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STATE REGISTER

STATE OF MINNESOTA

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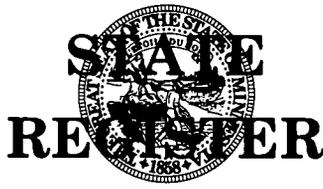
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July 2, 1984

Pages 1-80



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
SCHEDULE FOR VOLUME 9			
2	Monday June 25	Friday June 29	Monday July 9
3	Friday June 29	Monday July 9	Monday July 16
4	Monday July 9	Monday July 16	Monday July 23
5	Monday July 16	Monday July 23	Monday July 30

*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 and notices of intent to adopt rules without a public hearing 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, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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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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CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Issue 1, inclusive 4

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issue 1, inclusive 4

PROPOSED RULES

Administration Department

Building Code and Standards Division

Proposed Rules Updating the State Building Code and Governing Handicapped Accessibility, Electrical Work, Elevators, and Plumbing 5

Public Utilities Commission

Proposed Rules Relating to Cogeneration and Small Power Production 41

ADOPTED RULES

Agriculture Department

Planning Division

Extension of Temporary Rules Governing Administration of Agricultural Development Grants 56

Labor and Industry Department

Occupational Safety and Health Division

Adopted Rules Implementing the Provisions of the Employee Right-to-Know Act of 1983 Governing Trade Secrets and Employees' Conditional Right to Refuse to Work 56

Pollution Control Agency

Adopted Rules Governing Hazardous Waste Priority Assessment 58

OFFICIAL NOTICES

Administration Department

Notice of State Surplus Real Property Sale 58

County Law Libraries

Joint Notice of Filing Fees 59

Finance Department

Notice of Maximum Interest Rates for Municipal Obligations, July, 1984 59

Health Department

Maternal and Child Health Division

Outside Opinion Sought Regarding the Repeal of Rules Governing Implementation of the Maternal and Child Health Nutrition Act of 1975, 4615.2100-4615.3300 59

Human Services Department

Income Maintenance Bureau

Assistance Payments Division

Outside Opinion Sought Regarding Proposed Rules Governing the Aid to Families with Dependent Children 60

Minnesota State Advisory Council for Vocational Education

Notice of Council Meeting 60

Psychology Board

Notice of Intent to Increase Fee for Examination 61

Revenue Department

Alcohol, Tobacco and Special Taxes Division

Outside Opinion Sought Regarding Implementation of Metropolitan Solid Waste Landfill Fee Rules 61

Transportation Department

Notice of Availability of FONSI for Programmatic Environmental Assessment for Reconveyances, Temporary Use Permits, and Access Control Changes 61
Petition of the County of Hennepin for a Variance from State Aid Standards for Street Width 62

Waste Management Board

Request for Submission of Qualifications to Provide Technical and/or Financial Review of Proposals to Develop Commercial Hazardous Waste Treatment or Collection Facilities and Services or to Implement On-Site Waste Reduction Methods 62

Water Resources Board

Notice of Cancellation of Regular Board Meeting 63

STATE CONTRACTS

Administration Department

Procurement Division

Commodities Contracts Currently Open for Bidding 63

Corrections Department

Minnesota Correctional Facility-Red Wing

Notice of Availability of Contract for Catholic Chaplain 64

Energy and Economic Development Department

State Grants Available for: 1) Meat Processing and Packaging Facility; and 2) Manufacture of Internal Combustion Engines, Generators, Electrical Generating Sets, and Switch Gear 64

Housing Finance Agency

Home Improvement Division

Notice of Fund Availability for Single-Family Passive Solar Homes 66

Iron Range Resources and Rehabilitation Board

Request for Proposals for Contractual Food Service/Dining/Bar Concessionaire(s) 67

Metropolitan Council

Development Disabilities Program

Request for Proposals for Technical Services for Persons with Developmental Disabilities 67

SUPREME COURT

Decisions of the Supreme Court Filed Friday, May 25, 1984 67

Decisions of the Supreme Court Filed Friday, June 1, 1984 68

Decisions of the Court of Appeals Filed Tuesday, June 19, 1984 68

Decisions of the Supreme Court Filed Friday, June 22, 1984 72

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 also.

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
• Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
• Proposed amendments to rules already in existence in the Minnesota Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless an agency requests this.)
• Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
• Notice of adoption of emergency rules.
• Adopted amendments to emergency rules (changes made since the proposed version was published).
• Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
• Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before July 31, 1983 are published in the Minnesota Rules 1983. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules 1983 due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

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

The listings are arranged in the same order as the table of contents of the Minnesota Rules 1983.

MCAR AMENDMENTS AND ADDITIONS

TITLE 2 ADMINISTRATION

Part 1 Administration Department
2 MCAR §§ 1.10103-1.10104, 1.10109, 1.10111,
1.15501-1.15503, 1.18601, 1.18701, 1.18804, 1.18806,
1.18808, 1.18811, MHD 120-124, 126, 130-131 (proposed) 5

TITLE 3 AGRICULTURE

Part 1 Agriculture Department
3 MCAR §§ 1.4060-1.4070 [Temp] (extended) 56

TITLE 8 LABOR

Part 1 Labor and Industry Department
8 MCAR §§ 1.7220, 1.7240, 1.7243, 1.7245
(adopted) 56

MINNESOTA RULES AMENDMENTS AND ADDITIONS

POLLUTION CONTROL AGENCY

Water Quality Division
7044.0100-7044.1200 (adopted) 58

PUBLIC UTILITIES COMMISSION

7835.0100-7835.6100, 7835.9910 (proposed) 41

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

Department of Administration Building Codes and Standards Division

Proposed Rules Updating the State Building Code and Governing Handicapped Accessibility, Electrical Work, Elevators, and Plumbing

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes section 15.0412, subd. 4, in the above-entitled matter at The Thunderbird Motel, Shoshone Room, 2201 E. 78th Street, Minneapolis, Minnesota 55420 (Intersection of 494 and 24th Ave., Bloomington), on August 8-9, 1984 commencing at 9:30 a.m., and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard.

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 Peter C. Erickson, Administration Law Judge, Office of Administrative Hearings, 4th Floor Summit Bank Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, either before the hearing or within 5 working days after the close of the hearing. At the hearing the Administrative Law Judge may extend the time for comment for a period not to exceed twenty (20) calendar days from the date of the hearing.

The Commissioner proposes to adopt rules relating to the following matters: Amendments to the State Building Code, including amendments to the 1982 Uniform Building Code; establishing new definition of and requirements for pedestrian ways—previously arcades; establishing one-hour occupancy separation between dwellings and aircraft hangers; removal of specific size requirements for commuter van parking spaces; establishing areas of refuge and smoke evacuation capabilities for all institutional occupancies; establishing a basic wind speed of 80 MPH for all of the state; establishing Minnesota as the lessor of exposures for wind design; deleting code required essential facility buildings for emergency use after a wind storm; designating Minnesota as an area requiring approval for treated wood when used for structural purposes and where exposed to the weather; establish new occupant load factors for warehouses and manufacturing areas; establish standard for refractory mortar for masonry chimney liners; establishing new definitions for automatic fire extinguishing systems, combined systems, fire department hose connections, and Class I, II and III standpipe systems; amending requirements for sprinkler and standpipe systems; establishing new standard for stucco; establishing requirements for sprinkler systems when installed in dwelling and manufactured homes; amendments to the provisions for accessibility and usability of buildings by physically handicapped persons including applicability of requirements and permitted use of unisex toilet rooms; adoption of the 1984 National Electrical Code and Tentative Interim Amendment 70-84-2 (Electrical Code requirements for health care facilities); deletion of obsolete amendments to National Electrical Code; adoption of the American National Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks—ANSI A17.1-1981 and supplement ANSI A17.1a-1982 with amendments and deletion of obsolete amendments; amendments to the Minnesota Plumbing Code including new plumbing materials, permitted use of sand

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PROPOSED RULES

interceptors in vehicle wash facilities; heat exchanger requirements and a requirement for secured covers or guardrails for clear water sumps.

These preceding rules conform in so far as practicable to model building codes. They reflect amendments for regional utilization in accordance with the legislative intent in Minn. Stat. § 16.85. Additionally, the amendments correct printing errors that occurred in the adoption of the 1982 Uniform Building Code, correlate definitions of the adopted model code standards, provide clarification by substituting different wording for existing terminology, adopt and update to current national model code standards and state law, and include language changes requested by the Office of the Minnesota Revisor of Statutes designed to eliminate redundant wording and the use of archaic language.

Amendments proposed by others than the Department of Administration include: amendment to dwelling unit smoke detector requirements; amendment to shaft enclosures requirements; amendment to stair handrail requirements; establishing new occupant load factors for retail stores and sales rooms; amendments to fire resistive exit corridor requirements, and a new plumbing material.

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.

One free copy of the proposed rules may be obtained by contacting Peggi Opalinski, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

The agency's authority to promulgate the proposed rules is contained in Minn. Stat. §§ 16.85, 16.86 (1982).

Notice is hereby given that a Statement of Need and Reasonableness is available for review at this time at the Building Codes and Standards Division. The Statement of Need and Reasonableness will be available for review 25 days prior to the hearing at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all the evidence which the agency anticipates presenting 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 Administrative Hearings at a minimal charge.

Any person may request notification of the date on which the Administrative Law Judge'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. After the hearing, you may request notification of the Administrative Law Judge's Report by sending a written request to the Administrative Law Judge.

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01 subd. 11 (1982) as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own 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. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5615.

The agency considered all aspects of its proposed rules as to impact on small businesses per Minn. Stat. § 14.115 (1983 supp.). Upon review of proposed rules, considering the requirements of Minn. Stat. § 14.115 as to purpose and intent, the agency has determined that adoption of the proposed rules will have an impact upon small business entities in Minnesota as defined in Minn. Stat. § 14.115 subd. 1. A portion of time will be set aside at the public hearing to provide an opportunity for small businesses to be heard.

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

The rules hearing procedure is governed by Minn. Stat. §§ 14.01-14.56 and by Minnesota Rules 1400.0200-14.1200. Questions about the procedure may be directed to the Administrative Law Judge.

June 15, 1984

Sandra J. Hale, Commissioner
Department of Administration

Rules as Proposed

2 MCAR § 1.10103 Definitions.

A.-F. [Unchanged.]

G. Agricultural building. "Agricultural building" means a building which meets the requirements of Minnesota Statutes, section 16.84, subdivision 6.

2 MCAR § 1.10104 Scope.

This code applies to the construction, alteration, moving, demolition, repair, and use of any building or structure within the municipality, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this code, and hydraulic flood control structures.

Additions, alterations, repairs, and changes of use or occupancy in all buildings and structures ~~shall~~ must comply with the provisions for new buildings and structures except as otherwise provided in UBC Sections 104, 306, 307, and 502 of this code. Where, in any specific case, different sections of this code specify different materials, methods of construction, or other requirements, the most restrictive ~~shall govern~~ governs. Where there is a conflict between a general requirement and a specific requirement, the specific requirement is applicable.

Wherever in this code reference is made to the Appendix, the provisions in the Appendix do not apply unless they have been specifically adopted.

The provisions of this code relating to fallout shelters apply only to state-owned buildings.

2 MCAR § 1.10109 Appendices.

A. [Unchanged.]

B. Enforcement optional. The following appendices, annexes, and supplemental material listed in this code ~~shall~~ are not be mandatory but may be adopted without change at the discretion of any municipality, except UBC Appendix Chapter 70 may be adopted with revised fee and bond requirements.

1.-5. [Unchanged.]

6. Minnesota State Building Code Appendix E, Optional Automatic Fire Suppression Systems, 2 MCAR § 1.10020.

2 MCAR § 1.10111 Adoption of the Uniform Building Code by reference.

A. Incorporation by reference. Chapters 1 to 60 and appendices of the 1982 Edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, Whittier, California, are incorporated by reference and hereby made part of the State Building Code except as qualified by 2 MCAR Section 1.10109 and except as amended in this rule.

B. Amendments to the UBC. The UBC is amended as follows:

[Deletions or amendments of UBC Sections 101-304(a) are unchanged.]

UBC Section 305(e) of the UBC is amended to read as follows:

UBC Section 305(e) Required Inspections. Reinforcing steel or structural framework of any part of any building or structure ~~shall~~ must not be covered or concealed without first obtaining the approval of the building official.

The building official, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein of the same ways the construction fails to comply with this code:

1.-6. [Unchanged.]

7. INSTALLATION OF MOBILE MANUFACTURED HOMES (MOBILE HOMES): To be made after the installation of the support system and all utility service connections are in place, but before any covering material or skirting is in place. This shall include the inspection of the An approved anchoring system where, when installed, is part of the installation inspection.

[Amendments to UBC Sections 307(a)-414 are unchanged.]

UBC Section 417b is amended by adding a definition to read as follows:

PEDESTRIAN WAY is an open, covered, or enclosed walkway connecting buildings and used exclusively for pedestrian passage.

[Amendments to UBC Sections 420-501 Table 5A are unchanged.]

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PROPOSED RULES

Section 503(d) Exception 4 is amended to read as follows:

EXCEPTION 4. In the one hour occupancy separation between a Group R, Division 3 and M occupancy, the separation may be limited to the installation of one-half inch thick gypsum board, or equivalent, on the garage side and a tight fitting solid wood door 1 3/4 inches in thickness will be permitted in lieu of a one hour fire assembly. Fire dampers shall not be required in ducts piercing this separation for ducts constructed of not less than No. 26 gauge galvanized steel.

UBC Section 509 is amended to read as follows:

Sec. 509. Pedestrian way.

(a) General. Pedestrian ways connecting buildings are not to be considered as adjacent buildings for the provisions of this chapter when they comply with the provisions of this section. Pedestrian ways may be constructed only when openings in the exterior walls of the connected buildings are permitted by Section 504. Design loads must be as required in Chapter 23. Walking surfaces must be a minimum 150 pounds per square foot live load design.

Pedestrian ways are not to be used for existing purposes.

EXCEPTION: Pedestrian ways located at adjacent ground level with complying egress directly from the pedestrian way to a public way.

(b) Types of construction. Pedestrian ways must be of noncombustible materials when connected to any building of Type I or II construction or when they are located above the adjacent ground level. All other pedestrian ways may be of one-hour fire resistive construction or of fire retardant treated wood or of heavy timber construction with two-inch nominal sheathing.

Fire resistance of the exterior walls of covered or enclosed pedestrian ways must be as required by Section 504(b).

For roof construction and coverings, refer to chapter 32.

(c) Size and minimum open space between pedestrian ways. The width of pedestrian ways must be not less than 44 inches nor more than 16 feet. The length of a pedestrian way is the distance between connected buildings measured within the pedestrian way.

The travel distance within pedestrian ways is limited to 250 feet unless access to a public way is provided at intervals not to exceed 250 feet. Access to a public way is for purposes of emergency escape and rescue.

The horizontal separation between pedestrian ways must be at least 20 feet. Pedestrian ways must not obstruct fire department openings required for fire fighting or rescue.

(d) Opening protection for covered or enclosed pedestrian ways. Doors between covered or enclosed pedestrian ways and buildings must be gasketed, tight-fitting smoke and draft control assemblies having a fire resistive rating of not less than 45 minutes and must be self-closing or automatic-closing in accordance with Section 4306(b) 2. Openings other than doors are not permitted.

EXCEPTION: Occasional pipes, conduits, and sleeves of copper or ferrous construction for service of the pedestrian way are permitted and must be effectively draft and fire stopped.

(e) Smoke venting. Enclosed pedestrian ways must be provided with means for venting smoke and hot gases to the outer air.

[Amendments and deletions of UBC Sections 510-511 are unchanged.]

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

UBC Section 514 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 7101-8810 shall, must meet the following requirements:

A stairway complying with UBC Chapter 33 or a stair leading to a scuttle or bulkhead in the roof having such equipment shall must be provided to make such the equipment safely accessible. Said The stair leading to the scuttle or bulkhead shall must 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 may be more than nine inches and handrails shall must be provided on both sides of the access stairs. The minimum opening of the scuttle or bulkhead shall be must not be less than nine

square feet in area with the minimum dimension being ~~not less than~~ two feet. ~~In no case shall~~ This required access may not be located in or pass through the elevator shaft or elevator machine room.

The roof access opening and equipment ~~should~~ must 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, unless a suitable rail or guard not less than forty-two at least 42 inches in height shall be high is provided.~~

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

UBC Table 5-B is amended to require a one-hour occupancy separation between R-3 and B-3 Occupancies.

UBC Section 605 of the UBC is amended to read as follows

~~UBC Section 605.~~ All enclosed portions of Group A Occupancies customarily used by human beings and all dressing rooms must 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 must be provided with artificial light and a mechanically operated ventilating system. The mechanically operated ventilating systems must be capable of supplying a minimum of five cubic feet per minute of outside air with a total circulated of not less than 15 cubic feet per minute per occupant in all portions of the building during the time the building is occupied. If the velocity of the air at the register exceeds ten feet per second, the register must be placed more than eight feet above the floor directly beneath.

Toilet rooms must be provided with a fully openable exterior window at least three square feet in area; or a vertical duct not less than 100 square inches in area for the toilet facility, with 50 additional inches for each additional facility; or a mechanically operated exhaust system capable of providing a complete change of air every 15 minutes. The systems must be connected directly to the outside, and the point of discharge must be at least five feet from any openable window.

Exit lighting in portions of buildings other than the stage must be on a separate circuit from that of the stage and must be controlled from the box office or other approved central control center located in a portion of the building other than the stage.

All registers or vents supplying air backstage must be equipped with automatic closing devices with fusible links. The closing devices must be located where the vents or ducts pass through the proscenium walls, and must be operated by fusible links located on both sides of the proscenium wall and both inside of and outside of the vent or duct.

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

For other requirements on water closets, see ~~UBC Section 511(a)~~ as amended in this rule.

For additional sanitation facilities requirements, see ~~UBC Section 510(c)~~ as specified in this rule.

[The amendment to UBC Section 705 is unchanged.]

~~Section 709(e) of the UBC is amended to read as follows:~~

~~UBC Section 709(e) Area and Height Increases. The area and height of structures with cross ventilation throughout may be increased in accordance with provisions of this subsection. In structures with sides open (as defined in Subsection (b)) three-fourths of the building perimeter may be increased 25 percent in area and one tier in height. Structures with sides open (as defined in Subsection (b)) around the entire building perimeter may be increased 50 percent in area and one tier in height. Structures of Type II FR, Type II 1 hr, or Type II N construction, with sides open (as defined in Subsection (b)) around the entire building, may be unlimited in area when the height does not exceed eight tiers.~~

Open parking garages constructed to heights less than the maximums established by Table No. 7 A may have individual tier areas exceeding those otherwise permitted, provided the gross tier area of the structure does not exceed that permitted for the higher structure. At least three sides of each such larger tier shall have continuous horizontal openings not less than 30 inches in clear height extending for at least 80 percent of the length of the sides and no part of such larger tier shall be more than 200 feet horizontally from such an opening. In addition, each storage opening shall face a street or yard

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PROPOSED RULES

accessible to a street with a width of at least 30 feet for the full length of the opening and standpipes shall be provided in each tier.

UBC Section 709 of the UBC is amended by adding a new paragraph (m) to read as follows:

UBC Section 709(m) Every parking ramp or other parking facility shall must include spaces for the parking of motor vehicles having a capacity of seven (7) to sixteen (16) persons. The number of required spaces shall must be determined by 2 two percent 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" in the entry level and shall not apply to other levels of a ramp.

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

UBC Section 802(c) Special provisions. Rooms in Divisions 1 and 2 Occupancies used for day-care purposes, kindergarten, first grade, or second grade pupils, and Division 3 Occupancies may not neither be located above the first story, and they may not nor be located in a basement unless there is provided at least one exit is provided directly to the outside at adjacent ground level without intervening stairs directly on grade changes in elevation from the occupied space.

Storage and janitor closets must be of one-hour fire-resistive construction. Stages and enclosed platforms must be constructed in accordance with Chapter 39. For attic space partitions and draft stops, see Section 2516(f).

[The amendment to UBC Section 805 is unchanged.]

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

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

The fire alarm system must be installed in compliance with NFPA Standard ~~72-A-75~~ 72-A-79, "Local Protective Signaling Systems."

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

1. a complete, non-coded, continuously sounding until manually reset, electronically-supervised type-;
2. sounding stations on 100-foot to 150-foot spacing (a) in corridors, (b) in areas of high noise levels, such as band rooms, shops, and boiler rooms, and (c) a weatherproof station on the exterior of the 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, and~~ critical or hazardous areas-; and
4. unobstructed, readily accessible manual sending stations shall be provided at visible locations 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.

[The amendments to UBC Sections 905-1001 are unchanged.]

UBC Section 1002(b) of the UBC is amended to read as follows:

UBC Section 1002(b) Special Provisions. Division 3 Occupancies must be housed in buildings of Type I or Type II-F.R. construction.

Every story of a Group I, ~~Division 4~~ Occupancy accommodating more than five ~~nonambulatory~~ persons, unless provided with a horizontal exit, must be divided into not less than two compartments accommodating approximately the same number of ~~nonambulatory~~ persons in each compartment by a smoke-stop partition meeting the requirements of one-hour occupancy separation so as to provide an area of refuge within the building. Corridor openings in the smoke-stop partition must be protected with doors as required in Section 3305(h). Other openings ~~must be~~ are 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. A ventilation system capable of smoke evacuation must be provided for each area of refuge.

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

[The amendment to UBC Section 1005 is unchanged.]

UBC Section 1009 of the UBC is amended to read as follows:

UBC Section 1009. An approved fire alarm system shall must be provided for all Group I Occupancies. Audible alarm devices shall must be used in all nonpatient areas. Visible alarm devices may be used in lieu of audible devices in

PROPOSED RULES

patient-occupied areas. An approved alarm system ~~shall~~ must comply with ~~UBC~~ Section 809 as amended ~~herein~~ in this rule. Operation of any firm alarm activating device ~~shall~~ must automatically, without delay, accomplish general alarm indication and control functions. Zoned, coded systems ~~shall be~~ are permitted to be used.

EXCEPTION: Alarm systems may be installed in accordance with NFPA 101, ~~1977~~ 1981 Edition, ~~40 3.3.3.~~ as for new construction.

[The amendment to UBC Section 1101 is unchanged.]

UBC Section 1201 ~~of the UBC~~ is amended by adding a new Division to read as follows:

UBC Section 1201 Group R, Division 4 Occupancies: This use group includes 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 §§ 1.16001-1.16006. Use and installation of foam plastics must comply with UBC Section 1712 ~~of the UBC~~ as amended ~~herein~~ in this rule.

EXCEPTION: [Unchanged.]

[The amendment to Section R-202 of the One and Two Family Dwelling Code is unchanged.]

Section R-204. All habitable rooms must be provided with aggregate exterior glazing area of not less than ~~eight square feet~~ or eight percent of the floor area of the rooms with a minimum of eight square feet. One-half of the required area of glazing must be openable.

EXCEPTION: [Unchanged.]

Bathrooms, water-closet compartments and other similar rooms must be provided with aggregate glazing area in windows of not less than three square feet, one-half of which must be openable.

EXCEPTION: [Unchanged.]

Required glazed openings must open directly onto a street or public alley, or a yard or court located on the same lot as the building.

EXCEPTION: [Unchanged.]

[The amendment to Section R-211 of the One and Two Family Dwelling Code is unchanged.]

[The amendments to UBC Sections 1201-1204 are unchanged.]

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

UBC Section 1205. (a) [Unchanged.]

(b) Sanitation. Every building must be provided with at least one water closet. Every hotel or subdivision of a hotel where both sexes are accommodated must contain at least two separate toilet facilities which are conspicuously identified for male or female use, each of which contains at least one water closet.

~~Additional water closets must be provided on each floor for each sex at the rate of one for every additional ten guests, or fractional part of ten guests, in excess of ten.~~

Every dwelling unit must be provided with a kitchen equipped with a kitchen sink. Every dwelling unit and every lodging house must be provided with a bathroom equipped with facilities consisting of a water closet, lavatory and either a bathtub or shower. Each sink, lavatory, and either a bathtub or shower must be equipped with hot and cold running water necessary for its normal operation.

For other requirements on water closets, see UBC Section 511(a) as amended in this rule.

For additional sanitation facilities requirements, see UBC Section 510(c), as specified in this rule.

[The amendments and deletions of UBC Sections 1210(a)-1216 are unchanged.]

UBC Chapter 12 ~~of the UBC~~ is amended by adding a new section to read as follows:

UBC Section 1217. Deadbolt Locks Required. All doors leading to public or shared areas from all apartment dwelling

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PROPOSED RULES

units and hotel units must be provided with deadbolt locks, at least one of which must be capable of being locked with a key from the exterior of each 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, and which must be independent of other latching or locking devices.

A deadbolt ~~locks~~ lock having a bolt moved by turning a key must be of the five-pin tumbler type or an approved equivalent. The lock throw may not be less than three-quarters of an inch. Locks must meet the requirements of UBC Section 3304(c).

~~Section 1706(d) of the UBC is deleted in its entirety. See 2 MCAR § 1.8806 C.~~

[The amendments and deletions of UBC Sections 1711(b)-1712(a) are unchanged.]

UBC Section 1807(h) of the UBC is amended to read as follows:

UBC Section 1807(h) Elevators. Elevators and elevator lobbies must comply with the provisions of 2 MCAR §§ 1.18801-1.18806 and the following:

NOTE: [Unchanged.]

1. Elevators on all floors must open into elevator lobbies which are separated from the remainder of the building, including corridors and other exits, by walls extending from the floor to the underside of the fire-resistive floor or roof above. The walls must be of not less than one-hour fire-resistive construction. Openings through the walls must conform to UBC Section 3305(h).

~~EXCEPTION~~ EXCEPTIONS: (1) This requirement does not apply to: (1) the main entrance level elevator lobby in an office building; or (2) an elevator lobby located in an atrium which complies with UBC Section 1715.

(2) When a complete and approved automatic fire extinguishing system is installed in a Group B, Division 2 Occupancy, the separation of elevator or elevator lobbies is not required on any floor which is provided with an exit corridor conforming to the provisions of Section 3305(g).

