

## Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Administration

### Proposed Permanent Rules Relating to Electrical Code Update

#### Notice of Intent to Adopt Rules Without a Public Hearing

The State Building Codes and Standards Division intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also request that a hearing be held on the rule.

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

Margaret White, State Building Codes and Standards Division, 408 Metro Square Building, 121 East 7th Place, St. Paul, MN 55101, 296-4626, 297-5353 (TDD-MN Relay Service), 800-657-3529 (Greater MN TDD-MN Relay Service). Our fax number is 297-1973.

**Subject of Rule and Statutory Authority.** The proposed rule is about adoption of the 1993 National Electrical Code (NEC) by reference. The statutory authority to adopt this rule is found in *Minnesota Statutes* 326.243, (1992) and 16B.61 to 16B.64, (1992) and 14.07 Subd. 4 (1992). A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. June 14, 1993 to submit written comments in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on June 14, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, section 14.131 to 14.20.

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

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

Copies of the 1993 National Electrical Code are in general distribution and may be reviewed at the Minnesota Building Codes and Standard Division and obtained from the State Board of Electricity, Room S-173 Griggs Midway Building, 1821 University Avenue, St. Paul, Minnesota 55104.

**Expenditure of Public Money by Local Public Bodies; Impact on Agriculture Lands.** You are advised, pursuant to *Minnesota Statutes*, Section 14.11 "Special Notice of Rulemaking," that the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed \$100,000 in either of the two years following the adoption of these rules.

**Small Business Considerations.** Pursuant to *Minnesota Statutes*, Section 14.115, Subd. 2, the Building Codes and Standards Division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods prescribed. The

proposed rules do not require businesses to make reports of the requirements in items (a), (b) and (c). Establishment of less stringent compliance requirements of items (a), (b), (c) or exemption from any of the rule requirements of item (e) are not appropriate because the purpose of rules is to establish a minimum standard for the application and installation of electrical wiring and its associated materials in all public, private, commercial, industrial and residential structures within the State of Minnesota to protect life, limb, health, property, and public welfare of the residents at the least possible cost consistent with recognized standards. See *Minnesota Statute* Section 16B.59 (1992). To exempt small businesses from any or all requirements of the rules would be contrary to statutory obligations that are the basis of the proposed rulemaking, *Minnesota Statutes* Section 16B.59, 16B.61 and 16B.64. The Legislature has specifically mandated that the uniformity of construction standards is in the public interest. *Minnesota Statute* Section 16B.61, Subd. 1 states in part: "The code must conform insofar as practicable to model codes generally accepted and in use throughout the United States."

*Minnesota Statutes* Section 14.115 Subd. 2(d) calls for the establishment of performance standards for small businesses to replace design or operational standards required in the rule as one method of reducing the adverse impact of the rules upon them. The National Electrical Code is based on the application of scientific principles, approved tests and professional judgement, and to the extent practicable is written in terms of results rather than specific methods and materials. Any design or operational standards required in the rule must apply equally to all businesses engaged in implementing the code.

Pursuant to *Minnesota Statutes* 14.115, subd. 4(a) the statements in the preceding paragraphs constitute the statement of the impact of the rule on small businesses, and the probable qualitative and quantitative effect of its rules.

Performance standards apply across the board to all entities subject to the code, as they must be to comply with statutory obligations as discussed above.

*Minnesota Statutes*, Chapter 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01 Subdivision 11 as an individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or,

(b) Who spends more than \$250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, (612) 296-5148.

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

Dated: 26 April 1993

Dana B. Badgerow  
Commissioner of Administration

### Statement of Need and Reasonableness

The Minnesota State Building Code Administrative Rule 1300.2500 includes the adoption of current model codes and amendments to these model codes. One of these model codes is the National Electrical Code (ANSI/NFPA 70), copyright National Fire Protection Association, One Battery March Park, Post Office Box 9101, Quincy, Massachusetts 02269-9101, that provides for electrical design and construction. The National Electrical Code is updated and printed every three years.

The Minnesota Electrical Act, *Minnesota Statutes* 326.243 (1992), Safety Standards, requires that the most recently published addition of the National Electrical Code as adopted by the National Fire Protection Association, Inc., and approved by the American National Standards Institute shall be prima facie evidence of accepted standards of construction for safety to life and property. The 1993 edition of the National Electrical Code was adopted by the National Fire Protection Association on May 12, 1992, and approved

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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by the American National Standards Institute on August 14, 1992. The 1993 edition is the most recent edition and therefore must be incorporated into the Minnesota State Building Code to reference the most recent edition. Authorization for this adoption is provided in *Minnesota Statutes* Section 16B.64 Subd. 2 (1992) and *Minnesota Statutes* Section 14.07, Subd. 4 (1992).

Establishing the effective date of July 1, 1993, provides a time frame for the State Board of Electricity and Administering Municipalities to notify those affected by the Electrical Code so that they are aware of and prepared to uniformly comply with the provisions of the 1993 National Electrical Code on a specific date.

Adopting the 1993 Edition of the National Electrical Code complies with the intent of *Minnesota Statutes* Section 16B.64 and Sec. 326.243, for the safety of Minnesota citizens.

Dated: 26 April 1993

Dana B. Badgerow, Commissioner  
Department of Administration

### Rules as Proposed

#### 1315.0200 SCOPE.

Subpart 1. **Electrical Code.** All new electrical wiring, apparatus, and equipment for the electric light, heat, power, and alarm and communication systems must comply with the regulations contained in the ~~1990~~ 1993 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute (ANSI/NFPA ~~70-1990~~ 70-1993), *Minnesota Statutes*, section 326.243, and the Minnesota State Building Code as promulgated by the commissioner of administration. The effective date of enforcement of this subpart is July 1, 1993.

## Official Notices

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Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

## Department of Agriculture

### Agronomy Services Division

#### NOTICE OF SPECIAL LOCAL NEED REGISTRATION

On April 29, 1993, the Minnesota Department of Agriculture issued a Special Local Need (SLN) registration for Ridomil MZ 58 fungicide manufactured by Ciba-Geigy Corporation, Greensboro, NC, which would allow sweet corn and corn grown for grain to be planted the spring following the last application of Ridomil MZ 58 to potatoes.

A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration.

Objections may be submitted to: Calvin E. Blanchard, Minnesota Department of Agriculture, Agronomy Services Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is June 10, 1993.

## Department of Human Services

### Coordinated Care Division

#### Public Notice Regarding Change to the Medical Assistance (MA), General Assistance Medical Care (GAMC), MinnesotaCare Programs

**NOTICE IS HEREBY GIVEN** to providers of Minnesota Medical Assistance (MA), General Assistance Medical Care (GAMC), MinnesotaCare, and the public of an administrative pharmacy program change. This notice is published pursuant to *Minnesota Statutes*, section 256B.0625, subdivision 25, which governs Medical Assistance.

Effective with the date of this publication, the drug L-Carnitine will no longer require prior authorization.