subpart 1, the owner or operator must submit a report to the commissioner within five business days that includes:

- A. an explanation of why corrective action was necessary;
- B. a description of the immediate corrective actions that were taken;
- C. a record of all air quality tests required by subpart 2; and
- D. an action plan to prevent a reoccurrence.

Subp. 4. Arena evacuation necessary.

A. The owner or operator must evacuate an area of the arena building whenever:

(1) measured carbon monoxide air concentrations exceed 85 ppm or measured nitrogen dioxide air concentrations exceed 2.0 ppm for more than five minutes;

(2) measured carbon monoxide air concentrations exceed 40 ppm or measured nitrogen dioxide air concentrations exceed 0.6 ppm for more than one hour after originally measuring unacceptable air quality conditions; or

(3) measured carbon monoxide air concentrations exceed 20 ppm or measured nitrogen dioxide air concentrations exceed 0.3 ppm for more than two hours after originally measuring unacceptable air quality conditions.

B. When evacuation becomes necessary, the owner or operator must:

(1) contact the local fire department as soon as possible to request assistance in evacuating the facility and assessing the hazard;
and

(2) contact the Minnesota Department of Health upon completing evacuation.

C. The evacuated areas may only be reoccupied by the public after an evacuation under item A if:

(1) acceptable air quality conditions are measured;

(2) corrective measures have been taken to prevent further incidence of unacceptable air quality conditions; and

(3) acceptable air quality conditions and corrective measures are verified by the local fire department or the Minnesota Department of Health.

4620.4650 RECORD KEEPING.

The owner or operator must keep a record-keeping log to maintain all documentation required by parts 4620.3900 to 4620.4600.

A. Documents that must be maintained in the record-keeping log are:

- (1) training records required by part 4620.4450;
- (2) air quality measurement records required by part 4620.4510, subpart 5;
- (3) air quality measuring device records required by part 4620.4550, subpart 2; and
- (4) corrective action reports required by part 4620.4600, subpart 3.

B. The record-keeping log must be kept in the arena building and be available for public and commissioner review during all hours that the arena building is open to the public.

C. Required documents must be retained for at least three years.

4620.4700 OTHER INTERNAL COMBUSTION ENGINES FUEL-BURNING EQUIPMENT.

After July 1, 1973, no person who owns or operates an enclosed sports arena open to the general public shall permit the operation of other internal combustion engine-powered equipment or vehicles for racing, competition, demonstra-

Proposed Rules

tion, or other purposes unless a certificate is issued by the commissioner of health. If all conditions specified in parts 4620.3900 to 4620.4800 are met, the commissioner of health shall issue a certificate. The certificate must be displayed in a conspicuous place in the arena. ~~must measure air quality conditions and ensure acceptable air quality in the arena building when equipment, other than ice maintenance equipment, capable of producing carbon monoxide or nitrogen dioxide, but that is not directly vented to the outdoors, is used for operating or maintaining the arena.~~

~~Applications for a certificate must be submitted at least 45 days prior to the event and upon forms prescribed by the commissioner of health. The application must be submitted by both the owner/operator of the arena and the sponsor of the activities which involve use of internal combustion engines.~~

The provisions of parts 4620.4300, 4620.4400, 4620.4500, subpart 2, and part 4620.4600, subparts 1 and 3, shall also apply. Air quality conditions ~~shall~~ must be measured and reports made as ~~directed~~ by the commissioner of health ~~directs~~ depending upon the specific type of activity to be conducted in the building.

4620.4800 REVOCATION OR SUSPENSION OF APPROVAL; REINSTATEMENT ENFORCEMENT.

The commissioner of health may suspend or revoke the approval granted pursuant to parts 4620.4100 and 4620.4700 upon the finding of violations of the provisions of parts 4620.3900 to 4620.4800. All proceedings shall be in accordance with the Minnesota Administrative Procedure Act, *Minnesota Statutes*, chapter 14.

~~A suspended or revoked certificate of approval shall be returned to the commissioner of health.~~

~~Reinstatement shall be in accordance with the suspension or revocation order and upon an adequate showing that the grounds for suspension or revocation shall not recur.~~

~~The commissioner may take one or more enforcement actions listed in *Minnesota Statutes*, sections 144.989 to 144.993, for a violation of this chapter.~~

4620.4900 VARIANCE TO ENCLOSED SPORTS ARENA RULES RELATING TO INDOOR ICE ARENAS.

The commissioner ~~shall~~ may grant variances to parts 4620.3900 to 4620.4800, except part ~~4620.4300~~ 4620.3950, only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

4620.5000 PURPOSE.

~~The purpose of parts 4620.5000 to 4620.5900 is to protect public health by ensuring acceptable air quality in the operation and maintenance of indoor motorsports arenas.~~

4620.5100 APPLICATION.

~~Parts 4620.5000 to 4620.5900 apply to owners or operators of indoor motorsports arenas.~~

4620.5200 ACCEPTABLE AIR QUALITY.

~~The owner or operator of an indoor motorsports arena must maintain acceptable air quality conditions at all times in areas of the arena building that are open to the public. Such conditions are defined as: one-hour average air concentrations of not more than 30 parts of carbon monoxide per one million parts of air by volume (30 ppm), and one-hour average air concentrations of not more than 0.3 parts of nitrogen dioxide per one million parts of air by volume (0.3 ppm).~~

4620.5300 DEFINITIONS.

~~Subpart 1. **Scope.** For the purposes of parts 4620.5000 to 4620.5900, the following terms have the meanings given them.~~

~~Subp. 2. **Air quality measuring device.** "Air quality measuring device" means direct-read pump and colorimetric tube or electronic real-time gas detection equipment for sampling and measuring nitrogen dioxide or carbon monoxide air concentrations.~~

~~Subp. 3. **Arena.** "Arena" means an indoor motorsports arena.~~

~~Subp. 4. **Arena building.** "Arena building" means a structure with a roof and walls that houses an indoor motorsports arena.~~

Proposed Rules

Subp. 5. **Certificate.** “Certificate” means a certificate of approval issued by the commissioner under parts 4620.5000 to 4620.5900.

Subp. 6. **Commissioner.** “Commissioner” means the commissioner of health or the commissioner’s designee.

Subp. 7. **Event manager.** “Event manager” means the person who organizes or directs a special indoor motorsports event.

Subp. 8. **Indoor motorsports arena.** “Indoor motorsports arena” means a single room of a permanent or temporary structure where motorsports are operated having the following characteristics:

A. the room has a ceiling;

B. the room is bounded by walls, doorways, or windows, whether open or closed; and

C. the walls, doorways, or windows cover more than 50 percent of the combined surface area of the vertical planes that make up the room’s perimeter (sides).

Subp. 9. **Motorsports vehicle.** “Motorsports vehicle” means an internal combustion engine-powered vehicle used for recreation, racing, competition, or demonstration.

Subp. 10. **Operating hours.** “Operating hours” means the time period that the indoor motorsports arena building is open to the public and motorsports vehicles are being used in the arena.

Subp. 11. **Operator.** “Operator” means the person designated by the owner as responsible to operate and maintain the indoor motorsports arena.

Subp. 12. **Owner.** “Owner” means the person having legal title to the arena building or the owner’s legally authorized representative.

Subp. 13. **Person.** “Person” means any natural individual, corporation, partnership, or other business association and includes the state and its political subdivisions.

Subp. 14. **Responsible person.** “Responsible person” means the individual authorized by the operator to ensure acceptable air quality conditions in the arena building.

Subp. 15. **Special indoor motorsports event.** “Special indoor motorsports event” means a single event where motorsports vehicles are operated in an arena.

Subp. 16. **Spectator.** “Spectator” means a member of the public present in the arena building who is not a motorsports vehicle driver or rider or an actively working employee.

Subp. 17. **Spectator area.** “Spectator area” means that part of the indoor motorsports arena building where spectators are allowed to assemble.

4620.5400 CERTIFICATE OF APPROVAL.

Subpart 1. **Applicability.** No person shall own or operate an indoor motorsports arena unless the commissioner issues the person a certificate.

Subp. 2. **Certificate application.** Applications for a certificate must be submitted on forms prescribed by the commissioner. An application must be submitted:

A. annually, by owners or operators of existing indoor motorsports arenas;

B. at least 30 days before owners or operators open new indoor motorsports arenas to the public; and

C. at least 30 days before the arena owners or operators and the event manager begin a special indoor motorsports event.

Subp. 3. **Certificate issuance.**

Proposed Rules

A. The commissioner must issue a certificate under subpart 2, item A or B, if the commissioner determines that the owner or operator has complied with parts 4620.5000 to 4620.5900 and demonstrated the ability to maintain acceptable air quality conditions in the arena building.

B. The commissioner shall issue a certificate granting approval to hold a special indoor motorsports event if the owner or operator meets the requirements of item A and:

(1) submits a written plan to the commissioner that describes the methods that the owner or operator will use to monitor air quality and ensure acceptable air quality during the event; and

(2) the event manager and arena operator agree to the terms of the plan in writing.

Subp. 4. **Certificate expiration and renewal.** A certificate issued under this part expires one year from the date of issue, except that a certificate for a special indoor motorsports event expires as the certificate describes.

A. Owners or operators shall apply for renewal on forms prescribed by the commissioner at least 30 days before a standard certificate expires.

B. If a certificate expires while a renewal application is pending approval, the arena may continue to operate under the expired certificate until the commissioner issues a new certificate or denies the renewal application.

Subp. 5. **Posting of certificate.** The certificate must be prominently displayed in a location that is clearly visible to the public.

4620.5500 TRAINING.

Subpart 1. **Requirements.** The owner or operator must ensure that a trained responsible person is available in the arena building at all times that the arena is open to the public. Training must:

A. be appropriate for the trainee's level of responsibility in operating the arena;

B. be performed annually;

C. include the following topics:

(1) acceptable air quality conditions;

(2) methods of maintaining acceptable air quality in the arena;

(3) proper operation and storage of the arena air quality measuring device;

(4) proper collection of air samples with the arena air quality measuring device;

(5) appropriate actions for correcting unacceptable air quality; and

(6) record-keeping requirements; and

D. be documented.

Subp. 2. **Documentation.** Trainees shall acknowledge, with their written signature, that they have received training meeting the requirements of this part. The written acknowledgment shall be maintained according to part 4620.5800.

4620.5600 MEASUREMENT OF AIR QUALITY CONDITIONS.

Subpart 1. **Measuring air quality.** Owners or operators of indoor motorsports arenas must measure carbon monoxide and nitrogen dioxide air concentrations in each indoor motorsports arena as directed by the commissioner.

Subp. 2. **Persons who can take measurements.** Measurements must be made by an individual who has received training as specified in part 4620.5500.

Subp. 3. **Measurement requirements.**

Proposed Rules

A. Owners and operators must measure nitrogen dioxide air concentrations as the commissioner directs depending on the specific type of activity to be conducted in the arena.

