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# STATE REGISTER

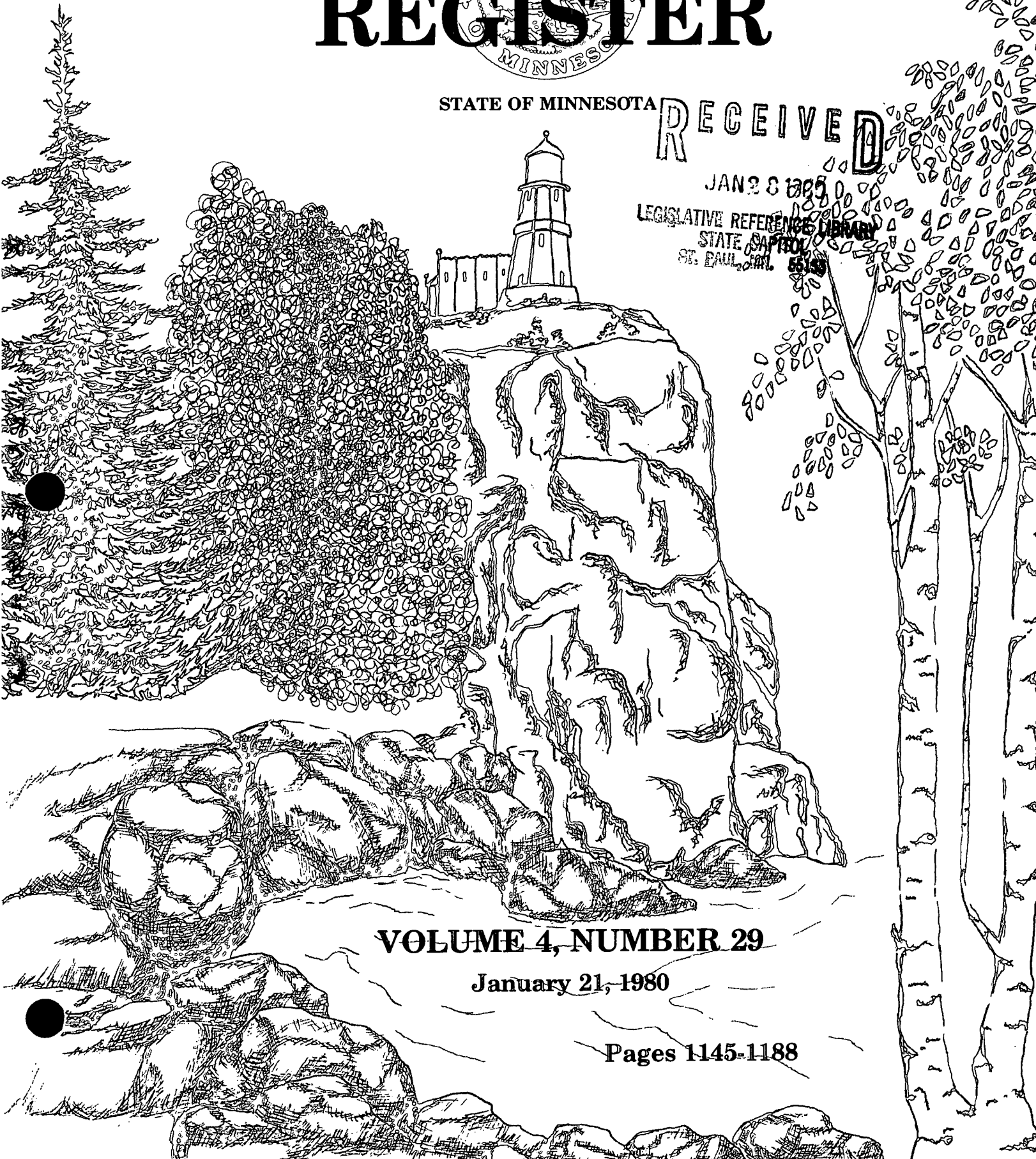


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VOLUME 4, NUMBER 29

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**Volume 4 Printing Schedule for Agencies**

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
<b>SCHEDULE FOR VOLUME 4</b>			
30	Monday Jan 14	Monday Jan 21	Monday Jan 28
31	Monday Jan 21	Monday Jan 28	Monday Feb 4
32	Monday Jan 28	Monday Feb 4	Monday Feb 11
33	Monday Feb 4	Monday Feb 11	Monday Feb 18

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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## NOTICE

### How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The **PROPOSED RULES** section contains:

- Proposed new rules (including Notice of Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
Issue 27-38, inclusive	

The listings are arranged in the same order as the table of contents of the MCAR.

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# PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

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

## Public Hearings on Agency Rules January 23-31, 1980

Date	Agency and Rule Matter	Time & Place
Jan. 23	Public Welfare Dept. Use of Aversive & Deprivation Procedures	9:30 a.m., Rm. D, Veterans Service Bldg. 20 W. 12th St. & Columbus Ave., St. Paul, MN  Hearing Examiner: Natalie Gaul
Jan. 28	Public Welfare Dept. Day Care for Children, and Allocation of Title XX Funds	9:00 a.m., Weyerhaeuser Rm., MN Historical Society Bldg., 690 Cedar St., St. Paul, MN  Hearing Examiner: Harry Seymour Crump
Jan. 31	Health Dept. Life Support Trans- portation Services	9:30 a.m., Health Dept. Bldg., 717 Delaware St. S.E., Minneapolis, MN

## Department of Administration Building Code Division Proposed Amendments to the State Building Code

### Notice of Reconvened Hearing

Notice is hereby given that the public hearing of October 9-10, 1979 in the above entitled matter will be reconvened at 408 Metro Square Building, St. Paul, Minnesota on February 22, 1980 commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard. The hearing will concern amendments to the State Building Code, specifically the deletion of the 1976 Edition of the Uniform Building Code, as amended, and the adoption by reference of the 1979 Edition of

the Uniform Building Code, with amendments. The Uniform Building Code and amendments concern numerous aspects of the design and construction of buildings including, but not limited to, the administration and enforcement of the Code; classifications and types of occupancies; fire-safety requirements; sanitation provisions; engineering provisions and others.

A hearing was previously held on this matter on October 9, 10, 1979. The proposed rules to be considered are published at 4 S.R. 234-251, § 1 (September 3, 1979). The purpose of the reconvened hearing is to comply with the December 14, 1979 Report of the Hearing Examiner concerning the October 9, 10, 1979 public hearing. Specifically, paragraph 9 of the Findings of Fact notes that deletion of 2 MCAR § 1.10111 (the 1976 Uniform Building Code and amendments) was published without showing the deleted language reprinted with strike-outs.

At the February 22 hearing, in addition to introducing the record concerning the 1976 and 1979 Uniform Building Codes and amendments created in connection with the October 9, 10th hearings, including all comments, oral and written, the agency intends to add a new section to the 1979 Uniform Building Code (§ 3802(e)) concerning special automatic fire-extinguishing systems:

UBC § 3802(e) Special Automatic Fire-Extinguishing Systems. In all occupancies having commercial cooking equipment (see NFPA No. 96-1976), automatic fire extinguishing systems complying with UBC Standard 38-1 or 38-2 shall be installed for protection of duct systems, grease removal devices, hoods and over commercial cooking equipment which may be a source of ignition (such as fat fryers, ranges, griddles and boilers). Systems installed in accordance with the following standards are also permitted.

1. Standards for foam-water sprinkler systems and foam-spray systems, NFPA No. 16-1974.

2. Standard for dry-chemical extinguishing system, NFPA No. 17-1975.

EXCEPTION: These requirements shall not apply to Group R-3 and Group R-4 occupancies.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Peter Erickson,

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, either before the hearing or within 5 working days after the close of the hearing. The Hearing Examiner may extend the time for receipt of written comments for a period not to exceed twenty (20) calendar days from the date of the hearing.

The proposed rules are subject to change as a result of the rules hearing process. The agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rules to participate in the rules hearing process.

Copies of the proposed rules will be available at the door on the date of the hearing and one free copy can now be obtained by writing to the Building Code Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

The agency's authority to promulgate the proposed rules is contained in Minn. Stat. §§ 16.83, 16.85, 16.86 (1978).

Notice is hereby given that 25 days prior to the hearing a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any persons may request final notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Please be advised that pursuant to Minn. Stat. ch. 10A.01, subd. 11 (1978) any individual: (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials must register with the State Ethical Practices Board as a lobbyist within five days of the commencement of such activity by the individual. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Adoption of the proposed rules by the agency will not require the expenditure of additional public monies by local public bodies.

January 4, 1980

James J. Hiniker, Jr.  
Commissioner

### Amendments as Proposed

#### ~~2-MCAR § 1.10111~~

~~SBC 111 Adoption of the Uniform Building Code by reference. Chapters 1 through 60 and the appendix of the 1976 Edition of the Uniform Building Code, hereinafter "UBC," as promulgated by the International Conference of Building Officials, is incorporated by reference and is hereby made part of the State Building Code (SBC) except as qualified by SBC 109. Said UBC shall be subject to the following alterations and amendments:~~

~~UBC 101, 102 and 103 are deleted in their entirety.~~

~~UBC 104(j) is amended by adding an additional item number 5 as follows:~~

~~5. All approvals must be based on the applicants submission of complete architectural and engineering plans and specifications.~~

~~UBC 204 is amended by amending the last sentence as follows: The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate to the applicant and to the State Building Inspector within fifteen (15) days of such decision.~~

~~UBC 303(a) is amended by adding an additional sentence to the first paragraph as follows: The fee schedule of Table 3-A is hereby made optional for use by the local authority and is a recommended schedule. Each municipality must adopt its own schedule of permit fees.~~

~~Section 420 of the UBC is amended to read as follows:~~

#### ~~UBC 420 Definitions:~~

~~Supervised living facilities. Class A supervised living facilities shall include homes providing boarding and lodging for ambulatory and mobile disabled persons who are capable of semi-independent living with minimum supervision and who are mentally and physically capable of self-preservation under emergency conditions. Physically handicapped persons shall be housed at street level. See UBC 1301 as amended.~~

~~Class B supervised living facilities shall include homes providing boarding and lodging for:~~

~~1. Mobile disabled persons who are capable of semi-independent living with minimum supervision, but who are not physically capable of self-preservation;~~

~~2. Persons with diverse dependencies who require various degrees of supervised guidance and assistance, and who are~~

~~not mentally or physically capable of self-preservation under emergency conditions. See UBC 901 as amended.~~

~~UBC Table 5-A is amended to read as follows:~~

~~**UBC 501 Table 5-A**~~

~~I.1. Nurseries for full time care of children under kindergarten age. Hospitals, sanitariums, nursing homes, and similar buildings (each accommodating five or more persons).~~

~~I.2. Boarding care homes, detoxification center, homes for children of kindergarten age or over, supervised living facilities Class B as defined in UBC 420 (each accommodating five or more persons).~~

~~R-1 Hotels and apartment houses. Convents, monasteries (each accommodating more than ten persons). Supervised living facilities Class A as defined in UBC 420 (accommodating five or more persons).~~

~~Chapter 5 of the UBC is amended by adding a new section to read as follows:~~

~~**UBC 512 Roof access.** Unless specifically exempted by the Building Official due to space limitation, roof height above grade or other special considerations, buildings on which any heating, air conditioning, or refrigeration equipment is hereafter installed on the roof and which equipment will require periodic inspection, service and maintenance in accordance with the mechanical code SBC 7101 through SBC 8810 shall meet the following requirements:~~

~~A stairway complying with Chapter 33 or a stair leading to a scuttle or bulkhead in the roof having such equipment shall be provided to make such equipment safely accessible. Said stair leading to the scuttle or bulkhead shall be placed at an angle of not more than 60 degrees measured from the horizontal with flat treads not less than six inches in width and a minimum length of 24 inches at the tread. No riser shall be more than nine inches and handrails shall be provided on both sides of the access stairs. The minimum opening of the scuttle or bulkhead shall be not less than two feet. In no case shall this required access be located in or pass through the elevator shaft or elevator machine room.~~

~~Equipment should be located with at least six feet of clearance from the edge of the roof or similar hazards. If the clearance is less than six feet, a suitable rail or guard not less than forty two inches in height shall be provided.~~

~~Each unit of equipment shall have an accessible switch. A 20 ampere 110-120 volt AC ground type convenience outlet shall be installed on the roof adjacent to the unit or equipment. The circuit for this convenience outlet shall have approved ground-fault protection and shall not be connected to the equipment circuit.~~

~~**UBC 605 Light, ventilation and sanitation.** All enclosed~~

~~portions of Group A, Division 1 Occupancies customarily used by human beings and all dressing rooms shall be provided with natural light by means of exterior glazed openings with an area not less than one tenth of the total floor area, and natural ventilation by means of openable exterior openings with an area of not less than one twentieth of the total floor area or shall be provided with artificial light and a mechanically operated ventilating system. The mechanically operated ventilating system shall supply a minimum of five (5) cubic feet per minute of outside air with a total circulated of not less than 15 (fifteen) cubic feet per occupant in all portions of the building and such system shall be kept continuously in operation during such times as the building is occupied. If the velocity of the air at the register exceeds 10 (ten) feet per second, the register shall be placed more than eight (8) feet above the floor directly beneath.~~

~~Lights in all parts of the building customarily used by human beings shall be on a separate circuit from that of the stage and shall be controlled from the box office. All lights in corridors, exit courts and exit passageways shall be protected by a wire cage.~~

~~All registers or vents supplying air backstage shall be equipped with automatic closing devices with fusible links. Such closing devices shall be located where the vents or ducts pass through the proscenium walls and both inside and/or outside of the vent or duct.~~

~~There shall be provided in an approved location at least one lavatory for each two (2) water closets for each sex, and at least one (1) drinking fountain for each floor level.~~

~~For other requirements on water closets, see UBC 1711.~~

~~For additional sanitation facilities requirements, see UBC 1711(h).~~

~~Section 802(c) of the UBC is amended to read as follows:~~

~~**UBC 802(c) Special provisions.** Rooms in Division 1 and 2 Occupancies used for day care purposes, kindergarten pupils and Division 3 Occupancies shall not be located above the first story. Storage and janitor closets shall be of one hour fire-resistive construction. Stage and enclosed platforms shall be constructed in accordance with Chapter 39. For attic partitions and draft stops see Section 3205.~~

~~Section 805 of the UBC is amended to read as follows:~~

~~**UBC 805 Light, ventilation and sanitation.** All portions of Group E Occupancies shall be provided with light and ventilation, either natural or artificial, as specified in UBC 605.~~

~~For other requirements on water closets, see UBC 1711.~~

~~For additional sanitation facilities requirements, see UBC 1711(h).~~

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike-outs** indicate deletions from proposed rule language. **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."

## PROPOSED RULES

~~Section 809~~ of the UBC is amended to read as follows:

~~UBC 809~~ Approved fire alarms shall be provided for all Group E Division 1 and 2 Occupancies with an occupant load of more than 50 persons in Group E Division 3 Occupancies with an occupant load of more than 29 persons. In every Group E Occupancy provided with an automatic fire extinguishing or detection system, the operation of such system shall automatically activate the school alarm system.

~~The fire alarm system shall be installed in compliance with NFPA Standard 72 A 75, "Local Protective Signaling Systems."~~

~~An approved fire alarm is a fire alarm and detection system consisting of the following:~~

- ~~1. A complete noncoded continuously sounding until manually reset, electronically supervised type.~~
- ~~2. Shall have sounding stations on 100 foot to 150 foot spacing; (a) in corridors, (b) in areas of high noise levels, such as band rooms, shops, boiler rooms, (c) a weatherproof station on exterior of building facing residential areas.~~
- ~~3. Shall have automatic sending stations (detectors) in boiler rooms, kitchens, shops, painting areas, lounges, laundries, janitor's closets, storerooms, etc., or unsupervised and unoccupied spaces; namely, critical or hazardous areas.~~
- ~~4. Manual sending stations shall be provided in the natural path of escape from fire, near each exit from an area, on each floor, and shall be readily accessible, unobstructed and at visible locations.~~

~~Section 901~~ of the UBC is amended to read as follows:

~~UBC 901 Division 1. Nurseries for full time care of children under kindergarten age.~~ Hospitals, sanitariums, nursing homes, and similar buildings (each accommodating five or more persons).

~~Division 2. Boarding care homes, detoxification centers, homes for children of kindergarten age or over, supervised living facilities. Class B as defined, for the mentally retarded, mentally ill, chemically dependent and the physically handicapped (each accommodating five or more persons).~~

~~Section 902(b) Special provisions.~~ Division 3 Occupancies shall be housed in buildings of Type I or II F.R. construction.

~~Every story of a Group I, Division 1 Occupancy accommodating five (5) or more nonambulatory persons, unless provided with a horizontal exit, shall be divided into not less than two compartments accommodating approximately the same number of nonambulatory persons in each compartment by smokestop partition meeting the requirements of a one hour occupancy separation so as to provide an area of refuge within the building.~~

~~Corridor openings in the smokestop partition shall be protected with doors as required in Section 3304(h). Other openings shall be limited to ducts which have fire dampers in the plane of the wall activated by detectors of products of combustion other than heat conforming to Section 4306(b)2.~~

~~Rooms occupied by inmates or patients whose personal liberties are restrained, shall have noncombustible floor surfaces.~~

~~Section 905~~ of the UBC is amended to read as follows:

~~UBC 905~~ All portions of Group I Occupancies shall be provided with natural light by means of exterior glazed openings with an area equal to one tenth of the total floor area, and natural ventilation by means of exterior openings with an area not less than one twentieth of the total floor area or shall be provided with artificial light and a mechanically operated ventilating system as specified in Section 605 and the mechanical code.

