

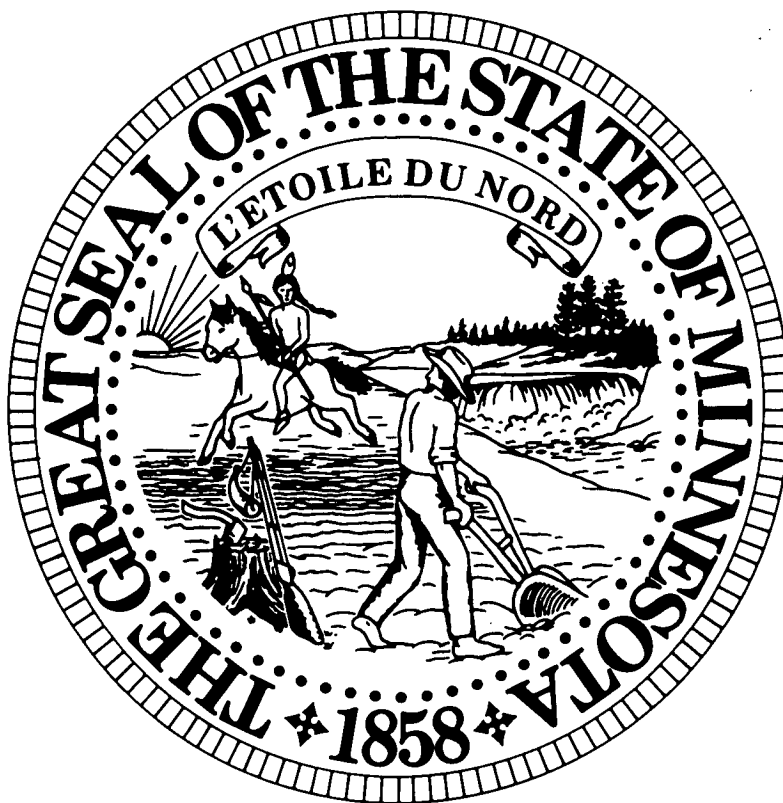
The Minnesota

# State Register

**RECEIVED**

SEP 06 1994

Department of Administration—Print Communications Division  
LEGISLATIVE REFERENCE LIBRARY  
STATE OFFICE BUILDING  
ST. PAUL, MN 55155



Rules edition  
Published every Monday  
(Tuesday if Monday is a holiday)

**Tuesday 6 September 1994**  
**Volume 19, Number 10**  
**Pages 509-572**

# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

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

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

### Printing Schedule and Submission Deadlines

Vol. 19 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
10	Tuesday 6 September	Monday 22 August	Monday 29 August
11	Monday 12 September	Monday 29 August	Friday 2 September
12	Monday 19 September	Friday 2 September	Monday 12 September
13	Monday 26 September	Monday 12 September	Monday 19 September

Arne H. Carlson, Governor

Debra Rae Anderson, Commissioner  
Department of Administration

Kathi Lynch, Director  
Print Communications Division

Robin PanLener, Editor 612/297-7963  
Debbie George, Circulation Manager 612/296-0931

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, MN 55155, pursuant to *Minnesota Statutes* § 14.46.

An "Affidavit of Publication" can be obtained for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

#### SUBSCRIPTION SERVICES:

Order by phone: Metro area: 297-3000 Toll free 800-657-3757. Telecommunication Device for the Deaf Metro area: 282-5077 Toll free 800-657-3706

- One year subscription to the *State Register* (published every Monday, or Tuesday if Monday is a holiday) \$150.00
- One year subscription to the *Contracts Supplement* (published every Tuesday, Wednesday, Friday): \$125.00 via first class mail, \$140.00 via fax or through our On-Line Service via your computer modem. For a free sample demo of the On-Line Service call via your modem: 612/821-4096. Access item "S": *State Register* Modem parameters 8-N-1 1200/2400
- 13-week trial subscription which includes both the *State Register* and *Contracts Supplement*. \$60.00
- Single issues are available for a limited time: *State Register* \$3.50, *Contracts Supplement* 50¢. Add shipping charge of \$3.00 per order.
- "Commodity Contract Awards Reports," – lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "Contracts Supplement" – published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00 – a savings of about \$38.00 over the cost of purchasing them individually. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
- "Professional-Technical-Consulting Award Reports," – published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "State Register." Individual copies are \$7.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$50.00, a savings of about \$15.00 over the cost of purchasing them individually. Appears monthly. Order stock number 90-15. Available in hard copy format only.

No refunds. By purchasing the On-Line access you are agreeing to not redistribute without authorization.

Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. Publication Number 326630 (ISSN 0146-7751). Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

## FOR LEGISLATIVE NEWS

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

### SENATE

**Briefly-Preview**—Senate news and committee calendar; published weekly during legislative sessions.

**Perspectives**—Publication about the Senate.

**Session Review**—Summarizes actions of the Minnesota Senate.

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

### HOUSE

**Session Weekly**—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.

**Session Summary**—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

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

## Minnesota Rules: Amendments & Additions

Vol. 19 - issues # 1-10 inclusive..... 476

### Proposed Rules

#### Administration Department

Minnesota building code..... 514 ✓

#### Agriculture Department

Agricultural inspectors..... 544

#### Public Safety Department

Uniform tag for dangerous dogs ..... 548

### Adopted Rules

#### Pollution Control Agency

Ambient air quality standards ..... 550 ✓

#### Water and Soil Resources Board

Reinvest in Minnesota conservation reserve and permanent wetlands preserve programs ..... 550

### Withdrawn Rules

#### Administration Department

Minnesota state building code ..... 551

### Revenue Notices

#### Department of Revenue

Revenue Notice #94-22: Tax exempt entities - Grounds for revocation of 501(c)(3) status under Minnesota law..... 552

### Official Notices

#### Administration Department

*State Register* Index Available for Volume 18..... 553

#### Minnesota Comprehensive Health Association

Meeting of Ad Hoc Committee on request for proposal for writing carrier contract..... 553

Meeting of the board of directors..... 553

#### Finance Department

Availability of tax exempt bonding authority..... 553

Revisions to tax exempt bonding application and issuance forms ..... 554

#### Human Services Department

Meeting of Advisory Committee on Organ and Tissue Transplants..... 554

#### Labor and Industry Department

Correction to prevailing wage rates ..... 554

Prevailing wage certifications for commercial construction projects..... 554

#### Ombudsman for Mental Health and Mental Retardation

General meeting of the advisory committee ..... 555

#### Pollution Control Agency

Intent to issue a statewide general permit governing facilities composting less than 1,500 cubic yards of petroleum contaminated soil ..... 555 ✓

Opinion sought on rules for air emission permits and monitoring and testing requirements ..... 556 ✓

Opinion sought on rules for individual sewage treatment systems and a licensing program for persons that install and maintain individual sewage treatment systems..... 557 ✓

#### Minnesota Property Insurance Placement Facility

Meeting of the board of directors..... 558

#### Secretary of State

Vacancies in multi-member agencies ..... 559

### State Grants

#### Human Services Department - Aging Board

Funds available for the senior nutrition program..... 565

### Professional, Technical & Consulting Contracts

#### Economic Security Department

Proposed contracts for federal fiscal year 1995 for a) braille textbook format consultant and trainer/certifier of volunteer braille transcribers, b) contracts for reader services, and c) contracts for driver services ..... 565

#### Investment Board

Proposals sought for insurance company 401(A) vendors .... 567

#### Public Service Department

Proposals sought for consultants to evaluate an environmental externality cost study..... 567 ✓

#### Transportation Department

Proposals sought for consultants for final roadway design plan..... 569

Proposals sought for cost sharing partners for intelligent vehicle highway systems..... 570

### State Contract, RFPs & Advertised Bids:

Commodities and requisitions are advertised in the *State Register Contracts Supplement*, published every Tuesday, Wednesday and Friday.

For subscription information call 612/296-0931.

"Commodity Contract Awards Reports" are published every two weeks, and "Professional-Technical-Consulting Contract Awards Reports" are published monthly. Both are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

Individual awards can be obtained from the **Materials Management Helpline** 612/296-2600.

# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

## Vol. 19-Issues #1-10 inclusive

### Accountancy Board

1100.9100-.9900 (adopted) ..... 74

### Administration Department

1300.0100;.0200;.0300;.0400;.0500;.0600;.0700;.0800;.0900;.0940;.0942;.0944;.0946;.0948;.1000;.1100;.1200;.1300;.1400;.1500;.1600;.1700;.1800;.1900;.2000;.2900 s.1; 1305.0100;.0150;.0200;.0400;.0500;.0600;.0700;.0800;.0900;.1000;.1100;.1200;.1300;.1350;.1370;.1400;.1500;.1590;.1600;.1700;.1750;.1775;.1795;.1800;.1900;.2000;.2050;.2200;.2300;.2500;.2600;.2700;.2800;.2900;.3400;.3800;.3860;.3900;.4100;.4600;.4700;.4800;.4850;.5100;.5200;.5320;.5340;.5360;.5380;.5385;.5400;.5700;.5710;.5720;.5730;.5740;.5750;.5900;.6000;.6200;.6250;.6280;.6300;.6425;.6430;.6525;.6700;.6800;.6901;.6902;.6905;.6910;.6920; 1307.6821; 1355.0100 (proposed repealer) ..... 516

