

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 912

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 5-16-83
DATE FOR REVIEW 5-25
DATE DUE 5-30

Adopted w/a hearing _____
Adopted w/o hearing _____
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 5/5/83 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 4.29.83 Date combined with FofF

✓ Notice of Intent to Solicit Outside Opinion SR. 8.2.82

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
3.17.83 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
3.21.83 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact combined w/ Order Adopting

N/A LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Paul J. Tschida, Commissioner of Public Safety

DATE: May 26, 1983

Attn: JAMES B. EARLY
Special Assistant Attorney General

FROM : LARRY D. STARNS LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Markings Required on Vehicles Having Concealed Pressurized Gas Tanks.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.
LDS/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Public Safety
State Fire Marshal Division

Adopted Rules Governing Markings Required on Vehicles Having Concealed Pressurized Flammable Gas Tanks

Rules as Adopted

11 MCAR S 1.5080 Purpose and scope.

A. Purpose. The purpose of 11 MCAR SS 1.5080-1.5084 is to prescribe the standard abbreviation and symbol required to be displayed on the exterior of any vehicle carrying liquefied petroleum gas fuel or natural gas in a concealed tank.

B. Scope. The scope of 11 MCAR SS 1.5080-1.5084 is intended to be consistent with Minnesota Statutes, section 169.762.

11 MCAR S 1.5081 Pressurized flammable gas.

"Pressurized flammable gas" includes liquefied petroleum gas, compressed natural gas, and liquefied natural gas.

11 MCAR S 1.5082 Warning symbol required.

The marking required by Minnesota Statutes, section 169.762, must be displayed on the exterior of a vehicle carrying pressurized flammable gas in a concealed area, whether the gas is the primary fuel or secondary fuel.

11 MCAR S 1.5083 Symbol design.

A. The required warning symbol must be of a design illustrated as follows:



Compressed natural gas



Liquefied petroleum gas



Liquefied natural gas

B. The following specifications apply to each of the warning symbols:

1. The symbol must be diamond-shaped, 2-1/2 inches in height, and four inches in width at its highest and widest points respectively.

2. The letters and border must be silver in color.

3. The background must be black in color.

4. The letters within the symbol must be a minimum of one inch in height.

5. The entire symbol, including letters, background, and border, must be made of reflectorized material and not fade or wash away when exposed to weather or other adverse elements.

11 MCAR S 1.5084 Symbol placement.

A minimum of two warning symbols is required to be displayed. The warning symbols must be displayed in the places specified in A. If the symbols cannot be clearly displayed or effectively applied to those locations they may be displayed in the places specified in B. Display at least two symbols as follows:

A. one warning symbol on the extreme left (driver's) side of the rear-facing portion of the rear bumper, and one warning symbol on the extreme right (passenger) side of the front-facing portion of the front bumper; or

B. one warning symbol at least 12 inches but not more than 30 inches above the ground on the rear of the vehicle near the left (driver's) side and one warning symbol at least 12 inches but not more than 30 inches above the ground on the front of the vehicle near the right (passenger) side.

May 26, 1983

[illegible] III
ATTORNEY GENERAL
BY Larry D. Pams
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 31 1983
Joan Anderson Growe
Secretary of State
11:35 AM

Rules as Proposed (all new material)

11 MCAR S 1.5080 Purpose and scope.

A. Purpose. The purpose of 11 MCAR SS 1.5080-1.5084 is to prescribe the standard abbreviation and symbol required to be displayed on the exterior of any vehicle carrying liquefied petroleum gas fuel or natural gas in a concealed tank.

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Liquefied petroleum gas



Liquefied natural gas

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1. The symbol must be diamond-shaped, 2-1/2 inches in height, and four inches in width at its highest and widest points respectively.

2. The letters and border must be silver in color.

3. The background must be black in color.

4. The letters within the symbol must be a minimum of one

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OFFICE BY:
RR

inch in height.

5. The entire symbol, including letters, background, and border, must be made of reflectorized material and not fade or wash away when exposed to weather or other adverse elements.