2.-3. [Unchanged.]

4. For car size requirements, see ANSI 17.1-Rule 211.3, as amended in 2 MCAR § 1.18806 (b)(4) C.

[The amendments to UBC Section 2303(a)-2311(a) are unchanged.]

UBC Section 2311(b) is amended to read as follows:

Section 2311(b) Basic Wind Speed. The minimum basic wind speed for determining design wind pressure is 80 mph. See Table 23-F for conversion from mph to pressures in psf.

UBC Section 2311(c) is amended by adding a second paragraph to read as follows:

For the purposes of this section this state is considered as exposure B for design purposes.

UBC Section 2311(h) is deleted in its entirety.

[The amendments to UBC Sections 2312(a)-2510(h) are unchanged.]

UBC Section 2516(c) 11. is amended to read as follows:

11. Weather exposure. In geographical areas where experience has demonstrated a specific need, approved wood of natural resistance to decay or treated wood must be used for those portions of wood members which form the structural supports of buildings, balconies, porches, or similar permanent building appurtenances when those members are exposed to the weather without adequate protection from a roof, eave, overhang, or other covering to prevent moisture or water accumulation on the surface or at joints between members. Depending on local experience, those members may include horizontal members such as girders, joists, and decking, vertical members such as posts, poles, and columns, or both horizontal and vertical members. The entire state of Minnesota is a geographical area requiring the types of wood required in this subsection.

UBC Section 2517(h) 6. is amended to read as follows:

Section 2517(h) 6. Blocking. Roof rafters and ceiling joists must be supported laterally to prevent rotation and lateral displacement when required by Section 2506(g).

[The amendments to UBC Sections 2907(a)-3207(c) are unchanged.]

UBC Section 3304(a) is amended to read as follows:

PROPOSED RULES

UBC Section 3304. (a) General. This section applies to every exit door serving an area having an occupant load of ~~more than ten or more~~ or serving hazardous rooms or areas, except that subsections (c), (h), and (i) apply to all exit doors regardless of occupant load. Buildings or structures used for human occupancy and each dwelling unit or guest room leased for gain must have at least one exit door that meets the requirements of subsection (e).

UBC Section 3305(h) ~~2~~ 1. is amended by adding an exception ~~2~~ 3 to read as follows:

EXCEPTION:

~~2~~ 3. 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~~ must not exceed two-thirds 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~~ must be provided to protect the corridor from the Group B-2 Occupancy area (tenant space). The draft curtain ~~shall~~ must be located above the glass and extend a minimum of 24 inches below any finished ceilings in the tenant space. If the finished ceiling is not a fire-rated assembly, the draft curtain ~~shall~~ must 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 12 feet in depth adjoining the corridor, and the corridor is not less than 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 12 feet in width, when the entire story is protected by an approved fire-extinguishing system.

In buildings of other than Type I or of Type II-F.R. construction, this exception ~~shall~~ is not be allowed permitted, unless the entire building is provided with an approved automatic fire-extinguishing system.

UBC Section 3305(h) 1. is amended by adding an exception 4 to read as follows:

4. In hospital and nursing home occupancies (I-1) doors entering sleeping rooms from a corridor need not be constructed or maintained as self-closing or automatic-closing when the building is equipped with an approved complete fire extinguishing sprinkler system in compliance with Chapter 38.

[Amendments to UBC Sections 3321(b) and 3321(c) are unchanged.]

UBC Table 33A is amended as follows:

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

Also delete footnotes 2, 3, 4, 5, 6, 8, 10, and 11.

Amend use item 22 to read as follows:

22. Warehouses 30 500

Renumber use items 23.-25. as 24.-26. and insert a new use item 23 to read as follows:

23. Manufacturing Areas 30 200

UBC Section 3703(d) is amended to read as follows:

(d) Lining. When required by Table No. 37-B, chimneys must be lined with fireclay flue tile, firebrick, molded refractory units, or other approved lining not less than five-eighths inch thick as set forth in Table No. 37-B. Chimney liners must be carefully bedded in mortar with close-fitting joints left smooth on the inside. Mortar must be refractory mortar complying with ASTM C 105 or an approved equivalent.

UBC Section 3707(h) is amended to read as follows:

(h) Clearance to Combustible Material. Combustible material may not be placed within two inches of fireplace, smoke chamber, or chimney walls. Combustible material may not be placed within six inches of the fireplace opening. No combustible material within 12 inches of the fireplace opening may project more than one-eighth inch for each one inch clearance from the opening.

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PROPOSED RULES

No part of metal hoods used as part of a fireplace or barbecue may be less than 18 inches from combustible material. This clearance may be reduced to the minimum requirements specified in the Mechanical Code.

UBC Table No. 37-B is amended by changing the number in the next-to-last column (Int. Inst.) for chimneys serving residential-type appliances from 1 to 2.

UBC Section 3801(c) is amended to read as follows:

(c) Definitions. For the purpose of this chapter, certain terms are defined as follows:

AUTOMATIC FIRE-EXTINGUISHING SYSTEM is an approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire.

COMBINED SYSTEM is a system of water piping which serves 2½ inch hose outlets for use by the fire department and also supplies water to automatic fire sprinklers.

FIRE DEPARTMENT HOSE CONNECTION is a connection through which the fire department can pump water.

STANDPIPE SYSTEM is a wet system of piping, valves, outlets, and related equipment designed to provide water at specified pressures and installed exclusively for the fighting of fires and classified as follows:

Class I is a standpipe system directly connected to a water supply and equipped with 2½ inch valves and outlets for use by the fire department or trained personnel.

Class II is a standpipe system directly connected to a water supply and equipped with 1½ inch valves and outlets intended for use by trained building occupants.

Class III is a standpipe system directly connected to a water supply and equipped with both 1½ inch valves and outlets for use by trained building occupants and 2½ inch valves and outlets for use by the fire department or trained personnel.

UBC Section 3801(d) is amended to read as follows:

(d) Standards. Fire-extinguishing systems must comply with UBC Standards Nos. 38-1 and 38-2 as amended in this rule.

EXCEPTIONS: 1. Automatic fire-extinguishing systems not covered by UBC Standard No. 38-1 or 38-2 as amended in this rule must be approved and installed in accordance with the Minnesota Uniform Fire Code.

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

3. In unsprinklered buildings, two sprinkler heads may be supplied from a three-fourths inch and four sprinkler heads from a one-inch domestic water supply, when approved by the building official.

4. When automatic sprinkler systems are installed in R-3, R-4, and manufactured (mobile) homes the system installed must comply with NFPA 13-D, 1980 as amended.

UBC Section 3802(b) is amended to read as follows:

(b) All Occupancies Except Groups R-3 and R-4 and Group M. Except for Groups R-3 and R-4 and Group M Occupancies, an automatic sprinkler system must be installed:

1. in every story or basement of all buildings when the floor area exceeds 1,500 square feet and there is not provided at least 20 square feet of opening entirely above the adjoining ground level in each 50 lineal feet or fraction thereof of exterior wall in the story or basement on at least one side of the building. Openings must have a minimum dimension of 30 inches. Openings must be accessible to the fire department, with equipment and manpower available to the municipality, from the exterior and must not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

When openings in a story are provided on only one side, and the opposite wall of the story is more than 75 feet from the openings, the story must be provided with an approved automatic sprinkler system, or openings as specified above must be provided on at least two exterior walls of the story.

PROPOSED RULES

If any portion of a basement is located more than 75 feet from openings required in this section, the basement must be provided with an approved automatic sprinkler system:

2. at the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors must have additional sprinkler heads installed within them at alternate floors. Sprinkler heads must be accessible for servicing:

3. in rooms where nitrate film is stored or handled;

4. in protected combustible fiber storage vaults as defined in the Fire Code.

UBC Section 3802 is amended by adding a section (h) as follows:

~~UBC Section 3802(h) Special Automatic Fire Extinguishing Systems. In all occupancies having commercial commercial-type cooking equipment (see NFPA No. 96-1976), automatic fire extinguishing systems complying with UBC Standard 38-1 or NFPA No. 12-73 the Fire Code must be installed for protection of duct systems, greas removal devices, and hoods and over commercial cooking equipment which may be a source of ignition (, such as fat fryers, ranges, griddles, and boilers) broilers. 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 do not apply to Group R-3 and, Group R-4, and Group M Occupancies.~~

UBC Section 3805(a) of the UBC is amended to read as follows:

~~UBC Section 3805(a) General. Standpipes must comply with the requirements of this section and with UBC Standard 38-2, as amended as follows:~~

~~UBC Standard 38-2 Section 38.207(a) Assured Source Required. Class I, Class II and Class III standpipe systems must be provided with an approved source of water supply. With prior approval of the Fire Chief, Class I standpipes systems may be supplied only through a fire department connection in this rule.~~

UBC Section 3805(c) is amended to read as follows:

(c) Location of Class I Standpipes. There must be a Class I standpipe outlet and valve connection at every floor level of every required stairway and on each side of the wall adjacent to the exit opening of a horizontal exit and the exit opening in a required area separation wall. Outlets at stairways must be located within the exit enclosure or, in the case of smokeproof enclosures, within the vestibule or exterior balcony giving access to the stairway. Standpipe risers and laterals must be enclosed in fire-resistive construction as required for shafts in Table 17A.

EXCEPTION: In buildings equipped with an approved automatic sprinkler system, risers and laterals which are not located within an enclosed stairway or smokeproof enclosure need not be located within fire-resistive construction.

There must be at least one 2½ inch outlet above the roof line when the roof has a slope of less than four inches in 12 inches and the roof is of combustible construction, or where there are structures on the roof of combustible construction or housing combustible contents, or where needed for exposure protection. The authority having jurisdiction may require that a two-way 2½ inch outlet be provided for testing and maintenance. The outlet must be accessible with an opening to the roof complying with Section 3306 (o).

In buildings where more than one standpipe is provided, the standpipes must be interconnected at the bottom unless the authority having jurisdiction approves a different arrangement.

EXCEPTION: Standpipes installed in accordance with UBC Standard 38-2, Section 38.207 (a) "Exception," as set forth in this rule, are not required to be interconnected.

UBC Table 38-A, footnote 6, is amended to read as follows:

~~Section 2, occupancy column, shall read: Occupancies 3 stories or more but less than 150 feet in height, except Group R, Division 3 or 4. Class II standpipes are not required in Group E or Group R-1 occupancies.~~

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PROPOSED RULES

6. Hose is required for Class II standpipes only (except as permitted in Standards Section 38.212(b) exceptions 1 and 2, as amended in this rule).

UBC Section 4305(e) is deleted.

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

UBC § 4701(a) General. The installation of lath, plaster, and gypsum board shall must be done in a manner and with materials as specified in this Chapter, or as set forth in ANSI A42.2, 1971 in ASTM C926-81 Specifications for Portland Cement and Portland Cement-Lime Plastering, Exterior (Stucco) and Interior, and in 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 must conform with the provisions of UBC Chapter 43.

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

UBC Sections 5001 to 5006 are amended to read as follows:

UBC § 5001 through 5006 are deleted and replaced by 2 MCAR §§ 1.10301-1.10336.

UBC § Sections 5101 to 5105 5104 are amended to read as follows:

UBC Sections 5101 to 5105, Elevators, Dumbwaiters, Escalators, Manlifts, Moving Walks, Hoists and Lifts are deleted. Refer to 2 MCAR §§ 1.18801-1.18806.

[The amendments to UBC Section 6001 are unchanged.]

C. Amended UBC Standard 38-1.

UBC Standard 38-1 is amended to read:

Standard No. 38-1.

Installation of Sprinkler Systems

See UBC Sections 506(c), 507, 508, 1210(b), 1807(c), 3801(d), 3802(g), and UBC appendix sections 713(a) and 1108(b); and Uniform Fire Code Sections 10.308(d), 10.309(g), Exception 2; 79.201(e), Item No. 3 (i) and (ii); 79.201(e), Item No. 4 (i); 79.203(a); 79.204(b); 79.301(d), and 79.506(c).

Adoption of NFPA Standards

Sec. 38.101. Except for the limitations, deletions, modifications, or amendments set forth in Sections 38.102 and 38.103 of this standard, the installation of sprinkler systems required by the Uniform Building Code must be in accordance with the "Standard for the Installation of Sprinkler Systems, NFPA-13, and 13D" as published by the National Fire Protection Association, Copyright 1980, Batterymarch Park, Quincy, Massachusetts 02269.

Amendments

Sec. 38.102. The National Fire Protection Association Standard 13 adopted by Section 38.101 applies to the selection, installation, inspection, maintenance, and testing of sprinkler systems, except as follows:

NFPA Standard 13, Sec. 1-3 Definitions. The following definitions are amended to read as follows:

Authority having jurisdiction. The "authority having jurisdiction" is the building official.

Approved. "Approved" means in accordance with the Uniform Building Code.

Listed. "Listed" means in accordance with the Uniform Building Code.

NFPA Standard 13, Sec. 1-3 is further amended by adding the following definition.

Building official. "Building official" means the officer or other designated authority charged with the administration and enforcement of this standard or the officer's duly authorized representative.

NFPA Standard 13, Sec. 1-11.1 is amended to read as follows:

1-11.1 Performance. All tests required by this standard for new work must be performed by the installer. The authority having jurisdiction may require that a special inspector witness the testing of the sprinkler system (see Uniform Building Code Section 306(c)). The installer must give the authority having jurisdiction advance notification of the times at which tests will be

PROPOSED RULES

performed. When the representative of the authority having jurisdiction is not available and permission is granted by the authority, the test may be witnessed by the owner or his representative and the Contractor's Material and Test Certificate (see Section 1-12) must be completed and forwarded to the authority having jurisdiction.

NFPA Standard 13, Sec. 2-2.1.2.2 is amended to read as follows:

Sec. 2-2.1.2.2 In buildings that are sprinklered throughout, a water allowance of 50 gpm for one hose station installations or 100 gpm for two or more hose stations must be added to the sprinkler requirements at the base of the riser at the residual pressure required by the sprinkler system design. When the building is not sprinklered throughout, the water supply and residual pressure must be in accordance with UBC Standard No. 38-2, as amended in this rule. For combined systems where sprinkler risers with 2½ inch hose outlets are provided, see UBC Standard No. 38-2, as amended in this rule.

NFPA Standard 13, Sec. 2-3.1.1 is amended by adding the following:

Sec. 2-3.1.1 A connection to a reliable water works system must be an acceptable water supply source. The volume and pressure of a public water supply must be determined from water flow test data. Flow test data must take into account minimum pressure conditions due to heavy water demands on the service and possible interruption by floods or winter ice conditions.

NFPA Standard 13, Sec. 3-8.7(c) is amended to read as follows:

(c) When a sprinkler system contains a 2½ inch outlet, the supply must be in accordance with UBC Standard No. 38-2, as amended in this rule.

NFPA Standard 13, Sec. 3-8.7(d) is amended to read as follows:

(d) For partially sprinklered buildings, the sprinkler demand, not including hose stream allowance, as indicated in Table 2-2.1(B) must be added to the requirements given in UBC Standard No. 38-2 as amended in this rule.

NFPA Standard 13, Sec. 3-8.7(e) is amended to read as follows:

(e) All combined systems, sprinkler systems, and standpipe risers must be equipped with a riser control valve to permit isolating a riser without interrupting the supply to other risers from the same source of supply.

NFPA Standard 13, Sec. 3-10 is amended by adding a new subsection 3-10.4 to read as follows:

Section 3-10.4 Protection of piping from exposure to fire. 3-10.4.1 All piping that supplies water to sprinkler heads must not pass through an unsprinklered area, unless the piping is protected by sprinkler heads installed in accordance with chapter 4 for classification of the hazard that the piping will pass through, or the piping is separated from the area by fire-resistive construction as required for shafts in accordance with UBC Table 17-A with a minimum of one-hour fire-resistive construction.

EXCEPTION: Sprinkler heads permitted to be supplied from and connected to domestic water lines by UBC Section 3801 (d) exception 3 are permitted without complying with this subsection.

NFPA Standard 13, Sec. 3-15.1.3 is amended to read as follows:

Sec. 3-15.1.3 Types of hangers and installation methods must be in accordance with the requirements of Section 3-15, unless they are certified by a registered professional engineer for the following:

(a) Hangers and their connections to the building structure are designed to support five times the weight of the water-filled pipe plus 250 pounds at each point of piping support.

(b) These points of piping support are structurally adequate to support the sprinkler system.

NFPA Standard 13, Sec. 4-1.3.5 is amended to read as follows:

Sec. 4-1.3.5 Standard Mill Construction. Standard Mill Construction means Type IV heavy timber buildings as in Chapter 21 of the UBC.

NFPA Standard 13, Sec. 4-4.8.2.3 is amended to read as follows:

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PROPOSED RULES

Sec. 4-4.8.2.3 When floor openings are unenclosed, the floor openings involved must be protected by draft stops in combination with closely spaced sprinklers. See UBC Section 1706(a), Exception 2, for floor openings provided for escalators.

NFPA Standard 13, Sec. 4-4.8.3 is amended to read as follows:

Sec. 4-4.8.3 Stairs enclosed in shafts of combustible or noncombustible construction must have sprinklers provided at each floor landing.

NFPA Standard 13, Sec. 4-4.9 is amended to read as follows:

Sec. 4-4.9 Building service chutes. Building service chutes must be protected in accordance with UBC Section (3802(b) 2.

NFPA Standard 13, Chapter 8 is amended by adding a new Sec. 8-6 to read as follows:

Sec. 8-6 Group B, Division 2 office buildings and Group R, Division 1 occupancies. See UBC Section 1807(c) for additional requirements applicable to high-rise buildings classified as Group B, Division 2 office buildings and Group R, Division 1 occupancies.

Sec. 38.103 Applicability. The National Fire Protection Association Standard 13D, as adopted by Section 38.101, applies to the selection, installation, inspection, maintenance, and testing of sprinkler systems installed in Group R, Division 3 and 4 occupancies, or installed in manufactured homes (mobile homes), except as follows:

NFPA Standard 13D, Sec. 1-3. The following definitions are amended to read as follows:

Approved. "Approved" means in accordance with the Uniform Building Code.

Authority having jurisdiction. The "authority having jurisdiction" is the building official.

Dwelling. "Dwelling" has the meaning given in UBC Chapter 4.

Dwelling unit. "Dwelling unit" has the meaning given in UBC Chapter 4.

Listed. "Listed" means in accordance with the Uniform Building Code.

Mobile home or manufactured home. "Mobile home" or "manufactured home" means a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the unit. The term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and which complies with Minnesota Statutes, sections 327.31 to 327.36.

NFPA Standard 13-D, Sec. 1-3 is amended by adding a definition to read as follows:

Building official. "Building official" means the official or other designated authority charged with the administration and enforcement of this standard or his duly authorized representative.

NFPA Standard 13D, Sec. 2-4 is amended to read as follows:

Sec. 2-4 Manufactured home (mobile home) water supply. A water supply for a sprinklered dwelling manufactured off-site must not be less than that specified on the manufacturer's nameplate (see 4-4.3(k) Exception).

NFPA Standard 13D, Sec. 4-6 is amended to read as follows:

Sec. 4-6 Location of sprinklers. Sprinklers must be installed in all areas.

EXCEPTIONS: 1. Sprinklers may be omitted from open attached porches.

2. Sprinklers may be omitted from carports, garages, and similar structures when separated from the Group B, Division 3 or 4 occupancy, or from a manufactured home as required by UBC Section 503(d) Exception 4.

3. Sprinklers may be omitted from attics which are not used or intended for living purposes or storage.

D. Amendments to UBC Standard 38-2.

1. UBC Standard 38-2, Section 38.202 is amended to read as follows:

Sec. 38.202 Definitions. Certain terms in this standard are defined as follows:

COMBINED SYSTEM is a system of water piping which serves 2½ inch hose outlets for use by the fire department and also supplies water to automatic fire sprinklers.

FIRE DEPARTMENT INLET CONNECTION is a connection through which the fire department can pump water into a standpipe system, combined system, or sprinkler system.

STANDPIPE SYSTEM is a wet system of piping, valves, outlets, and related equipment designed to provide water at specified pressures and installed exclusively for the fighting of fires and classified as follows:

CLASS I is a standpipe system directly connected to a water supply and equipped with 2½ inch valves and outlets for use by the fire department or trained personnel;

CLASS II is a standpipe system directly connected to a water supply and equipped with 1½ inch valves and outlets intended for use by trained building occupants;

CLASS III is a standpipe system directly connected to a water supply and equipped with both 1½ inch valves and outlets for use by trained building occupants and 2½ inch valves and outlets for use by the fire department or trained personnel.

2. UBC Standard 38-2, Section 38.203, 1.-4., are amended to read as follows:

Section 38.201 1. Class I and Class III standpipe systems—unsprinklered buildings. A Class I and Class III standpipe system in unsprinklered buildings must be sized to provide the following:

A. Standpipes must be sized to deliver 500 gpm at a residual pressure of 65 psi at the topmost hose outlet.

B. Supply piping to the standpipes must be sized to deliver 500 gpm for the first standpipe plus 250 gpm for each additional standpipe with a maximum required design for 2,500 gpm.

2. Class I and Class III standpipe systems—fully sprinklered buildings. Class I and Class III standpipe systems in fully sprinklered buildings must be sized to provide the following:

A. Standpipes must be sized to deliver 500 gpm at a residual pressure of 65 psi at the topmost two outlets (250 gpm per outlet).

B. Supply piping to the standpipes must be sized to deliver 250 gpm for the first standpipe plus 250 gpm for each additional standpipe with a maximum required design for 1,000 gpm.

3. Combined systems. In combined systems where sprinkler risers with 2½ inch hose outlets are provided, the risers and supply piping to the risers must be sized to accommodate a supply of 500 gpm at a residual pressure of 65 psi at the topmost two outlets (250 gpm per outlet) or the sprinkler demand including hose demands specified in UBC Standard No. 38-1 as amended in this rule, whichever is the greater.

EXCEPTION: Unless a larger water supply is required by the building official, supply piping may be sized to provide a maximum water supply of 1,000 gpm for a light hazard or ordinary hazard (group 1) occupancy, 1,500 gpm for an ordinary hazard (group 2) occupancy, or 2,000 gpm for an ordinary hazard (group 3) occupancy.

4. Class II standpipe systems. Class II standpipe piping must be sized to deliver 100 gpm at a residual pressure of 65 psi at the topmost hose outlet except that supply piping serving multiple risers may be sized for a maximum of 100 gpm.

For standpipe or combined systems which exceed 275 feet in height see Section 38.205 for additional requirements.

3. UBC Standard 38-2, Section 38.207, is amended to read as follows:

Required Water Supplies

Section 38.207. (a) General. Class I, Class II, and Class III and combined systems must be provided with an approved water supply.

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

PROPOSED RULES

A minimum of one water supply must be provided which can automatically supply the fire streams and pressures required for the time period specified in this section.

EXCEPTION: In buildings or portions of buildings that are not heated to a temperature of 50 degrees or more, a Class I standpipe system may be supplied only through a fire department inlet connection. Each standpipe riser must be equipped with a fire department inlet connection, check valve, and provision for draining. Yearly hydrostatic tests of the system must be conducted by qualified person. A written record of tests must be maintained and made available to the inspection authority.

(b) Minimum Water Supply for Class I or Class III Standpipe Systems. The water supply for a Class I or Class III standpipe system must be capable of providing not less than 500 gpm for the first standpipe and 250 gpm for each additional standpipe. The total supply need not exceed 2,500 gpm. The duration of the supply must be for not less than 30 minutes.

The supply must also be capable of maintaining a residual pressure of 65 psi at the topmost outlet of each standpipe with flow rates from the topmost outlets as required by the preceding paragraph.

(c) Minimum Water Supply for Class II Standpipe Systems. The water supply for Class II standpipe systems must be capable of providing not less than 100 gpm for a duration of not less than 30 minutes. The supply must also be capable of maintaining a residual pressure of 65 psi at the topmost outlet for the flow rate specified.

(d) Minimum water supply for combined systems. For a combined system the water supply must be as required by amended Section 38.203(3) and the sprinkler demand need not be added.

Where the sprinkler system demand, including hose stream allowance as determined by UBC Standard No. 38-1 as amended in this rule exceeds the supply required by Section 38.203(3) as amended in this rule, the larger supply must be provided.

EXCEPTIONS: (1) Unless a larger water supply is required by the building official, supply piping may be sized to provide a maximum water supply of 1,000 gpm for a light and ordinary hazard (group 1) occupancy, 1,500 gpm for ordinary hazard (group 2) occupancy, or 2,000 gpm for an ordinary hazard (group 3) occupancy.

(2) When a building 75 feet or less in height is classified as a light hazard occupancy and is sprinklered throughout the residual pressure of 65 psi at the top of the combined riser may be reduced by one of the following:

- a. the pressure required for a hydraulically designed sprinkler system; or
- b. a residual pressure of 15 psi at the base of the combined risers plus the pressure required to reach the highest sprinkler head with a minimum flow of 500 gpm for a duration of 30 minutes.

4. UBC Standard 38-2, Section 38.208, paragraph 1, is amended to read as follows:

Sec. 38.208. Fire department inlet connections. Each Class I or Class III standpipe system or combined system must be equipped with one or more fire department inlet connections. Fire department inlet connections must be provided for each portion of a building subdivided by required area separation walls complying with UBC Sections 505(e) and 1701, and the connections must be equipped with approved caps which the fire department can easily remove to make connection. Fire department inlet connections must be protected against mechanical damage and must be visible and accessible. Installation of a shutoff valve in the fire department inlet connection is prohibited. The location and height of each fire department inlet connection must be approved by the fire department.

5. UBC Standard 38-2, Section 38.208, paragraph 5, is amended to read as follows:

A means for removal of debris from Class I standpipe systems must be provided when supplied only through a fire department inlet connection.