1300.2050;.2100;.2400;.2600;.2700;.2800;.2900;.3900;.4100;.4300;.4500;.4700;.4900;.5100;.5300;.5500;.5700;.5900; 1305.0010;.0020;.0102;.0103;.0105;.0106;.0107;.0108;.0109;.0301;.0308;.0405;.1019;.1101;.1202;.1506;.1614;.1616;.1623;.1704;.1907;.1918;.1928;.2109;.2326;.3001;.4313;.4332;.4429;.7100; 1306.0100; 1365.0050;.0100;.0200;.0300 (proposed) ..... 516

1301.0200;.0300;.0400;.0700;.0900;.1000;.1100;.1200 (adopted) ..... 75

1301.0200 s.2.4 (repealed) ..... 75

1346.0050;.0108;.0406;.0411;.0424;.0707;.0710;.0808;.0809;.0913;.1002;.1004;.1104;.1107;.1207;.1503;.1505;.1520;.1521;.1906;.2002;.2003;.2104;.2107;.2133;.2212;.2213;.2500;.2600 (proposed) ..... 133

1346.0403;.0706;.0906 (proposed repealer) ..... 133

1360.0100;.0200;.0300;.0400;.0800;.0900;.1300;.1500;.1600;.1800;.1900;.2000;.2500;.2600;.2700;.2800;.3600 (withdrawn proposed) ..... 551

1360.0100 s.1;.0200 s.3.4.9.10.11.17.18;.0600;.0900 s.2.3.5.6;.1700;.1900 s.2;.2100;.2200;.2300;.2900;.2910;.3000;.3100 s.1.2;.3200;.3300;.3400;.3500;.3600 s.2 (withdrawn proposed repealer) ..... 551

1361.0100-.0500 (withdrawn proposed) ..... 551

### Agriculture Department

1505.0751;.0752;.0754;.0756;.0758 (proposed) ..... 545

1512.0010-.0085 (adopted) ..... 218

1520.0200;.0300;.0400;.0500;.0600;.0700;.0800;.0900;.1000;.1100;.1200;.1300;.1400;.1500;.1600;.1700;.1800;.1900;.2000;.6500; 1550.3200 (adopted) ..... 75

1520.0100;.0200 s.2,3,5-15;.2100-.5100;.7300 (repealed) ..... 75

1655.0010-.1000 (adopted exempt rules) ..... 340

### Animal Health Board

1700.2590;.2650;.2800;.2850;.2900;.2950;.3010; 1705.2400;.2430;.2434;.2440;.2450;.2460;.2470;.2472;.2474;.2476;.2480;.2482;.2500; 1715.0105;.0550;.0705;.1450 (proposed) ... 247

1705.2400 s.7;.2434 s.3;.2450 s.3;.2460 s.9;.2470 s.2a;.2472 s.3;.2490;.2510 (proposed repealer) ..... 249

### Chiropractic Examiners Board

2500.0550 (proposed) ..... 110

### Dentistry Board

3100.0100;.1150;.1160;.1700;.1750;.2000 (proposed) ..... 266

3100.0100;.2000;.4100;.4200;.4300;.4400;.4500 (proposed) ..... 266

3100.1300;.8500 (proposed) ..... 270

3100.4300 s.5,6;.4500 s.1;.4600 (proposed repealer) ..... 264

### Economic Security Department (formerly Jobs & Training)

3300.5010;.5040;.5060 (proposed emergency) ..... 76

### Education Department

3525.0200;.2900 (proposed) ..... 5

### Trade & Economic Development Department

4308.0010;.0020;.0030;.0040;.0050;.0060;.0070;.0080;.0090 (proposed) ..... 214

4309.1000 (proposed) ..... 115

4355.0100-.0500 (adopted) ..... 284

### Health Department

4625.2100; 4717.0150;.0250;.0275;.0310;.0375;.0450;.0650;.0750;.0775;.0950;.1050;.1250;.1350;.1450;.1550;.1575;.1650;.1750;.1850;.1950;.2150;.2250;.2350;.2450;.2550;.2560;.2570;.2580;.2590;.2595;.2610;.2620;.2630;.2650;.2750;.2850;.3050;.3150;.3250;.3350;.3450;.3475;.3550;.3650;.3675;.3850;.3870;.3875;.3950;.3970;.3975;.7000 (proposed) ..... 386