11 MCAR S 1.5084 Symbol placement.

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B. one warning symbol at least 12 inches but not more than 30 inches above the ground on the rear of the vehicle near the left (driver's) side and one warning symbol at least 12 inches but not more than 30 inches above the ground on the front of the vehicle near the right (passenger) side.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD309

Agency: Department of Public Safety

Division: Fire Marshal

Agency Contact: Diane Dybevik

Rule Numbers: 11 MCAR SS 1.5080-1.5084

Title: Proposed Rule Governing Markings Required for Vehicles Transporting Pressurized Flammable Gas

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945
Date: February 25, 1983

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Markings Required on Vehicles Having Concealed Pressurized Gas Tanks.

FINDINGS OF FACT AND CONCLUSIONS AND ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on March 21, 1983, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 14.14 subdivision 1, on March 17, 1983. All interested and affected persons were afforded an opportunity to submit comments for 30 days after the Notice. No requests for a hearing were received within the 30-day comment period. The need for and the reasonableness of the proposed rules are adequately and fully set forth in the Statement of Need and Reasonableness which is incorporated herein. No requests for notice of submission to the Attorney General were received. The rules as originally proposed are adopted without any changes.

NOW, THEREFORE, IT IS ORDERED that these rules identified as 11 MCAR 1.5080 through 1.5084, are adopted this 29th day of April, 1983, pursuant to authority vested in me by Minnesota Statutes section 299A.01, subd. 6 and Minn. Stat. section 169.762.

STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0016

Mora	Kanabec County Museum, West Forest Avenue	7-9 p.m.	8/26
Montevideo	Chippewa Cty. Court House, Assem. Rm, 11th & Washington	7-9 p.m.	8/26
Crookston	1st National Bank, 201 N. Broadway	7-9 p.m.	8/30
Willmar	Municipal Utilities Aud., 700 W. Litchfield Ave.	7-9 p.m.	8/30
Fergus Falls	Ottertail Cty. Govt. Service Bldg., 505 South Court	7-9 p.m.	8/31
St. Cloud	St. Cloud City Hall Annex, Downtown	7-9 p.m.	8/31
St. Paul	State Office Bldg., Auditorium, 435 Park Street	2-4 & 7-9 p.m.	8/31

Oral and written testimony may be submitted at the hearing. In addition, written testimony will be accepted at the above address until 4:30 p.m., Wednesday, September 1, 1982. All comments will be considered by the Department of Economic Security, Office of Energy Assistance.

Department of Energy, Planning and Development Energy Division

Recertification of the Sherburne County Generating Unit No. 3 as Proposed by Northern States Power Company, Southern Minnesota Municipal Power Agency, and United Minnesota Municipal Power Agency, Joint Applicants

Notice of Deadline for Public Comments

The hearing examiner has designated August 13, 1982, as the last day for the public to submit comments regarding the need for the Sherco 3 power plant. (Comments must be received by the hearing examiner on or before that date.) Comments should be sent to Phyllis Reha, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415.

July 19, 1982

David L. Jacobson, Manager
Certificate of Need Program

Department of Finance

Notice of Maximum Interest Rates for Municipal Obligations

Pursuant to Laws of Minnesota 1982, Chapter 523, Commissioner of Finance, Allan L. Rudell, announced today that the maximum interest rate for municipal obligations in the month of August will be fourteen (14) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to fifteen (15) percent per annum.

The maximum interest rate for obligations authorized by resolution prior to April 1, 1982 shall be twelve (12) percent per annum.

Department of Public Safety Fire Marshal Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Markings on Vehicles Carrying Compressed Gas in a Concealed Tank

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing the vehicle identification and marking of the location of concealed tanks containing liquefied petroleum gas or natural gas fuel.

The promulgation of these rules is authorized by Laws of 1982, Chapter 617, § 8, which requires the agency to specify requirements for the symbol or letters to be used to identify the location of concealed tank.

The State Department of Public Safety requests information and comments concerning the subject matter of these rules.

Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Wes Werner
State Fire Marshal
1246 University Ave.
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at 296-7641 and in person at the above address.

All statements of information and comment shall be accepted until August 23, 1982. Any written material received by the State Department of Public Safety shall become part of the record in the event that the rules are promulgated.

John P. Sopsic
Commissioner of Public Safety

Department of Transportation

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.832

Order No. 66920

Whereas, the Commissioner of Transportation has made his Order No. 66400, as amended by Orders Nos. 66446, 66550, 66628, 66690, 66768, and 66807 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.832, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should either be designated or no longer permitted to carry the gross weights allowed under Minnesota Statutes § 169.832.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 66400 is amended effective the dates shown below by adding or removing as shown the following designated streets and highway routes, or segment of routes, as follows:

TRUNK HIGHWAYS

T.H. 14 — Remove from Jct. T.H. 74 (St. Charles) to Jct. T.H. 61 (Winona). (Effective August 9, 1982.)

COUNTY ROADS

Washington County — County Road 19A (Chemolite Road South) between T.H. 61 and the right of way and track of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company in Cottage Grove. (Effective August 1, 1982.) (Twelve months.)

Winona — C.S.A.H. 54 from Jct. T.H. 61 to C.S.A.H. 32 in Goodview. (Twelve months.) (Effective August 1, 1982.)

July 26, 1982

Richard P. Braun
Commissioner of Transportation

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Markings Required on Vehicles Having Concealed Pressurized Flammable Gas Tanks.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 11th day of January, 1983, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Safety for that purpose and be published in the State Register.

STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0006

Department of Public Safety
State Fire Marshal Division

In The Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Markings Required on Vehicles Having Concealed Pressurized Flammable Gas Tanks.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Section 15.0412, Subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Section 169.762. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any 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, not including his own 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; or (b) who spends more than $250, not including his own 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, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 15.0412, subdivision 7.

A copy of the proposed rules is attached to this notice.

STATE OF MINNESOTA

Feb 28, 1983
DATE

Paul J. Tschida
PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0008

Rules as Proposed (all new material)

11 MCAR S 1.5080 Purpose and scope.

A. Purpose. The purpose of 11 MCAR SS 1.5080-1.5084 is to prescribe the standard abbreviation and symbol required to be displayed on the exterior of any vehicle carrying liquefied petroleum gas fuel or natural gas in a concealed tank.

B. Scope. The scope of 11 MCAR SS 1.5080-1.5084 is intended to be consistent with Minnesota Statutes, section 169.762.

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"Pressurized flammable gas" includes liquefied petroleum gas, compressed natural gas, and liquefied natural gas.

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The marking required by Minnesota Statutes, section 169.762, must be displayed on the exterior of a vehicle carrying pressurized flammable gas in a concealed area, whether the gas is the primary fuel or secondary fuel.

11 MCAR S 1.5083 Symbol design.

A. The required warning symbol must be of a design illustrated as follows:



Compressed natural gas | Liquefied petroleum gas | Liquefied natural gas

B. The following specifications apply to each of the warning symbols:

1. The symbol must be diamond-shaped, 2-1/2 inches in height, and four inches in width at its highest and widest points respectively.

2. The letters and border must be silver in color.

3. The background must be black in color.

4. The letters within the symbol must be a minimum of one

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RR

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11 MCAR S 1.5084 Symbol placement.

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APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Markings Required on Vehicles Having Concealed Pressurized Flammable Gas Tanks.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

Diane Dybevik, being first duly sworn, deposes and says:

That on the 17th day of March, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, mailing list A. ~~In addition, discretionary notice was served on all persons and associations contained on mailing list B.~~

Diane Dybevik

Subscribed and sworn to before me

this 22nd day of April.

1983

Jo Anne Monsour

JO ANNE MONSOUR
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 1, 1989

ACDKHF0011

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Markings Required on Vehicles Having Concealed Pressurized Flammable Gas Tanks.