B. Owners and operators must measure carbon monoxide air concentrations in each indoor motorsports arena building as follows:

(1) Frequency of measurements.

(a) Certified arenas:

- i. at least two days per week;
- ii. at least three hours per week during maximum use of motorsports vehicles; and
- iii. as the commissioner deems necessary.

(b) Special indoor motorsports events:

- i. on each day of motorsport vehicle use;
- ii. during all operating hours; and
- iii. as the commissioner deems necessary.

(2) Location and documentation of measurements.

(a) If motorsports vehicle riders or drivers are not paid performers, measurements must be:

i. made at a location on the track that represents average carbon monoxide concentrations. The owner or operator must identify a location on the track that represents average carbon monoxide concentrations; and

ii. recorded at least every 15 minutes when motorsports vehicles are used in the arena.

(b) If spectators are present during motorsports activities, the operator must measure air quality conditions in the spectator area as follows:

i. at the location of poorest air quality in the spectator area of the arena. The owner or operator must identify the location where the general public is exposed to the highest carbon monoxide levels; and

ii. recorded at least once every 15 minutes in the spectator area when motorsports vehicles are used in the arena.

Subp. 4. **Measurement records.** Owners or operators must keep a record of measurement findings and make it available to the commissioner upon request.

4620.5650 AIR QUALITY MEASURING DEVICES.

Subpart 1. **Device requirements.** The owner or operator must demonstrate that the devices and methods used to measure air quality conditions are accurate and reliable. Air quality measuring devices must be:

A. capable of measuring carbon monoxide air concentrations in a range from 0 to at least 100 parts per million (ppm) in increments of 1 ppm; or

B. capable of measuring nitrogen dioxide air concentrations in a range from 0 to at least 5 ppm in increments of 0.1 ppm.

Subp. 2. **Maintenance.** The owner or operator must operate, store, maintain, and calibrate the devices according to the device manufacturer's specifications. The owner or operator must also keep maintenance and calibration records.

4620.5700 FAILURE TO MAINTAIN AIR QUALITY.

Subpart 1. **Corrective action necessary.** The owner or operator must take immediate corrective action when measurements of more than 30 ppm of carbon monoxide or more than 0.3 ppm of nitrogen dioxide are made for more than 15 minutes in an area of the arena building that is open to the public. Corrective action must include:

A. increasing the ventilation rate immediately; and

B. suspending internal combustion-powered equipment use, if carbon monoxide measurements remain in excess of 30 ppm or

Proposed Rules

nitrogen dioxide measurements remain in excess of 0.3 ppm for more than one hour after an original exceeding measurement.

The owner or operator must continue corrective action until measurements show not more than 30 ppm of carbon monoxide and not more than 0.3 ppm of nitrogen dioxide in all areas of the arena building that are open to the public.

Subp. 2. **Follow-up testing.** The owner or operator must conduct and document the following air quality tests to confirm the effectiveness of the corrective actions:

A. at 15-minute intervals until measurements show not more than 30 ppm of carbon monoxide and not more than 0.3 ppm of nitrogen dioxide; and

B. at 15-minute intervals for at least one hour per day for the subsequent three days of arena operation.

Subp. 3. **Report.** Whenever the conditions of subpart 1 occur, the owner or operator must submit a report to the commissioner within five business days that includes:

A. an explanation of why corrective action was necessary;

B. a description of the immediate corrective actions that were taken;

C. a record of all air quality tests required by subpart 2; and

D. an action plan to prevent a recurrence.

Subp. 4. **Arena evacuation necessary.**

A. The owner or operator must evacuate an area of the arena building whenever:

(1) measured carbon monoxide air concentrations exceed 85 ppm or measured nitrogen dioxide concentrations exceed 2.0 ppm for more than 15 minutes; or

(2) measured carbon monoxide air concentrations exceed 30 ppm or measured nitrogen dioxide air concentrations exceed 0.3 ppm for more than two hours after originally measuring unacceptable air quality conditions.

B. When evacuation becomes necessary, the owner or operator must:

(1) contact the local fire department as soon as possible to request assistance in evacuating the facility and assessing the hazard; and

(2) contact the Department of Health upon completing the evacuation.

C. Evacuated areas may only be reoccupied by the public after an evacuation under item A if:

(1) acceptable air quality conditions are measured;

(2) corrective measures have been taken to prevent further incidence of unacceptable air quality conditions; and

(3) acceptable air quality conditions and corrective measures are verified by the local fire department or the Department of Health.

4620.5800 RECORD KEEPING.

The owner or operator must keep a record-keeping log to maintain all documentation according to parts 4620.5000 to 4620.5900.

A. Documents that must be maintained in the record-keeping log are:

(1) training records required by part 4620.5500;

(2) air quality measurement records required by part 4620.5600, subpart 4;

(3) air quality measuring device records required by part 4620.5650, subpart 2; and

(4) corrective action reports required by part 4620.5700, subpart 3.

Proposed Rules

B. The record-keeping log must be kept in the arena building and be available for public and commissioner review during all hours that the arena building is open to the public.

C. Required documents must be retained for at least three years.

4620.5900 ENFORCEMENT.

The commissioner may take one or more of the enforcement actions listed in *Minnesota Statutes*, sections 144.989 to 144.993, for a violation of parts 4620.5000 to 4620.5900.

4620.5950 VARIANCE TO RULES RELATING TO INDOOR MOTORSPORTS ARENAS.

The commissioner may grant variances to parts 4620.5000 to 4620.5900, except part 4620.5200, only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

REPEALER. *Minnesota Rules*, parts 4620.4000, subparts 2, 5, 6, and 7; 4620.4200; 4620.4300; 4620.4400; and 4620.4500, are repealed.

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.

Department of Labor and Industry (DLI) Adopted Exempt Permanent Rules Regarding Federal OSHA Standards

The rules proposed and published at *State Register*, Volume 37, Number 1, pages 8-10, July 02, 2012 (37 SR 8), are adopted with the following modifications:

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

Exempt Rules

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

[For text of items A to ~~GG~~ E, see M.R.]

F. *Federal Register*, Volume 48:

[For text of subitems (1) to (4), see M.R.]

~~(5)~~ *Federal Register*, Vol. 48, No. 228, pages 53282-53348, dated 11/25/83; “Hazard Communication: Final Rule.”

[For text of items G and H, see M.R.]

I. *Federal Register*, Volume 51:

[For text of subitems (1) to (7), see M.R.]

~~(8)~~ *Federal Register*, Vol. 51, No. 189, pages 34590-34597, dated September 30, 1986; “Hazard Communication: Definition of Trade Secret and Disclosure of Trade Secrets to Employees, Designated Representatives and Nurses: Final Rule.”

~~(8)~~ ~~(9)~~ *Federal Register*, Vol. 51, No. 201, dated October 17, 1986; “Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1910.1101); Partial Administrative Stay of Final Rules and Redesignation and Amendment of Final Rule.”

~~(9)~~ ~~(10)~~ *Federal Register*, Vol. 51, No. 244, dated December 19, 1986; “Hazardous Waste Operations and Emergency Response (1910.120); Interim Final Rule.”

J. *Federal Register*, Volume 52:

[For text of subitems (1) to (3), see M.R.]

~~(4)~~ *Federal Register*, Vol. 52, No. 163, pages 31852-31886, dated August 24, 1987; “Occupational Safety and Health Administration: Hazard Communication: Final Rule.”

~~(4)~~ ~~(5)~~ *Federal Register*, Vol. 52, No. 176, dated September 11, 1987; “Occupational Exposure to Benzene (1910.1028); Final Rule.”

~~(5)~~ ~~(6)~~ *Federal Register*, Vol. 52, No. 187, dated September 28, 1987; “Revision of Telecommunications Training Records (1910.268); Final Rule.”

~~(6)~~ ~~(7)~~ *Federal Register*, Vol. 52, No. 233, dated December 4, 1987; “Occupational Exposure to Formaldehyde (1910.1048); Final Rule.”

~~(7)~~ ~~(8)~~ *Federal Register*, Vol. 52, No. 251, dated December 31, 1987; “Grain Handling Facilities (1910.272); Final Rule.”

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

L. *Federal Register*, Volume 54:

~~(2)~~ *Federal Register*, Vol. 54, No. 30, pages 6886-6888, dated February 15, 1989; “Hazard Communication: Final Rule; Technical Amendments; Notice Regarding Enforcement.”

~~(2)~~ ~~(3)~~ *Federal Register*, Vol. 54, No. 42, dated March 6, 1989; “Hazardous Waste Operations and Emergency Response (1910.120) - Final Rule.”

~~(3)~~ ~~(4)~~ *Federal Register*, Vol. 54, No. 127, dated July 5, 1989; “Air Contaminants (1910.1000); Corrections to Final Rule.”

~~(4)~~ ~~(5)~~ *Federal Register*, Vol. 54, No. 131, dated July 11, 1989; “Occupational Exposure to Lead (1910.1025); Statement of Reasons-Final Rule.”

Exempt Rules

~~(5)~~ (6) *Federal Register*, Vol. 54, No. 133, dated July 13, 1989: “Occupational Exposure to Formaldehyde (1910.1048); Corrections and Technical Amendments to Final Rule.”

~~(6)~~ (7) *Federal Register*, Vol. 54, No. 133, dated July 13, 1989: “Occupational Exposure to Asbestos (1910.1001); Approval of Collection of Information Requirements.”

~~(7)~~ (8) *Federal Register*, Vol. 54, No. 139, dated July 21, 1989: “Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Extension of Partial Stay and Amendment of Final Rule (1910.1001 and 1910.1101).”

~~(8)~~ (9) *Federal Register*, Vol. 54, No. 144, dated July 28, 1989: “Powered Platforms for Building Maintenance (1910.66)-Final Rule.”

~~(9)~~ (10) *Federal Register*, Vol. 54, No. 146, dated August 1, 1989: “Occupational Exposure to Formaldehyde (1910.1048); Correction.”

~~(10)~~ (11) *Federal Register*, Vol. 54, No. 166, dated August 29, 1989: “Occupational Exposure to Formaldehyde (1910.1048); Extension of Administrative Stay.”

~~(11)~~ (12) *Federal Register*, Vol. 54, No. 169, dated September 1, 1989: “Control of Hazardous Energy Sources - Lockout/Tagout (1910.147).”

~~(12)~~ (13) *Federal Register*, Vol. 54, No. 170, dated September 5, 1989: “Air Contaminants; Final Rule - Grant of Petitions for Reconsideration of Three Exposure Limits and Partial Stays of Effective Dates for Four Substances (1910.1000).”

~~(13)~~ (14) *Federal Register*, Vol. 54, No. 174, dated September 11, 1989: “Occupational Exposure to Formaldehyde (1910.1048); Correction.”

~~(14)~~ (15) *Federal Register*, Vol. 54, No. 193, dated October 6, 1989: “Air Contaminants (1910.1000); Final Rule Partial Stay of Effective Date for Two Substances.”