# Minnesota Rules: Amendments and Additions

4650.0102; .0104; .0108; .0110; .0111; .0112; .0114; .0130; .0132; .0133; .0134; .0136; .0150; .0156; .0160; .0166; .0168; .0170; .0172; .0174 (proposed).....	372	6232.3600; .3700; .3800; .3855; .4000; .4100 (adopted expedited emergency).....	158
4650.0102 s.5,7,8,11,12,16,20,21,23,27,28,32,33,34; .0112 s.4; .0116; .0118; .0120; .0122; .0150 s.4; .0152; .0176 (proposed repealer).....	372	6236.0700; .0855 (adopted expedited emergency).....	161
4651.0100-.0140 (proposed).....	310	6290.0100-.0800 (proposed).....	410
4652.0010-.0130 (proposed).....	316	<b>Board of Nursing</b>	
4717.0100; .0200; .0300; .0350; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900 (proposed repealer).....	386	6310.3600 (proposed).....	213
4717.7150; .7200; .7500; .7650; .7800 (proposed).....	272	<b>Pollution Control Agency</b>	
4717.7150 s.5 (proposed repealer).....	272	7000.0050; .0100; .0200; .0400; .0500; .0550; .0650; .0750; .0850; .0900; .1750; .1800; .1900; .2000; .2100; .2200; .5000; .7000; .9000; .9100; 7001.0110; .0125; .0130; .0140; .0500; .1000; .1400; .3000; 7007.0850; 7023.9000; 7037.1100; 7037.1300; 7047.0040; 7050.0216; .0218; .0222; 7100.0340; 7105.0110 (proposed).....	323
<b>Higher Education Coordinating Board</b>		7000.0100 s.6; .0500 s.3-7,11-12,14-15; .1000 s.2,3,5,6,8,9; .1500; .1600 (proposed repealer).....	323
4830.0100 (proposed).....	152	7007.0100; .0150; .0200; .0250; .0300; .0350; .0400; .0500; .0750; .1050; .1110; .1115; .1120; .1125; .1130; .1150; .1200; .1250; .1300; .1450; 7011.0060; .0061; .0065; .0070; .0075; .0080 (proposed).....	44
4830.7100; .7200; .7300; .7400; .7500; .7600; .7710; .7720; .7800; .7900 (emergency proposed).....	285	7009.0050; .0060; .0080 (adopted).....	550
4830.7100 s.3,4; .7400 s.8; .7500 s.1,3; .7700; 7720 s.2 (emergency proposed repealer).....	285	7080.0010; .0020; .0030; .0040; .0060; .0110; .0120; .0125; .0130; .0150; .0160; .0170; .0175; .0176; .0200; .0210 (proposed).....	413
<b>Housing Finance Agency</b>		7080.0020 s.10,22a,29,34,41,50; .0050; .0070; .0080; .0090; .0110 s.1,2,3,5; .0120 s.2; .0130 s.5; .0180; .0210 s.7,9,10-15 (proposed repealer).....	413
4900.2005 (adopted).....	157	<b>Trade &amp; Economic Development</b>	
4900.3500-.3550 (proposed).....	278	7380.0800; .0810; .0820; .0830; .0840 (proposed).....	153
<b>Labor &amp; Industry Department</b>		<b>Public Safety Department</b>	
5200.1100 (adopted).....	482	7400.0100-.6000 (adopted).....	157
5205.0010 (proposed).....	283	7417.0100; .0200; .0300; .0400 (proposed).....	548
5205.0010 (adopted).....	187	7514.0100-.2000 (adopted).....	450
5210.0680 (proposed).....	187	<b>Public Utilities Commission</b>	
<b>Medical Practice Board</b>		7829.0100-.3200 (errata).....	80
5605.0100; .0300; .0700; .0900 (proposed).....	111	7829.0100-.3200 (adopted).....	116
5605.0400; .0500; .0600 (proposed repealer).....	112	7830.0100-.4400; 7847.0010; .0020; .0100; .0110; .0120; .0130; .0140; .0150; .0200-.0320 (errata).....	80
5606.0200; .0500; .0600 (proposed).....	114	7830.0100-.4400; 7847.0010; .0020; .0100; .0110; .0120; .0130; .0140; .0150; .0200-.0320 (adopted).....	116
<b>Natural Resources Department</b>		<b>Gambling Control Board</b>	
6214.0200; .0400; 6230.0200; .0400; .0500; .0600; .0700; .0800; .1000; .1100; 6232.0100; .0200; .0300; .0900; .1000; .1600; .1900; .2450; .2550; .3600; .3700; .3800; .3900; .4000; .4100; .4700; 6234.0100; .0200; .0300; .0400; .0500; .1100; .1200; .1300; .1400; .1600; .1700; .1800; .1900; .2800; .2900; .3000; .3100; .3200; .3300; .3400; 6236.0100; .0600; .0700; .0800; .0900; .0950; .1000; 6240.0200; .1200; .1500; .1600; .1700; .1800; .1850; 6242.0500; .0600; .0800; .1100; .1200; 6252.0100; .0300; .0350; .0600; .0900; .1000; 6254.0100; .0400; .0500; .0600; 6256.0100; .0200; .0300; .0400; 6260.2500; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; 6262.0100; .0300 (proposed).....	6	7861.0010; .0040; .0050; .0060; .0139; .0140; 7865.0020 (adopted).....	156
6214.0200; .0400; 6230.0200; .0400; .0500; .0600; .0700; .0800; .1000; .1100; 6232.0100; .0200; .0300; .0900; .1000; .1600; .1900; .2450; .2550; .3600; .3700; .3800; .3900; .4000; .4100; .4700; 6234.0100; .0200; .0300; .0400; .0500; .1100; .1200; .1300; .1400; .1600; .1700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; 6236.0100; .0600; .0700; .0800; .0900; .0950; .1000; 6240.0200; .1200; .1500; .1600; .1700; .1800; .1850; 6242.0500; .0600; .0800; .1100; .1200; 6252.0100; .0300; .0350; .0600; .0900; .1000; 6254.0100; .0400; .0500; .0600; 6256.0100; .0200; .0300; .0400; 6260.2500; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; 6262.0100; .0300 (adopted).....	484	<b>Water &amp; Soil Resources Board</b>	
		8400.3000; .3030; .3060; .3110; .3130; .3160; .3200; .3210; .3230; .3260; .3300; .3330; .3360; .3390; .3400; .3460; .3500; .3530; .3560; .3600; .3610; .3630; .3700; .3730; .3830; .3870; .3930 (adopted).....	550
		8400.3030 s.8,12,13,16,18,21,22,34,35,37,38,39,41; .3100; .3430; .3530 s.3,4; .3660; .3760; .3860; .3900 (repealed).....	550
		<b>Transportation Department</b>	
		8818.0100-.0300 (adopted).....	344
		8820.2950 (withdrawn).....	290
		<b>Human Services Department</b>	
		9505.0277 (proposed).....	478
		9505.0405 (proposed repealer).....	478