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 15.0412, subd. 4, that their names be placed on file with and maintained by the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, is accurate and complete as of 9:00 A.M., this 16th day of March, 1983.

Duane Dybevick

AID Homes, Inc./Horizon Apts.
1094 Waterloo Ave.
West St. Paul, MN 55118

Gertrude M. James
Anoka Cnty Comm. Heath &
Social Services Dept.
Courthouse, 4th Floor
Anoka, MN 55303

Assoc. Bldrs/Contractors, Inc.
6300 Walker St., Suite 109
Mpls, MN 55416

Brighter Day Residences, Inc.
620 N. Wood St.
Mora, MN 55051

Board of Directors
Community Involvement
1926 Nicollet Ave. S.
Mpls, MN 55403

Dakota's Children, Inc.
400 W. Marie
West St. Paul, MN 55118

Board of Directors
Duluth Regional Care
603 Alworth Bldg.
Duluth, MN 55802

Richard C. Buske
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Fredrik M. Christiansen
Department of Education
Room 911, Capitol Sq. Bldg.
St. Paul, MN 55101

Fillmore Cnty Hndcpped Svcs.
135 Center St. SE
Harmony, MN 55939

Great River Homes, Inc.
717 Rustic Lane
Wabasha, MN 55981

Board of Directors
Alpha Homes, Inc.
P.O. Box 475
Spicer, MN 56288

Arnie Lee Memorial Home
Route 2
Evansville, MN 56326

Rick Carter
Assoc./Health Care Facilities
2850 Metro Drive, Suite 429
Mpls, MN 55420

Board of Directors
Cath. Charities/Dioc. St. Cloud
1726 Seventh Av. S
St. Cloud, MN 56301

Community Living
Box 128
Victoria, MN 55386

Board of Directors
Dell's Place, Inc.
235 S. Second Ave.
Delano, MN 55328

Dungarvin, Inc.
865 Front St.
St. Paul, MN 55117

Charles Schaffer
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Episcopal Group Homes
522 Shadyway Road
Wayzata, MN 55391

Forestview Community Homes
P.O. Box 1249
Minnetonka, MN 55343

Group Homes of Winona, Inc.
377 Main St.
Winona, MN 55987

Amer. Bapt. Homes/Up. Midwest
7928 Eden Road
Eden Prairie, MN 55344

Board of Directors
Assisi Residences
218 S. Linton
Blue Earth, MN 56013

Assoc./Residences for Retarded
459 Rice St. Suite 301
St. Paul, MN 55013

Board of Directors
Christian Concern, Inc.
402 N. Third St.
St. Peter, MN 56082

Crippled Children's School
Box 23
Worthington, MN 56187

Dorothe Lane Children's Home
205 Sixth St.
Sauk Centre, MN 56378

Kent E. Eklund
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Ed. Phillips & Sons, Co.
2345 Kennedy St. NE
Mpls, MN 55413

~~Bonnie M. Spencer
Dir. State Regulatory Div.
Federal-State Reports, Inc.
5203 Leesburg Pike, Suite 1201
Falls Church, VA 22041~~

Board of Directors
Greenbrier Home, Inc.
941 Birmingham St.
St. Paul, MN 55106

Forestview-Hemmingway
8045 Hemmingway Ave. S.
Cottage Grove, MN 55016

Friendship Haven, Inc.
P.O. Box 576
Sherburne, MN 56171

Board of Directors
Harry Meyering Center
109 Homestead Drive, Box 302
Mankato, MN 56001

Heartland Homes/Ret. Citizens
P.O. Box 214
Park Rapids, MN 56470

Board of Directors
Hiawatha Manor, Inc.
107 Fifth Ave. NE
Pipestone, MN 56164

Homeward Bound, Inc.
4741 Zealand Ave.
New Hope, MN 55428

Conrad M. Fredin
Johnson, Fredin, Killen,
Thibodeau & Seiler
811 1st Nat'l Bank Bldg.
Duluth, MN 55802

Kathleen Burek
Executive Director
Leg. Comm./Review Admin. Rules
Rm 430, State Office Bldg.
St. Paul, MN 55155