~~(15)~~ (16) *Federal Register*, Vol. 54, No. 199, dated October 17, 1989: “Control of Hazardous Energy Sources - Lockout/Tagout (1910.147); Final Rule Approval of Information Collection Requirements.”

~~(16)~~ (17) *Federal Register*, Vol. 54, No. 213, dated November 6, 1989: “Control of Hazardous Energy Sources - Lockout/Tagout (1910.147); Final Rule Extension of Effective Date.”

~~(17)~~ (18) *Federal Register*, Vol. 54, No. 219, dated November 15, 1989: “Air Contaminants; Final Rule Corrections.”

~~(18)~~ (19) *Federal Register*, Vol. 54, No. 233, dated December 6, 1989: “Air Contaminants; Final Rule Partial Stay of Effective Date for Two Substances.”

~~(19)~~ (20) *Federal Register*, Vol. 54, No. 243, dated December 20, 1989: “Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1910.1001); Partial Response to Court Remand.”

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

Q. *Federal Register*, Volume 59:

(2) *Federal Register*, Vol. 59, No. 27, pages 6126-6184, dated February 9, 1994; “Hazard Communication; Final Rule,” with the exception of 1910.1200(b)(6)(xi) and (xii).

~~(2)~~ (3) *Federal Register*, Vol. 59, No. 63, dated April 1, 1994, “Grain Handling Facilities; Final Decision Statement.”

~~(3)~~ (4) *Federal Register*, Vol. 59, No. 66, dated April 6, 1994, “Personal Protective Equipment for General Industry; Final Rule.”

Exempt Rules

~~(4)~~ (5) *Federal Register*, Vol. 59, No. 96, dated May 19, 1994: “Permit-Required Confined Spaces; Final Rule; Technical Amendment.”

~~(5)~~ (6) *Federal Register*, Vol. 59, No. 125, dated June 30, 1994, “Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment; Final Rule—Stay of Enforcement of Certain Provisions and Correction.”

~~(6)~~ (7) *Federal Register*, Vol. 59, No. 126, dated July 1, 1994, “Personal Protective Equipment for General Industry; Final Rule; Corrections.”

~~(7)~~ (8) *Federal Register*, Vol. 59, No. 128, dated July 6, 1994, “Personal Protective Equipment for General Industry; Final Rule; Administrative Stay.”

~~(8)~~ (9) *Federal Register*, Vol. 59, No. 137, dated July 19, 1994, “Retention of DOT Markings, Placards, and Labels (1910.1201); Final Rule.”

~~(9)~~ (10) *Federal Register*, Vol. 59, No. 152, dated August 9, 1994, “Safety Standards for Fall Protection in the Construction Industry; Final Rule and Amended Reference in 1910.269(g)(2)(i).”

~~(10)~~ (11) *Federal Register*, Vol. 59, No. 153, dated August 10, 1994, “Occupational Exposure to Asbestos (1910.1001); Final Rule.”

~~(11)~~ (12) *Federal Register*, Vol. 59, No. 161, dated August 22, 1994, “Hazardous Waste Operations and Emergency Response (1910.120 and 1926.65); Amendments to Final Rule.”

~~(12)~~ (13) *Federal Register*, Vol. 59, No. 196, dated October 12, 1994, “Logging Operations, Final Rule (1910.266) and Amendment to 1910.269(r)(5).”

~~(13)~~ (14) *Federal Register*, Vol. 59, No. 213, dated November 4, 1994: “Permit-Required Confined Spaces; Final Rule; Technical Amendment to Preamble.”

(15) *Federal Register*, Vol. 59, No. 245, pages 65947-65948, dated December 22, 1994: “Hazard Communication; Correction.”
[For text of items R to GG, see M.R.]

Subp. 3. **Part 1915.** Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the *Federal Register* on April 20, 1982; all changes made prior to December 31, 1986, which consolidated Part 1915 and Part 1916; technical amendments and redesignations published in Volume 58, No. 125, of the *Federal Register* on July 1, 1993; and additional changes as follows:

[For text of items ~~item~~ A to JJ, see M.R.]

B. *Federal Register*, Vol. 52, No. 163, pages 31852-31886, dated August 24, 1987: “Hazard Communication; Final Rule.”

C. *Federal Register*, Vol. 54, No. 30, pages 6886-6888, dated February 15, 1989; “Hazard Communication; Final Rule; Technical Amendments; Notice Regarding Enforcement.”

~~B~~ D. *Federal Register*, Vol. 57, No. 178, dated September 14, 1992: “Occupational Exposure to Cadmium (1915.1027); Final Rule.”

~~C~~ E. *Federal Register*, Vol. 57, No. 211, dated October 30, 1992: “Occupational Exposure to Cadmium (1915.1027); Approval of Information Collection Requirements.”

~~D~~ F. *Federal Register*, Vol. 58, No. 77, dated April 23, 1993, “Occupational Exposure to Cadmium; Corrections and Amendments to Final Rule.”

~~E~~ G. *Federal Register*, Vol. 59, No. 1, dated January 3, 1994, “Occupational Safety and Health Standards for Cadmium in Shipyard Employment and Construction; Final Rule; Miscellaneous Corrections and Technical Amendments.”

Exempt Rules

H. *Federal Register*, Vol. 59, No. 27, pages 6126-6184, dated February 9, 1994; “Hazard Communication; Final Rule.” with the exception of 1910.1200(b)(6)(xi) and (xii).

F.I. *Federal Register*, Vol. 59, No. 137, dated July 19, 1994, “Retention of DOT Markings, Placards, and Labels (1915.100); Final Rule.”

G.J. *Federal Register*, Vol. 59, No. 141, dated July 25, 1994, “Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment; Final Rule.”

H.K. *Federal Register*, Vol. 59, No. 153, dated August 10, 1994, “Occupational Exposure to Asbestos (1915.1001); Final Rule.”

L. *Federal Register*, Vol. 59, No. 245, pages 65947-65948, dated December 22, 1994; Hazard Communication; Correction.”

F.M. *Federal Register*, Vol. 60, No. 34, dated February 21, 1995: “Occupational Exposure to Asbestos (1915.1001), Final Rule; Extension of Start-up Dates for Compliance.”

F.N. *Federal Register*, Vol. 60, No. 40, dated March 1, 1995: “Occupational Exposure to Asbestos (1915.1001), Correction.”

K.O. *Federal Register*, Vol. 60, No. 51, dated March 16, 1995: “Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment (1915.12, 1915.14, and 1915.15); Final Rule, Correction.”

L.P. *Federal Register*, Vol. 60, No. 124, dated June 28, 1995: “Occupational Exposure to Asbestos (1915.1001), Final Rule; Extension of Start-up Dates for Compliance.”

M.Q. *Federal Register*, Vol. 60, No. 125, dated June 29, 1995: “Occupational Exposure to Asbestos (1915.1001); Corrections to Final Rule.”

N.R. *Federal Register*, Vol. 60, No. 134, dated July 13, 1995: “Occupational Exposure to Asbestos (1915.1001); Corrections to Final Rule.”

O.S. *Federal Register*, Vol. 60, No. 189, dated September 29, 1995: “Occupational Exposure to Asbestos (1915.1001), Final Rule; Amendments.”

P.T. *Federal Register*, Vol. 61, No. 46, page 9228, dated March 7, 1996: “Miscellaneous Minor and Technical Amendments; Final Rule; Corrections and Technical Amendments.”

Q.U. *Federal Register*, Vol. 61, No. 102, page 26322, dated May 24, 1996: “Personal Protective Equipment for Shipyard Employment (PPE); Final Rule.”

R.V. *Federal Register*, Vol. 61, No. 115, page 29957, dated June 13, 1996: “Personal Protective Equipment for Shipyard Employment (PPE); Final Rule; Corrections.”

S.W. *Federal Register*, Vol. 61, No. 120, page 31427, dated June 20, 1996: “Consolidation of Repetitive Provisions; Technical Amendments; Final Rule; Technical Amendments and Recodifications.”

T.X. *Federal Register*, Vol. 61, No. 165, page 43454, dated August 23, 1996: “Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite; Final Rule: corrections.”

U.Y. *Federal Register*, Vol. 61, No. 214, page 56746, dated November 4, 1996: “Occupational Exposure to 1,3-Butadiene; Final Rule.”

V.Z. *Federal Register*, Vol. 62, No. 7, page 1494, dated January 10, 1997: “Occupational Exposure to Methylene Chloride; Final Rule.”

W.AA. *Federal Register*, Vol. 62, No. 119, page 33547, dated June 20, 1997: “Personal Protective Equipment for Shipyard

Exempt Rules

Employment; Effective Date and Office of Management and Budget Control Numbers Under Paperwork Reduction Act; Final Rule; amendment; announcement of effective date and OMB approval of information collection requirements.”

~~X~~. BB. *Federal Register*, Vol. 63, No. 53, page 13338, dated March 19, 1998: “Office of Management and Budget Control Numbers Under Paperwork Reduction Act for Miscellaneous General Industry, Shipyard Employment and Construction Industry Rules and Regulations; Final Rule; Amendments and Announcements of OMB Approval of Information Collection Requirements.”

~~Y~~. CC. *Federal Register*, Vol. 63, No. 124, page 35137, dated June 29, 1998: “Occupational Exposure to Asbestos; Final Rule.”

~~Z~~. DD. *Federal Register*, Vol. 63, No. 230, page 66238, dated December 1, 1998: “Powered Industrial Truck Operator Training; Final Rule.”

~~AA~~. EE. *Federal Register*, Vol. 64, No. 80, page 22552, dated April 27, 1999: “Powered Industrial Truck Operator Training; Correction to Final Rule.”

~~BB~~. FF. *Federal Register*, Vol. 67, No. 128, pages 44533-44546, dated July 3, 2002: “Occupational Safety and Health Standards for Shipyard Employment; final rule; technical amendments.”

~~CC~~. GG. *Federal Register*, Vol. 69, No. 178, pages 55668-55708, dated September 15, 2004: “Fire Protection in Shipyard Employment; final rule.”

~~DD~~. HH. *Federal Register*, Vol. 70, No. 3, pages 1112-1144, dated January 5, 2005: “Standards Improvement Project - Phase II; final rule.”

~~EE~~. II. *Federal Register*, Volume 71:

~~FF~~. JJ. *Federal Register*, Vol. 72, No. 1, pages 7-8, dated January 3, 2007: “Updating National Consensus Standards in OSHA’s Standard for Fire Protection in Shipyard Employment; final rule; confirmation of effective date.”

~~GG~~. KK. *Federal Register*, Vol. 73, No. 240, pages 75567-75589, dated December, 12, 2008: “Clarification of Employer Duty to Provide Personal Protective Equipment and Train Each Employee; Final Rule.”

~~HH~~. LL. *Federal Register*, Vol. 74, No. 173, pages 46350-46361, dated September 9, 2009: “Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment; Final rule.”