## Proposed Rules

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

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

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

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

## Department of Administration

### Proposed Permanent Rules Relating to the Minnesota Building Code

#### DUAL NOTICE:

#### Notice of Intent to Adopt a Rule without a Public Hearing unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

**Introduction.** The Department of Administration, Building Codes and Standards Division intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however 25 or more persons submit a written request for a hearing on the rules within 30 days or by October 7, 1994, a public hearing will be held on October 19, 1994. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after October 7, 1994 and before October 19, 1994.

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

Peggi White  
Building Codes and Standards Division  
408 Metro Square Building  
7th and Robert Streets  
St. Paul, Minnesota 55101  
612-296-4626  
TTY/TDD: Twin Cities 612-297-5353 or;  
Greater Minnesota 800-657-3529 and ask for voice number

**Subject of Rule and Statutory Authority.** The proposed rule is about adoption of amendments to the Minnesota State Building Code. The proposed rules include adoption by reference of the *1994 Uniform Building Code* as published by the International Conference of Building Officials in Whittier, California. The statutory authority to adopt the rule is *Minnesota Statute* 16B.61 subdivision 1. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:00 p.m. on October 7, 1994, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. A free copy of the rule is available upon request from Peggi White.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:00 p.m. on October 7, 1994. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

**Modifications.** The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and as printed in the *State Register* and must be

supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for October 19, 1994, will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Peggi White at 612-296-4626 Voice or TTY/TDD Twin Cities 612-297-5353 or Greater Minnesota 800-657-3529 and ask for voice number, after October 7, 1994 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on October 19, 1994, at the Sheraton Midway Hotel located at 400 North Hamline Avenue, St. Paul, Minnesota, beginning at 9:00 a.m., and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Judge Bruce D. Campbell. Who can be reached at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401-2138, 612-341-7602.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing to any new information submitted within five business days after the comment period ends. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day response period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, section 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations.** In preparing these rules, the Building Codes and Standards Division has considered the requirements of *Minnesota Statutes*, section 14.155, in regard to the impact of the proposed rules on small businesses. The proposed rules favorably affect small businesses in that none of the reporting requirements, schedules, or deadlines identified in items (a), (b), or (c) are applicable to chapters 1300, 1305 or 1365. See comment regarding items (d) and (e) in the Statement of Need and Reasonableness.

**Expenditure of Public Money by Local Public Bodies.** Pursuant to *Minnesota Statutes* section 14.11, subd. 1, the expenditure of public money will not exceed \$100,000 in either of the two years following the adoption of these rules.

**Impact on Agriculture Lands.** Pursuant to *Minnesota Statutes*, section 14.11, subd. 2, the adoption of these rules will not have any impact on agricultural land.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be direct to the Ethical Practices Board at First Floor Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, 612-296-5148.