~~For other requirements on water closets, see UBC 1711.~~

~~For additional sanitation facilities requirements, see UBC 1711(h).~~

~~Section 909~~ of the UBC is amended to read as follows:

~~UBC 909~~ An approved fire alarm system shall be provided for all Group I Occupancies.

~~Audible alarm devices shall be used in all nonpatient areas. Visible alarm devices may be used in lieu of audible devices in patient occupied areas. An approved alarm system shall comply with UBC 809. Operation of any fire alarm activating device shall automatically, without delay, accomplish general alarm indication and control functions. Zoned, coded systems shall be permitted to be used. Exception: Alarm systems may be installed in accordance with NFPA 101, 1977 Edition, § 10-3.3.3.~~

~~Section 1005~~ of the UBC is amended to read as follows:

~~UBC 1005~~ All portions of Group H Occupancies shall be provided with natural light by means of exterior glazed openings with an area equal to one tenth of the total floor area, and natural ventilation by means of exterior openings with an area not less than one twentieth of the total floor area or shall be provided with artificial light and a mechanically operated ventilating system as specified in Section 605 and the applicable sections of the mechanical code.

~~In all buildings or portions thereof where flammable liquids are used, exhaust ventilation shall be provided sufficient to produce four complete air changes per hour. Such exhaust ventilation shall be taken from a point at or near the floor level.~~

~~In all buildings used for the repair or handling of automobiles operating under their own power, ventilation shall be provided capable of exhausting a minimum of 3/4 cfm per square foot. Additionally, each engine repair stall shall be equipped with an exhaust pipe extension duct, extending to the outside of the building, which, if over 10 feet in length, shall mechanically exhaust 300 cubic feet per minute. Connecting offices and waiting rooms shall be supplied with conditioned air under positive pressure.~~

~~EXCEPTION: In public repair garages and aircraft hangars not exceeding an area of 5,000 square feet, the Building Official may authorize the omission of such ventilating equipment where, in his opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation.~~



~~Every building or portion thereof where persons are employed shall be provided with at least one water closet. Separate facilities shall be provided for each sex when the number of employees exceeds four (4) and both sexes are employed. Such toilet facilities shall be located either in such building or conveniently in a building adjacent thereto on the same property.~~

~~All water closet rooms shall be provided with an exterior window at least 3 square feet in area, fully openable; or a vertical duct not less than 100 square inches in area for the first toilet facility with an additional 50 square inches in area for the first toilet facility; or a mechanically operated exhaust system which is connected to the light switch, capable of providing a complete change of air every 15 minutes. Such systems shall be vented to the outside air and at the point of discharge shall be at least 5 feet from any openable window.~~

~~For other requirements on water closets, see UBC 1711.~~

~~For additional sanitation facilities requirements, see UBC 1711(h).~~

~~Section 1105 of the UBC is amended to read as follows:~~

~~**UBC 1105** All portions of Group B, Divisions 1, 2 and 3 Occupancies shall be provided with natural light by means of exterior glazed openings with an area equal to one-tenth of the total floor area, and natural ventilation by means of exterior openings with an area not less than one twentieth of the total floor area or shall be provided with artificial light and a mechanically operated ventilating system as specified in Section 605 and applicable sections of the mechanical code.~~

~~In all buildings or portions thereof where flammable liquids are used, exhaust ventilation shall be provided, sufficient to produce four air changes per hour. Such exhaust ventilation shall be taken from a point at or near the floor level.~~

~~In all enclosed parking garages used for storing or handling of automobiles operating under their own power and on all loading platforms in bus terminals, ventilation shall be provided capable of exhausting a minimum of 3/4 cfm per square foot of gross floor area. The Building Official may approve an alternate ventilation system designed to exhaust a minimum of 14,000 cfm for each operating vehicle. Such system shall be based upon the anticipated instantaneous movement rate of vehicles but not less than 2.5 percent (or one vehicle) of the garage capacity. Automatic CO sensing devices may be employed to modulate the ventilation system to maintain a maximum average concentration of CO of 50 ppm during any 8 hour period, with a maximum concentration not greater than 200 ppm for a period not exceeding one hour. Connecting offices, waiting rooms, ticket booths, etc., shall be supplied with conditioned air under positive pressure.~~

~~EXCEPTION: In gasoline service stations without lub-~~

~~rication pits, storage garages and aircraft hangars not exceeding an area of 5,000 square feet, the Building Official may authorize the omission of such ventilating equipment where, in his opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation.~~

~~Every building or portion thereof where persons are employed shall be provided with at least one water closet. Separate facilities shall be provided for each sex when the number of employees exceeds four and both sexes are employed. Such toilet facilities shall be located either in such building or conveniently in a building adjacent thereto on the same property.~~

~~Such water closet rooms in connection with food establishments where food is prepared, stored, or served shall have a nonabsorbent interior finish on floors, walls and ceilings and shall have hand washing facilities therein or adjacent thereto.~~

~~All water closet rooms shall be provided with an exterior window at least three square feet in area, fully openable; or a vertical duct not less than 100 square inches in area for the first toilet facility with an additional 50 square inches for each additional toilet facility; or a mechanically operated exhaust system, which is connected to the light switch, capable of providing a complete change of air every 15 minutes. Such systems shall be vented to the outside air and at the point of discharge shall be at least five feet from any openable window.~~

~~For other requirements on water closets, see UBC 510 and UBC 1711.~~

~~For additional sanitation facilities requirements, see UBC 1711(h).~~

~~Section 1109 of the UBC is amended by adding a new paragraph (m):~~

~~(m) Every parking ramp or other parking facility shall include spaces for the parking of motor vehicles having a capacity of seven (7) to sixteen (16) persons. Such vehicles shall be classified as commuter vehicles for the transportation of employees to and from their place of employment or to or from transit stop authorized by a local transit authority. The number of required spaces shall be determined by 2% of the gross designed parking area with a minimum of two spaces. Such spaces to accommodate commuter vehicles shall be at least 10 feet in width, 20 feet in length and a height clearance of 10'-6" on the entry level and shall not apply to other levels of a ramp.~~

~~Section 1205 of the UBC is amended to read as follows:~~

~~**UBC 1205 Light, ventilation, and sanitation.** All portions of Group B Division 4 Occupancies customarily used by human beings shall be provided with light and ventilation as specified in UBC 1105.~~

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Every building or portion thereof where persons are employed shall be provided with at least one water closet. Separate facilities shall be provided for each sex when the number of employees exceeds four and both sexes are employed. Such toilet facilities shall be located either in such building or conveniently in a building adjacent thereto on the same property.

For other requirements on water closets, see UBC 1711.

For additional sanitation facilities requirements, see UBC 1711(h).

~~Section 1301~~ of the UBC is amended to read as follows:

~~UBC 1301~~ Group R Division 1 Occupancies shall be: hotels and apartment houses, convents and monasteries (each accommodating more than ten persons). Supervised living facilities, Class A as defined, for the mentally retarded, mentally ill, chemically dependent, and the physically handicapped (each accommodating five or more persons).

~~Section 1304~~ of the UBC is amended to read as follows:

### ~~Exit Facilities~~

~~Sec. 1304.~~ Stairs, exits, and smokeproof enclosures shall be as specified in Chapter 33.

~~All stairs and exits in Group R, Division 1 Occupancies shall open directly upon a street or alley or upon a yard or court not less than 4 feet in width directly connected to a street or alley by means of a passageway not less in width than the stairway opening into such passageway and not less than 7 feet in height.~~

~~Buildings more than one story in height shall have no transoms or ventilating openings from guest rooms to public corridors.~~

~~Door openings from guest rooms to public corridors shall be protected as specified in Section 3304.~~

~~Every sleeping room below the fourth story shall have at least one operable window or exterior door approved for emergency egress or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.~~

~~All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. Where windows are provided as a means of egress or rescue they shall have a finished sill height not more than 48 inches above the floor.~~

~~Section 1305(b)~~ of the UBC is amended to read as follows:

~~UBC 1305(b) Sanitation.~~ Every building shall be provided with at least one water closet. Every hotel and each subdivision thereof where both sexes are accommodated shall be provided with at least two water closets located in such building, which shall be conspicuously marked one for each sex.

~~Additional water closet shall be provided on each floor for each sex at a rate of one for every additional ten guests, or fractional part thereof, in excess of ten.~~

~~Every dwelling unit shall be provided with a kitchen equipped with a kitchen sink and with bathroom facilities consisting of a water closet, lavatory and either a bathtub or shower. Each plumbing fixture shall be equipped with running water necessary for its normal operation.~~

~~For other requirements on water closets, see UBC 510 and UBC 1711.~~

~~For additional sanitation facilities requirements, see UBC 1711(h).~~

~~UBC 1314 Sound transmission control.~~ Sound transmission control shall be provided to meet the standards defined in UBC Appendix Chapter 35.

~~Exception: Sound transmission requirements will not be required in Class A Supervised Living Facilities.~~

~~Chapter 13~~ of the UBC is amended by adding a new section to read as follows:

~~UBC 1315 Deadbolt locks required.~~ All exit doors leading to public or shared areas from all dwelling units and hotel units shall be provided with deadbolt locks, at least one of which must be capable of being locked from the exterior of said unit. For the purpose of this section, a "deadbolt lock" is a locking bolt, which, when in the locked position, can only be moved positively by turning a knob, key, or sliding bolt.

~~Deadbolt locks having a bolt moved by turning a key shall be of the five pin tumbler type or an approved equivalent. Lock throw shall be not less than three quarters inch (¾"). Locks shall meet requirements of UBC 3303(c).~~

~~Section 1401~~ of the Uniform Building Code is amended by adding a new section to read as follows:

~~Section 1401(b) Group R, Division 4 Occupancies:~~ This use group shall include all one and two family dwellings built exclusively by the standards as established in the 1975 One and Two Family Dwelling Code as promulgated by the national model code organizations and 2 MCAR § 1.16001 through 2 MCAR § 1.16006.

~~Exception: The plumbing requirements found in Part V (Chapters 20 through 25) and the referenced portions of Part VII (2-26.2001 S 26.2103) are deleted in their entirety. The plumbing requirements of the Minnesota Health Department for plumbing shall apply to this occupancy group.~~

~~Section R-211~~ of the One and Two Family Dwelling Code is amended to read as follows:

~~Section R-211 Exists.~~ Not less than one exit conforming to this Chapter shall be provided from each dwelling unit.

~~Every sleeping room shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside to a full clear opening without the use of separate tools. Where windows are provided as a means of egress or rescue they shall have a sill height of not more than 48 inches above the floor.~~

# PROPOSED RULES

All egress or rescue windows from sleeping rooms must have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches.

**Section 1404** of the UBC is amended to read as follows:

Exit facilities

**Section 1404.** Stairs and exits shall be provided as specified in Chapter 33.

Every sleeping room below the fourth story shall have at least one operable window or exterior door approved for emergency egress or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. Where windows are provided as a means of egress or rescue they shall have a finished sill height not more than 48 inches above the floor.

**UBC 1405(b) Sanitation.** Every dwelling unit shall be provided with a kitchen equipped with a kitchen sink and with bathroom facilities consisting of a water closet, lavatory and

either a bathtub or shower. Plumbing fixtures shall be provided with running water necessary for their operation.

For other requirements on water closets, see UBC 510 and 1711.

For additional sanitation facilities requirements, see UBC 1711(h).

**UBC 1711(b)** of the UBC is amended to read as follows:

**UBC 1711(b) Toilet facilities.** Each water closet stool shall be located in a clear space not less than 30 inches in width and have a clear space in front of the water closet stool of not less than 24 inches.

For provisions of the physically handicapped see SBC 5501 through 5508.

**Chapter 17** of the UBC is amended by adding a new section to read as follows:

**UBC 1711(h) Sanitation facilities.** Sanitation facilities shall be provided for each Occupancy in accordance with Table 17-B and UBC Sections 605, 705, 805, 905, 1005, 1205, 1305 and 1405. Fixtures shall be provided for each sex in accordance with the percentage of occupants of each sex. When the percentage of each sex is not known, one-half for each sex shall be assumed.

OCCUPANCY	USE	S.F. per Occ.	WATER CLOSETS		URINALS
Group A Occupancies	Auditoriums	30			
	Bowling Alleys	30			
	Churches	60		<u>Churches</u>	<u>Churches</u>
	Conference Rooms	80	1 for each 300 Men		(3)
	Dance Floors	30	1 for each 300 Women		
	Dining, Drinking	30			
	Exhibit Rooms	80			
	Gymnasiums	30		<u>Other Occupants Fixtures</u>	
	Libraries	100		1-100 1	
	Lodge Rooms	80		101-200 2	
	Lounges	80		201-400 3	
	Rinks	30		Over 400 1-add'l/each 500	(3)
	Stadiums, Grandstands	80			
	Theaters	30			
Waiting Rooms	80				
Group B Occupancies (6)	Elementary	85	Boys 1/ea. 100	Girls 1/ea. 30	
	Secondary	130	1/ea. 100	1/ea. 25	1 for each 30
Group I Occupancies	Prisons, Jails	100	1 for each cell		
	Hospitals, Nursing Homes	100	1 for ea. exercise room		
			1 for each 8 patients		
			1 for each waiting rm.		

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		Other 1 for each 25 men 1 for each 20 women		Other 1 for each 50	
		Factories, Warehouses Occupants' Fixtures		Factories, Warehouses Occupants' Fixtures	
Group H Occupancies			1-10	1	
	Aircraft Hangars	500	11-25	2	(3)
	Factories	200	36-50	3	
Group B Occupancies	Municipal Buildings	80	51-75	4	
	Office Buildings	200	76-100	5	
	Sales	200	Over 100	1 add'l for 30	
	Service Stations	500			
	Storage Garages	500			
	Warehouses	500			
			Sales, Office, etc. Occupants' Fixtures		Sales, Offices
			1-15	1	
			16-35	2	(3)
			36-55	3	
Group B-4 Occupancies	Factories	200	56-80	4	
	Sales	200	81-110	5	
	Warehouses	500	111-150	6	
Group R-1 Occupancies	Dwelling Units, Apt.	—		1	
	Motel, Hotel Units	—		1 for each 10	
	Rooming Houses	200		1 for each 10	
	Dormitories	200		1 for each 10	
Group R-3 and R-4 Occupancies	1 and 2 Family	—		1	—
Group M Occupancies	—	—		—	—
TEMPORARY FACILITIES	—	—		1 for each 30	1 for each 30
LAVATORIES	DRINKING FOUNTAINS	BATHTUBS OR SHOWERS	KITCHEN SINKS	SERVICE SINKS	
Churches					
1 for each 300					
Other	1 for each 300				
Occupants					
Fixtures					
1-200	1				
201-400	2				
401-750	3				
Over 750	1 add'l for each 500				
1 for each 100	1 for each 75	—	—	1 per floor	
1 for each 100					
1 in each cell					
1 ea. exercise rm.					
	1 for each 100				1 per floor
1 for ea. 10 patients					
Other					
1 for each 10					
Factories, Warehouses Occupants' Fixtures	Factories Warehouses				
	for each				
1-100	1-10				
Over 100	1-15	1 for each 75			

# PROPOSED RULES

Sales, Offices		Sales, Offices		+ per floor	
Occupants	Fixtures				
1-15	1				
16-35	2	1 for each 150			
36-60	3				
61-90	4				
91-125	5				
Over 125	1 to 45				
					+ laundry tray for each 10 dwelling units or guest rooms
	+		+	+	
	1 for each 10	—	1 for each 10	—	
	1 for each 10		1 for each 10		
	1 for each 10		1 for each 10		
	+	—	+	+	—
	—	—	—	—	—
	—	1 for each 100	—	—	—

**Footnotes:**

- (1) Occupant load is computed using the equation: S.F. per Occ. = Occupant Load.
- (2) Square feet per occupant is only for computing the occupant load to determine the plumbing fixtures required.
- (3) Urinals may be furnished in place of water closets at the rate of one urinal for one water closet, but not to exceed one-third of the required water closets.
- (4) 1 fixture for each 10 occupants.
- (5) 1 fixture for each 15 occupants.

For water closets, and lavatories, these numbers are minimum & equal number for ea. sex is required.

S.F. — per Occ. — from Column 3 of this table.

A. Area of building occupancy classification served.

**Sec. 1807.(a)** is amended to read as follows:

Special Provisions for Group B, Division 2 Office Buildings and Group R, Division 1 Occupancies.

**Sec. 1807.(a) Scope.** This Section shall apply to all Group B, Division 2 office buildings and Group R, Division 1 Occupancies each having floors used for human occupancy located more than 75 feet above the lowest level of Fire Department vehicle access. Such buildings shall be provided with either an approved automatic fire extinguishing system in accordance with Section 1807(c), or safe areas of refuge (compartmentation) in accordance with Section 1807(1).

(b) ~~Certificate of occupancy.~~ All mechanical and electrical equipment and other required life safety systems shall be approved and installed in accordance with approved plans and specifications pursuant to this Section and shall be tested and proved to be in proper working condition to the satisfaction of the building official before issuance of the Certificate of Occupancy.