~~H~~. MM. *Federal Register*, Volume 75:

~~H~~. NN. *Federal Register*, Volume 76:

~~KK~~. OO. *Federal Register*, Vol. 77, No. 58, pages 17574-17896, dated March 26, 2012: “Hazard Communication: Final Rule,” with the exception of 1910.1200 (b)(6)(xi) and (xii).

Subp. 4. **Part 1917**. Part 1917: Safety and Health Standards for Marine Terminals as published in Volume 48, No. 129 of the *Federal Register* on July 5, 1983; and subsequent changes as follows:

A. *Federal Register*, Vol. 52, No. 163, pages 31852-31886, dated August 24, 1987; “Hazard Communication; Final Rule.”

~~A~~. B. *Federal Register*, Vol. 52, No. 186, dated September 25, 1987; “Servicing of Single Piece and Multipiece Rim Wheels at Marine Terminals (1917.44); Final Rule.”

~~B~~. C. *Federal Register*, Vol. 52, No. 251, dated December 31, 1987; “Grain Handling Facilities (1917.1 and 1917.72-[removed]); Final Rule.”

D. *Federal Register*, Vol. 54, No. 30, pages 6886-6888, dated February 15, 1989; “Hazard Communication; Final Rule; Technical Amendments; Notice Regarding Enforcement.”

Exempt Rules

E. Federal Register, Vol. 59, No. 27, pages 6126-6184, dated February 9, 1994; “Hazard Communication; Final Rule,” with the exception of 1910.1200(b)(6)(xi) and (xii).

~~E. F. Federal Register~~, Vol. 59, No. 137, dated July 19, 1994, “Retention of DOT Markings, Placards, and Labels (1917.29); Final Rule.”

G. Federal Register, Vol. 59, No. 245, pages 65947-65948, dated December 22, 1994; “Hazard Communication; Correction.”

~~D. H. Federal Register~~, Vol. 62, No. 143, page 40142, dated July 25, 1997: “Longshoring and Marine Terminals; Final Rule.”

~~E. I. Federal Register~~, Vol. 63, No. 230, page 66238, dated December 1, 1998: “Powered Industrial Truck Operator Training; Final Rule.”

~~F. J. Federal Register~~, Vol. 64, No. 80, page 22552, dated April 27, 1999: “Powered Industrial Truck Operator Training; Correction to Final Rule.”

~~G. K. Federal Register~~, Vol. 64, No. 166, page 46846, dated August 27, 1999: “Powered Industrial Truck Operator Training; Final Rule; Stay of Compliance Dates.”

~~H. L. Federal Register~~, Vol. 64, No. 218, page 61504, dated November 12, 1999: “Office of Management and Budget (OMB) Control Numbers Assigned Under the Paperwork Reduction Act of 1995; Final Rule.”

~~F. M. Federal Register~~, Vol. 71, No. 39, pages 10110-10385, dated February 28, 2006: “Occupational Exposure to Hexavalent Chromium; final rule.”

~~J. N. Federal Register~~, Volume 73:

~~K. O. Federal Register~~, Vol. 74, No. 173, pages 46350-46361, dated September 9, 2009: “Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment; Final rule.”

~~L. P. Federal Register~~, Vol. 76, No. 110, pages 33590-33612, dated June 8, 2011: “Standards Improvement Project - Phase III.”

Subp. 5. **Part 1918.** Part 1918: Safety and Health Regulations for Longshoring as published in Part II, Volume 39, No. 119 of the *Federal Register* on June 19, 1974, incorporating changes, additions, deletions and corrections made up to June 3, 1974; and subsequent changes as follows:

B. Federal Register, Vol. 52, No. 163, pages 31852-31886, dated August 24, 1987; “Hazard Communication; Final Rule.”

~~B. C. Federal Register~~, Vol. 43, No. 88, dated 5/5/78; “Occupational Exposure to Benzene; supersedes standards in Part 1918.”

D. Federal Register, Vol. 54, No. 30, pages 6886-6888, dated February 15, 1989; “Hazard Communication; Final Rule; Technical Amendments; Notice Regarding Enforcement.”

E. Federal Register, Vol. 59, No. 27, pages 6126-6184, dated February 9, 1994; “Hazard Communication; Final Rule,” with the exception of 1910.1200(b)(6)(xi) and (xii).

~~E. F. Federal Register~~, Vol. 59, No. 137, dated July 19, 1994, “Retention of DOT Markings, Placards, and Labels (1918.100); Final Rule.”

G. Federal Register, Vol. 59, No. 245, pages 65947-65948, dated December 22, 1994; “Hazard Communication; Correction.”

~~D. H. Federal Register~~, Vol. 62, No. 143, page 40142, dated July 25, 1997: “Longshoring and Marine Terminals; Final Rule.”

~~E. I. Federal Register~~, Vol. 63, No. 230, page 66238, dated December 1, 1998: “Powered Industrial Truck Operator Training; Final Rule.”

Rule.”

~~F.J.~~ *Federal Register*, Vol. 64, No. 80, page 22552, dated April 27, 1999: “Powered Industrial Truck Operator Training; Correction to Final Rule.”

~~G.K.~~ *Federal Register*, Vol. 64, No. 166, page 46846, dated August 27, 1999: “Powered Industrial Truck Operator Training; Final Rule; Stay of Compliance Dates.”

~~H.L.~~ *Federal Register*, Vol. 64, No. 218, page 61504, dated November 12, 1999: “Office of Management and Budget (OMB) Control Numbers Assigned Under the Paperwork Reduction Act of 1995; Final Rule.”

~~F.M.~~ *Federal Register*, Vol. 71, No. 39, pages 10110-10385, dated February 28, 2006: “Occupational Exposure to Hexavalent Chromium; final rule.”

~~F.N.~~ *Federal Register*, Volume 73:

~~K.O.~~ *Federal Register*, Vol. 74, No. 173, pages 46350-46361, dated September 9, 2009: “Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment; Final rule.”

~~L.P.~~ *Federal Register*, Vol. 76, No. 110, pages 33590-33612, dated June 8, 2011: “Standards Improvement Project - Phase III.”

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

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

C. *Federal Register*, Volume 52:

(1) *Federal Register*, Vol. 52, No. 163, pages 31852-31886, dated August 24, 1987: “Hazard Communication; Final Rule.”

~~(1)~~ (2) *Federal Register*, Vol. 52, No. 187, dated September 28, 1987: “Revision of Construction Industry Test and Inspection Records (1926.500, 1926.552, and 1926.903); Final Rule.”

~~(2)~~ (3) *Federal Register*, Vol. 52, No. 233, dated December 4, 1987: “Occupational Exposure to Formaldehyde—1926.55.”

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

E. *Federal Register*, Volume 54:

(1) *Federal Register*, Vol. 54, No. 30, pages 6886-6888, dated February 15, 1989: “Hazard Communication; Final Rule; Technical Amendments; Notice Regarding Enforcement.”

~~(1)~~ (2) *Federal Register*, Vol. 54, No. 105, dated June 2, 1989: “Underground Construction (1926.800) Final Rule.”

~~(2)~~ (3) *Federal Register*, Vol. 54, No. 139, dated July 21, 1989: “Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1926.58); Extension of Partial Stay and Amendment of Final Rule.”

~~(3)~~ (4) *Federal Register*, Vol. 54, No. 192, dated October 5, 1989: “Concrete and Masonry Construction Safety Standards (Subpart O of 29 CFR Part 1926); Final Rule Technical Amendment.”

~~(4)~~ (5) *Federal Register*, Vol. 54, No. 209, dated October 31, 1989: “Excavations (Subpart P of 29 CFR Part 1926).”

~~(5)~~ (6) *Federal Register*, Vol. 54, No. 243, dated December 20, 1989: “Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1926.58); Partial Response to Court Remand.”

[For text of items F to I, see M.R.]

Exempt Rules

J. *Federal Register*, Volume 59:

(2) *Federal Register*, Vol. 59, No. 27, pages 6126-6184, dated February 9, 1994; “Hazard Communication; Final Rule.” with the exception of 1910.1200(b)(6)(xi) and (xii).

~~(2)~~ (3) *Federal Register*, Vol. 59, No. 137, dated July 19, 1994, “Retention of DOT Markings, Placards, and Labels (1926.61); Final Rule.”

~~(3)~~ (4) *Federal Register*, Vol. 59, No. 152, dated August 9, 1994, “Safety Standards for Fall Protection in the Construction Industry.”

~~(4)~~ (5) *Federal Register*, Vol. 59, No. 153, dated August 10, 1994, “Occupational Exposure to Asbestos (1926.1101); Final Rule.”

~~(5)~~ (6) *Federal Register*, Vol. 59, No. 161, dated August 22, 1994, “Hazardous Waste Operations and Emergency Response (1910.120 and 1926.65); Amendments to Final Rule.”

(7) *Federal Register*, Vol. 59, No. 245, pages 65947-65948, dated December 22, 1994; “Hazard Communication; Correction.”
[For text of items K to X, see M.R.]

Subp. 7. **Part 1928.** Part 1928: Occupational Safety and Health Standards for Agriculture as published in Part II, Volume 40, No. 81 of the *Federal Register* on April 25, 1975, and subsequent changes as follows:

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

E. *Federal Register*, Vol. 52, No. 163, pages 31852-31886, dated August 24, 1987; “Hazard Communication; Final Rule.”

E.F. *Federal Register*, Volume 53, No. 185, dated September 23, 1988; “Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Corrections to September 14, 1988 *Federal Register* notice.”

G. *Federal Register*, Vol. 54, No. 30, pages 6886-6888, dated February 15, 1989; “Hazard Communication; Final Rule; Technical Amendments; Notice Regarding Enforcement.”

F.H. *Federal Register*, Volume 58, No. 77, dated April 23, 1993, “Occupational Exposure to Cadmium (1928.1027).”

I. *Federal Register*, Vol. 59, No. 27, pages 6126-6184, dated February 9, 1994; “Hazard Communication; Final Rule.” with the exception of 1910.1200(b)(6)(xi) and (xii).

G.J. *Federal Register*, Vol. 59, No. 137, dated July 19, 1994, “Retention of DOT Markings, Placards, and Labels (1928.21); Final Rule.”

H.K. *Federal Register*, Vol. 59, No. 196, dated October 12, 1994, “Logging Operations, Final Rule (1928.21(a)(3)).”

F.L. *Federal Register*, Vol. 61, No. 46, page 9228, dated March 7, 1996: “Miscellaneous Minor and Technical Amendments; Final Rule; Corrections and Technical Amendments.”

J.M. *Federal Register*, Vol. 70, No. 249, pages 76979-77025, dated December 29, 2005: “Roll-Over Protective Structures; direct final rule.”

