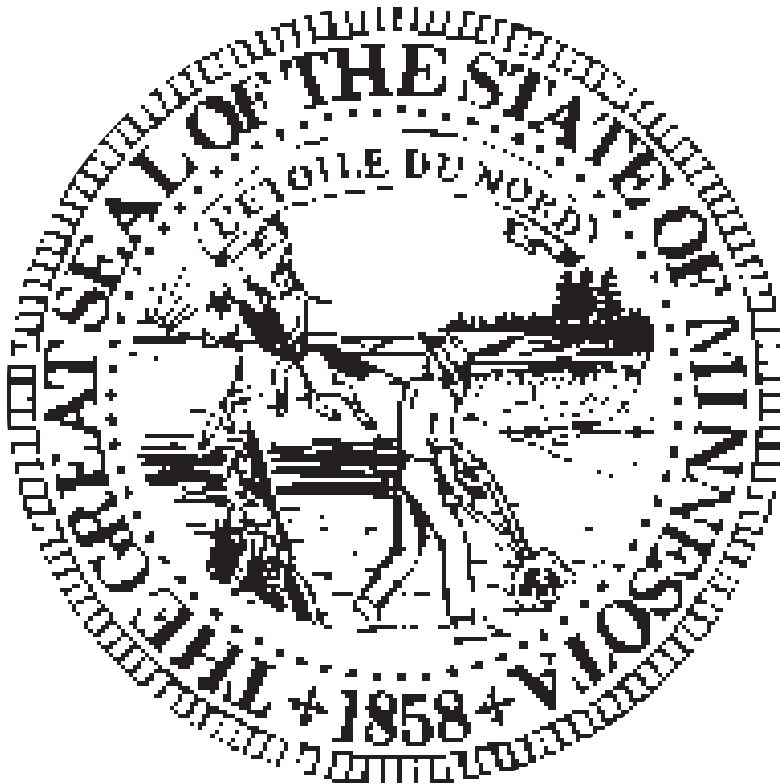


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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

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Vol. 22 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	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
# 36	Monday 9 March	Monday 23 February	Monday 2 March
# 37	Monday 16 March	Monday 2 March	Monday 9 March
# 38	Monday 23 March	Monday 9 March	Monday 16 March
# 39	Monday 30 March	Monday 16 March	Monday 23 March

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

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. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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 in the *State Register*, 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. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

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

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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*.

Department of Public Safety

Proposed Permanent Rules Relating to Minnesota Uniform Fire Code

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 Amendments to the Rules Governing The Minnesota Uniform Fire Code, *Minnesota Rules*, Chapter 7510.

Introduction. The Department of Public Safety intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on April 8, 1998, a public hearing will be held in the community room, Minnetonka City Hall, 14600 Minnetonka Boulevard, Minnetonka, Minnesota 55345, starting at 9:30 am on April 21, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after April 8 and before April 21, 1998.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Jon Nisja at State Fire Marshal, 444 Cedar, Ste. 145, St. Paul, MN 55101, (612) 215-0506; e-mail address: jon.nisja@state.mn.us. TTY users may call the Department of Public Safety at 282-6555.

Subject of Rules and Statutory Authority. The proposed rules are about the adoption of rules for the updated edition of the Minnesota Uniform Fire Code (MUFC). The MUFC prescribes regulations consistent with nationally recognized good practice for the safeguarding of life and property, to a reasonable degree, from the hazards of fire and explosion. The MUFC is intended to address conditions which pose hazards to life or property in the use or occupancy of buildings or premises. It also addresses dangerous conditions arising from the storage, handling and use of hazardous materials and devices. The MUFC also contains provisions designed to assist emergency response personnel. The statutory authority to adopt the rules is *Minnesota Statutes*, section, 299F.011, subdivisions 1 and 3. A copy of the proposed rules is available in the *State Register* and on the Department of Public Safety's Home Page on the WEB at: HYPERLINK <http://dps.state.mn.us>. In addition, a copy of the proposed rules is available, without charge, upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on April 8, 1998, 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 desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. 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 April 8, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not

valid and cannot be counted by the agency for determining whether a public hearing must be held. 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 written request for a hearing, a public hearing will be held unless a sufficient number 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 Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. 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 proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for April 21, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (612) 215-0506 after April 8, 1998, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Bruce H. Johnson is assigned to conduct the hearing. Judge Johnson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7666, and fax 612/349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. 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. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings 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. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response 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. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of 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. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612/296-5148 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 rules and supporting documents will then be submitted 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 to be so notified, or want to receive a copy

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Proposed Rules

of the adopted rules, or want 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 when 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 on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in 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: 19 February 1998

Donald E. Davis
Commissioner

7510.3310 RULES AND STANDARDS ADOPTED BY REFERENCE.

The Uniform Fire Code, as promulgated by the International Conference of Building Officials, and the Western Fire Chiefs Association and published by the International Fire Code Institute (Whittier, California, ~~1994~~ 1997), is incorporated by reference and made a part of *Minnesota Rules* pursuant to statutory authority, subject to the alterations and amendments in ~~parts 7510.3290 to 7510.3480~~ this chapter. The Uniform Fire Code is not subject to frequent change and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

UNIFORM FIRE CODE AMENDMENTS

7510.3320 ARTICLE 1 OF UNIFORM FIRE - CODE TITLE.

Subpart 1. **Sec. 101.1.** Sec. ~~1-101~~ 101.1 of the Uniform Fire Code is amended to read:

Title

~~Sec. 1-101~~ 101.1 **Title.** This code shall be known as the Minnesota Uniform Fire Code, may be cited as such, and will be referred to herein as "this code."

7510.3330 ARTICLE 2 OF UNIFORM FIRE CODE 1 - SEC. 101, GENERAL; SEC. 103, INSPECTION AND ENFORCEMENT; SEC. 9002, U.F.C. STANDARDS.

Subpart 1. **Sec. ~~2-102~~ 101.4 Supplemental Rules and Regulations.** Sec. ~~2-102~~ 101.4 of the Uniform Fire Code is amended to read:

Rules and Regulations

~~Sec. 2-102.~~ **(a) 101.4.1 Local government amendments to Article 2 1.** Any jurisdiction which adopts this code is authorized to make amendments, by ordinance or regulation, to Article 2 hereof 1 of this code to provide for a system of for enforcement and administration within the jurisdiction. These amendments shall be equal to, in addition to, or more stringent than this code. None of the existing provisions of Article 2 1 shall be changed nor shall any amendment be made which interferes with the intent of the existing provisions nor the state fire marshal's duties and powers thereunder.

(b) 101.4.2 Local government rules. Any jurisdiction which adopts this code is authorized to adopt, by ordinance or regulation, rules for the prevention and control of fires and fire hazards as may be necessary from time to time, to carry out the intent of this code, and which may be more restrictive than this code when the rules are necessary to protect life or property in the community. The governing body may adopt this code by ordinance. One certified copy of the ordinance containing the rules shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter, and additional copies shall be kept in the office of the fire department for distribution to the public.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 3a. **Sec. 103.1.4.** Sec. 103.1.4 of the Uniform Fire Code is amended to read:

103.1.4 Appeals to state fire marshal. As outlined in *Minnesota Statutes*, section 299F.011, subdivisions 5 and 5b, any person may appeal an order issued to them by the state fire marshal or action taken by the local governing body on issues regulated by this code. Appeals can be made to determine the suitability of alternate materials and types of construction, to provide for reasonable interpretations of the provisions of this code, and to grant variances from orders issued by representatives of the state fire marshal. Persons wishing to present matters for appeal shall do so in writing and, in the case of persons who have received written orders, applications for variances shall be made prior to the expiration of the orders. Orders shall not be considered to be expired until any time extensions granted by the state fire marshal have elapsed. The state fire marshal shall not accept applications for variances after criminal action for noncompliance has been initiated pursuant to *Minnesota Statutes*, section 299F.011, subdivision 6.

Subp. 4. ~~Sec. 2-207~~ 103.4.2. Sec. ~~2-207~~ 103.4.2 of the Uniform Fire Code is amended to read:

Service of Orders and Notices

~~Sec. 2-207~~ 103.4.2 **Service of order and notices.** Any order or notice authorized or required by this code shall be given or served upon the owner, operator, occupant or other person responsible for the condition or violation either by oral notification, personal service, or by delivering the same to and leaving it with some person of suitable age and discretion upon the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by mail to the person's last known address. Orders or notices given orally shall be confirmed by service in writing as herein provided.

Subp. 5. [See repealer.]

Subp. 6. ~~Sec. 2-304(a)~~ 9002 U.F.C. Standards. The reference to Uniform Fire Code Standard No. 82-1 listed under the heading of Article 82 in Sec. ~~2-304(a)~~ 9002 is deleted.

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

7510.3340 ARTICLE 4 OF UNIFORM FIRE CODE 1 - SEC. 105, PERMITS.

Subpart 1. ~~Sec. 4-103~~ 105.3. Sec. ~~4-103~~ 105.3 of the Uniform Fire Code is amended to read:

~~Sec. 4-103~~ 105.3 **Application for Permit.** All applications for a permit required by this code shall be made to the chief in such form and detail as required by the chief. Applications for permits shall be accompanied by such plans as required by the chief.

Subp. 2. ~~Sec. 4-108~~ 105.8. ~~The first phrase, including the colon, of Sec. 4-108 105.8 of the Uniform Fire Code is deleted and replaced with the following sentence:~~

~~Sec. 4-108~~ 105.8 **Permit Required.** When required by the chief, a permit shall be obtained prior to engaging in any activities, operations, practices or functions as listed in this section.

7510.3350 ARTICLE 9 OF UNIFORM FIRE CODE 2 - DEFINITIONS AND ABBREVIATIONS.

Subpart 1. ~~Sec. 9-103; adult day care center defined 202-A~~. Sec. ~~9-103~~ 202-A of the Uniform Fire Code is amended by adding a ~~definition~~ definitions to read:

~~Sec. 9-103~~. **ADULT DAY CARE CENTER** is a facility, licensed by the Department of Human Services under *Minnesota Rules*, parts 9555.9600 to 9555.9730, ~~which that~~ provides a program of adult day care services to functionally impaired adults for periods of less than 24 hours per day in a setting other than a participant's home or the residence of the facility's operator.

AISLE is a path or route leading to an exit from occupied portions of a room or area formed by boundary elements on one or more sides, such as walls, seats, desks, tables, counters, storage, or equipment.

~~Subp. 2. Sec. 9-103; authority having jurisdiction defined.~~ Sec. ~~9-103~~ of the Uniform Fire Code is amended by adding a ~~definition~~ definition to read:

~~Sec. 9-103~~. **AUTHORITY HAVING JURISDICTION** is any municipal fire code official serving a particular jurisdiction or the state fire marshal or any of their authorized representatives.

Subp. 3. ~~Sec. 9-104; Building Code definition amended.~~ The definition of Building Code in Sec. ~~9-104~~ of the Uniform Fire Code is amended to read:

AUTOMATIC FIRE DETECTOR is a device designed to detect the presence of smoke or fire and initiate action and includes heat, smoke, flame, and fire-gas detectors.

Subp. 2. ~~Sec. 203-B~~. Sec. ~~203-B~~ of the Uniform Fire Code is amended by amending the following definition to read:

~~Sec. 9-104~~. **BUILDING CODE** is the Minnesota State Building Code adopted pursuant to *Minnesota Statutes*, section 16B.61, subdivision 1; ~~and includes any future amendments to the code.~~

Subp. 4. ~~3. Sec. 9-105; chief or chief of the fire department definition amended 204-C~~. The definition of ~~Chief or Chief of the Fire Department~~ in Sec. ~~9-105~~ 204-C of the Uniform Fire Code is amended by amending and adding definitions to read:

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~~Sec. 9.105. CHIEF OR CHIEF OF THE FIRE DEPARTMENT~~ is the chief officer of the fire department serving the jurisdiction; ~~the state fire marshal, or their~~ the chief's authorized representatives. For purposes of enforcing this code, the term chief also includes the state fire marshal and the state fire marshal's representatives.

CORRIDOR is an interior passageway having a length at least three times its width, having walls, partitions or other obstructions to exit travel over 6 feet in height on two opposing sides, and having openings from rooms or similar spaces.

Subp. ~~5. 4.~~ ~~Sec. 9.108; family day care home defined 207-F.~~ Sec. 9.108 207-F of the Uniform Fire Code is amended by adding a definition to read:

~~Sec. 9.108. FAMILY DAY CARE HOME~~ is a residence, licensed by the Department of Human Services under *Minnesota Rules*, parts 9502.0315 to 9502.0445, in which no more than ten children at any one time receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

Subp. ~~6. 5.~~ ~~Sec. 9.109; group day care home defined 208-G.~~ Sec. 9.109 208-G of the Uniform Fire Code is amended by adding ~~a definition~~ definitions to read:

~~Sec. 9.109. GROUP DAY CARE HOME~~ is a residence, licensed by the Department of Human Services under *Minnesota Rules*, parts 9502.0315 to 9502.0445, in which at least 11 but not more than 14 children receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

Subp. 7. ~~Sec. 9.109; guest room defined.~~ Sec. 9.109 of the Uniform Fire Code is amended by adding a definition to read:

~~Sec. 9.109. GUEST ROOM~~ is a room or rooms used exclusively or intended to be used for living or sleeping purposes excluding storage rooms, laundry rooms, furnace rooms, and similar common areas. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

Subp. ~~8. 6.~~ ~~Sec. 9.112; jurisdiction definition amended 211-J.~~ ~~The definition of jurisdiction in Sec. 9.112~~ 211-J of the Uniform Fire Code is amended to read:

~~Sec. 9.112. JURISDICTION~~ is any municipality, district, or other political subdivision adopting this code for use in its jurisdictional area.

Subp. 9. ~~Sec. 9.112; jurisdictional area definition amended.~~ ~~The definition of jurisdictional area in Sec. 9.112 of the Uniform Fire Code is amended to read:~~

~~Sec. 9.112. JURISDICTIONAL AREA~~ is the territory of the municipality, district, or other political subdivision adopting this code.

Subp. ~~10. 7.~~ ~~Sec. 9.115; mechanical code definition amended 214-M.~~ ~~The definition of mechanical code in Sec. 9.115~~ 214-M of the Uniform Fire Code is amended by adding and amending definitions to read:

~~Sec. 9.115. MECHANICAL CODE~~ is the Minnesota Uniform Mechanical Code as adopted pursuant to *Minnesota Statutes*, section 16B.61; including any future amendments to it.

Subp. 11. ~~Sec. 9.115; municipality defined.~~ Sec. 9.115 of the Uniform Fire Code is amended by adding a definition to read:

~~Sec. 9.115. MUNICIPALITY~~ is any statutory or home rule charter city, county, or town meeting the requirements of *Minnesota Statutes*, section 368.01, subdivision 1, the University of Minnesota, or the state for public buildings.

Subp. ~~12. 8.~~ ~~Sec. 9.117; Group E Occupancies definition amended 216-O.~~ ~~The definition of Group E Occupancies in Sec. 9.117~~ 216-O of the Uniform Fire Code is amended by amending definitions to read:

~~Sec. 9.117. Group E Occupancies:~~

Group E Occupancies shall be:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building used for child ~~day~~ care purposes for more than ten children, or for adult day care centers serving four or more ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions. See part 7510.3540 for the protection requirements for facilities serving both participants who are capable and not capable of taking appropriate action for self-preservation.

Subp. 13. ~~Sec. 9.117; Group I Occupancies definition amended.~~ ~~The definition of Group I Occupancies in Sec. 9.117 of the Uniform Fire Code is amended to read:~~

~~Sec. 9.117. Group I Occupancies:~~

Group I Occupancies shall be:

Division 1.1. Nurseries for the full-time care of children under the age of six, each accommodating more than four persons; and, hospitals, sanitariums, nursing homes and similar buildings, each accommodating more than four persons.

Division 1.2. Health care centers for ambulatory patients receiving outpatient medical care which may render the patient incapable of unassisted self-preservation, each tenant space accommodating more than five patients.

Division 2. Detoxification centers; homes for children six years of age or over, each accommodating more than four persons; Class B B-3 supervised living facilities for the mentally retarded, mentally ill, or the physically handicapped, defined in Sec. 9.124; and, adult day care centers serving ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions, each accommodating more than four persons. See part 7510.3540 for the protection requirements for facilities serving both participants who are capable and not capable of taking appropriate action for self-preservation.

EXCEPTIONS: 1. Class B supervised living facilities seeking medical assistance certification as an intermediate care facility for six or fewer persons with mental retardation or related conditions which meet the fire protection provisions of Chapter 21 of the 1985 edition of the National Fire Protection Association Standard No. 101 for facilities housing persons with impractical evacuation capabilities shall be classified as Group R, Division 3 Occupancies.

For purposes of this exception and exception 2, Standard No. 101 (1985) Chapter 21, is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

2. Class B supervised living facilities seeking medical assistance certification as an intermediate care facility for seven to 16 persons with mental retardation or related conditions which meet the fire protection provisions of Chapter 21 of the 1985 edition of the National Fire Protection Association Standard No. 101 for facilities housing persons with impractical evacuation capabilities shall be classified as Group R, Division 4 Occupancies.

3. Adult day care centers meeting all of the following criteria may be classified as Group E, Division 3 Occupancies:

A. Not more than 50 percent of the center's licensed capacity shall be made up of participants who are not capable of taking appropriate action for self-preservation under emergency conditions.

B. The center shall be located on a floor level with all exits directly to grade without intervening stairs.

C. The center shall be protected with a complete automatic fire detection system consisting of:

(i) automatic smoke detectors in all corridors and at the top of all stairways;

(ii) automatic detectors in boiler and furnace rooms, kitchens, storage rooms, janitor closets, laundries, and other hazardous areas; and

(iii) in buildings equipped with manual fire alarm systems, the manual fire alarm electrically interconnected with the automatic detection systems.

D. The center shall demonstrate the ability to evacuate the entire center population within three minutes.

Division 3. Mental hospitals, mental sanitariums, jails, prisons, reformatories, and buildings where personal liberties of inmates are similarly restrained.

EXCEPTION: Group I Occupancies shall not include buildings used only for private residential purposes or for a family group.

Subp. 14. See 9.117; Group R Occupancies definition amended. The definition of Group R Occupancies in Sec. 9.117 of the Uniform Fire Code is amended to read:

See 9.117. Group R Occupancies:

Group R Occupancies shall be:

Division 1. Hotels and apartment houses; ~~convents and monasteries~~ congregate residences, each accommodating more than ten persons; and Class A-2 supervised living facilities licensed on or after April 11, 1983, and class B-2 supervised living facilities, defined in Sec. ~~9.124~~ 220-S, for the mentally retarded, mentally ill, chemically dependent, and physically handicapped, each accommodating more than ~~four~~ six persons. ~~Physically handicapped persons shall be housed at street level in supervised living facilities. For Class B supervised living facilities for seven to 16 persons; see Minnesota Rules, part 7510.3350, subpart 13.~~

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EXCEPTION: Class A-2 supervised living facilities, defined in Sec. 9.121, having more than six but not more than 15 ambulatory or mobile disabled persons, duly licensed before April 11, 1983, and complying with the requirements for lodging and rooming houses as set forth in Standard No. 101 in the National Fire Codes, 1973, issued by the National Fire Protection Association (Boston, Massachusetts, 1973), are classified as Group R, Division 3 Occupancies. ~~BI~~ For purposes of this exception, the requirements for lodging and rooming houses set forth in Standard No. 101 (1973) is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

Division 2. Not used.

Division 3. Dwellings; and lodging houses; congregate residences accommodating ten persons or less; family day care; group family day care; and Class A-1, Class A-2, and Class B-1 supervised living facilities, defined in Sec. 9.121. For Class B supervised living facilities for six or fewer persons, see Minnesota Rules, part 7510.3350, subpart 13. 220-S, having more than six but not more than 15 ambulatory or mobile disabled persons, duly licensed before April 11, 1983, and complying with the requirements for lodging and rooming houses as set forth in Standard No. 101 in the National Fire Codes, 1973, issued by the National Fire Protection Association (Boston, Massachusetts, 1973), are classified as Group R, Division 3 Occupancies. For purposes of this code, the requirements for lodging and rooming houses set forth in Standard No. 101 (1973) are incorporated by reference, are not subject to frequent change, and are available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

Subp. 9. ~~Sec. 217-P.~~ Sec. 217-P of the Uniform Fire Code is amended by amending a definition to read:

POWER TAP is a device which is connected to an electrical receptacle, has built-in overcurrent protection and allows connection of one or more electrical plugs to supply electricity to other devices and equipment.

Subp. 15. ~~10. Sec. 9.120; required by chief defined 219-R.~~ Sec. 9.120 219-R of the Uniform Fire Code is amended by amending and adding a definition definitions to read:

Sec. 9.120. REQUIRED BY THE CHIEF means determined by the chief to be directly related to the safeguarding of life and property from the hazards of fire and uniform for each class or kind of building, structure or property covered.

ROOM is a space or area bounded by any obstructions over 6 feet in height which at any time enclose more than 80 percent of the perimeter of the area. In computing the unobstructed perimeter, openings less than 3 feet in clear width and less than 6 feet 8 inches high shall not be considered. Aisles and corridors shall not be construed to form rooms. See LIQUID STORAGE ROOM and see Sec. 7903.2.3 for construction requirements for rooms where flammable and combustible liquids are used, dispensed or mixed in quantities exceeding exempt amounts.

Subp. 16. ~~11. Sec. 9.121; state fire marshal defined 220-S.~~ Sec. 9.121 220-S of the Uniform Fire Code is amended by adding a definition definitions to read:

Sec. 9.121. STATE FIRE MARSHAL is the Minnesota state fire marshal or the state fire marshal's authorized representatives.

Subp. 17. ~~Sec. 9.121; supervised living facility defined.~~ Sec. 9.121 of the Uniform Fire Code is amended by adding a definition to read:

Sec. 9.121. SUPERVISED LIVING FACILITY is a facility in which supervision, lodging, meals, and, in accordance with the rules of the Department of Human Services and the Department of Health, counseling and developmental habilitative or rehabilitative services are provided to five or more persons who are mentally retarded, chemically dependent, adult mentally ill, or physically handicapped.

Class A supervised living facility is a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class A-1 supervised living facilities includes homes providing boarding and lodging facility is a supervised living facility for six or fewer ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class A-2 supervised living facilities includes homes providing boarding and lodging facility is a supervised living facility for more than six ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class B B-1 supervised living facility is a supervised living facility for six or fewer ambulatory or nonambulatory, mobile or non-mobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class B-2 supervised living facility is a supervised living facility for seven to 16 ambulatory or nonambulatory, mobile or non-mobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class B-3 supervised living facility is a supervised living facility for 17 or more ambulatory or nonambulatory, mobile or non-mobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

7510.3540 ARTICLE 8 - ADULT DAY CARE CENTERS AND SUPERVISED LIVING FACILITIES.

The Uniform Fire Code is amended by adding an Article 8 to read:

ARTICLE 8 - ADULT DAY CARE CENTERS AND SUPERVISED LIVING FACILITIES

8.1 General. Adult day care centers and supervised living facilities shall meet the requirements of this article.

8.2 Classification of Adult Day Care Centers. Adult day care centers are classified in accordance with the following and must meet the fire safety requirements for the designated occupancy classification.