6. UBC Standard 38-2, Section 38.210(b), paragraph 2, is amended to read as follows:

Piping, valves, and fittings

38.210(b). Isolation valves must be installed for standpipe, sprinkler, and combined system risers, and must be installed on both sides of required area separation walls to prevent the loss of water supply to the remaining portion of a system by the failure of individual system risers.

7. UBC Standard 38-2, Section 38.210(d), is amended to read as follows:

38.210(d). Piping materials specifications. Pipe and tube used in standpipe and combined systems must conform with Section 3-1 of NFPA 13-1980.

8. UBC Standard 38-2, Section 38.210(e), is amended to read as follows:

38.210(e). Fitting materials specifications. Fittings used in standpipe and combined systems must conform with Section 3-13 of NFPA 13-1980.

9. UBC Standard 38-2, Section 38.210, is amended by adding subsection (j) to read as follows:

38.210(j). Water flow detecting devices. All standpipe systems or each floor of combined systems must be equipped with an approved water flow detecting device which will give an alarm at a location approved by the authority having jurisdiction.

Exception: Class I standpipes permitted to be installed in accordance with the Exception to Section 38.207(a) as amended in this rule.

10. UBC Standard 38.2, Section 38.210, is renumbered as 38.211 and is amended to read as follows:

Standpipe outlets

Section 38.211. (a) General. Standpipe outlets for Class I, Class II, and Class III standpipe systems and combined systems must be provided as specified in UBC Section 3805 as amended in this rule.

EXCEPTIONS: 1. In buildings equipped with an approved automatic sprinkler system throughout the Class I outlet locations, including those connections located as specified in UBC Section 3805(c), as amended in this rule, must be equipped with a 2½ inch by 1½ inch reducer.

2. Class II valves and outlets may be permitted to be installed on each side of horizontal exits and exit openings in required area separation walls.

When required by the fire department, outlet pressures in excess of 100 pounds per square inch must be reduced to not more than 100 pounds per square inch at the required flow by the installation of an approved pressure-reducing device. Unless otherwise permitted by the fire department, the pressure-reducing device must not be of the type which can be adjusted for pressures above 100 pounds per square inch. When adjustable devices are permitted and the outlet pressure may exceed 150 pounds per square inch, signs denoting that fact must be posted at the outlet.

(b) Fire department outlets. Fire department outlets must be installed in such a manner as to be easily accessible for use by the fire department and not less than two feet nor more than four feet above the floor level. A wrench clearance on all sides of the outlet must be provided to ensure that a 12-inch long wrench can be used to connect hose.

Outlets must be provided with an approved hose valve.

Outlets required in smokeproof enclosures must be located within the vestibule or balcony of the smokeproof enclosures.

Fire department outlets that will be supplied only through the fire department inlet connection permitted by the exception to Section 38.207(a), as amended in this rule, must be identified by an approved sign which specifies "Dry Standpipe for Fire Department Use Only."

(c) Outlet for occupants' use. Outlets must be provided with an approved hose valve.

(d) Approved cap and attachment chain. All outlets to which hoses are not connected, must be provided with approved cap and attachment chain.

11. UBC Standard 38-2, Section 38.211(b), is renumbered as 212(b) and is amended to read as follows:

Hose reels, racks, and cabinets

Section 38.212. (b) Hose for Occupants' Use. Hose outlets of Class II standpipe systems and the 1½ inch Class II outlets of Class III standpipe systems must be provided with an approved lined hose not less than 1½ inches in diameter, capable of withstanding 500 psi test pressure. The hoses must be equipped with an approved variable fog nozzle. Hose provided for rack and cabinet use must be designed to be folded in a pin rack unit. Hoses may not exceed more than 100 feet in length.

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PROPOSED RULES

EXCEPTION: (1) Class II standpipe systems that are supplied from other systems that are equipped with a fire department inlet connection and the fire department has the capability of providing a pressure greater than 100 psi at the Class II outlet, hoses, reels, racks, and cabinets are not required. A hundred feet of hose must be provided for the building when authorized by the fire chief.

(2) Class II outlets of Class III standpipe systems that are required to be equipped with a fire department connection and the fire department has the capability of providing a pressure greater than 100 psi at the Class II outlet, hoses, reels, racks, and cabinets are not required. A hundred feet of hose must be provided for the building when authorized by the fire chief.

12. UBC Standard 38-2, Section 38.212, is renumbered as 38.213.

13. UBC Standard 38-2, Section 38.213, is renumbered as 38.214 and amended to read as follows:

Systems maintenance

Section 38.214. Standpipe systems and combined system must be maintained and tested in accordance with the Minnesota State Building Code and Minnesota Uniform Fire Code.

2 MCAR § 1.15501 Where required.

A. General. In addition to other provisions in this Code, facilities for the handicapped ~~shall~~ must be provided in accordance with ~~this chapter 2 MCAR §§ 1.15501-1.15508.~~ See UBC Chapter ~~47 5~~ for additional requirements.

B. Scope. ~~Provisions of this chapter shall~~ Rules 2 MCAR §§ 1.15501-1.15508 apply to all buildings except the following:

1. ~~Group R-3, Group R Division 4 R-4,~~ and M occupancies.
2. temporary buildings.
3. ~~Buildings not exceeding 150 square feet in floor area need not be provided with sanitation facilities for the handicapped specified in 2 MCAR § 1.15503.~~ attached R-3 and R-4 occupancies;
4. one story buildings, ~~other than service stations,~~ not exceeding 2,000 square feet in floor area ~~need not be provided with sanitation facilities for the handicapped specified in 2 MCAR § 1.15503 when approved by the Building Official.~~ with an occupant load of ten or less and not primarily for the use of the general public;
5. floors of buildings not used by the general public and ~~on which handicapped persons cannot be employed because of the nature of the work.~~ not normally occupied by persons;
6. ~~Group R-1 occupancies in which dwelling units are individually owned, sanitation facilities for the handicapped specified in 2 MCAR § 1.15503 and other facilities for the handicapped specified in 2 MCAR § 1.15504, need not be provided and there is no public space or shared area for more than two units within the building. All portions of public space or shared areas which are located on the floor of building access must be accessible; and~~
7. home occupations.

2 MCAR § 1.15502 Building accessibility.

A. Definitions.

1. "Ramp is" means a sloped walking surface within a building or attached to a building not exposed to external climatic conditions connecting levels of the a building or connecting buildings (pedestrian ways) and ~~may~~ must be part of an exit in accordance with UBC § 3306 Sections 3307 and 509, as amended in 2 MCAR § 1.10111.

2.-3. [Unchanged.]

4. "Home occupation" means a gainful occupation in which:

- a. the occupation is engaged in only by persons residing in the dwelling;
- b. the occupation is conducted in no more than one room in the principal structure;
- c. evidence of the occupation is not visible from the street;
- d. the principal structure is the base of operation for the occupation using equipment or machinery usually found in the home; and
- e. the occupation does not involve the retail sale of products produced off the site.

PROPOSED RULES

5. "General public" means persons other than the owner, lessee, or sublessee of a building or their employees.

B. [Unchanged.]

C. ~~Building entrances~~ Floor of building access. At least one required entrance and exit of ~~the a building~~ shall must be accessible for use as ingress for by the handicapped, and shall must be identified for such that use. ~~Such~~ The building entrance shall and exit must be at the main lobby or corridor, ~~or shall be accessible thereto~~ and must provide access to all levels of the floor of access. Access to these levels must be by ramp or elevator.

D. Access to other stories. Access for the handicapped to other stories or levels of the building used by the general public ~~and/or~~ or employees shall must be by elevator or ramp, except the following:

1. group R-1 occupancies not exceeding three stories in height; and

2. other ~~occupancies not exceeding buildings~~ two stories or less in height; and where the total which have an occupant load is of less than 100 persons on all floors and mezzanines other than the main floor of building access.

~~Such~~ A ramp shall must have a slip-resistant surface. It shall must have a slope not to exceed one foot vertical to 12 feet horizontal and a landing at top and bottom, and where the rise exceeds three feet vertically, it shall must have an intermediate landing located not to exceed two feet six inches vertically. The bottom landing shall must have a minimum dimension of six feet measured in the direction of the ramp, and top and intermediate landings shall must have a minimum dimension of five feet measured in the direction of the ramp. Handrails and guardrails shall must be provided as required for stairs.

E.-H. [Unchanged.]

2 MCAR § 1.15503 Sanitation facilities.

Sanitation facilities may include toilets (water closets), urinals, lavatories, bathtubs, showers, sinks, and similar plumbing fixtures. ~~For number and type of sanitation fixtures required in each occupancy, see Table 17 B.~~

A. Where required.

1. [Unchanged.]

2. In other buildings regulated by ~~this chapter~~ 2 MCAR §§ 1.15501-1.15508, at least one required toilet room for each sex ~~shall~~ or a separate facility usable by either sex must have not less than one toilet and lavatory complying with this section, and where urinals are provided, not less than one urinal complying with this section. In buildings having more than one toilet room for each sex, not less than two required toilet rooms for each sex ~~shall~~ or two separate facilities usable by either sex must comply with this section. Toilet rooms having plumbing fixtures required by this section shall must be identified for use by the handicapped. Buildings having a posted room directory shall must list the location of ~~such~~ those toilet rooms in the directory.

B.-C. [Unchanged.]

2 MCAR § 1.18601 Electrical.

Scope. All new electrical wiring, apparatus, and equipment for electric light, heat, and power ~~shall~~ must comply with the regulations contained in the ~~1981~~ 1984 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute (~~ANSI CI 1981~~ NFPA 70-1984) and, with tentative interim amendment 70-84-2, Minnesota Statutes, section 326.243, and the State Building Code as promulgated by the commissioner of administration. A synopsis as follows:

1. 2 MCAR §§ 1.10101-1.10109

2. 2 MCAR § 1.10111

Amended UBC 104(a)

UBC 104(e)

Amended 104(f)

Administrative Sections
Adoption of ~~1979~~ the 1982
Uniform Building Code
by Reference
Smoke Detector
Requirements for Existing
R-3 and R-4 Occupancies
Application to Moved
Buildings
Historic Buildings

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PROPOSED RULES

Amended UBC 203
Amended UBC 205
Amended UBC 307(a)
UBC Chapter 4 and amended
UBC 405, 406, 407, 414, and 420
UBC 502
Amended UBC ~~512~~ 514

Amended UBC 605

Amended UBC 705

Amended UBC 805

Amended UBC 809

Amended UBC 905

Amended UBC 1002(b)

Amended UBC 1005

Amended UBC 1009

UBC 1202(b)

Amended UBC 1210

Amended UBC 1216

UBC 1706

UBC 1807 and Amended
UBC 1807(h)

UBC 3305(h)

UBC 3308(b)

UBC 3309(c)

UBC 3310

UBC 3312

Unsafe Buildings
Violations
Certificate of Occupancy
Definitions

Change In Use
Roof Access GFCI Outlet
and Accessible Disconnect

Lighting Group A
Occupancies

Lighting Group B
Occupancies

Lighting Group E
Occupancies

Fire Alarm—Group E
Occupancies

Lighting Group H
Occupancies

Smoke Detector Activated

Door Closers and Fire

Dampers—Group I
Occupancies

Lighting Group I
Occupancies

Fire Alarm Group I
Occupancies

Fire Alarm Group R
Occupancies

~~Fire Alarm~~ Smoke
Detectors Group
R Occupancies

Sound Transmission
Control ~~R-1~~ Group R

Occupancies
Shaft Enclosures

Special Provisions for
High-Rise Buildings/Group

B2 (Office) & and R-1
Door Closers (Corridors)

—Smoke Detector

Activated
Door Closers (Horizontal)

Exit)—Smoke
Detector Activated

Door Closers (Exit
Enclosures)—Smoke

Detector Activated

Smoke Proof Enclosures:
Smoke Detector Activated

Door Closers and
Ventilation Systems, and

Standby Power

Door Closers (Exit

- | | |
|---|---|
| <p>UBC 3312 <u>3313</u></p> <p><u>UBC 3314</u></p> <p>UBC 3317 <u>3319</u></p> <p>Amended UBC 3802(e)h</p> <p>UBC 4303(b)6,
4304(e), 4305</p> <p>3. 2 MCAR §§ 1.10303-1.10335</p> <p>4. 2 MCAR §§ 1.15501-1.15508</p> <p>5. 2 MCAR §§ 1.16001-1.16606
<u>1.16006</u></p> <p>6. SBC 8301</p> <p>7. SBC 8505</p> <p>8. 2 MCAR §§ 1.18801-1.18813</p> <p>2 MCAR § 1.18806 B. 6.</p> <p>2 MCAR § 1.18806 C.
Amended Rule 101.5a
Amended Rule 106.1e</p> <p>9. 2 MCAR § 1.18901</p> <p>10. 2 MCAR §§ 1.90100-1.90904
<u>1.90906</u></p> | <p><u>Passageways)—Smoke</u>
<u>Detector Activated</u></p> <p>Exit Signs and Exit
Illumination</p> <p><u>Exit Signs</u></p> <p>Smoke Detectors/Group E
Occupancies
Automatic Fire
Extinguishing Systems for
Commercial Cooking
Equipment
Penetrations of Fire
Resistive Assemblies
Prefabricated and
Manufactured Structures
Code
Facilities for the
Handicapped
Energy Code</p> <p>Electrical Space Heating
HVAC System Shutdowns
Elevators, Dumbwaiters,
Escalators, Manlifts,
Moving Walks, Hoists,
Lifts &, and Wheelchair
Elevating Devices
Standby Power
Machine Room,
Lighting and Outlet
Pit Lighting & and Outlet
Flood Proofing
Regulations
Rules for Mobile
<u>Manufactured Homes</u>
<u>(mobile homes)</u></p> |
|---|---|

MCAR—Minnesota Code of Agency Rules

UBC—Uniform Building Code

SBC—Minnesota Heating, Ventilating, Air Conditioning, and Refrigeration Code

NEG Table 220 2(b) is amended as follows:

Unit load per sq. ft. (Watts) for Banks and Office Buildings shall be reduced from 5 to 3.

Table 220 2(b). General Lighting Loads by Occupancies.

Type of Occupancy	Unit Load per Sq. Ft. (Watts)
Armories and Auditoriums	1
Banks	3
Barber Shops and Beauty Parlors	3
Churches	1

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PROPOSED RULES

Clubs	2
Court Rooms	2
*Dwelling Units	3
Garages Commercial (storage)	1/2
Hospitals	2
*Hotels and Motels, including apartments houses without provisions for cooking by tenants	2
Industrial Commercial (Loft) Buildings	2
Lodge Rooms	1 1/2
Office Buildings	3
Restaurants	2
Schools	3
Stores	3
Warehouses (Storage)	1/2
In any of the above occupancies except one family dwellings and individual dwelling units of multifamily dwellings:	
Assembly Halls and Auditoriums	1
Halls, Corridors, Closets	1/2
Storage Spaces	1/2

*All receptacle outlets of 20 ampere or less rating in one family and multi-family dwellings and in guest rooms of hotels and motels [except those connected to the receptacle circuits specified in Section 220 3(b)] shall be considered as outlets for general illumination, and no additional load calculations shall be required for such outlets.

NEC 300-22(b)(c) is amended by adding an Exception No. 6 as follows:

Exception No. 6: [Text unchanged.]

NEC Section 700 6(b)(3) is amended to read as follows:

Prime movers may be solely dependent upon a public utility gas system for their fuel supply when the Building Official determines that there is low probability of a simultaneous failure of both the off-site fuel delivery system and power from the outside electrical utility company. Means shall be provided for automatically transferring from one fuel supply to another where dual fuel supplies are used. When such a public utility gas system is approved by the Building Official, the requirement for an on-site fuel supply of two hours is not required. A public utility gas system shall not be an approved fuel supply for prime movers in buildings which are located in a designated flood plain area or in areas designated other than seismic zone "0".

NEC Section 800 3 is amended to read as follows:

(d) Location. Circuits and equipment installed in ducts and plenums shall also comply with Section 300 22 as to wiring methods.

Exception No. 1: Conductors listed as having adequate fire resistant and lowsmoke producing characteristics shall be permitted for ducts, hollow spaces used as ducts, and plenums other than those described in Section 300 22(a).

Exception No. 2: In existing buildings of Group A and B occupancies, communication circuits may be installed in existing suspended ceiling plenums used for environmental air if the construction of the affected floor or level of the building does not exceed 50% of the value of new construction of that floor or level within a twelve month period.

All such communication wiring shall be grouped and shall be independently supported from the structure. All such communication wiring when abandoned shall be removed. This exception shall not apply if the building official determines that such installation constitutes an increased hazard to life and/or property. This exception shall not apply when listed conductors are available.

The conductors referred to in this section would ordinarily be insulated, but the kind of insulation is not specified as reliance is placed on the protective device to stop all dangerous voltages and currents.

2 MCAR § 1.18701 Plumbing.

All plumbing in buildings and structures as defined in the Minnesota State Building Code shall must comply with the provisions of the Minnesota Plumbing Code 1979, which code is adopted by reference and made a part of the code Rules MHD 120-MHD 134.

2 MCAR § 1.18804 Inspection, tests and approval ~~is amended to read as follows:~~

A. [Unchanged.]

B. Inspections and tests. It ~~shall be~~ is unlawful for any person, firm, or corporation to put into service any installation covered by ~~this chapter 2 MCAR §§ 1.18801-1.18813~~ whether ~~such~~ the installation is newly installed, relocated, or altered materially without ~~such~~ the installation being inspected and approved by the administrative authority. The installer of any equipment included in ~~this chapter shall 2 MCAR §§ 1.18801-1.18813~~ must notify the administrative authority seven days prior to completion of the installation for ~~such~~ inspection. The administrative authority ~~shall have the authority to~~ may require ~~such~~ tests as provided in ANSI A17.1-~~1978~~ 1981 Edition and Supplement as ANSI A17.1a-1982 which he ~~may deem~~ considers necessary to prove the safe operation of any installation.

C.-D. [Unchanged.]

2 MCAR § 1.18806 Elevators, dumbwaiters, escalators, and moving walks ~~is amended to read as follows:~~

A. The ~~ninth edition of the~~ American National Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks—ANSI A17.1-~~1978~~ 1981 including supplement ANSI A17.1a-~~1979~~ 1982, ~~are hereby~~ is incorporated by reference and made a part of this Code. All references in ANSI A17.1-~~1978~~ 1981 and supplements, to the National Electrical Code ~~shall be~~ are changed to read: "National Electrical Code" ANSI ~~CI-1978~~ (NFPA 70-1978) 1984.

B. Exceptions to ANSI A17.1.

1.-3. [Unchanged.]

4. ~~In each elevator lobby served by elevators complying with ANSI rule 211.3 of the Elevator Code identified as ANSI A17.1-1978, all automatic operation elevators serving three or more stories above or below the main floor or having a travel of twenty five (25) feet or more above or below the main floor, at least one elevator car serving all floors in a building shall have a platform size that is standard for the elevator supplier, and capable of accommodating an ambulance stretcher in its horizontal position. The opening to the elevator car shall be capable of passageway for such ambulance stretcher.~~

5. ~~Exterior elevator call buttons shall~~ may not be placed ~~not~~ higher than 60 inches above the floor. No ~~emergency stop switch, door opening and door closing buttons, or elevator floor buttons shall~~ may be placed higher than 60 inches above the floor.

6. ~~Standby power. In every building over one story and more than 75 feet in height, emergency power shall be provided for at least one passenger elevator in each bank. This emergency power shall be transferable to any other elevator in the bank and shall be capable of operating the elevator with a full load at contract speed or not less than 150 feet per minute. Emergency power shall be provided by an approved self-contained generator set to operate whenever there is a loss of power in the normal power supply. The generator shall be in a separate room having at least a one hour fire resistive occupancy separation from the remainder of the building and shall have an on-site fuel supply adequate to operate the equipment for two hours. See UBC Standards 48 4.~~

7. ~~5. Operating devices. All~~ Operating devices ~~shall~~ must be of the enclosed electric type. Rope or rod operated devices activated by hand, or rope operating devices activated by wheels, levers or cranks, ~~shall~~ must be removed. EXCEPTION: This ~~shall~~ is not be considered a material change.

C. Amendments to ANSI A-17.1-1978.

ANSI A17.1—Rule 100.1b is amended to read as follows:

100.1b Fire resistance ratings. The fire resistance rating of the hoistway enclosure, exclusive of entrances and protective assemblies in other openings, must be not less than required by Part IV of the Uniform Building Code.

The fire resistance ratings of the entrances must be not less than 1½ hours as determined by the tests specified in Section 1102.

The fire resistance rating of hoistway opening protective assemblies other than elevator entrances must be not less than 1½ hours as determined by tests conducted in accordance with ANSI/ASTM E 152 Methods of Fire Tests of Door Assemblies.

ANSI A17.1—Rule 100.1d is amended to read as follows:

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PROPOSED RULES

100.1d Multiple hoistways. The number of elevators permissible in a hoistway must be in accordance with the Uniform Building Code.

ANSI A17.1—Rule 100.4a is amended to read as follows:

~~100.4a Vents Required~~ 100.4 Hoistway protection in case of fire.

Hoistways of elevators serving more than three (3) floors shall be provided with means for venting smoke and hot gases to the outer air in case of fire must be provided with means to prevent the accumulation of smoke and hot gases in case of fire as required by Section 1706(d) of the UBC. Vents may must be manually openable or remote control automatic vents. Location of operating devices are is subject to approval of the Fire Chief.

EXCEPTION: Hoistways not extending into the top floor of the building, in buildings other than hotels, apartment houses, hospitals and similar buildings with overnight sleeping quarters, where the hoistways are equipped with approved automatic sprinklers connected to the building water-supply system or to an approved automatic sprinkler system (See NFPA No. 13-1976 Sprinkler Systems). ~~Such systems shall~~ must be responsive to an accumulation of smoke as well as heat at the top of the hoistway.

ANSI A17.1—Rule 100.4b is amended to read as follows: [Amendment unchanged.]

ANSI A17.1—Rule 101.5a is amended to read as follows: [Amendment unchanged.]

ANSI A17.1—Rule 106.1e is amended to read as follows: [Amendment unchanged.]

ANSI A17.1—Rule 110.2a is amended to read as follows:

ANSI A17.1—Rule 110.2a—~~For~~ Passenger elevators and freight elevators authorized to carry employees.

Entrances shall on passenger elevators and freight elevators authorized to carry employees must be one of the following types:

- ~~1-~~ (1) horizontal side, single or multisection-;
- ~~2-~~ (2) swing, single section-;
- ~~3-~~ (3) combination horizontal slide and swing-;
- ~~4-~~ (4) power-operated, vertical slide biparting counterbalanced, or vertical slide counterweighted which slide down to open, where located at entrances used by passenger (See Rule 207.4)-; or
- ~~5-~~ (5) hand- or power-operated vertical slide which slide up to open.

~~EXCEPTION: At landing openings used exclusively for freight, any type of entrance permitted by Rule 110.2b.~~

- ~~6-~~ Elevator doors shall must provide a clear opening of at least 32 inches.

EXCEPTION: At landing openings used exclusively for freight, any type of entrance permitted by Rule 110.2b.

ANSI A17.1—Rule 111.9b is amended to read as follows: [Amendment unchanged.]

ANSI A17.1—Rule 111.9e is amended to read as follows: [Amendment unchanged.]

ANSI A17.1—Rule 204.2a is amended to read as follows: [Amendment unchanged.]

ANSI A17.a—Rule 206.4e is amended to read as follows:

~~206.4e—Type of Speed Governor Overspeed Switches, Speed Reducing Switches, and Car Safety Mechanism Switches Required.~~

~~Switches used to perform the function specified shall be positively opened. Overspeed and speed reducing switches permitted by the exception to Rule 206.4b and operated by the speed governor shall remain in the open position until manually reset. Switches operated by the car safety mechanism shall be the manually reset type.~~

ANSI A17.1—Rule 210.2e is amended to read as follows:

210.2e Emergency stop switches. Emergency stop switches are not permitted to be installed inside the car on new installations of automatic operation elevators.

NOTE: Emergency stop switches must not be removed from existing automatic operation elevators which do not conform to Rule 210.10.

ANSI A17.1—Rule 211.1 is amended to read as follows:

Rule 211.1

Emergency communications. Every elevator car shall must be provided with a two-way communication system connected to an approved emergency service which operates 24 hours every day.

ANSI A17.1 Rule 211.3a is amended to read as follows:

211.3a Automatic Operation Elevators:

All automatic operation elevators serving three or more landings or having a travel of twenty-five (25) feet or more, shall conform to the following:

1. A three position (on, off, and by-pass) key operated switch shall be provided at the main floor for each single elevator or for each group of elevators. The key shall be removable only the "on" and "off" positions. When the switch is in the "on" position, all elevators controlled by this switch and which are on automatic service shall return nonstop to the main floor, and the doors shall open and remain open.

a. An elevator traveling away from the main floor shall reverse at the next available floor without opening its doors.

b. Elevators equipped with automatic power-operated doors and standing at a floor other than the main floor, with doors open, shall close the doors without delay, and proceed to the main floor.

c. Door reopening devices for power operated doors which are sensitive to smoke, heat or flame shall be rendered inoperative.

d. All car and corridor call buttons shall be rendered inoperative and all call registered lights and direction lanterns shall be extinguished and remain inoperative.

e. A car stopped at a landing shall have its "Emergency Stop Switch" rendered inoperative as soon as the doors are closed and it starts toward the main floor. A moving car, traveling to or away from the main floor, shall have its "Emergency Stop Switch" rendered inoperative immediately.

f. A sensor in each elevator lobby, which when activated prevents cars from stopping at that floor, shall not be substituted for the above requirements.

2. Sensing Devices.

In addition to the key operated switch required in 1 above, heat and smoke or products of combustion sensing devices shall be installed in accordance with NFPA No. 72D 1975 in each elevator lobby at each floor, except the main floor. The activation of a sensing device in any elevator lobby shall cause all cars in all groups that serve that lobby to return nonstop to the main floor. The operation shall conform to the requirements of 211.3a 1 a to 211.31 1 e. The key operated switch required by 21.3a 1, when moved to the "by pass" position, shall restore normal service independent of the sensing devices.