~~K.N. *Federal Register*, Volume 71:~~

~~E.O. *Federal Register*, Vol. 76, No. 110, pages 33590-33612, dated June 8, 2011: “Standards Improvement Project - Phase III.”~~

**Department of Labor and Industry (DLI)
Adopted Exempt Permanent Rules Relating to Workers' Compensation;
2012 Adjustments to Independent Medical Examination Fees;
Relative Value Fee Schedule Conversion Factors**

5219.0500 INDEPENDENT MEDICAL EXAMINATION FEES.

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

Subp. 4. **Adjustments.** On October 1, 1994, and on October 1 of each succeeding year, the fees in this part must be adjusted by the percentage determined under *Minnesota Statutes*, section 176.645, in the same manner as the conversion factor of the relative value fee schedule is adjusted under *Minnesota Statutes*, section 176.136. This provision does not apply to expenses under subpart 3, item E, subitem (1). The fees shall be adjusted as follows:

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

Q. on October 1, 2010, the fees as adjusted in item P shall be decreased by 1.14 percent; ~~and~~

R. on October 1, 2011, the fees as adjusted in item Q shall be increased by 2.4 percent; ~~and~~

S. on October 1, 2012, the fees as adjusted in item R shall be increased by 1.5 percent.

5221.4020 DETERMINING FEE SCHEDULE PAYMENT LIMITS.

[For text of subps 1 and 1a, see M.R.]

Subp. 1b. **Conversion factors and maximum fee formulas.**

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

B. The conversion factors for services, articles, and supplies included in parts 5221.4030 to 5221.4061 are as provided in Minnesota Statutes, section 176.136, subdivision 1a, as adjusted by paragraph (g) of that subdivision, as follows:

(1) for dates of service from October 1, 2010, to September 30, 2011, the conversion factors are:

[For text of units (a) to (c), see M.R.]

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$53.48; ~~and~~

(2) for dates of service from October 1, 2011, to September 30, 2012, the conversion factors are:

[For text of units (a) to (c), see M.R.]

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$54.76; ~~and~~

(3) for dates of service from October 1, 2012, to September 30, 2013, the conversion factors are:

(a) for medical/surgical services identified by procedure codes described in part 5221.4030, subpart 3: \$69.87;

(b) for pathology and laboratory services identified by procedure codes described in part 5221.4040, subpart 3: \$41.16;

(c) for physical medicine and rehabilitation services identified by procedure codes described in part 5221.4050, subpart 2d: \$54.41; ~~and~~

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$55.58.

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

EFFECTIVE PERIOD. The amendments to parts 5219.0500 and 5221.4020 are effective for services provided on or after October 1, 2012.

Exempt Rules

Department of Natural Resources (DNR)

Adopted Exempt Permanent Game and Fish Rules: Wolf Restitution Value and Use of Snares; Game Farms

6133.0075 GRAY WOLVES.

The restitution value for gray wolves is ~~\$2,000~~ \$500.

6234.0900 SCOPE AND DEFINITIONS.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Wolf snare.** “Wolf snare” means any snare set that:

A. has a maximum loop diameter greater than ten inches, but less than or equal to 18 inches;

B. has a cable diameter of at least 7/64 inches;

C. includes stops affixed to the cable to ensure that the portion of the snare that makes up the noose loop may not be less than three inches in diameter when fully closed;

D. includes a breakaway device that would cause the snare loop to break when pulled by a moose; and

E. includes a diverter wire that extends 27 inches in both directions, measured perpendicular to and from the top of the snare loop. The diverter wires must be positioned at an angle no more than 20 degrees from the horizontal plane of the top of the snare, and the snare must be set within 20 yards of bait.

6234.2300 GENERAL RESTRICTIONS ON USE OF SNARES.

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

Subp. 4. **Wolf snares.** Wolves may be taken with snares or wolf snares as defined in part 6234.0900.

6234.2400 SPECIAL RESTRICTIONS ON USE OF SNARES.

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

Subp. 5. **Prohibition on snares placed in deer trails.** Snares, including wolf snares, may not be set in deer, elk, or moose trails.

[For text of subp 6, see M.R.]

Subp. 7. **Snare height.** A snare may not be set so that the top of the loop is more than ~~16~~ 20 inches above the ground or, when the ground is snow-covered, more than 16 inches above the bottom of a person’s footprint made in the snow beneath the snare with full body weight on the foot first surface beneath the bottom of the set snare loop. During the wolf season, licensed wolf trappers may use wolf snares but a wolf snare may not be set so that the bottom of the loop is more than 18 inches above the first surface beneath the bottom of the set snare loop.

[For text of subps 8 to 10, see M.R.]

Subp. 11. **Snare separation.** Licensed wolf trappers shall set wolf snares for wolves no closer than 500 feet to another wolf snare set by the same licensed wolf trapper.

6242.0900 RESTRICTIONS ON SALE OR DISPOSAL OF GAME FARM ANIMALS.

Subpart 1. **Sales receipt requirement.** For every sale or disposal of an animal, animal parts, or products, the game farm licensee must complete a sales receipt, provided or approved by the commissioner, containing the following information:

A. name, address, and game farm license number of licensee;

B. name and address of purchaser or person to whom sale or disposal is made;

Exempt Rules

C. species, number, and kinds of animals, parts, or products sold or disposed of; and

D. identification numbers, if the animals sold or disposed of are marked with numbered tags, bands, or tattoos.

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

6242.1000 REQUIRED GAME FARM RECORDS.

Subpart 1. **Record keeping.** Game farm licensees must keep complete and current business records for all species, except upland game birds, in a record book provided or approved by the commissioner. These records must include the following:

A. for each animal acquired other than by birth on the licensee's game farm, the sex (if known), species, name and address of the source from which acquired, date of acquisition, and number of any band, tag, or tattoo attached to the animal before or after acquisition;

B. for each animal born on the licensee's game farm, the sex (if known), species, date of birth, and number of any band, tag, or tattoo subsequently attached to the animal;

C. for each animal sold or disposed of other than by death, the same information required by part 6242.0900; and

D. for each animal which dies or is destroyed on the licensee's game farm, the sex (if known), species, date of death, and number of any band, tag, or tattoo attached to the animal.

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

Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

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 Plumbing Board

Proposed Expedited Permanent Rules Relating to Backflow Prevention Rebuilders and Backflow Prevention Testers

NOTICE OF INTENT TO ADOPT NEW EXPEDITED RULES WITHOUT A PUBLIC HEARING Proposed New Rules Regulating Reduced Pressure Backflow Prevention Device Rebuilder and Tester Certifications, *Minnesota Rules*, Chapter 4716

Introduction. The Minnesota Plumbing Board (the "Board") intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until Wednesday, October 17, 2012.

Expedited Rules

Agency Contact Person. You must submit comments or questions on the rules to: Patricia MunkelOlson at Minnesota Plumbing Board, c/o Department of Labor & Industry, 443 Lafayette Road N., St. Paul, MN 55155, **phone:** (651) 284-5006, **fax:** (651) 284-5725, and **e-mail:** dli.rules@state.mn.us. TTY users may call the Department of Labor & Industry at **TTY phone:** (651) 297-4198.

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules are about establishing certification requirements for backflow prevention rebuilders and backflow prevention testers. The proposed expedited rules apply to persons performing or offering to perform the installation, maintenance, repair, replacement, testing, or rebuilding of reduced pressure zone backflow prevention assemblies..

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.435, subd. 2(a)(5) and 326B.437 (d). The statutory authority to adopt the rules under the expedited rulemaking process is *Minnesota Statutes*, sections 14.389 and 326B.437 (d). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The proposed expedited rules may be viewed at: http://www.dli.mn.gov/PDF/docket/4716_RPZ_docket.pdf.

Comments. You have until 4:30 p.m. on Wednesday, October 17, 2012, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Board encourages comment. Your comment should identify the portion of the proposed expedited rules addressed, any changes to the proposed rule, and the reason for the change. You are encouraged to propose any change desired. You must also be make any comments on the legality of the proposed rules during this comment period.

Modifications. The Board may modify the proposed expedited rules so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c), or if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the Board will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the Board must publish a copy of the changes in the *State Register*. If the proposed expedited rules affect you in any way, the Board encourages you to participate in the rulemaking process.

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to 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 and Review of Expedited Rules. The Board may adopt the rules at the end of the comment period. The Board will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the Board submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the Board to receive notice of future rule proceedings, submit your request to the contact person listed above.

Dated: 31 August 2012

John Parizek, Chair
Minnesota Plumbing Board

4716.0095 AUTHORITY; PURPOSE.

Parts 4716.0096 and 4716.0097 establish certification requirements for persons performing or offering to perform the installation, maintenance, repair, replacement, testing, or rebuilding of reduced pressure zone backflow prevention assemblies under *Minnesota Statutes*, section 326B.437.

4716.0096 LICENSURE; CERTIFICATION.

Subpart 1. **Backflow prevention rebuilder.** An applicant for backflow prevention rebuilder certification must be a licensed master plumber, journeyman plumber, or restricted master or restricted journeyman plumber and possess current American Society of Sanitary Engineering (ASSE) Standard 5110 Backflow Prevention Assembly Tester and ASSE Standard 5130 Backflow Prevention Assembly Repairer certifications.

Subp. 2. **Backflow prevention tester.** An applicant for backflow prevention tester certification shall possess a current ASSE Standard

5110 Backflow Prevention Assembly Tester certification.

Subp. 3. **Application.** All applications submitted pursuant to this part must be submitted on a form approved by the commissioner and include the fees required by *Minnesota Statutes*, sections 326B.092 and 326B.437.

Subp. 4. **Renewal and expiration.** The renewal and expiration of a backflow prevention rebuilder certification or backflow prevention tester certification shall be in accordance with *Minnesota Statutes*, section 326B.437, paragraph (c).

4716.0097 REQUIREMENTS FOR RENEWAL OF CERTIFICATION.

Subpart 1. **Generally.** The commissioner must not renew the license of an applicant for renewal who has held the license for at least 24 months unless the applicant provides proof of current ASSE certification.

Subp. 2. Backflow prevention rebuilder.

A. A backflow prevention rebuilder shall maintain current ASSE Standard 5110 Backflow Prevention Assembly Tester and ASSE Standard 5130 Backflow Prevention Assembly Repairer certifications.

Exception: An individual possessing a current backflow prevention rebuilder certification issued by the commissioner prior to January 1, 2012, is exempt from the requirements in subpart 1. This exemption expires December 31, 2014. Renewal applications submitted after January 1, 2015, shall include documentation of the applicant's current ASSE Standard 5110 Backflow Prevention Assembly Tester and ASSE Standard 5130 Backflow Prevention Assembly Repairer certifications as a condition of renewal.

B. The following standards are incorporated by reference, are not subject to the frequent change, are made part of this chapter, and are available in the office of the commissioner: ASSE Standard 5110 Backflow Prevention Assembly Testers and ASSE Standard 5130 Backflow Prevention Assembly Repairers. These standards are published by the American Society of Sanitary Engineering, 901 Canterbury Road, Suite A, Westlake, Ohio 44145-1480 and are copyright 2009 by the American Society of Sanitary Engineering.