(c) ~~Automatic fire extinguishing system.~~ When provided as required in Section 1807(a), the automatic fire extinguishing system shall be provided throughout the building. The sprinkler system shall be designed using the parameters set forth in UBC Standard No. 38-1 and the following:

1. ~~Shutoff valves and a water flow device shall be provided for each floor. The sprinkler riser may be combined with the standpipe riser.~~

2. ~~In Seismic Zones No. 2, No. 3, and No. 4, in addition to the main water supply a secondary on site supply of water equal to the hydraulically calculated sprinkler design demand plus 100 gallons per minute additional for the total standpipe system shall be provided. This supply shall be automatically available if the principal supply fails and shall have a duration of 30 minutes.~~

(d) ~~Smoke detection systems.~~ At least one approved smoke detector suitable for the intended use shall be installed in:

1. ~~Every mechanical equipment, electrical, transformer, telephone equipment, elevator machine or similar room.~~

2. ~~In the main return and exhaust air plenum of each air conditioning system and located in a serviceable area downstream of the last duct inlet.~~

3. ~~At each connection to a vertical duct or riser serving two or more stories from a return air duct or plenum of an air conditioning system. In Group R, Division 1 Occupancies, an approved smoke detector may be used in each return air riser carrying not more than 5000 cfm and serving not more than 10 air inlet openings.~~

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## PROPOSED RULES

The actuation of any detector required by this Section shall operate the voice alarm system and shall place into operation all equipment necessary to prevent the recirculation of smoke.

(e) Alarm and Communication Systems. The alarm and communication systems shall be so designed and installed that damage to any terminal unit or speaker will not affect the operation of the remainder.

The voice alarm and public address system may be a combined system. When approved, the Fire Department communications system may be combined with the voice alarm system and the public address system.

Three communication systems which may be combined as set forth above shall be provided as follows:

1. Voice alarm system. The operation of any smoke detector, sprinkler, water flow device or manual fire alarm station shall automatically sound an alert signal to the desired areas followed by voice instructions giving appropriate information and direction to the occupants.

The central control station shall contain controls for the voice alarm system so that a selective or general voice alarm may be manually initiated.

The system shall be supervised to cause the activation of an audible trouble signal in the central control station upon interruption or failure of the audiopath including amplifiers, speaker wiring, switches and electrical contacts and shall detect opens, shorts and grounds which might impair the function of the system.

The alarm shall be designed to be heard clearly by all occupants within the building or designated portions thereof as is required for the public address system.

2. Public address system. A public address communication system designed to be clearly heard by all occupants of the building shall operate from the central control station. It shall be established on a selective or general basis to the following terminal areas:

- A. Elevators
- B. Elevator lobbies
- C. Corridors
- D. Exit stairways
- E. Rooms and tenant spaces exceeding 1000 square feet in area.
- F. Dwelling units in apartment houses
- G. Hotel guest rooms or suites

3. Fire Department communication system. A two way Fire Department communication system shall be provided for Fire Department use. It shall operate between the central control station and every elevator, elevator lobby and entry to every enclosed exit stairway.

(f) Central control station. A central control station for Fire Department operations shall be provided in a location approved by the Fire Department. It shall contain:

1. The voice alarm and public address system panels.
2. The Fire Department communications panel.
3. Fire detection and alarm system annunciator panels.
4. Status indicator and controls for elevators.
5. Status indicators and controls for air handling systems.
6. Controls for unlocking all stairway doors simultaneously.
7. Sprinkler valve and water flow detector display panels.
8. Standby power controls and status indicators.
9. A telephone for Fire Department use with controlled access to the public telephone system.

(g) Smoke control. Natural or mechanical ventilation for the removal of products of combustion shall be provided in every story and shall consist of one of the following:

1. Panels or windows in the exterior walls which can be opened remotely from an approved location other than the fire floor. Such venting facilities shall be provided at the rate of 20 square feet per 50 lineal feet of exterior wall in each story and shall be distributed around the perimeter at not more than 50-foot intervals. Such windows or panels and their controls shall be clearly identified.

EXCEPTION: When a complete automatic fire extinguishing system is installed, windows or panels manually operable from within the fire floor or approved fixed tempered glass may be used in lieu of the remotely operated operable panels and windows. Such windows shall be clearly identified and shall be of the size and spacing called for in Section 1807(g)1.

2. When a complete and approved automatic fire extinguishing system is installed, the mechanical air handling equipment may be designed to accomplish smoke removal. Under fire conditions, the return and exhaust air shall be moved directly to the outside without recirculation to other sections of the building. The air handling system shall provide a minimum of one exhaust air change each 10 minutes for the area involved.

3. Any other approved design which will produce equivalent results.

(h) Elevators. Elevators and elevator lobbies shall comply with the provisions of Chapter 51 and the following:

NOTE: A bank of elevators is a group of elevators or a single elevator controlled by a common operating system; that is, all those elevators which respond to a single call button constitute a bank of elevators. There is no limit on the number of cars which may be in a bank or group but there may be not more than four cars within a common hoistway.

1. Except for the main entrance level, all elevators on all floors shall open into elevator lobbies which are separated from the remainder of the building as is required for corridor construction in Section 3304(g) and (h).

~~2. Each elevator lobby shall be provided with an approved smoke detector located on the lobby ceiling. When the detector is activated, elevator doors shall not open and all cars serving that lobby are to return to the main floor and be under manual control only. If the main floor detector or a transfer floor detector is activated, all cars serving the main floor or transfer floor shall return to a location approved by the Fire Department and building official and be under manual control only. The smoke detector is to operate before the optical density reaches 0.03 per foot. The detector may serve to close the lobby doors.~~

~~3. A permanent sign shall be installed in each elevator cab adjacent to the floor status indicator and at each elevator call station on each floor reading "IN FIRE EMERGENCY, DO NOT USE ELEVATOR—USE EXIT STAIRS," or similar verbiage approved by the building official.~~

~~4. Elevator hoistways shall not be vented into an elevator machine room. Cable slots entering the machine room shall be sleeved beneath the machine room floor and extend to not less than 12 inches below the shaft vent to inhibit the passage of smoke into the machine room.~~

~~5. At least one elevator car serving all floors shall have a minimum inside car platform of 4 feet 3 inches deep by 6 feet 8 inches wide with a minimum clear opening width of 42 inches, unless otherwise designed and approved to provide equivalent utility to accommodate an ambulance stretcher having a minimum size of 22 inches by 78 inches in its horizontal position. This elevator shall be identified.~~

~~(i) Standby power, light and emergency systems. Standby power, light and emergency systems shall comply with the following:~~

~~1. Standby power. A permanently installed on-site power generation system conforming to U.B.C. Standard No. 18-1 shall be provided. All power, lighting, signal and communication facilities provided under the requirements of this Section, including an independent ventilating system for the standby power generator room, shall be transferable to the standby power source.~~

~~The electrical power requirements for sizing the standby power generation system shall include but not be limited to the following:~~

- ~~A. Fire protection equipment, including fire pumps.~~
- ~~B. Mechanical ventilation equipment required by this Section including power operated windows.~~
- ~~C. Elevators designated for Fire Department use and as required by Chapter 51.~~
- ~~D. Standby lighting~~
- ~~E. The normal loads of all facilities classed as emergency. The regular light and power circuits supplying such facilities are~~

~~classified as standby systems and shall be automatically transferable to the standby power generation system.~~

~~2. Standby lighting. Standby lighting shall include but not be limited to the following:~~

~~A. Separate lighting circuits and facilities sufficient to provide light with an intensity not less than one footcandle measured at floor level in all exit corridors, stairways, smokeproof enclosures, elevators, elevator lobbies, and other areas which are clearly part of the escape route.~~

~~B. All circuits supplying lighting for the central control station, the standby power generator rooms, and other rooms housing control equipment for mechanical systems required by this Section shall be transferable to the standby power system.~~

~~3. Emergency systems. All electrical systems and facilities required by this Section and classified as emergency shall be installed in conformance with U.B.C. Standard 18-1. The following systems and lighting loads are classified as emergency facilities and shall operate within 10 seconds of primary power failure:~~

- ~~A. Exit sign and exit illumination as required by Section 3312.~~
- ~~B. Fire alarm and sprinkler alarm systems.~~
- ~~C. Fire detection systems~~
- ~~D. Elevator car lighting~~
- ~~E. Stairway door control systems~~
- ~~F. Voice communication systems~~
- ~~G. Electrical facilities classified as emergency by any other applicable code or ordinance.~~

~~(j) Exits. Exits shall comply with other requirements of this Code and the following:~~

~~1. All stairway doors which are to be locked from the stairway side shall have the capability of being unlocked simultaneously without unlatching upon a signal from the central control station.~~

~~2. A telephone or other two-way communications systems connected to an approved emergency service which operates continuously shall be provided at not less than every fifth floor in each required stairway where other provisions of this Code permit the doors to be locked.~~

~~3. Smokeproof enclosures may be eliminated if all enclosed stairways are pressurized, as provided for mechanically operated smokeproof enclosures, to a minimum of 0.15 and a maximum of 0.50 inch of water column in fully sprinklered buildings.~~

~~(k) Seismic Considerations. In Seismic Zones No. 2, No. 3 and No. 4, the anchorage of the following~~

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mechanical and electrical equipment shall be designed in accordance with Section 2312.

~~(1) Areas of refuge (compartmentation) alternate. Areas of refuge conforming to the following may be provided as an alternate to the automatic fire extinguishing system:~~

~~1. Every story shall be divided into two or more areas of approximately the same size with no single area exceeding 15,000 square feet. The wall and door shall be constructed as required for a horizontal exit in Section 3307.~~

~~2. Each area of refuge (compartmentation) shall contain one elevator to the main floor and a minimum of one enclosed exit stairway.~~

~~3. Openings in exterior walls, where such openings are within 5 feet of each other horizontally or vertically adjacent floors shall be protected by approved flame barriers either extending 30 inches beyond the exterior wall in the plane of the floor or by approved vertical panels not less than 3 feet in height above the floor.~~

~~4. Horizontal exit walls used for compartmenting a building shall have a fire resistance rating of not less than two hours. Duct penetrations of this wall shall not be permitted. Ferrous or copper piping and conduit may penetrate or pass through the wall only if the openings are caulked with impervious noncombustible materials sufficiently tight to prevent the transfer of smoke or combustion gases from one side of the wall to the other and are so maintained. The fire door serving as the horizontal exit between compartments shall be so installed, fitted and gasketed that it will provide a substantial barrier to the passage of smoke.~~

~~5. The fire resistive floor or the floor ceiling construction shall extend to and be tight against the exterior wall so that the fire resistive integrity between stories is maintained. No penetrations or other installations which will impair the fire resistive integrity of the floor or floor ceiling assembly shall be permitted.~~

~~6. A manual fire alarm system (pull boxes) shall be provided.~~

~~(m) Automatic Fire Extinguishing System Alternatives. When a complete approved automatic fire extinguishing system complying with this Section is installed in a building, the following modifications of Code requirements are permitted:~~

~~1. The fire resistive time periods set forth in Table No. 17 A may be reduced by one hour for interior bearing walls, exterior bearing and nonbearing walls, roofs and the beams supporting roofs, provided they do not frame into columns. Vertical shafts other than stairway enclosures and elevator shafts may be reduced to one hour when sprinklers are installed within the shafts at alternate floors.~~

~~2. Except for corridors in Group B, Division 2 and Group R, Division 1 Occupancies and partitions separating dwelling units or guest rooms, all interior nonbearing partitions~~

~~required to be one hour fire resistive construction by Table No. 17 A may be of noncombustible construction without a fire resistive time period.~~

~~3. Fixed tempered glass may be used in lieu of openable panels for smoke control purposes.~~

~~4. Travel distance from the most remote point in the floor area to a horizontal exit or to an enclosed stairway may be 300 feet.~~

~~5. The manually operated fire alarm system required in the compartmented building is not required.~~

~~6. Smokeproof enclosures are not required but all required stairways shall be pressurized to a minimum of 0.15 inch of water column.~~

~~7. Spandrel walls, eyebrows and compartmentation are not required; however, the fire resistance of the floors and juncture of exterior walls with each floor must be maintained.~~

~~8. Fire dampers, other than those needed to protect floor ceiling assemblies to maintain the fire resistance of the assembly, are not required except for those which may be necessary to by pass smoke to the outside, those provided to convert from recirculated air to 100 percent outside air, and those which may be required to protect the fresh air supply intake against smoke which may be outside the building.~~

~~9. Emergency windows required by Section 1304 are not required.~~

~~Section 1907 of the UBC is amended to read as follows:~~

~~Section 1907. Type II F.R. buildings shall comply with the special provisions on high rise buildings in Section 1807.~~

~~EXCEPTION: The reduction provisions for roofs see Sec. 1807(m) Item 1.~~

~~Section 2305(d) of the UBC is amended to read as follows:~~

~~UBC 2305(d) Snow loads. Snow loads full or unbalanced shall be considered where such loading will result in larger members of connections. A basic snow load of 40 pounds per square foot of horizontal projection is required in the following counties: Anoka, Carlton, Carver, Chisago, Cook, Dakota, Hennepin, Isanti, Lake, Pine, Ramsey, St. Louis, Scott and Washington. A basic snow load of 30 pounds per square foot of horizontal projection is required for all other counties not mentioned above. Potential accumulation of snow at valleys, parapets, roof structures, and offsets in roofs of uneven configuration shall be considered. Where snow loads occur, the snow loads shall be determined by the Building Official in accordance with Appendix "B".~~

~~EXCEPTIONS:~~

~~1. The requirements of Appendix "B" shall not apply to Group R Division 3, Group R Division 4 and M Occupancies.~~

~~2. A basic snow load of 30 pounds per square foot of horizontal projection shall be acceptable for detached Group M, Division 1 Occupancies in all counties.~~



Snow loads in excess of 20 pounds per square foot may be reduced for each degree of pitch over 20 degrees by R as determined by the following formula:

$$R_s = \frac{S - 1}{40 - 2}$$

Where:

$R_s$  = Snow load reduction in pounds per square foot per degree of pitch over 20 degrees.

S = Total snow load in pounds per square foot.

**Section 2312(a)** of the UBC is amended to read as follows:

**UBC 2312(a) General.** For the purpose of the Code this state shall be considered to be in Zone "O", No Damage Area. Every building or structure and every portion thereof shall be designed and constructed to resist stresses produced by lateral forces as provided in this Section. Stresses shall be calculated as the effect of a force applied horizontally at each floor or roof level above the foundation. The force shall be assumed to come from any horizontal direction.

Structural concepts other than set forth in this section may be approved by the Building Official when evidence is submitted showing that equivalent ductility and energy absorption are provided.

Where prescribed wind loads produce higher stresses, such loads shall be used in lieu of the loads resulting from earthquake forces.

**Section 2907(a)** of the UBC is amended to read as follows:

**UBC 2907(a) General.** Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry or concrete and in all cases extend below the frost line. Footings shall be constructed of solid masonry or concrete. Foundations supporting wood shall extend at least six inches above the adjacent finish grade. Footings shall have a minimum depth below finished grade as indicated in Table 29-A unless another depth is recommended by a foundation investigation.

1. In the absence of a determination by an engineer competent in soil mechanics, the minimum allowable footing depth in feet due to freezing shall be five feet in Zone I and three and one-half feet in Zone II.

Zone I — Shall include the counties of: Aitkin, Becker, Beltrami, Carlton, Cass, Clay, Clearwater, Cook, Crow Wing, Douglas, Grant, Hubbard, Itasca, Kanabec, Kittson, Koochi- ching, Lake, Lake of the Woods, Mahnomon, Marshall, Mille Laes, Morrison, Norman, Otter Tail, Pennington, Pine, Polk, Red Lake, Roseau, St. Louis, Todd, Traverse, Wadena, Wilkin.

Zone II — Shall include the counties of: Anoka, Benton,

Big Stone, Blue Earth, Brown, Carver, Chippewa, Chisago, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Jackson, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Pope, Ramsey, Redwood, Renville, Rice, Rock, Scott, Sibley, Sherburne, Stearns, Steele, Stevens, Swift, Wabasha, Waseca, Washington, Watonwan, Winona, Wright, Yellow Medicine. Lesser depths may be permitted when supporting evidence is presented by an engineer competent in soil mechanics.

2. Soil Under Slab on Grade Construction for Buildings. When soil, natural or fill, is sand or pit run sand and gravel, and of depth in accordance with minimum footings depth requirements for each zone, slab on grade construction which supports roof and wall loads shall be permitted. Slab on grade construction for detached buildings Group M, Division I Occupancies may be placed on any soil except peat or muck.

**UBC 3203(d)3** is amended to read as follows:

**UBC 3203(d)3. Shingle, shake and tile roofs.**

A. General. Installation shall be in accordance with Table No. 32-B. Underlayment, when required, shall be lapped horizontally and vertically so as to shed water.

In areas subject to roof ice build-up, underlayment consisting of two layers of Type 15 felt applied shingle fashion shall be installed and solid mopped together with approved cementing material between the plies extending from the eave up the roof to a point 24 inches inside the exterior wall line of the building.

The entire State of Minnesota shall be deemed an area subject to roof ice build-up.

Exception: For wood shingle or wood shake roofs the underlayment shall extend 36 inches inside the exterior wall line of the building.

**UBC 3205(c)** is amended to read as follows:

**UBC 3205(c) Ventilation.** Where determined necessary by the Building Official due to atmospheric or climatic conditions, enclosed attics and enclosed rafter spaces formed where ceilings are applied direct to the underside of roof rafters, shall have cross-ventilation for each separate space by ventilating openings protected against the entrance of rain and snow. The net free ventilating area shall be not less than 1/150 of the area of the space ventilated, except that the area may be 1/300 provided at least 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the space to be ventilated at least 3 feet above eave or cornice vents with the balance of the required ventilation provided by eave or cornice vents.