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

**Adoption Procedure After the Hearing.** If a hearing is held, after the close of the hearing record, the administrative law judge

**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

will issue a report on the proposed rule. You may request to be notified 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 rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 18 August 1994

Debra Rae Anderson  
Commissioner

## Statement of Need and Reasonableness

### I. Introduction

The Commissioner of the Minnesota Department of Administration proposed to adopt amendments to chapters of the Minnesota State Building Code entitled 1300, Code Administration; 1305, Adoption of the Uniform Building Code by Reference; 1365, Appendix on Snow Loads. In addition to substantive changes, reorganization and grammatical changes are proposed to improve clarity and to conform with current style requirements.

The present Minnesota State Building Code Rules, 1990 printing effective July 16, 1990, includes *Minnesota Rules* 1300.0100 to 1300.3100; 1305.0100 to 1305.7100 which includes adoption by reference of the 1988 edition of the Uniform Building Code as promulgated by the International Conference of Building Officials in Whittier, California; and 1365.0200 to 1365.0800. The proposed rules contain certain amendments to the Minnesota State Building Code and includes adoption by reference of the 1994 edition of the Uniform Building Code (UBC).

The department began the present rule notification process on July 8, 1991 publishing a note in the *State Register* (16 S.R. 68) soliciting opinions and information from the public on the rules regarding the Minnesota State Building Code.

### II. Statement of Agency's Statutory Authority

The commissioner's authority to adopt the rule amendments is set forth in *Minnesota Statute* 16B.61 subdivision 1, which states:

**"Subdivision 1. Adoption of code.** Subject to sections 16B.59 to 16B.73, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of state-owned buildings, governing matters of structural materials, design and construction, fire protection sanitation, and safety. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgement. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to 16B.73, the commissioner shall administer and enforce the provisions of those sections."

### III. Statement of Need

It is necessary to adopt the 1994 edition of the Uniform Building Code in order to remain in keeping with the legislative intent of *Minnesota Statute* 16B.61 subdivision 1 to "... conform insofar as practicable to model building codes generally accepted and in use throughout the United States." The 1994 edition incorporates revisions to the 1988 edition that are needed to address changes in technology, materials, and methods of construction. In addition, the *1994 Uniform Building Code* has been totally restructured and renumbered in order to align with the other two model building codes in use throughout the United States. Therefore, it is necessary that all of the present Minnesota amendments either be renumbered and retitled accordingly or repealed.

Various elements of the proposed rules are to be repealed, revised, or contain an entirely new rewrite or section. In order to reduce confusion in locating one of the wide variety of amendments to the UBC currently found in Chapter 1305, much of the material is being reorganized into various separate chapters of *Minnesota Rules*. In addition, many amendments in chapter 1305 are being relocated because the subject of some of the amendments is not dealt with in the UBC and is, therefore, more appropriately addressed in a separate chapter of *Minnesota Rules*. Others are relocated simply to reduce the number of amendments to the UBC. It is hoped this reorganization will make it easier for the user to locate those amendments that are particular to either the UBC or state of Minnesota and enable the division to adopt future editions of the UBC more quickly and efficiently without the usual task of modifying existing amendments.



These proposed changes in the rule are needed to produce a current building code that best governs the safe and efficient design and use of buildings being constructed and remodeled in Minnesota. The need and reasonableness of each rule will be discussed in part IV.

#### **IV. Statement of Reasonableness**

*Minnesota Statutes* Chapter 14 requires the agency to make an affirmative presentation of facts establishing the reasonableness of the proposed rules. This means that the agency must set forth the reasons for its proposal, and the reasons must not be arbitrary or capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness means that the solution proposed by the department is appropriate. The reasonableness of the proposed rule is discussed below.

##### **A. Reasonableness of the Rules as a Whole**

The proposed rules are reasonable because they adopt by reference the *1994 Uniform Building Code* (UBC), a "model code" that is widely used throughout parts of the mid and western United States. This fulfills the legislative directive of *Minnesota Statute* 16B.61 subdivision 1 referenced in the Statement of Need in part III. The proposed amendments are also reasonable because many incorporate items that may not be addressed in the UBC but are otherwise required by *Minnesota Statute*, other state agency rules or determined necessary by the commissioner. The reasonableness of each rule is discussed below.

##### **B. Reasonableness of Individual Rules**

#### **1. MINNESOTA BUILDING CODE, CHAPTER 1300**

##### **1300.2050 Title**

It is necessary in this first rule part of the first chapter of the Code, that the reader comprehend what constitutes the Minnesota State Building Code. This is reasonable because the language is patterned after previous rule part 1300.1200 which is being repealed while the second sentence of 1300.1200 is being more appropriately located in part 1300.2100 subpart 2, application.