Gen. Counsel/Legal Div.
MN Gas Company
300 Peavey Bldg.
Mpls, MN 55402

John G. Horner
MN Multi-Housing Assoc.
3100 W. Lake St.
Mpls, MN 55416

Mt. Olivet Rolling Acres
7200 Rolling Acres Rd.
Excelsior, MN 55331

Nekton, Inc.
633 N. Snelling Ave.
St. Paul, MN 55104

ood Neighbor Home
1091 Fairmount Ave.
St. Paul, MN 55105

Sam Ruhle
Office of Admin. Hearings
310 So. 4th Ave.
Mpls, MN 55415

Henry Hagen Residence
19845 Lillehei Drv.
Hastings, MN 55033

Board of Directors
Home for Creative Living
108 Ninth St.
Windom, MN 56101

Innovative Homes, Inc.
P.O. Box 11
Kasson, MN 55944

Koep Group Home
Route 3
Fergus Falls, MN 56537

M.B.W. Company
801 Center St.
New Ulm, MN 56073

Jean Dawson
Editor
MN Government Report
B-12, Press Room
State Capitol Bldg.

Moore's Haven, Inc.
3490 N. Victoria
St. Paul, MN 55113

Abe Rosenthal
Executive Vice President
MN Motor Transport Assoc.
1821 University Ave. (N310)
St. Paul, MN 55104

Board of Directors
New Dawn, Inc.
Route 1, Box K1
Fulda, MN 56131

Board of Directors
Hammer Residences, Inc.
1909 E. Wayzata Blvd.
Wayzata, MN 55391

Board of Directors
Hearthside Home
Pike Bay Drive, Lake Vermillion
Tower, MN 55790

Board of Directors
Hiawatha Children's Home
1820 Valkyrie Drive NW
Rochester, MN 55901

Hope Residence, Inc.
Box 63
Waterville, MN 56096

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

Lakeview Home
Lincoln & W. Second Sts.
Sauk Centre, MN 56378

Mental Health Assoc. of MN
5501 Green Valley Drive #103
Mpls, MN 55437

John T. Farmer
Executive Director
MN Manufactured Housing Assoc.
222 E. Little Canada Rd.
Little Canada, MN 55117

Gordon Forbes
MN Railroads Assoc.
480 Cedar St., 303 Hanover Bldg.
St. Paul, MN 55101

James Murphy
Vice President
Nat'l Assoc. Indep. Insurers
2600 River Road
Des Plaines, IL 60018

Board of Directors
NorHavan Homes, Inc.
1394 Jackson St.
St. Paul, MN 55117

Board of Directors
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St. Paul, MN 55101

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City Editor
Minneapolis Tribune
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White Bear Lake, MN 55110

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Research Analyst
Ombudsman for Corrections
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St. Louis Park, MN 55416

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Motorcycle Industry Council
1235 Jefferson Davis Hwy #1410
Arlington, VA 22202

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Attorney at Law
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Winona City Hall
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Winona, MN 55987

Jerry Kennan
Region Nine Dev. Commission
410 S. 5th St., PO Box 3367
Mankato, MN 56001

Marlis Johnson
Box 3367, Region 9
Mankato, MN 56001

POST Board
500 Metro Square Bldg.
St. Paul, MN 55101

Mark Groettum
Attorney at Law
311 E Howard St., Box 764
Hibbing, MN 55746

Public Affairs Information
State Regulatory Division
1024 10th St., Suite 300
Sacramento, CA 95814

Willmar Nursing Home, Inc.
1004 Ella Ave.
Willmar, MN 56201

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Box 1047
Austin, MN 55912

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General Manager/Legal Div.
MN Gas Company
300 Peavey Bldg.
Mpls, MN 55402

Rodney Watkins
105 University Road
Cloquet, MN 55720

Frundt, Frundt & Johnson
117 West 5th St.
Blue Earth, MN 56013

Mary Stanton
Staff Associate/Finance
407 Capitol Square Building
550 Cedar St.
St. Paul, MN 55101

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, 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 seven 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 modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven 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 § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Public Safety
State Fire Marshal Division

Proposed Rules Governing Markings Required on Vehicles Having Concealed Pressurized Flammable Gas Tanks

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. § 15.0412, subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. § 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The department's authority to adopt the proposed rules is contained in Minn. Stat. § 169.762. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and

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

reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any 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, not including his own 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; or (b) who spends more than $250, not including his own 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, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 15.0412, subdivision 7.