**Amend UBC Section 3207(c)** as follows:

Where roof drains are required, overflow drains having the

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same size as the roof drains shall be installed with the inlet flow line located 2 inches above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in adjacent parapet walls with the inlet flow line located 2 inches above the low point of the adjacent roof and having a minimum opening height of 4 inches. Overflow drains shall be connected to drain lines independent from the roof drains, and shall discharge above grade.

**UBC 3303(a)** second paragraph is amended to read as follows:

Buildings as structures used for human occupancy and each dwelling unit or guest room leased for gain shall have at least one door which meets the requirements of subsection (d).

**Section 3304(h)** of the UBC is amended to read as follows:

**UBC 3304(h) Openings.** Where corridor walls are required to be of one-hour fire resistive construction by subsection (g) above, every door opening shall be protected by a tight-fitting smoke and draft control door assembly having a fire protection rating of not less than 20 minutes when tested in accordance with UBC Standard No. 43-2 without the hose stream test. The door and frame shall bear an approved label or other identification showing the rating thereof, the name of the manufacturer, and the identification of the service conducting the inspection of materials and workmanship at the factory during fabrication and assembly. Doors shall be maintained self-closing or shall be automatic closing in accordance with Section 4306(b)2. Other interior openings shall be fixed and protected by approved 1/4 inch thick wired glass installed in steel frames. The total area of all openings, other than doors, in any portion of an interior corridor shall not exceed 25 percent of the area of the corridor wall of the room which it is separating from the corridor. For duct openings, see UBC 4306.

### EXCEPTIONS:

1. Protection of openings in the interior walls of exterior exit balconies is not required.

2. In Type I and II F.R. buildings housing Group B-2 Occupancies, corridor walls may be of approved wired glass set in metal frames. The glass height shall not exceed 2/3 of the width of the corridor. A draft curtain of at least one-hour fire resistive construction and not less than 24 inches in height shall be provided to protect the corridor from the Group B-2 Occupancy area (tenant space). The draft curtain shall be located above the glass and extend a minimum of 24 inches below any finished ceiling in the tenant space. If the finished ceiling is not a fire-rated assembly, the draft curtain shall extend from the wire glass to a rated ceiling or floor assembly. When the B-2 Occupancy area (tenant space) is protected by an approved automatic fire extinguishing system for a distance of twelve (12) feet in depth adjoining the corridor, and the corridor is not less than twelve (12) feet in width, glass other than wired glass may be approved. Open-grille-type gates and similar enclosing or security devices may be used in corridor walls of corridors not less than twelve feet in width, when the entire story is protected by an approved fire extinguishing system.

In buildings of other than Type I or Type II F.R. con-

struction, this exception shall not be allowed, unless the entire building is provided with an approved automatic fire extinguishing system.

3. In Group I Occupancies in which an approved complete standard automatic fire extinguishing system is installed, corridor doors serving sleeping rooms need not be maintained self-closing or be automatic closing. In buildings of type I, II fire resistive, and II one-hour construction, the automatic fire extinguishing system may be omitted from operating, delivery, cardiac, x-ray, and intensive care rooms when each such room is provided with smoke detectors connected to a continuously attended station or location within the building.

**Table 33A** is amended to read as follows:

Delete the right hand column entitled "Egress by means of a ramp or an elevator must be provided for the physically handicapped as indicated."

Also delete footnotes 2, 3, 4, 5 and 6.

**Section 3318(c)** of the UBC is amended to read as follows:

**UBC 3318(c) Corridors.** The minimum clear width of a corridor shall be 44 inches, except that corridors serving any area housing one or more non-ambulatory persons shall be not less than eight feet in width. There shall be no change of elevation in a corridor serving non-ambulatory persons unless ramps are used.

In Group I, Division I Occupancies such as jails, prisons, reformatories and similar buildings with open-barred cells forming corridor walls, the corridors and cell doors need not be fire resistive.

In Group I, Division I Occupancies such as jails, prisons, reformatories and similar buildings, doors to corridors used by the inmates need not be maintained self-closing or be automatic closing, may project into the required width of the corridor, but when fully opened shall not reduce the required width by more than seven inches.

**Section 3801(c)** of the UBC is amended by adding a new definition after the definition of Fire Department Hose Connection and before the definition of Wet Standpipe:

**FIRE DEPARTMENT STANDPIPE** is a fire line system with a constant water supply and pressure and equipped with Fire Department inlet and outlet connections and installed exclusively for the use of the Fire Department.

**Section 3802(b)5** of the UBC is amended to read as follows:

**3802(b)** In all Group I Occupancies except jails, prisons and reformatories, however, the respective increases for area and height specified in UBC 506(c) and UBC 507 shall be permitted.

### EXCEPTIONS:

1. In hospitals of Types I and II F.R. construction, the automatic fire extinguishing system may be omitted from operating rooms, X-ray rooms, delivery rooms, cardiac and intensive care rooms and patient sleeping rooms not exceeding 600

~~square feet in area when each such room is provided with detectors of products of combustion other than heat, complying with UBC Standard No. 43-6.~~

~~2. In hospitals of Type II-1 hour construction, the automatic fire extinguishing system may be omitted from operating rooms, X-ray rooms, delivery rooms, cardiac and intensive care rooms when each such room is provided with detectors of products of combustion other than heat, complying with UBC Standard No. 43-6.~~

~~Add new Section 3802(d) of the UBC to read as follows:~~

~~**3802(d) Special automatic fire extinguishing systems.** In all Occupancies having commercial cooking equipment (see NFPA no. 96A, 1975), automatic fire extinguishing systems complying with UBC Standard 38-1 or 38-2 shall be installed for protection of duct systems, grease removal devices, hoods and over commercial cooking equipment which may be a source of ignition (such as fat fryers, ranges, griddles and boilers). Systems installed in accordance with the following standards are also permitted.~~

~~1. Standards for foam water sprinkler systems and foam spray systems, NFPA No. 16-1974.~~

~~2. Standard for dry chemical extinguishing system, NFPA No. 17-1975.~~

~~EXCEPTION: These requirements shall not apply to Group R-3 and Group R-4 Occupancies.~~

~~Section 3803(a) of the UBC is amended to read as follows:~~

~~**3803(a) General.** Fire Department Standpipes shall comply with the requirements of this section and NFPA 14-1976 for Class I standpipes.~~

~~**UBC 3803(b) Where required.** All buildings three or more stories in height, shall be equipped with one or more Fire Department Standpipes.~~

~~Exception: In buildings that are fully protected with an approved automatic fire extinguishing system the standpipes may be incorporated with the risers for such system.~~

~~**UBC 3802(c) Location.** There shall be one Fire Department Standpipe outlet connection located at every floor level landing above the first floor of every required enclosed stairway or smokeproof enclosure. Outlets at enclosed stairways shall be located within the enclosure. No point within a building requiring Fire Department Standpipes shall be more than 130 feet travel distance from a Fire Department Standpipe outlet connection.~~

~~Portions of Fire Department Standpipe systems not located within an enclosed stairway or smokeproof enclosure shall be protected by a degree of fire resistance equal to that required for vertical enclosures in the building in which they are located.~~

**UBC 3803(d) Detailed requirements.**

~~1. Construction. Fittings and connections shall be of sufficient strength to withstand 300 pounds per square inch of water pressure when ready for service. All Fire Department Standpipes shall be tested hydrostatically to withstand not less than 200 pounds per square inch of pressure for two hours, but in no case shall the pressure be less than 50 pounds per square inch above the maximum working pressure.~~

~~2. Size. The size of the standpipe shall conform to Chapter 2 of NFPA No. 14-1976 Edition.~~

~~Exception: The size of the standpipe may be reduced to 2-1/2" in a building not exceeding 75' to the topmost outlet of the standpipe riser and the building is fully protected with an approved automatic fire extinguishing system. Such reduction in standpipe size shall be based on the requirements of a hydraulically calculated system as outlined in Chapter 7 of NFPA 13-1976.~~

~~3. Fire Department connections. All Fire Department Standpipes shall be equipped with a two-way siamese fire department connection. Fire Department connections shall be inter-connected in the system and shall be located on a street front, not less than 18 inches nor more than 4 feet above grade and shall be equipped with an approved straightway check valve and substantial plugs or caps. All Fire Department connections shall be protected against mechanical injury and shall be visible and accessible. More than one fire department connection may be required.~~

~~4. Outlets. Each standpipe shall be equipped with an approved 2-1/2 inch outlet not less than 2 feet nor more than 4 feet above the floor level of each story. All Fire Department Standpipes shall be equipped with a two-way, 2-1/2-inch outlet above the roof line of the building when the roof has a pitch of less than 4 inches in 12 inches and installed in a stairway or heated location. All outlets shall be installed so that a 12 inch long wrench may be used in connecting the hose with clearance for the wrench on all sides of the outlet. Standpipes located in smokeproof enclosures shall have outlets located in the vestibule or on the balcony. Standpipe outlets in stairway enclosures or smoke towers shall be so located that the exit doors do not interfere with the use of the outlet. All outlets shall be equipped with an approved valve, cap and chains.~~

~~5. Water Supply. The standpipe system shall deliver a water supply as required by Chapter 5, Water Supplies, NFPA No. 14-1976.~~

~~Section 3803 has been amended to add a new subsection as follows:~~

~~**Section 3803(e) Dry Standpipes,** when approved by the Fire Chief, may be installed in lieu of Fire Department Standpipes and shall conform to Section 3803 unamended of the UBC 1976 Edition.~~

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~~Section 3804(b) of the UBC is amended to read as follows:~~

~~**3804(b) Where required.** Wet standpipes extending from the cellar or basement into the topmost story shall be provided in Group A Division 1, 2 and 2.1 Occupancies with an occupant load exceeding 1,000; in Groups I, H, B and B-4 Occupancies three or more stories in height; and in Groups H and B Occupancies having a floor area exceeding 20,000 square feet per floor.~~

~~EXCEPTIONS:~~

~~1. Wet standpipes are not required in buildings equipped throughout with an automatic fire extinguishing system.~~

~~2. Wet standpipes are not required in basements or cellars equipped with a complete automatic fire extinguishing system.~~

~~3. Wet standpipes shall not be required in assembly areas used solely for worship.~~

~~Section 4701(a) of the UBC is amended to read as follows:~~

~~**UBC 4701(a) General.** The installation of lath, plaster and gypsum wallboard shall be done in a manner and with materials as specified in this Chapter, or as set forth in ASNI A42.2, 1971 Specifications for Portland Cement and Portland Cement Lime Plastering, Exterior (Stucco) and Interior and ANSI A42.3, 1971 Specifications for Lathing and Furring for Portland Cement and Portland Cement Lime Plastering Exterior (Stucco) and Interior, and when required for fire resistive construction, also shall comply with the provisions of Chapter 43.~~

~~Other approved wall or ceiling coverings may be installed in accordance with the recommendations of the manufacturer and the conditions of approval.~~

~~Sections 5001 through 5006 of the UBC are amended to read as follows:~~

~~Sections 5001 through 5006 of the UBC are deleted and replaced by SBC 301 through 337.~~

~~Sections 5101 through 5104 of the UBC are amended to read as follows:~~

~~Section 5101, 5102, 5103 and 5104 of the UBC Elevators, Dumbwaiters, Escalators, Manlifts, Moving Walks, Hoists and Lifts are deleted. Refer to SBC 8801.~~

~~UBC Chapter 60~~

~~Section 6001 is deleted in its entirety.~~

~~Section 6002 of the UBC is amended to read as follows:~~

~~**Section 6002 Uniform Building Code Standards.** The UBC Standards which are referred to in various parts of this Code shall be the Uniform Building Code Standards, 1976 Edition, and are hereby declared to be a part of this Code.~~

**2 MCAR § 1.1011**

Add new Section 3802(e) of the UBC to read as follows:

**UBC Section 3802(e) Special Automatic Fire-Extinguishing Systems.** In all occupancies having commercial cooking equipment (see NFPA No. 96-1976), automatic fire extinguishing systems complying with UBC Standard 38-1 or 38-1 shall be installed for protection of duct systems, grease removal devices, hoods and over commercial cooking equipment which may be a source of ignition (such as fat fryers, ranges, griddles and boilers). Systems installed in accordance with the following standards are also permitted.

1. Standards for foam-water sprinkler systems and foam-spray systems, NFPA No. 16-1974.

2. Standard for dry-chemical extinguishing system, NFPA No. 17-1975.

EXCEPTION: These requirements shall not apply to Group R-3 and Group R-4 occupancies.

## Department of Public Welfare Social Services Bureau Proposed Temporary Rule Governing Subsidized Adoptions Request for Public Comment

Notice is hereby given that the Department of Public Welfare has proposed the following temporary rule for the purpose of implementing the provisions of Chapter 256, 1979 Session Laws amending Minn. Stat. § 259 and repealing § 393.07, subd. 1a.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the *State Register* by writing to Ruth Weidell, Adoptions Unit supervisor, Department of Public Welfare, 4th Floor, Centennial Office Building, St. Paul, Minnesota 55155. The temporary rule may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rule.

### Temporary Rule as Proposed

**12 MCAR § 2.200 A.** Introduction.

2. Definitions.

j. Placing agency: The licensed child placing agency which has guardianship of a child or the local social service agency which has financial responsibility for a ward of the commissioner. The placing agency retains planning responsibility for the child even though another agency is supervising.

k.j. Post-placement services: Social services provided to the child and the adoptive parents from the time of placement until legal adoption.

~~l. k.~~ Post-adoption services: Social services provided after legal adoption to the adoptive parents, genetic parents or adopted individuals.

~~m. l.~~ Relative: An individual who is related to a child within the third degree according to the Civil Table of Consanguinity by blood, marriage or adoption as a parent, stepparent, brother, sister, grandparent, great grandparent, aunt, uncle, niece or nephew.

~~n. m.~~ State Adoption Exchange: The central adoptive home and child registration service operated by the Minnesota Department of Public Welfare's adoption unit for use by authorized child-placing agencies.

~~o. n.~~ State agency: The Commissioner of Public Welfare or the Minnesota Department of Public Welfare.

~~o. Subsidized adoption: An adoptive placement in which a contract provides that financial reimbursement will be made to the adoptive parents with financial needs for a child who has special needs.~~

p. Subsidized adoption: An adoption in which an agreement provides that financial payments shall be made to the adoptive parent(s) because of special needs of the child.

~~q. p.~~ Suitability study: The pre-adoptive counseling and subsequent evaluation made by the authorized child-placing agency to determine whether or not the proposed adoptive home can adequately parent and meet the social, educational and health needs of a particular child.

#### C. Services for children freed for adoption.

1. State Adoption Exchange. To ensure each child's placement in an adoptive home preferably away from his area of prior residence, the State Adoption Exchange shall be used by all local social service agencies in accordance with prevailing procedures established by the commissioner. This provision shall not apply to the licensed child placing agencies, Hennepin, Ramsey, or St. Louis Counties, whose use of the Exchange is optional.

a. The local social service agency shall, without undue delay, seek an adoptive home which will meet the child's special needs. Special needs include sibling ties, racial or religious heritages, and health, social, and educational needs.

b. The local social service agency shall make reasonable efforts to provide and preserve the child's heritage by placing the child:

(1) In an adoptive home of similar background;

or

(2) In an adoptive home which is knowledgeable and appreciative of the child's heritage.

2. The child's foster home. The local social service

agency may consider the foster home in which the child is currently living as a potential adoptive resource for the child.

a. In such cases, at least one of the following criteria shall apply:

(1) The child has special needs (physical and mental health, education or social) which the foster family will be able to adequately meet.

(2) The child is older than an infant, has lived at least twelve consecutive months in the foster home, and is an integrated member of the foster family.

(3) The foster family will be able to accept the child and his background and help the child understand his adoption.

(4) The foster family is either the best adoptive resources for the child or is at least comparable to available resources.

b. Except in Hennepin, Ramsey and St. Louis Counties, a joint decision between the state agency's adoption unit and the local social service agency as to whether the foster home would be a suitable adoptive home for the child shall be made. The decision shall be based upon:

(1) The local social service agency's written statement and recommendation to the state agency identifying applicable criteria; and

(2) The state agency's written response either approving or disapproving the recommendation.

c. Where a licensed child-placing agency, which is supervising a child under state guardianship, wishes to consider the foster home as the adoptive resource for the child, it shall obtain approval from the local social service agency which has financial responsibility.

3. Child placement. The following policies shall govern the local social service agency's child-placing activities:

a. Preplacement activities:

(1) The social worker assigned to the adoptive home shall, prior to the child being placed in the adoptive home, visit the child in his foster home. This preplacement visit may only be waived if the child is under six months of age and is without special needs.

(2) The child's social worker shall provide the adoptive parents with a written genetic and health history of the child in which all identifying information on the child's relatives has been omitted. The history is to be written in a manner which is understandable and meaningful to the adoptive family.

(3) An adoptive family shall spend at least two days in the child's community becoming acquainted with the

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child prior to the transfer of physical custody from the agency to them. This provision may be waived, in the discretion of the agency, where extraordinary circumstances dictate prompt placement.