8.2.1 Serving only participants capable of self-preservation. Centers serving only participants who are capable of taking appropriate action for self-preservation under emergency conditions shall meet all applicable requirements for Group E, Division 3 Occupancies.

8.2.2 Serving only participants not capable of self-preservation. Centers serving only participants who are not capable of taking appropriate action for self-preservation under emergency conditions shall meet all applicable requirements for Group I, Division 2 Occupancies.

8.2.3 Serving both participants capable and participants not capable of self-preservation. Centers serving a population that includes both participants who are capable and participants who are not capable of taking appropriate action for self-preservation under emergency conditions shall meet the occupancy requirements for Group I, Division 2 or Group E, Division 3 Occupancies. In addition to the requirements for Group E, Division 3 Occupancies, the center shall meet the requirements set forth in this section.

8.2.3.1 Population. Not more than 50 percent of the center's licensed capacity shall be made up of participants who are not capable of taking appropriate action for self-preservation under emergency conditions.

8.2.3.2 Location. The center must be located on a floor level with all exits directly to grade without any intervening stairs.

8.2.3.3 Fire alarm and detection. The center shall be protected with a complete automatic fire detection system consisting of automatic smoke detection in all corridors and at the top of all stairways and automatic detection in boiler and furnace rooms, kitchens, storage rooms, janitor closets, laundries, and other hazardous areas. In buildings equipped with manual fire alarm systems, the manual fire alarm and automatic detection systems shall be electrically interconnected.

8.2.3.4 Evacuation time. The center shall demonstrate the ability to evacuate the entire population of the center within three minutes.

8.3 Classification of Supervised Living Facilities. Supervised living facilities are classified in accordance with Article 2 and must meet the fire safety requirements for the designated occupancy classification.

8.3.1 Class A-1 supervised living facilities. Class A-1 supervised living facilities must meet Group R, Division 3 Occupancy requirements.

8.3.2 Class A-2 supervised living facilities. Class A-2 supervised living facilities must meet Group R, Division 1 Occupancy requirements.

8.3.3 Class B-1 supervised living facilities. Class B-1 supervised living facilities meeting the fire-protection provisions of chapter 21 of the National Fire Protection Association Standard No. 101 (Quincy, Massachusetts, 1985) for impractical evacuation capabilities shall be classified as Group R, Division 3 Occupancies. For the purposes of this section and section 8.3.4, Standard No. 101 (1985) chapter 21 is incorporated by reference, is not subject to frequent change and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

8.3.4 Class B-2 supervised living facilities. Class B-2 supervised living facilities meeting the fire-protection provisions of chapter 21 of the National Fire Protection Association Standard No. 101 (Quincy, Massachusetts, 1985) for impractical evacuation capabilities shall be classified as Group R, Division 1 Occupancies.

8.3.5 Class B-3 supervised living facilities. Class B-3 supervised living facilities must meet Group I, Division 2 requirements.

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7510.3360 ARTICLE ~~10~~ OF UNIFORM FIRE CODE 9 - FIRE DEPARTMENT ACCESS AND WATER SUPPLY.

Subpart 1. ~~Sec. 10.207~~ 904. Article ~~10, Division II, 9~~ of the Uniform Fire Code is amended by adding a ~~section~~ sections to read:

SECTION 904 - FIRE LANES

~~Sec. 10.207. (a)~~ 904.1 **Marking Fire Lanes.** The marking of fire lanes on private and public property shall be designated and approved by the chief.

~~(b)~~ 904.2 **Obstruction of Fire Lanes.** Parking of motor vehicles in, or otherwise obstructing, fire lanes shall be prohibited at all times.

Subp. 2. [See repealer.]

Subp. 3. ~~Sec. 10.506(b)~~ 1003.1.2. The first sentence of Sec. ~~10.506(b)~~ 1003.1.2 of the Uniform Fire Code is amended to read:

~~Sec. 10.506. (b)~~ 1003.1.2 **Standards.** Fire-extinguishing systems shall comply with the ~~Uniform Building Code Standards Nos. 38-1 and 38-2 of the~~ National Fire Protection Association Standard No. 13, Standard for the Installation of Sprinkler Systems (Quincy, Massachusetts, ~~1994~~ 1996). National Fire Protection Standard ~~Number No.~~ 13 is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

EXCEPTIONS: 1. Fire-extinguishing systems complying with Uniform Building Code Standard 9-1.

2. Automatic fire-extinguishing systems not covered by the Building Code shall be approved and installed in accordance with approved standards (see Article 90).

3. Automatic sprinkler systems may be connected to the domestic water supply main when approved by the chief, provided that the domestic water supply is of adequate pressure, capacity and sizing for the combined domestic and sprinkler requirements. In such case, the sprinkler system connection shall be made between the public water main or meter and the building shutoff valve, and there shall not be intervening valves or connections. The fire department connection may be omitted when approved by the chief.

4. Automatic sprinkler systems in Group R Occupancies four stories or less may be in accordance with the Building Code requirements for residential systems. (See the Building Code and U.B.C. Standard 9-3.)

5. When, in the opinion of the chief, an adequate alternate water supply for hose stream requirements is provided or available, the water supply requirements for the sprinkler system hose stream demands may be modified.

Subp. 3a. ~~Sec. 1003.2.9.1.~~ Sec. 1003.2.9 of the Uniform Fire Code is amended by adding a section to read:

1003.2.9.1 Area separation walls. For the purposes of Section 1003.2.9, area separation walls shall not define separate buildings.

EXCEPTION: Buildings not exceeding three stories in height and having area separation walls of a four-hour fire resistance rating in conformance with the Building Code without openings, doors or penetrations.

Subp. 3b. ~~Sec. 1003.3.~~ Sec. 1003.3 of the Uniform Fire Code is amended to read:

1003.3 Sprinkler System Security, Monitoring and Alarms.

1003.3.1 Where required. All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems serving 20 or more sprinklers shall be electrically monitored.

EXCEPTION: For existing sprinkler systems, monitoring is required when the number of sprinklers is 100 or more.

Valve monitoring and water-flow alarm and trouble signals shall be distinctively different and shall be automatically transmitted to an approved central station, remote station or proprietary station or, when approved by the chief, shall sound an alarm at a constantly attended location.

EXCEPTION: Underground key or hub valves in roadway boxes provided by the municipality or public utility need not be monitored.

1003.3.2 Alarms. An approved audible sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. Actuation of the alarm shall be as set forth in the Building Code (see UBC Standard 9-1).

EXCEPTION: An audible alarm inside the building is not required when the sprinkler system is electrically monitored and alarm signals are transmitted to an approved central station, remote station or proprietary station.

1003.3.3 Valve security. All valves controlling water supplies for automatic sprinkler systems shall be locked or secured in the open position.

EXCEPTION: Valves located in a room or space when access is limited to essential personnel only.

Subp. 3c. **Sec. 1003.4.** Sec. 1003.4 of the Uniform Fire Code is amended by adding three items to read:

6. At the top of elevator shafts when the shaft is of noncombustible construction.

7. In the machine rooms of traction-type elevators which are located on top of the elevator shaft and are separated from other areas of the building, other than the shaft, by not less than a one-hour fire-resistive occupancy separation.

8. On the ceiling of rooms containing swimming pools when the pool area is used exclusively for swimming purposes and when sprinklers are provided around the perimeter of the pool area.

Subp. 3d. **Sec. 1004.1.3.** Sec. 1004.1 of the Uniform Fire Code is amended by adding a section to read:

1004.1.3 Modification to standards. In buildings four or less stories in height which are protected throughout by an automatic sprinkler system, a Class I or III standpipe system need only meet the pressure requirements for the sprinkler system.

Subp. 4. [See repealer.]

Subp. 5. **Table No. 10.510-A 1004-A - Standpipe Required Systems.** Table No. 10.510-A, Item No. 2; "Occupancy" column, 1004-A, with footnotes, of the Uniform Fire Code is amended to read deleted and replaced with the following:

TABLE NO. 10.510-A. Item No. 2; "Occupancy" column: Occupancies 3 stories or more but less than 150 feet in height, except Group R, Division 3. Class II standpipes are not required in Group E or Group R-1 Occupancies.

TABLE 1004-A -- STANDPIPE REQUIRED SYSTEMS

OCCUPANCY x 304.8 for mm x 0.0929 for m ²	NONSPRINKLERED BUILDING		SPRINKLERED BUILDING ^{1,3}	
	Standpipe Class	Hose Requirement	Standpipe Class	Hose Requirement
1. Occupancies exceeding 150 ft. in height and more than one story	III	No	III	No
2. Occupancies 3 stories or more but less than 150 ft. in height, except Group R, Division 3 ^{6,7}	III	No	III	No
3. Group A Occupancies with occupant load exceeding 1,000 ⁵	III	No	No requirement	No
4. Group A, Division 2.1 Occupancies over 12,000 square feet in area used for exhibition	III	No	III	No
5. Groups I; H; B; M Occupancies less than 4 stories in height but greater than 20,000 square feet per floor ⁸	III	No	No requirement	No
6. Groups S and F, Division 1 Occupancies less than 4 stories in height but greater than 20,000 square feet per floor ⁸	II or III ⁴	Yes	No requirement	No

¹ Class II standpipes need not be provided in basements having an automatic fire-extinguishing system throughout.

² The standpipe system may be combined with the automatic sprinkler system. In buildings four or less stories in height which are protected throughout by an automatic sprinkler system, a standpipe system need only meet the pressure requirements for the sprinkler system.

³ Portions of otherwise sprinklered buildings which are not protected by automatic sprinklers shall have Class II standpipes installed as required for the unsprinklered portions.

⁴ In open structures where Class II standpipes may be damaged by freezing, the building official may authorize the use of Class I standpipes which are located as required for Class II standpipes.

⁵ Class II standpipes need not be provided in assembly areas used solely for worship.

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.

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⁶ For the purposes of this table, occupied roofs of parking structures shall be considered an additional story. In parking structures, a tier is a story.

² When an automatic sprinkler system is installed, the number of stories shall be four or more.

Subp. 6. [See repealer.]

Subp. 7. **Sec. 1005.** Sec. 1005 of the Uniform Fire Code is deleted.

Subp. 8. **Sec. 1007.2.1.1.** Sec. 1007.2.1.1 of the Uniform Fire Code is amended to read:

1007.2.1.1 When required. An approved manual, automatic, or manual and automatic fire alarm system shall be provided in accordance with Section 1007.2.

EXCEPTION: In areas protected by an approved, supervised automatic sprinkler system, heat detectors required by Section 1007.2 need not be provided.

Subp. 9. **Sec. 1007.2.2.1.** Sec. 1007.2.2.1 of the Uniform Fire Code is amended to read:

1007.2.2.1 General. Group A, Divisions 1, 2 and 2.1 Occupancies shall be provided with an automatic fire alarm system in accordance with Section 1007.2.2.

EXCEPTIONS: 1. Assembly areas used solely for worship purposes.

2. Automatic fire alarm systems are not required when an approved automatic fire extinguishing system is installed throughout the building.

3. Group A Occupancy portions of Group E Occupancies are allowed to have alarms as required for the Group E Occupancy.

See also Section 1007.2.12.

Subp. 10. **Sec. 1007.2.2.2.** Sec. 1007.2.2.2 of the Uniform Fire Code is amended to read:

1007.2.2.2 Fire detectors. Approved automatic fire detectors shall be installed in laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, kitchens, storage rooms and similar areas.

Subp. 11. **Sec. 1007.2.2.3.** Sec. 1007.2.2.3 of the Uniform Fire Code is deleted.

Subp. 12. **Sec. 1007.2.4.1.** Sec. 1007.2.4.1 of the Uniform Fire Code is amended to read:

1007.2.4.1 General. Group E, Divisions 1 and 3 Occupancies having an occupant load of 50 or more shall be provided with an approved manual and automatic fire alarm system.

EXCEPTIONS: 1. In buildings protected throughout by an approved, supervised fire sprinkler system having a local alarm to notify all occupants, manual fire alarm boxes are only required in the main office and in a custodial area.

2. Where all corridors are protected by an approved automatic fire alarm system having smoke detection, manual fire alarm pull boxes are only required near exits serving shops, chemistry and physics laboratories, boiler rooms, industrial technology and industrial arts rooms, kitchens, custodian's office, and main office.

1007.2.4.1.1 System initiation. When automatic sprinkler systems are installed or where automatic fire detectors are provided in accordance with Section 1007.2.4.2, such systems or detectors shall be connected to the building's fire alarm system and shall sound the fire alarm signal when activated.

Subp. 13. **Sec. 1007.2.4.2.** Sec. 1007.2.4.2 of the Uniform Fire Code is amended to read:

1007.2.4.2 Fire detectors. Approved automatic fire detectors shall be installed in laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, storage rooms, lounges and similar areas.

1007.2.4.2.1 Increased travel distance. Smoke detectors shall be installed when required by the Building Code for increased travel distance to exits.

1007.2.4.2.2 Exits through adjoining rooms. Smoke detectors shall be installed when required by the Building Code to allow the only means of egress from a room to be through adjoining or intervening rooms.

Subp. 14. **Sec. 1007.2.7.1.3.** Sec. 1007.2.7.1 of the Uniform Fire Code is amended by adding a section to read:

1007.2.7.1.3 Fire detectors. Approved automatic fire detectors shall be installed in laundry and soiled linen rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, trash collection rooms, storage rooms, lounges, gift shops and similar areas.

Subp. 15. **Sec. 1007.2.7.2.4.** Sec. 1007.2.7.2.4 of the Uniform Fire Code is amended to read:

1007.2.7.2.4 Fire detectors. Approved automatic fire detectors shall be installed in laundry and soiled linen rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, trash collection rooms, storage rooms, lounges, gift shops, commissaries and similar areas.

An approved smoke-detection system shall be installed throughout resident housing areas, including sleeping rooms and contiguous day rooms, group activity spaces and other common spaces normally accessible to residents.

EXCEPTION: Other approved smoke-detection arrangements providing equivalent protection, such as placing detectors in exhaust ducts from cells or behind protective grills, are allowed when necessary to prevent damage or tampering.

Subp. 16. **Sec. 1007.2.9.2.3.** Sec. 1007.2.9.2.3 of the Uniform Fire Code is amended to read:

1007.2.9.2.3 Power source. For buildings constructed prior to August 1, 1989, detectors can receive their power from a battery supply. For buildings constructed on or after August 1, 1989, detectors shall be connected to a centralized power source.

7510.3370 ARTICLE 11 OF UNIFORM FIRE CODE - GENERAL SAFETY PRECAUTIONS.

Subpart 1. **Sec. 1102.** Sections 1102.1, 1102.2, 1102.3 and 1102.5 of the Uniform Fire Code are deleted.

Subp. 1a. **Sec. ~~11.303(e)~~ 1103.3.3.1.** Sec. ~~11.303(e)~~ 1103.3.3.1 of the Uniform Fire Code is amended by adding Exception 5 to read:

Sec. ~~11.303.~~ (e) ~~1.~~ General:

EXCEPTIONS:

5. For requirements relating to Christmas trees, see Sec. ~~11.305~~ shall be used, displayed and stored in accordance with Sec. 1103.3.3.7.

Subp. 2. **Sec. ~~11.305~~ 1103.3.3.** Article 11, Division III, Sec. 1103.3.3 of the Uniform Fire Code is amended by adding a section sections to read:

Christmas Trees

Sec. ~~11.305.~~ (a) Group I Occupancies 1103.3.3.7 Christmas trees. The use ~~or~~, display or storage of natural or resin-bearing Christmas trees or decorations in Group I Occupancies is prohibited.

(b) **Public Buildings.** The use, display, or storage of

EXCEPTIONS: 1. The use and display of natural or resin-bearing Christmas trees or decorations inside individual dwelling units of Group R, Divisions 1 and 3 Occupancies is permitted.

2. Natural or resin-bearing trees without open flames or electric light decorations is permitted in schools, churches, hotels, and business and mercantile occupancies are allowed in Group E Occupancies, Group A Occupancies used for worship purposes, Group R-1 Occupancies used for hotels and congregate residences, Group B Occupancies and Group M Occupancies. See Sec. ~~11.303(e)~~.

(c) **Flame-retardant Artificial Trees 1103.3.3.7.1 Use of artificial Christmas trees.** The use or display of flame-retardant artificial trees decorated with U.L. listed electric lighting systems light decorations is acceptable allowed in all occupancies as long as they meet the requirements of Section 1103.3.3.7.2.

(d) **R-1 Occupancies.** Natural or resin-bearing trees shall not be stored on balconies or grounds of R-1 Occupancies. See Sec. ~~11.303(e)~~.

1103.3.3.7.2 Location. Christmas trees shall not block access to required exits or obstruct, impair or block access to any fire-protection device, appliance or equipment.

Subp. 3. **Sec. 1107.3.** Sec. 1107 of the Uniform Fire Code is amended by adding a section to read:

1107.3 Unvented Heaters Prohibited. Unvented fuel-burning room heaters shall not be installed in Group I Occupancies or in sleeping rooms or bathrooms of Group R Occupancies.

Subp. 4. **Sec. 1111.1.** Sec. 1111.1 of the Uniform Fire Code is amended to read:

<p>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.</p>
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1111.1 Fire-Resistive Construction. Required fire-resistive construction, including occupancy separations, area separation walls, exterior walls due to location on property, draft-stop partitions, separations of special hazards and hazardous areas, vertical-opening protection and smoke barriers, shall be provided and maintained as specified in the Building Code and this code and shall be properly repaired, restored or replaced when damaged, altered, breached, penetrated, removed or improperly installed.

When buildings regulated by the Building Code are remodeled or renovated, all materials used must meet the fire-resistive requirements of the Building Code based on the type of construction.

Subp. 5. **Sec. 1111.2.1.** Sec. 1111.2.1 of the Uniform Fire Code is amended to read:

1111.2.1 Installation and maintenance. Required fire assemblies shall be provided, installed and maintained as specified in the Building Code and this code. These assemblies shall bear an approved label or other identification showing their rating and shall be properly installed, repaired, restored or replaced when lacking, damaged, altered, breached, penetrated, removed or improperly installed.

Subp. 6. **Sec. 1113.** Sec. 1113 of the Uniform Fire Code is deleted and replaced with the following:

SECTION 1113 - GUARDRAILS

Guardrails shall be provided to protect unenclosed floor and roof openings, open and glazed sides of stairways, landings and ramps, and balconies or porches which are more than 30 inches above grade or the floor below. Guardrails shall be installed and maintained in accordance with the Building Code.

EXCEPTION: Existing guardrails which conformed to the code in effect at the time they were installed are allowed to continue.

Subp. 7. **Sec. 1114.** Article 11 of the Uniform Fire Code is amended by adding a section to read:

SECTION 1114 - ATRIA

Atria in buildings shall conform to the requirements of the Building Code.

EXCEPTION: Existing atria which conformed to the requirements of the code in effect at the time they were constructed are allowed to continue.

Subp. 8. **Sec. 1115.** Article 11 of the Uniform Fire Code is amended by adding a section to read:

SECTION 1115 - MEZZANINES

Mezzanines in buildings shall conform to the requirements of the Building Code.

7510.3580 ARTICLE 12 - MAINTENANCE OF MEANS OF EGRESS AND EMERGENCY ESCAPES.

Subpart 1. **Sec. 1201.3.** Sec. 1201 of the Uniform Fire Code is amended by adding a section to read:

1201.3 Special Exiting Provisions for Younger Students. Rooms in Group E, Divisions 1 and 2 Occupancies used by preschool, kindergarten, first- or second-grade pupils, and Group E, Division 3 Occupancies shall be located as required by the Building Code.

Subp. 2. **Sec. 1206.** Sec. 1206 of the Uniform Fire Code is amended to read:

SECTION 1206 - EMERGENCY ESCAPES

1206.1 General. Emergency escape or rescue windows, doors or window wells required by the Building Code for sleeping rooms of Group R Occupancies shall be maintained free of any obstruction, including bars, grates or similar devices which would impair egress.

EXCEPTION: Bars, grills, grates or similar devices are allowed, provided that these devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort, the release mechanisms are maintained operable, and the building is equipped with smoke detection installed in conformance with this code.

1206.2 Escape Windows. In Group R Occupancies, escape windows shall be provided, installed and maintained in sleeping rooms and rooms used for family day care, group family day care and foster care in conformance with the Building Code.

EXCEPTIONS: 1. An escape window is not required if the room has a door that leads directly to the exterior of the building.

2. Escape windows installed prior to April 11, 1983 and having a clear opening not less than 20 inches in width, 24 inches in height and 5 square feet in area with a finished sill height not more than 48 inches above the floor may be allowed to continue.

3. An escape window is not required if the building is protected throughout by an approved, automatic sprinkler system.

4. Escape windows need not be installed from rooms of existing buildings having two separate means of escape, provided that the means of escape are independent of each other and they pass through only one adjacent nonlockable room or area.

5. Existing escape windows at single-story resort buildings installed prior to October 3, 1975 and having a clear opening not less than 20 inches in width, 20 inches in height and 4.5 square feet in area with a finished sill height not more than 36 inches above the floor may be allowed to continue.

Subp. 3. **Sec. 1207.3.** Sec. 1207.3 of the Uniform Fire Code is amended to read:

1207.3 Locking Devices. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Exit doors shall not be locked, chained, bolted, barred, latched or otherwise rendered unusable. All locking devices shall be of an approved type.

EXCEPTIONS: 1. In Groups A, Division 3; B; F; M; and S Occupancies and in all churches, key-locking hardware may be used on the main exit when the main exit consists of a single door or pair of doors if there is a readily visible durable sign on or adjacent to the door stating "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS." The sign shall be in letters not less than 1 inch (25.4 mm) high on a contrasting background. When unlocked, the single door or both leaves of a pair of doors must be free to swing without operation of a latching device. The use of this exception may be revoked by the chief or building official for due cause.

2. Exit doors from individual dwelling units; Group R, Division 3 congregate residences; and guest rooms of Group R Occupancies having an occupant load of 10 or less may be provided with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool and mounted at a height not to exceed 48 inches (1,219 mm) above the finished floor.

3. Listed egress-control devices, installed and maintained in conformance with the Building Code, are allowed in Group E, Division 1 Occupancies and Group A Occupancies in conjunction with Group E, Division 1 Occupancies.

4. Door-locking arrangements installed and maintained in conformance with the Building Code are allowed in Group I Occupancies.

5. Existing door-locking arrangements in Group I Occupancies which were installed prior to March 20, 1995, and comply with Appendix II-L may be allowed to continue.

6. In rooms, other than cells, where occupants are being restrained for safety or security reasons, special locking arrangements which comply with the requirements of Section 1207.8 are permitted.

Manually operated edge- or surface-mounted flush bolts and surface bolts are prohibited. When exit doors are used in pairs and approved automatic flush bolts are used, the door leaf having the automatic flush bolts shall have no door knob or surface-mounted hardware. The unlatching of any leaf shall not require more than one operation.

EXCEPTIONS: 1. Group R, Division 3 Occupancies.