Subp. 3. **Backflow Prevention Tester.** A backflow prevention tester shall maintain a current ASSE 5110 Backflow Prevention Assembly Tester certification.

Exception: An individual possessing a current backflow prevention tester certification issued by the department prior to January 1, 2012, shall be exempt from the requirements in subpart 1. This exemption expires December 31, 2014. Renewal applications submitted after January 1, 2015, shall include documentation of the applicant's current ASSE Standard 5110 Backflow Prevention Assembly Tester certification as a condition of renewal.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

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.

Department of Natural Resources (DNR) Adopted Expedited Emergency Game and Fish Rules: Prohibited Invasive Species

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rules is *Minnesota Statutes*, section 84D.12

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that this action is part of an ongoing effort to prevent the spread of invasive species. Largescale silver carp, western mosquitofish, faucet snails, red swamp crayfish, and quagga mussels are being added to the list of prohibited invasive species and banded mystery snails are being added to the list of regulated invasive species. Adding species to the prohibited invasive species list will make the transport of these species illegal (M.S. 84D.05). A person may not introduce a regulated invasive species without a permit issued by the DNR (*Minnesota Statutes* 84D.07). These species being added to the prohibited and regulated invasive species lists are currently classified as "unlisted nonnative species". Listing these invasive species will increase the state's authority to rapidly respond to situations involving the transportation and potential spread of invasive species to other water bodies.

Each of the species being added to the prohibited and regulated invasive species lists has unique ecological and economic impacts. As an example, Faucet Snail (*Bithynia tentaculata*) is an aquatic snail native to Europe and was introduced to the Great Lakes in the 1870s. The snail is host for three intestinal trematodes, or flukes, (*Sphaeridiotrema globulus*, *Cyathocotyle bushiensis*, *Leyogonimus polyoon*) that cause mortality in ducks and coots. Duck mortality has been recorded due to the intestinal parasites in Lake Winnibigoshish and Lake Pepin where faucet snail populations are established. On July 9, 2012, White Earth Nation and DNR responded to a report that faucet snails had been discovered in a container of leeches purchased at a bait shop. An investigation traced the source of the faucet snail to a series of small ponds used for leeching and duck hunting. Adding faucet snails and the other species to the prohibited invasive species list would make transport of these species illegal therefore helping to prevent the spread to uninfested waters.

Dated: August 17, 2012

Tom Landwehr, Commissioner
Department of Natural Resources

6216.0250 PROHIBITED INVASIVE SPECIES.

[For text of subps 1 to 2a, see M.R.]

Subp. 3. **Fish.** The following fish are designated as prohibited invasive species:

A. bighead carp (*Hypophthalmichthys nobilis*) Richardson;

B. black carp (*Mylopharyngodon piceus*) (Richardson) Peters;

C. grass carp (*Ctenopharyngodon idella*) Valenciennes;

D. largescale silver carp (*Hypophthalmichthys harmandi*) Sauvage;

~~E.~~ northern snakehead fish (*Channa argus*);

~~F.~~ round goby (*Neogobius melanostomus*);

Expedited Emergency Rules

- ~~F. G.~~ rudd (*Scardinius erythrophthalmus*) Linnaeus;
- ~~G. H.~~ ruffe (*Gymnocephalus cernuus*) Linnaeus;
- ~~H. I.~~ sea lamprey (*Petromyzon marinus*) Linnaeus;
- ~~F. J.~~ silver carp (*Hypophthalmichthys molitrix*) Valenciennes;
- ~~F. K.~~ tubenose goby (*Proterorhinus marmoratus*) Pallas;
- ~~L.~~ western mosquitofish (*Gambusia affinis*) Baird & Girard;
- ~~K. M.~~ white perch (*Morone americana*) Gmelin; and
- ~~E. N.~~ zander (*Stizostedion lucioperca*) Linnaeus.

Subp. 4. **Invertebrates.** The following invertebrates are designated as prohibited invasive species:

- ~~A.~~ faucet snail (*Bithynia tentaculata*) Linnaeus;
- ~~A. B.~~ New Zealand mud snail (*Potamopyrgus antipodarum*) Gray; and
- ~~C.~~ quagga mussel (*Dreissena bugensis*) Andrusov;
- ~~D.~~ red swamp crayfish (*Procambarus clarkii*) Girard; and
- ~~B. E.~~ zebra mussel (*Dreissena* spp.).

[For text of subp 5, see M.R.]

6216.0260 REGULATED INVASIVE SPECIES.

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

Subp. 4. **Invertebrates.** The following invertebrates are designated as regulated invasive species:

- ~~A.~~ banded mystery snail (*Viviparus georgianus*) I. Lea;
- ~~A. B.~~ Chinese mystery snail, Japanese trap door snail (*Cipangopaludina* spp.) Hannibal;
- ~~B. C.~~ rusty crayfish (*Orconectes rusticus*) Girard; and
- ~~C. D.~~ spiny water flea waterflea (*Bythotrephes cederstroemi longimanus*) Schoedler Leydig.

[For text of subp 5, see M.R.]

Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

KEY: Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

Department of Revenue

Modification of Revenue Notice # 02-12: Sales and Use Tax – Taxable Delivery Charges – Aggregate Materials

Background

Effective July 1, 2002, *Minnesota Statutes*, section 297A.61, subdivision 3(g)(5), ~~was amended to provide~~ that the delivery of aggregate materials and concrete block, excluding the delivery of aggregate used in road construction is a taxable service. ~~Between December 31, 2001, and July 1, 2002, charges for delivery of aggregate materials and concrete block were only taxable when billed by the seller of the aggregate or blocks. Effective July 1, 2002,~~ Delivery charges made by either a seller or a third party deliverer of aggregate or concrete blocks are taxable. ~~However, sellers of aggregate materials or concrete block are not required to collect sales tax on the delivery charges if the aggregate or block are sold under a contract entered into prior to January 1, 2002, and delivered prior to January 1, 2005.~~

Issue

For purposes of Chapter 297A, what materials will be treated as “aggregate materials”?

Department Position

The definition of “aggregate material” found in *Minnesota Statutes*, section 298.75, which imposes a production tax on aggregate material removal, is the definition that will also be used for sales tax purposes. *Minnesota Statutes*, section 298.75, subdivision 1, defines aggregate material as “nonmetallic natural mineral aggregate including, but not limited to, sand, silica sand, gravel, crushed rock, limestone, granite; and borrow, but only if the borrow is transported on a public road, street; or highway.” The term “gravel” is defined to include crushed rock, sand or pebbles. Stone, boulders, uncrushed rock, rip-rap, crushed granite and crushed limestone would also be considered to be aggregate material. Coarse tailings from taconite plants that are being marketed as aggregate would also be considered to be aggregate materials. Subdivision 1 also provides that aggregate material does not include dimension stone and dimension granite. Aggregate material would also not include dirt, clay, soil, agricultural lime or limestone used in taconite production of flux pellets.

~~Publication Date: 09/09/02~~

Publication Date:

Jennifer L. Engh, Assistant Commissioner

SUSAN VON MOSCH, Assistant Commissioner
for Tax Policy

Department of Revenue

Revenue Notice # 12-09: Sales and Use Tax – Government Exemptions – Water Used Directly in Providing Fire Protection

A new sales tax exemption was enacted during the 2011 Special Session. Under the amendment to *Minnesota Statutes*, § 297A.70, subdivision 3, there is a new exemption for “purchases of water used directly in providing public safety services by an organized fire department, fire protection district, or fire company regularly charged with the responsibility of providing fire protection to the state or a political subdivision.” This amendment is effective retroactively for sales and purchases made after June 30, 2007, but the law prohibits refunds for amounts already paid on water purchased between June 30, 2007, and January 30, 2010.

Department Position

For purposes of this exemption, the term “used directly” means that at the point of first use of the water there must be a clear connection between the water and the public safety services, and that there is neither an intervening use of the water nor water usage that only indirectly has an effect on the public safety services. Furthermore, the water used in providing the public safety services must be used

Revenue Notices

for extinguishing, suppressing, containing, controlling or preventing a fire, and may be used to provide these services for any property.

The practice of using water hoses, opening fire hydrants, and finding and using water supplies, when done to extinguish, contain, control, or prevent the spread of the fire from a practice burn is a direct use of water.

Examples of indirect use of water (therefore, the water is subject to sales or use tax):

- Flushing the fire hydrants from time to time. While the water that later will be used directly in providing the public safety services will flow through the fire hydrant, the water that is flushed from the hydrants is not used directly in providing the public safety services.
- Water fights by firefighters, either as practice for using the water hoses or as competition, when not done in conjunction with a practice burn. While it is beneficial for firefighters to practice using the water hoses, the water used for the practice is not used directly in extinguishing, suppressing, containing, controlling or preventing a fire.
- Any other practice in using the water, opening a fire hydrant, finding and using water supplies, not used in conjunction with a practice burn. This use of water is useful for practice, but is not directly used in providing the public safety services.
- Water that is purchased to be stored in a reservoir to be abstracted for use in providing the public safety services described above, but after the purchase and before the abstraction for this use the water is used to produce energy for the public utility. The intervening use of the water to produce energy means that the water purchased is not used directly in providing the public safety services. However, if the water that is to be stored in and abstracted from the reservoir to provide the public safety services is purchased after it is already used to produce the energy, it would be exempt, assuming it is otherwise used directly in providing the public safety services.
- Use by firefighters while they are in the firehouse waiting for a possible fire, such as water used for bathing, grooming, cooking, and cleaning.

The department will accept a reasonable estimate by the government or fire company to determine the amount of water that was used directly in providing the public safety services of extinguishing, suppressing, containing, controlling or preventing a fire, and that therefore is exempt from sales tax. The methodology for determining the amount of water used directly must be documented and available to the department upon request, such as upon audit.

Publication Date: 27 August 2012

SUSAN VON MOSCH, Assistant Commissioner
for Tax Policy

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.

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Emergency Medical Services Regulatory Board (EMSRB) NOTICE OF COMPLETED APPLICATION In the Matter of the License Application of Sanford Worthington Ambulance Service, Worthington, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from **Sanford Worthington Ambulance Service, Worthington, Minnesota**, for a new license, Part-Time Advanced Ambulance.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* § 144E.11, subdivision 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB **within 30 days or by October 4, 2012, 4:30 p.m.**

Written recommendations or comments opposing the application should be sent to: Pamela Biladeau, Executive Director, EMSRB, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222. If no more than five comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes* § 144E.11, subdivision 4(a). If more than five comments in opposition to the application are received during the comment period, or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes* § 144E.11, subdivision 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a contested case hearing, one will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes* § 144E.11, subdivision 5(c)-(e).