A copy of the proposed rules is attached to this notice.

Paul J. Tschida
Commissioner of Public Safety

Rules as Proposed (all new material)

11 MCAR § 1.5080 Purpose and scope.

A. Purpose. The purpose of 11 MCAR §§ 1.5080-1.5084 is to prescribe the standard abbreviation and symbol required to be displayed on the exterior of any vehicle carrying liquefied petroleum gas fuel or natural gas in a concealed tank.

B. Scope. The scope of 11 MCAR §§ 1.5080-1.5084 is intended to be consistent with Minnesota Statutes, section 169.762.

11 MCAR § 1.5081 Pressurized flammable gas.

"Pressurized flammable gas" includes liquefied petroleum gas, compressed natural gas, and liquefied natural gas.

11 MCAR § 1.5082 Warning symbols required.

The marking required by Minnesota Statutes, section 169.762, must be displayed on the exterior of a vehicle carrying pressurized flammable gas in a concealed area, whether the gas is the primary fuel or secondary fuel.

11 MCAR § 1.5083 Symbol design.

A. The required warning symbol must be of a design illustrated as follows:



Compressed natural gas



Liquefied petroleum gas



Liquefied natural gas

B. The following specifications apply to each of the warning symbols:

1. The symbol must be diamond-shaped, 2½ inches in height, and four inches in width at its highest and widest points respectively.

2. The letters and border must be silver in color.

3. The background must be black in color.

4. The letters within the symbol must be a minimum of one inch in height.

5. The entire symbol, including letters, background, and border, must be made of reflectorized material and not fade or wash away when exposed to weather or other adverse elements.

11 MCAR § 1.5084 Symbol placement.

A minimum of two warning symbols is required to be displayed. The warning symbols must be displayed in the places specified in A. If the symbols cannot be clearly displayed or effectively applied to those locations they may be displayed in the places specified in B. Display at least two symbols as follows:

A. one warning symbol on the extreme left (driver's) side of the rear-facing portion of the rear bumper, and one warning symbol on the extreme right (passenger) side of the front-facing portion of the front bumper; or

B. one warning symbol at least 12 inches but not more than 30 inches above the ground on the rear of the vehicle near the left (driver's) side and one warning symbol at least 12 inches but not more than 30 inches above the ground on the front of the vehicle near the right (passenger) side.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Revenue Department
Petroleum Division

Adopted Rule Governing Special Fuel Requirements

The rule proposed and published at *State Register*, Volume 7, Number 23, pp. 899-901, December 6, 1982, (7 S.R. 899) is adopted as proposed.

February 25, 1983

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Corrections

Notice of Requests for Proposals for Violent Partner Programs and Nonshelter Services for Battered Women

Notice is hereby given that the Department of Corrections intends to engage the services of grantees 1) to assist communities in developing strategies to prevent persons from assaulting their partners or 2) to provide systems/class advocacy and/or nonshelter community education services addressing the issue of battering in Minnesota communities.

These projects will be financed out of funds to be made available by the Minnesota Legislature. A total of $114,500 for violent partner programs and $92,400 for nonshelter services may be available pending legislative allocation. The Department of

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Markings Required on Vehicles Having Concealed Pressurized Flammable Gas Tanks.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are not amendments to existing rules of the State Department of Public Safety.