2. When a pair of doors serving a room not normally occupied is needed for the movement of equipment, manually operated edge or surface bolts may be used and a door closer need not be provided on the inactive leaf.

Subp. 4. **Sec. 1207.8.** Sec. 1207 of the Uniform Fire Code is amended by adding sections to read:

1207.8 Special Locking Arrangements. Special locking arrangements meeting the requirements of this section are permitted for rooms, other than cells as defined in the Building Code, Appendix Chapter 3, where the occupants are being restrained for safety or security reasons. The use of this section may be revoked by the chief or building official for due cause.

1207.8.1 Locking hardware. Locking devices shall release upon any of the following conditions:

1. Activation of the automatic sprinkler system.
2. Activation of any automatic fire detection device.
3. Automatic fire alarm system.
4. Loss of electrical power to the locking device or the fire alarm system, or
5. Activation of the fire alarm trouble signal.

All locking devices shall be designed to fail in the open position. Following the release of the locking devices for any of the conditions specified above, relocking of the devices shall be by manual means only at the door.

1207.8.2 Fire extinguishing system. When special locking arrangements are used, the room or area being secured must be protected with quick-response sprinklers.

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1207.8.3 Fire alarm and detection. When special locking arrangements are used, the room or area and spaces between the room or area and an outside exit door shall be protected with automatic smoke detection connected to the building's fire alarm system.

If the walls of the room or area do not extend to the ceiling, automatic smoke detection can be provided in the adjacent room or area provided that there are no substantial obstructions to delay activation of the smoke detection.

1207.8.4 Construction. Rooms or areas containing these special locking arrangements shall be constructed of noncombustible materials having a minimum of one-hour fire-resistive construction. Doors separating the room from other spaces must have a fire-protection rating of not less than 20 minutes. Doors need not be self-closing. The interior finish of the wall and ceiling surfaces must not exceed a Class III (or Class C) flame spread rating.

1207.8.5 Testing of devices. Special locking arrangements shall be tested at least monthly to ensure that they will release under the conditions set forth in this section. Locking arrangements which are found not to comply with the requirements of this section shall not be used.

Subp. 5. **Sec. 1209.** Sec. 1209 of the Uniform Fire Code is amended to read:

SECTION 1209 - EXIT CORRIDORS

1209.1 General. Exit corridors shall be constructed and maintained in accordance with the Building Code. Partitions, rails, counters, and similar space dividers not over 6 feet (1,829 mm) in height shall not be construed to form corridors.

EXCEPTIONS: 1. For buildings constructed prior to October 3, 1975, see Appendix I-A, Section 2.3.

2. Corridor doors leading to classrooms and offices in Group E Occupancies need not be maintained self-closing or automatic closing in buildings which are protected throughout by both an approved automatic sprinkler system and an automatic fire alarm system consisting of automatic smoke detection throughout the corridor exit system.

1209.2 Clothing and Personal Effects. Corridors of Group E Occupancies shall not be used for the storage of clothing and similar personal effects.

EXCEPTIONS: 1. Storage of clothing and personal effects is permitted in corridors which are protected by an automatic sprinkler system.

2. Storage of clothing and personal effects is permitted in corridors when kept in metal or noncombustible lockers.

1209.3 Artwork and Decorations. Corridors of Group E Occupancies shall not be used for the display of child-prepared artwork, decorations and teaching materials.

EXCEPTION: Child-prepared artwork and teaching materials are allowed to be attached directly to corridor walls and ceilings in Group E Occupancies, but shall not exceed 20 percent of the wall or ceiling area. Such materials shall not obstruct or conceal exits, exit signs or any fire-protection device, appliance or equipment.

Subp. 6. **Sec. 1213.4.** Sec. 1213 of the Uniform Fire Code is amended by adding a section to read:

1213.4 Obstructions. All exits shall be maintained free of obstructions, including the accumulation of snow and ice, which would restrict their use.

Subp. 7. **Sec. 1214.** Article 12 of the Uniform Fire Code is amended by adding a section to read:

SECTION 1214 - PEDESTRIAN WALKWAYS

Pedestrian walkways shall be installed and maintained in conformance with the Building Code.

Subp. 8. **Sec. 1215.** Article 12 of the Uniform Fire Code is amended by adding a section to read:

SECTION 1215 - ESCALATORS

Escalators shall not be used as a required exit. Escalator enclosures shall be installed and maintained in conformance with the Building Code.

7510.3590 ARTICLE 13 - EMERGENCY PROCEDURES.

Subpart 1. **Sec. 1302.4.** Sec. 1302 of the Uniform Fire Code is amended by adding a section to read:

1302.4 Reporting Fire Alarm Signals. When required by the chief, the fire department shall be notified upon activation of the fire alarm signal.

Subp. 2. **Sec. 1303.3.3.3.** Sec. 1303.3.3 of the Uniform Fire Code is amended by adding a section to read:

1303.3.3.3 Evacuation procedures. Upon activation of the fire alarm system or the discovery of fire, staff members shall ensure that all occupants have evacuated from the room or area in accordance with the emergency plans required by section 1303.4. Staff members shall close all doors to the room when exiting the space.

7510.3410 ARTICLE 26 OF UNIFORM FIRE CODE - RESURFACING AND REFINISHING.

Subpart 1. **Title.** The title of Article 26 of the Uniform Fire Code is deleted and replaced with the following:

ARTICLE 26 - RESURFACING AND REFINISHING

Subp. 2. **Sec. ~~26.101~~ 2601.** Sec. ~~26.101~~ 2601 of the Uniform Fire Code is amended to read:

SECTION 2601 - SCOPE

Sec. ~~26.101~~. Bowling alleys, roller skating rinks, and other public assembly occupancies shall conform to all other applicable requirements of this code, as well as the following provisions.

Subp. 3. **Sec. ~~26.102~~ 2602.** Sec. ~~26.102~~ 2602 of the Uniform Fire Code is amended to read:

SECTION 2602 - PERMITS

Sec. ~~26.102~~. No person shall conduct bowling pin refinishing and bowling alley or floor resurfacing and refinishing operations involving the use and application of flammable liquids or materials without a local permit.

Subp. 4. **Sec. ~~26.103~~ 2603.** The subtitle of Sec. ~~26.103~~ 2603 of the Uniform Fire Code is amended to read:

SECTION 2603 - RESURFACING AND REFINISHING

Subp. 5. **Sec. ~~26.104~~ 2604.** The subtitle of Sec. ~~26.104~~ 2604 of the Uniform Fire Code is amended to read:

SECTION 2604 - REFINISHING

7510.3610 ARTICLE 52 - MOTOR VEHICLE FUEL-DISPENSING STATIONS.

Subpart 1. **Sec. 5201.3.3.** Sec. 5201.3 of the Uniform Fire Code is amended by adding a section to read:

5201.3.3 State fire marshal plan review. Before any construction for the storage, handling or use of Class I or II liquids in above-ground tanks is undertaken at motor vehicle fuel-dispensing stations, plans or drawings of the installation shall be submitted, in triplicate, to the state fire marshal for review. The drawings shall be made to scale and shall show the name of the person, firm, or corporation proposing the installation; its location, including property lines, adjacent streets or highways and adjacent surface waters; location and construction of all buildings; tank location, contents, size and capacity; type, location and layout of dispensing, pumping, loading and unloading equipment; type and capacity of vents and pressure relief provided for each tank; and diking, secondary containment and collision protection provided.

Subp. 2. **Sec. 5201.8.** Sec. 5201.8 of the Uniform Fire Code is amended to read:

5201.8 Signs. Signs prohibiting smoking, prohibiting dispensing into unapproved containers, prohibiting dispensing by persons under 16 years of age and requiring vehicle engines to be stopped during fueling shall be conspicuously posted within sight of each dispenser.

Subp. 3. **Sec. 5201.12.** Sec. 5201 of the Uniform Fire Code is amended by adding a section to read:

5201.12 Age Requirement. Flammable and combustible liquids shall be dispensed only by persons 16 years of age or older.

Subp. 4. **Sec. 5202.3.1.** Sec. 5202.3.1 of the Uniform Fire Code is amended by adding an exception to read:

EXCEPTION: Except as permitted by Section 5202.4.1.

7510.3420 ARTICLE 61 OF UNIFORM FIRE CODE - OIL-BURNING EQUIPMENT.

Sec. ~~61.104~~ Subpart 1. Sec. 6105. Sec. 6105 of the Uniform Fire Code is amended to read:

SECTION 6105 - FUEL OIL

Sec. ~~61.104~~. The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the manufacturer. The installation and use of waste oil burners shall conform to the provisions of *Minnesota Statutes*, section 299F.015.

Subp. 2. **Sec. 6107.** Article 61 of the Uniform Fire Code is amended by adding a section to read:

SECTION 6107 - QUANTITIES

The quantity of fuel oil stored inside a building shall not exceed 660 gallons.

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.

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EXCEPTION: The quantity of fuel oil stored inside a building can be increased to 1,320 gallons if the area being used for storage is separated by a minimum of one-hour fire-resistive construction from other portions of the building and is protected with an automatic sprinkler system.

7510.3430 ARTICLE 77 OF UNIFORM FIRE CODE - EXPLOSIVE MATERIALS.

Subpart 1. ~~Sec. 77.103 7701.3.~~ Sec. ~~77.103 7701.3~~ of the Uniform Fire Code is deleted.

Subp. 2. ~~Sec. 77.104 7701.4.~~ Sec. ~~77.104 7701.4~~ of the Uniform Fire Code is deleted.

7510.3640 ARTICLE 78 - FIREWORKS AND PYROTECHNIC SPECIAL EFFECTS MATERIAL.

Subpart 1. ~~Sec. 7801.3.1.2.~~ Sec. ~~7801.3.1.2~~ of the Uniform Fire Code is amended to read:

7801.3.1.2 Displays. Permits are required to conduct a fireworks display. A fireworks display is only permitted when supervised by a pyrotechnic operator certified by the state fire marshal. Unless specifically exempted by the jurisdiction, the sponsor of the proposed fireworks display must submit a written application for permit at least 15 days in advance of the date of the display. The permit application shall include a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged; the number, type, and size of the fireworks to be discharged; the location of all buildings, highways, communication lines, and other possible overhead obstructions; and the lines behind which the audience will be restrained. For proximate audience displays, the diagram shall also show the fallout radius for each pyrotechnic device used during the display. At the time of permit application, the chief shall be consulted regarding requirements for standby fire apparatus and personnel.

EXCEPTION: Jurisdictions are authorized to not require permits for displays involving the use of smoke pots, flash pots, and theatrical flash powder for ceremonial, theatrical, and musical productions. Such displays must be conducted in accordance with this code.

Subp. 2. ~~Sec. 7802.4.4.2.~~ Sec. ~~7802.4.4.2~~ of the Uniform Fire Code is amended to read:

7802.4.4.2 Construction. Mortars shall be approved for use with the aerial shells to be fired. Mortars shall be constructed of heavy cardboard, high-density polyethylene (HDPE), paper or metal other than cast iron.

Subp. 3. ~~Sec. 7802.4.9.8.11.~~ Sec. ~~7802.4.9.8~~ of the Uniform Fire Code is amended by adding a section to read:

7802.4.9.8.11 Paper and plastic mortars. Paper and high-density polyethylene (HDPE) mortars shall not be reloaded during the same display.

7510.3440 ARTICLE 79 OF UNIFORM FIRE CODE - FLAMMABLE AND COMBUSTIBLE LIQUIDS.

Subpart 1. [See repealer.]

Subp. 2. ~~Sec. 79.101(e) 7901.3.3.~~ Sec. ~~79.101 7901.3~~ of the Uniform Fire Code is amended by adding a ~~subsection~~ section to read:
~~Sec. 79.101. (e) 7901.3.3 State fire marshal review of plans. Requirements for the review of plans, as covered in the following items 1 to 7, are herein incorporated as part of this code, to read:~~

~~1. Before any construction or new or additional installation for the storage, handling, or use of flammable liquids in aboveground tanks is undertaken in bulk plants, service stations, chemical plants, refineries, and processing plants, drawings or blueprints of them made to scale shall be submitted, in triplicate, to the state fire marshal with an application, all in duplicate, for review. Within a reasonable time, usually ten days after receipt of the application with drawings or blueprints, the state fire marshal shall examine them. On finding that they conform to the applicable requirements of this code, the state fire marshal shall so signify either by endorsement on them or by attachment to them, retain one file copy, and return to the applicant the other copy plus any additional copies submitted by the applicant. If the drawings or blueprints do not conform to the applicable requirements of this code, the state fire marshal shall notify the applicant in writing within the time allowed for the examination of the application.~~

~~2. The drawings shall show the name of the person, firm, or corporation proposing the installation; its location, and the including property lines, adjacent streets or highways and adjacent surface waters of the state; location and construction of all buildings; tank location, contents, size and capacity; type, location and layout of dispensing, pumping, loading and unloading equipment; type and capacity of vents and pressure relief provided for each tank; and diking, secondary containment and collision protection provided.~~

~~3. In the case of bulk plants, the drawings shall show, in addition to any applicable features required under items 5 and 6, the plot of ground to be utilized and its immediate surroundings on all sides; complete layout of buildings, tanks, and loading and unloading docks; type of construction of each building and the type and location of heating devices for each building, if any.~~

~~4. In the case of service stations, the drawings, in addition to any applicable features required under items 5 and 6, shall show the plot of ground to be utilized; the complete layout of buildings, drives, dispensing equipment, and greasing or washing stalls; and the type and location of any heating devices.~~

~~5. In the case of aboveground storage, the drawings shall show the location and capacity of each tank; dimensions of each tank that has a capacity exceeding 50,000 gallons; the class of liquids to be stored in each tank; the type of tank supports; the clearance as covered in sections 79.503 and 79.504; the type of venting and pressure relief relied upon and the combined capacity of all~~

venting and pressure relief valves on each tank; as covered in Sec. 79.509; the tank control valves as covered in Sec. 79.509(e); the location of the pumps and other facilities by which liquid is filled into and withdrawn from the tanks; and diking provided, if any.

6. ~~In the case of underground storage, the drawings shall show the locations of fill gauge and vent pipes and openings, the location and capacity of each tank, and the class of liquid to be stored in each tank, along with the clearance and requirements as covered in sections 79.601 to 79.605.~~

7. ~~In the case of an installation for storage, handling, or use of flammable liquids within buildings or enclosures at any establishment or occupancy covered in this section, the drawings shall be in such detail as will show whether applicable requirements are to be met.~~

Subp. 3. [See repealer.]

Subp. 3a. **Sec. 7904.5.4.2.1.** Sec. 7904.5.4.2.1 of the Uniform Fire Code is amended to read:

7904.5.4.2.1 General. Class I liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank, except as provided in Sections 7904.5.4.2.2 through 7904.5.4.2.6 Class II and III-A liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank, approved container or approved portable tank, except as provided in Sections 7904.5.4.2.2 through 7904.5.4.2.6.

Subp. 4. ~~Sec. 79.809(b)~~ **7904.5.4.2.2.** Sec. 79.809(b) 7904.5.4.2.2 of the Uniform Fire Code is amended by adding an exception to read:

~~Sec. 79.809.~~ **(b) Storage Tanks.**

EXCEPTIONS:

4. ~~Class II~~ **7904.5.4.2.2 Marine craft and special equipment.** Liquids intended for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and motor vehicles when approved by the chief, and when:

- ~~A.~~ 1. The tank vehicle's specific function is that of supplying fuel to motor vehicles,
- ~~B.~~ 2. The operation is not performed where the public has access or where there is unusual exposure to life or property,
- ~~C.~~ 3. The ~~dispensing line~~ distance between the tank vehicle and vehicle being refueled does not exceed 50 feet in length, and
- ~~D.~~ 4. All equipment is approved for use with the fuel being transferred.

Subp. 5. ~~Sec. 79.903(a)~~ **5202.4.1.** Sec. 79.903(a) 5202.4.1 of the Uniform Fire Code is amended to read:

~~Sec. 79.903.~~ **(a) 5202.4.1 Aboveground tanks.** When approved by the chief, Class I and II liquids are permitted to be dispensed into the fuel tanks of a motor vehicle from aboveground tanks when such tanks are installed inside special enclosures in accordance with Sec. 5202.3.6, from protected aboveground tanks conforming with Appendix II-F or when such dispensing systems meet the requirements of this section.

5202.4.1.1 Aboveground tank dispensing systems. When approved by the chief, the dispensing of Class I and Class II liquids from a fuel dispensing system supplied by exterior aboveground tanks may be permitted under the following conditions: set forth in Sections 5202.4.1.1.1 through 5202.4.1.1.10.

~~1.~~ **5202.4.1.1.1 Number of tanks.** Not more than three aboveground storage tanks shall be used for dispensing at any single dispensing site.

5202.4.1.1.2 Capacity of tanks. Tanks storing Class I liquids shall not exceed 6,000 gallons individual capacity. Tanks storing Class II liquids shall not exceed 10,000 gallons individual capacity.

~~2. The tank system shall be listed or approved for such aboveground use.~~

~~3.~~ **5202.4.1.1.3 Fuel delivery method.** Fuel delivery from aboveground tanks shall be from the top of the tank with the dispensing line equipped with an approved antisiphon system.

~~4.~~ **5202.4.1.1.4 Dispensing lines.** Dispensing lines between the diked area and the dispenser shall be located underground and shall be completely enclosed in an approved secondary containment piping system. These lines shall also be equipped with an approved, normally closed solenoid valve at each dispenser located below the impact valve.

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.

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5. ~~The tank shall be equipped with overfill protection and~~ **5202.4.1.1.5 Fill pipe and fill openings.** The fill pipe between the fill opening and the diked area shall be underground. In addition to the normal valving requirements of the code, there shall be a manually operated, mechanical shut-off valve on the fill line inside the diked area which is operated from a location outside the dike.

6. **5202.4.1.1.6 Safety precautions.** ~~The tanks and piping shall be safeguarded against collision, spillage, and overfill as required by the chief.~~ Dispensing lines and fill piping shall not penetrate the dike.

7. ~~The tanks and piping shall be safeguarded against collision, spillage, and overfill as required by the chief.~~

8. ~~The tanks shall comply with requirements for emergency relief venting, and the tanks and dispensing system shall meet the electrical classification requirements of the code.~~

9. ~~Tanks, piping, valves and fittings, and diking shall be constructed and maintained in accordance with Article 79.~~

10. **5202.4.1.1.7 Lightning protection.** Tanks shall be provided with lightning protection as specified in National Fire Protection Association Standard ~~78~~ 780, Lightning Protection Code, by the National Fire Protection Association (Quincy, Massachusetts, ~~1989~~ 1994). Standard ~~78~~ 780 is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

11. **5202.4.1.1.8 Tank location and distance from dispenser.** Tank location and distance from the tank to the dispenser shall be at least 30 feet.

EXCEPTIONS: 1. For operations not open to the public ~~and for resort operations serving registered guests only,~~ dispensing of Class I liquids from one tank having a capacity of ~~300~~ 560 gallons or less having the dispenser located on or adjacent to the tank is permitted.

2. For operations not open to the public, dispensing of Class II liquids from ~~one tank~~ two tanks having a capacity of 1,000 gallons or less having the dispenser located on or adjacent to the tank is permitted.

3. Special tank enclosures complying with Sec. ~~79.902(e)~~ 5202.3.6 of this code having the dispenser located on or adjacent to the tank are permitted.

4. ~~Dispensing devices are permitted to be installed on top of or adjacent to a listed, two-hour fire-protected aboveground tank system.~~

12. ~~Tank location and distance shall be two times that specified in sections 79.503 and 79.504, but~~ 5202.4.1.1.9 Location of tank. Tanks shall be located not less than 50 feet from the nearest side of any public way, ~~combustible property line,~~ building, or ~~building opening,~~ and from combustible storage located on the same property.

EXCEPTION: Aboveground tanks which have a separation distance of at least 30 feet between the tank and the dispenser may reduce the distances between the tank ~~and dispenser to a,~~ the public way, ~~combustible property line,~~ building, ~~building opening,~~ or combustible storage to 30 feet.

13. **5202.4.1.1.10 Fire protection for multiple tanks.** Where more than one tank is used, all aboveground tanks shall be protected by an approved fire-protection system when required by the chief.

14. ~~Variances shall not be granted from any of the provisions contained in items 2 to 13.~~

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. **Sec. 5202.4.8.** Sec. 5202.4.8 of the Uniform Fire Code is deleted.

7510.3660 ARTICLE 81 - HIGH-PILED COMBUSTIBLE STORAGE.

Subpart 1. **Sec. 8102.1.** Sec. 8102.1 of the Uniform Fire Code is amended to read:

8102.1 General. Fire-protection and life-safety features for high-piled storage areas shall be in accordance with Section 8102. Nationally recognized standards or guidelines, as applicable, are allowed to be used when approved by the chief.

EXCEPTION: Limited high-piled storage areas in Group M Occupancies not exceeding 5% of the total square footage of the building or not exceeding 2,500 square feet in size, whichever is less, need not be separated by fire-rated construction and need not comply with the smoke-venting and curtain board requirements of this article when these buildings are protected throughout by an approved automatic sprinkler system.

Subp. 2. **Sec. 8102.7.** Sec. 8102.7 of the Uniform Fire Code is amended to read:

8102.7 Smoke and Heat Removal.

8102.7.1 General. When smoke and heat vents are required by Table 81-A, smoke and heat vents shall be provided in accordance with Section 8102.7.

EXCEPTIONS: 1. When required by the chief, mechanical smoke-removal systems shall be provided in accordance with U.F.C. Standard 81-3.

2. Frozen food storage classified as a Class I or Class II commodity is not required to be provided with smoke and heat vents or mechanical smoke removal when protected by an automatic sprinkler system.

3. In buildings where the high-piled storage is protected by Early-Suppression Fast-Response (ESFR) sprinklers, the chief is allowed to accept an engineered mechanical smoke-removal system in accordance with Section 8102.7.5.

Subp. 3. **Sec. 8102.7.5.** Sec. 8102.7 of the Uniform Fire Code is amended by adding a section to read:

8102.7.5 Engineered mechanical smoke-removal systems. Engineered mechanical smoke-removal systems shall be designed in accordance with Sections 905.5 and 905.6 of the Building Code and Article 81 of this code. The engineering analysis shall be based on a t² design fire with a minimum heat release rate in accordance with Table 8102.7.5. The engineering analysis shall include the characteristics of the fuel load, commodity classification, commodity storage arrangement, fan spacing, make-up air requirements and building parameters. Mechanical fan spacing and make-up air shall be uniformly distributed throughout the high-piled storage area. The effect of sprinklers may be assumed to have halted the fire growth at the time of sprinkler activation.

Table 8102.7.5

<u>Commodity Class</u>	<u>Growth Rate - t² Fire</u>	<u>Minimum Fire Size in Btu/sec or fire size at sprinkler activation, whichever is greater (times 1.055 for kW)</u>
<u>I</u>	<u>Slow</u>	<u>6,000</u>
<u>II</u>	<u>Slow</u>	<u>7,000</u>
<u>III</u>	<u>Medium</u>	<u>8,000</u>
<u>IV</u>	<u>Fast</u>	<u>10,000</u>
<u>High Hazard</u>	<u>Ultra-fast</u>	<u>15,000</u>

7510.3460 ARTICLE 82 OF UNIFORM FIRE CODE - LIQUEFIED PETROLEUM GASES.

Article 82 of the Uniform Fire Code is deleted in its entirety and replaced with the following:

ARTICLE 82

LIQUEFIED PETROLEUM GASES

LP-Gas Storage and Handling

Sec. ~~82-101.~~ (a) SECTION 8201 - NFPA STANDARD NO. 58 INCORPORATED.