~~4. Subsidized adoptions. Subsidized adoption is available through the local social service agency for a child under state guardianship who is not readily adoptable because of special needs (due to age, race, physical, mental, or emotional conditions, his membership in a sibling group) and whose prospective family is unable to adopt him due to financial limitations.~~

~~a. The amount of the maintenance subsidy paid by the local social service agency shall not exceed the county welfare or human service board's schedule of regular or special rate payments for a child in foster care.~~

~~b. The amount of a health subsidy shall include the estimated cost for medical and health care, treatment and/or therapy.~~

~~c. A subsidized adoption contract shall be reduced to writing on the local social service agency's official stationery, signed by all relevant parties and approved by the Commissioner prior to legal adoption.~~

~~(1) Once fully executed and approved, all parties shall be given copies of the contract.~~

~~(2) A copy of the contract is to be filed with the proper court prior to the time the adoption matter is heard.~~

~~(3) The contract shall remain in effect even though the family moves out of the State of Minnesota.~~

~~(4) The contract shall be reviewed annually by the subsidizing county welfare or human service board to determine whether significant changes have occurred in the needs of the child or the financial resources of the parents which require amendment of the contract.~~

~~(5) The adoptive parents have the right to appeal to the Commissioner pursuant to Minn. Stat., ch. 15, when the county welfare or human service board denies, discontinues or modifies the contract.~~

~~d. The local social service agency is entitled to seek reimbursement of its subsidy expense from the State's Child Welfare Fund up to the legislatively authorized percentage.~~

~~e. The following procedures shall be implemented when initiating an adoption subsidy:~~

~~(1) When considering the child's need for subsidy:~~

~~(a) Review the child's eligibility for alternative financial and/or medical resources;~~

~~(b) Process through the State Adoption Exchange for a review of suitable homes; and~~

~~(c) Utilize the public media to recruit adoptive resources.~~

~~(2) When attempting to establish the amount of subsidy:~~

~~(a) Determine the amount of the child's financial and medical benefits, if any;~~

~~(b) Determine the family's financial and medical resources for meeting the child's special needs; and~~

~~(c) Obtain preliminary approval from the county welfare or human service board for a medical and/or maintenance subsidy.~~

~~(3) Each subsidized adoption contract shall include:~~

~~(a) A statement of the purpose of the agreement: maintenance, medical and/or special needs of the child;~~

~~(b) The arrangements for payment and receipt of the subsidy.~~

4. Subsidized adoptions: This section provides standards for determining a child's eligibility for subsidy and the criteria for establishing the terms of the subsidy agreement. Subsidized adoption is based upon the needs of the child who is certified as eligible for subsidy and is available through the Commissioner of Public Welfare for a child under legal guardianship of the commissioner or licensed child placing agency. The commissioner may review and verify the facts upon which the child's eligibility is based.

a. The placing agency shall document in the child's case record all facts upon which the agency certifies the child as eligible for subsidy.

b. The placing agency may determine that subsidy is needed for children placed as sibling groups, children who are entitled to placement with a family of similar ethnic background (i.e., American Indian, Black, Hispanic, Asian), and children with special needs, for whom adoptive homes are not readily available.

c. The placing agency shall certify the child as eligible for subsidy when the following criteria are met:

(1) The child is a Minnesota resident and a ward of the commissioner or licensed child placing agency.

(2) The placing agency has made reasonable efforts without success to place the child without subsidy.

(a) The agency shall register the child on the State Adoption Exchange to obtain adoptive home referrals.

(b) The agency shall contact Hennepin, Ramsey, St. Louis Counties and Minnesota-based licensed child placing agencies to seek potential adoptive homes.

(c) The agency may use photo listing services, adoption exchange services, newsletters or other special efforts to secure a home.

(d) The agency shall make an early determination on the availability of a home without subsidy, preferably within two months of the child becoming legally available for adoption.

(3) A child shall be eligible for subsidized adoption by his/her foster parents if the following criteria are met and documented:

(a) The child's foster parents desire to adopt the child, and

(b) The agency determines the adoption is in the best interest of the child, according to the criteria established in C.2. of this rule, and

(c) The child's circumstances or characteristics make it difficult for the agency to provide the child a home without a subsidy.

(4) When the child is placed into a prospective adoptive home without a subsidy but the need for subsidy becomes evident prior to legal adoption, the placing agency shall apply the criteria in C.4.c.(1) and (3) to determine the child's eligibility for subsidy.

(5) The placing agency shall certify to the commissioner, in writing under its director's or designee's signature, the child's eligibility for subsidy. The statement shall include the conditions or circumstances upon which the child's eligibility is based.

d. When determining the amount of subsidy, the placing agency shall consider the financial resources, social security and veterans benefits health insurance coverage, medical assistance programs, and other resources available or which may be available to the child.

(1) Maintenance payments may be provided when it is necessary to ensure the adoption of a child. The placing agency shall refer to 12 MCAR § 2.044 to determine the amount of a child's monthly maintenance needs for food, shelter and clothing. The total monthly maintenance needs may be less than, equal to or more than the basic rate. Amounts greater than the basic rate shall be set according to the difficulty of care standards and the need for the greater amount shall be documented.

(2) The placing agency shall determine the medical, dental, surgical, psychiatric, and psychological expenses, and other costs necessary for the child's care and well-being. In determining the costs the placing agency shall identify the child's circumstances or conditions that require subsidy. The placing agency shall:

(a) Document the kind and amount of health insurance or other financial resources available to meet the needs of the child.

(b) Document the actual or estimated expenses for medical, dental, surgical, psychiatric, psychological or other needs of the child which are not covered by health insurance and/or other alternative financial or medical resources.

(3) The agency record and the subsidy agreement shall include all relevant facts upon which subsidy payments are

based, the amount and frequency of payments. If the amount and frequency of payments are unknown, estimates and the basis for them shall be included.

e. The placing agency shall prepare in writing the Subsidized Adoption Agreement clearly setting forth the responsibilities of all the parties and the terms and duration of the agreement.

(1) The agreement shall state the responsibilities of the parties as follows:

(a) The adoptive parent(s), or in the event of death or inability to function as parent(s), the subsequent guardian or conservator, shall agree to:

(i) Submit to the commissioner a notarized affidavit each year on the anniversary date of the approved agreement to certify whether the child remains under their care and the need for subsidy continues to exist.

(ii) Notify the commissioner within thirty (30) days in the event of change in status and its effect on the expenses covered by the subsidy:

(aa) Marriage of child or parent.

(bb) The child's absence from the home by court action or for any reason for a period of more than thirty (30) days.

(cc) Death of a child or parent.

(dd) Legal emancipation of the child.

(iii) Notify the commissioner within thirty (30) days of any change which may affect the duration or amount of the subsidy needed.

(iv) Notify the commissioner within thirty (30) days of a change in address to ensure proper mailing of payments.

(v) Participate in and use health insurance and financial programs available for the child.

(vi) Notify the commissioner of anticipated large or unusual expenses to obtain prior authorization.

(vii) Submit expense statements to the commissioner to receive subsidy payments for incurred costs over and above agreed upon monthly payments, but within the parameters of the agreement.

(b) The placing agency shall agree to:

(i) Specify in the agreement:

(aa) The terms and duration of the subsidy as defined in C.4.d.

(bb) The effective date of the

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agreement which shall be the date of legal adoption. When the child's needs cannot be met by other state and federal programs prior to legal adoption, the commissioner may establish an earlier effective date between the child's placement in the home and legal adoption.

(ii) Assist the parent(s), subsequent guardian or conservator in the review or modification of the agreement.

(iii) Assist the commissioner in the review or modification of the agreement.

(c) The commissioner shall agree to make financial payments to the adoptive parent(s), subsequent guardian or conservator, as follows:

(i) Payments regardless of the domicile or residence of the adopting parent(s) at the time of application for adoptive placement, legal decree of adoption, or thereafter.

(ii) Monthly payments for maintenance (food, shelter and clothing) and other regular costs as specified in the agreement.

(iii) Payments based upon the expense statements received from the adoptive parent(s) for the child's medical or special expenses which are within the parameters of the agreement.

(iv) Payments may be terminated at the request of the adoptive parents, subsequent guardian or conservator.

(2) When the terms and duration of the subsidy are agreed upon by the parties, the placing agency shall:

(a) Prepare six written copies of the agreement.

(b) Insure that all copies are signed by the adoptive parent(s) and the placing agency director or designee.

(c) Submit all copies to the State Adoption Unit for the commissioner's approval.

(3) The subsidy agreement shall continue in accordance with its terms as long as the need for subsidy continues and the child remains the legal dependent of the adoptive parent(s), subsequent guardian or conservator.

(4) The adoptive parents have the right to appeal to the commissioner pursuant to Minn. Stat. § 256.045, when the commissioner denies, discontinues, or modifies the agreement.

(a) The terms of the agreement shall be reviewed by the parent(s) or the commissioner when changes in the child's status make it appropriate.

(b) The parent(s) may request modification or termination of agreement at any time by contacting the placing agency or the commissioner.

(c) In the event the parent(s), subsequent

guardian or conservator are unable to agree upon the amendments proposed by either party, the parent(s), subsequent guardian or conservator may appeal. The appeal shall be initiated by a written request to the commissioner within thirty (30) days after receiving written notice of the action or decision from the commissioner or within ninety (90) days if the parent(s) show good cause why the request was not submitted within the thirty (30) day time limit.

f. Subsidy payments received according to the terms of the agreement, shall not affect eligibility for any other financial payments (i.e., social security, veterans, or other benefits) to which a person may otherwise be entitled.

g. The placing agency shall receive a reimbursement from the commissioner equal to 100% of the reasonable and appropriate cost of providing or purchasing adoption services for a child certified as eligible for a subsidy, including adoptive family recruitment, counseling, and special training when needed.

(1) The child meets the certification requirements of C.4.c.

(2) The placing agency has determined that either partial or full cost of providing or purchasing the adoption services is not reimbursable under other state and federal financial programs.

(3) The placing agency shall submit purchase of service agreements to the commissioner for review of anticipated expenses.

(4) The placing agency shall notify the State Adoption Unit in writing when the agency anticipates that its expenses may exceed \$3,000 for adoption services on a child certified as eligible for subsidy.

(5) The placing agency shall submit an itemized statement of expenses to the State Adoption Unit for reimbursement prior to June 30 of each fiscal year.

(a) The itemized expenses shall not exceed the prevailing costs for similar services to children under agency care.

(b) The commissioner shall reimburse the placing agency for 100% of the expenses that are not reimbursable under other state and federal programs.

h. The commissioner shall work with American Indian child adoption organizations able to be licensed as child placing agencies. American Indian children, who are protected under the Federal Indian Child Welfare Act of 1978 and who are certified as eligible for subsidy shall, whenever possible, be served by the tribal governing body, tribal courts or a licensed Indian child placing agency.



## Department of Revenue Property Equalization Division

### Proposed Temporary Rules Governing the Valuation and Assessment of Railroads

#### Request for Public Comment

Notice is hereby given pursuant to Minn. Stat. § 15.0412, subd. 5 (1978), that the Minnesota Department of Revenue has proposed the following temporary rules governing the valuation and assessment of railroads for *ad valorem* tax purposes pursuant to Laws of 1979, ch. 303, art. VII.

All interested may submit written comment or data on these rules to:

Gerald Garski, Manager  
State Assessed Property  
Property Equalization Division  
Department of Revenue  
Centennial Office Building  
St. Paul, Minnesota 55145

Written statements submitted for consideration must be received by February 12, 1980. The proposed temporary rules may be modified if the modifications are supported by the data and views received by the department. The department shall submit to the Attorney General the proposed temporary rules as published, with any proposed modifications for review as to form and legality. The temporary rules shall take effect upon approval of the Attorney General.

The Department will publish at *State Register* the Attorney General's decision and the adopted temporary rules upon receipt of the Attorney General's decision.

Clyde E. Allen, Jr.  
Commissioner

#### Temporary Rules as Proposed

##### Chapter Two: Valuation and Assessment of Railroads

**13 MCAR § 1.0021 General procedures.** The 1979 Minnesota Legislature included in its Omnibus Tax Bill a Section, Article VII, dealing with the taxation of railroads. The article provides for an *ad valorem* tax on railroads in place of the gross earnings tax. The Article also charges the Commissioner of Revenue with the responsibility of developing rules and regulations, both temporary and permanent, which will implement the

provisions of the law dealing with the *ad valorem* method of taxing railroads.

The first valuation of railroad operating property will be made for the assessment year 1979. No apportionment of value to the local taxing districts will be made until 1981 for *ad valorem* taxes payable in 1982.

The methods, procedures, indicators of value, capitalization rates, weighting percents, allocation factors and apportionment standards will be used as described in this chapter for 1979 and subsequent years, or until in the opinion of the Commissioner of Revenue; circumstances or changes in condition justify a change.

**13 MCAR § 1.0022 Definitions.** As used in this chapter, the following words, terms and phrases shall have the meanings given to them by this regulation, except when the content clearly indicates a different meaning. Some of the words, terms and phrases listed below are defined by statute but are included here for completeness.

A. Allocation—the process of dividing the unit value of a railroad company among the states in which the railroad operates.

B. Apportionment—the process of distributing that portion of the railroad's unit value which has been allocated to Minnesota after deducting exempt and non-operating property to the various taxing districts in which the railroad company operates.

C. Book depreciation—the depreciation shown by a railroad company on its corporate books, and allowed the company by the Interstate Commerce Commission.

D. Capitalization rate—an anticipated rate of return from an investment; a rate at which income is processed (capitalized) to indicate the probable capital value. This rate is usually expressed as a percentage.

E. Exempt property—property which is non-taxable for *ad valorem* tax purposes by statutes. Examples of such property are approved pollution control equipment for which an exemption has been granted, and personal property such as office furniture and licensed vehicles.

F. Non-operating property—all property owned by a railroad company which does not fall under the definition of operating property. Nonoperating property shall include real property which is leased or rented or available for lease or rent to any person which is not a railroad company. Vacant land shall be presumed to be available for lease or rent if it has not been used as operating property for a period of one year preceding the valuation date. It shall also include land which is not necessary and integral to the performance of railroad transportation services and which is not used on a regular and continual basis in the performance of these services. This property shall be valued

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# PROPOSED RULES

by the local or county assessor rather than by the Commissioner of Revenue.

G. Operating property—all property owned or used on a regular basis by a railroad company in the performance of railroad transportation services, including without limitation franchises, rights-of-way, bridge trestles, shops, docks, wharves, buildings and structures.

H. Original cost—the amount paid for an asset as recorded on the railroad's books in accordance with ICC accounting rules and regulations.

I. Railroad company—any company which as a common carrier operates a railroad or a line or lines of railway situated within or partly within Minnesota.

J. System—the total tangible property, real and personal, of a company which is used in its railroad operations in all states in which it operates.

K. Unit value—the value of the system of a railroad company taken as a whole without any regard to the value of its component parts.

L. Weighting—the confidence or reliability given to a factor or indicator. It is usually expressed as a portion of 100%.

### 13 MCAR § 1.0023 Reports required.

A. Much of the data used in the valuation, allocation and apportionment processes will be drawn from reports submitted to the Department of Revenue by the railroad companies. These reports are to be filed with the commissioner on or before April 30 of each year and shall include:

1. The Minnesota Department of Revenue Annual Railroad Report.
2. Annual Report to the Interstate Commerce Commission (ICC).
3. Annual Report to the Minnesota Public Service Commission (P.S.C.)
4. Annual Stockholders Report.

B. Periodic examination of the supporting data for these reports will be made by the Department of Revenue. The commissioner may, upon written application from the railroad, extend the filing date 30 days.

C. In the event any railroad company shall fail to file the required reports, the commissioner shall make a valuation according to his best judgment based on available information.

### 13 MCAR §1.0024 Valuation.

A. General. The Minnesota Legislature has specified that railroads must be valued using the unit basis of estimating value. The approaches to value which will be used in determining the estimated unit value of railroad operating property are cost, capitalized income, and stock and debt except as provided for in 13 MCAR § 1.0024 D. and F. It is the decision of the Commis-

sioner of Revenue that for 1979 and subsequent years, until economic or technological factors dictate a change, the value of railroad property will be determined using these three approaches to value, where applicable, in the manner provided for in this section.

B. Cost approach to valuation. The cost factor that will be considered in the railroad valuation method is the original cost of the railroad system, plus the original cost of construction work in progress on the assessment date. The railroad system shall be considered to be made up of the following I.C.C. accounts: all road and equipment accounts, all general expenditures and other elements of investment accounts, and railroad property owned but leased to others. As required by statute, no depreciation or obsolescence shall be allowed as a deduction from the original cost of the railroad's assets enumerated above.

The following is an example of how the cost indicator of value is to be computed:

<b>XYZ Railroad</b>	
<b>Account</b>	<b>Amount</b>
Road	\$13,000,000
Equipment	9,000,000
Construction Work in Progress	1,000,000
Leased Property	500,000
General Expenditures	<u>1,500,000</u>
Cost Indicator of Value	<u>\$25,000,000</u>

This cost indicator of value computed in accordance with this regulation will bear a weighting of 25 percent of the total unit value estimate of the railroad's property, except in the case of bankrupt railroads, or railroads with no income to be capitalized as provided for in 13 MCAR § 1.0024 F.

C. Income approach to valuation. The income indicator of value will be calculated by averaging the Net Railway Operating Income (as defined by the I.C.C.) of the railroad for the most recent five years preceding the assessment. This average income shall be capitalized by applying to it a capitalization rate which will be computed by using the Bank of Investment Method. This method will consider:

1. The capital structure of railroads.
2. The cost of debt or interest rate paying particular attention to imbedded debt of railroads.
3. The yield on preferred stock of railroads.
4. The yield on common stock of railroads.