EXCEPTIONS:

(1) Elevators in buildings which are completely protected by an automatic sprinkler system (See NFPA No. 13 1976 Sprinkler Systems).

(2) Freight elevators located in or at openings into manufacturing areas.

(3) Elevator lobbies at unenclosed landings.

3. Elevators without a terminal landing at grade level shall be returned to that landing closest to grade level or other approved level and shall conform to the requirements of 211.3a 1, 2, 3, 4, 5, 6.

4. One (1) car in each bank of automatic operation elevators serving five (5) or more floors above or below the main floor or having a travel of fifty (50) feet or more above or below the main floor shall be provided with the following operation:

A two position (off and on) key operated switch shall be provided in or adjacent to an operating panel in each car and it shall be effective only when the main floor key operated switch (211.3a 1) is in the "on" position or a sensing device has been activated and the car has returned to the main floor or other approved level. The key shall be removable only in the "off" position and when in the "on" position, it shall place the elevator on emergency operation.

The operation of elevators on emergency service shall be as follows:

a. An elevator shall be operable only by a person in the car.

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PROPOSED RULES

b. Elevators shall not respond to elevator corridor calls.

e. The opening of power-operated doors shall be controlled only by continuous pressure "open" buttons or switches. If the switch or button is released prior to the doors reaching the fully open position, the doors shall automatically reclose. Open doors shall be closed by either the registration of a car call or by pressure on "door close" switch or button.

d. Elevator shall be removed from emergency service by moving the emergency service key operated switch in the car to the "off" position with the car at the main floor.

5. Multi-deck elevators shall conform to the requirements of 211.3a 1, 2, 3, 4, 6, and to additional requirements as follows:

a. The key-operated switch required by 211.3a 1 may be located at either main lobby.

b. The key-operated switch in the car required by 211.3a 4 for emergency service operation shall be located in the top deck. The elevators shall be provided with means for placing the lower deck out of service including closing of car and hoistway doors. The lower deck shall be out of service before the emergency service operation from the top deck becomes effective. The means for placing the lower deck out of service shall be located in that deck or adjacent to the entrance in the corridor.

6. The switches required by 211.3a a and 211.3a 4 shall be operated by the same key but which is not a part of a building master key system. There shall be a key for the main floor switch and for each elevator in the group and these keys shall be kept on the premises by persons responsible for maintenance and operation of the elevators, in a location readily accessible to authorized persons, but not where they are available to the public.

ANSI A17.a—Rule 211.3 is amended to read as follows:

211.3 Operation of elevators under fire or other emergency conditions. All elevators having a travel of 25 feet (7.62 meters) or more, above or below the designated level must conform to the requirements of Rule 211.3.

NOTE: (Rule 211.3): See Section 3 for definition of "designated level."

In buildings with elevators requiring Phase I and II operation all floors must be served by cars sized to accommodate an ambulance stretcher in the horizontal position. The opening to the elevator car must be capable of passageway for such an ambulance stretcher.

ANSI A17.1—Rule 211.3a(4) is amended by adding the following:

7. The switches required by 211.3a-4 shall must conform to the following:

Emergency elevators. All keyed switches installed to operate elevators on emergency service shall be required to must be keyed alike to a pattern approved by the Administrative Authority. In lieu of the above, keys for emergency elevator service may be in a metal box placed in a location approved by the Administrative Authority, ~~provided said~~ if the box is locked with a 5 pin tumbler core lock or equivalent which is keyed to the same pattern.

ANSI A17.1—Rule 602.1 is amended to read as follows: [Amendment unchanged.]

ANSI A17.1—Rule 703.1 is amended to read as follows: [Amendment unchanged.]

2 MCAR § 1.18808 Manlifts.

Manlifts ~~shall~~ must be designed, installed, constructed, and maintained so as to be reasonably safe to life, limb, and adjoining property ~~shall~~ and must conform to the standards specified in the American National Safety Code for manlifts, ANSI A90.1-1969 and Regulations of the Department of Labor and Industry. 8 MCAR §§ 1.7001-1.7009 and 1.7120-1.7129.

2 MCAR § 1.18811 Standards for wheelchair elevating devices.

A. Applicability

~~1. These Rules 2 MCAR §§ 1.18811-1.18813~~ apply to electric powered vertically traveling elevating devices used to raise or lower physically handicapped persons from one level to another in existing buildings, ~~hereinafter in these rules~~ referred to in ~~2 MCAR §§ 1.18811-1.18813~~ as a "device."

~~2. The B. Requirements.~~ A device ~~shall~~ must conform to all applicable sections of ANSI A17.1-1978 1981 and Supplement ANSI A.17.1a-1982 National Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, which are directly referred to in ~~these rules~~ 2 MCAR §§ 1.18801-1.18813.

MHD 120 Basic Plumbing Principles.

This code is founded upon certain basic principles of environmental sanitation and safety through properly designed,

acceptably installed and adequately maintained plumbing systems. Some of the details of plumbing construction may vary but the basic sanitary and safety principles desirable and necessary to protect the health of the people are the same everywhere. As interpretations may be required, and as unforeseen situations arise which are not specifically covered in this code, the twenty three principles which follow shall be used to define the intent.

As provided in Minnesota Statutes, section 326.37, this code applies to all new plumbing installations, including additions, extensions, alternations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which located.

(a)-(q) [Unchanged.]

(r) If water-closets or other plumbing fixtures are installed in a building where there is no sewer within a reasonable distance, suitable provision ~~shall~~ must be made for ~~disposing treatment~~ disposing treatment of the building sewage by methods of ~~disposal~~ disposal which ~~meets the requirements of the Minnesota State Board of Health and~~ meet the design criteria of the Minnesota Pollution Control Agency as prescribed in 6 MCAR § 4.8040. One-family and two-family dwellings must comply with applicable local ordinances.

(s)-(w) [Unchanged.]

MHD 121 Definitions

General.-May. [Unchanged.]

Nonpotable Water. Water not safe for drinking, ~~personal, or culinary use~~ because it may contain impurities in amounts sufficient to cause disease or harmful physiological effects, or water that does not conform to the public water supply quality requirements of 7 MCAR §§ 1.145-1.147 or the regulations of the local public health authority having jurisdiction.

Offset.-Plumbing System. [Unchanged.]

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality ~~shall conform to the requirement of the Minnesota State Board of Health~~ 7 MCAR §§ 1.145-1.147 or the regulations of the local public health authority having jurisdiction.

Private or Private Use.-Yoke Vent. [Unchanged.]

MHD 122 General regulations.

(a)-(f) [Unchanged.]

(g) Use of public sewer and water systems required.

(1)-(3) [Unchanged.]

(4) Connection to public or private sewer. Every building ~~shall~~ must have its own independent connection with a public or private sewer, except that a group of buildings may be connected to one or more manholes which are constructed on the premises, and connected to a public or private sewer. These manholes must conform to the standards set by the local sewer authority.

(h)-(m) [Unchanged.]

MHD 123 Materials.

(a)-(b) [Unchanged.]

(c) Standards for plumbing materials

(1)-(2) [Unchanged.]

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PROPOSED RULES

TABLE 123 (C) (3)
STANDARDS FOR PLUMBING MATERIALS

DESCRIPTION	ANSI	ASTM	FS	OTHER
I.-V. [Unchanged.]				
VI. PLASTIC PIPE AND FITTINGS				
DRAIN, WASTE AND VENT				
6A Acrylonitrile-Butadiene-Styrene (ABS) Type 1, Schedule 40		D2661	L-P-322a FHA-MPS	HSF14 CS270
6B (1) Polyvinyl Chloride (pvc) Schedule 40 Unthreaded Schedule 80 can be threaded		D2665	L-P-320a FHA-MPS	NSF14 CS272
6B (2) Polyvinyl Chloride (pvc) Schedule 30 (3 inch only)		<u>D2949</u>		
BUILDER SEWER			L-P-001221 (Filed 4-5-73)	CS228
6C (1) Styrene—Rubber		D2852		
6C (2) Polyvinyl Chloride (pvc) (Amended 4-5-73)		D3033 D3034	FHA-UM-26 WW-P-00380a	
(3) Acrylonitrile-Butadiene-Styrene (ABS)		D2751		
WATER SERVICE—Minimum working pressure rating shall be at least 150 psi for municipal water service and 100 psi for other service.				
6D Polyethylene (PE)	B72.1	D2239	LP-315a FHA-UM-31C	NSF14 CS255
6E Acrylonitrile-Butadiene-Styrene (ABS)	B72.3	D2282		NSF14 CS254
6F Polyvinyl Chloride (pvc)	B72.2	D2241	L-P-1036 FHA UM-41	NSF14 CS256
6G Polybutylene		D2662 D2666	NSF14	
SPECIAL WASTES (Amended 12-26-72)				
6H Polyethylene		D2239	LP 315a	PS10-69 PS11-69 PS12-69
6J Polypropylene (Type II 24308)		D2146		
6K Polybutylene		<u>D3309</u>		

WATER DISTRIBUTION—Polybutylene (PB) systems (PB tubing together with recommended fittings) must be tested by the manufacturer at 150 psi and 210 degrees Fahrenheit for a period of not less than 48 hours by an independent testing laboratory acceptable to the administrative authority.

- (d) Piping System Materials
 - (1) [Unchanged.]
 - (2) Water Service Pipe
 - (aa)-(cc) [Unchanged.]
 - (dd) Copper tube 3E or 3G and 3D or 3N fittings ~~3D~~ or 3N.
 - (3) Water Distribution Pipe
 - (aa)-(ee) [Unchanged.]
 - (ff) ~~Copper tube 3H~~ 194 water tube 3H(a) or stainless water tubing 3H(b) with 3N fittings except that this material may not be buried under or embedded in a concrete slab.
 - (gg) Copper 3J, 194 water tube 3J(a), stainless steel water tubing 3J(b), copper alloy 3P, or ~~30~~ welded brass 3Q with 3N fittings may be installed exposed or in frame partitions, or in tunnels and shafts, except that this material may not be laid underground or embedded in masonry or concrete.
 - (hh)-(jj) [Unchanged.]

(kk) Plastic tubing 6K with fittings. Installation must be in accordance with International Association of Plumbing and Mechanical Officials (IAPMO) Installation Standard 22-81.

(4) Building sewers

(aa)-(ff) [Unchanged.]

(gg) Plastic 6A, 6B(1), 6C(1), 6C(2), and 6C(3) and corresponding fittings must be laid on a continuous granular bed.

(hh) [Unchanged.]

(5)-(7) [Unchanged.]

(8) Soil and waste piping (except special wastes) underground or embedded in masonry construction

(aa)-(cc) [Unchanged.]

(dd) Plastic 6A or 6B, 6B(1), or 6B(2) and corresponding fittings ~~which shall~~ must be laid on a continuous granular bed. Reference ASTM D2321-72.

(9) Soil and waste piping (except special wastes) above ground

(aa)-(ee) [Unchanged.]

(ff) Plastic 6A or 6B, 6B(1), or 6B(2) with corresponding fittings may be installed except that no horizontal drain may exceed 35 feet in total length. No stack may exceed 35 feet in total height unless an approved expansion and contraction joint is installed at intervals not to exceed 35 feet.

(10) Vent piping, below ground

(aa)-(ff) [Unchanged.]

(gg) Plastic 6A and 6B, 6B(1), or 6B(2) with corresponding fittings.

(11) Vent piping, above ground

(aa)-(gg) [Unchanged.]

(hh) Plastic 6A, 6B(1), or 6B(2) with corresponding fittings may be installed except that no horizontal vent may exceed 35 feet in total length. No vent stack or stack vent may exceed 35 feet in total height unless an approved expansion and contraction joint is installed at intervals not to exceed 35 feet.

(12) Special wastes

(aa) ~~Chemical wastes of cast iron 1G; lead 4B; borosilicate glass 5H; plastic 6H; or other materials approved by the Administration Authority~~ The following corrosion resistant materials are acceptable for chemical waste and vent systems: chemically resistant glass pipe 5H, high silicon content cast iron 1G, and chemically resistant plastic pipe 6H or 6J. Use of any other materials must be approved by the administrative authority, who shall grant approval if the applicant can show that the material in question is as resistant to corrosion as are those listed above.

(bb) [Unchanged.]

(13)-(15) [Unchanged.]

MHD 124 Joints and Connections

(a) Types of joints for piping materials

(1) [Unchanged.]

(2) Types of joints

(aa)-(kk) [Unchanged.]

(II) Mechanical joints

((II-1) Mechanical joints for cast-iron and steel water pipe. Mechanical joints in cast-iron and steel water pipes ~~shall~~ must be made by means of a flanged collar and rubber ring gasket, secured by the use of an adequate number of steel bolts. The rubber sealing ring ~~shall~~ must conform to ~~A.S.A. A21 Part 11 Requirements~~ ANSI-A21.11 (AWWA-C11).

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PROPOSED RULES

(ll-2) [Unchanged.]

(ll-3) Mechanical Joints in Chemical Waste Pipe. Mechanical joints in chemical waste pipe, of prestressed, low expansion borosilicate glass pipe and high silicon content cast iron pipe, shall be joined by means of a stainless steel corrosion resistant clamp assembly, or a clamp assembly utilizing a fiber glass reinforced nylon shell surrounding a sealing sleeve of an elastomeric material containing an approved acid and corrosion resistant seal ring or gasket in such a manner that the sleeve and ring seal or gasket are firmly compressed by the tightening device in order that a gas and water tight joint is provided. The sleeves or bands for this type joint shall be marked with the words "All Stainless", or the recognized abbreviation therefore, and marked with the pipe size for which its use is intended. Fiberglass reinforced shells must bear the manufacturer name. The sleeve must be used as factory assembled. During installation assembly, the pipe or fittings must be inserted into the sleeve so as to be firmly seated against the center rib or shoulder of the gasket, and on all field cut lengths the ends must be as square and smooth as possible.

(ll-4) Mechanical joints in hubless cast iron soil pipe. Mechanical joints for hubless cast iron soil pipe and fittings may be made by using a neoprene sleeve and stainless steel retaining band as specified in CISPI standard 301, by using a transition fitting made of elastomeric material (ASTM C 425 and ASTM C 564) and 300 series stainless steel bands and bolts, or by using a two part coupling whose housing is fabricated of grey-cast iron (ASTM A 48), with a coupling gasket made of neoprene rubber (ASTM C 564), and coupling bolts and nuts made of 18-8 stainless steel.

(ll-5) (ll-4) Mechanical pipe couplings and fittings. Couplings shall must be made with the housing fabricated in two or more parts of malleable iron castings in accordance with Federal Specification QQ-I-666c, Grade 11, or with ASTM A47 or ASTM A339. The coupling gasket shall must be molded synthetic rubber, per ASTM D-735-61, Grade No. R615BZ. Coupling bolts shall must be oval neck track head type with hexagonal heavy nuts, per ASTM-A-183-60, or ASTM A325.

Pipe fittings used with these pipe couplings shall must be fabricated or malleable iron castings in accordance with Federal Specifications QQ-I-666c, Grade 11, or with ASTM A47; ductile iron ASTM A339; segweld steel ASTM53 or A106.

These couplings and fittings may be used above ground, for storm drains and leaders and for water distribution pipe provided exposed parts in contact with water are galvanized.

(ll-5) Extracted mechanical joint. An extracted mechanical joint in copper water distribution pipe must be made by drilling through copper pipe and on retraction must extract a cup-shaped extruded collar. The height of the collar must be at least three times the thickness of the copper tube wall and the radius of the extruded collar must be the same thickness as the copper tube wall from which it is being extruded. The joining branch tube must be contour-notched and a retaining dimple must be made before insertion into the extracted collar. The joint must be brazed with a brazing material meeting the requirements of MHD 124(a)(2)(dd).

(ll-6) Mechanical tee coupling for steel pipe. Couplings utilizing an explosive charge and an internal cutting mechanism may be used to join galvanized steel pipe only. All portions of the coupling exposed to water must be of galvanized steel construction acceptable for contact with potable water. The coupling must only be used above ground and only in areas that are accessible. The coupling must be attached to the steel pipe by use of four Allen screws which must be torqued in accordance with the coupling manufacturer's recommendation.

(mm)-(nn) [Unchanged.]

(oo) Joints in chemical waste pipe. Joints for chemical waste and vent piping must be of corrosion resistant material, or coated or wrapped with a corrosion resistant material, and designed for use with the type of piping material selected. All joint materials and methods must be as approved by the administrative authority.

(3) [Unchanged.]

(4) Special joints

(aa)-(ff) [Unchanged.]

(gg) Flexible joints for roof drain connections. A flexible bellows-type joint may be used to join roof drains to approved storm drain piping. The flexible joint must be made of a bellowed neoprene or thermoplastic rubber sleeve and secured by 300 series stainless steel band and bolts. The joint must not be concealed nor installed at an angle of more than 45 degrees from the vertical.

(5)-(7) [Unchanged.]

MHD 126 Interceptors, Separators and Backwater Valves

(a) Interceptors and separators

(1)-(3) [Unchanged.]

(4) Oil and flammable liquids separator

(aa) [Unchanged.]

(bb) Design of separators

(bb1) [Unchanged.]

(bb2) The separator ~~shall~~ must be provided with a non-perforated iron or steel cover and ring of not less than 24 inches in diameter, and the air space in the top of the tank ~~shall~~ must have a 3 three inch vent pipe extending separately to a point at least 12 inches above the roof of the building. Drains and piping from motor vehicle areas ~~shall~~ must be a minimum of 3 ~~inch~~ three inches in size. Drains discharging to an interceptor ~~shall~~ must not be trapped. In motor vehicle wash facilities, a sand interceptor which meets the requirements of MHD 126(a)(5)(aa) may be installed to receive wastes before discharging into a flammable waste separator.

(bb3) [Unchanged.]

(5)-(8) [Unchanged.]

(b) [Unchanged.]

MHD 130 Water Supply and Distribution

(a) [Unchanged.]

(b) Water service

(1) [Unchanged.]

(2) Separation of water service and building sewer

(aa) [Unchanged.]

(bb) Water service near sources of pollution. Potable water service pipes ~~shall~~ must not be located in, under, or above cesspools, septic tanks, septic tank drainage fields, ~~or~~ seepage pits, soil treatment systems, buried tanks containing chemicals or petroleum products, or any other source of pollution that in the judgment of the administrative authority might contaminate the potable water supply. A horizontal separation of ~~10 ft.~~ ten feet must be maintained.

(c)-(d) [Unchanged.]

(e) Protection of Potable Water Supply

(1)-(4) [Unchanged.]

(5) Connections; Heat Exchangers

(aa) Potable Water Connections to Heating or Cooling Systems. Potable water connections to boiler feed water systems, cooling systems, or other liquid systems, in which water conditioning chemicals may be introduced shall be made through an air gap or provided with an approved backflow preventer located in the potable water line before the point where such chemicals may be introduced. Where a system is filled with an antifreeze or toxic solution a permanent tag will be placed in plain view stating "Caution, this system contains anti-freeze/toxic solution." There shall be no permanent direct connection between this system and the potable water supply to the building.

(bb) Heat Exchangers. Devices utilizing any heat transfer medium to exchange thermal energy with potable water must be constructed so that a single failure of any wall in the system will not cause a cross connection with or permit back siphonage of heat transfer medium into the potable water system.

(bb1) A double wall heat exchanger must be designed in a way that any failure of a wall must allow the discharge to the atmosphere of the heat transfer medium or the potable water contained by the wall. The discharge location must be visible to the operator or owner of the system and be located so that no hazards are created by the discharge.

(bb2) A single-wall heat exchanger may be used if it satisfies all of the following conditions:

i. The heat transfer medium contains only substances which are recognized as safe or approved by the

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PROPOSED RULES

United States Food and Drug Administration for food contact as listed in Code of Federal Regulations, title 21, part 182 of the Food Additive Regulations;

ii. The heat exchanger complies with Standard No. 11-03 for plate type heat exchangers published by the International Association of Milk, Food, and Environmental Sanitarians, 413 Kellogg Street, Ames, Iowa 50010. Use of other designs must be approved by the administrative authority, who shall grant approval if the alternate design is shown to provide the same degree of protection against potential cross-contamination as that provided by the design prescribed in Standard No. 11-03)

iii. The pressure of the heat transfer medium must be less than the normal minimum operating pressure of the potable water system, and the system must be fitted with devices arranged to function automatically to maintain the pressure of the heat transfer medium entering the exchanger at a level below that of the potable water leaving the exchanger;

iv. The equipment is permanently labeled to specify all constituents of the heat transfer medium, to indicate that only additives recognized as safe by the United States Food and Drug Administration may be used, and to show the hazards and reasons for not using another type of medium.

MHD 131 Drainage Systems

(a) [Unchanged.]

(b) Drainage Piping Installation

(1)-(4) [Unchanged.]

(5) Building Drains Below Building Sewer. Building drains which cannot be discharged to the sewer by gravity flow shall discharge into an approved watertight, gas tight vented sump or receiving tank, so located as to receive the sewage or wastes by gravity. From such sump or receiving tank the sewage or other liquid wastes shall be lifted and discharged into the building gravity drain by approved automatic pumping equipment. The system or drainage piping entering such sump shall be installed and vented as required in this section for a gravity system.

(aa)-(bb) [Unchanged.]

(cc) 'Clear Water Sumps. Sumps and receiving tanks which receive only clear water drainage, and from which sewage is excluded, need not be air tight or vented. Sumps and receiving tanks must be provided with covers fastened or secured so as to prevent entry by children. The covers must be adequate to support anticipated loads in area of use. In nonresidential buildings guard rails constructed in accordance with UBC Section 1711 may be used in lieu of covers.

Rules as proposed by others

1. Proposed by North Star Chapter, International Conference of Building Officials

2 MCAR § 1.10111 Adoption of the Uniform Building Code by reference.

A. Incorporation by reference. Chapters 1 to 60 and appendices of the 1982 Edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, Whittier, California, are incorporated by reference and hereby made part of the State Building Code except as qualified by 2 MCAR Section 1.10109 and except as amended in this rule.

B. Amendments to the UBC. The UBC is amended as follows:

[Deletions or amendments of UBC Sections 101-1101 are unchanged.]

UBC Section 1201 of the UBC is amended by adding a new Division to read as follows:

UBC Section 1201 Group R, Division 4 Occupancies: This use group includes all one and two family dwellings built exclusively by the standards as established in the ~~1975~~ 1979 One and Two Family Dwelling Code as promulgated by the national model code organizations and 2 MCAR §§ 1.16001-1.16006. Use and installation of foam plastics must comply with UBC Section 1712 of the UBC as amended herein in this rule.

EXCEPTION: [Unchanged.]

[The amendment to Section R-202 of the One and Two Family Dwelling Code is unchanged.]

Section R-204 of the One and Two Family Dwelling Code is amended to read as follows:

Section R-204. All habitable rooms must be provided with aggregate exterior glazing area of not less than eight square feet or eight percent of the floor area of the rooms with a minimum of eight square feet. One-half of the required area of glazing must be openable.

EXCEPTION: [Unchanged.]

Bathrooms, water-closet compartments and other similar rooms must be provided with aggregate glazing area in windows of not less than three square feet, one-half of which must be openable.

EXCEPTION: [Unchanged.]

Requiring glazed openings must open directly onto a street or public alley, or a yard or court located on the same lot as the building.

EXCEPTOIN: [Unchanged.]

[The amendment to Section R-211 of the One and Two Family Dwelling Code is unchanged.]

[The amendments to UBC Sections 1201-1205 are unchanged.]

UBC Section 1210(a) of the UBC is amended to read as follows:

UBC Section 1210. (a) Fire-warning Systems. Every dwelling unit and every guest room in a hotel or lodging house used for sleeping purposes must be provided with smoke detectors conforming to UBC Standard No. 43-6. In dwelling units, detectors must be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. In an efficiency dwelling unit, hotel sleeping room and in hotel suites, the detector must be centrally located on the ceiling of the main room or hotel sleeping room. Where sleeping rooms are on an upper level, the detector must be placed at the center of the ceiling directly above the stairway. All detectors must be located in accordance with approved manufacturer's instructions. When actuated, the detector must provide an alarm in the dwelling unit or guest room.

When alterations, repairs, or additions or habitable space requiring a permit and having a valuation in excess of \$1,000 occur, or when one or more sleeping rooms are added or created in existing Group R, Division 3 or 4 Occupancies, the entire building must be provided with smoke detectors located as required for new Group R, Division 3 or 4 Occupancies.

In new construction, required smoke detectors must receive their primary power from the building wiring when that wiring is served from a commercial source. Wiring must be permanent and without a disconnecting switch other than those required for overcurrent protection.

Smoke detectors may be battery operated when installed in existing buildings, in buildings without commercial power, or in buildings which undergo alterations, repairs or additions regulated by the second paragraph of this section.

A smoke detector must be installed in the basement of a dwelling unit having a stairway which opens from the basement into the dwelling. In new construction, the detector must be connected to a sounding device or other detector to provide an alarm which will be audible in the sleeping area.

[The deletions or amendments of UBC Sections 1213-1217 are unchanged.]

UBC Section 1706(a) is amended by adding an exception 7 to read as follows:

7. Noncombustible pipe and conduit may be installed and maintained within the cavity of fire-resistive walls if both the floor and wall penetrations are tightly sealed with a noncombustible material impervious to the passage of smoke.

[The amendments and deletions of the UBC Sections 1706(d)-1712(a) are unchanged.]

UBC Section 1807(h) of the UBC is amended to read as follows:

UBC Section 1807(h) Elevators. Elevators and elevator lobbies must comply with the provisions of 2 MCAR §§ 1.18801-1.18806 and the following:

NOTE: [Unchanged.]

1. Elevators on all floors must open into elevator lobbies which are separated from the remainder of the building, including corridors and other exits, by walls extending from the floor to the underside of the fire-resistive floor or roof above. The walls must be of not less than one-hour fire-resistive construction. Openings through the walls must conform to UBC Section 3305(h).

EXCEPTION: This requirement does not apply to:

(+) the main entrance level elevator lobby in an office building; or

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PROPOSED RULES

(2) an elevator lobby located in an atrium which complies with UBC Section 1715.