The storage, handling, transportation, and use of ~~liquefied~~ liquefied petroleum gas and the installation of all equipment pertinent to systems for such uses shall be designed, constructed, installed, operated, and maintained in accordance with the provisions of the National Fire Protection Association Standard No. 58, Standard for the Storage and Handling of ~~Liquefied~~ Liquefied Petroleum Gases (Quincy, Massachusetts, ~~1992~~ 1995). Standard No. 58, as amended by ~~subsection (b)~~ Section 8202, is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

(b) SECTION 8202 - AMENDMENTS TO NFPA STANDARD NO. 58:

1. ~~Section 1-2.3.1(c).~~ Section 1-2.3.1(c) of NFPA Standard No. 58 is amended to read:

~~(e) LP-Gas (including refrigerated storage) at utility gas plants. Uniform Fire Code Standard No. 82-2 shall apply.~~

2. ~~Section 1-6.~~ Section 1-6 of NFPA Standard No. 58 is deleted.

3. ~~1.~~ Section 3-1.3. Section 3-1.3 of NFPA Standard No. 58 is amended to read:

3-1.3. LP-Gas systems shall be installed in accordance with nationally recognized standards that may apply.

4. ~~2.~~ Section 3-2.2.6(e) 3-2.2.7(e). Section 3-2.2.6(e) 3-2.2.7(e) of NFPA Standard No. 58 is amended to read:

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.

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(e) The minimum horizontal separation between aboveground LP-Gas containers and aboveground tanks containing liquids having flash points below 200 degrees F. (93.4 degrees C.) shall be 20 ft (6 m). No horizontal separation shall be required between aboveground LP-Gas containers and underground tanks containing flammable or combustible liquids installed in accordance with Article 79 of the Uniform Fire Code.

EXCEPTION: This provision shall not apply when LP-Gas containers of 125 gal (0.5 m³) or less water capacity are installed adjacent to fuel oil supply tanks of 660 gal (2.5 m³) or less capacity.

~~5. 3. Section 3-2.2.6(g) 3-2.2.7(g).~~ Section ~~3-2.2.6(g) 3-2.2.7(g)~~ of NFPA Standard No. 58 is amended to read:

(g) The minimum separation between LP-Gas containers and ~~liquefied~~ liquefied hydrogen containers shall be in accordance with Article 75 of the Uniform Fire Code.

~~6. 4. Table 3-2.3.3.~~ Footnotes 2 and 5 of Table 3-2.3.3 of NFPA Standard No. 58 are amended to read:

2. Walls constructed of noncombustible materials having a fire rating of at least one hour as determined by the Building Code.

5. See Article 79 of the Uniform Fire Code for definitions of flammable and combustible liquids.

~~7. 5. Section 3-5.2.~~ Section 3-5.2 of NFPA Standard No. 58 is amended to read:

3-5.2 Reference Standards. LP-Gas appliances shall be installed in accordance with this standard and other nationally recognized standards which may apply.

~~8. 6. Section 3-7.2.1.~~ Section 3-7.2.1 of NFPA Standard No. 58 is amended to read:

3-7.2.1 Electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with the Electrical Code for ordinary locations except that fixed electrical equipment in classified areas shall comply with 3-7.2.2.

~~9. 7. Section 3-7.2.2.~~ The first sentence of Section 3-7.2.2 of NFPA Standard No. 58 is amended to read:

3-7.2.2 Fixed electrical equipment and wiring installed within the classified areas specified in Table 3-7.2.2 shall comply with Table 3-7.2.2 and shall be installed in accordance with the Electrical Code.

~~10. Section 4-2.1.1.~~ The first sentence of Section 4-2.1.1 of NFPA Standard No. 58 is amended to read:

~~4-2.1.1~~ Transfer operations shall be conducted by personnel trained in the proper handling and operating procedures for LP-Gases.

~~11. Section 4-2.2.1.~~ Section 4-2.2.1 of NFPA Standard No. 58 is amended to read:

~~4-2.2.1~~ The transfer of LP-Gas to and from a container shall be accomplished only by persons trained in the proper handling, operating procedures, and emergency response procedures.

~~12. 8. Section 7-2.3.~~ Section 7-2.3 of NFPA Standard No. 58 is amended to read:

7-2.3 Structure or Building Heating. Heating shall be by steam or hot water radiation or other heating transfer medium with the heat source located outside the building or structure (see Section 3-7, Ignition Source Control), or by electrical appliances listed for Class I, Group D, Division 2 locations, in accordance with the Electrical Code.

~~13. 9. Chapter 11.~~ Chapter 11 of NFPA Standard No. 58 is deleted.

LP-Gas Systems at Utility Gas Plants

~~Sec. 82.102.~~ The design, construction, location, installation, and operation of refrigerated and nonrefrigerated liquefied petroleum gas systems at utility gas plants shall be in accordance with Uniform Fire Code Standard No. 82-2. Standard No. 82-2 is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

Submittal of Plans.

~~Sec. 82.103.~~ SECTION 8203 - INSTALLATION OF CONTAINERS

Where an underground container is permitted, plans of its installation, regardless of capacity, shall be submitted for review to the state fire marshal before construction.

For any installation utilizing aboveground storage containers of over 2,000 gallons water capacity, or when aggregate water capacity of all aboveground containers exceeds 4,000 gallons, plans shall be submitted to the state fire marshal before construction.

~~7510.3680~~ ARTICLE 84 - MOTION PICTURE PROJECTION.

Article 84 of the Uniform Fire Code is amended by adding a section to read:

SECTION 8406 - VENTILATION

Ventilation for projection rooms and projection equipment shall be provided and maintained in conformance with the Building Code.

7510.3470 ARTICLE 85 OF UNIFORM FIRE CODE - ELECTRICAL EQUIPMENT AND WIRING.

Article 85 of the Uniform Fire Code is amended by adding a section to read:

SECTION 8510 - NONAPPROVED APPLIANCES

Sec. ~~85.110~~. Electrical appliances or fixtures shall not be used unless they are of an approved type listed for their intended use.

7510.3700 ARTICLE 90 - STANDARDS.

Subpart 1. **Sec. 9001.4.** Section 9001 of the Uniform Fire Code is amended by adding a section to read:

9001.4 Standards for Group I, Division 3 Occupancies. The provisions for protection in newly constructed Group I, Division 3 Occupancies used as detention and correctional facilities shall be in accordance with the Building Code - Appendix Chapter 3.

Subp. 2. **Sec. 9002.** [See Renumbering Instruction.]

7510.3480 AMENDMENTS TO APPENDICES OF UNIFORM FIRE CODE.

Subpart 1. **Adoption.** Appendices I-A, I-C, II-A, II-B, II-C, ~~II-F, II-L~~, IV-A and VI-D of the Uniform Fire Code, as amended by this part, shall be deemed a part of this code and shall be enforced as such.

Subp. 2. **Appendix I-A, Title.** The title of Appendix I-A of the Uniform Fire Code is amended to read:

**APPENDIX I-A LIFE SAFETY REQUIREMENTS FOR
EXISTING BUILDINGS**

Subp. 3. **Appendix I-A, Sec. 1(a).** ~~The Exception in~~ Appendix I-A, Sec. 1(a), of the Uniform Fire Code is amended to read:

EXCEPTION: ~~Group M and Group R, Division 3 Occupancies, except that Group R, Division 3 Occupancies shall comply with Sections 6 and 7.~~

SECTION 1 - GENERAL

1.1 Purpose. The purpose of Appendix I-A is to provide a reasonable degree of safety to persons occupying existing buildings by providing for alterations to such existing buildings which do not conform with the minimum requirements of this code or the Building Code. This appendix is intended to apply to buildings constructed prior to the adoption of the state fire code on October 3, 1975.

EXCEPTIONS: 1. Group U Occupancies need not comply with this appendix article.

2. Group R, Division 3 Occupancies need only comply with Sections 2, 6 and 7 of this appendix article.

1.2 Standards for Existing Group I Occupancies. The provisions of protection in existing Group I, Divisions 1.1, 1.2 and 2 Occupancies shall be in accordance with the applicable provisions of the Life Safety Code, ANSI/NFPA 101, referred to as Standard No. 101, issued by the National Fire Protection Association (Quincy, Massachusetts, 1997). Standard No. 101 is not subject to frequent change and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

The provisions of protection in existing Group I, Division 3 Occupancies used as detention and correctional facilities shall be in accordance with the applicable provisions of the Life Safety Code, ANSI/NFPA 101, referred to as Standard No. 101, issued by the National Fire Protection Association (Quincy, Massachusetts, 1997). Standard No. 101 is not subject to frequent change and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

Construction provisions of Standard No. 101 which are more restrictive than those found in the Building Code shall not be applicable. For the purposes of this section, construction provisions shall include those relating to type of construction, automatic fire-extinguishing and standpipe systems, fire alarm and detection systems, vertical opening protection, escape windows, exits, smoke barriers, handicapped accessibility and hazardous area separations.

1.3 Exit Requirements for Existing Buildings. Exits and emergency escapes shall be provided, installed and maintained as required in Article 12, except as modified by Section 2 of this appendix.

Subp. 4. [See repealer.]

Subp. 5. **Appendix I-A, Sec. ~~2(a)~~ 2.1.** The first paragraph and the accompanying ~~Exceptions~~ Exception in Appendix I-A, Sec. ~~2(a)~~ 2.1, of the Uniform Fire Code are amended to read:

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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~~2.~~ SECTION 2 - EXITS

~~(a)~~ **2.1 Number of Exits.** Every basement and every floor above the first story used for human occupancy shall have access to at least two separate exits, one of which may be an exterior fire escape complying with ~~subsection (d) of this section~~ Appendix I-A, Sec. 2.4. Subject to the approval of the chief, an approved ladder device may be used in lieu of a fire escape when the construction feature or location of the building on the property makes the installation of a fire escape impractical.

EXCEPTIONS EXCEPTION: 1. In all occupancies, basements and second stories with an occupant load of ~~ten or less than 10~~ may have one exit.

2. ~~When the third floor within an individual dwelling unit does not exceed 500 square feet, only one exit need be provided from that floor.~~

3. ~~Floors and basements used exclusively for service of the building may have one exit. For the purposes of this exception, storage rooms, laundry rooms, maintenance offices, and similar uses shall not be considered as providing service to the building.~~

4. ~~Storage rooms, laundry rooms, and maintenance offices not exceeding 300 square feet in floor area may be provided with only one exit.~~

Subp. 6. **Appendix I-A, Sec. ~~2(e)~~ 2.3.** Appendix I-A, Sec. ~~2(e)~~ 2.3, of the Uniform Fire Code is amended to read:

~~2.~~ EXITS

~~(e)~~ **2.3 Corridors.** Corridors serving a Group R, Division 1 or Group I Occupancy having an occupant load of ten or more and corridors serving other occupancies having an occupant load of 30 or more shall have walls and ceilings of not less than one-hour fire-resistive construction as required by the Building Code. Existing walls surfaced with wood lath and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute fire assemblies or solid wood doors not less than 1-3/4 inches thick. Where the existing frame will not accommodate the 1-3/4 inches thick door, a 1-3/8 inches thick solid bonded wood core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic-closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with ~~Section 3305(h) of the Building Code (see Sec. 1005.8)~~ or shall be covered with a minimum of 3/4-inch plywood or 1/2-inch gypsum wallboard or equivalent material on the room side.

EXCEPTIONS: 1. Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure.

2. Existing corridor walls, ceilings and opening protection in Group E, Divisions 1 and 2 Occupancies not in compliance with the above may be continued when such buildings are protected with an approved automatic fire alarm system which is monitored by a central, proprietary or remote station service. The fire alarm system shall include automatic smoke detection throughout the exit system and approved detection in all rooms and areas other than classrooms and offices.

Subp. 6a. **Appendix I-A, Sec. 3.** Appendix I-A, Sec. 3, of the Uniform Fire Code is amended to read:

SECTION 3 - ENCLOSURE OF VERTICAL SHAFTS

Interior vertical shafts, including but not limited to stairways, elevator hoistways, and service and utility shafts, shall be enclosed by a minimum of one-hour fire-resistive construction. All openings into such shafts shall be protected with one-hour fire assemblies which shall be maintained self-closing or be automatic closing by smoke detection. All other openings shall be fire protected in an approved manner.

EXCEPTIONS: 1. In other than Group I Occupancies, an enclosure will not be required for openings serving only one adjacent floor.

2. Vertical openings need not be protected in Group R, Division 3 Occupancies.

3. Vertical openings need not be protected if the building is protected by an approved automatic sprinkler system.

Subp. 7. **Appendix I-A, Sec. 4.** Appendix I-A, Sec. 4, of the Uniform Fire Code is ~~deleted~~ amended to read:

SECTION 4 - BASEMENT ACCESS OR SPRINKLER PROTECTION

An approved automatic sprinkler system shall be provided in the following basements when such areas exceed 2,500 square feet (232.3 m²) in size and do not have 20 square feet (1.86 m²) of opening entirely above the adjoining ground level in each 50 lineal feet (15,240 mm) or fraction thereof of exterior wall on at least one side of the building:

1. Group A Occupancies used as commercial drinking and dining establishments;

2. Group A Occupancies used as bowling alleys;

3. Group E Occupancies used for student occupancy;

4. Group I Occupancies; and

5. Group R, Division 1 Occupancies having dwelling units or guest rooms.

Openings required by this section shall have a minimum dimension of 30 inches. If any portion of the basement is located more than 75 feet (22,860 mm) from required openings, the basement shall be provided with an approved automatic sprinkler system throughout.

Subp. 8. **Appendix I-A, Sec. 5.** Appendix I-A, Sec. 5, of the Uniform Fire Code is amended to read:

5. SECTION 5 - STANDPIPES

Any buildings over four stories in height shall be provided with an approved Class I or Class III standpipe system.

When required by the chief, any building three or four stories in height shall be provided with an approved Class I or Class III standpipe system.

Subp. 8a. **Appendix I-A, Sec. 6.** Appendix I-A, Sec. 6, of the Uniform Fire Code is amended to read:

SECTION 6 - SMOKE DETECTORS

Smoke detectors shall be provided, installed and maintained in dwelling units, congregate residences and hotel or lodging guest rooms in accordance with Section 1007.2.9.

Subp. 8b. **Appendix I-A, Sec. 7.** Appendix I-A, Sec. 7, of the Uniform Fire Code is amended to read:

SECTION 7 - SEPARATION OF OCCUPANCIES AND HAZARDOUS AREAS

7.1 Occupancy Separations. Occupancy separation shall be provided as specified in the Building Code (see U.B.C. Section 302). When approved by the chief, existing wood lath and plaster in good condition or 1/2-inch (12.7 mm) gypsum wallboard may be acceptable where one-hour occupancy separations are required.

EXCEPTIONS: 1. In buildings which are protected throughout by an approved automatic sprinkler system, one-hour occupancy separations need not be provided.

2. An occupancy separation need not be provided between Group A and Group R, Division 1 Occupancies if the building is provided with a fire alarm system having automatic smoke detection throughout the Group A Occupancy.

3. Fire-rated opening protection need not be provided between Group A and Group R, Division 1 Occupancies when such openings are designed to resist the passage of smoke and the openings are protected by an approved automatic sprinkler system.

4. An occupancy separation need not be provided where two or more occupancies occur in the same building or structure and are so intermingled that separations are impracticable provided that the exit provisions and protection requirements for the more restrictive occupancy are provided.

5. An occupancy separation need not be provided between a Group R, Division 3 Occupancy with sleeping accommodations for ten or fewer persons and Group B or Group M Occupancies which are accessory if interconnected smoke detectors are provided. At least one smoke detector shall be located in a Group B or Group M Occupancy and additional detectors may be needed in accordance with manufacturer's instructions. Smoke detectors in the sleeping areas shall be located as specified in Section 1007.2.9 and shall be audible in all sleeping areas (see Article 10).

7.2 Separation of Hazardous Areas. Shops, laboratories, storage rooms exceeding 100 square feet in size, and rooms containing boilers or central heating plants in Groups A; B; E; F; H; I; M; R, Division 1; and S Occupancies shall be separated from the rest of the building by not less than a one-hour occupancy separation. When approved by the chief, existing wood lath and plaster in good condition or 1/2-inch (12.7 mm) gypsum wallboard may be acceptable where one-hour occupancy separations are required.

EXCEPTIONS: 1. In Groups A; B; E; F; I; M; and S Occupancies, a separation need not be provided where the largest piece of fuel equipment does not exceed 400,000 Btu per hour input.

2. In Group R, Division 1 Occupancies, a separation need not be provided for such rooms with equipment serving only one dwelling unit.

3. In Groups A; B; E; F; I; M; R, Division 1; and S Occupancies, a separation need not be provided if the hazardous area is protected with automatic sprinklers and the doors to such areas are solid core wood doors or steel insulated doors. Doors shall be self-closing or automatic-closing by smoke detection.

Subp. 9. **Appendix H-G II-K.** The Uniform Fire Code is amended by adding an Appendix ~~H-G~~ II-K to read:

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.

Proposed Rules

APPENDIX ~~H-G~~ II-K

FIRES OR BARBECUES ON BALCONIES OR PATIOS

~~1.~~ SECTION 1 - OPEN FLAME AND FUEL STORAGE PROHIBITED

~~(a)~~ **1.1 Open Flame Prohibited.** In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of the structure.

~~(b)~~ **1.2 Fuel Storage Prohibited.** No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemical or device in the locations designated in ~~subsection (a)~~ Sec. 1.1.

EXCEPTION: Listed electric or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the chief.

Subp. 10. **Appendix ~~H-H~~ II-L.** The Uniform Fire Code is amended by adding an Appendix ~~H-H~~ II-L to read:

APPENDIX ~~H-H~~ II-L

STANDARDS FOR EGRESS-CONTROL DEVICES IN EDUCATIONAL OCCUPANCIES

SPECIAL LOCKING ARRANGEMENTS FOR GROUP I OCCUPANCIES

1. SCOPE

~~These standards apply to the installation of egress-control devices~~

SECTION 1 - GENERAL

When approved by the chief and where there is a demonstrated safety or security concern for the patients or residents, existing door-locking arrangements conforming to this appendix are permitted in Group I, ~~Division 1~~ Divisions 1.1, 1.2 and 2 Occupancies.

2. GENERAL REQUIREMENTS

~~Upon application to and approval of the chief, either of the following types of devices are permitted:~~

- ~~1. listed special egress-control devices in conformance with the Building Code; or~~
- ~~2. egress-control devices which meet the requirements of section 3 of this standard.~~

3. SPECIFIC REQUIREMENTS

1.1 Arrangement. Each egress path shall have not more than one such locking arrangement.

1.2 Public Use of Space. Public assembly space is not permitted within the secured area.

SECTION 2 - SUPERVISION

Patients or residents shall be supervised by staff personnel at all times. Keys or devices which function like keys to unlock the doors shall be carried by staff at all times.

~~(a)~~ SECTION 3 - FIRE alarm and DETECTION system.

~~The building must be equipped provided throughout with an approved, supervised automatic fire alarm and detection system. If the building is equipped with automatic sprinkler protection, it must be interconnected to the fire alarm system having automatic smoke detection installed throughout the exit corridor system.~~

~~(b) Location of manual pull stations. Manual fire alarm pull stations must be located within five feet of the affected door(s).~~

~~(c) Emergency lighting. Emergency lighting must be installed throughout the exit system.~~

~~(d) Deactivation. The egress-control devices shall immediately deactivate under~~

SECTION 4 - RELEASE OF LOCKING DEVICES

All locking devices shall be designed to fail in the open or unlocked position. The locking devices shall immediately release upon any one or more of the following conditions:

1. Activation of the fire alarm system.
2. Activation of any automatic ~~detection device~~; fire detector.
- ~~2.~~ 3. Activation of ~~the an~~ automatic sprinkler system~~s~~.
4. Activation of the fire alarm system's trouble signal.
- ~~3.~~ 5. Loss of electrical power to the device or the fire alarm system~~s~~.

4. activation of the fire alarm trouble signal; or

~~5. 6.~~ Activation of a switch an unlocking arrangement from a an approved location ~~which is constantly attended during normal school hours (such as the office)~~ within the secured area.

(e) ~~Release time.~~ The egress control devices must release within 30 seconds upon activation of a manual fire alarm pull station.

(f) ~~Sign.~~ Signs must be permanently placed on the affected door(s) stating:

~~THIS DOOR WILL UNLOCK UNDER EMERGENCY FIRE CONDITIONS.~~

4. SECTION 5 - RELOCKING OF DEVICES

Relocking of the locking devices can only be by manual means at the door which is being secured.

SECTION 6 - TESTING OF DEVICES AND SYSTEMS

(a) ~~Egress control devices.~~ Egress control devices Special locking arrangements shall be tested at least monthly in conjunction with the fire alarm system to ensure that they will release under the conditions as set forth above.

(b) ~~Fire alarm system.~~ The fire alarm system controlling the affected device(s) shall be tested at least once every six months.

SECTION 7 - SYSTEMS NOT IN COMPLIANCE

The use of special locking arrangements and related systems which are found to not comply with the requirements of this chapter shall be immediately discontinued until such time that the necessary repairs or modifications can be made.

RENUMBERING INSTRUCTION. In the next edition of or supplement to Minnesota Rules, the revisor of statutes shall renumber the parts and subparts in column A as the parts or subparts in column B:

Column A

Column B

<u>7510.3290</u>	<u>7510.3490</u>
<u>7510.3300</u>	<u>7510.3500</u>
<u>7510.3310</u>	<u>7510.3510</u>
<u>7510.3320</u>	<u>7510.3520, subp 1</u>
<u>7510.3330, subp 1</u>	<u>7510.3520, subp 2</u>
<u>7510.3330, subp 3a</u>	<u>7510.3520, subp 3</u>
<u>7510.3330, subp 4</u>	<u>7510.3520, subp 4</u>
<u>7510.3330, subp 6</u>	<u>7510.3700, subp 2</u>
<u>7510.3340, subp 1</u>	<u>7510.3520, subp 5</u>
<u>7510.3340, subp 2</u>	<u>7510.3520, subp 6</u>
<u>7510.3350</u>	<u>7510.3530</u>
<u>7510.3360, subp 1</u>	<u>7510.3550</u>
<u>7510.3360, subp 3</u>	<u>7510.3560, subp 1</u>
<u>7510.3360, subp 3a</u>	<u>7510.3560, subp 2</u>
<u>7510.3360, subp 3b</u>	<u>7510.3560, subp 3</u>
<u>7510.3360, subp 3c</u>	<u>7510.3560, subp 4</u>
<u>7510.3360, subp 3d</u>	<u>7510.3560, subp 5</u>
<u>7510.3360, subp 5</u>	<u>7510.3560, subp 6</u>
<u>7510.3360, subp 7</u>	<u>7510.3560, subp 7</u>
<u>7510.3360, subp 8</u>	<u>7510.3560, subp 8</u>
<u>7510.3360, subp 9</u>	<u>7510.3560, subp 9</u>
<u>7510.3360, subp 10</u>	<u>7510.3560, subp 10</u>
<u>7510.3360, subp 11</u>	<u>7510.3560, subp 11</u>
<u>7510.3360, subp 12</u>	<u>7510.3560, subp 12</u>
<u>7510.3360, subp 13</u>	<u>7510.3560, subp 13</u>
<u>7510.3360, subp 14</u>	<u>7510.3560, subp 14</u>
<u>7510.3360, subp 15</u>	<u>7510.3560, subp 15</u>

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.