##### **1300.2100 Purpose and Application**

**Subpart 1. Purpose.** Because this chapter will now contain technical requirements apart from the administration of the code, it is necessary that this be reflected in the purpose. Because the legislature has added 16B.75 regarding the Interstate Compact on Industrialized/Modular Buildings, the statutory reference is extended to 16B.75.

**Subpart 2. Application.** The last sentence added to this part was taken from 1300.1200 and changed to reference only chapter 1 of the UBC. This is reasonable because chapters 1, 2, and 3 have been consolidated into chapter 1 of the *1994 Uniform Building Code*. The language added to the first sentence is necessary to clarify that there are areas in the state where the code does not apply due to the referendum referenced in *Minnesota Statutes* 16B.72 and municipalities under a 2500 population in 16B.73.

##### **1300.2400 Definitions**

**Subpart 2a. Adult day care center.** This definition is needed in the building code because Department of Human Services rules part 9555.9730 identifies what types of adult day care centers constitute the classifications of Group E Division 3 and Group I occupancies as defined in the Uniform Building Code. The rule is reasonable because the occupancy classifications are compatible with the Uniform Building Code and consistent among these agency rules.

**Subpart 3a. Balcony, Exterior Residential.** This definition is necessary to distinguish a residential balcony from a residential deck as now identified in Table 16-A of the Uniform Building Code. This is needed to address the different live load requirements for each. It is reasonable because the size limitation is consistent with ANSI/ASCE standard 7-88 and the height limitation is consistent with the threshold for a guardrail as identified in section 509 of the Uniform Building Code.

**Subpart 6. Code.** It is necessary that this subpart be updated in order to reference the titles of new chapters being added to the code and new titles being given to some existing chapters. This is reasonable because all of the chapters of the code constitute the code and, therefore, must be included and identified.

**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

---

**Subpart 6a. Deck, Residential.** This definition is both needed and reasonable for the same reasons given in subpart 3a. See comment to 3a.

**Subpart 7a. Family day care home.**

**Subpart 7b. Group family day care home.** These definitions are derived from *Minnesota Statute* 16B.61 subdivision 3(e) and Chapter 9502 of *Minnesota Rules*. They need to be identified in the state building code in order to assist the building official in correctly classifying these uses. The definitions are reasonable as they are compatible with the definitions in the Minnesota Uniform Fire Code and Chapter 9502 of the Department of Human Services rules.

**Subpart 8a. Manufactured Home.** This definition is needed to ensure that manufactured homes will be afforded the same fire protection as conventional site-built homes should they be placed next to a dissimilar use, such as a garage. The definition is reasonable because the requirement that they be considered Group R, Division 3 occupancies is compatible with that required in the Uniform Building Code for site-built single family dwellings and the definition referenced in *Minnesota Statute* 327.31 subdivision 3.

**Subpart 10. Municipality.** It is necessary that this definition be changed to include "state licensed facilities" because the definition has been changed accordingly in *Minnesota Statute* 16B.60 Subdivision 3 during the 1994 legislative session.

**Subpart 10a. Recyclable materials.**

**Subpart 10b. Recycling.** These definitions are relocated from part 1305.1370. This is reasonable because the subject of recycling is not dealt with in the UBC. See comment in Statement of Need.

**Subpart 10c. Supervised living facility.** The definitions of "supervised living facility" are being relocated from part 1305.1400. This is reasonable because this type of facility is not specifically regulated in the UBC. See comment in Statement of Need.

The definitions of "class A-1", "class A-2", and "class B" have been modified and expanded to include the corresponding occupancy designations of the UBC referenced in the rule parts stated below. It is necessary to consolidate these classifications here so that there is no confusion as to the correct occupancy classification of these Minnesota licensed facilities. This is reasonable because the occupancy classifications have been established by *Minnesota Rule* parts 4665.0500, 1305.2500, and 1305.3400 and *Minnesota Statute* 144.50 Subdivision 6.

It is necessary that the definitions of "class B-1", "B-2" and "B-3" be added to the rule in order to correlate with the occupancy classifications of *Minnesota Statute* 144.50 subdivision 6 and 144A.48 subdivision 6 and eliminate confusion over their proper UBC occupancy classification. This is reasonable because the rule is based on *Minnesota Statutes*.

**Subpart 11. State Building Official.** It is necessary to change the definition of state building inspector to state building official because the statutory reference in chapter 16B changed during the 1994 legislative session.

**Subpart 11a. State Licensed Facilities.** It is necessary that this definition be added here because it has been added to *Minnesota Statute* 16B.60 subdivision 11 as well as to the definition of Municipality in *Minnesota Statute* 16B.60 subdivision 3. This occurred during the 1994 legislative session.