(2) when a complete and approved automatic fire extinguishing system is installed in a Group B, Division 2 Occupancy, the separation of elevator or elevator lobbies is not required on any floor which is provided with an exit corridor conforming to the provisions of Section 3305(g).

2.-4. [Unchanged.]

UBC Section 1807(m) is amended to read as follows:

(m) Automatic Sprinkler System Alternatives. When a complete approved automatic sprinkler system complying with this section is installed in a building, the following modifications of code requirements are permitted:

1. The fire-resistive time periods 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. Spandrel walls, eyebrows, and compartmentation are not required. The fire resistance of the floors and juncture of exterior walls with each floor, however, must be maintained.

7. Emergency windows required by Section 1204 are not required.

[The amendments to UBC Sections 2303(a)-2510(h) are unchanged.]

UBC Section 2516(c)11. is amended to read as follows:

11. Weather exposure. In geographical areas where experience has demonstrated a specific need, approved wood of natural resistance to decay or treated wood must be used for those portions of wood members which form the structural supports of buildings, balconies, porches, or similar permanent building appurtenances when those members are exposed to the weather without adequate protection from a roof, eave, overhang, or other covering to prevent moisture or water accumulation on the surface or at joints between members. Depending on local experience, those members may include horizontal members such as girders, joists, and decking, vertical members such as posts, poles, and columns, or both horizontal and vertical members. The entire state of Minnesota is a geographical area requiring the types of wood required in this subsection.

[The amendments to UBC Sections 2907(a)-3207(c) are unchanged.]

UBC Section 3304(a) is amended to read as follows:

UBC Section 3304. (a) General. This section applies to every exit door serving an area having an occupant load of ~~more than~~ ten or more or serving hazardous rooms or areas, except that subsections (c), (h), and (i) apply to all exit doors regardless of occupant load. Buildings or structures used for human occupancy and each dwelling unit or guest room leased for gain must have at least one exit door that meets the requirements of subsection (e).

[The amendment to UBC Section 3305(h)1. is unchanged.]

UBC Section 3306(j), Exception 1., is amended to read as follows:

1. Stairways less than 44 inches in width and stairways serving one individual dwelling unit in Group R, Division 1 or 3 Occupancies may have one handrail, except that such stairways open on one or both sides must have handrails provided on the open side or sides.

[The amendments to UBC Sections 3321(b) and 3321(c) are unchanged.]

UBC Table 33A is amended as follows:

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

Also delete footnotes 2, 3, 4, 5, 6, 8, 10, and 11.

Amend use item 20 to read as follows:

20. Stores-Retail Sales rooms

<u>Basement</u>	<u>See Note 7</u>	<u>20</u>
<u>Ground Floor</u>	<u>50</u>	<u>30</u>
<u>Upper Floors</u>	<u>20</u>	<u>50</u>

UBC Section 3707(h) is amended to read as follows:

(h) Clearance to combustible material. Combustible material may not be placed within two inches of fireplace, smoke chamber, or chimney walls. Combustible material may not be placed within six inches of the fireplace opening. No combustible material within 12 inches of the fireplace opening may project more than one-eighth inch for each one inch clearance from the opening.

No part of metal hoods used as part of a fireplace or barbecue may be less than 18 inches from combustible material. This clearance may be reduced to the minimum requirements specified in the Mechanical Code.

UBC Table No. 37-B is amended by changing the number in the next-to-last column (Int. Inst.) for chimneys serving residential-type appliances from 1 to 2.

[The Amendments and deletions of UBC Section 3802-6001 are unchanged.]

2. Proposed by Building Owners and Managers Association of Minneapolis.

2 MCAR § 1.10111 Adoption of the Uniform Building Code by reference.

A. Incorporation by reference. Chapters 1 to 60 and appendices of the 1982 Edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, Whittier, California, are incorporated by reference and hereby made part of the State Building Code except as qualified by 2 MCAR Section 1.10109 and except as amended in this rule.

B. Amendments to the UBC. The UBC is amended as follows:

[The deletions and amendments of UBC Sections 101-1217 are unchanged.]

UBC Section 1705(b) is amended to read as follows:

Section 1705(b) Fixed partitions.

1. Stores and offices. Interior nonload-bearing partitions dividing portions of stores, offices, or similar places occupied by one tenant only may be constructed of noncombustible materials, fire-retardant treated wood, one hour fire-resistive construction, or wood panels or similar light construction up to three-fourths the height of the room in which placed. When they are more than three-fourths the height of the room, the partitions must have not less than the upper one-fourth of the partition constructed of glass.

[The amendments and deletions of UBC Sections 1706(d)-3304(a) are unchanged.]

UBC Section 3305(g), Exceptions, are amended to read as follows:

EXCEPTIONS: 1. Building of Type I construction housing Group B, Division 2 Occupancies when completely equipped with approved automatic sprinkler protection.

2. One-story building housing Group B, Division 4 Occupancies.

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PROPOSED RULES

3. Corridors more than 30 feet in width where occupancies served by those corridors have at least one exit independent from the corridor. (See Appendix Chapter 7, Part I, for covered malls.)

4. Exterior sides of exterior exit balconies.

5. In Group I, Division 3 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.

[The amendment to UBC Section 3305(h)1. is unchanged.]

UBC Section 3305(h)1. is amended by adding an exception 5 to read as follows:

5. In Type I buildings housing Group B, Division 2 Occupancies vision panels of fixed one-fourth inch thick wired or laminated glass set in steel or approved stops may be installed. These glazed openings must be limited to 1296 square inches in accordance with Section 4306(g).

UBC Section 3305 (h)2., Exception, is amended to read as follows:

EXCEPTIONS: 1. In Type I buildings housing Group B, Division 2 Occupancies, approved one-fourth inch thick wired or laminated glass may be installed in steel or approved frames in interior openings.

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

[The amendments and deletions of UBC Sections 3321(b)-6001 are unchanged.]

3. Proposed by Genova, Inc.

MHD 123 Materials.

(a)-(b) [Unchanged.]

(c) Standards for plumbing materials

(1)-(2) [Unchanged.]

TABLE 123 (C) (3)
STANDARDS FOR PLUMBING MATERIALS

DESCRIPTION	ANSI	ASTM	FS	OTHER
I.-V. [Unchanged.]				
VI. PLASTIC PIPE AND FITTINGS DRAIN, WASTE, AND VENT				
6A-6J [Unchanged.]				
6K Chlorinated polyvinyl- chloride (CPVC)	<u>119.1,</u> <u>119.2</u>	<u>D2846</u>		<u>FHA</u> <u>Bulletin</u> <u>#76</u>
(d) Piping System Materials				
(1)-(2) [Unchanged.]				
(3) Water Distribution Pipe				
(aa)-(jj) [Unchanged.]				
(kk) Plastic pipe 6k and corresponding fittings.				
(4)-(15) [Unchanged.]				

Public Utilities Commission

Proposed Rules Relating to Cogeneration and Small Power Production

Notice and Order for Hearing

Notice is hereby given that public hearings in the above entitled matter will be held by the Minnesota Public Utilities Commission (the Commission) pursuant to Minn. Stat. § 14.14, Subd. 1, at the following times and locations:

August 2, 1984	1:00 p.m.	Fergus Falls	Ottertail County Courthouse District Court 3rd Floor Court Room, Junius Avenue W., 56537
August 6, 1984	9:00 a.m.	St. Paul	715/Large Hearing Room, 7th Floor, American Center Building 160 E. Kellogg Blvd., 55101

The hearings will commence at the designated times and continue until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed amendments to the rules by submitting either oral or written data, statements or arguments.

Authority for the adoption of these amendments is contained in Minn. Stat. §§ 216A.05, 216B.08 (1982) and 216B.164, subd. 6 (Supp. 1983).

The adoption of these amendments by the Commission will require the expenditure of monies by the Minnesota municipal electric utilities. Minnesota Statutes § 14.11, subd. 1 (1982) requires that a fiscal note accompany this notice if the total cost to all public bodies in the State to implement the rule for the two years immediately following adoption of the rule exceeds \$100,000 in either year. The Commission estimates that the total cost to implement this rule incurred by Minnesota municipal electric utilities to be \$130,000.

Pursuant to Minn. Stat. § 14.115, subd. 1 (Supp. 1983) the impact on small business has been considered in the promulgation of the proposed amendments. Anyone wishing to present evidence or argument as to the effect of the amendments on small business may do so. The Commission's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

The Commission first adopted the above-captioned rules on March 7, 1983. On May 23, 1983, the Minnesota Legislature enacted a bill which, among other things, amended Minn. Stat. § 216B.164. Minn. Laws 1983, Chapter 301, § 166-171. Cogeneration and Small Power Production Rules govern the rates and terms of sales between electric utilities and qualifying cogenerators and small power producers. The proposed amendments will make the rules consistent with changes to Minn. Stat. § 216B.164 enacted in 1983 by the Legislature. Among the proposed amendments is a statewide form of contract for use between utilities and qualifying facilities smaller than 40 kilowatts. The amendment of the statute required changes in the Commission's rules and granted the Commission authority to adopt temporary rules to implement the changes.

On July 25, 1983, the Commission published its Proposed Temporary Rules Governing Cogeneration and Small Power Production in the *State Register* along with a Notice of Intent to Adopt Temporary Rules. The Temporary Rules were adopted on October 18, 1983. On April 9, 1984, the Commission extended the Temporary Rules pursuant to Minn. Stat. § 14.35 (1982). A Notice of Intent to Solicit Outside Opinion regarding this rulemaking was published on August 22, 1983 in the *State Register*.

The purpose of the proceeding is to determine the need for and reasonableness of the proposed amendments as well as allowing the Commission the opportunity to obtain additional public input on the form and content of the proposed amendments to the rules.

The hearings will be held before Administrative Law Judge (ALJ) Bruce D. Campbell, Office of Administrative Hearings, 400 Summit Bank Building, 310 South 4th Avenue, Minneapolis, Minnesota 55415, telephone 612/341-7602, an administrative law judge appointed by the chief administrative law judge of the State of Minnesota. All parties have the right to be represented by legal counsel, by themselves, or any other representative of their choice, if not otherwise prohibited as the unauthorized practice of law. The hearing will be conducted in accordance with the applicable laws relating to the Commission, the Administrative Procedures Act (Minn. Stat. §§ 14.13-14.20), the Rules of the Office of Administrative Hearings (Minn. Rules,

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PROPOSED RULES

parts 1400.0200-1400.1200) and the Rules of Practice of the Commission (Minn. Rules parts 7830.0100-7830.4400) to the extent that they have not been superseded by the Rules of the Office of Administrative Hearings.

The above-cited procedural rules are available for inspection at the Office of Administrative Hearings and the Commission, or may be purchased from the State Register and Public Documents Division of the Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155, telephone 612/297-3000.

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

Any interested person will be provided with one copy of the proposed amendments to the rules without charge upon request to Randall D. Young, telephone 612/296-7526. Additional copies will be available at the hearing.

In the interest of efficiency, the Commission requests that any person having comments on or objections to any part of the proposed amendments to the rules submit their comments or objections to the Commission (attention Randall D. Young, Executive Secretary, Docket No. E-999/R-84-105 and to Judge Campbell as soon as possible and preferably prior to July 30, 1984. Any such comments or objections should:

- state concisely and with particularity each portion of the proposed amendments to the rules that the author supports or objects;
- state the basis for the author's support or objection; and
- state any proposed modifications to the proposed amendments to the rules, the author's reasons for those modifications and the basis for those modifications.

Failure to submit such comments or objections prior to the hearings will not prohibit any person from submitting written or oral statements on the record at the hearing.

Notice is hereby given that a statement of need and reasonableness is available for review at the Commission's offices. This statement of need and reasonableness includes a summary of all the evidence and argument which the Commission anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed amendments to the rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge 25 days prior to the hearings.

All persons are advised that no factual information or evidence which is not part of the hearing record shall be considered by the ALJ or by the Commission in the determination of the above-cited matter. Persons attending the hearings should bring all factual information and evidence bearing on the case which they wish to have included in the record.

At the hearings, the Commission will, through its staff's written and oral testimony, explain the proposed amendments to the rules and the Commission's reasons for proposing them. Copies of any written testimony and the statement of need and reasonableness will be available at the hearings.

Upon completion of the Commission's presentation, interested persons will be given an opportunity to address questions to the Commission's staff and to submit written and oral statements. It is the Commission's intent and desire that after its staff has completed its presentation, comments and statements be received from interested persons before proceeding to questioning. An opportunity to question the Commission's staff will be afforded all persons upon completion of the exchange of information and comments.

Interested persons who wish to make statements may do so by responding to the Commission's presentation or by offering new information. In addition, interested persons may request the Commission's staff to provide further explanations of any portion of the proposed amendments to the rules if the persons are unclear about the Commission's reasons. All persons making oral statements are subject to questioning by the Commission's staff.

The Commission will respond, insofar as possible, at the hearings to objections and questions presented at the hearing by interested persons. Interested persons may respond with oral or written statements to any new information presented by the Commission. The Commission may also respond to objections or comments in writing after the close of the hearings.

Written material may be submitted and recorded in the hearing record for five working days after the conclusion of the public hearings. Such a comment period may be extended for a period not to exceed 20 calendar days if so ordered by the ALJ.

Notice: Any person may request notification of the date on which the ALJ's Report will be available, after which date the Commission may not take any final action on the rules for a period of five working days. 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 ALJ (in the case of the ALJ's Report), or the Commission (in the case of the Commission's submission).

All persons are advised that the proposed amendments to the rules may be modified as a result of the hearing process.

Questions concerning the content or form of the above-entitled amendments to the rules should be directed to Randall D.

Young, 780 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101, telephone 612/296-7526. Any questions concerning the conduct of the hearing should be directed to the assigned ALJ.

Minnesota Statutes Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1982) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting 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.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone 612/296-5615.

ORDER

1. Hearings shall be held in this proceeding as listed herein to adopt proposed amendments to existing rules dealing with Cogeneration and Small Power Production.

2. A copy of this Order shall be mailed to all persons who have registered their names with the Commission for that purpose.

3. A copy of this Order and of the proposed amendments to the rules shall be published in the *State Register*.

4. This Order shall become effective immediately.

June 15, 1984

By Order of the Commission,
Randall D. Young
Executive Secretary

On June 12, 1984, the Minnesota Public Utilities Commission met and adopted the following resolution:

The Minnesota Public Utilities Commission resolves that Randall D. Young, Executive Secretary of the Commission, is hereby authorized and directed to call a hearing to promulgate amendments to the Commission rules governing cogeneration and small power production. He is further authorized to perform any acts incidental to promulgating these amendments including signing an Order for Hearing and Notice for Hearing as well as acting or designating other members of the Commission's staff to represent the Commission at all hearings.

Rules as Proposed

7835.0100 DEFINITIONS.

Subpart 1. Applicability. For purposes of ~~parts 7835.0100 to 7835.5800~~ this chapter, the following terms in subparts 2 to 24 have the meanings given them in this part.

Subp. 2. Average annual fuel savings. "Average annual fuel savings" means the annualized difference between the system fuel costs that the utility would have incurred without the additional generation facility and the system fuel costs the utility is expected to incur with the additional generation facility.

Subp. 2a. Average retail utility energy rate. "Average retail utility energy rate" means, for any class of utility customer, the quotient of the total annual class revenue from sales of electricity minus the annual revenue resulting from fixed charges, divided by the annual class kilowatt-hour sales. Data from the most recent 12-month period available before each filing required by parts 7835.0300 to 7835.1200 must be used in the computation.

Subp. 3. Backup power. "Backup power" means electric energy or capacity supplied by the utility to replace energy ordinarily generated by a qualifying facility's own generation equipment during an unscheduled outage of the facility.

Subp. 4. Capacity. "Capacity" means the capability to produce, transmit, or deliver electric energy.

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PROPOSED RULES

Subp. 5. Capacity costs. "Capacity costs" means the costs associated with providing the capability to deliver energy. They consist of the capital costs of facilities used to generate, transmit, and distribute electricity and the fixed operating and maintenance costs of these facilities.

Subp. 6. Commission. "Commission" means the Minnesota Public Utilities Commission.

Subp. 7. Energy. "Energy" means electric energy, measured in kilowatt-hours.

Subp. 8. Energy costs. "Energy costs" means the variable costs associated with the production of electric energy. They consist of fuel costs and variable operating and maintenance expenses.

Subp. 9. Firm power. "Firm power" means energy delivered by the qualifying facility to the utility with at least a 65 percent on-peak capacity factor in the month. The capacity factor is based upon the qualifying facility's maximum on-peak metered capacity delivered to the utility during the month.

Subp. 10. Generating utility. "Generating utility" means a utility which regularly meets all or a portion of its electric load through the scheduled dispatch of its own generating facilities.

Subp. 11. Incremental cost of capital. "Incremental cost of capital" means the current weighted cost of the components of a utility's capital structure, each cost weighted by its proportion of the total capitalization.

Subp. 12. Interconnection costs. "Interconnection costs" means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, and administrative costs incurred by the utility that are directly related to installing and maintaining the physical facilities necessary to permit interconnected operations with a qualifying facility. Costs are considered interconnection costs only to the extent that they exceed the corresponding costs which the utility would have incurred if it had not engaged in interconnected operations, but instead generated from its own facilities or purchased from other sources an equivalent amount of electric energy or capacity. Costs are considered interconnection costs only to the extent that they exceed the costs the utility would incur in selling electricity to the qualifying facility as a nongenerating customer.

Subp. 13. Interruptible power. "Interruptible power" means electric energy or capacity supplied by the utility to a qualifying facility subject to interruption under the provisions of the utility's tariff applicable to the retail class of customers to which the qualifying facility would belong irrespective of its ability to generate electricity.

Subp. 14. Maintenance power. "Maintenance power" means electric energy or capacity supplied by a utility during scheduled outages of the qualifying facility.

Subp. 15. Marginal capital carrying charge rate in the first year of investment. "Marginal capital carrying charge rate in the first year of investment" means the percentage factor by which the amount of a new capital investment in a generating unit would have to be multiplied to obtain an amount equal to the total additional first year amounts for the cost of equity and debt capital, income taxes, property and other taxes, tax credits (amortized over the useful life of the generating unit), depreciation, and insurance which would be associated with the new capital investment and would account for the likely inflationary or deflationary changes in the investment cost due to the one-year delay in building the unit.

Subp. 16. Nongenerating utility. "Nongenerating utility" means a utility which has no electric generating facilities, or a utility whose electric generating facilities are used only during emergencies or readiness tests, or a utility whose electric generating facilities are ordinarily dispatched by another entity.

Subp. 17. On-peak hours. "On-peak hours" means, for utilities whose rates are regulated by the commission, those hours which are defined as on-peak for retail ratemaking. For any other utility, on-peak hours are either those hours formally designated by the utility as on-peak for ratemaking purposes or those hours for which its typical loads are at least 85 percent of its average maximum monthly loads.

Subp. 18. Purchase. "Purchase" means the purchase of electric energy or capacity or both from a qualifying facility by a utility.

Subp. 19. Qualifying facility. "Qualifying facility" means a cogeneration or small power production facility which satisfies the conditions established in Code of Federal Regulations, title 18, section 292.101 (b) (1), (1981), as applied when interpreted in accordance with the amendments to Code of Federal Regulations, title 18, sections 292.201 to 292.207 adopted through Federal Register, volume 46, pages 33025-33027, (1981). The initial operation date or initial installation date of a cogeneration or small power production facility ~~shall~~ must not prevent the facility from being considered a qualifying facility for the purposes of ~~parts 7835.0100 to 7835.5800~~ this chapter if it otherwise ~~would satisfy~~ satisfies all stated conditions.

Subp. 20. Sale. "Sale" means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

Subp. 21. Supplementary power. "Supplementary power" means electric energy or capacity supplied by the utility which is regularly used by a qualifying facility in addition to that which the facility generates itself.

Subp. 22. System emergency. "System emergency" means a condition on a utility's system which is imminently likely to result in significant disruption of service to customers or to endanger life or property.

Subp. 23. System incremental energy costs. "System incremental energy costs" means amounts representing the hourly energy costs associated with the utility generating the next kilowatt-hour of load during each hour.

Subp. 24. Utility. "Utility" means ~~any public utility subject to rate regulation by the commission engaged in the generation, transmission, or distribution of electricity in Minnesota, and any cooperative electric association and municipally owned electric utility not subject to rate regulation by the commission which becomes interconnected with a qualifying facility;~~

A. for the purposes of parts 7835.1300 to 7835.1800 and 7835.4500 to 7835.4550, any public utility, including municipally owned electric utilities or cooperative electric associations, that sells electricity at retail in Minnesota; or

B. for the purposes of parts 7835.0200 to 7835.1200, 7835.1900 to 7835.4400, 7835.4600 to 7835.6100, and 7835.9910, any public utility, including municipally owned electric utilities and cooperative electric associations, that sells electricity at retail in Minnesota, except those municipally owned electric utilities that have adopted and have in effect rules consistent with this chapter.

7835.0200 SCOPE AND PURPOSE.

The purposes of ~~parts 7835.0100 to 7835.5800~~ this chapter is to implement certain provisions of Minnesota Statutes, section 216B.164; the Public Utility Regulatory Policies Act of 1978, United States Code, title 16, section 824a-3 (Supplement III, 1979); and the Federal Energy Regulatory Commission regulations, Code of Federal Regulations, title 18, sections 292.101 to 292.602 (1981). Nothing in ~~parts 7835.0100 to 7835.5800~~ this chapter excuses any utility from carrying out its responsibilities under these provisions of state and federal law. ~~Parts 7835.0100 to 7835.5800 shall~~ This chapter must at all times be applied in accordance with their its intent to give the maximum possible encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public.

7835.0300 FILING DATES.

Within 60 days after the effective date of ~~parts 7835.0100 to 7835.5800~~ this chapter, on January 1, ~~1984~~ 1985, and every 12 months thereafter, each utility ~~shall~~ must file with the commission, for its review and approval, a cogeneration and small power production tariff. The tariff for generating utilities ~~shall~~ must contain schedules A ~~through F~~ through G, except that generating utilities with less than 500,000,000 kilowatt-hour sales in the calendar year preceding the filing may substitute their retail rate schedules for schedules A and B. The tariff for nongenerating utilities ~~shall~~ must contain schedules C, D, E, F, and ~~G~~ H, and may, at the option of the utility, contain schedules A and B, using data from the utility's wholesale supplier.

7835.0400 FILING OPTION.

If, after the initial filing, ~~there~~ schedule C is ~~no~~ the only change in the cogeneration and small power production tariff to be filed in a subsequent year, the utility may notify the commission in writing, by the date the tariff ~~would otherwise be~~ is due, that there is no other change in the tariff. This notification and new schedule C will serve as a substitute for the refiling of the complete tariff in that year.

7835.0500 SCHEDULE A.

Schedule A ~~shall~~ must contain the estimated system average incremental energy costs by seasonal peak and off-peak periods for each of the next five years. For each seasonal period, system incremental energy costs ~~shall~~ must be averaged during system daily peak hours, system daily off-peak hours, and all hours in the season. The energy costs ~~shall~~ must be increased by a factor equal to 50 percent of the line losses shown in schedule B. Schedule A ~~shall~~ must describe in detail the method used to determine the on-peak and off-peak hours and seasonal periods and ~~shall~~ must show the resulting on-peak and off-peak and seasonal hours selected.

7835.0600 SCHEDULE B.

Subpart 1. Information required. Schedule B ~~shall~~ must contain the information listed in subparts 2 to 6.

Subp. 2. Planned utility generating facility additions. Schedule B ~~shall~~ must contain a description of all planned utility generating facility additions anticipated during the next ten years, including:

A. name of unit;

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PROPOSED RULES

- B. nameplate rating;
- C. fuel type;
- D. in-service date;

E. completed cost in dollars per kilowatt in the year in which the plant is expected to be put in service, including allowance for funds used during construction;

F. anticipated average annual fixed operating and maintenance costs in dollars per kilowatt;

G. energy costs associated with the unit, including fuel costs and variable operating and maintenance costs;

H. projected average number of kilowatt-hours per year the plant will generate during its useful life; and

I. average annual fuel savings resulting from the addition of this generating facility, stated in dollars per kilowatt.

Subp. 3. Planned firm capacity purchases. Schedule B ~~shall~~ must contain a description of all planned firm capacity purchases, other than from qualifying facilities, during the next ten years, including:

- A. year of the purchase;
- B. name of the seller;
- C. number of kilowatts of capacity to be purchased;
- D. capacity cost in dollars per kilowatt; and
- E. associated energy cost in cents per kilowatt-hour.

Subp. 4. Percentage of line losses. Schedule B ~~shall~~ must contain the utility's overall average percentage of line losses due to the distribution, transmission, and transformation of electric energy.

Subp. 5. Net annual avoided capacity cost. Schedule B ~~shall~~ must contain the utility's net annual avoided capacity cost stated in dollars per kilowatt-hour averaged over the on-peak hours and the utility's net annual avoided capacity cost stated in dollars per kilowatt-hour averaged over all hours. This figures ~~shall~~ must be calculated as follows in items A to I:

A. The completed cost per kilowatt of the utility's next major generating facility addition, as reported in schedule B, ~~shall~~ must be multiplied by the utility's marginal capital carrying charge rate in the first year of investment. If the utility is unable to determine this carrying charge rate as specified, the rate of 15 percent ~~shall~~ must be used.

B. The dollar amount resulting from the calculation set forth in item A ~~shall~~ must be discounted to present value, as of the midpoint of the reporting year, from the in-service date of the generating unit. The discount rate used ~~shall~~ must be the incremental cost of capital.

C. The figure for average annual fuel savings per kilowatt described in subpart 2, item I ~~shall~~ must be discounted to present value using the procedure of item B.

D. The number resulting from the calculation in item C ~~shall~~ must be subtracted from the number resulting from the calculation in item B. This is the net annual avoided capacity cost stated in dollars per kilowatt at present value.

E. The net annual avoided capacity cost calculated in item D ~~shall~~ must be multiplied by 1.15 to recognize a reserve margin.