Proposed Rules

<u>7510.3360, subp 16</u>	<u>7510.3560, subp 16</u>
<u>7510.3370, subp 1</u>	<u>7510.3570, subp 1</u>
<u>7510.3370, subp 1a</u>	<u>7510.3570, subp 2</u>
<u>7510.3370, subp 2</u>	<u>7510.3570, subp 3</u>
<u>7510.3370, subp 3</u>	<u>7510.3570, subp 4</u>
<u>7510.3370, subp 4</u>	<u>7510.3570, subp 5</u>
<u>7510.3370, subp 5</u>	<u>7510.3570, subp 6</u>
<u>7510.3370, subp 6</u>	<u>7510.3570, subp 7</u>
<u>7510.3370, subp 7</u>	<u>7510.3570, subp 8</u>
<u>7510.3370, subp 8</u>	<u>7510.3570, subp 9</u>
<u>7510.3410</u>	<u>7510.3600</u>
<u>7510.3420</u>	<u>7510.3620</u>
<u>7510.3430</u>	<u>7510.3630</u>
<u>7510.3440, subp 2</u>	<u>7510.3650, subp 1</u>
<u>7510.3440, subp 3a</u>	<u>7510.3650, subp 2</u>
<u>7510.3440, subp 4</u>	<u>7510.3650, subp 3</u>
<u>7510.3440, subp 5</u>	<u>7510.3610, subp 5</u>
<u>7510.3440, subp 8</u>	<u>7510.3610, subp 6</u>
<u>7510.3460</u>	<u>7510.3670</u>
<u>7510.3470</u>	<u>7510.3690</u>
<u>7510.3480, subp 1</u>	<u>7510.3710, subp 1</u>
<u>7510.3480, subp 2</u>	<u>7510.3710, subp 2</u>
<u>7510.3480, subp 3</u>	<u>7510.3710, subp 3</u>
<u>7510.3480, subp 5</u>	<u>7510.3710, subp 4</u>
<u>7510.3480, subp 6</u>	<u>7510.3710, subp 5</u>
<u>7510.3480, subp 6a</u>	<u>7510.3710, subp 6</u>
<u>7510.3480, subp 7</u>	<u>7510.3710, subp 7</u>
<u>7510.3480, subp 8</u>	<u>7510.3710, subp 8</u>
<u>7510.3480, subp 8a</u>	<u>7510.3710, subp 9</u>
<u>7510.3480, subp 8b</u>	<u>7510.3710, subp 10</u>
<u>7510.3480, subp 9</u>	<u>7510.3710, subp 11</u>
<u>7510.3480, subp 10</u>	<u>7510.3710, subp 12</u>

In *Minnesota Rules*, the revisor of statutes shall make any changes in cross-references made necessary by this renumbering instruction.

REPEALER. *Minnesota Rules*, parts 7510.3330, subparts 2, 3, 5, 7, 8, and 9; 7510.3360, subparts 2, 4, and 6; 7510.3380; 7510.3390; 7510.3400; 7510.3440, subparts 1, 3, 6, and 7; 7510.3450; 7510.3480, subpart 4; 7510.7100; 7510.7200; 7510.7300; 7510.7400; 7510.8200; 7510.8300; 7510.8400; 7510.8500; 7510.9920; 7510.9930; 7510.9935; 7510.9940; 7510.9945; 7510.9950; 7510.9955; 7510.9960; 7510.9965; 7510.9970; 7510.9975; 7510.9980; and 7510.9985, are repealed.

INCORPORATIONS BY REFERENCE:

Part 7510.3310: Uniform Fire Code, International Conference of Building Officials and Western Fire Chiefs Association, published by the International Fire Code Institute (Whittier, California, 1997).

Part 7510.3350: National Fire Codes, 1973, Standard No. 101, National Fire Protection Association (Boston, Massachusetts, 1973).

Part 7510.3360: National Fire Protection Association Standard No. 13, Standard for the Installation of Sprinkler Systems (Quincy, Massachusetts, 1996).

Part 7510.3440, subpart 5: National Fire Protection Association Standard 780, Lighting Protection Code, National Fire Protection Association (Quincy, Massachusetts, 1994).

Part 7510.3540: National Fire Protection Association Standard No. 101, chapter 2, section 8.3.4 (Quincy, Massachusetts, 1985).

Part 7510.3660: National Fire Protection Association Standard No. 58, Standard for Storage and Handling of Liquefied Petroleum Gases (Quincy, Massachusetts, 1995).

These publications are available through the State Law Library.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited 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. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Agriculture

Adopted Permanent Rules Governing Seed Potatoes

The rules proposed and published at *State Register*, Volume 22, Number 23, pages 970-972, December 8, 1997 (22 SR 970), are adopted with the following modifications:

1555.6950 MINNESOTA CERTIFIED SEED POTATO GRADES AND TOLERANCES.

Subp. 3a. **Minnesota yellow tag certified seed potato grade.** To be graded as Minnesota yellow tag certified seed potatoes, the potatoes must meet the requirements in items A to D.

B. Size. For all varieties, ~~unless otherwise specified,~~ the maximum size is 14 ounces (396.9 grams) and the minimum size is 1-1/2 inch (38.1 mm) in diameter, ~~unless otherwise specified.~~ For all varieties, the minimum diameter for size "B" shall not be less than 1-1/2 inches (38.1 millimeters) and the maximum diameter shall not be more than 2-1/4 inches (57.1 millimeters). The department may grade potatoes that do not meet the maximum and minimum size specifications as Minnesota yellow tag certified seed potatoes if the buyer agrees to accept potatoes of alternate size specifications from the grower and these specifications are listed on the tag or bulk inspection certificate issued by the department.

Housing Finance Agency

Adopted Permanent Rules Relating to Home Improvement Grants and Rehabilitation Loans; Income and Loan Ceilings

The rules proposed and published at *State Register*, Volume 22, Number 26, pages 1125-1127, December 29, 1997 (22 SR 1125), and Volume 22, Number 27, page 1163, January 5, 1998 (22 SR 1163), are adopted as proposed.

Board of Pharmacy

Adopted Permanent Rules Relating to Fee Changes

The rules proposed and published at *State Register*, Volume 22, Number 20, pages 769-771, November 17, 1997 (22 SR 769), are adopted as proposed.

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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* §§ 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.

Department of Labor and Industry

Proposed Exempt Permanent Rules Relating to Occupational Safety and Health; Standard Industrial Classification List for AWAIR; General Industry and Construction

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA), proposes to adopt the following amendments to the Department of Labor and Industry, Occupational Safety and Health Rules. Statutory authority to adopt these amendments is in *Minnesota Statutes* § 182.655 (1996).

This notice proposes the adoption of modification to *Minnesota Rules* 5205.1500 "Standard Industrial Classification List" which lists the standard industrial classifications of employers that must comply with the provisions of *Minnesota Statutes* § 182.653, subdivision 8, also known as "A Workplace Accident and Injury Reduction Act" or "AWAIR." Subdivision 8a of *Minnesota Statutes* § 182.653, required the commissioner to adopt this list of standard industrial classifications and to update the list every two years. This notice also proposes the adoption of a new *Minnesota Rule* 5207.0005 "Standard Industrial Classification List," which references 5205.1500 and clarifies that construction industries must comply.

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed. The comment period will close on April 8, 1998.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections, and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307.

Gretchen B. Maglich
Commissioner

SUMMARY OF CHANGES

The following is a brief summary of the proposed changes. The complete text of the proposed revisions follows this summary.

"A Workplace Accident and Injury Reduction Act" (AWAIR) was passed by the Minnesota Legislature during the 1990 session (*Laws of Minnesota, 1990*, Chapter 508). That legislation amended the Occupational Safety and Health Act of 1973 (*Minnesota Statutes* Chapter 182) by adding new subdivisions 8, 8a, and 8b to § 182.653. Subdivision 8 requires each employer to develop a written workplace safety and health program that explains how managers, supervisors and employees are responsible for implementing the program and how the continued participation of management will be established, measured and maintained; the methods used to identify, analyze and control new or existing hazards, conditions, and operations; how the plan will be communicated to all affected employees so that they are informed of work-related hazards and controls; how workplace accidents will be investigated and corrective action implemented; and how safe work practices and rules will be enforced.

Subdivision 8a of § 182.653 requires the Commissioner of Labor and Industry to adopt a list of standard industrial classifications (SICs) of employers who must comply with subdivision 8. The list must be based on the safety record or worker's compensation record of the industries. Employers within the standard industrial classifications on the list must comply with subdivision 8 within six months following the date the SIC that applies to them is placed on the adopted list.

To meet the mandate of § 182.653, subdivision 8a, the department reviewed Minnesota and national injury and illness statistics. The proposed revisions to the list are based on the "Minnesota Occupational Injuries and Illnesses Survey, 1996" which was conducted by the Minnesota Department of Labor and Industry in cooperation with the Bureau of Labor Statistics (BLS). Because the Minnesota survey did not include injury and illness rates for all industries, national BLS survey data, as reported in the Bureau of Labor Statistics for 1996, was also used.

The survey results are reported as occupational injuries and illnesses incidence rates by industry (SIC). For all industries combined, the 1996 Minnesota survey results indicate an injury and illness incidence rate (recordable injuries and illnesses per 100 full-time workers) of 8.3 and a lost workday incidence rate (lost workday cases per 100 full-time workers) of 3.5. These rates reflect the combined or "average" rates for all reporting industries, including state and local government. Those industries (SICs) with an incidence rate higher than 8.3 or a severity rate higher than 3.5 are considered to have a higher-than-average rate of injuries and illnesses and, therefore, are required to comply with the AWAIR Act.

The proposed amendments to 5205.1500 include the addition of those industries with an incidence rate at or above 8.3 or a severity rate at or above 3.5 on the 1996 Minnesota survey. Those industries not reported on the Minnesota survey that appear in the 1996 national survey with rates above the Minnesota averages of 8.3 or 3.5 are also added to the list of industries that must comply with AWAIR. Industries on the existing list but whose 1996 rates fell below the 1996 average rates of 8.3 or 3.5 are proposed for deletion from the SIC list. SICs that are not on the proposed list may be added to the list in two years if the incidence or severity rates for the industry go above the Minnesota average rates for that year. Updates to this list will be based on the most current injury and illness data available at the time of the update.

Minnesota Rules 5205.0005 is a newly written construction rule being proposed to clarify that construction industries must also comply with 5205.1500. Proposed rule 5205.0005 merely references 5205.1500. It places no additional burden on employers.

The inclusion of a Standard Industrial Classification Code on the AWAIR list is determined strictly on the basis of BLS reported data for the industry; jurisdictional issues are not considered when adding or deleting an industry from the list. However, Minnesota OSHA does observe jurisdictional boundaries when conducting inspections and will enforce AWAIR only in those areas of an operation that fall within the jurisdiction of Minnesota OSHA. Operations under the sole jurisdiction of another government regulatory agency will not be affected.

5205.1500 STANDARD INDUSTRIAL CLASSIFICATION LIST FOR AWAIR.

Employers in the standard industrial classifications listed in this part must comply with *Minnesota Statutes*, section 182.653, subdivision 8. The standard industrial classifications in this part are those defined by the Office of Management and Budget published in the Standard Industrial Classification Manual, 1987 edition.

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

C. Agricultural services:

- (1) ~~0711, soil preparation services;~~
- (2) ~~0721, crop planting and protecting;~~
- (3) ~~0722, crop harvesting;~~
- (4) ~~0723, crop preparation services for market;~~
- (5) ~~0724, cotton ginning;~~
- (6) ~~0741, veterinary services for livestock;~~
- (7) ~~0742, veterinary services, specialties;~~
- (8) ~~0751, livestock service, except veterinary;~~

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Exempt Rules

- (9) 0752, animal specialty services;
- (10) 0761, farm labor contractors;
- (11) 0762, farm management services;
- (12) 0781, landscape counseling and planning;
- (13) 0782, lawn and garden services; and
- (14) 0783, ornamental shrub and tree services.

D. Forestry:

- (1) 0811, timber tracts;
- (2) 0831, forest products; and
- (3) 0851, forestry services.

E. Fishing, hunting, and trapping:

- (1) 0912, commercial fishing, finfish;
- (2) 0913, commercial fishing, shellfish;
- (3) 0919, commercial fishing, miscellaneous marine products; and
- (4) 0921, fish hatcheries and preserves.

F. Metal mining:

- (1) 1011, iron ores;
- (2) 1021, copper ores;
- (3) 1031, lead and zinc ores;
- (4) 1041, gold ores;
- (5) 1044, silver ores;
- (6) 1061, ferroalloy ores, except vanadium;
- (7) 1081, metal mining services;
- (8) 1094, uranium-radium-vanadium ores; and
- (9) 1099, metal ores, not elsewhere classified.

G. C. Coal mining:

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

H. D. Oil and gas extraction:

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

I. E. Nonmetallic minerals, except fuels:

- (1) 1411, dimension stone; and
- (2) 1422, crushed and broken limestone;
- (3) 1423, crushed and broken granite;
- (4) 1429, crushed and broken stone, not elsewhere classified;
- (5) 1481, nonmetallic minerals services; and
- (6) 1499, miscellaneous nonmetallic minerals.

J. E. General building contractors:

[For text of subitems (1) to (5), see M.R.]

K. G. Heavy construction, except building:

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

L. H. Special trade contractors:

[For text of subitems (1) to (17), see M.R.]

M. I. Food and kindred products:

[For text of subitems (1) to (42), see M.R.]

N. J. Tobacco products:

- (1) ~~2131, chewing and smoking tobacco; and~~
- (2) 2141, tobacco stemming and drying.

O. K. Textile mill products:

[For text of subitems (1) to (10), see M.R.]

- (11) ~~2273, carpets and rugs;~~
- (12) ~~2281, yarn spinning mills 2269, finishing plants, not elsewhere classified;~~
- (13) (12) 2282, throwing and winding mills;
- (14) ~~2284, thread mills;~~
- (15) (13) 2295, coated fabrics, not rubberized;
- (16) (14) 2296, tire cord and fabrics;
- (17) (15) 2298, cordage and twine; and
- (18) (16) 2299, textile goods, not elsewhere classified.

P. L. Apparel and other textile products:

- (1) 2311, men's and boys' suits and coats;
- (2) 2321, men's and boys' shirts;
- (3) (3) 2322, men's and boys' underwear and nightwear;
- (4) ~~2323, men's and boys' neckwear;~~
- (5) 2325, men's and boys' trousers and slacks;
- (6) 2326, men's and boys' work clothing;
- (7) ~~2329, men's and boys' clothing, not elsewhere classified;~~
- (8) ~~2353, hats, caps, and millinery;~~
- (9) ~~2369, girls' and children's outerwear, not elsewhere classified;~~
- (10) ~~2371, fur goods 2384, robes and dressing gowns;~~
- (11) (7) 2385, waterproof outerwear;
- (12) (8) 2391, curtains and draperies;
- (13) (9) 2392, house furnishings, not elsewhere classified;
- (14) (10) 2393, textile bags;
- (15) (11) 2394, canvas and related products;
- (16) (12) 2396, automotive and apparel trimmings;
- (17) ~~2397, Schiffler machine embroideries;~~ and
- (18) (13) 2399, fabricated textile products, not elsewhere classified.

Q. M. Lumber and wood products:

[For text of subitems (1) to (17), see M.R.]

R. N. Furniture and fixtures:

[For text of subitems (1) to (13), see M.R.]

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Exempt Rules

~~S. O.~~ Paper and allied products: ~~2621, paper mills.~~

- (1) ~~2652, setup paperboard boxes;~~
- (2) ~~2653, corrugated and solid fiber boxes;~~
- (3) ~~2655, fiber cans, drums, and similar products;~~
- (4) ~~2656, sanitary food containers; and~~
- (5) ~~2657, folding paperboard boxes.~~

~~T. P.~~ Printing and publishing:

[For text of subitems (1) to (14), see M.R.]

~~Q.~~ Chemicals and allied products:

- (1) ~~2812, alkalies and chlorine;~~
- (2) ~~2813, industrial gases;~~
- (3) ~~2816, inorganic pigments;~~
- (4) ~~2819, industrial inorganic chemicals, not elsewhere classified;~~
- (5) ~~2821, plastics materials and resins;~~
- (6) ~~2822, synthetic rubber;~~
- (7) ~~2823, cellulosic manmade fibers;~~
- (8) ~~2824, organic fibers, noncellulosic;~~
- (9) ~~2833, medicinals and botanicals;~~
- (10) ~~2834, pharmaceutical preparations;~~
- (11) ~~2835, diagnostic substances;~~
- (12) ~~2836, biological products, except diagnostic;~~
- (13) ~~2841, soap and other detergents;~~
- (14) ~~2842, polishes and sanitation goods;~~
- (15) ~~2843, surface active agents;~~
- (16) ~~2844, toilet preparations;~~
- (17) ~~2851, paints and allied products;~~
- (18) ~~2861, gum and wood chemicals;~~
- (19) ~~2865, cyclic crudes and intermediates;~~
- (20) ~~2869, industrial organic chemicals, not elsewhere classified;~~
- (21) ~~2873, nitrogenous fertilizers;~~
- (22) ~~2874, phosphatic fertilizers;~~
- (23) ~~2875, fertilizers, mixing only;~~
- (24) ~~2879, agricultural chemicals, not elsewhere classified;~~
- (25) ~~2891, adhesives and sealants;~~
- (26) ~~2892, explosives;~~
- (27) ~~2893, printing ink;~~
- (28) ~~2895, carbon black; and~~
- (29) ~~2899, chemical preparations, not elsewhere classified.~~

~~U. R.~~ Petroleum and coal products:

- (1) ~~2951, asphalt paving mixtures and blocks;~~
- (2) ~~2952, asphalt felts and coatings; and~~
- (3) ~~2992, lubricating oils and greases; and~~
- (4) ~~2999, petroleum and coal products, not elsewhere classified.~~

~~V.~~ S. Rubber and miscellaneous plastics products:

[For text of subitems (1) to (15), see M.R.]

~~W.~~ T. Leather and leather products:

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

(8) 3161, luggage; and

(9) ~~3172, personal leather goods, not elsewhere classified; and~~

~~(10)~~ 3199, leather goods, not elsewhere classified.

~~X.~~ U. Stone, clay, and glass products:

[For text of subitems (1) to (26), see M.R.]

~~Y.~~ V. Primary metal industries:

[For text of subitems (1) to (11), see M.R.]

(12) ~~3399~~ 3339, primary nonferrous metals, not elsewhere classified;

[For text of subitems (13) to (26), see M.R.]

~~Z.~~ W. Fabricated metal products:

[For text of subitems (1) to (25), see M.R.]

(26) ~~3482, small arms ammunition;~~

~~(27) 3483, ammunition, except small arms, not elsewhere classified;~~

~~(28) 3484, small arms;~~

~~(29) 3489, ordnance and accessories, not elsewhere classified;~~

~~(30)~~ 3491, industrial valves;

~~(31)~~ (27) 3492, fluid power valves and hose fittings;

~~(32)~~ (28) 3493, steel springs, except wire;

~~(33)~~ (29) 3494, valves and pipe fittings, not elsewhere classified;

~~(34)~~ (30) 3495, wire springs;

~~(35)~~ (31) 3496, miscellaneous fabricated wire products;

~~(36)~~ (32) 3497, metal foil and leaf;

~~(37)~~ (33) 3498, fabricated pipe and fittings; and

~~(38)~~ (34) 3499, fabricated metal products, not elsewhere classified.

~~AA.~~ X. Industrial machinery and equipment:

[For text of subitems (1) to (45), see M.R.]

~~BB.~~ Y. Electronic and other electric equipment:

(1) ~~3612, transformers, except electronic~~ 3621, motors and generators;

(2) ~~3613, switchgear and switchboard apparatus~~ 3624, carbon and graphite products;

(3) ~~3631, household cooking equipment~~ 3625, relays and industrial controls; and

(4) ~~3632, household refrigerators and freezers; 3629, electrical industrial apparatus, not elsewhere classified.~~

~~(5) 3633, household laundry equipment;~~

~~(6) 3634, electric housewares and fans;~~

~~(7) 3635, household vacuum cleaners;~~

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Exempt Rules

- (8) 3639, household appliances, not elsewhere classified;
- (9) 3641, electric lamps;
- (10) 3643, current-carrying wiring devices;
- (11) 3644, non-current-carrying wiring devices;
- (12) 3645, residential lighting fixtures;
- (13) 3646, commercial lighting fixtures;
- (14) 3647, vehicular lighting equipment;
- (15) 3648, lighting equipment, not elsewhere classified;
- (16) 3651, household audio and video equipment;
- (17) 3652, prerecorded records and tapes;
- (18) 3671, electron tubes;
- (19) 3674, semiconductors and related devices;
- (20) 3675, electronic capacitors;
- (21) 3676, electronic resistors;
- (22) 3677, electronic coils and transformers;
- (23) 3678, electronic connectors;
- (24) 3679, electronic components, not elsewhere classified;
- (25) 3691, storage batteries;
- (26) 3692, primary batteries, dry and wet;
- (27) 3694, engine electrical equipment;
- (28) 3695, magnetic and optical recording media; and
- (29) 3699, electrical equipment and supplies, not elsewhere classified.

CC. Z. Transportation equipment:

[For text of subitems (1) to (18), see M.R.]

DD. Instruments and related products:

- (1) 3821, laboratory apparatus and furniture;
- (2) 3822, environmental controls;
- (3) 3823, process control instruments;
- (4) 3824, fluid meters and counting devices;
- (5) 3825, instruments to measure electricity;
- (6) 3826, analytical instruments;
- (7) 3827, optical instruments and lenses; and
- (8) 3829, measuring and controlling devices, not elsewhere classified.

EE. AA. Miscellaneous manufacturing industries:

[For text of subitems (1) to (18), see M.R.]

FF. Local and interurban passenger transit:

- (1) 4111, local and suburban transit;
- (2) 4119, local passenger transportation, not elsewhere classified;
- (3) 4121, taxicabs;
- (4) 4131, intercity and rural bus transportation;
- (5) 4141, local bus charter service;
- (6) 4142, bus charter service, except local;

- (7) 4151, school buses; and
- (8) 4173, bus terminal and service facilities.

~~GG~~ BB. Trucking and warehousing:

[For text of subitems (1) to (9), see M.R.]