For 1979 and subsequent years this capitalization rate will be 11%. This rate will be effective until in the opinion of the Commissioner economic conditions such as rates of return, interest rates, and risk factors change in such a manner as to affect the above mentioned capitalization rate. At such time the commissioner will institute the proper rule making procedures necessary to effect a change in the capitalization rate.

An example of a computation of the capitalized income approach to value is as follows:

**XYZ Railroad**

**Net Railway Operating Income**

1974	\$1,500,000
1975	2,000,000
1976	2,600,000
1977	3,001,000
1978	<u>2,600,250</u>
Total	\$11,701,250
Average	\$ 2,340,250

Five year average Net Railway Operating Income Capitalized at 11% ( $2,340,250 \div 11\%$ ) equals \$21,275,000.

The income indicator of value computed in accordance with this regulation will be weighted 50 percent of the total estimated unit value of the railroad's property except in the case of bankrupt railroads or railroads have no net operating income as provided for in 13 MCAR § 1.0024 E.; and railroads not meeting the requirements for the use of the stock and debt indicator of value. Where no stock and debt indicator of value is used the income indicator will be weighted 75%.

D. "Stock and debt" approach to valuation. The "stock and debt" approach to value is the third method which will be used to estimate the unit value of the railroad operating property. This approach to value is based on the accounting principle: Assets = Liabilities + Equity. Therefore, when the value of a company's liabilities (debt) is found and this added to the worth of its stock, a value can be established for its assets (property).

The use of this approach to value will be limited to only those railroads meeting certain qualifications listed below:

1. The stock of the railroad must be traded on a recognized stock exchange.
2. The bonds of the railroad must be traded or have a rating by a recognized financial rating service.
3. If the railroad is part of a diversified company the value of the railroad portion of the total stock prices must be able to be separated on an earnings basis.

For example, if a railroad is part of a conglomerate whose stock sells at \$100 per share and 50% of the net earnings of the conglomerate are from railroad operations then the value of the railroad's portion of the stock is \$50 per share.

If a railroad has no net earnings, making it impossible to separate the stock value into its parts, then the stock and debt indicator of value will not be used.

The value of the stock used in the stock and debt method shall be an average of the month ending stock prices for the twelve months immediately preceding the assessment date. The value of the bonds, equipment obligations and conditional sales contracts and other long term debts shall also be an average of the cost of money quotes for the twelve months immediately pre-

ceding the assessment date. The source for these stock and bond prices shall be Standard and Poor's Stockguide, or other applicable financial service.

An illustration of a computation of the "stock and debt" approach to value is as follows:

**XYZ Railroad Company**

Shares of Common Stock issued × Average price for preceding year	1,000,000 × \$12 = \$12,000,000
Shares of Preferred Stock × Average price for preceding year	100,000 × \$15 = \$ 1,500,000
Rate and face value of bonds × Average price for class of bonds for preceding year	A rated 8% bonds \$10,000,000 × 99% of par = <u>\$ 9,900,000</u>
Stock and Debt Indicator of Value	\$23,400,000

After the gross "stock and debt" indicator of value has been computed an allowance will be made for the effect, if any, of revenue from other than railway operations included in this indicator of value. This allowance shall be based on the ratio of a five year average of Net Revenue from Railway Operations, as defined by the I.C.C., to a similar five year average of Income Available for Fixed Charges as defined by the I.C.C. The five year average will be the most recent five years preceding the assessment date.

An example of this computation is as follows:

**XYZ Railroad Company**

	<b>Net Revenue from Railway Operations</b>	<b>Income Available for Fixed Charges</b>
1974	\$ 3,000,000	\$ 3,500,000
1975	4,000,000	4,300,000
1976	5,200,000	5,700,000
1977	6,000,000	6,800,000
1978	<u>5,200,000</u>	<u>5,400,000</u>
	\$23,400,000	\$25,700,000
Average	\$ 4,680,000	\$ 5,140,000
Ratio $\$4,680,000 \div \$5,140,000 = 91\%$		
Gross Stock and Debt Indicator of Value		\$23,400,000
Ratio of Operating to Non-Carrier Earnings		91%
Net Stock and Debt Indicator of Value		<u>\$21,300,900</u>

The "stock and debt" indicator of value computed in accordance with this regulation will bear a weighting of 25 percent of the total unit value of the railroad's property, except in the case of bankrupt railroads, or railroads with no income to be capitalized as provided for in 13 MCAR § 1.0024 F.

E. Unit value computation. The estimated unit value of the railroad property will be the total of the three weighted indicators of value.

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# PROPOSED RULES

The following is an example of the computation of the unit value.

XYZ Railroad			
Valuation Approach	Value	Weighting	
Cost indicator of value	\$25,000,000	25%	6,250,000
Income indicator of value	21,275,000	× 50%	16,637,500
Stock and debt indicator of value	21,300,000	25%	<u>5,325,000</u>
			Unit Value <u>\$22,212,500</u>

The weighting shown above may vary from railroad to railroad, as provided for in 13 MCAR § 1.0024 B., C. and D., depending on the conditions and circumstances involved in each valuation. For example a railroad with no outstanding stock would not have a computation for a stock and debt indicator of value, and therefore the income indicator of value would be weighted 75%.

F. Railroads operating at a loss and bankrupt railroads. Railroads which are involved in bankruptcy proceedings, or railroads having no net railway operating income will be valued using whatever indicators of value are workable. If the stock or bonds of such railroads are not traded, or do not meet the other requirements for use of the stock and debt indicator of value then these railroads will be valued using the cost approach to value only.

### 13 MCAR § 1.0025 Allocation.

A. General. After the estimated unit value of the railroad property has been determined, the portion of value which is attributable to Minnesota must be established. This is accomplished through the use of certain allocation factors. Each of the factors in the allocation method shows a relationship between the railroad system operations in all states and its Minnesota operations. These relationships are expressed in a percentage figure. These percentages are then added and an average is computed. The resulting average of the factors, multiplied by the unit value, yields the Minnesota portion of the railroad property which will, after the adjustments described in 13 MCAR § 1.0025, be subject to *ad valorem* tax in the State of Minnesota.

B. Allocation factors. The factors to be considered in making allocations of unit values to Minnesota for railroad companies are:

1. Miles of railroad track operated in Minnesota divided by miles of railroad track operated in all states.
2. Ton miles of revenue freight transported in Minnesota divided by ton miles of revenue freight transported in all states.
3. Gross revenues from transportation operations within Minnesota divided by gross revenues from transportation operations in all states.
4. Original cost of road property in Minnesota divided by the original cost of road property in all states.

The following example illustrates the allocation method to be applied to the unit value of railroad property.

XYZ Railroad	
Minnesota miles of track	$\frac{100}{500} = 20\%$
Total miles of track	500
Minnesota ton miles of revenue freight	$\frac{2,200,000}{9,000,000} = 24\%$
Total ton miles of revenue freight	9,000,000
Minnesota gross transportation revenue	$\frac{\$10,000,000}{\$40,000,000} = 25\%$
Total gross transportation revenues	\$40,000,000
Minnesota Cost of Road Property	$\frac{2,990,000}{13,000,000} = 23\%$
Total Cost of Road Property	13,000,000
	Total 92%
	Minnesota Percent of Unit Value 23%
Total Unit Value (\$22,212,500) ×	
Minnesota Percent (23%) = Minnesota Portion	
	<u>\$5,108,875</u>

**13 MCAR § 1.0026 Adjustments for non-formula assessed property or exempt property.** After the Minnesota portion of the unit value of the railroad company is determined property which is either exempt from taxation, such as pollution control equipment and personal property, or classified as non-operating will be deducted from the Minnesota portion of the unit value to the extent that it has been included in the computation of this value.

Property which has been included in the computation of the unit value but has been defined as non-operating property will be valued by the local assessor. The Minnesota portion of the unit value will be reduced by the original cost of this property. Only non-operating property located within the State of Minnesota will be eligible for this exclusion.

The railroad company shall have the responsibility to submit to the Commissioner of Revenue, in the form required by the commissioner, such schedules of non-operating property as he may require.

In addition to non-operating property which will be valued and assessed locally a deduction from the Minnesota portion of the unit value will be made for personal property. The unit value method presupposes that the value of any one portion of the unit is interdependent upon all other elements of the unit; therefore, it is extremely difficult to make a separation of this value into real and personal property.

A percentage of the Minnesota portion of the unit value after deducting non-operating and exempt property will be excluded as personal property. This percentage will be computed in the following way:

The following I.C.C. accounts for property within Minnesota will be totaled:

- That portion of coal and ore wharves determined to be personal property less applicable depreciation;
- Communication equipment less applicable depreciation;
- Roadway machines less applicable depreciation;
- Shop machinery less applicable depreciation;
- Power plant machines less applicable depreciation;
- Equipment, allocated to Minnesota on the basis of car and locomotive miles in Minnesota compared to total system car and locomotive miles, less applicable depreciation.

The total of these accounts will then be divided by the total of the Minnesota road, equipment, leased property, general expenditures, construction work in progress, and other elements of investment accounts; all less applicable depreciation. The resulting percentage will be used to determine the personal property amount of the Minnesota portion of the unit value. This portion will not be taxable for *ad valorem* purposes.

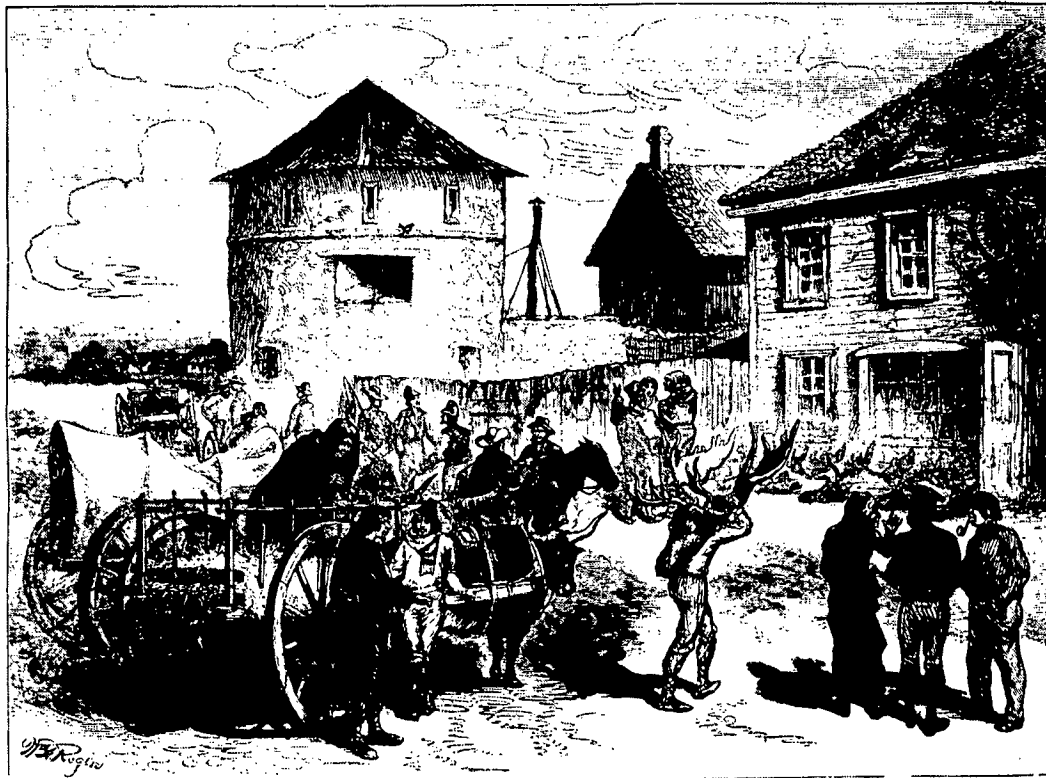
The following is an illustration of the computation for the personal property exclusion.

Personal Property Account	XYZ Railway		Net Amount in Minnesota
	Amount in Minnesota	Depreciation	
Coal & Ore Wharves	\$ 500,000	\$ 250,000	\$ 250,000
Communication Equip.	100,000	50,000	50,000
Roadway Machines	200,000	100,000	100,000
Shop Machinery	100,000	50,000	50,000
Power Plant Machinery	500,000	203,000	297,000
Equipment*	2,250,000	1,250,000	<u>1,000,000</u>
			1,747,000

\*Total Equipment Account \$9,000,000  
 Car and Locomotive Miles in Minnesota 1,000,000  
 Total Car and Locomotive Miles 4,000,000  
 Ratio of Minnesota to Total 25%  
 Minnesota Allocated Equipment Account \$2,250,000

Cost Account	Amount in Minnesota	Depreciation	Net Amount in Minnesota
Road	\$2,990,000	\$1,400,000	\$1,590,000
Equipment	2,250,000	1,250,000	1,000,000
C.W.I.P.	800,000	—	800,000
General Expenditures	500,000	250,000	<u>250,000</u>
			\$3,640,000
Minnesota Depreciated Personal Property Accounts			\$1,747,000
Minnesota Depreciated Cost			\$3,640,000
Ratio of Personal Property to Cost			48%
Minnesota portion of unit value		5,108.875	
Personal Property exclusion at 48%		<u>2,452,260</u>	
Taxable Minnesota Portion of Unit Value		<u>\$2,656,615</u>	

**TRADERS** often traveled by oxcart to peddle their wares. This drawing by W. A. Rogers, which appeared in *Harper's Weekly* in 1879, depicts a typical traders' caravan arriving at Fort Garry in Manitoba. (Courtesy of Minnesota Historical Society)



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# ADOPTED RULES

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

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

If an adopted rule differs from its proposed form, language which has

been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

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

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## Department of Public Welfare Mental Illness Program Division

### Adopted Temporary Rule Governing Grants for Community Support Services for Chronically Mentally Ill Persons

The proposed temporary rule (12 MCAR § 2.014) published at *State Register*, Volume 4, Number 20, pp. 802-805, November 19, 1979 (4 S.R. 802) was approved by the Office of the Attorney General on December 27, 1979, and adopted with the following amendments:

#### Amendments as Adopted

#### 12 MCAR § 2.014 Grants for community support services for chronically mentally ill persons.

##### D. Applicability.

2. The county board of commissioners may request funds under this rule for programs and services for chronically mentally ill people to be carried out by the county or by any public or ~~nonprofit~~ private organization, or by any combination of these organizations with which the county contracts.

##### E. Definitions.

16. Residential facility: A ~~non-acute hospital~~ facility other than a hospital offering administratively organized and programmatically structured 24 hours a day room, board, and relevant services to foster the independence of chronically mentally ill people.

##### G. Content of applications.

1. Applications must contain at least the following

information, following the Problem, Objectives, Method, Evaluation (POME) format.

c. Methods: the modalities of treatment and rehabilitation to be used; a description of how individual program plans will be used in carrying out the service; a description of how case management will be used in carrying out the service; a description of how the proposed service will fit into the local continuum of care and service; and a description of the proposed site(s) and providers to be used. If the providers and sites have not been finally determined at the time of application, the Department will consider the application if it contains indications of potential providers and sites.

3. ~~A resolution of support signed by the applicant county board(s) shall be attached to the application indicating the amount of county funds committed to the proposed project as the required local match.~~ If the service is proposed by and for more than one county, the chairman of participating county boards of commissioners shall sign the application.

##### H. Use of project funds.

2. Allowable expenses, ~~which shall be budgeted in the form specified in Section C.5. of this rule,~~ include:

- a. salaries and related expenses of personnel providing services directly to clients in the project;
- b. local travel costs of personnel working in the project;
- c. consummable supplies used by the project;
- d. administrative overhead, as defined and limited by this rule.

3. If an applicant can show that an expenditure other than for a direct service is 1) relatively minor, 2) essential for the project to operate, and 3) cannot be paid for from local funds, such an expenditure may shall be paid for from funds available under this rule, with the approval of the commissioner. ~~The commissioner shall use the above enumerated criteria in approving such expenditures.~~

# SUPREME COURT

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## Decisions Filed Friday, January 11, 1980

**49901/Sp. George Ruzynski, Relator, vs. Bemis Packaging Plant of Bemis Company, Inc., et al. Workers' Compensation Court of Appeals.**

Under the circumstances of this case the finding that employee was not disabled at the time the employer-insurer discontinued payment of compensation must be set aside for lack of evidentiary support. The evidence and the reasonable inferences permissible therefrom require the conclusion that employee was temporarily partially disabled at that time.

Reversed and remanded. Sheran, C. J. Took no part. Todd, J.

**48134/121 Allied Aviation Fueling Company of Minnesota, Appellant, vs. Dover Corporation, Leslie Miller Construction Company, and Dover Corporation, Defendant and Third Party Plaintiff, vs. Tulsa Screw Products, Inc., and Standard Pressed Company, Third Party Defendants. Dakota County.**

A supplier of a valve incorporated in a fueling system is not liable for economic loss sustained by a skilled and knowledgeable user when the failure of the component supplied by defendant resulted from an application of force during use and the accident occurred at least two years after the user had certain knowledge of this susceptibility of the supplied component.

Affirmed. Sheran, C. J.

**49732/403 Cooperative Power Association, (by the Board of Directors thereof), Appellant, United Power Association (by the Board of Directors thereof), Appellant, vs. Jevon Aasand, et al, Harold E. Larsen and Inez I. Larsen, State of Minnesota, Intervenor. Hennepin County.**

Condemnors, utilizing the power of eminent domain to take easements for the purpose of erecting high voltage transmission lines, must acquire fee interests in commercially viable parcels designated by the fee owner and situated contiguously to such right-of-ways. Held. Minn. Stat. § 116C.63, subd. 4 (1978), as applied does not impose an unreasonable burden violative of this constitutional guarantees of due process.