F. The figure determined from the calculation of item E ~~shall~~ must be increased by the present value of the anticipated average annual fixed operating and maintenance costs as reported in subpart 2, item F. The present value ~~shall~~ must be determined using the procedure of item B.

G. The figure determined from the calculation of item F ~~shall~~ must be increased by one-half of the percentage amount of the average system line losses as shown on schedule B.

H. The annual dollar per kilowatt figure, as calculated in accordance with item G, ~~shall~~ must be divided by the annual number of hours in the on-peak period as specified in schedule A. The resulting figure is the utility's net annual on-peak avoided capacity cost in dollars per kilowatt-hour.

I. The annual dollar per kilowatt figure resulting from the calculation specified in item G ~~shall~~ must be divided by the total number of hours in the year. The resulting figure is the utility's net annual avoided capacity cost in dollars per kilowatt-hour averaged over all hours.

Subp. 6. Net annual avoided capacity cost. If the utility has no planned generating facility additions for the ensuing ten years, but has planned additional capacity purchases, other than from qualifying facilities, during the ensuing ten years, schedule B ~~shall~~ must contain its net annual avoided capacity cost stated in dollars per kilowatt-hour averaged over the on-peak hours and

PROPOSED RULES

the utility's net annual avoided capacity costs stated in dollars per kilowatt-hour averaged over all hours. These ~~shall~~ must be calculated as follows in items A and B:

A. The annual capacity purchase amount, in dollars per kilowatt, for the utility's next planned capacity purchase, other than from a qualifying facility, ~~shall~~ must be discounted to present value as of the midpoint of the reporting year, from the year of the planned capacity purchase. The discount rate used ~~shall~~ must be the incremental cost of capital.

B. The net annual avoided capacity cost ~~shall~~ must be computed by applying the figure determined in item A to the steps enumerated in subpart 5, items D to I, excluding item ~~G~~ F.

Subp. 7. Avoidable capacity costs. If the utility has neither planned generating facility additions nor planned additional capacity purchases, other than from qualifying facilities, during the ensuing ten years, the utility ~~shall~~ must be deemed to have no avoidable capacity costs.

7835.0650 SCHEDULE C.

Schedule C must contain the calculation of the average retail utility energy rates.

7835.0700 SCHEDULE ~~C~~ D.

Schedule ~~C~~ D ~~must~~ contain all standard contracts to be used with qualifying facilities, containing applicable terms and conditions.

7835.0800 SCHEDULE ~~D~~ E.

Schedule ~~D~~ E ~~shall~~ must contain the utility's safety standards, required operating procedures for interconnected operations, and the functions to be performed by any control and protective apparatus. These standards and procedures ~~shall~~ must not be more restrictive than the interconnection guidelines listed in parts 7835.4800 to 7835.5800. The utility may include in schedule ~~D~~ E suggested types of equipment to perform the specified functions. No standard or procedure ~~shall~~ may be established to discourage cogeneration or small power production.

7835.0900 SCHEDULE ~~E~~ F.

Schedule ~~E~~ F ~~shall~~ must contain procedures for notifying affected qualifying facilities of any periods of time when the utility will not purchase electric energy or capacity because of extraordinary operational circumstances which would make the costs of purchases during those periods greater than the costs of internal generation.

7835.1000 SCHEDULE ~~F~~ G.

Schedule ~~F~~ G ~~shall~~ must contain and describe all computations made by the utility in determining schedules A and B.

7835.1100 SCHEDULE ~~G~~ H; SPECIAL RULE FOR NONGENERATING UTILITIES.

Schedule ~~G~~ H ~~shall~~ must list the rates at which a nongenerating utility purchases energy and capacity. If the nongenerating utility has more than one wholesale supplier, schedule ~~G~~ H ~~shall~~ must list the rates of that supplier from which purchases may first be avoided. If the nongenerating utility with more than one wholesale supplier also chooses to file schedules A and B, the data on schedules A and B ~~shall~~ must be obtained from that supplier from which purchases may first be avoided.

7835.1200 AVAILABILITY OF FILINGS.

All filings required by parts 7835.0300 to 7835.1100 ~~shall~~ must be made with the commission and ~~shall~~ be maintained at the utility's general office and any other offices of the utility where rate case filings are kept. These filings ~~shall~~ must be available for public inspection at the commission and at the utility offices during normal business hours.

7835.1300 GENERAL REPORTING REQUIREMENTS.

Each utility ~~which~~ is interconnected with a qualifying facility ~~shall~~ must provide the commission with the ~~following~~ information in parts 7835.1400 to 7835.1800 on or before November 1, ~~1983, on January 1, 1986,~~ 1984, and ~~every two years~~ annually thereafter, and in such form as the commission may require.

7835.1400 NET ENERGY BILLED QUALIFYING FACILITIES.

For qualifying facilities under net energy billing, the utility ~~shall~~ must provide the commission with the following information:

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PROPOSED RULES

A. a summary of the total number of interconnected qualifying facilities, the type of interconnected qualifying facilities by energy source, and the name plate ratings of such units;

B. for each qualifying facility type, the total kilowatt-hours delivered per month to the utility by all net energy billed qualifying facilities;

C. for each qualifying facility type, the total kilowatt-hours delivered per month by the utility to all net energy billed qualifying facilities; and

D. for each qualifying facility type, the total net energy delivered per month to the utility by net energy billed qualifying facilities.

7835.1500 OTHER QUALIFYING FACILITIES.

For all qualifying facilities not under net energy billing, the utility ~~shall~~ must provide the commission with the following information:

A. a summary of the total number of interconnected qualifying facilities, the type of interconnected qualifying facilities, and the name-plate ratings of such units; and

B. for each qualifying facility type, the total kilowatt-hours delivered per month to the utility, reported by on-peak and off-peak periods to the extent that data is available.

7835.1600 WHEELING.

The utility ~~shall~~ must provide a summary of all wheeling activities undertaken with respect to qualifying facilities.

7835.1700 MAJOR IMPACTS.

The utility may provide a statement of any major impacts that cogeneration or small power production has had on the utility's system.

7835.1800 EFFECTIVENESS.

The utility may provide a statement of the effectiveness of Minnesota Statutes, section 216B.164 and ~~parts 7835.0100 to 7835.5800~~ this chapter in encouraging cogeneration and small power production, as observed by the utility.

7835.1900 REQUIREMENT TO PURCHASE.

The utility ~~shall~~ must purchase energy and capacity from any qualifying facility which offers to sell energy to the utility and agrees to the conditions ~~set forth~~ in ~~parts 7835.0100 to 7835.5800~~ this chapter.

7835.2000 WRITTEN CONTRACT.

A written contract ~~shall~~ must be executed between the qualifying facility and the utility.

7835.2100 COMPLIANCE WITH NATIONAL ELECTRICAL SAFETY CODE.

The interconnection between the qualifying facility and the utility ~~shall~~ must comply with the requirements of the National Electrical Safety Code, 1981 edition, issued by the Institute of Electrical and Electronics Engineers as American National Standards Institute Standard C2 (New York, 1980).

7835.2200 RESPONSIBILITY FOR APPARATUS.

The qualifying facility, without cost to the utility, ~~shall~~ must furnish, install, operate, and maintain in good order and repair any apparatus the qualifying facility needs in order to operate in accordance with schedule ~~D~~ E.

7835.2300 LIABILITY INSURANCE.

A utility or qualifying facility may require proof of coverage or the procurement of a reasonable amount of liability insurance up to \$300,000 as a condition of service.

7835.2400 LEGAL STATUS NOT AFFECTED.

Nothing in ~~parts 7835.0100 to 7835.5800~~ this chapter affects the responsibility, liability, or legal rights of any party under applicable law or statutes. No party ~~shall~~ may require the execution of an indemnity clause or hold harmless clause in the written contract as a condition of service.

7835.2500 PAYMENTS FOR INTERCONNECTION COSTS.

Payments for interconnection costs may be made at the time the costs are incurred, or be made according to any schedule agreed upon by the qualifying facility and the utility.

7835.2600 TYPES OF POWER TO BE OFFERED.

The utility ~~shall~~ must offer maintenance, interruptible, supplementary, and back-up power to the qualifying facility upon request.

7835.2700 METERING.

The utility ~~shall~~ must meter the qualifying facility to obtain the data necessary to fulfill its reporting requirements to the commission as specified in parts 7835.1300 to 7835.1800. The qualifying facility ~~shall~~ must pay for the requisite metering as an interconnection cost.

7835.2800 DISCONTINUING SALES DURING EMERGENCY.

The utility may discontinue sales to the qualifying facility during a system emergency, if the discontinuance and commencement of service is not discriminatory.

7835.2900 INTERCONNECTION PLAN.

The utility may require the qualifying facility to submit an interconnection plan not more than 30 days prior to interconnection in order to facilitate interconnection arrangements. If such a plan is required, it ~~shall~~ must include no more than:

- A. technical specifications of equipment;
- B. proposed date of interconnection; and
- C. projection of net output or consumption by the qualifying facility when available.

7835.3000 RATES FOR SALES TO BE GOVERNED BY TARIFF.

Except as otherwise provided in part 7835.3100, rates for sales to a qualifying facility ~~shall~~ must be governed by the applicable tariff for the class of electric utility customers to which the qualifying facility would belong were it not a qualifying facility.

7835.3100 PETITION FOR SPECIFIC SALES RATES.

Any qualifying facility or utility may petition the commission for establishment of specific rates for supplementary, maintenance, back-up, or interruptible power.

7835.3200 STANDARD RATES FOR PURCHASES IN GENERAL.

For qualifying facilities with capacity of 100 kilowatts or less, standard rates apply. Qualifying facilities with capacity of more than 100 kilowatts may negotiate contracts with the utility or may be compensated under standard rates if they make commitments to provide firm power. The utility ~~shall~~ must make available three types of standard rates, described in parts 7835.3300, 7835.3400, and 7835.3500. The qualifying facility ~~shall~~ must choose interconnection under one of these rates, and ~~shall~~ must specify its choice in the written contract required in part 7835.2000. Any net credit to the qualifying facility ~~shall~~ must, at its option, be credited to its account with the utility or returned by check within 15 days of the billing date. The option chosen ~~shall~~ must be specified in the written contract required in part 7835.2000. Qualifying facilities remain responsible for any monthly service charges and demand charges specified in the tariff under which they consume electricity from the utility.

7835.3300 NET ENERGY BILLING RATE.

Subpart 1. Applicability. The net energy billing rate is available only to qualifying facilities with capacity of less than 40 kilowatts ~~or less~~ which choose not to offer electric power for sale on either a time-of-day basis or a simultaneous purchase and sale basis.

Subp. 2. Method of billing. The utility ~~shall~~ must bill the qualifying facility for the excess of energy supplied by the utility above energy supplied by the qualifying facility during each billing period according to the utility's applicable retail rate schedule.

Subp. 3. Additional calculations for billing. When the energy generated by the qualifying facility exceeds that supplied by the utility during a billing period, the utility ~~shall~~ must compensate the qualifying facility for the excess energy ~~under either item A or B~~ at the average retail utility energy rate.

A- For a qualifying facility with capacity of 20 kilowatts or less, compensation shall be at the energy rate of the rate

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PROPOSED RULES

schedule applicable to sales to the qualifying facility. If the rate schedule consists of more than one block, the lowest per kilowatt hour rate shall apply. The compensation shall reflect changes to the energy rate due to the operation of the utility's fuel adjustment clause.

B. For a qualifying facility with capacity of more than 20 kilowatts but not greater than 40 kilowatts, compensation shall be as specified under part 7835.3400, subpart 3.

7835.3400 SIMULTANEOUS PURCHASE AND SALE BILLING RATE.

Subpart 1. Scope. The simultaneous purchase and sale rate is available only to qualifying facilities with capacity of less than 40 kilowatts or less which choose not to offer electric power for sale on a time-of-day basis.

Subp. 2. Method of billing. The qualifying facility ~~shall~~ must be billed for all energy and capacity it consumes during a billing period according to the utility's applicable retail rate schedule.

Subp. 3. Compensation to qualifying facility. The utility ~~shall~~ must purchase all energy and capacity which is made available to it by the qualifying facility. At the option of the qualifying facility, its entire generation ~~shall~~ must be deemed to be made available to the utility. Compensation to the qualifying facility ~~shall~~ must be the sum of items A and B.

A. The energy component ~~shall~~ must be the appropriate system average incremental energy costs shown on schedule A; or if the generating utility has not filed schedule A, the energy component ~~shall~~ must be the energy rate of the retail rate schedule, applicable to the qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has not filed schedule A, the energy component ~~shall~~ must be the energy rate shown on schedule ~~G~~ H;

B. If the qualifying facility provides firm power to the utility, the capacity component ~~shall~~ must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over all hours shown on schedule B; or if the generating utility has not filed schedule B, the capacity component ~~shall~~ must be the demand charge per kilowatt (~~, if any~~), of the retail rate schedule, applicable to the qualifying facility, filed in lieu of schedules A and B, divided by the number of hours in the billing period; or if the nongenerating utility has not filed schedule B, the capacity component ~~shall~~ must be the capacity cost per kilowatt shown on schedule ~~G~~ H, divided by the number of hours in the billing period. If the qualifying facility does not provide firm power to the utility, no capacity component ~~shall~~ may be included in the compensation paid to the qualifying facility.

7835.3500 TIME-OF-DAY PURCHASE RATES.

Subpart 1. Applicability. Time-of-day rates are required for qualifying facilities with capacity ~~greater than~~ of 40 kilowatts or more and less than or equal to 100 kilowatts, and they are optional for qualifying facilities with capacity ~~less than or equal to~~ 40 kilowatts. Time-of-day rates are also optional for qualifying facilities with capacity greater than 100 kilowatts if these qualifying facilities provide firm power.

Subp. 2. Method of billing. The qualifying facility ~~shall~~ must be billed for all energy and capacity it consumes during each billing period according to the utility's applicable retail rate schedule. Any utility rate-regulated by the commission may propose time-of-day retail rate tariffs which require qualifying facilities that choose to sell power on a time-of-day basis to also purchase power on a time-of-day basis.

Subp. 3. Compensation to qualifying facility. The utility ~~shall~~ must purchase all energy and capacity which is made available to it by the qualifying facility. Compensation to the qualifying facility ~~shall~~ must be the sum of items A and B.

A. The energy component ~~shall~~ must be the appropriate on-peak and off-peak system incremental costs shown on schedule A; or if the generating utility has not filed schedule A, the energy component ~~shall~~ must be the energy rate of the retail rate schedule, applicable to the qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has not filed schedule A, the energy component ~~shall~~ must be the energy rate shown on schedule ~~G~~ H.

B. If the qualifying facility provides firm power to the utility, the capacity component ~~shall~~ must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over the on-peak hours as shown on schedule B; or if the generating utility has not filed schedule B, the capacity component ~~shall~~ must be the demand charge per kilowatt (~~, if any~~), of the retail rate schedule, applicable to the qualifying facility, filed in lieu of schedules A and B, divided by the number of on-peak hours in the billing period; or if the nongenerating utility has not filed schedule B, the capacity component ~~shall~~ must be the capacity cost per kilowatt shown on schedule ~~G~~ H, divided by the number of on-peak hours in the billing period. The capacity component ~~shall~~ must ~~apply~~ applies only to deliveries during on-peak hours. If the qualifying facility does not provide firm power to the utility, no capacity component ~~shall~~ may be included in the compensation paid to the qualifying facility.

7835.3600 CONTRACTS NEGOTIATED BY CUSTOMER.

Except as provided in part 7835.3900, a qualifying facility with capacity greater than 100 kilowatts ~~shall~~ must negotiate a contract with the utility setting the applicable rates for payments to the customer of avoided capacity and energy costs.

7835.3700 AMOUNT OF CAPACITY PAYMENTS; CONSIDERATIONS.

The qualifying facility ~~shall~~ must be entitled to the full avoided capacity costs of the utility. The amount of capacity payments ~~shall~~ must be determined through consideration of:

- A. the capacity factor of the qualifying facility;
- B. the cost of the utility's avoidable capacity;
- C. the length of the contract term;
- D. reasonable scheduling of maintenance;
- E. the willingness and ability of the qualifying facility to provide firm power during system emergencies;
- F. the willingness and ability of the qualifying facility to allow the utility to dispatch its generated energy;
- G. the willingness and ability of the qualifying facility to provide firm capacity during system peaks;
- H. the sanctions for noncompliance with any contract term; and
- I. the smaller capacity increments and the shorter lead times available when capacity is added from qualifying facilities.

7835.3800 FULL AVOIDED ENERGY COSTS.

The qualifying facility ~~shall~~ must be entitled to the full avoided energy costs of the utility. The costs ~~shall~~ must be adjusted as appropriate to reflect line losses.

7835.3900 QUALIFYING FACILITIES OF GREATER THAN 100 KILOWATTS.

Nothing in parts 7835.3600 to 7835.3800 prevents a utility from connecting qualifying facilities of greater than 100 kilowatts under its standard rates.

7835.4000 UTILITY TREATMENT OF COSTS.

All purchases from qualifying facilities with capacity of 100 kilowatts or less, and purchases of energy from qualifying facilities with capacity of over 100 kilowatts ~~shall~~ must be considered an energy cost in calculating an electric utility's fuel adjustment clause.

7835.4100 WHEN REQUIRED.

For all qualifying facilities with capacity of 30 kilowatts or greater, the utility ~~shall~~, at the qualifying facility's request or with its consent, must provide wheeling or exchange agreements whenever practicable to sell the qualifying facility's output to any other Minnesota utility that anticipates or plans generation expansion in the ensuing ten years. ~~The provisions in Parts 7835.4200 to 7835.4400 apply unless the qualifying facility and the utility to which it is interconnected agree otherwise.~~

7835.4200 INTERUTILITY PAYMENT; WHEELING.

The utility to which the qualifying facility is interconnected ~~shall~~ must pay any reasonable wheeling charges from other utilities arising from the sale of the qualifying facility's output.

7835.4300 INTERUTILITY PAYMENT; ENERGY AND CAPACITY.

Within 30 days of receipt, the utility ultimately receiving the qualifying facility's output ~~shall~~ must pay its resulting full avoided capacity and energy costs by remittance to the utility with which the qualifying facility is interconnected.

7835.4400 PAYMENT TO QUALIFYING FACILITY.

Within 15 days of receiving payment under part 7835.4300, the utility with which the qualifying facility is interconnected ~~shall~~ must send the qualifying facility the payment it has received less the total charges it has incurred under part 7835.4200 and its own reasonable wheeling costs.

7835.4500 ~~COMMISSIONER'S~~ COMMISSION DETERMINATION.

In case of a dispute between a utility and a qualifying facility or an impasse in the negotiations between them, either party may request the commission to determine the issue. When the commission makes the determination, the burden of proof ~~shall~~ must be on the utility.

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PROPOSED RULES

7835.4550 FEES AND COSTS.

In the order resolving the dispute, the commission shall require the prevailing party's reasonable costs, disbursements, and attorney's fees to be paid by the party against whom the issue or issues were adversely decided, except that a qualifying facility will be required to pay the costs, disbursements, and attorney's fees of the utility only if the commission finds that the claims of the qualifying facility have been made in bad faith or are a sham or frivolous.

7835.4600 CONTENTS OF WRITTEN NOTICE.

Within 60 days following each annual filing required by parts 7835.0300 to 7835.1200, every utility ~~shall~~ must furnish written notice to each of its customers that the utility is obligated to interconnect with and purchase electricity from cogenerators and small power producers; that the utility is obligated to provide information to all interested persons free of charge upon request; and that any disputes over interconnection, sales, and purchases are subject to resolution by the commission upon complaint.

The notice ~~shall~~ must be in language and form approved by the commission.

7835.4700 AVAILABILITY OF INFORMATION.

Each utility ~~shall~~ must publish information that ~~shall~~ must be available to all interested persons free of charge upon request. Such information ~~shall~~ must include at least the following:

- A. a statement of rates, terms, and conditions of interconnections;
- B. a statement of technical requirements;
- C. a sample contract containing the applicable terms and conditions;
- D. pertinent rate schedules;
- E. the title, address, and telephone number of the department of the utility to which inquiries should be directed; and
- F. the statement: "The Minnesota Public Utilities Commission is available to resolve disputes upon written request," and the address and telephone number of the commission.

7835.4800 DENIAL OF INTERCONNECTION APPLICATION.

Except as hereinafter provided, a utility ~~shall~~ must interconnect with a qualifying facility that offers to make energy or capacity available to the utility. The utility may refuse to interconnect a qualifying facility with its power system until the qualifying facility has properly applied under part 7835.2900 and has received approval from the utility. The utility ~~shall~~ must withhold approval only for failure to comply with applicable utility rules not prohibited by this chapter 7830, or governmental rules or laws. The utility ~~shall~~ must be permitted to include in its contract reasonable technical connection and operating specifications for the qualifying facility.

7835.4900 NOTIFICATION OF TELEPHONE UTILITY AND CABLE TELEVISION FIRM.

The electric utility ~~shall~~ must notify the appropriate telephone utility and cable television firm when a qualifying facility is to be interconnected with its system. This notification ~~shall~~ must be as early as practicable to permit coordinated analysis and testing before interconnection, if considered necessary.

7835.5000 SEPARATE DISTRIBUTION TRANSFORMER.

The utility may require a separate distribution transformer for the qualifying facility if necessary either to protect the safety of employees or the public or to keep service to other customers within prescribed limits.

7835.5100 LIMITING CAPACITY OF SINGLE-PHASE GENERATORS.

If necessary, to avoid the likelihood that a qualifying facility will cause problems with the service of other customers, the utility may limit the capacity and operating characteristics of single-phase generators in a way consistent with the utility limitations for single-phase motors.

7835.5200 ISOLATION OF GENERATOR.

Each qualifying facility ~~shall~~ must have a lockable, manual disconnect switch capable of isolating the generator from the utility's system readily accessible to the utility.

7835.5300 DISCONTINUING PARALLEL OPERATION.

The utility may require that the qualifying facility discontinue parallel generation operation when necessary for system safety.

7835.5400 PERMITTING ENTRY.

If the particular configuration of the qualifying facility precludes disconnection or testing from the utility side of the interconnection, the qualifying facility shall must make equipment available and permit electric and communication utility

personnel to enter the property at reasonable times to test isolation and protective equipment, to evaluate the quality of power delivered to the utility's system, and to test to determine whether the qualifying facility's generating system is the source of any electric service or communication systems problems. The utility remains responsible for its personnel.

7835.5500 MAINTAINING POWER OUTPUT.

The power output of the qualifying facility ~~shall~~ must be maintained so that frequency and voltage are compatible with normal utility service and do not cause that service to fall outside the prescribed limits of commission rules and other standard limitations.

7835.5600 VARYING VOLTAGE LEVELS.

The qualifying facility ~~shall~~ must be operated so that variations from acceptable voltage levels and other service-impairing disturbances do not adversely affect the service or equipment of other customers, and so that the facility does not produce levels of harmonics which exceed the prescribed limits of commission rules or other levels customarily accepted.

7835.5700 SAFETY.

The qualifying facility ~~shall~~ must be responsible for providing protection for the installed equipment and ~~shall~~ must adhere to all applicable national, state, and local codes.

7835.5800 RIGHT OF APPEAL FOR EXCESSIVE TECHNICAL REQUIREMENTS.

The qualifying facility has the right of appeal to the commission when it considers individual technical requirements excessive.

7835.5900 EXISTING CONTRACTS.

Any interconnection contracts executed between a utility and a qualifying facility with installed capacity of less than 40 kilowatts before the effective date of this chapter may be canceled and replaced with the uniform statewide contract at the option of either party by either party giving the other written notice. The notice is effective upon the shortest period permitted under the existing contract for termination, but not less than ten nor more than 30 days.

7835.6000 CONTRACT LANGUAGE FLEXIBILITY.

Electric utilities organized as cooperatives may substitute "Cooperative" wherever "Utility" appears in the uniform statewide contract in part 7835.9910.

7835.6100 UNIFORM STATEWIDE CONTRACT.

The form of the uniform statewide contract must be as shown in part 7835.9910.

7835.9910 UNIFORM STATEWIDE CONTRACT; FORM.

The form for the uniform statewide contract for cogeneration and small power production facilities is as follows:

**UNIFORM STATEWIDE CONTRACT FOR
COGENERATION AND SMALL POWER PRODUCTION FACILITIES**

THIS CONTRACT is entered into _____, 19 ____
by _____ (hereafter called
"Utility") and _____
_____ (hereafter called "QF").

RECITALS

The QF has installed electric generating facilities, consisting of

_____. (Description of facilities).
rated at less than 40 kilowatts of electricity, on property located at

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

PROPOSED RULES

The QF is prepared to generate electricity in parallel with the Utility.

The QF's electric generating facilities meet the requirements of the Minnesota Public Utilities Commission (hereafter called "Commission") rules on Cogeneration and Small Power Production and any standards the Utility has established under those rules.

The Utility is obligated under federal and Minnesota law to interconnect with the QF and to purchase electricity offered for sale by the QF.

A contract between the QF and the Utility is required by the Commission's rules.

AGREEMENTS

The QF and the Utility agree:

1. The Utility will sell electricity to the QF under the rate schedule in force for the class of customer to which the QF belongs.
2. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. The QF has elected the following rate schedule category:
 1. Net energy billing rate under part 7835.3300.
 2. Simultaneous purchase and sale billing rate under part 7835.3400.
 3. Time-of-day purchase rates under part 7835.3500.

A copy of the presently filed rate schedule is attached to this contract.

3. The rates for sales and purchases of electricity may change over the time this contract is in force, due to actions of the Utility or of the Commission, and the QF and the Utility agree that sales and purchases will be made under the rates in effect each month during the time this contract is in force.

4. The Utility will compute the charges and payments for purchases and sales for each billing period. Any net credit to the QF will be made under one of the following options as chosen by the QF:

1. Credit to the QF's account with the Utility.
2. Paid by check to the QF within 15 days of the billing date.

5. The QF will operate its electric generating facilities within the rules, regulations, and policies of the Utility. A copy of these rules, regulations, and policies is attached to this contract. This agreement does not waive the QF's right to bring a dispute before the Commission.