~~HH~~ CC. Water transportation:

- (1) 4412, deep sea foreign transportation of freight;
- (2) 4424, deep sea domestic transportation of freight;
- (3) 4432, freight transportation on the Great Lakes;
- ~~(2)~~ (4) 4449, water transportation of freight, not elsewhere classified;
- ~~(3)~~ (5) 4491, marine cargo handling;
- ~~(4)~~ (6) 4492, towing and tugboat service;
- ~~(5)~~ (7) 4493, marinas; and
- ~~(6)~~ (8) 4499, water transportation services, not elsewhere classified.

~~H~~ DD. Transportation by air:

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

~~JJ~~ EE. Electric, gas, and sanitary services:

[For text of subitems (1) to (14), see M.R.]

~~KK~~ Wholesale trade, durable goods:

- ~~(1) 5012, automobiles and other motor vehicles;~~
- ~~(2) 5013, motor vehicle supplies and new parts;~~
- ~~(3) 5014, tires and tubes;~~
- ~~(4) 5015, motor vehicle parts, used;~~
- ~~(5) 5091, sporting and recreational goods;~~
- ~~(6) 5092, toys and hobby goods and supplies;~~
- ~~(7) 5093, scrap and waste materials;~~
- ~~(8) 5094, jewelry and precious stones; and~~
- ~~(9) 5099, durable goods, not elsewhere classified.~~

~~LL~~ FF. Wholesale trade, nondurable goods:

[For text of subitems (1) to (24), see M.R.]

- ~~(25) 5181, beer and ale; and~~
- ~~(26) 5182, wine and distilled beverages;~~
- ~~(27) 5191, farm supplies;~~
- ~~(28) 5192, books, periodicals, and newspapers;~~
- ~~(29) 5193, flowers and florists' supplies;~~
- ~~(30) 5194, tobacco and tobacco products;~~
- ~~(31) 5198, paints, varnishes, and supplies; and~~
- ~~(32) 5199, nondurable goods, not elsewhere classified.~~

~~MM~~ GG. Building materials and garden supplies:

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Exempt Rules

[For text of subitems (1) to (5), see M.R.]

~~NN.~~ HH. General merchandise stores:

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

~~OO.~~ II. Food stores:

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

~~PP.~~ JJ. Automotive dealers and service stations:

- (1) 5511, new and used car dealers;
- (2) 5521, used car dealers;
- (3) 5531, automotive and home supply stores;
- (4) 5541, gasoline service stations;
- (5) 5551, boat dealers;
- (6) 5561, recreational vehicle dealers;
- (7) 5571, motorcycle dealers; and
- (8) 5599, automotive dealers, not elsewhere classified.

~~QQ.~~ KK. Furniture and home furnishings stores:

- (1) 5712, furniture stores;
- (2) 5713, floor covering stores;
- (3) 5714, drapery and upholstery stores; ~~and~~
- (4) 5719, miscellaneous home furnishings stores;
- (5) 5722, household appliance stores;
- (6) 5731, radio, television, and electronic stores;
- (7) 5734, computer and software stores;
- (8) 5735, record and prerecorded tape stores; and
- (9) 5736, musical instrument stores.

~~RR.~~ Eating and drinking places:

- (1) ~~5812, eating places, and~~
- (2) ~~5813, drinking places.~~

~~SS.~~ LL. Hotels and other lodging places:

[For text of subitems (1) to (5), see M.R.]

MM. Personal services:

- (1) 7211, power laundries, family and commercial;
- (2) 7212, garment pressing and cleaners' agents;
- (3) 7213, linen supply;
- (4) 7215, coin-operated laundries and cleaning;
- (5) 7216, drycleaning plants, except rug;
- (6) 7217, carpet and upholstery cleaning;
- (7) 7218, industrial launderers;
- (8) 7219, laundry and garment services, not elsewhere classified;
- (9) 7221, photographic studios, portrait;
- (10) 7231, beauty shops;
- (11) 7241, barber shops;
- (12) 7251, shoe repair and shoeshine parlors;

- (13) 7261, funeral service and crematories;
- (14) 7291, tax return preparation services; and
- (15) 7299, miscellaneous personal services, not elsewhere classified.

NN. Automobile repair services and parking:

- (1) 7513, truck rental and leasing, no drivers;
- (2) 7514, passenger car rental;
- (3) 7515, passenger car leasing;
- (4) 7519, utility trailer rental;
- (5) 7521, automobile parking;
- (6) 7532, top and body repair and paint shops;
- (7) 7533, automobile exhaust system repair shops;
- (8) 7534, tire retreading and repair shops;
- (9) 7536, automotive glass replacement shops;
- (10) 7537, automotive transmission repair shops;
- (11) 7538, general automotive repair shops;
- (12) 7539, automotive repair shops, not elsewhere classified;
- (13) 7542, car washes; and
- (14) 7549, automotive services, not elsewhere classified.

~~FF.~~ OO. Miscellaneous repair services:

- (1) 7622, radio and television repair;
- (2) 7623, refrigeration service and repair;
- (3) 7629, electrical repair shops, not elsewhere classified;
- (4) 7631, watch, clock, and jewelry repair;
- (5) 7641, reupholstery and furniture repair;
- (4) ~~(6)~~ 7692, welding repair;
- (2) ~~(7)~~ 7694, armature rewinding shops; and
- (3) ~~(8)~~ 7699, repair services, not elsewhere classified.

UU. Amusement and recreation services:

- (1) ~~7911, dance studios, schools, and halls;~~
- (2) ~~7922, theatrical producers and services;~~
- (3) ~~7929, entertainers and entertainment groups;~~
- (4) ~~7933, bowling centers;~~
- (5) ~~7941, sports clubs, managers, and promoters;~~
- (6) ~~7948, racing, including track operations;~~
- (7) ~~7991, physical fitness facilities;~~
- (8) ~~7992, public golf courses;~~

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Exempt Rules

- (9) 7993, coin-operated amusement devices;
- (10) 7996, amusement parks;
- (11) 7997, membership sports and recreation clubs; and
- (12) 7999, amusement and recreation, not elsewhere classified.

~~VV.~~ PP. Health services:

[For text of subitems (1) to (5), see M.R.]

- (6) 8069, specialty hospitals, except psychiatric; ~~and~~
- (7) 8082, home health care services;
- (8) 8092, kidney dialysis centers;
- (9) 8093, specialty outpatient clinics, not elsewhere classified; ~~and~~
- (10) 8099, health and allied services, not elsewhere classified.

~~WW.~~ Museums, and botanical and zoological gardens:

- (1) 8412, museums and art galleries; ~~and~~
- (2) 8422, botanical and zoological gardens.

~~XX.~~ Executive, legislative, and general:

- (1) 9111, executive offices;
- (2) 9121, legislative bodies;
- (3) 9131, executive and legislative combined; ~~and~~
- (4) 9199, general government, not elsewhere classified.

~~YY.~~ Justice, public order, and safety:

- (1) 9211, courts;
- (2) 9221, police protection;
- (3) 9222, legal counsel and prosecution;
- (4) 9223, correctional institutions;
- (5) 9224, fire protection; ~~and~~
- (6) 9229, public order and safety, not elsewhere classified.

QQ. Social services:

- (1) 8322, individual and family services;
- (2) 8331, job training and related services;
- (3) 8351, child day care services;
- (4) 8361, residential care; ~~and~~
- (5) 8399, social services, not elsewhere classified.

5207.0005 STANDARD INDUSTRIAL CLASSIFICATION LIST FOR AWAIR.

Employers in the standard industrial classifications applicable to construction listed in part 5205.1500 must comply with Minnesota Statutes, section 182.653, subdivision 8. The standard industrial classifications in part 5205.1500 are those defined by the Office of Management and Budget published in the Standard Industrial Classification Manual, 1987 edition.

Department of Natural Resources

Adopted Exempt Permanent Rules Relating to Designated Experimental Waters and Special Management Waters; Fishing Regulations

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subs 1 to 20, see M.R.]

Subp. 23. [See repealer.]

[For text of subs 25 to 34, see M.R.]

Subp. 35. Walleye slot limits on Big Sand Lake experimental regulations and Little McDonald Lakes. All walleye in possession while on or fishing ~~on Big Sand Lake in Hubbard county, all walleye in possession or under control, regardless of where taken, in the following~~ waters must be less than 18 inches in length or greater than 26 inches in length ~~from the tip of the nose to the tip of the tail when fully extended.~~ All walleye that are 18 to 26 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one walleye over 26 inches. ~~Possession includes personal possession and possession in a vehicle.~~

	Name	Location	County	End Date
A.	Big Sand Lake	T.141, R.34, S.Various	Hubbard	3/1/2000
B.	Little McDonald Lake (including Kerbs Lake)	T.136, R.40, S.Various	Otter Tail	3/1/2010

[For text of subs 36 to 55, see M.R.]

Subp. 56. Walleye slot limits on Namakan Reservoir Lakes. All walleye in possession while on or fishing in the following waters must be from 13 to 17 inches in length, inclusive, except as follows:

A. a person's possession limit may include one walleye greater than 23 inches in length; and

B. a person who is in transit, taking the most direct route back to the person's lodging or docking, and not fishing, may possess walleye that are not within the above described length limits if the walleye were legally taken from Minnesota or Ontario waters that are connected to the following waters.

Except as noted in items A and B, all walleye that are less than 13 inches in length or larger than 17 inches in length must be immediately returned to the water.

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Exempt Rules

	<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
A.	<u>Kabetogama Lake (including Sullivan Bay and Ash River to Ash River Falls)</u>	<u>T.68, R.19,20, S.Variou</u> <u>T.69, R.19,20,21, 22, S.Variou</u> <u>T.70, R.21,22, S.Variou</u>	<u>St. Louis, Koochiching</u>	<u>3/1/2007</u>
B.	<u>Namakan Lake</u>	<u>T.68, R.17,18,19, S.Variou</u> <u>T.69, R.17,18,19, S.Variou</u> <u>T.70, R.18,19, S.Variou</u>	<u>St. Louis</u>	<u>3/1/2007</u>
C.	<u>Sand Point Lake</u>	<u>T.67, R.16, S.Variou</u> <u>T.68, R.16, S.Variou</u> <u>T.69, R.17, S.Variou</u>	<u>St. Louis</u>	<u>3/1/2007</u>
D.	<u>Little Vermilion Lake (including Loon River to Loon Falls Portage)</u>	<u>T.66, R.16, S.Variou</u> <u>T.67, R.16, S.Variou</u>	<u>St. Louis</u>	<u>3/1/2007</u>
E.	<u>Crane Lake (including Vermillion Gorge)</u>	<u>T.67, R.16,17, S.Variou</u> <u>T.68, R.16,17, S.Variou</u>	<u>St. Louis</u>	<u>3/1/2007</u>

Subp. 57. Northern pike minimum size limit. All northern pike in possession while on or fishing in the following waters must be 30 inches or greater in length. All northern pike less than 30 inches in length must be immediately returned to the water. A person's possession limit may not include more than one northern pike over 30 inches.

	<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
A.	<u>Dudley Lake</u>	<u>T.110, R.21, S.4,5,8,9</u>	<u>Rice</u>	<u>3/1/2008</u>
B.	<u>Kelly Lake</u>	<u>T.110, R.21, S.5,8</u>	<u>Rice</u>	<u>3/1/2008</u>
C.	<u>Reeds Lake</u>	<u>T.108, R.23, S.4,5</u>	<u>Waseca</u>	<u>3/1/2008</u>
D.	<u>St. Olaf Lake</u>	<u>T.105, R.22, S.13</u>	<u>Waseca</u>	<u>3/1/2008</u>

Exempt Rules

Subp. 58. Mink and Somers Lakes experimental regulations. While on or fishing in the following waters, the following possession limits apply:

- A. sunfish, 5;
- B. crappie, 5;
- C. yellow perch, 10; and
- D. walleye, 2.

While on or fishing in the following waters, angling for largemouth bass is limited to catch and release only. Any largemouth bass caught must be immediately returned to the water. Catch and release angling for largemouth bass is legal during the open season for largemouth bass in inland waters. It is unlawful for anyone to have in possession any largemouth bass while on or fishing in the following waters. Possession or use of minnows as bait is prohibited, except for processed minnows in a dried, frozen, or pickled condition.

<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
A. <u>Mink Lake</u>	<u>T.121, R.27, S.23-25</u>	<u>Wright</u>	<u>3/1/2003</u>
B. <u>Somers Lake</u>	<u>T.121, R.27, S.24-25</u>	<u>Wright</u>	<u>3/1/2003</u>

Subp. 59. Pelican Lake experimental regulations. All largemouth bass and smallmouth bass in possession while on or fishing in Pelican Lake must be less than 14 inches in length or greater than 20 inches in length. All largemouth bass and smallmouth bass that are 14 to 20 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one largemouth bass or smallmouth bass over 20 inches in length. All northern pike in possession while on or fishing in Pelican Lake must be less than 24 inches in length or greater than 38 inches in length. All northern pike that are 24 to 38 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one northern pike over 38 inches in length.

<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
<u>Pelican Lake</u>	<u>T.64.65, R.19, 20,21, S.Various</u>	<u>St. Louis</u>	<u>3/1/2008</u>

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Exempt Rules

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Square Lake special regulations.** While on or fishing in Square Lake, angling for trout is limited to catch and release only during the following periods:

A. for 28 consecutive days each year starting with the opening day of the season in May; and

B. from October 1 through October 31.

All trout must be immediately returned to the water during these periods. At other times during the open seasons for stream trout in lakes, the possession limit for trout is two.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Square Lake</u>	<u>T.31, R.20, S.23.26</u>	<u>Washington</u>

6266.0700 TAKING OF FISH ON MINNESOTA-CANADA BOUNDARY WATERS.

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

Subp. 2. **Species, seasons, and limits on Minnesota-Canada boundary waters.** Except as provided in part 6264.0300, subpart 56, the following applies to the species, seasons, and limits for taking fish on Minnesota-Canada boundary waters.

<u>Species</u>	<u>Open Season</u>	<u>Daily and Possession Limits</u>
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[For text of items A to I, see M.R.]

[For text of subps 3 to 5, see M.R.]

REPEALER. Minnesota Rules, part 6264.0300, subpart 23, is repealed.

EFFECTIVE DATE. Part 6264.0300, subpart 56, and the amendment to part 6266.0700, subpart 2, are effective May 9, 1998.

Department of Transportation

Amended Order No. 82955 and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 80000, dated March 10, 1994, which order has been amended by Orders No's. 80212, 80246, 80580, 80861, 80881, 81000, 81092, 81371, 81511, 81557, and 81641 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 80000 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

COUNTY ROADS

Dodge County

- C.S.A.H. 13 From T.H. 14 to 3450 feet Southeast.

Norman County

- C.S.A.H 39 From West Norman County Line to U.S. 9.

Dated: 27 February 1998

James N. Denn
Commissioner

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* §270.0604.

Department of Revenue

Revenue Notice # 98-02: Sales and Use Tax - Hospital Exemption

This Revenue Notice clarifies the term "hospital" under *Minnesota Statutes*, § 297A.25, subdivision 63.

Minnesota Statutes, § 297A.25, subdivision 63, provides an exemption from sales and use tax to hospitals for purchases to be used in providing hospital services to human beings. To qualify for this exemption, a hospital must be:

- approved as charitable under § 501(c)(3) of the *Internal Revenue Code* of 1986, as amended; and
- licensed as a hospital under chapter 144 of the *Minnesota Statutes* or, if located outside Minnesota, licensed as a hospital by another state or country.

Hospital components, such as clinics, rehabilitation centers, and outpatient surgical centers, may qualify for the exemption if they have been formally approved to operate under the hospital's license and Medicare certification, i.e., services are billed under the hospital's Medicare provider number as an outpatient department of the hospital as opposed to being billed under a different number as a clinic. Evidence of formal approval may be demonstrated by presentation of a letter from Health Care Financing Administration (HCFA) approving the component as a part of the hospital.

Clinics, physicians' offices, rehabilitation centers, outpatient surgical centers, ambulance services, and any other medical facilities that are separate legal entities, or that are not hospital components, are not exempt under *Minnesota Statutes*, § 297A.25, subdivision 63. Additionally, nursing homes, supervised living facilities, and boarding care homes are not exempt under *Minnesota Statutes*, § 297A.25, subdivision 63, because they are not licensed as hospitals under chapter 144 of the *Minnesota Statutes*. (Note: Certain facilities that do not qualify for exemption under this provision may still be eligible for exemptions allowed under other provisions of Chapter 297A.)

Revenue Notices

Since state and federal regulations governing hospitals require hospitals to provide laboratory, pharmacy and radiological (x-ray) services, these facilities are included in the exemption if they are a part of and operated by the same legal entity as the qualifying hospital. Ambulance services that are a part of and operated by the same legal entity as the qualifying hospital are included in this exemption if the ambulance services are billed under the hospital's Medicare provider number. Administrative functions, dietary services, janitorial services, and other functions that are a part of the qualifying hospital's normal operations are also included in this exemption.

Dated: 9 March 1998

Jennifer L. Engh
Assistant Commissioner for Tax Policy

Department of Revenue

Revenue Notice # 98-03: Sales and Use Tax - On-line Data Retrieval for Capital Equipment

Minnesota Statutes, § 297A.25, subdivision 42, provides an exemption from sales and use tax for sales of capital equipment. Procedures for obtaining a refund of taxes paid on capital equipment and replacement capital equipment are found in *Minnesota Statutes*, § 297A.15, subdivision 5. *Minnesota Statutes*, § 297A.01, subdivisions 16 and 20, define capital equipment as equipment and machinery used by the purchaser or lessee primarily for manufacturing, fabricating, mining, or refining tangible personal property to be sold ultimately at retail, and for electronically transmitting results retrieved by a customer of an on-line computerized data retrieval system. "On-line data retrieval system" is defined in *Minnesota Statutes*, § 297A.01, subdivision 16 (d)(9), as a system whose cumulation of information is equally available and accessible to all its customers.

Definitions

For purposes of the capital equipment refund for on-line data retrieval systems, the following definitions apply:

"Computerized system" means an electronic device or a group of hardware and software components that performs logical, arithmetical, and memory functions by manipulations of electronic or magnetic impulses. This definition includes all input, output, processing, storage, computer software, and communication facilities that are connected or related in some way and contribute to the performance of these operations.

"Customer" means a person who pays a direct consideration to another person for retrieval or access to information. In this case, "person" means a separate legal entity. Payments for services between divisions or units of a single legal entity do not constitute payments to another person.

"Data retrieval" means electronic transmission of information, knowledge, facts, concepts, or instructions that have been compiled based on the request of the customer.

"Direct consideration" means that the customer pays a fee for information requested. In situations where the information is provided both free of charge to some parties and sold to others, the system will qualify if 50 percent or more of its operating time is used to provide information to paying customers.

"Electronic transmission" means any one-way transmission or any two-way interactive transmission of sounds, signals, or other intelligence converted to like form, which effect or are intended to effect meaningful communications by electronic or electromagnetic means via wire, cable, satellite, light waves, microwaves, radio waves, or otherwise.

"Equally available and accessible" means all customers can access all information on the database.

"Internet access service" means the offering or provision of the storage, computer processing, and transmission of information that enables the customer to make use of resources found via the Internet.

"Internet on-line services" means the offering or provision of information, information processing, and products or services to a customer as part of a package of services that are combined with Internet access service and offered to the customer for a single price.

"On-line" means that a computerized system is capable of connecting with a communications network.

"Primarily" means that the software or hardware is used 50 percent or more of its operating time in a qualifying activity.

"Results" means data or information provided in a format intended to be usable by the customer.

General Requirements

To qualify for the capital equipment refund, the information within the on-line data retrieval system must be equally available and accessible to all customers. In addition, the hardware and software applications must be primarily used to support the on-line data retrieval system. To determine if a system qualifies, answer the following two questions:

1. Is all of the information in the system equally available and accessible to each customer group, or within a fee structure?
2. Do the customers pay a direct consideration for the specific information requested?

If the answer to either of the questions is "no," the equipment does not qualify for a capital equipment refund. If the answer to both of the questions above is "yes," the hardware and software components that are used primarily for supporting the on-line data retrieval system qualify for a capital equipment refund.

Examples

A research company offers its services on-line to subscribers. The database is created from information gathered from outside sources and is refined by the company through the addition of narrative comments, additional reference sources, and notations as to related topics. No other information is included on the hardware or software that supports this system. This system qualifies as capital equipment.

A provider offers varying levels of subscription services. While all information within the system is available for access, access to certain portions of the data is limited by the service level selected by the subscriber. However, each subscriber is able to participate at each service level they subscribe to without restriction. If the system meets all other criteria, this system qualifies as capital equipment.

A bank uses on-line systems to receive payroll and other payable information from their clients. The bank uses this information to debit the client's account, and generate and mail checks on behalf of the client. Each client is able to access their own bank account information through the incoming software systems, but they are not able to access accounting information for other clients. Because the data privacy provisions prevent clients from accessing all information on the system, this system does not qualify for the capital equipment exemption.

An individual buys a computer, a modem, a computerized outdoor weather information system, and software to provide a temperature and time service to people who call in. If the customer is billed a direct fee for this use (e.g., on their telephone bill), the system will qualify for the capital equipment exemption. If there is no direct charge to the customer, then the system does not qualify.

An Internet access service provides customers with direct access to the Internet for a fee. Equipment used to provide the Internet access service does not qualify for the capital equipment exemption.

An Internet on-line service charges customers a fee for access to information that the service maintains and provides access to the Internet. Equipment that is used primarily by the Internet on-line service to provide, maintain, and allow access to their own information service qualifies for the capital equipment exemption.

A business buys computers, modems and software to provide E-Mail and other on-line communications between the various divisions of the business. The divisions share the cost of the system through inter-company funds transfers to the administrative division. Equipment used to provide this service does not qualify for the capital equipment exemption because the service is limited to inter-company use.

Effective Date

This notice is effective for purchases or leases of capital equipment made on or after July 1, 1993.

Dated: 9 March 1998

Jennifer L. Engh
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 mat-

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held on Thursday, March 12, 1998, at Allina Health System, 5601 Smetana Drive, Minnetonka, at 9:00 a.m.

For additional information, please call Lynn Gruber at (612) 593-9609.

Minnesota Higher Education Services Office

Request for Comments on Planned Amendments to Rules Governing the State Grant Program, State Work Study Program, Public Safety Officer's Survivor Grant Program, Nursing Grant Program for Persons of Color Program, *Minnesota Rules*, 4830.0600, 4830.2400, 4830.8020, 4830.9020; and the Planned Repeal of Rules Governing Definitions for Higher Education Programs, *Minnesota Rules*, 4830.0100, subpart 3a, and Planned Repeal of Rules Governing Definitions for Satisfactory Program, *Minnesota Rules*, 4830.0110, subparts 4, 5, 6, 7, 8, and 9; Planned Repeal of Rules Governing the State Grant Program, *Minnesota Rules*, 4830.0600, subparts 1 and 1a, and the Planned Repeal of Rules Governing the Nursing Grant Program for Persons of Color, *Minnesota Rules*, 4830.9025

Subject of Rules. The Minnesota Higher Education Services Office requests comments on its planned amendments to rules governing the State Grant Program, State Work Study Program, Public Safety Officer's Survivor Grant Program, Nursing Grant Program for Persons of Color Program; and the repeal of portions of the rules governing Definitions for Higher Education Programs, governing Definitions for Satisfactory Academic Progress, the State Grant Program, and the Nursing Grant Program for Persons of Color. The amendment to the State Grant rules adds a subpart relating to the calculation of fourth quarter or third semester awards. The amendment to the State Work Study rules clarifies an "eligible employer" and an "eligible recipient" for purposes of this program. The amendment to the Public Safety Officer's Survivor Grant Program clarifies who is an eligible recipient for this program. The amendment to the Nursing Grant Program for Persons of Color rules adds language relating to the calculation of refunds to this program should a grant recipient fail to enroll or reduces enrollment, and the institution is unable to utilize the grant funds for another eligible student.