Dated: 30 August 2012

Pamela Biladeau, Executive Director
Emergency Medical Services Regulatory Board

Minnesota Department of Human Services (DHS)**REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Rehabilitative and Therapeutic Services, Therapists Eligible to Enroll as Providers, and Required Documentation of Rehabilitative and Therapeutic Services, *Minnesota Rules*, parts 9505.0390, 9505.0391, 9505.0392, 9505.0412**

Subject of Rules. The Minnesota Department of Human Services requests comments on its possible amendment to rules governing the enrollment of specified therapists as providers in the Medical Assistance (MA) program. The department is considering rule amendments that will bring the rule language into conformance with the most current language in federal regulations, state statutes, and U.S. Department of Health and Human Services Centers for Medicare & Medicaid Services (CMS) practices. As the rules are presently written, it states that a Medicare patient's plan of care should be reviewed every 30 days when the current CMS practice is 90 days. Moreover, Minnesota Rule, part 9505.0391 needs to be updated to reflect that audiologist and speech-language pathologists can now enroll in Medicare. Other technical and editorial changes are made to refer to the most current federal and state laws.

Persons Affected. The amendment to the rules would likely affect current and potential providers of physical and occupational therapy services, audiologists, speech-language pathologists, the department, and persons receiving medical assistance services.

Statutory Authority. *Minnesota Statutes*, section 256B.04, subdivision 2, authorizes the department to, "Make uniform rules, not inconsistent with law, for carrying out and enforcing the provisions hereof in an efficient, economical, and impartial manner, and to the end that the medical assistance system may be administered uniformly throughout the state, having regard for varying costs of medical care in different parts of the state and the conditions in each case, and in all things to carry out the spirit and purpose of this program, which rules shall be furnished immediately to all county agencies, and shall be binding on such county agencies."

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the State Register that the department intends to adopt or to withdraw the rules. The department does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The department has not yet prepared a draft of the possible rules amendments that will be available before the publication of the proposed rules.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Marsha West at the Minnesota Department of Human Services, Appeals and Regulations Division, PO Box 64941, St. Paul, Minnesota 55164-0941; telephone 651-431-3612; e-mail: marsha.west@state.mn.us; or FAX: 651-431-7523. Persons with special needs may call the Minnesota Relay Service at 1-800-627-3529 (TDD), 7-1-1 or 1-877-627-3848 (speech to speech relay service).

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

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

Dated: 20 July 2012

Commissioner Lucinda E. Jesson
Minnesota Department of Human Services

Official Notices

Minnesota Department of Human Services (DHS) Request for Statements of Interest for Development and Implementation Council for Community First Services and Supports and Money Follows the Person

The Minnesota Department of Human Services (“the Department”) will convene a Development and Implementation Council to consult and collaborate with the Department in the redesign of Personal Care Assistance services through the development and implementation of Community First Services and Supports (CFSS). CFSS will be designed to comply with the finalized regulations regarding section 1915(k) of the Social Security Act, the Community First Choice Option, with its emphasis on flexibility, self-direction, and person-centered planning.

The Department also seeks to engage the Development and Implementation Council to serve as a consumer advisory group for Money Follows the Person Rebalancing Demonstration (MFP). MFP is a demonstration that will assist individuals receiving Medical Assistance who have been residing in an institution for more than 90 days relocate to a community setting. The consumer advisory group will assist the Department to simplify and improve the effectiveness of transition services with a focus on those individuals with complex needs who seek to relocate to a community setting.

The Department is seeking Statements of Interest (“SOI”) from individuals interested in serving on the Council so that the development and implementation of these initiatives can be informed by the people who will utilize these services. The Department requires that the Development and Implementation Council have a majority comprised of people with disabilities (including children), people over the age of 65 and their family members or representatives. To ensure a diversity of perspectives, the Department is seeking to have representation from people with a variety of disabilities including consumers of various cultural groups that use personal care assistance services and other home and community-based services administered by the Department. Individuals selected to serve on the council will be requested to:

- Attend a series of meetings
- Participate with others in discussions about long term services and supports
- Provide information and recommendations specific to CFSS and MFP to improve the service system
- Give feedback about recommended changes being proposed

Other interested parties including advocates, providers or associations may also express interest and must demonstrate experience with home and community-based services and supports, and an understanding of person-centered planning, self-direction, and consumer choice. Additionally, the Department would value representation from those individuals with experience with assistive technology, environmental modifications, and transitioning from institutional settings into the community.

It is anticipated that the Development and Implementation Council will continue for 2 years. Meetings in the first year will be monthly and will be quarterly after that.

The first Council meeting is tentatively scheduled for October 9, 2012 from 1pm-4pm.

All persons expressing an interest in serving on this committee will be requested to complete a form which includes writing a brief statement summarizing their interest in serving on the committee. If you are interested in submitting a Statement of Interest, please download the form using the link below:

http://www.dhs.state.mn.us/main/groups/disabilities/documents/pub/dhs16_171413.pdf

You may also contact the Department by phone or mail to have a paper copy sent to you. Reimbursement of some expenses may be made available for some committee members based on need. **Completed SOI forms must be received by the Department by September 24, 2012.**

To request a paper copy of the SOI form: Call Jennifer Perry at phone: (651) 431-2172 or MN Relay: 711 or 1-800-627-3529

Mail your request for a paper copy AND send your completed form to:

Minnesota Department of Human Services
Disability Services Division

P.O. Box 64967
St. Paul, MN 55164-0967
ATTN: Jennifer Perry

Scanned copies of completed SOI may be sent to: jennifer.perry@state.mn.us

The Department values and strives for a diverse committee composition including gender, racial, geographic, age, and socioeconomic diversity.

Minnesota Department of Labor and Industry (DLI) Safety and Workers' Compensation Division Notice of Annual Adjustment to Workers' Compensation Vocational Rehabilitation Hourly Rates

On October 1, 2012, the maximum workers' compensation qualified rehabilitation consultant (QRC) hourly rate will increase to \$96.57 and the maximum hourly rate for workers' compensation rehabilitation job development and placement services will increase to \$73.31. These increases are made pursuant to Minn. Stat. § 176.102, subd. 2 and Minn. Rules, part 5220.1900, subp. 1b.

Dated: August 21, 2012

Ken B. Peterson, Commissioner
Department of Labor and Industry

Minnesota Department of Natural Resources (DNR) Notice of Hearing on Sale of State Lands in Roseau County

NOTICE IS HEREBY GIVEN, that pursuant to *Minnesota Statutes*, section 97A.135, subd. 2a, a hearing will be held by the Department of Natural Resources, in the conference room at the Roseau River WMA Headquarters, 27952 400th Street, Roseau, Minnesota, on September 26, 2012 at 3:00 p.m.

The purpose of the hearing is for public input regarding the sale of state lands situated in the County of Roseau, and described as:

NWSW of Section 28, Township 162N, Range 44W
And

NENW of Section 7, Township 161N, Range 40W
And

SWNE of Section 36, Township 159N, Range 43W
And

East ½ of SW ¼ of Section 16, Township 159N, Range 42W
And

West ½ of SE ¼ of Section 16, Township 159N, Range 42W

Minnesota Statutes, section 97A.135, subd. 2a, requires that a public hearing be held before lands within a Wildlife Management Area can be disposed of through sale or exchange. These parcels are designated as part of the Roseau River, Stafford, Cervidae, and Huss Wildlife Management Areas, respectively.

Official Notices

It is proposed that these parcels of land be offered for sale by the Department of Natural Resources in a public sale. These parcels are no longer needed for resource management purposes. If, after public hearing, the disposal of the lands are in the public interest, the Commissioner of Natural Resources may vacate the parcels from Wildlife Management Area designation.

Questions regarding this proposal can be directed to Jodi Dehn at (651) 259-5391 or Jodi.M.Dehn@dnr.state.mn.us.

Dated: 21 August 2012

Kathy A. Lewis, Assistant Director
Division of Lands and Minerals
Department of Natural Resources

Minnesota Public Utilities Commission (PUC) Notice of Permit Decision in the Matter of the Route Permit Application by Great River Energy for the Parkers Prairie 115 kV Transmission Line Project in Otter Tail County PUC Docket No. ET2/TL-11-867

At a meeting on August 2, 2012, and in an order issued August 28, 2012, the Minnesota Public Utilities Commission determined that the environmental assessment and record created at the public hearing adequately addressed the issues identified in the scoping decision for the project, and issued a high voltage transmission line route permit to Great River Energy for the Parkers Prairie 115 kilovolt (kV) transmission line project.

The route permit authorizes Great River Energy to construct approximately 2.1 miles of new 115 kV transmission line, expand and modify the Parkers Prairie substation, and remove an existing 41.6 kV line in Parkers Prairie Township in Otter Tail County.

Further information about the project and the route permit can be found on-line at:

<http://mn.gov/commerce/energyfacilities/Docket.html?Id=32307>

and on the eDockets system <https://www.edockets.state.mn.us/EFiling/search.jsp> (enter the year "11" and the number "867").

Inquiries about the project should be directed to the Department of Commerce state permit manager, Ray Kirsch, (651) 296-7588, raymond.kirsch@state.mn.us or the Minnesota Public Utilities Commission permit manager, Mike Kaluzniak, (651) 201-2257, mike.kaluzniak@state.mn.us.

This document can be made available in alternative formats (i.e., large print or audio) by calling (651) 296-0391 (voice). Persons with hearing or speech disabilities may call us through Minnesota Relay at 1-800-627-3529 or by dialing 711.

Teachers Retirement Association (TRA) Notice of Board of Trustees Meeting 19 September 2012

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, September 19, 2012 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board. Board members may participate by telephone.

**Department of Transportation (Mn/DOT)
Engineering Services Division,
Office of Construction and Innovative Contracting
Notices of Suspension and Debarment****NOTICE OF SUSPENSION**

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be suspended for a period of sixty (60) days, effective August 7, 2012 until October 6, 2012:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective February 24, 2010 until February 24, 2013:

- Joseph Edward Riley, Morris, MN
- John Thomas Riley, Morris, MN

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, 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

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

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

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600

\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;

\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and

anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

On-going State Contracts

The state spends \$2-3 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 each 1/10 of a page, you cannot go wrong.

Subscribers receive a list of **all current contracts and grants**, as well as LINKS to the *State Register*; Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. To view, open the *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

- **Word Search Capability**
- **Updates to Index to Vol. 31**
- **E-mailed to you, on Friday**
- **LINKS, LINKS, LINKS**
- **"Contracts & Grants" Open for Bid**
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Subscriptions cost \$180 a year (an \$80 savings). It's all E-MAILED to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** loretta.diaz@state.mn.us.

Minnesota Department of Administration (Admin) Health Related Licensing Boards Request for Information (RFI) for Health Board Regulatory System

NOTICE IS HEREBY GIVEN that the Minnesota Department of Administration (Admin), in collaboration with the Health Related Licensing Boards and MN.IT Services, has published a Request for Information.