6. The Utility's rules, regulations, and policies will follow the Commission's rules on Cogeneration and Small Power Production.

7. The QF will operate its electric generating facilities so that they conform to the national, state, and local electric and safety codes, and will be responsible for the costs of conformance.

8. The QF is responsible for the actual, reasonable costs of interconnection which are estimated to be \$. The QF will pay the Utility in this way:

_____th.

9. The QF will give the Utility reasonable access to its property and electric generating facilities if the configuration of those facilities does not permit disconnection or testing from the Utility's side of the interconnection. If the Utility enters the QF's property, the Utility will remain responsible for its personnel.

10. The Utility may stop providing electricity to the QF during a system emergency. The Utility will not discriminate against QFs when it stops providing electricity or when it resumes providing electricity.

11. The Utility may stop purchasing electricity from the QF when necessary for the Utility to construct, install, maintain, repair, replace, remove, investigate, or inspect any equipment or facilities within its electric system. The Utility will notify the QF before it stops purchasing electricity in this way:

PROPOSED RULES

th.

12. The QF will keep in force liability insurance against personal or property damage due to the installation, interconnection, and operation of its electric generating facilities. The amount of insurance coverage will be \$ (amount not greater than \$300,000).

13. This contract becomes effective as soon as it is signed by the QF and the Utility. This contract will remain in force until either the QF or the Utility gives written notice to the other that the contract is canceled. This contract will be canceled 30 days after notice is given.

14. This contract contains all the agreements made between the QF and the Utility except that this contract shall at all times be subject to all rules and orders issued by the Public Utilities Commission or other government agency having jurisdiction over the subject matter of this contract. The QF and the Utility are not responsible for any agreements other than those stated in this contract.

THE QF AND THE UTILITY HAVE READ THIS CONTRACT AND AGREE TO BE BOUND BY ITS TERMS. AS EVIDENCE OF THEIR AGREEMENT, THEY HAVE EACH SIGNED THIS CONTRACT BELOW ON THE DATE WRITTEN AT THE BEGINNING OF THIS CONTRACT.

QF
By: _____

UTILITY
By: _____

(Title) _____

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ADOPTED RULES

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Agriculture Planning Division

Extension of Temporary Rules Governing Administration of Agricultural Development Grants (3 MCAR § 1.4060-1.4070)

Notice is hereby given that 3 MCAR § 1.4060-1.4070 (temporary) which governs administration of agricultural development grants, effective January 23, 1984, and published in the *State Register* as adopted at Volume 8, Number 33, page 1857, are being continued in effect for an additional 180 days. This continuation is in accordance with Minnesota Statutes section 14.35. The new expiration date for 3 MCAR § 1.4060-1.4070 (temporary) will be January 18, 1985 or the date 3 MCAR § 1.4060-1.4070 (temporary) is replaced by a permanent rule, whichever date is earlier.

Department of Labor and Industry Occupational Safety and Health Division

Adopted Rules Implementing the Provisions of the Employee Right-to-Know Act of 1983 Governing Trade Secrets and Employees' Conditional Right to Refuse to Work

The rules proposed and published at *State Register*, Volume 8, Number 12, pages 1814-1817, February 6, 1984 (8 S.R. 1814) are adopted with the following modifications:

Rules as Adopted

8 MCAR § 1.7220 Trade secret registration.

A. Registration. A manufacturer or employer who believes that all or part of the information required under the Employee Right to Know Act, Laws of Minnesota 1983, chapter 316, is a trade secret as defined in Minnesota Statutes, section 325C.01, subdivision 5, may register the information with the commissioner as trade secret information. Information ~~so required which is certified~~ which has been classified for national security purposes by appropriate officials of the United States as ~~necessarily kept secret for national defense purposes~~ may also be registered with the commissioner provided the commissioner has been granted necessary security clearance and duly authorized to receive such classified information.

C. Required information. Trade secret registration of the name of a hazardous substance must include the following information:

1. The name or names of the hazardous substance including any generic or chemical name, trade name, commonly used name, and the American Chemical Society's Chemical Abstract Service (CAS) number for that substance;

3. the name of a person who can be contacted for additional information relevant to the trade secret.

D. Expiration of registration. A registration expires two years after its filing date unless the registration is renewed. The commissioner shall notify registrants of an impending expiration date.

E. Classification of data. Trade secret information that is registered with the commissioner or other information reported to or otherwise obtained by the commissioner or a representative of the commissioner in connection with any inspection or proceeding under Minnesota Statutes, chapter 182 which contains or might reveal a trade secret is nonpublic or private data as defined in Minnesota Statutes, section 13.02, subdivisions 9 and 12. Information that is classified as nonpublic or private, except

that which is secret for national ~~defense~~ security purposes, may be disclosed to other officers or employees carrying out Minnesota Statutes, chapter 182, when relevant in any proceeding under this chapter, or when otherwise required in order to comply with federal law or regulation but only to the extent required by the federal law or regulation. The commissioner must protect nonpublic or private information by establishing security procedures to prevent its unauthorized use or disclosure. Nothing in this chapter may be construed as limiting rights, objectives, or remedies regarding trade secrets covered under Minnesota Statutes, chapter 325C, or the obligations applicable to classified information under rules and regulations of the United States for protecting classified information.

F. Disclosure. If the commissioner determines that disclosure of nonpublic or private information is essential to protect employees from imminent danger or ~~otherwise to protect the health and safety of employees~~ when necessary to expedite provision of medical services to an employee, he must notify the appropriate manufacturer or employer of his decision by telephone or certified mail and timely disclose the information only to the extent necessary and only to the people necessary to aid in efforts to alleviate the danger.

G. Determination by commissioner. On the request of a manufacturer, employer, employee, or employee representative, deemed by the commissioner to have a legitimate health or safety interest in the information, the commissioner must determine whether information registered pursuant to the requirements of this chapter or otherwise reported to or obtained by the commissioner is a trade secret as defined in Minnesota Statutes, section 325C.01, subdivision 5. If the commissioner determines that information is not a trade secret ~~and should be disclosed to the public~~, the commissioner must notify the registering manufacturer or employer of the decision by certified mail. The registering manufacturer or employer has 15 days after receipt of notification to provide the commissioner by certified mail with a complete justification and statement of the grounds on which the information is a trade secret. The commissioner must review his determination of whether information should be protected as a trade secret within 15 days after receipt of the justification and statement, or if no justification and statement is filed, within 30 days of the original notice, and must notify the appropriate manufacturer or employer and any party who has requested the information of that determination by certified mail. If the commissioner determines that the information is not a trade secret, the final notice must also specify a date, not sooner than 15 days after the date of mailing of the final notice, when the information shall be available disclosed to the public requesting party. Prior to the date specified in the final notice, the registering manufacturer or employer may institute an action for a declaratory judgment as to whether the information is subject to protection as a trade secret.

Chapter Nineteen:
Discrimination Against Employees

8 MCAR § 1.7243 Protected activities.

B. Refusal to work under unsafe conditions.

2. If an employee has a choice between not performing assigned tasks or subjecting himself to serious injury or death arising from a hazardous condition in the workplace, an employee acting in good faith may refuse to work if there is no reasonable alternative. The condition must be so hazardous that a reasonable person would conclude that there is a real danger of death or serious injury and that there is insufficient time to eliminate the danger through enforcement procedures. The employee must, where possible, request the employer to correct the hazardous condition. An employer may not discharge or discipline an employee who refuses to perform assigned tasks under these conditions. An employee who has refused in good faith to perform assigned tasks and who has not been reassigned to other tasks by the employer must, in addition to retaining a right to continued employment, be paid for the tasks which would have been performed if:

a. the employee requests, within 24 hours of the refusal, excluding weekends and state holidays, the commissioner to inspect and determine the nature of the hazardous condition; and

3. An employee who has been assigned to work with a hazardous substance, harmful physical agent, or infectious agent, under conditions which are inconsistent with the training or information provided by the employer under 8 MCAR §§ 1.7206 and 1.7207, and who, after notifying the employer of the hazardous condition, has refused in good faith to perform assigned tasks and who has not been reassigned to other tasks, been provided the required training, or had the hazardous condition promptly abated, by the employer shall, in addition to retaining a right to continued employment, receive pay for the tasks which would have been performed if:

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ADOPTED RULES

a. the employee requests, within 24 hours of the refusal, excluding weekends and state holidays, the commissioner to inspect and determine if a hazardous condition exists; and

Pollution Control Agency

Adopted Rules Governing Hazardous Waste Priority Assessment Criteria

The rules proposed and published at *State Register*, Volume 8, Number 42, pages 2269-2273, April 16, 1984 (8 S.R. 2269) are adopted as proposed.

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.

Department of Administration

Notice of State Surplus Real Property Sale

In compliance with M.S. 94.09, et seq, the Commissioner of Administration offers for sale by sealed bid a parcel of real estate comprising the former fisheries headquarters in Grand Rapids, Minnesota. Parcel "A" consists of approximately 2.75 acres with 400 feet of frontage on Old Golf Course Road and is improved with a two story office building (44×80) a shed and two fuel tanks. Appraised value and minimum bid is \$129,600.

The property will be made available for inspection by appointment only. Arrangements for show may be made by contacting:

John Chell, Regional Admin.
1201 East Highway 2
Grand Rapids, MN 55744
Tele. (218) 327-1702

The bids will be opened and read aloud publicly at Room G-22 Administration Bldg., 50 Sherburne Avenue, St. Paul, MN on July 3, 1984 at 2:30 p.m.

Bidders shall be required to submit a cashier's check with their bids in an amount not less than 10% of the bid. The checks of unsuccessful bidders will be returned.

The successful bidder will have the choice of making payment of the balance remaining after the down payment by one of the following two methods:

1. Payment in full of the balance no later than October 3, 1984, or
2. Payment of the remaining balance in not less than equal annual installments for not to exceed 5 years, with principal and interest payable annually in advance at the rate of 9% per annum on the unpaid balance, by certified check or cashier's check payable to the State of Minnesota on or before June 1 of each year.

For details and bid forms contact:

Real Estate Management Division
Department of Administration G-22
50 Sherburne Avenue
St. Paul, MN 55155
Tele: (612) 296-6674

County Law Libraries

Joint Notice of Filing Fees

Pursuant to Minn. Stat. 140.422, the following County Law Libraries announce the Law Library fees to be collected in the district, county, municipal, probate and conciliation courts of their respective counties.

Pursuant to Minn. Stat. 140.422 subd. 4, for counties other than Hennepin and Ramsey, fees shall be in effect until July 1, 1985.

COUNTY	Civil Suits		Probate	Conciliation		Criminal	Misd./
	Pl.	Def.	Petitioner	Pet.	Resp.	Conviction	Traffic Conviction
Becker	\$5	\$5	\$5	\$—	\$—	\$—	\$—
Chippewa	7	7	7	7	7	—	—
Chisago	5	5	3	3	3	5(a)	1(b)
Kanabec	5	5	5	3	3	—	—
Lac Qui Parle	7	7	7	7	7	—	—
Lake	5	5	5	5	5	—	—
Pine	5	5	5	3	3	—	—
Redwood	5	5	5	5	5	—	—
Steele	5	5	5	5	5	—	—
Stevens	5	5	5	5	5	5	5
Wabasha	5	5	5	5	5	—	—
Wadena	5	5	5	—	—	—	—
Waseca	5	5	5	5	5	—	—
Yellow Medicine	7	7	7	7	7	—	—

NOTES: (a) Chisago—Fee for felonies and gross misdemeanors.

(b) Chisago—Fee for misdemeanors and petty misdemeanors.

Department of Finance

Notice of Maximum Interest Rates for Municipal Obligations, July, 1984

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Gordon M. Donhowe, announced today that the maximum interest rate for municipal obligations in the month of July will be twelve (12) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to thirteen (13) percent per annum.

For further information, contact:

Peter Sausen, Director
 Debt Management
 State of Minnesota
 Department of Finance
 (612) 296-8372

**Department of Health
 Maternal and Child Health Division**

Outside Opinion Sought Regarding the Repeal of Rules Governing Implementation of the Maternal and Child Health Nutrition Act of 1975, 4615.2100-4615.3300

Notice is hereby given that the Department of Health is seeking information or opinions from persons outside the agency regarding the repeal of rules governing implementation of the Maternal and Child Nutrition Act of 1975 as authorized by Minn. Stat. § 145.894 (h), as amended by Minnesota Laws 1977, ch. 305, § 45.

OFFICIAL NOTICES

The Department of Health requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment in writing to: Mr. Gary Goetzke, Minnesota Department of Health, Maternal and Child Health Division, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, (612) 623-5119.

All statements of information and comment will be accepted until July 21, 1984. Any written material received by the Department of Health will become part of the record in the event that the rules are promulgated.

Sister Mary Madonna Ashton
Commissioner of Health

Department of Human Services Income Maintenance Bureau Assistance Payments Division

Outside Opinion Sought Regarding Proposed Rules Governing the Aid to Families with Dependent Children

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions from sources outside the agency in preparing to revise the subparts of the Aid to Families with Dependent Children (AFDC) program. AFDC is governed under Minnesota Rules, Part 9500.0010-9500.0370, formerly known as DPW Rule 44 and 12 MCAR 2.044. AFDC is the program that provides for financial aid to families with dependent children in financial need. The promulgation of emergency rules is authorized by Minnesota Statutes, section 256.871, subdivision 7, supplement 1984. The subjects which may be considered in this proposed emergency rule include:

1. Continued absence
2. Quality control reviews, specifically:
 - a. The required cooperation of AFDC recipients in the quality control review process.
 - b. Definition of "timely" report of income.
 - c. Penalty for late reporting of income.
 - d. Proration of work expense and child care disregards for part-time employment.
3. In-kind income.
4. The 30-day waiting period for the AFDC Unemployed Parent Program.
5. Personal property considerations.
6. Allocation of stepparent income.

Public comment was solicited earlier for the proposed amendment to the entire AFDC rule, (see *State Register*, Volume 8, Number 30, Page 1751), and comments received by the Department pertaining to these sections of the rule will be considered as the Department drafts the proposed emergency rule. Persons or groups who commented in response to that earlier solicitation need not repeat those comments unless they wish to amend or elaborate on their original comments. All interested or affected persons or groups are invited to submit statements of information in writing to:

Dorothy Mosso
Rulemaking Unit
Minnesota Department of Human Services
444 Lafayette Road—4th Floor
St. Paul, MN 55101

Oral statements of information and comment will be received over the telephone at (612) 296-1545 between 9:00 a.m. and 4:00 p.m. Mondays through Fridays. All statements of information and comment will be accepted until further notice.

Minnesota State Advisory Council for Vocational Education

Notice of Council Meeting

The Minnesota State Advisory Council for Vocational Education will meet at 9:00 a.m., Thursday, July 12, 1984 in Conference Room 3, 9th Floor, American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota. The public is welcomed. Inquiries regarding the meeting may be directed to the Council Offices at 612/377-6100.

Board of Psychology

Notice of Intent to Increase Fee for Examination

Pursuant to Minn. Stat. § 16A.128 (1982), the Board of Psychology is raising the fee for the application for examination from the present \$75.00 to \$100.00, effective for the October 26, 1984, professional examination, due to the examination service increasing the cost of the examination by a corresponding amount. The increase in fees is adopted without a public hearing because it is anticipated that the total fees collected including the increase during the fiscal biennium will not exceed the sum of all direct appropriations, indirect costs, transfers in, and salary supplements for the biennium.

Department of Revenue Alcohol, Tobacco and Special Taxes Division

Outside Opinion Sought Regarding Implementation of Metropolitan Solid Waste Landfill Fee Rules

NOTICE IS HEREBY GIVEN that the Minnesota Department of Revenue, in response to Legislative action, is seeking information and opinions from sources outside the department on the development of a solid waste landfill rule. The rule would address the collection and administration of the fee and establish a formula to convert weighed waste to equivalent cubic yards and the exemption qualification for the residue of processed waste.

Interested persons or groups may submit written statements of information. Statements will be accepted until July 20, 1984, and should be sent to:

Howard W. Anderson
Minnesota Department of Revenue
Alcohol, Tobacco and Special Taxes Division
P.O. Box 64446
St. Paul, Minnesota 55164

Any written material shall be a part of the hearing record in the event a rule is proposed and a public hearing is held.

Department of Transportation

Notice of Availability of FONSI for Programmatic Environmental Assessment for Reconveyances, Temporary Use Permits, and Access Control Changes

In accordance with the requirements of 23 CFR 771.121, notice is hereby given that the Minnesota Department of Transportation (Mn/DOT) is affording an opportunity for the public to review a separate written finding of no significant impact (FONSI) incorporating the Programmatic Environmental Assessment (Various Projects Statewide) for Reconveyances, Temporary Use Permits, and Access Control Changes.

The FONSI incorporates the Programmatic Environmental Assessment (EA) which was prepared to cover the above right of way related actions that would have little or no impact on the environment. However, these actions have not been specifically listed as federal Categorical Exclusions and must each be documented by a separate EA or covered under an EA of this type.

These documents are available for public review at the Road Plans Information Office, Room 609, State Transportation Building at St. Paul.

Any adult person wishing to review or discuss either the FONSI or the Programmatic EA should write or call Mr. Delbert Gerdes at the address or phone number listed below.

Delbert Gerdes
Project Liaison Engineer
Mn/DOT
Room 716, Transportation Building
St. Paul, Minnesota 55155
Phone: (612) 296-6750

Richard P. Braun
Commissioner

OFFICIAL NOTICES

Department of Transportation

Petition of the County of Hennepin for a Variance from State Aid Standards for Street Width

Notice is hereby given that the County of Hennepin has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on CSAH 66 (Duluth Street) from Brunswick Avenue to Toledo Avenue.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit a street width of 59 feet between the pillars of the TH 100 Bridge instead of the required street width of 64 feet.

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

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

June 21, 1984

Richard P. Braun
Commissioner of Transportation

Waste Management Board

Request for Submission of Qualifications to Provide Technical and/or Financial Review of Proposals to Develop Commercial Hazardous Waste Treatment or Collection Facilities and Services or to Implement On-Site Waste Reduction Methods

INTRODUCTION

The Minnesota Waste Management Board requests the submission of statements of qualification to provide the board with technical and financial review capability for various hazardous waste management programs. The board has responsibilities over several programs which provide grants or loans to prospective developers of commercial hazardous waste processing or collection facilities and services, or to hazardous waste generators to assist them in studying applicable waste reduction strategies. These programs are designed to provide funds for feasibility studies for prospective projects and in-plant reduction schemes and for capital costs of facility development. In reviewing proposals and applications for these programs, the board will need on-going review and consultation on the technical and financial merits of the proposals. More detailed information about these programs are available upon request from the board. Prospective contractors may submit statements of qualification to provide either the technical or financial review capability, or both.

SCOPE OF WORK

The board anticipates that this review service will be required from September 1, 1984 through June 31, 1985, with most of the work occurring from September to November 1984. It is not possible to estimate the amount of time required for this project, as that will depend upon the number of applications and proposals received for the programs.

Each review would consist of a brief written report describing the technical and financial feasibility of the proposal and the technical and financial capabilities of the applicants to carry out the proposals. Oral reports will also be required. In some cases, comparisons will be needed between various proposals and the contractor may be required to rank applications.

The contractor(s) selected to provide these services would be precluded from having any direct business or financial interest in any proposal or application which would be subject to this review.

EVALUATION OF QUALIFICATION STATEMENTS

Prospective contractors will be evaluated on the basis of:

- expertise and experience in analyzing the technical feasibility of a wide variety of hazardous waste processing and collection facilities and services, and hazardous waste reduction methods. This will include the qualifications of the specific personnel to be assigned to the task.
- expertise and experience in analyzing the financial feasibility of new businesses. Experience in analyzing hazardous waste

STATE CONTRACTS

management businesses is a plus, but is not required. This will include the qualifications of the specific personnel to be assigned to the task.

- the ability and experience of the work force to interpret and communicate technical and financial material to the average layman.
- the rates which would be charged for these professional services and expenses.

The board requests that all responses be as brief and concise as possible. After evaluation of the statements of qualifications, the most qualified respondents may be invited to an interview.

Water Resources Board

Notice of Cancellation of Regular Board Meeting

The regular meeting of the Water Resources Board scheduled for July 13, 1984, has been cancelled.

The Board will resume its regular meeting scheduled on August 10, 1984.

Mel Sinn
Executive Director

STATE CONTRACTS

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

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

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-2513. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
Contract 21-200-08215, 778303	Dupont Industrial Graphic Film	Various	Various	25,000.-30,000
27-147-40844, 778093	DES Employer Biweekly Time Report	Economic Security	St. Paul	Contact buyer
12-900-77549	Direct Mailing Brochure	Vermilion Community College	Ely	Contact buyer
29-000-35748	Rental of Photocopy Machine	Health	Same	Contact buyer
67-150-09339-40	Purchase of Computer Mapping System	Natural Resources	Same	Contact buyer
26-073-16323	Purchase of Portable Computers	Dept. of Revenue	St. Paul	Contact buyer
79-900-00217	Purchase of Computers	St. Cloud State University	St. Cloud	Contact buyer
	Axle Components for Trucks	Transportation	St. Paul	Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
778094-5-6- & 8 26-175-05905-6-9- & 10	Recruiting Poster, Viewbook, Folder & Book Cover	Southwest State University	Marshall	Contact buyer
79-000-41763	Purchase of Multiplexers, Modems & Cabinet	Transportation	St. Paul	Contact buyer
30-000-14271	Purchase of Terminals & Copier	State Planning Agency	MN Pollution Control, St. Paul	Contact buyer
27-156-43421, 778082	Normandale Quarter Flyer	Normandale Community College	Bloomington	Contact buyer
26-072-08901	Swimming Pool Sump Pump	Moorhead State University	Moorhead	Contact buyer
77-000-08411	Animal Feed	Minnesota Zoological Garden	Apple Valley	Contact buyer
02-443-41742	Purchase of Photocopy Machine	Micrographic Services	St. Paul	Contact buyer
39-000-03667	Purchase of Photocopy Machine	Governor's Residence	St. Paul	Contact buyer
27-138-44239	Special Tab Insert	MN Community College System	St. Paul	Contact buyer
28-138-44231 & 1	MCC Search Piece (Poster Format) & MCC Prospectus	MN Community College System	St. Paul	Contact buyer

Contact the receptionist at 296-2513 for referral to specific buyers.

Department of Corrections Minnesota Correctional Facility—Red Wing

Notice of Availability of Contract for Catholic Chaplain

The program at the Minnesota Correctional Facility—Red Wing requires the services of an ordained Catholic priest from 9/1/84 to 6/30/85. This person will provide weekly Mass and spiritual guidance and counseling for the Catholic students at MCF—Red Wing as requested. This person will provide up to 20 hours per week at \$10.00 per hour. Annual cost is limited to \$8,600.00.

For further information on these contracts, contact:

Thomas P. Kernan, Assistant Superintendent
Minnesota Correctional Facility—Red Wing
Box 45
Red Wing, Minnesota 55066
Telephone: (612) 388-7154

Final submission date for this contract is: August 1, 1984.

Department of Energy and Economic Development

State Grants Available for: 1) Meat Processing & Packaging Facility; and 2) Manufacture of Internal Combustion Engines, Generators, Electrical Generating Sets, and Switch Gear

The Commissioner of the Minnesota Department of Energy and Economic Development announces the availability of state grants to certain types of industrial operations that are substantially renovating their facilities. These grants were authorized by Minnesota Session Laws 1984, Chapter 502, Article V, Section 19. Pursuant to this law, the Commissioner has established the following eligibility requirements and application procedure for parties interested in applying for these grants.

Two separate grants for certain types of industrial operations have been created and applicants must specify for which grant they are applying.

Grant for a Meat Processing and Packaging Facility

A grant of up to \$1 million is available for a meat processing and packing facility that is substantially expanding or renovating its facilities. This grant is intended to help the operators of such a facility meet the cost of property tax increases due to the plant expansion or renovation and the cost of sales tax or equipment purchased to replace obsolete, inadequate or inefficient equipment in the plant. The primary purpose of the grant is to help offset the cost of expanding or renovating a meat processing and packing facility. The expansion or renovation must enable the operation to continue to provide a substantial portion of the industrial employment of the community in which it is located.

To be eligible for consideration for this grant, the following criteria *must* be met:

1. The applicant must be a Minnesota meat processing and packaging facility as defined by the U.S. Standard Industrial Classification codes 2011, 2013, or 2016.
2. The applicant must be planning to begin, or must have recently begun a substantial renovation or expansion of the facility.
3. The facility must provide over 20 percent of the industrial employment in the city in which it is located at the time when renovation or expansion of the facility begins.

Applicants that meet all of the aforementioned criteria will be considered by the Commissioner of Energy and Economic Development for receipt of the grant. The Commissioner will determine which eligible applicant will receive the grant by judging each applicant against the following criteria. Each of the following will be given equal weight by the Commissioner in making his final determination:

1. The extent to which the planned renovation or expansion is necessary for the facility's continued operation.
2. The overall importance of the facility to the economy of the community in which it is located.
3. The amount of private financing that will be used for the facility's expansion or renovation.
4. The total number of jobs that will be created or retained by the facility's expansion or renovation.
5. The adequacy of the plans and timetable for the expansion or renovation, as determined by the schedule for completion submitted to the Commissioner.

All eligible applicants must submit a detailed plan and schedule for the renovation or expansion of the facility. Should a grant be awarded to a particular facility, and that facility fails to adhere to its schedule for completion, the facility may be required to repay the entire grant, or a portion thereof, to the Commissioner of Energy and Economic Development.