The repealer language relates to the repeal of the definition for "designated rural area," all definitions relating to "satisfactory academic progress," language relating to monetary awards and minimum award amount for purposes of the State Grant Program, and the language relating to change of address and service status verification for purposes of the Nursing Grant Program for Persons of Color.

Persons Affected. The proposed amendments noted above would likely affect the following persons:

State Grant Program amendment— Minnesota institutional financial aid officers and state grant recipients receiving fourth quarter or third semester awards.

Work Study Program amendment— Minnesota institutional financial aid officers and students receiving state work study funds.

Public Safety Officer's Survivor Grant Program— Minnesota institutional financial aid officers and grant recipients.

Nursing Grant Program for Persons of Color— Minnesota institutional financial aid officers.

The proposed repealer language would likely affect the following persons:

Definitions for Higher Education Programs (designated rural area definition)— would not affect anyone. This definition is not currently needed for any currently operational programs. The definition is obsolete.

Definitions for Satisfactory Academic Progress— would not affect anyone. These definitions are no longer needed. The definitions are obsolete.

State Grant Program— Minnesota institutional financial aid officers and grant recipients.

Nursing Grant Program for Persons of Color — Minnesota institutional financial aid officers and grant recipients.

Statutory Authority. *Minnesota Statutes*, 136A.01, subd. 2(8) authorizes the Higher Education Services Office to adopt rules for the administration of programs under its supervision.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on May 11, 1998. The Higher Education Services Office does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Higher Education Services Office has prepared a draft of the planned rules amendments and the repealer.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to: Mary Lou Dresbach, Higher Education Services Office, 400 Capitol Square Bldg., 550 Cedar Street, St. Paul, MN 55101, (612) 296-3974(ext. 3036). TTY users may call the Minnesota Relay Service at 1-800-627-3529 to contact the Agency Contact Person indicated above.

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.

Department of Labor and Industry

Labor Standards Division

Notice of Additions to Prevailing Wage Rates

Two additional classes of Labor, **Code 430, Wiring System Technician and Code 431, Wiring Systems Installer**, have been determined for the Commercial Prevailing Wage Rates in **Rice County** which were certified 10/20/97.

An additional class of Labor, **Code 418, Plasterers**, has been determined for the Commercial Prevailing Wage Rates in **Todd County** which were certified 10/20/97.

Copies of the additional certifications may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or by calling (612) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and 50 cents for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich
Commissioner

Legislative Coordinating Commission

Board of Trustees Candidate Advisory Council

Candidates Sought for the Board of Trustees of the Minnesota State Colleges and Universities (MnSCU)

The Board of Trustees Candidate Advisory Council is currently seeking candidates for the Board of Trustees of the Minnesota State Colleges and Universities to fill four positions on the Board, one in congressional district 7 as well as 3 at-large seats.

The Council is responsible for recruiting and recommending candidates to the governor for appointment to the Board of Trustees. Members of the Board of Trustees receive per diem and expenses.

For further information and/or application forms, please contact Barb Patterson at (612) 296-9002, 85 State Office Building, St. Paul, MN 55155. Applications must be received by 5:00 p.m. March 16, 1998.

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Meeting of the Ombudsman for Mental Health and Mental Retardation Advisory Committee

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting from 9:00 a.m. until 1:00 p.m. on Thursday, March 19, 1998. The meeting will be held in Suite 400, Small Conference Room, Metro Square Building on 7th and Robert Street, St. Paul.

Pollution Control Agency

Advance Notice of Plans to Adopt Federal Rules And to Correct Rules Governing Hazardous Waste, Minnesota Rules, Chapters 7001 and 7045

Subject of Notice. This is an advance notice, pursuant to Minnesota's Administrative Procedures Act, that no sooner than 60-days from now, the Minnesota Pollution Control Agency (Agency) plans to propose rules governing hazardous waste (affecting *Minnesota Rules*, Chapters 7001 and 7045).

The Agency plans to adopt federal rules and to correct minor errors in existing rules. This will keep Minnesota's hazardous waste program equivalent to the federal program (neither less stringent nor broader in scope), improve the accuracy of existing rules, improve consistency between states, and enhance proper management of hazardous waste in Minnesota. By adopting these rules, the State assumes primacy for enforcing them.

The U.S. Environmental Protection Agency (EPA) requires states with EPA authorization (like Minnesota) to keep their programs equivalent to the EPA's. The EPA requires authorized states to adopt only those federal rules which increase program stringency. However, it also encourages those states to adopt optional federal rules (those which reduce requirements) to enhance consistency and to reduce regulatory burdens.

Following is a primary list of EPA hazardous waste rules that the Agency plans to adopt, in one or more rule packages, listed by their EPA checklist numbers. Please see your library or the internet for the *Federal Register* articles containing the rule text associated with these checklists. Additional information about EPA hazardous waste rules and state adoption status can be found at an EPA web site [www.epa.gov/epaoswer/hazwaste/state/index.htm]:

Checklist 108 (adopted under authority of the Hazardous and Solid Waste Amendments of 1984 [HSWA]), entitled Toxicity Characteristics Revisions: Technical Corrections. This provision was promulgated in Vol. 57 of the *Federal Register* (FR), page 30657 (57 FR 30657), on July 10, 1992;

Checklist 109 (HSWA), Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (57 FR 37194 on August 18, 1992);

Checklist 110 (HSWA), Coke Byproduct Listings (57 FR 37284 on August 18, 1992);

Checklist 113 (HSWA and the Resource Conservation and Recovery Act of 1980 [RCRA]; only required HSWA segments are adopted at this time) Consolidated Liability Requirements (53 FR 33938 on September 1, 1988 and 57 FR 42832 on September 16, 1992);

Checklist 115 (HSWA), Chlorinated Toluene Production Waste Listing (57 FR 47376 on October 15, 1992);

Checklist 116 (HSWA), Hazardous Soil Case by Case Capacity Variance (57 FR 47772 on October 20, 1992);

Checklist 117B (HSWA), Toxicity Characteristic Amendment (57 FR 23062 on June 1, 1992);

Checklist 118 (HSWA), Liquids in Landfills II (57 FR 54452 on November 18, 1992);

Checklist 123 (HSWA), Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (58 FR 28506 on May 14, 1993);

Checklist 124 (HSWA), Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (58 FR 29860 on May 24, 1993);

Checklist 126 (HSWA), Testing and Monitoring Activities (58 FR 46040 on August 31, 1993 as amended September 19, 1994, at 59 FR 47980);

Checklist 128 (HSWA), Wastes From the Use of Chlorophenolic Formulations in Wood Surface Protection (59 FR 458 on January 4, 1994);

Checklist 131 (HSWA), Recordkeeping Instructions; Technical Amendment (59 FR 13891 on March 24, 1994);

Checklist 132 (HWSA), Wood Surface Protection; Correction (59 FR 28484 on June 2, 1994);

Checklist 134 (HWSA), Correction of Beryllium Powder (P015) Listing (59 FR 31551 on June 20, 1994); and

Checklist 154 (HWSA), Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers (59 FR 62896-62953 on December 6, 1994; 60 FR 26828-26829 on May 19, 1995; 60 FR 50426-50430 on September 29, 1995; 60 FR 56952-56954 on November 13, 1995; 61 FR 4903-4916 on February 9, 1996; 61 FR 28508-28511 on June 5, 1996; and 61 FR 59932-59997 on November 25, 1996).

The Agency may adopt additional federal rules needed to maintain its program authorization. Also, the EPA will occasionally ask states to delay adopting a rule or the Agency may postpone adopting certain rules.

This plan involves only *Minnesota Rules*, Chapters 7001 and 7045 governing hazardous waste. This will modify some existing rule parts (most of which are listed below) and will create some new parts—all within chapters 7001 and 7045: 7001.0550, 7001.0560, 7001.0650, 7001.0730, 7045.0020, 7045.0065, 7045.0075, 7045.0102, 7045.0120, 7045.0125, 7045.0131, 7045.0135, 7045.0139, 7045.0141, 7045.0292, 7045.0450, 7045.0458, 7045.0486, 7045.0490, 7045.0498, 7045.0502, 7045.0518, 7045.0528, 7045.0538, 7045.0550, 7045.0552, 7045.0564, 7045.0594, 7045.0600, 7045.0608, 7045.0610, 7045.0620, 7045.0628, 7045.0630, 7045.0638, 7045.0650, 7045.1300, 7045.1309, 7045.1315, 7045.1335, 7045.1336, 7045.1337, 7045.1350, 7045.1355, 7045.1358, 7045.1359, 7045.1360, and 7045.1380.

Persons Affected. These rules will affect certain businesses which manage hazardous wastes in Minnesota. However, most of these rules are already effective in Minnesota under federal authority.

Rules which the EPA promulgates under authority of the Resource Conservation and Recovery Act (RCRA), and which increase stringency, are effective under federal authority in Minnesota on the earlier of the State rule's effective date or two years after the federal effective date. Rules which the EPA promulgates under authority of the Hazardous and Solid Waste Amendments to RCRA (HWSA) are effective in Minnesota on their federal effective date. Only those rules which EPA designates as optional (by virtue of their being less stringent) do not automatically take effect in Minnesota.

Statutory Authority. *Minnesota Statutes*, section 116.07, powers and duties, subdivision 4, rules and standards, allows the Agency, pursuant to chapter 14, to "adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for generators of hazardous waste, the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and the location of hazardous waste facilities...."

Minnesota Statutes, section 14.06, requires: "(a) Each agency shall adopt rules, in the form prescribed by the revisor of statutes, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public. (b) Upon the request of any person, and as soon as feasible and to the extent practicable, each agency shall adopt rules to supersede those principles of law or policy lawfully declared by the agency as the basis for its decisions in particular cases it intends to rely on as precedents in future cases...."

Public Comment. The Agency will provide instructions for commenting when it proposes rules. You may request direct notice of proposed rules. The Agency has no plans to impanel a rule advisory committee as it plans to adopt the federal rules without significant change. You may comment on this plan; however, the Agency is required to include in its rule record only those comments received as prescribed after it officially proposes rules.

Rules Drafts. There are no draft rules at this time. Proposed rules will closely reflect their required, parent, federal rules associated with the checklists described above. The Agency will propose draft rules for comment in the *State Register* no sooner than 60-days from this notice.

Agency Contact Person. You should mail any comments, questions, or requests to Nathan Cooley, MPCA/HWD/PDS, 520 Lafayette Road, St. Paul, Minnesota 55155. You may also call Nathan at (612)297-7544 (voice), (612)297-8676 (fax), or (612)282-5332 (TTY) during normal business hours, or send him an e-mail at [nathan.cooley@pca.state.mn.us]. Finally, you may track activities at the Agency web site [www.pca.state.mn.us] and access rules or statutes at the web site for Minnesota's Revisor of Statutes [www.revisor.leg.state.mn.us].

Alternative Format. The Agency can provide documents in formats such as large print, Braille, or cassette tape. Please request assistance from the listed Agency contact person.

Peder Larson, Commissioner
Minnesota Pollution Control Agency

Pollution Control Agency

Groundwater & Solid Waste Division

Request for Comments on Planned Rule Governing Listed Metals In Specified Products Program

Subject of Rule. The Minnesota Pollution Control Agency (MPCA) requests comments on its planned rule governing procedures for the Listed Metals in Specified Products Program created by *Minnesota Statutes* section 115A.9651. The MPCA is considering a rule that will establish procedures governing the activities of the Listed Metals Advisory Council (Council) created under *Minnesota Statutes*, section. 115A.9651, subd. 5. The Council will make recommendations to the Commissioner of the MPCA regarding which specified products (as defined by *Minnesota Statutes*, section 115A.9651, subd. 2(i)) containing listed metals (as defined by *Minnesota Statutes*, section 115A.9651, subd. 2(e)) should be prohibited from distribution, sale or use in this state.

Persons Affected. The rule would likely affect persons who use or manufacture specified products which contain the listed metals. The MPCA does not contemplate appointing an advisory committee to comment on the planned rule. The planned rule will be discussed at a meeting or meetings of the Council.

Statutory Authority. *Minnesota Statutes*, section 115A.9651, subd. 11, authorizes the MPCA to adopt rules for implementation of the program described by *Minnesota Statutes* section 115A.9651.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on May 12, 1998. The MPCA has not yet prepared a draft of the planned rule. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on this planned rule should be addressed to:

Bill Dunn
Groundwater & Solid Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
(612) 282-2663
E-mail: bill.dunn@pca.state.mn.us

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

Peder Larson
Commissioner

Pollution Control Agency

Air Quality Division

Requests for Comments on Planned Rules Governing Medical Waste Incinerators, *Minnesota Rules* Chapter 7011

Subject of Rule: The Minnesota Pollution Control Agency (MPCA) requests comments on its proposal to initiate rulemaking in order to incorporate into state rules recently promulgated federal regulations governing medical waste incinerators. The MPCA is considering rule amendments in order to comply with federal law.

The U.S. Environmental Protection Agency (EPA) promulgated standards of performance for medical waste incinerators on September 15, 1997 (62 *Federal Register* 48348). Because the federal standards are more restrictive than current state standards, the MPCA intends to amend its rules governing waste incinerators (*Minnesota Rules* 7011.1201 - 7011.1290) to reflect the federal standards. The proposed rulemaking would address:

1. More stringent air emission standards for medical waste incinerators.
2. Recordkeeping and reporting for medical waste incinerators.
3. Performance test requirements for medical waste incinerators.
4. Operator training and certification.
5. Imposing compliance schedules for existing medical waste incinerators.

Persons Affected: The proposed amendments to the rules identified above would affect hospitals in Minnesota currently operating a medical waste incinerator, and those parties or businesses that rely on commercial incineration for disposal of medical wastes. The MPCA does not contemplate appointing an advisory committee to comment on the planned rule.

Statutory Authority: *Minnesota Statutes* § 116.07, subd. 4, authorizes the MPCA to adopt rules and standards for the prevention, abatement and control of air pollution.

Public Comment: Interested persons or groups may submit comments or information on this proposal for rulemaking in writing or orally until 4:30 p.m. on April 8, 1998. The MPCA has not yet prepared a draft of the planned rule amendments. Written comments, requests to receive a draft of the rule when it has been prepared, and requests for more information on this planned rule should be addressed to:

Anne M. Jackson, P.E.
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

The MPCA will receive oral statements and questions during regular businesses hours over the telephone at (612) 296-7949 and in person at the above address.

Note: Comments submitted in response to this notice will be considered in drafting the rule, but will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Peder A. Larson
Commissioner

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

The Department of Public Safety, Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meeting on March 12, 1998. The meeting will begin at 9:00 a.m. and will be held at the Minnesota Auto Theft Prevention Program (MATPP) office located at 1110 Centre Pointe Curve, Suite 405, Mendota Heights, MN. (Hwy 110 and Lexington Ave., west of Hwy 35W (South) on the south side of the GNB Technologies Bldg.). Meetings are open to the public. For more information you may contact the MATPP office at (612/405-6155).

Teachers Retirement Association

Notice of Meeting of the Board of Trustees

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, March 27, 1998 at 9:30 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

Official Notices

Department of Transportation

Petition of the City of Anoka for a variance from State Aid requirements for AFTER-THE-FACT PLAN APPROVAL

NOTICE IS HEREBY GIVEN that the Anoka City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to proposed construction projects, known as S.A.P. 104-122-09-; 104-139-01; and 104-140-02 in the City of Anoka, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow State Aid plan approval after the required plan approval prior to award of contract.

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

Dated: 21 February 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the City of Brooklyn Center for a variance from State Aid requirements for AFTER-THE-FACT PLAN APPROVAL

NOTICE IS HEREBY GIVEN that the Brooklyn Center City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a construction project on Municipal State Aid Street Nos. 109 and 125 (69th Avenue North), between Shingle Creek Parkway and Beard Avenue in the City of Brooklyn Center, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow plan approval by the State Aid Engineer after award of contract, in lieu of the required plan approval prior to award of contract on the construction project on 69th Avenue North, known as State Aid Project Nos. 109-109-26; 109-125-08 in Brooklyn Center, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

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

Dated: 18 February 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Administration

Governor's Council on Developmental Disabilities

Request for Proposal for a Grant Contract - Organizational Excellence: Moving Towards Quality Performance

The Governor's Council on Developmental Disabilities is pleased to announce that it is seeking proposals from qualified agencies or organizations with experience and expertise in working with leaders and/or an organization's senior leadership to identify organizational strengths and areas for improvement, utilizing a quality framework modeled on the Malcolm Baldrige National Award Criteria, and working in concert with the Council to achieve organizational goals and high levels of performance in a results-oriented environment.

A total of \$40,000 in federal funds is available under provisions of the Developmental Disabilities Assistance and Bill of Rights Act of 1996 (P.L. 104-183). One award will be made to the successful applicant.

For further information or to request a copy of the Request for Proposal, please contact:

Colleen Wieck, Ph. D., Executive Director
Governor's Council on Developmental Disabilities
300 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
(612) 296-4018 Voice (612) 296-9962 TTY
e-mail: admin.dd@state.mn.us

Department of Children, Families & Learning

Office of Community Services

Availability of Federal Funds for Adult Basic Education

The Minnesota Department of Children, Families and Learning announces the availability of funds for the 1998-1999 school year to subsidize Adult Basic Education under Public Law 91-230, as amended.

The purpose of Public Law 91-230 is to continue providing and expanding the availability of appropriate learning opportunities for adults with education needs below the level equivalent to high school completion that will:

1. Enable these adults to acquire the basic literacy, coping and learning-to-learn skills necessary to function fully and effectively in their own environments and in society at large;
2. Enable these adults who so desire to continue their education to at least the level of secondary school completion, and;
3. Enable these adults to secure and benefit from continued training and education that will further enhance their employability, productiveness, and responsible citizenship.

Applications for program design approval and funding to carry out the purposes of this act may be submitted by local educational agencies and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

Application procedures and forms may be obtained after April 1, 1998, by writing to: Adult Basic Education, Minnesota Department of Children, Families and Learning, 259 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. To be considered for approval all completed applications must be delivered to the Department of Children, Families and Learning on or before June 1, 1998.

Office of Technology

Notice of Availability of Grant Funds for Initiative to Develop Community Resources in Information and Telecommunications Technology

NOTE: THE DEADLINE FOR GRANT APPLICATIONS HAS BEEN EXTENDED TO JUNE 1, 1998.

The Minnesota Office of Technology is authorized to offer grants that will assist communities in developing resources in the area of information and telecommunications technology. The goal of the initiative is to build the capacity of citizens, businesses, communities and regions of the state to use information and telecommunications technology in developing sustainable communities and thriving economies. This initiative will also facilitate the transition into the market-based and competitive environment of information and communications technology. The Office of Technology will award grants as seed funding for community-based development that encourages public-private partnerships to foster effective information and telecommunications technology use and integration into the community.

Appropriation

The Office of Technology received an appropriation for the FY 1998-1999 biennium for this initiative. The Office plans to award two or three grants in the range of \$50,000 - \$125,000 each.

Eligibility

Applications for grant funds will be accepted from nonprofit organizations; units of local government including cities, school districts; and regional entities such as regional development commissions, regional initiative funds or regional technology consortia.

Grant requirements

Grant applicants must:

1. Show evidence of, or intent to do, cooperative funding and planning between sectors, including but not limited to, private sector providers, public sector technology investments, library systems, health care providers, businesses, schools and other educational institutions, and the non-profit sector; and
2. Agree to form local and regional information and telecommunications technology coordination committees or modify similar, existing committees to be more inclusive of other sectors and undertake comprehensive planning across those sectors to leverage public and private investments in information and telecommunications technology to the maximum benefit of all citizens.

Deadline for proposals

Interested applicants should request an application package from the Office of Technology. Completed applications must be received at the Office of Technology by 4:00 p.m. on Monday, June 1, 1998.

For more information or to request an application package, contact:

Eileen McCormack
Minnesota Office of Technology
First National Bank Building
332 Minnesota St., E1100
St. Paul, MN 55101-1322
(612) 296-1415
e-mail: eileen.mccormack@state.mn.us

Professional, Technical & Consulting Contracts

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, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

Department of Administration

InterTechnologies Group

Request for Proposal for Computing and Network Operation Baseline Study

Executive Summary

The State of Minnesota, Department of Administration InterTechnologies Group (InterTech) is accepting proposals from qualified and experienced firms for computing and network operation baseline study.

The purpose of this Request for Proposal (RFP) is to acquire the services of a firm possessing specialized expertise and a data base of related information which provide InterTech an independent third-party review and neutral objective analysis of the costs and rates associated with services offered by InterTech. The contractor will be required to conduct a baseline assessment comparing InterTech to other high-caliber organizations including other states and service bureaus to evaluate its performance and cost effectiveness.

Proposal Submission Date: April 6, 1998

Prospective responders who would like a copy of the complete RFP or have any questions regarding this Request For Proposal may call or fax:

Roger Bacchus, Contract Services
InterTechnologies Group
Phone: 612.296.5108
Fax: 612.297.5368

North Hennepin Community College

Request for Proposal (RFP) for Food Service at North Hennepin Community College

Introduction: North Hennepin Community College, Brooklyn Park, is soliciting bids for the management of its Food Service, beginning July 1, 1998.

Proposal Due Date: Vendor proposals are due no later than March 30, 1998. Proposals must be submitted to Kitty Hennemann, Director of Student Life, North Hennepin Community College, 7411 85th Ave N., Brooklyn Park, MN 55445. Specifications can be obtained by calling 424-0803.

Site Inspection and Briefing: North Hennepin Community College will host a briefing session and site inspection March 16, 1998, from 7:30 p.m. to 9:00 p.m. for interested bidders. Call Kitty Hennemann at 424-0803 to schedule an appointment.

Proposal Issue Date: February 23, 1998.

Rochester Community and Technical College

Request for Bids for Food Service and Catering Needs

The Rochester Community and Technical College (RCTC) is announcing that we will be accepting bids for our food service and catering needs. The contract will be awarded for two (2) years, beginning on **July 1, 1998** with a two (2) year renewal option.

Interested organizations should send a letter of inquiry requesting a copy of the specifications. All such inquiries must be received by **Friday, March 20, 1998**.

Professional, Technical & Consulting Contracts

An informational meeting will held on **Friday, March 27, 1998** for all interested bidders. Bids will need to be submitted no later than **Friday, April 17, 1998**.

RCTC will announce the award on **Friday, May 15, 1998** with the contract commencing on **Wednesday, July 1, 1998**.