The need to adopt these rules arises because of the mandate of Minn. Stat. 169.762, which requires that vehicles carrying liquefied petroleum gas fuel or natural gas in a tank in any concealed area display a warning symbol on the exterior of the vehicle. It requires display on the vehicle exterior the words "Pressurized Flammable Gas" or a standard abbreviation or symbol established by the Commissioner. These rules specify the symbol and the design, color, composition, and placement.

The use of pressurized flammable gas as a motor vehicle engine fuel is increasing steadily within our state. A pressurized flammable gas tank concealed on a motor vehicle, out of the immediate sight of fire fighters, constitutes a potential danger. Flames and heat from a vehicle fire may impinge on or involve the pressurized flammable gas tank. This impingement or involvement can cause a rapid increase in tank pressure as well as weakening the structural material of the tank. When the tank has become weakened and the pressure continues to build up, an explosion will occur. This is most often a disastrous explosion with metal fragments and flaming gas being expelled in all directions.

Fire fighters, law enforcement, and other first responders, recognizing a symbol that indicates such pressurized flammable gas tanks do exist on a vehicle, can adjust their response efforts so as to control the incident and protect themselves from a potential explosion. It is possible that in some vehicle accidents only a gas leak could occur, not a fire. First responders, recognizing the symbol, could immediately check for the leak and take the necessary action to control the incident and protect themselves or others from the potential danger which exists.

The need for and reasonableness of the specific substantive portions of the rules is outlined below:

11 MCAR 1.5080 specifies the purpose of the rules and the statutory scope and reference of the rules, in order to limit its applicability to the specific legislative mandate.

11 MCAR 1.5081 defines the term "pressurized flammable gas", in order to provide understanding and limit its applicability in the rules to the specific legislative mandate.

11 MCAR 1.5082 reiterates the basic intent of the legislative mandate, that the warning symbol be displayed in the exterior of any vehicle carrying a concealed tank of pressurized flammable gas. This section is included to give the rules self contained continuity and overall understanding of the requirements, in addition to the subsequent specifications.

11 MCAR 1.5083A gives three warning symbol designs for each type of pressurized flammable gas that may be contained in the concealed tank. This symbol and the three abbreviations were chosen because of their simplicity, easy recognition and ability to clearly communicate the fire hazard. The "PROPANE" symbol for liquefied petroleum gas has been adopted by the National Liquefied Petroleum Gas Association (NLPGA) as a recommended industry standard identification, and proposed wording for the National Fire Protection Association's next edition of pamphlet No. 58, corresponds to the requirements of these rules. This is as close as we have to national model standards at this time. When national standards are finalized Minnesota will be in compliance with these rules. The propane decal is in production and will be available through NLPGA sources.

11 MCAR 1.5083B gives the size, color, lettering and composition specifications of the warning symbols. It is necessary to delineate these specifications in detail in order to ensure uniformity. The legislative mandate only specifies the minimum size of the block letters. In order to ensure that the warning symbol is easily identifiable to first responder emergency personnel, uniform size, shape, and color and reflectorization are required.

11 MCAR 1.5084 gives alternate symbol placement requirements. It is necessary to have uniform placement of the symbol so that first responder personnel know where to find it. The appropriate action can be taken as quickly as possible. The placement specification in paragraph A is preferred. It is reasonable to expect that most vehicles have bumpers on which the warning symbol can be placed. If not, paragraph B gives an alternate placement location with a great deal of latitude. In each case a dual location is specified. The dual location is necessary since one end of a vehicle could be so severly damaged that the symbol would not be visable or recognizable.

These rules are reasonable and justified because the symbol does not affect the physical operation of a vehicle, and the size and color of the symbol is such that it does not adversely affect the physical appearance of a vehicle. The purpose of the symbol is to provide notification and warning, and it does this clearly and simply. The uniform location of the symbols is essential to quick recognition by emergency personnel.

PAUL J. TSCHIDA
COMMISSIONER

ACDKHNA002

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Markings Required on Vehicles Having Concealed Pressurized Gas Tanks.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General James Early, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

May 13, 1983
DATED

James B. Early
SPECIAL ASSISTANT ATTORNEY GENERAL

ACDKDF0001