GRANT FOR A MANUFACTURER OF INTERNAL COMBUSTION ENGINES, GENERATORS, ELECTRICAL GENERATING SETS AND SWITCH GEAR

A grant of up to \$2.4 million is available for a manufacturer of internal combustion engines, generators, electrical generating sets and switch gear that is substantially renovating or expanding its facilities. This grant is intended to help the operators of such a facility meet the cost of property tax increases due to the plant expansion or renovation and the cost of the sales tax on equipment purchased to replace obsolete, inadequate or inefficient equipment in the plant. The primary purpose of the grant is to help offset the cost of expanding or renovating such a facility. The expansion or renovation must enable the operation to continue to provide a substantial portion of the industrial employment of their community in which it is located.

To be eligible for consideration for this grant, the following criteria must be met:

1. The applicant must be a Minnesota manufacturer of internal combustion engines, generators, electrical generating sets and switch gear as defined by the U.S. Standard Industrial Classification Codes 3511, 3519 3613, and 3621. The applicant must be planning to begin or must have recently begun a substantial renovation or expansion of the facility.
2. The facility must provide over 10 percent of the industrial employment in the city in which it is located at the time when renovation or expansion of the facility begins.

Applicants that meet all of the aforementioned criteria will be considered by the Commissioner of Energy and Economic Development for receipt of the grant. The Commissioner will determine which eligible applicant will receive the grant by judging each applicant against the following criteria. Each of the following will be given equal weight by the Commissioner in making his final determination.

1. The extent to which the planned renovation or expansion is necessary for the facility's continued operation.
2. The importance of the facility to the economy of the community in which it is located.
3. The amount of private financing that will be used for the facility's expansion or renovation.
4. The total number of jobs that will be created or retained by the facility's expansion or renovation.

STATE CONTRACTS

5. The adequacy of the plans and timetable for the expansion or renovation, as determined by the schedule for completion submitted to the Commissioner.

All eligible applicants must submit a detailed plan and schedule for the renovation or expansion of a facility. Should a grant be awarded to a particular facility, and that facility fail to adhere to its schedule for completion, the facility may be required to repay the entire grant, or portion thereof, to the Commissioner of Energy and Economic Development.

The recipient of this grant must annually certify to the Commissioner the following amounts paid during each year following the designation by the Commissioner for receipt of the grant:

A. The additional property taxes paid as a result of the expansion; and

B. One-third of the sales tax paid on replacement capital equipment that does not qualify for the 4 percent sales tax rate under Minnesota Statutes, Section 297A.02, Subdivision 2.

The entire grant, which may not exceed \$2.4 million, will be paid as follows: the Commissioner shall pay the lesser of the amount certified for the year or \$480,000. If in a year the amount certified is less than \$480,000, the excess shall carry forward and may be paid in a succeeding year. Payments from the grant shall continue in this manner until the entire amount of the grant is paid.

Applications must be received on a form available from the Department of Energy and Economic Development by the Office of the Commissioner of Energy and Economic Development *no later than 4 p.m.*, July 20, 1984.

Anyone interested in additional information on either of these two grants, or anyone interested in obtaining an application and guidelines for one of the grants, should contact: Connie J. Lewis, Assistant to the Commissioner, at 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, or phone: 612-296-6424.

Housing Finance Agency Home Improvement Division

Notice of Fund Availability for Single-Family Passive Solar Homes

The Minnesota Housing Finance Agency hereby announces that it is accepting applications from individuals for subsidies to be used to reduce the cost of newly constructed single-family homes that include passive solar space heating systems. Assistance will be in the form of a principal reduction of the permanent financing, in amounts up to a maximum of \$5,000.

To be eligible, the applicant must intend to own and occupy the home which is subsidized.

Applications will be accepted until November 1, 1984.

A non-refundable review fee of \$50 must be submitted with the application.

Selections of applications. Applications that are received prior to the deadline announced by the agency, that fulfill the basic standards in the notice of fund availability, and that meet the other eligibility requirements are eligible applications.

If the agency receives more eligible applications than can be financed with the available funds, the agency will use the following method to select those applicants who will receive a passive solar subsidy:

1. The agency will first award funds to all eligible applicants with certified annual adjusted incomes of \$38,000 or less.
2. If there are more applications from eligible applicants with annual adjusted incomes of \$38,000 or less than can be financed with the funds available, the applications to be funded will be selected by lot.
3. After funds are awarded to all eligible applicants with adjusted incomes of \$38,000 or less, if funds remain available, the agency may award funds to applicants with annual adjusted incomes of greater than \$38,000 with the applications to be funded to be selected by lot, if necessary.

To receive an application and the design specifications upon which the application will be evaluated contact:

Wendell Hill
Minnesota Housing Finance Agency
333 Sibley Street, Suite 200
St. Paul, Minnesota 55101
(612) 296-9817

Iron Range Resources and Rehabilitation Board

Request for Proposals for Contractual Food Service/Dining/Bar Concessionaire(s)

The Iron Range Resources and Rehabilitation Board is seeking proposals from Minnesota food/liquor service operators to staff, operate, and manage food service/dining and bar operations within the chalet at the Giant's Ridge Recreation Area, located in the Town of White, near Biwabik, MN.

For formal Request for Proposal documents, interested parties should contact:

Mr. Mike Gentile, Director
Giant's Ridge Recreation Area
Iron Range Resources and Rehabilitation Board
P.O. Box 441
Eveleth, MN 55734
Phone: 218-744-2993

Proposals must be submitted no later than noon, July 16, 1984, at the IRRRB Administration Building located westerny adjacent to Highway #53, four miles south of Eveleth, Minnesota.

Metropolitan Council Developmental Disabilities Program

Request for Proposals for Technical Services for Persons with Developmental Disabilities

Notice is hereby given that the Metropolitan Council's Developmental Disabilities Program is seeking to contract with at least two consultants full-time for a one-year period from October 1, 1984 through September 30, 1985. Maximum contract costs will be \$60,000 for services and expenses.

The technical service to be provided include the design and implementation of a plan to train up to 40 staff of adult day programs in four Metropolitan Area counties to assist adults who are developmentally disabled to achieve satisfactory levels of employability and related functions critical for living and working in the community.

A post-baccalaureate degree in Special Education, Vocational Education or Vocational Rehabilitation is preferred. The position requires knowledge and experience related to: training of teachers and severely handicapped learners; using innovative approaches for procuring community-based job sites; providing on-the-job training and ongoing support services, and evaluating agency and client outcomes.

Deadline for receipt of proposals is July 31, 1984 at 5 p.m. A copy of the request for proposals may be obtained from Toni Lippert, DD Program Manager, Metropolitan Council, 300 Metro Square Building, Seventh and Robert Streets, St. Paul, Minn. 55101. Tel. (612) 291-6364.

SUPREME COURT

Decisions of the Supreme Court Filed Friday, May 25, 1984

Compiled by Wayne O. Tschimperle, Clerk

C8-83-150 Complaint Concerning the Honorable Robert Crane Winton, Jr., Judge of District Court, Hennepin County, State of Minnesota Supreme Court.

It is order and judgment of this court that respondent, Robert Crane Winton, Jr., be and hereby is removed from his office as district court judge. Per Curiam

Took no part, Amdahl, C.J. & Todd, J.

SUPREME COURT

C8-83-1718, C8-83-150 **In Re: Complaint Concerning the Honorable John J. Kirby, Municipal Court Judge, Ramsey County, State of Minnesota, and In Re: Complaint Concerning the Honorable Robert Crane Winton, Jr., Judge of District Court, Hennepin County, State of Minnesota Board on Judicial Standards.**

Minnesota Statutes, section 490.16, subd. 1 (1982) does not preclude the exercise of discretion by this court in determining whether to suspend a judge recommended for removal by the Board on Judicial Standards.

Order to show cause is discharged. Per Curiam.

Decisions of the Supreme Court Filed Friday, June 1, 1984

C0-82-1489 **State of Minnesota v. Betty Cromey, Appellant. Ramsey County.**

Defendant was fairly tried and properly convicted of second-degree murder, but where it is not possible to tell from the general guilty verdict whether the jury found defendant guilty of intentional murder, a severity level X offense, or of felony murder, a severity level IX offense, fairness dictates that it be considered the lesser of the two for purposes of sentencing.

Affirmed as modified and remanded for resentencing.

Wahl, J.

C6-83-857, C8-83-858 **Kay Sticka, Relator, v. Holiday Village South, Commissioner of Economic Security, and Kay Sticka, v. Jam Dairy, Commissioner of Economic Security. Department of Economic Security.**

If an individual is employed by more than one employer, the right to unemployment compensation benefits must be determined as it relates to each of the multiple employers and the resulting benefits, if any, adjusted according to prescribed statutory procedures.

Reversed and remanded. Coyne, J.

C3-84-440 **In the Matter of the Application for the Discipline of Donald Rockne, and Attorney at Law of the State of Minnesota. Supreme Court, State of Minnesota.**

Immediate Suspension. Amdahl, C.J.

Decisions of the Court of Appeals Filed Tuesday, June 19, 1984

Compiled by Wayne O. Tschimperle, Clerk

C6-83-1295 **Telephone Associates, Inc., et al., Appellants, v. St. Louis County Board, et al. St. Louis County.**

The respondent did not comply with proper competitive bidding procedures where a bid was modified after all bids have been opened.

The respondent should have rejected a bid which did not comply with the request for proposals.

Where telephone equipment has been installed pursuant to a bid held to be improper and invalid, the matter is remanded to the trial court for appropriate relief.

Reversed and remanded. Popovich, C.J.

Dissenting, Forsberg, J.

C7-83-1418 **Julianne Shepard, petitioner, v. Michael Shepard, Appellant. Beltrami County.**

Respondent, who did not object to appellant's failure to file notice of intent to proceed by agreed statement of the record, waived his right of dismissal.

An order finding a party in contempt of court is not an appealable order, but where portions of the order modify a dissolution decree, those portions are reviewable.

The court below erred by: 1) requiring a non-custodial father to post a \$5,000 bond before exercising his right of visitation, and 2) reducing the father's right to summer visitation by three weeks where there was no finding that reduction of visitation was in the child's best interest.

The court did not err by refusing to modify custody or refusing to require the custodial parent to pay half of the child's transportation costs.

Affirmed in part and reversed in part. Popovich, C.J.

C7-84-702 In the Matter of the Alleged Mental Illness of Dennis A. DeMatthew. Hennepin County.

The trial court properly found appellant mentally ill and committed him pursuant to Minn. Stat. § 253B.09 (1982).

Affirmed. Popovich, C.J.

C9-84-734 State of Minnesota v. Elmer Carl Andren, Defendant-Appellant. Scott County.

Issues decided on prior appeal cannot be raised on second appeal.

An order denying a motion to withdraw a guilty plea is not directly appealable.

Appeal dismissed. Popovich, C.J.

C7-83-1919, C7-84-84, CX-84-371 Gerald Holmquist and Helen K. Holmquist, the Legal Guardians and Next of Kin of Barbie Jo Holmquist, Deceased; and Gerald W. Holmquist as Trustee for the Use and Benefit of Gerald W. Holmquist and Helen K. Holmquist, v. Gerald Miller and Harold Miller and Agnes Miller, Appellants, (C7-83-1919); and Kevin Lee Shimmin and Larry Shimmin and Bonita M. Shimmin; East End Bottle Shop, Inc., a Minnesota Corporation. Scott Thomas Hemmingson, Appellant v. James Gabbert. (C7-84-84); Russell Knutson, Appellant, v. Barry Barber, et al., (CX-84-371). Yellow Medicine and St. Louis Counties.

A social host who furnishes intoxicating liquor to a minor is not liable for damages inflicted by the intoxicated minor under the Civil Damages Act.

The Civil Damages Act does not insulate a social host from a common-law negligence action for furnishing intoxicating liquor to a minor in violation of a criminal statute barring the furnishing of liquor to a minor.

Affirmed. Parker, J.

Dissenting, Crippen, J.

C7-84-246 Donald E. Montgomery, Appellant, v. American Hoist & Derrick Co. Hennepin County.

Proof of an oral contract for permanent employment is barred by the parole evidence rule when the terms of employment, including salary, duties and expectations of the employer, are reduced to writing in a letter of confirmation from the employer to the employee.

An employee does not provide additional valuable consideration in exchange for the promise of permanent employment when the employee has not foregone or relinquished any advantage by accepting the position, gives his best efforts to the job and the employer benefits therefrom.

Affirmed. Parker, J.

C0-84-444 Robert B. Milton, et al, v. Thomas L. Haddox, Dorn Henry Sticha, Appellant, Stuart E. Gale, et al. Dakota County.

The trial court did not abuse its discretion in ordering payment to claimant from the Minnesota Real Estate Education, Research and Recovery Fund for out-of-pocket losses caused by the fraudulent conduct of a licensed real estate salesman or broker.

The required showing pursuant to Minn. Stat. § 82.34, subd. 8(f), that claimant has diligently pursued his remedies against all the judgment debtors must be construed in the light of the remedial purposes of the legislation and the authority granted the Commissioner of Securities and Real Estate to compromise claims.

Affirmed. Parker, J.

C2-83-1195 State of Minnesota v. Mark Marvin White, Appellant. Anoka County.

In an aggravated DWI case eyewitness testimony by a state trooper was sufficient to establish that defendant was the driver.

Defendant was not denied a fair trial by his counsel's trial tactics.

Affirmed. Foley, J.

CX-83-1817 Roger Autrey v. Gabriel Trkla, Defendant and Third Party Plaintiff, Appellant, v. Patrick Hawkins, Third Party Defendant and Fourth Party Plaintiff, v. Joel Montpetit, et al. Washington County.

Where a vendor agrees to sell and deliver property and then fails to do so, the vendee is entitled to recover the payments he has made on the purchase price.

Whether a contract is entire or divisible depends on the intent of the parties. The intent must be determined by considering the language used, the subject matter of the contract and how the parties themselves treated it.

SUPREME COURT

If an attorney's negligence causes a client to be involved in litigation, the attorney is liable for the attorney's fees incurred in defending against the claims involved by the litigation.

Affirmed in part, modified in part, and remanded with directions for the trial court. Foley, J.

CX-84-290, C1-84-291, C3-84-292 State of Minnesota, Appellant, v. Douglas W. Whelan, (CX-84-290). State of Minnesota, Appellant, v. Robert E. Carlson, (C1-84-291). State of Minnesota, Appellant, v. Donald W. Warner, (C3-84-292). Freeborn County.

An unannounced entry by peace officers executing a warrant without a no-knock clause when no exigent circumstances exist, invalidates the entry and the arrest.

Affirmed. Wozniak, J.

C2-84-512 David Mattson v. Continental Insurance Company, Appellant. Washington County.

Affirmed. Wozniak, J.

C6-84-13 Jeanette Fleming, Appellant, v. Dale Hallum, d/b/a Dale Hallum Insulation. Freeborn County.

Res ipsa loquitur is a form of circumstantial evidence which creates a permissive inference of negligence. The trial court is not required to make an explicit finding that the doctrine does not apply.

The trial court did not err in failing to apply the doctrine of res ipsa loquitur when the evidence showed the event was attributable to the voluntary action of the appellant.

The trial court's determination that plaintiff failed to show negligence in the roofing and painting of her house is supported by the evidence.

Affirmed. Lansing, J.

C6-83-1278 In Re: the Marriage of: Ann Moberg, petitioner v. Allen W. Moberg, Appellant. Hennepin County.

The family court properly denied an evidentiary hearing on the reasonableness of attorney's fees and receiver's fees.

Affirmed. Huspeni, J.

C9-83-1839 Federated Mutual Insurance Company, Appellant, v. American Family Mutual Insurance Company. Stearns County.

The insurer of the automobile in this case is closer to the risk than the insurer of the driver, and is primarily liable.

A primary insurer is not entitled to indemnity from the excess carrier for payments made to an injured third party.

A primary insurer may not recover the costs of defending the insured in a declaratory judgment action to determine liabilities under the policies.

Affirmed as modified. Huspeni, J.

C1-84-372 Myles Reome v. Leonard W. Levine, Commissioner of Public Welfare, and Hennepin County. Hennepin County.

Inasmuch as Minn. Stat. § 253B.02(17) (Supp. 1983) requires that dangerousness to the public occur as a result of mental illness, then under Minn. Stat. § 253B.18(15) (1982) a person committed as mentally ill and dangerous must be discharged when he is no longer mentally ill.

Affirmed. Huspeni, J.

CX-83-1266 Therapeutic Community Residence, Relator, v. Minnesota Department of Health. Department of Health.

Findings of the hearing examiner affirming the denial by the Commissioner of Health of a Certificate of Need for Relator's project were unsupported by substantial evidence.

Reversed. Forsberg, J.

C0-83-1406 Continental Western Fire Insurance Company v. Poly Industries, Inc., Appellant, State Bank of Young America. McLeod County.

The trial court correctly determined that a loss was not covered by an insurance policy where the loss resulted from an increase in hazard within the knowledge and control of the insured.

Affirmed. Forsberg, J.

C1-83-1642 In the Matter of the Welfare of M.M.B. Dakota County.

Evidence of lack of complete cooperation by parents with treatment program, and of child's fear of return of legal custody to parents, threatening effectiveness of treatment program, supported finding of dependency. Minn. Stat. § 26.015 subd. 6(b).

Affirmed. Forsberg, J.

C9-83-1694 Tom Diethelm, d.b.a. Tom Diethelm Builders, Appellant v. W.J. Cavanaugh and Edward and Lorraine Meehan, D.W. Johnson, Inc., et al, Kenneth N. Gebhardt, Miles Homes Division of Insilco Corp. Hennepin County.

Evidence of pre-lien notice by mechanics lien claimant was insufficient to show compliance with the statute. Minn. Stat. § 514.011(2).

Trial court's granting of motions of dismissal against mechanics lien claimant following presentation of his case was not clearly erroneous. Rule 41.02(2), Minn. R. Civ. P.

Affirmed. Forsberg, J.

C7-83-1807 In Re: The Guardianship of Everett Steinhaus. Otter Tail County.

The probate court has no jurisdiction to reform a contract for the sale of real property of a ward between the guardian and a third party.

Reversed. Forsberg, J.

C0-84-184 Jeffrey A. Markert, Relator, v. National Car Rental, and Commissioner of Economic Security. Department of Economic Security.

Relator voluntarily discontinued his employment without good cause attributable to the employer and was, therefore, properly disqualified from receiving unemployment compensation benefits pursuant to Minn. Stat. § 268.09, subd. 1(1) (Supp. 1983).

Affirmed. Forsberg, J.

C4-84-740 In the Matter of the Alleged Mental Illness of Leslie Robert Johnson. Hennepin County.

The trial court properly found appellant mentally ill and committed him pursuant to Minn. Stat. § 253B.09 (1982).

Affirmed. Forsberg, J.

C7-83-1385 Ronald E. and Emma Danielson, Husband and Wife, Appellants, Robert Voges as Trustee for the Heirs and Next of Kin of Sandra J. Voges, Deceased, Appellant, Ray Willard, as Trustee for the Next of Kin of Maxine Willard, Decedent, Appellant, Gary M. Ottum, Appellant, v. Donald Hanford, Special Administrator for the Estate of Debra Ann Hanford. Washington County.

The trial court properly applied the doctrine of curative admissibility to allow rebuttal testimony where questioning by counsel created an inadmissible and prejudicial impression.

The trial court's limiting instruction avoided any prejudice to appellants.

Where expert opinion testimony would be prejudicial and of little assistance to the jury, the trial court properly excluded the testimony.

The trial court's limiting instruction avoided any prejudice to appellants.

The trial court's exclusion of evidence which was undisclosed prior to trial did not constitute an abuse of discretion.

Affirmed. Leslie, J.

C9-83-1128 Robert Dean Meyer, et al, etc., Appellants, v. David Parkin. Olmsted County.

The legislature did not intend to eliminate the element of scienter from the rule that a lessor has a duty to warn a lessee of any concealed defects that lessor knew or should have known existed.

Affirmed. Nierengarten, J.

C6-83-1782 Elnor Dillavou, et al, Appellant, v. Henry C. Peters. Mower County.

The trial court did not abuse its discretion in denying a motion to compel literal compliance with a prior order of the court.

Affirmed. Nierengarten, J.

C3-84-48 Judith Elaine Greer v. LaVern Greer, et al, Appellants. Carlton County.

A final judgment and decree of marriage dissolution cannot be collaterally attacked in a subsequent quiet title action.

A conveyance of real estate by a husband, in which his wife had a marital interest, is fraudulent when made pending dissolution of their marriage and without his wife's consent, where no consideration for such conveyance is shown.

Affirmed. Nierengarten, J.

C8-83-1492 Bernice A. Stassen v. Richard J. Stassen, Appellant. Dakota County.

The trial court's division of property following a marriage dissolution was not error.

Affirmed. Randall, J.

SUPREME COURT

C4-83-1506 In Re: the Marriage of: Carol Rae VanderLeest, Petitioner, Appellant, v. Wayne Henry VanderLeest. St. Louis County.

The terms of the stipulation entered into by the parties at the dissolution of their marriage entitle the appellant-wife to receive 50% of the respondent-husband's monthly Railroad Retirement disability payment.

Reversed and remanded. Randall, J.

C6-83-1250 Jerry D. Elias, Appellant, v. City of St. Paul. Ramsey County.

Since plaintiff's evidence requires the jury to speculate what might have been the cause of an accident, a directed verdict is justified despite claims of city neglect in failing to mark or barricade a T-intersection.

Affirmed. Crippen, J.

Dissenting, Leslie, J.

C7-83-1290, C1-83-1379 Northwestern Residence, Inc., Petitioner, Appellant, (C1-83-1379); and Rita Smith, et al, Petitioners, Appellant, (C7-83-1290), v. The City of Brooklyn Center. Hennepin County.

This court must make an independent review of a city council denial of special use permit to determine whether reasons for the denial are legally sufficient and reasonably supported by the facts.

Measured against provision of its ordinances, Brooklyn Center has unreasonably refused a special use permit for a residential facility on issues of parking space, recreational facilities, traffic safety, protection of adjacent property, and control of non-conforming uses.

Findings that a building would adequately house only twelve mentally ill adults even though a municipal zoning ordinance permitted eighteen residents, cannot be a basis for denial of a special use permit. The state has so fully regulated the operation of residential facilities for the mentally ill that it has preempted municipal action on the subject.

Reversed and remanded. Crippen, J.

C3-83-1660 Dwight W. Kelsey, Appellant, v. State of Minnesota ex Rel Robert Erickson, Warden. Washington County.

Appellant has failed to make a prima facie showing of cruel and unusual treatment in confinement and is not entitled to an evidentiary hearing on his petition for habeas corpus relief.

Affirmed. Crippen, J.

C7-83-1810 State of Minnesota v. Layne Roberts, Appellant. Kandiyohi County.

While evidence would permit a jury verdict that defendant committed a trespass involving unlawful entry of a dwelling, there was insufficient evidence to permit a jury verdict that defendant committed a burglary involving the additional element of an intent to commit a crime in the building.

The exclusion of evidence of defendant's prior relationship with the resident of the dwelling he entered constituted reversible error.

Reversed. Crippen, J.

C5-83-1921 State of Minnesota v. Robin Daniel Duemke, Appellant. Chisago County.

Evidence in the case is sufficient to sustain a D.W.I. conviction.

A cautionary instruction on use of impeachment evidence is forfeited if not requested. A claim for the instruction is too insubstantial to indicate incompetence of the defense attorney who omitted the request:

The trial court correctly instructed the jury on elements of D.W.I. offense.

Affirmed. Crippen, J.

Decisions of the Supreme Court Filed Friday, June 22, 1984

Compiled by Wayne O. Tschimperle, Clerk

C1-83-572 Kakambi Nagaraja, et al., Relators, v. Commissioner of Revenue. Tax Court.

For purposes of determining whether a taxpayer is a claimant under Minn. Stat. § 290A.03, subd. 8 (1982 and 1983 Supp.), visa status does not control the intent required to establish domicile.

Reversed and remanded. Amdahl, C.J.

CX-83-1462 City of Burnsville, Petitioner, Appellant, v. Charles D. Marsyla. Dakota County.

Police interrogation of defendant in police car outside defendant's residence was not custodial interrogation and therefore officer was not required to give defendant a Miranda warning.

Reversed in part. Amdahl, C.J.

C4-82-1575 Everett Gilles, Appellant, v. State of Minnesota. Murray County.

Post-conviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C.J.

C2-83-614 Walter Eisen v. State of Minnesota, Department of Public Welfare, and Faribault State Hospital, Appellants. Rice County.

Plaintiff, employed by the state under a collective bargaining agreement between the bargaining representative and the employer, is not a "party" under the Uniform Arbitration Act, Minn. Stat. ch. 572 (1982), for purposes of challenging a grievance arbitration award independent of his collective bargaining representative. *Mueller v. Chicago & N.W. Ry.*, 194 Minn. 83, 259 N.W. 798 (1935), insofar as it may be construed to grant plaintiff standing to appeal an arbitration award, is overruled.

Plaintiff's rights, as a state employee, to due process pursuant to U.S. Const. amend. XIV were not violated.

There was no misconduct by the arbitrator.

Reversed. Peterson, J.

C0-82-357 In Re: Matter of Petition of Attorney Fees and Partial Reimbursement for Attorney Fees Pursuant to M.S. 176.081 David W. Mack, Relator, v. City of Minneapolis, Self-Insured. Workers' Compensation Court of Appeals.

An award of \$25,000 in attorney fees by the Workers' Compensation Court of Appeals was inadequate and the court's consideration of statutory factors arbitrary and capricious where it gave insufficient weight to the attorney's efforts in obtaining an increased disability award, to the responsibilities he assumed, and to the result obtained.

Reversed and remanded. Todd, J.

C8-83-603 Pearson-Berke, Inc., etc v. Kenneth K. McIntosh, Appellant. Hennepin County.

Awarding plaintiff-respondent return of his \$15,000 downpayment under a rescinded sales agreement, less certain credits, and with prejudgment interest, is affirmed with revisions in the amount of the credit and the interest rate.

Reversed in part and remanded for entry of judgment in accordance with this opinion. Simonett, J.

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Contact: Senate Public Information Office
B29 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Monthly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Contact: House Information Office
Room 8 State Capitol, St. Paul, MN 55155
(612) 296-2146

Legislative Reference Library
Room 111 Capitol

Micro-fiche