Affirmed. Sheran, C. J. Took no part. Peterson, J.

**49816/495 Anthony DeGidio, petitioner, Appellant, vs. State of Minnesota. Hennepin County.**

Record of trial and postconviction hearing fails to reveal that defendant was incompetent to stand trial and therefore postconviction court did not err in denying petition for new trial on this ground.

Burglary, although a unique kind of attempt, is a substantive offense which is sufficient to provide a foundation for attempt liability; stated differently, one may validly be convicted of the crime of attempted burglary.

Affirmed. Rogosheske, J.

**48904/484 State of Minnesota vs. Steven Allen Volstad, Appellant. Hennepin County.**

Evidence of defendant's guilt of the crime of criminal sexual conduct in the first degree was not legally insufficient.

Trial court did not commit prejudicial error in admitting other-crime evidence or in its instructions to jury on the use of this evidence.

Trial court did not err in denying untimely motion for pretrial continuance.

Affirmed. Peterson, J.

**49196/488 State of Minnesota vs. Tony Olisa, Appellant. Hennepin County.**

Evidence of guilt of attempted theft by trick held sufficient.

Trial court did not err in denying motion to suppress confessions.

Trial court did not err in admitting evidence pursuant to R. 804(b)(5), R. Evid.

Defendant, by failing to object to interrogation of defendant by trial court—see R. 614, R. Evid.—forfeited his right to have this court consider the allegation that the trial court erred in doing so.

Affirmed. Kelly, J.

**49058/350 State of Minnesota vs. Dean Peter Alexander, Appellant. Hennepin County.**

The double jeopardy clause does not prohibit the imposition of multiple sentences for separate crimes arising out of the same incident.

Where there is no possibility of vindictiveness, the amendment of a complaint after mistrial, adding new and distinct counts to an original charge, does not constitute a denial of due process of law.

Based on the state's concession that the aggravated assaults were lesser included offenses of the aggravated robbery in this case, the aggravated assault convictions are vacated.

Minn. Stat. § 609.035 (1978) does not prohibit the addition of a burglary charge to an original complaint after mistrial, nor does it prohibit the imposition of two consecutive sentences for burglary and aggravated assault convictions.

Based on the state's concession that an unauthorized use of a motor vehicle was a part of the same behavioral incident as an aggravated robbery, the unauthorized use conviction is vacated.

Affirmed in part; reversed in part. Todd, J. Concurring in part, dissenting in part. Wahl, J., Otis, J.

## SUPREME COURT

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**49094/351 Michael Dean Giddings, petitioner, Appellant, vs. State of Minnesota. St. Louis County.**

Sufficient evidence was produced at trial to support the jury's verdict of guilty to the charge of aggravated assault.

Interrogation of a defendant in the absence of his appointed attorney is a violation of his sixth amendment right to counsel unless the state can show a knowing and intelligent waiver.

An officer's testimony concerning evidence obtained from a defendant in violation of a defendant's constitutional rights should not be admitted into evidence.

If there is a reasonable possibility that erroneously admitted evidence might have contributed to a defendant's conviction, the error is prejudicial and the defendant is entitled to a new trial.

Reversed and remanded. Todd, J.

**49345/423 Susan Marquette, a minor, by John Marquette, her father and natural guardian and John Marquette, individually, Appellants, vs. William Alan Prochazka. Anoka County.**

The record does not support the contention that the issue of contributory negligence was presented to the jury.

It is within the trial court's discretion whether to instruct the jury on the plaintiff's nonnegligence as a matter of law where the issue of contributory negligence is not presented to the jury.

Affirmed. Todd, J. Concurring specially, Peterson, J. Dissenting, Yetka, J.

**49905/425 City of Bloomington vs. Local 2828 of the American Federation of State, County and Municipal Employees, et al, Appellants. Hennepin County.**

The proper role of judicial review in arbitration cases is solely to determine whether specific language in the agreement or submission precludes the arbitrator from deciding the case as he did.

The power to fashion a remedy is a necessary part of the arbitrator's jurisdiction unless withdrawn from him by specific contractual language between the parties or by a written submission of issues which precludes the fashioning of a remedy.

Reversed and remanded with instructions to reinstate the award of the arbitrator. Todd, J.

**49791/492 State of Minnesota vs. Richard Anthony Wybierala, Appellant. Ramsey County.**

Trial court did not err in admitting evidence on issue of value, evidence of value was sufficient to sustain the verdict, and defendant forfeited right to raise on appeal the issue of nonsubmission of lesser offence.

Affirmed. Todd, J.

**50373/Sp. Roger L. Roraff vs. State of Minnesota, Department of Transportation (self-insured), Relator. Workers' Compensation Court of Appeals.**

When an employer fails to provide required medical services, reasonable attorneys' fees may be awarded to a successful claimant as an expense incident to obtaining payment for such services under Minn. Stat. § 176.135 (1978).

Affirmed. Yetka, J.

**49983, 50741/443 William J. Conde, Brian T. Conde, Minors, by Elaine M. Conde, their mother and natural guardian and Elaine M. Conde, individually, vs. The City of Spring Lake Park, Minnesota, defendant and third party plaintiff, Appellant (49983)-Respondent (50741) Kraus-Hartig Post No. 6587, Veterans of Foreign Wars, defendant and third party plaintiff, Respondent (49983)-Appellant (50741) vs. John M. Conde, third party defendant. Anoka County.**

A liquor vendor who is a defendant in an action brought under the Civil Damage Act will not be allowed to seek contribution from the allegedly intoxicated person, our decision being dictated by our holding in *Ascherman v. Village of Hancock*, 254 N.W.2d 382 (Minn. 1977).

Affirmed. Yetka, J.

**49889/449 LeAnne Carufel, Appellant, vs. Raymond Steven. Hennepin County.**

Under the unique facts of this case, a jury award of \$25,000 general damages is inconsistent and irreconcilable with a finding of no permanent injury; therefore, a new trial must be granted.

Reversed and remanded. Yetka, J.

**48786/451 State of Minnesota vs. Michael James Bauer, Sr., Appellant. Ramsey County.**

There was more than sufficient evidence to support the verdict of guilty of criminal sexual conduct in the first degree.

The trial court correctly applied the Sex Offenders Act, Minn. Stat. § 246.43 (1976), in sentencing the appellant to prison despite a presentencing report recommending treatment.

Affirmed. Yetka, J.

**49744, 49807/319 Lawrence R. Holman and Denise L. Holman, husband and wife, Appellants (49744), vs. All Nation Insurance Company, defendant and third party plaintiff, Appellant (49807), vs. Insurance Shoppe, 620 University Avenue, St. Paul, Minnesota, and Kenneth McIntosh, third party defendants. Ramsey County.**



The insurer, not the insured, has the burden of proving that the offer of optional supplemental insurance coverages, required by Minn. Stat. § 65B.49, subd. 6 (1978), was made.

Proof of the mandatory offer of optional coverages and its rejection need not be made in writing.

On this record, the insurer has failed to establish that the mandatory offer of optional coverages was made, and the coverages will be read into the insurance contract by operation of law.

The rule of *Lick v. Dairyland Insurance Co.*, 258 N.W.2d 791 (1977), limiting the recovery of underinsured motorist benefits to the amount by which such coverage exceeds the liability insurance of tortfeasor, is not applicable to accidents after the effective date of the No Fault Act, Minn. Stat. §§ 65B.41 to 65B.71 (1978) (January 1, 1975).

“Stacking” of “no-fault” benefits is permitted, even where more than one vehicle is listed on a single insurance policy.

First-party optional coverages imposed by operation of law may be “stacked.”

An insurance agent will not be liable to indemnify an insurer for failure to make mandatory offers of supplemental insurance coverage, where the insurer gave the agent no instructions to make the offers.

Affirmed in part, reversed in part. Wahl, J.

**49365/323 Shirley Mitchell, Relator, vs. White Castle Systems, Inc., et al. Workers' Compensation Court of Appeals.**

Work-related psychological injury is compensable as a case of “permanent disability not enumerated in this schedule” under Minn. Stat. § 176.101, subd. 3(46) (1971).

Post-injury wages create a presumption of earning capacity, but that presumption may be rebutted by evidence that post-injury wages are not a reliable indication of earning capacity. Where, as in this case, evidence of earning capacity is unclear, remand is required.

Under pre-1974 amendment caselaw, an employee can receive benefits for both temporary total and permanent partial disability, but the permanent partial payments must await the termination of the payments for temporary total disability.

Affirmed in part, reversed in part, and remanded. Wahl, J.

**49276/329 Ivar E. Johnson, Appellant, vs. AID Insurance Company of Des Moines, Iowa, d.b.a. AID Insurance Services. Carver County.**

An insured contractor's willful and knowing violations of contract specifications and expected standards of workmanship do not constitute an “occurrence” under standard liability insurance policy language.

Affirmed. Wahl, J.

**49453, 49519/354 In the Matter of the Welfare of K. P. H. Hennepin County.**

The juvenile court's order certifying a juvenile for prosecution as an adult is a final order, and therefore appealable, even though the order was stayed by the juvenile court.

The state may not appeal from an adverse evidentiary ruling at a juvenile reference hearing where the state's motion for certification as an adult was granted.

A juvenile may not be certified for adult prosecution solely because of the nature of his offense.

A stay of adult certification of a juvenile is inappropriate where the juvenile court is able to determine whether the juvenile is amenable to treatment or a threat to public safety.

Reversed and remanded. Wahl, J.

**49254/250 Minnesota Education Association, Appellant, vs. Independent School District No. 404, Lake Benton, Minnesota, et al. Lincoln County.**

Appellant lacked standing both as an “aggrieved” organization under Minn. Stat. § 179.68, subd. 1 (1978), and as an organization asserting injuries to its members' interests, to continue this unfair labor practice action.

Affirmed. Maxwell, J.

**50475/400 In the Matter of the Request of Warren Henry Johnson to Resign as an Attorney at Law from the Bar of the State of Minnesota and In the Matter of the Application for the Disbarment of Warren Henry Johnson, an Attorney at Law of the State of Minnesota. Supreme Court.**

An attorney who is subject to disciplinary proceedings will not be permitted to resign from the Bar if his conduct would warrant disbarment or suspension. In this case, the record at this time does not indicate the need for disbarment or suspension; therefore, the attorney will be permitted to resign if in compliance with conditions imposed by this court.

Request provisionally granted. Per Curiam.

## Decisions Filed Friday, January 4, 1980

50713/118 State of Minnesota, Appellant, vs. Herbert Andrew Viergutz. Sibley County.

When a complaint in a criminal prosecution is dismissed for failure to establish probable cause and the defect is correctable at that time—as where the prosecutor can correct the defect by filing an amended complaint which refers to the evidence establishing probable cause and need not wait for the discovery of evidence establishing probable cause—the prosecutor, under R. 17.06, subd. 4(3), R. Crim. P., must either file the amended complaint within the 7-day period following the dismissal or within the period of any continuance obtained by the prosecutor by filing for a continuance within the 7-day period; failure to file a timely amended complaint in this situation will normally bar further prosecution.

Reversed and remanded for further proceedings. Sheran, C. J.

## STATE CONTRACTS

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

Department of Administration procedures require that notice of any

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

### Department of Economic Security Business and Financial Services

#### Notice of Request for Proposal for Consultant Services to Develop and Conduct Staff Training on Selected Agency-wide Procedures

##### Project Description:

Project involves reviewing the three existing policies and procedures for two activities: reimbursement of travel expenses and authority for local purchase; developing common policy and procedures by working with agency staff; and arranging for and conducting training for agency staff on the policy and procedures.

##### Contact:

Department of Economic Security  
Business & Financial Services  
Room 125  
390 North Robert St.  
St. Paul, MN 55101

Attention: Ms. Mary Ellen Hennen  
(612) 296-6055

It is estimated the project will cost approximately \$9,500.

Final proposals are due on February 11, 1980.

### Department of Natural Resources

#### Bureau of Engineering

#### Notice of Request for Proposals for Water Resource Study of the Flandrau Dam

Notice is hereby given that the Department of Natural Resources is requesting proposals for a Water Resource Study of the Flandrau Dam.

The consultant will provide technical assistance to the Parks Planning staff including but not limited to determining the feasibility and associated costs of the following items:

1. Removing the existing dam.
2. Restoring Cottonwood Lake by either modifying the existing dam or building a new dam.

The department has estimated that the cost of this project should not exceed \$15,000.00 for professional services and expenses.

Proposals must be submitted by 3:00 p.m., February 12, 1980, to Keith C. Englesby, Acting Administrator of the Bureau of Engineering, Department of Natural Resources, 4th Floor Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101. Mr. Englesby may be contacted at (612) 296-2119.

## **Department of Transportation Technical Services Division**

### **Notice of Availability of Contract for Power Factor Study, I94 Tunnel, Minneapolis**

The electrical loads in the subject tunnel present to Northern States Power Company power factors in the area of 0.3 to 0.5 over the span of a calendar year. This power factor must be at least 0.9 in order to eliminate the penalty charges that have been running an average of \$18,000 a year. It has also come to our attention that a large demand charge is also being assessed. It is recommended that the consultant study this problem also and give us recommendations for its reduction. Specifically, the following tasks are recommended:

- (1) Consultant to study Power Factor and Demand problems.
- (2) Consultant to write report on findings and to orally present solutions to the state.
- (3) Consultant to present cost estimate, including consultant fees, to the state.

(4) Upon approval of (2) and (3) above the consultant will prepare complete drawings and specifications for the state. The state will take bids and select the contractor.

(5) The consultant will act as advisor and chief inspector to the state's project manager during the construction period.

The estimated cost for this project is \$15,000.

Firms desiring consideration should submit their brochure and/or experience resume such as the federal forms 254 and 255 before January 28, 1980. This is not a request for proposal.

For information relating to the technical aspects of the project please contact:

Mr. Jack W. Tweedale  
Assistant Traffic Engineer, Electrical  
Room 309  
Transportation Building  
St. Paul, Minnesota 55155  
Telephone: (612) 296-6164

Please direct your response to:

B. E. McCarthy  
Consultant Services Engineer  
Room 612-B  
Transportation Building  
St. Paul, Minnesota 55155  
Telephone: (612) 296-3051

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## **OFFICIAL NOTICES**

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject,

either orally or in writing.

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

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## **Department of Agriculture Agronomy Services Division Notice of Intent to Solicit Outside Opinion Concerning Proposed Amendments to Rules Governing Labeling and Distribution of Soil Conditioners; Labeling and Additional Minerals Permitted of Trace Minerals in Commercial and Specialty Fertilizer; and Storage, Handling and Distribution of Anhydrous Ammonia**

Notice is hereby given that the Minnesota Department of Agriculture is considering amending the above-mentioned rules. The department is seeking information or opinions from sources outside the department in regard to the nature and utility of amendments to the rules governing soil conditioners and trace minerals (Agr 319-323). In addition, notice is also given that the Department is continuing consideration of amendments to the rules governing the storage, handling and distribution of anhydrous ammonia (Agr 324). A prior notice to this effect appeared in the July 18, 1977 *State Register* (1 S.R. 109). This notice is a continuation of that solicitation; however, persons or agencies that submitted oral or written comments at that time are asked to resubmit such comments or material.

The rules and amendments to the rules are authorized by Minn. Stat. § 17.725, subd. 1, which allows the commissioner to adopt rules and regulations regarding the manufacture, sale, distribution, labeling, etc. of commercial fertilizers, soil conditioners and soil additives or amendments. The proposed amend-

## OFFICIAL NOTICES

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ments, if adopted, would set standards and requirements for labeling, storage, composition, handling and distribution of the above-mentioned fertilizers.

All interested or affected persons or groups are requested to submit information on this subject. Written or oral information, statements or comments should be addressed to:

Gary Braun (612) 296-8379  
Agronomy Services Division  
Minnesota Department of Agriculture  
90 West Plato Boulevard  
Saint Paul, Minnesota 55107

All statements of information and comment must be received by May 1, 1980. Any written material received by this date shall become part of the record of any rules hearing held on this subject.

January 21, 1980

William Bulger, Director  
Agronomy Services Division

### **Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Storage, Handling and Distribution of Liquid Fertilizer, Dry Fertilizer and Aqueous Solutions of Nitrogen**

Notice is hereby given that the Minnesota Department of Agriculture is considering adoption of rules which would govern the storage, handling and distribution of liquid fertilizer, dry fertilizer and aqueous solutions of nitrogen.

The proposed rules are authorized by Minn. Stat. § 17.725, subd. 1. The rules, if adopted, would set standards for the storage, handling and distribution, including all modes of transport, of liquid fertilizer, dry fertilizer and aqueous solutions of nitrogen.

All interested or affected persons or groups are requested to submit information on this subject. Written or oral information, statements or comments should be addressed to:

Gary Braun (612) 296-8379  
Agronomy Services Division  
Minnesota Department of Agriculture  
90 West Plato Boulevard  
Saint Paul, Minnesota 55107

All statements of information and comment must be received by May 1, 1980. Any written material received by this date shall become part of the record on any rules hearing held on this subject.

January 21, 1980

William Bulger, Director  
Agronomy Services Division

## **Environmental Quality Board Power Plant Siting**

### **Notice of Acceptance of Application Amendment to Prairie Island-Eau Claire 345,000 Volt Construction Permit Application to Include Transmission Alternatives from Substation at Allen S. King Generating Plant on St. Croix River to Eau Claire**

**Note:** This notice contains information about the acceptance by the Minnesota Environmental Quality Board (MEQB) of an amendment proposal by Northern States Power Company (NSP) to expand the study area for NSP's Prairie Island-Eau Claire 345 kilovolt (kV) construction permit application. The amended application includes the Minnesota portion of a proposed transmission line extending from the substation at the Allen S. King generating plant to Eau Claire, Wisconsin. This notice also serves to provide notification of public information meetings which will be held to describe the project and public participation procedures used in the transmission line routing process as prescribed by Minnesota law.