The Health Related Licensing Boards are comprised of seventeen independent State of Minnesota agencies that provide licensing, compliance, regulatory and related services to health professionals, employers of health professionals and the public. Several of the Health Related Licensing Boards are seeking a new, comprehensive, integrated front-office and back-office system that encompasses a wide variety of features common to health professional licensure.

At the direction of the Legislature, Admin is assessing different technology platforms and approaches to meet the needs of the Health Related Licensing Boards. By Jan. 15th, 2013, Admin shall report "the best system for providing electronic licensing, disciplinary, regulatory, and investigative services for the health-related licensing boards."

A written request (by e-mail) is required to receive the RFI and to be included on any follow-up communications. Please include "**ADMIN HBRS RFI**" in the subject line:

Assistant Commissioner Matt Bailey
E-mail: matthew.bailey@state.mn.us
Minnesota Department of Administration
50 Sherburne Avenue, Suite 200
Saint Paul, MN 55155

The deadline for responses to this RFI is **Friday, September 28th, 2012, at 4:00 P.M. CST**. Late responses will not be considered.

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

Department of Administration (Admin) Real Estate and Construction Services Notice of Availability of Request for Proposal (RFP) for Development of a Facility Condition Assessment (FCA) Process

NOTICE IS HEREBY GIVEN that the State of Minnesota, Department of Administration, Real Estate and Construction Services, is in need of standard, self-maintained, Facility Condition Assessment processes, reports, and measurements that will result in consistent, accurate, real time information regarding the condition of real property in the State Of Minnesota that can be easily utilized by State staff or contracted consultants.

A full Request for Proposals is available on the Department of Administration, Real Estate and Construction Services website:
www.admin.state.mn.us/recs/sms/sms-sa.html .

Project questions will be taken by Fred Anderson at: fred.j.anderson@state.mn.us. Questions regarding this RFP must be received by Thursday, September 20, 2012 at 2:00 p.m. C.T

Proposals must be delivered to Real Estate and Construction Services, Department of Administration, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, Attn.: Talia Landucci Owen, no later than Thursday, October 4, 2012 by 12:00 noon C.T. Late responses will not be considered.

The Department of Administration, Real Estate and Construction Services Division is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Administration (Admin) State Designer Selection Board Notice of Availability of Request for Proposal (RFP) for New Well & Treatment Facility, Minnesota Correctional Facility-Stillwater (State Designer Selection Board Project No. 12-11)

The Department of Administration, Real Estate and Construction Services ("State"), through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposal is available on the Department of Administration, Real Estate and Construction Services website:
<http://www.admin.state.mn.us/recs/cs/cs-sa.html>.

A pre-proposal meeting is scheduled for 10:00 a.m. C.T., September 20, 2012 at the Minnesota Correctional Facility-Stillwater, 970 Pickett Street, Bayport, MN, 55003-1490 (Front Lobby Entrance). Project questions shall be referred to the appropriate person(s) as listed in the Request for Proposal.

Proposals must be delivered to Kathy Grochowski, Executive Secretary, State Designer Selection Board, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, phone: (651) 201-2389, not later than 12:00 noon C.T., Monday, October 8, 2012. Late responses
(Cite 37 SR 389)

State Contracts

will not be considered.

The Department of Administration, Real Estate Construction Services Division is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU) Northland Community and Technical College Notice of Request for Proposal for Imagery Analysis Training Simulators for the Imagery Analysis Program at Northland Community and Technical College

NOTICE IS HEREBY GIVEN that Northland Community & Technical College Request for Proposal (RFP) for Imagery Analysis Training Simulators. The vendor selected will be expected to provide simulation workstations and software that allow for viewing, manipulating, and annotating Full Motion Video (FMV) with electro optical (EO), infrared (IR), and Hyperspectral capabilities. To receive a copy of the full RFP, please contact Sterling Williams either by telephone at (218) 683-8827 or e-mail at:

sterling.williams@northlandcollege.edu

Proposals are due by 5:00 p.m. central time, Monday, September 10, 2012 and are to be addressed to Shannon Jesme, Northland Community and Technical College, 1011 Highway 1 East, Thief River Falls, MN 56701. Any questions should be in the form of an RFI and directed to Sterling Williams at e-mail: *sterling.williams@northlandcollege.edu*. Late responses will not be considered.

Minnesota State Colleges and Universities (MnSCU) is not obligated to complete the proposed project and reserves the right to cancel the solicitation.

Department of Natural Resources (DNR) Notice of Availability of Contract for Marketing of Minnesota's Hunting and Fishing Recreation to Increase License Sales, Promote License Price Changes and Increase Women's Representation in Hunting and Fishing

The Minnesota Department of Natural Resources is requesting proposals for the purpose of contracting a full service marketing agency for creation, production and implementation of promotional efforts to retain and recruit Minnesota hunting and fishing license buyers. All efforts and events must have a way of evaluating effectiveness including treatment and control groups, number of clicks, call to action outcomes and overall increase in fishing and hunting license sales.

Work is proposed to start after September 17, 2012.

A written request by email is required to receive the Request for Proposal.

The Request for Proposal can be obtained from:

Jenifer Wical
Department of Natural Resources
500 Lafayette Road
St Paul, MN 55155-4020
E-mail: *Jenifer.Wical@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **2:30 pm, central standard time, September 17, 2012. Late proposals will NOT be considered.** Fax or e-mailed proposals will NOT be considered.

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.

Public Safety Department (DPS) Minnesota Board of Firefighter Training and Education (MBFTE) Request for Proposals for to Present Incident Safety Officer Training

Request for Proposal: The Minnesota Board of Firefighter Training and Education (MBFTE) seeks an individual, a group or an organization to present a Incident Safety Officer training program developed and approved by the State of Minnesota 's State Fire Marshal Division (SFM), to all 789 Minnesota Fire Departments.

Request for Proposals will be available by mail or email from this office through September 21, 2012. A written request (by direct mail or e-mail) is required to receive the Request for Proposal.

The Request for Proposal can be obtained from:

Name: Minnesota Board of Firefighter Training and Education
Address: State Fire Marshal Division
Suite 146, Town Square
444 Cedar Street
St. Paul, Minnesota 55101-5150
Fax: (651) 215-0525
E-mail: *bruce.west@state.mn.us*

All questions concerning this RFP should be emailed to Bruce West. Deadline for submitting and accepting questions will be 2:00 p.m. Central Daylight Time (CDT) on September 24, 2012. A full collection of all the questions and answers will be e-mailed to all entities requesting a complete RFP by 4:00 p.m. Central Daylight Time (CDT) on September 26, 2012.

Proposals submitted in response to the Request for Proposals must be received at the address above **no later than 4:00 p.m. (CDT), October 1, 2012**. Proposals received after the deadline will be considered late and will not be considered for review. The burden is placed on respondents to ensure that proposals are received prior to the deadline. **Late proposals will NOT be considered.** Fax and e-mail responses **will be NOT be considered.**

The contract is anticipated to begin work on or around November 1, 2012 and end June 30, 2013. However, the MBFTE retains the option to extend the contract with the selected contractor for up to three additional one year period.

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.

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.

State Contracts

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 see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All 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
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, MN 55155

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 Department of Transportation (MnDOT) Office of Materials and Road Research Request for Proposals (RFP) for Development of an Improved Design Procedure for Unbonded Concrete Overlays

One pavement rehabilitation option that has been gaining popularity in the United States is unbonded concrete overlays of existing concrete or composite pavements (UCOCP). While thicker unbonded concrete overlays have performed very well in many states, current economic restrictions, as well as an interest in using less materials (sustainability), are guiding agencies toward optimizing concrete overlays.

One area of deficiency in the application of unbonded concrete overlays is the lack of a rational design procedure that addresses all components of the structure and their interaction. There is clearly a need for an improved design procedure that rationally considers each

of the layers comprising an unbonded concrete overlay system. It is expected that the design procedure that is developed will be adopted immediately, given the increasing popularity of this useful concrete pavement rehabilitation tool. It is the goal of this project to develop a stand-alone national design procedure that will result in improved performance and life-span prediction of unbonded concrete overlays constructed over existing concrete or composite pavements.

The new procedure must incorporate the best features from existing UCOCP designs, as well as develop improved structural and fatigue models that consider the effects from the environment and the behavior of the wide range of interlayer systems currently in use.

The full RFP can be viewed on the Consultant Services Web Page at: <http://www.dot.state.mn.us/consult/files/notices/notices.html>.

If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Ashley Duran, Contract Administrator
E-mail: ashley.duran@state.mn.us
Telephone: (651) 366-4627

Note: RESPONSES WILL BE DUE ON **TUESDAY, OCTOBER 2, 2012 AT 2:00 PM CENTRAL DAYLIGHT TIME**

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.

Vendors Needed for These Projects

Check up on all the “active” state grants in the “Contracts & Grants” section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of all the current rules, a growing index, and previous years’ indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings).

The *State Register* is one of the best ways to advertise your grants - it’s a required read for public works projects. And it’s cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

Here’s what you receive via e-mail:

- **Word Search Capability**
- **Updates to Index to Vol. 31**
- **E-mailed to you on Friday**
- **LINKS, LINKS, LINKS**
- **“Contracts & Grants” Open for Bid**
- **Easy Access to *State Register* Archives**

It’s all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber’s issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at **phone:** (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** loretta.diaz@state.mn.us

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC) Notice of Request for Qualifications Statements for Legislative Consultant Services

The Metropolitan Airports Commission (MAC) is requesting qualifications statements from individuals or firms interested in representing the Commission staff with respect to the provision of services described in the posted Request for Qualifications.

The Commission's Request for Qualifications for State Legislative Consultant Services (RFQ) is available to download on the Commission's website at: <http://www.metroairports.org/business/solicitations/default.aspx>.

Questions regarding this RFQ must be received by 4:00 p.m. on Friday September 21, 2012. Qualifications statements must be received on or before 4:00 p.m. Friday September 28, 2012.

The contact person for this RFQ is Anne Irish and she may be contacted at (612) 713-7493 or by e-mail: anne.irish@mspmac.org.

Dated: 10 September 2012

Washington County Public Works Department Request for Proposals for Red Rock Corridor Alternatives Analysis Update

NOTICE IS HEREBY GIVEN that Washington County Public Works, as the lead agency on behalf of the Red Rock Corridor Commission, is seeking qualified firms for the completion of an Alternatives Analysis Update for the Red Rock Corridor. Qualified firms will have experience in the development and completion of transit alternatives analyses that are in conformance with the guidelines and policies of the Federal Transit Administration.

The project work will commence immediately upon selection of the consultant. The consultant will prepare a project schedule based on a start date of December 13, 2012.

The full Request for Proposal can be obtained from the Washington County website:

http://www.co.washington.mn.us/info_for_business/bidsrequests_for_proposals/

Proposals Due: October 12th, 2012 at 2:00 p.m. at Washington County Public Works North Shop:

Washington County Public Works Department
11660 Myeron Road North
Stillwater, MN 55082
Phone: (651) 430-4300

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