All inquiries should be addressed to:

June Meitzner
Purchasing
851 30th Ave SE
Rochester, MN 55904-4999
(507) 285-7213
jmeitzner@ucrpo.roch.edu

Department of Commerce

Notice of Request for Proposals for Services to be Provided to the Minnesota Joint Underwriting Association for the Purpose of Conducting a Balance Sheet Audit

The Minnesota Joint Underwriting Association intends to contract with one organization to provide the services according to the specifications issued.

Interested parties should call (612) 222-0484 to obtain the Formal Request for Proposals (RFP).

Any questions relating to the RFP, or the services to be provided, should be directed to:

Beth Devine
Minnesota Joint Underwriting Association
Pioneer P.O. Box 1760
St. Paul, MN 55101

Proposals must be submitted by March 31, 1998.

Department of Corrections

Notice of Request for Proposals for Providing Program Development and Psychoeducational Services for Incarcerated Sex Offenders

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility (MCF)-Lino Lakes is requesting proposals for providing program development and psychoeducational programming to incarcerated sex offenders in the Pre-Release Program. The contract period will run from May 15, 1998, through June 30, 1999. Compensation will be provided by the Department of Corrections at \$25 per hour for an approximate 12 hours per week.

Specific details on the purpose and scope of these services can be obtained by calling Elizabeth Telke at 612/717-6124.

Proposals must be submitted by 4 p.m. March 30, 1998, to: Elizabeth Telke, Activities Coordinator, MCF-Lino Lakes, 7525 Fourth Avenue, Lino Lakes, Minnesota 55014.

Department of Health

Lead Program

Request for Proposals for "Lead Education Needs Assessment Telephone Survey"

The Minnesota Department of Health (MDH) Lead Program requests proposals from qualified organizations to implement a telephone survey to assess the lead education needs of persons living in greater Minnesota. Staff from the MDH Lead Program know that individuals living in greater Minnesota - defined for this purpose as those living outside the seven-county, Twin Cities metropolitan area - are affected by lead poisoning. However, they know little about the specific knowledge, attitudes, and behaviors of these Minnesotans. The approximately 10 minute telephone survey will specifically query families of young children aged birth to

72 months about their knowledge, attitudes, and preventive behaviors. A draft survey will be provided by Lead Program staff, to be finalized and pretested by the contracting organization. Research design capability, sampling design capability, knowledge of research methods, and organizational staffing capacity of the organization will all be assessed in the proposal.

Those interested in receiving the complete request for proposal document may contact:

Andrea Michael
Health Educator, Lead Program
Minnesota Department of Health
121 East 7th Place, Suite 220
P.O. Box 64975
St. Paul, Minnesota 55164-0975
(612) 215-0891

Proposals are due no later than 4:00 p.m., March 30, 1998

Department of Natural Resources

Request for Proposal for Itasca State Park Visitor Management Plan, Visitor Center Plan and Specific Use Area Design Plans

This Request for Proposal does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

A. Scope of Project

This project will prepare an addendum to the Itasca State Park Management Plan addressing visitor management, a new visitor center facility plan and specific use area plans for the Douglas Lodge area, Headwaters area, picnic area, and Landmark Trail area.

B. Goals and Objectives

1. Based upon existing visitor studies and park management plan descriptions, develop a visitor management plan for Itasca State Park that will address interpretive and visitor orientation needs throughout the park.
2. Identify functions, design theme, site design and cost estimate plan for a new park visitor center including a re-evaluation of the location for this new facility.
3. Determine traffic flow, road, parking and facility changes for the park with detailed site plans for the new visitor center site, Douglas Lodge area, Headwaters area, Picnic area, and Landmark Trail area.

C. Project Tasks

This project will include the following tasks:

1. Analyze park visitation characteristics, including use patterns of different user groups and their orientation and interpretive needs based on existing visitor surveys and draft sections of park management plan. (Does not require new research or survey.) Using visitation characteristics and interpretive themes from draft park management plan sections, identify interpretive and orientation facility needs. This would include indoor and outdoor orientation facilities, indoor displays and exhibits, indoor programming spaces, outdoor amphitheater, wayside exhibits and kiosks, etc.
2. Using the list of needed interpretive and orientation facilities, prepare a preliminary analysis of preferred locations for each interpretive facility based on resources, clientele, seasonal use patterns, existing conditions, and other characteristics of park use.
3. Determine options for traffic flow, roads, parking, and facility changes for each of the five areas listed under B.3., based on the draft park management plan's recommendations for each area, the visitor needs assessment and interpretation and orientation facility locations determination. Provide detailed site plan drawings of recommended design plan for each area.
4. Analyze and recommend which interpretive and orientation functions can best be co-located in a new park visitor center.
5. Analyze the benefits of co-locating other park functions within a new visitor center including park administration, entrance station functions, information materials/gift sales, or other operations.
6. Re-evaluate the east contact station area for this new visitor center, assessing whether visitation needs can be met and functions are appropriate at this location. Assess/identify visual, cultural and natural resource development impacts at

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this location.

7. Determine a space program with program/function space relationships, and square footage analysis for functions to be included in new visitor center by assessing visitor needs and use patterns and describing a visitor experience model.
8. Based on themes and objectives for orientation and interpretation needs at this new visitor center, prepare concept plans for interior and exterior orientation/information and interpretive exhibits.
9. Determine and propose a visitor center design theme.
10. Based on the design theme and functions identified for the new visitor center, review and recommend any adjustments necessary in the existing cost projections for landscaping, parking, utilities, and construction.
11. Based on earlier determination of interpretive facilities needs, prepare additional detailed concept design drawings and cost estimates for the Headwaters Area, picnic area (including concept design for new amphitheater), Landmark Trail area roads/parking area, and other park areas with major visitor services changes.

D. Department Contacts

Prospective responders who have any questions regarding this Request for Proposal may call:

Bryce Anderson, Regional Naturalist (218) 755- 2869

Please note: Other department personnel are not allowed to discuss the project with responders before the submittal of proposal deadline.

E. Submission of Proposals

All proposals must be sent to and received by:

Bryce Anderson, Regional Naturalist
DNR Parks & Recreation
2115 Birchmont Beach Road NE
Bemidji, MN 56601

not later than 4:30 p.m., March 27, 1998.

Late proposals will not be accepted. Submit two copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

F. Project Costs

The department has estimated that the cost of this project should be \$20,000-40,000.

G. Project Completion Date

The project will be completed by September 30, 1998, or within 5 months from the date of project authorization.

H. Proposal Contents

The following will be considered minimum contents of the proposal:

- 1.) A restatement of the objectives, goals and tasks to show or demonstrate the responder's view of the nature of the project.
- 2.) Identify and describe the deliverables to be provided by the responder.
- 3.) Outline the responder's background and experience with particular emphasis on local, state, and federal government work. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the State Project Director/Manager.
- 4.) Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool as well as the basis for invoicing.
- 5.) Identify the level of the Department's participation in the project as well as any other services to be provided by the Department.
- 6.) List of references.

I. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department of Natural Resources. In some instances, an interview will be part of the evaluation process. Factors, and the percent of total evaluation upon which proposals will be judged include, but are not limited to, the following:

- 1.) Expressed understanding of project objectives-5%.
- 2.) Project work plan-20%.
- 3.) Project cost detail-25%.

- 4.) Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm-50%.

It is anticipated that evaluation and selection will be completed by April 1, 1998. Results will be sent immediately by mail to all responders.

J. Attachments

Exhibit A - Location map of Itasca State Park

K. Other Materials

A copy of the draft sections of the Itasca State Park Management Plan and 1993 Study of Visitor Experiences and Benefits can be obtained from Ron Nickerson, Park Planner, DNR Parks & Recreation, 500 Lafayette Road, Box 39, St. Paul, MN 55155-4039, phone (612) 296-6669.

Department of Natural Resources

Waters Division

Notice of Request for Proposals for Development of MODFLOW model of the Straight River

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources, Waters Division is requesting proposals to produce a MODFLOW of the Straight River watershed. This model is to provide a predictive tool for management of the Straight River watershed. In addition to the construction of the physical model, it is intended that the DNR Waters contact person will acquire a working knowledge of the model construction so the model can be easily modified to account for future land use or hydrologic changes.

Tasks needed by the DNR-Waters Division include, but are not limited to: meeting with DNR staff; MODFLOW model development and refinement; MODFLOW calibration and verification-steady state; MODFLOW calibration and verification-transient conditions; model sensitivity analysis; develop methodology for exporting files to ArcView; prepare modeling report.

Proposals must not exceed \$25,000 due to funding limitations. Proposals must be received no later than 4:00 p.m. March 26, 1998.

To obtain a copy of the complete Request for Proposal, contact:

Jay Frischman
DNR-Waters
500 Lafayette Road, Box 32
St. Paul, MN 55155-4032
(612) 296-0517

Pollution Control Agency

Request For Proposals for Multi-Site Contract to Conduct Investigation and Corrective Action at Aboveground and Underground Petroleum Storage Tank Release Sites

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking proposals from consultants/contractors qualified to conduct investigations and take other corrective actions at sites where a release of petroleum from a storage tank has occurred or is suspected. The MPCA desires to contract with these qualified consultants/contractors for services during fiscal year 1999 and fiscal year 2000. No actual work or payment is guaranteed pursuant to the contract.

The term of the contract will be two years with an execution date anticipated for July 1, 1998. The MPCA may contract with multiple consultants/contractors and the MPCA reserves the right to limit the number of parties to the contract.

A complete Request for Proposal (RFP) describing the requirements necessary for the contract has been prepared. Requests for the complete RFP document should be directed to:

Jayne Stilwell Lamb
Minnesota Pollution Control Agency
Tanks and Emergency Response Section
520 Lafayette Road
St. Paul, Minnesota 55155
612/297-8584 (Voice)

Professional, Technical & Consulting Contracts

612/297-8676 (Fax)

Proposers should submit in writing a list of questions they would like addressed. Questions must be faxed or mailed to Jayne Stilwell Lamb and received by 4:00 p.m. on March 27, 1998.

The deadline for receipt of completed proposals is 2:00 p.m. on April 22, 1998. Proposals should be submitted to the attention of the above MPCA contact person. Late submittals will not be accepted.

Peder A. Larson
Commissioner

Department of Public Safety

Office of Traffic Safety

Notice of Request for Proposals for Law Enforcement Liaisons

The Minnesota Department of Public Safety is seeking proposals for a peace officer (may be retired) to act as a liaison with the law enforcement community in Southern Minnesota on federally funded traffic safety programs. Details are contained in a Request for Proposals which may be obtained free of charge by calling or writing:

Contact: Susan J. Palmer
Telephone: (612) 296-8512
TTY: (612) 297-2100
Address: Department of Public Safety
Office of Traffic Safety
444 Cedar Street, Suite 150
St. Paul, Minnesota 55101-5150

This is the only person designated to answer questions regarding this request for proposals. Estimated total cost of the contract is \$25,000.00. Final date for submitting proposals is Friday, March 20th, 1998 by 4:00 P.M.. The Department of Public Safety will retain an option to extend the contract for two additional one-year periods.

Department of Revenue

Request for Proposal for Building Network Infrastructure

The Minnesota Department of Revenue is moving its headquarters from 10 River Park Plaza in St. Paul to a new 380,000 square foot building being constructed at 600 North Robert Street, St. Paul, MN 55105. The Department of Revenue is requesting proposals for a comprehensive network infrastructure which includes equipment, management software, installation, and training. The physical cabling will be in place and tested prior to the installation of the network electronics. Cabling is not part of the scope of this request.

The specification for the project will be mailed out and will be available on March 9, 1998. For a complete Request for Proposal, please fax request or call:

Don Olson, Acquisition Management Specialist
Materials Management
Telephone: (612) 296-3771
Fax: (612) 297-3996

Vendors must submit any questions about the RFP in writing by 4:00 p.m., March 16, 1998. Questions must be faxed to Don Olson.

A pre-proposal meeting will be held on March 20, 1998 at 10:00, for interested vendors at 10 River Park Plaza, St. Paul in the Skjegstad Room, 8th floor.

The last date to present written questions is March 23, 1998.

Addenda resulting from questions will be issued no later than March 26, 1998.

Proposals are due no later than 3:00 p.m. on Tuesday, April 7, 1998. No late proposals will be accepted.

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 *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 project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Hennepin County

Notice of Bridge Offering

Washington Avenue North Bridge

Notice of Availability of a Historic Bridge Pursuant to the Surface Transportation and Uniform Assistance Act of 1987, Section 123(f).

The Hennepin County Department of Transportation hereby offers Bridge 6992 to any state or local government agency or responsible private entity who is interested in moving and rehabilitating it for preservation purposes. The bridge is located on Washington Avenue North in the Minneapolis Warehouse Historic District between 3rd Avenue North and 5th Avenue North. It spans the Burlington Northern and Santa Fe Railroad tracks.

Bridge 6992 was constructed in 1891 by the Great Northern Railway Company. It is a single span, through Pratt truss bridge, 109 feet in length. Lateral beams approximately 4 feet deep are suspended on hangers from the three overhead trusses that support the 68 foot wide roadway deck. The middle overhead truss separates the two eastbound traffic lanes from the two westbound traffic lanes. Traffic is carried on a timber sub-floored concrete deck. Pedestrian sidewalks, 14 feet wide, are cantilevered off the main structure on each side.

SCOPE OF WORK

The bridge must be dismantled, rehabilitated, and relocated to allow the county's contractor to construct a new bridge on the same location. The bridge must be removed within one month after the replacement bridge's construction starting date, which is scheduled to be April 15, 1999.

The removal will include the bridge steel superstructure, the stone block abutments and 120 feet of retaining wall. The bridge removal process is the recipient's discretion. Care should be taken to avoid damage to the bridge members that are to be saved.

In order to preserve the historic integrity of the structure, the recipient must agree to rehabilitate and maintain the structure according to the Secretary of Interior's "Standards for Rehabilitation." Additionally, the recipient must obtain approval for the relocation site from the Minnesota State Historic Preservation Office (MnSHPO) and may be required to conduct an archaeological survey of the site depending on the MnSHPO evaluation of archaeological potential.

Rehabilitation of the bridge will consist of the following:

- Replace the entire floor system (concrete and timber deck, steel floor beams and stringers, and timber sidewalks).
- Replace the bottom chords, vertical members, and bearings of the trusses.
- Repair any other damaged members.
- Replace red lead paint system with paint meeting current Minnesota Pollution Control Agency standards.
- Reconstruct the stone block masonry abutments and retaining walls at the new location of the bridge.

ESTIMATED COST FOR REHABILITATION BY RECIPIENT

The estimated cost to salvage, repair, and re-erect the bridge is estimated to be \$1,000,000.00. The recipient can be reimbursed for costs incurred in such activities as relocation, site preparation, reassembling, rehabilitation, etc. Costs eligible for reimbursement to preserve this historic bridge will not exceed the estimated costs of demolition of the bridge. The estimated cost for demolition is approximately \$85,000.

EXPRESSION OF INTEREST

Recipients who wish to be considered for accepting the bridge must furnish specific information to demonstrate that they can and will proceed in a timely and responsible manner. Information should include the following:

- a description of the proposed new site
- the bridge's intended use
- a removal schedule

Non-State Public Bids, Contracts & Grants

In addition, the new owner(s) must enter into an agreement with Hennepin County with the following stipulations:

- accept title to the bridge
- maintain the bridge and the features that gave it historic significance
- assume all future legal and financial responsibility for the bridge, including an agreement to hold Hennepin County harmless in any liability action.
- provide a performance bond in the amount of \$1,000,000.

The following information is available at the Hennepin County Department of Transportation, 320 Washington Avenue South, Hopkins, Minnesota 55343 and can be obtained by contacting Bernie Jahn, Bridge Design Engineer, at 930-2521.

- bridge photographs
- information on the bridge's historical significance
- Bridge Rehabilitation Study, completed by a consultant, BKBM Engineers in 1990
- a Fracture Critical Inspection Report, completed by the Minnesota Department of Transportation in 1995

Submit interest statements to the above address by 4:00 PM on April 10, 1998. Upon selection, the Department of Transportation will negotiate an agreement with the recipient for approval by the Hennepin County Board of Commissioners.

Metropolitan Council

Notice of Availability of Funds from the Metropolitan Livable Communities Act Tax Base Revitalization Account

Purpose: The Metropolitan Livable Communities Act (*Minnesota Statutes*, Chapter 473.25) created a **Tax Base Revitalization Account** to make grants to clean up contaminated land for subsequent commercial/industrial re-development, job retention and job growth. Applications will be prioritized to the extent that they address the following: increase local tax base; create net gain in regional jobs; demonstrate market demand for proposed site; preserve and/or increase living wage jobs; promote compact development; provide living wage jobs; demonstrate public/private partnerships, and make more efficient use of current infrastructure capacity. This program is being coordinated with complementary programs at the Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Trade and Economic Development (DTED).

Eligible Applicants: Statutory or home rule charter cities that are participating in the Metropolitan Livable Communities Housing Incentives Program are eligible to apply; as are metropolitan counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington) and development authorities (e.g., Housing and Redevelopment Authority, Economic Development Authority or Port Authority) for projects in eligible communities.

Submission Date: An original and two (2) copies of each application are due at the Metropolitan Council, Attn: Wayne Nelson, 230 E. Fifth St., St. Paul, MN 55101, by 5 p.m., May 1, 1998.

Amount Available: Approximately \$2.65 million will be available for grants awarded this cycle. Grants will be awarded on a competitive basis. If applications for grants exceed the available funds for this cycle, no more than one-half of the funds may be granted to projects in a single city, and no more than three-quarters of the funds may be granted to projects located in cities of the first class.

For More Information: For a copy of the grant application guide and format, contact Wayne Nelson, Metropolitan Council staff, at 602-1406 or 291-0904 (TTY) or via e-mail: wayne.nelson@metc.state.mn.us.

Metropolitan Council Environmental Services

Public Notice for Letters of Interest for Programming and Design Development and Management for the Design/Build Project Metropolitan Wastewater Treatment Plant Work Space Improvements

NOTICE IS HEREBY GIVEN that the Metropolitan Council Environmental Services (MCES) is soliciting proposals for professional services for Programming and Design Development and Management for the design/build project MWWTP Work Space Improvements, Project Number 950500, which will provide new office and laboratory facilities at the Metropolitan Wastewater Treatment Plant.

The services to be provided include: develop laboratory workflow, define workspace layout, evaluate use of existing furniture and equipment, preliminary design of up to a 30,000 gsf facility, preparation of Request for Qualifications (RFQ) and Request for Proposals (RFP) for the procurement of Design/Build proposals to deliver the project, assist with RFQ and RFP evaluations, provide assistance in the negotiation of a design/build agreement, and provide assistance during design and construction.

The tentative schedule for selecting a consulting firm for this project is as follows:

Proposals Received	March 20, 1998
Select Consultant	Week of March 23, 1998
Negotiate final Contract Agreement	Week of March 30, 1998
Notice To Proceed given	Week of April 27, 1998

All firms requesting a Request For Proposal are invited to submit a Letter of Interest asking for the Request For Proposals package.

All inquiries are to be addressed to:

Administrative Assistant, Contracts and Documents
Metropolitan Council Environmental Services
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101

Metropolitan Council Environmental Services (Council)

Public Notice for Statements of Qualifications for Architectural, Structural, Civil, Environmental, Mechanical, Electrical, and Related Services for Professional Services in Support of In-House Projects

The COUNCIL is soliciting Statements of Qualifications (SOQ's) from parties interested in providing Professional Services in Support of In-House Projects. The COUNCIL intends to engage firms with specific Areas of Expertise in the disciplines of Architectural, Structural, Civil, Environmental, Mechanical, Electrical, (Power Distribution, Controls, Instrumentation, SCADA) and related technical services to complement its own staff in supporting its Business Units (MWWTP, Regional WWTP, Interceptors and Transit). Several firms will be prequalified and placed on retainer-type contracts not to exceed \$100,000 annually each.

The type of work envisioned for these firms includes providing supplemental design and technical assistance to COUNCIL staff on various council projects.

Firms interested in being considered for this work and wishing to receive an SOQ package are invited to submit a Letter Of Interest to:

Jan Bevins, Sr. Administrative Assistant
Metropolitan Council Environmental Services
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101

All inquiries regarding this SOQ are to be addressed to Harry Grounds at (612) 602-1811.

Non-State Public Bids, Contracts & Grants

Metropolitan Council

Request for Proposals for St. Croix Valley Transit Redesign Transit Service, for Metropolitan Council of Minneapolis, St. Paul, Minnesota

The Metropolitan Council seeks proposals from qualified firms with expertise in regular route transit for the St. Croix Valley Transit Redesign service. Qualified firms are encouraged to propose on the two year contract with two renewable two year terms for the operation of the Monday - Saturday service consisting of approximately 6,200 annual revenue hours. Drivers, trainers, and maintenance staff are required to be knowledgeable about the service and support the day to day operations. The selected proposers will also be required to provide three new medium sized buses.

Interested proposers may obtain an RFP from Ms. Traci Vibo, Administrative Assistant by either writing her 230 East 5th Street, St. Paul, MN 55101, faxing a request to (612) 602-1739, calling (612) 602-1701/(612) 291-0904 (TTY) or by e-mailing traci.vibo@metc.state.mn.us. A pre-proposal conference will be held on Monday, March 23, 1998 at 10:00 am CST, Mears Park Centre, 230 East 5th Street in the Chambers. Proposals must be received by Ms. Traci Vibo at Mears Park Centre, 230 East 5th Street, St. Paul, MN 55101 by 4:00 p.m. CST, Thursday, April 23, 1998.

Proposals received after this date and time will be rejected as non-responsive and be returned to the respondent unopened. The Metropolitan Council reserves the right to reject any and all proposals. The Metropolitan Council is not responsible for expenses incurred by proposers in the development of their proposals.

Minnesota Historical Society

Request for Proposals for Redesigning the Minnesota Historical Society's web site (<http://www.mnhs.org>)

The Minnesota Historical Society is seeking proposals from qualified consultants with experience in designing web sites.

This project includes the design of a new web home page and templates for major sections and content pages. The designs and templates will become the property of the Society and be used by Society staff to create web pages. The designs should: be easy to navigate; include navigation graphics; be visually interesting; be consistent with the Society's look (fonts, colors, etc.); convey that history is engaging; contain pictures of current Society activities and historic photographs (both provided by the Society).

Submission of Proposals

All proposals must be received by Jenna Gruen, Contracting Officer, or her agent, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 by 2:00 p.m. Central Time, Tuesday, March 31, 1998. A bid opening will be conducted at that time. Proposals must be submitted in a sealed envelope with the project name clearly written on the envelope. All proposals must be signed in ink by the proposer or an authorized member of the proposer's firm. Late proposals will not be considered.

Authorized agents for receipt of proposals are the following: Contracting Officer or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Proposals may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

There will be an optional pre-proposal meeting for all interested parties on Tuesday, March 17 at 2:00 pm at the Minnesota History Center in the Pillsbury Room. Samples of the Society's print materials as well as additional background and details about the project will be provided at this meeting.

The Request for Proposals is available by calling or writing Jenna Gruen, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone is (612) 297-5863 (jenna.gruen@mnhs.org).

Complete specifications and details concerning submission requirements are included in the Request for Proposals.

University of Minnesota

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

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID information Service.

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