On December 20, 1979, the Minnesota Environmental Quality Board (MEQB) formally accepted NSP's proposed amendment to the Prairie Island-Eau Claire construction permit application which had been accepted by the MEQB on September 21, 1978. The Prairie Island-Eau Claire application is for a single circuit 345 kV transmission line route from the substation at the Prairie Island generating plant across the Mississippi River to Eau Claire, Wisconsin. Because the Wisconsin Public Service Commission (WPSC) is considering routing alternatives from Eau Claire to the Allen S. King Plant in Oak Park Heights, Minnesota, NSP proposed that the MEQB review the Minnesota portion of the King-Eau Claire alternatives. MEQB acceptance of NSP's application amendment allows the MEQB to study routing alternatives in Minnesota that would cross the St. Croix River to Wisconsin.

NSP in their amendment application proposed one additional route in Minnesota for this line (see Figure 1). A route can be a strip of land up to a mile and a quarter wide in which the right of way of the transmission line could be located; a right of way is the specific area needed for an easement within which the line will be constructed. For the route from the Allen S. King plant, NSP has proposed an alignment immediately adjacent to an existing 115/69 kV double circuit transmission line crossing the St. Croix River.

Figure II illustrates the routes proposed for a crossing of the Mississippi River out of the substation at Prairie Island. These routes were proposed by NSP, a citizens route evaluation committee (CREC) and the power plant siting (PPS) staff for MEQB consideration at public hearings and in the environmental impact statement review process. The routes illustrated in Figure II will be considered as routing alternatives in addition to NSP's proposed route across the St. Croix and other route proposals made pursuant to 6 MCAR § 3.073 F. A transmission line route to Wisconsin will be designated by the MEQB at the end of the routing process, from either the Prairie Island substation or the Allen S. King substation. The WPSC will be designating a route in Wisconsin from the state boundary to Eau Claire.

Under the Minnesota Power Plant Siting Act, the MEQB is the official state body authorized to determine the location of this transmission line and to issue a permit for line construction. The MEQB must designate a route and issue a permit within one year.

The process the MEQB will follow in designating this route is spelled out in the MEQB Rules "Routing High Voltage Transmission Lines and Siting Large Electric Power Generating Plants" (6 MCAR §§ 3.071-3.082, effective June 12, 1978). This process is outlined below. *In addition, public information meetings will be held in Washington, Dakota and Goodhue Counties, to describe the project and the MEQB process in detail.*

#### **Background Information**

Copies of the amended application, rules governing the process and the Power Plant Siting Act will be available at the public libraries in Afton, Bayport, Stillwater, Hudson, Red Wing, and Hastings. As other information about this project becomes available, it will also be placed there.

#### **Public Advisor**

A public advisor has been appointed to assist and advise interested persons in how to take part in this process. Her name is Jane Anderson. She can be contacted at 550 Cedar Street, Room 15A, St. Paul, Minnesota 55101, telephone (612) 296-9923.

#### **Information Meetings**

Power Plant Siting staff will explain the power line project, the state routing process and answer questions. Representatives of NSP will also be present. The meeting dates and locations are as follows:

**January 24 (Thursday), 7:30 p.m., Bayport Elementary School Gym, Rt. 95, Bayport, Minnesota**

**January 29 (Tuesday), 7:30 p.m., Basement Hall, Dakota County Library, 830 Vermillion, Hastings, Minnesota**

**January 30 (Wednesday) 7:30 p.m., Foot Room, Red Wing Public Library, 225 Broadway, Red Wing, Minnesota.**

#### **Route Evaluation Committee**

A committee of local residents from the expanded study area will be appointed by the MEQB. The committee will study routes for this line and recommend one to the MEQB. The committee may also suggest additional routes. Its meetings are open to the public and anyone interested in the line route is encouraged to attend.

#### **Public Hearings**

Formal public hearings on the route proposals will be held at a later date which will be announced in local newspapers at least 10 days in advance but no earlier than 45 days prior to such hearings. Persons who wish to receive a notice of these hearings should contact Robert Cupit at the address below.

#### **Additional Route Proposals**

Persons who wish to suggest additional routes for this line may do so. Route proposals should be submitted to Robert Cupit, Environmental Quality Board, (address below) telephone (612) 296-2096. The suggested route or route segment proposal must be specifically located on the appropriate general county highway map (available from the Minnesota Department of Transportation) or on the appropriate United States Geological Survey Topographical maps. Certain additional information about the route or route segment must also be included.

More specific information regarding procedures for proposing additional routes are detailed in 6 MCAR § 3.073 F. (1978). This rule must be followed when such proposals are offered. Anyone who wishes to propose an additional route should immediately contact the MEQB regarding requirements and time limits for route proposals.

Minnesota Environmental Quality Board  
550 Cedar Street, Room 15  
St. Paul, Minnesota 55101  
Telephone: (612) 296-2096

January 10, 1980

Arthur E. Sidner, Chairman  
Environmental Quality Board

[See Figures I and II.]

**NSP-TR-2 AMENDED**

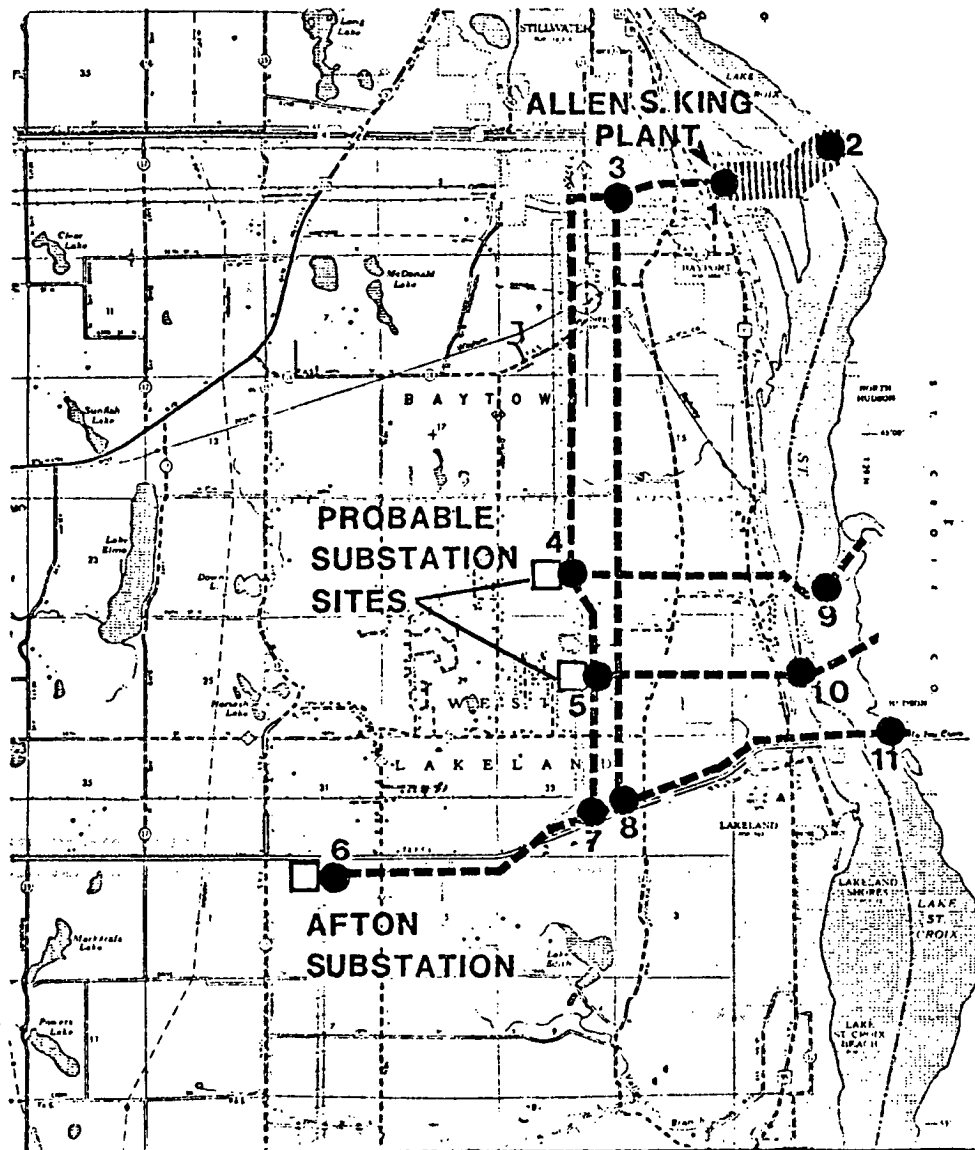
**Figure I**

**Prairie Island-King-Eau Clair**

1/9/80

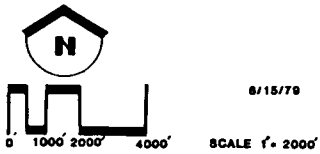
Environmental Quality Board  
 550 Cedar St. Paul Mn, 55101  
 Phone # (612)296-5089

NOTE: This map shows the Minnesota portion of the proposed transmission line routes for a Northern States Power Co. 345,000 volt transmission line which would connect the King substation and Eau Claire. The map was prepared as accurately as possible at this scale.



**KEY**  
 NSP proposed route [hatched line]  
 NSP alternative routes [dashed line]  
 NSP nodes [solid circle]









**NSP-TR-2 FIGURE II**  
**PRAIRIE ISLAND TO EAU CLAIRE**

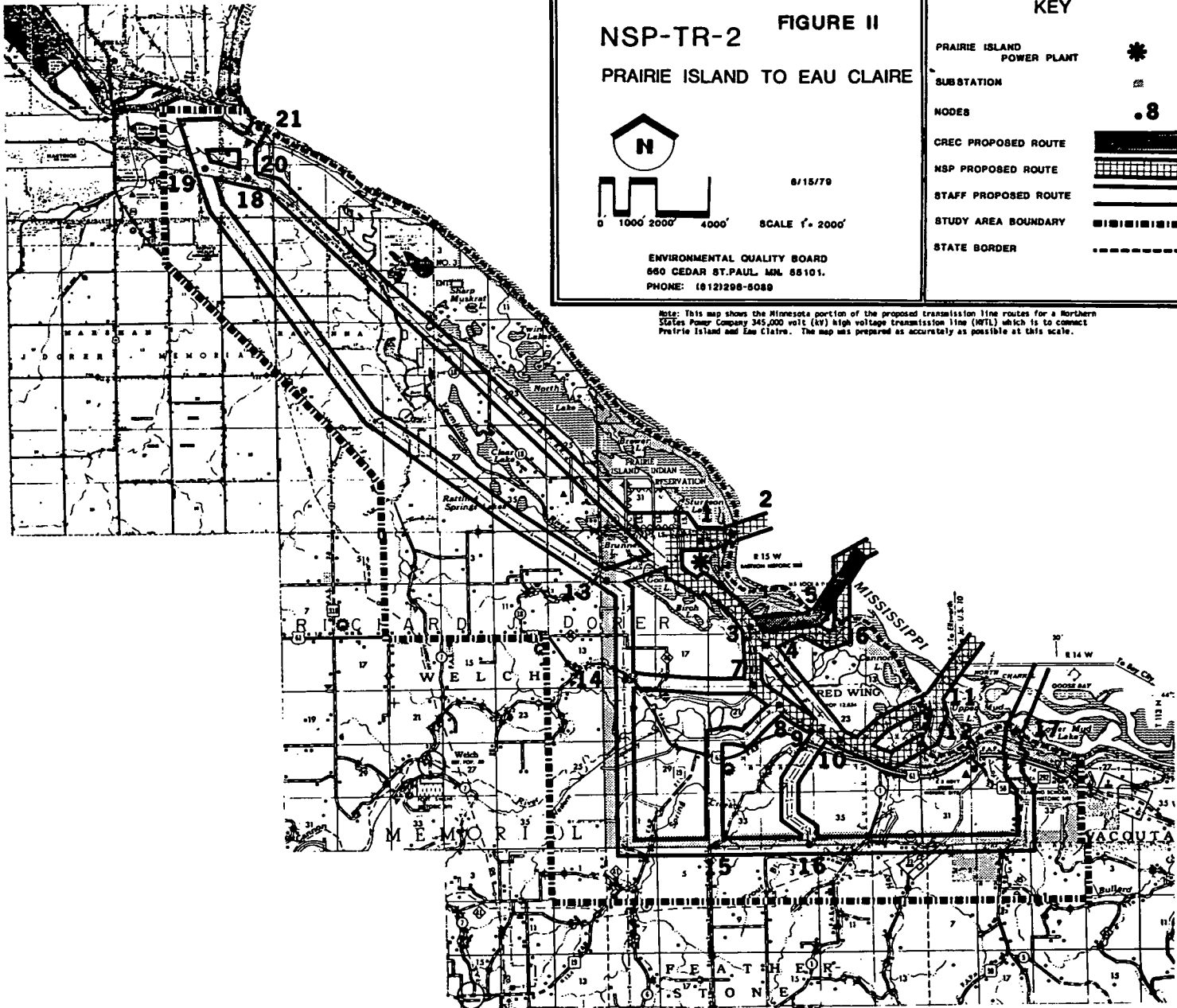


ENVIRONMENTAL QUALITY BOARD  
 660 CEDAR ST. PAUL, MN. 55101.  
 PHONE: (612)298-5089

Note: This map shows the Minnesota portion of the proposed transmission line routes for a Northern States Power Company 345,000 volt (kv) high voltage transmission line (HVL) which is to connect Prairie Island and Eau Claire. The map was prepared as accurately as possible at this scale.

**KEY**

- PRAIRIE ISLAND POWER PLANT 
- SUBSTATION 
- NODES 
- CREC PROPOSED ROUTE 
- NSP PROPOSED ROUTE 
- STAFF PROPOSED ROUTE 
- STUDY AREA BOUNDARY 
- STATE BORDER 



**Department of Public  
Welfare  
Chemical Dependency  
Division**

**Notice of Intent to Solicit Outside  
Opinion Concerning Residential  
Chemical Dependency Programs**

Notice is hereby given that the Minnesota Department of Public Welfare is considering draft amendments to 12 MCAR § 2.032, Department of Public Welfare rule for the licensing and operation of sub-acute receiving centers for intoxicated persons, and 12 MCAR § 2.035, Department of Public Welfare rule for the licensing and operation of all residential programs for inebriate and drug dependent persons.

Rule 12 MCAR § 2.032 governs the licensing and operation of all sub-acute receiving centers providing programs for five or more inebriate and drug dependent persons, and establishes such rules, regulations, and guidelines necessary to carry out the purpose of the statute. Authority for this rule is established for the Commissioner of Public Welfare by Minn. Stat. §§ 245.78 through 245.82.

Rule 12 MCAR § 2.035 governs the licensing of all residential facilities providing programs for five or more inebriate and drug dependent persons and establishes such rules, regulations and guidelines necessary to carry out the purpose of the statute.

The proposed changes may include any of the standards affecting the care and delivery of services to inebriate and drug dependent persons. All interested or affected persons or any groups are requested to participate.

Statement of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Minnesota Department of Public Welfare  
Chemical Dependency Programs Division  
(Rule 35 Revision Committee)  
4th Floor, Centennial Office Building  
658 Cedar  
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone by Mr. Wayne Raske at (612) 296-2174 (Rule 32) and Mr. Larry Burzinski (612) 296-4608 or Mr. Carlus Espejo (612) 296-8574 (Rule 35).

All statements of information and comment must be received by April 1, 1980. Any written material received by the department shall become part of the hearing record.

**Office of the Secretary of  
State**

**Notice of Vacancies in Multi-member  
State Agencies**

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155; (612) 296-2805. **Application deadline is Tuesday, February 5, 1980.**

**Board of Examiners in Watchmaking:** One vacancy open immediately for a watchmaker with at least five years experience in the state. The board examines and licenses watchmakers. The appointing authority is the governor. Meetings are held twice yearly in St. Paul. Members receive \$35 per diem, and must file with the Ethical Practices Board. For further information, contact Helen Boyer, 5th Floor, Metro Square Building, St. Paul 55101; (612) 296-2197.

**Higher Education Facilities Authority:** One vacancy open immediately for a public member. The authority issues revenue bonds for capital improvements at non-profit private post-secondary educational institutions. Members are appointed by the governor and confirmed by the senate. Meetings are held monthly. Members receive \$35 per diem. For further information, contact Joseph LaBelle, 278 Metro Square Building, St. Paul 55101; (612) 296-4690.

**Judicial Council:** Three vacancies open immediately for attorneys. The council studies the procedure and organization of the state judicial system. The appointing authority is the governor. For further information, contact Laurence Harmon, 230 State Capitol, St. Paul 55155; (612) 296-2474.

**Metropolitan Transit Commission:** One vacancy open immediately for a public member. The commission owns and operates metropolitan mass transit services. The appointing authority is the Metropolitan Council. Meetings are held twice monthly. Members receive \$50 per diem, and must file with the Ethical Practices Board. For further information, contact Rosemarie Johnson, 300 Metro Square Building, St. Paul 55101; (612) 291-6461.



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OFFICE OF THE STATE REGISTER

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Interoffice