**Subpart 14. Uniform Building Code.** UBC is changed to Uniform Building Code because the Uniform Building Code is the term used in this chapter. Reference to the specific adopted edition is now tied to the adoption by reference in part 1305.0010.

**Subpart 15. Ventilation.** This definition is needed because the word is used frequently throughout the code. It is reasonable because it is identical to the definition already incorporated in chapter 7670 and the referenced standard, ASHRAE 62-89.

**1300.2600 Application for Appeal**

**Subpart 1. Form of request.** Striking the word "working" is necessary to align this rule part with the authorizing Minnesota Statute, 16B.67, which states that an appeal may be made within 180 days, meaning calendar days.

**1300.2700 State Surcharge Fees**

**1300.2800 Minnesota State Building Code Information and Assistance**

References to state building inspector have been changed to state building official. See comment to part 1300.2400 subpart 11.

**1300.2900 Optional Administration**

**Subpart 1.** This material is being deleted in order to eliminate confusion and duplication over what constitutes the Minnesota State Building Code since 1300.2400 subpart 6 already defines the composition of the state building code. Part 1300.2900 exists only to identify which chapters of the code are optional for those municipalities that have adopted the code.

**Subpart 2.** Item A currently exists as an optional appendix chapter to the Uniform Building Code as identified in part 1305.6905. It is being relocated to a separate chapter of *Minnesota Rules* because it is a Minnesota amendment and has nothing to do with the Uniform Building Code. This is necessary to reduce confusion over its application as an optional adoptable chapter of the Minnesota State Building Code and not part of the sprinkler requirements of the UBC.

#### **1300.3900 Restroom Facilities in Public Accommodations**

*Minnesota Statute* 16B.615(1994) requires the commissioner to adopt rules to implement the law requiring a ratio of water closets for women to the total of water closets for men of at least three to two. With the incorporation of a new plumbing fixture schedule in part 1305.0020, this minimum ratio is achieved with a ratio closer to three to one for most of the assembly occupancies described.

#### **1300.4100; Space for Commuter Vans**

As this subject is not regulated by the UBC, it is being relocated from 1305.2000. Because some of these facilities are designed without consideration given to the height necessary to accommodate these types of vehicles, it is necessary that the vertical clearance be identified consistent with that required in the Americans with Disabilities Act.

#### **1300.4300 Roof Covering — Severe Climate**

This part is being relocated from parts 1305.5710, 1305.5720, 1305.5730, and 1305.5740. It is necessary to reduce this duplication of amendments by organizing them here in a single reference apart from an amendment to the UBC. See comment in second paragraph of Statement of Need. This is reasonable because there will be no change in the scope or application of the requirement.

#### **1300.4500; Roof Access**

This rule is being relocated from part 1305.1750 as part of an overall effort to remove amendments to the UBC in areas that the UBC does not regulate. This is reasonable as it allows the reader to more easily distinguish this requirement as a Minnesota code provision. A few modifications to the rule were necessary to correct references to the Uniform Building Code and the Minnesota State Mechanical Code. The requirements have been labeled here as paragraphs A, B and C. Paragraphs A and B are identical to that previously located in *Minnesota Rule* 1305.1750 except for the code references.

Paragraph "C" deletes the specific standards for installation previously found in 1305.1750, and instead refers to the appropriate mechanical and electrical codes. The change eliminates conflict between these provisions.

#### **1300.4700 Recycling Space**

This part is necessary in order to satisfy the provision of *Minnesota Statute* 16B.61 Subdivision 3a that requires the code to mandate suitable space for the separation, collection, and temporary storage of recyclable materials.

The research and drafting of the language was accomplished through a voluntary joint effort between representatives from the Association of Recycling Managers (ARM), including Jean Buckley of the City of Bloomington, Andy Costellano of the City of Minneapolis, Fred Patch, Building Official for the City of Brooklyn Park, and Ann Bernstein and Bill Dunn of the Minnesota Office of Waste Management (OWM). The team offers this proposal with the belief that it provides reasonable guidelines for the minimum amount of space needed for storage of recyclable materials in various types of buildings.

The space requirements were based on primary research on space needs in local buildings, as well as research into other state and local government guidelines for recycling space allocation. This research is detailed in the following paragraphs.

**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 primary research on space needs in local buildings was performed by recycling managers who surveyed building owners and managers of organizations with successful recycling programs. A variety of organizations were consulted, including large and small office buildings, apartment buildings, a hotel, various eating establishments, retail malls, a theater, grocery store, and warehouse, and public buildings such as a school, library, and a sports stadium (the Metrodome). The results were used to provide guidelines for the development of the final numbers provided in the enclosed proposal. The team recognizes that the surveyed buildings do not constitute a representative sample of buildings in Minnesota, but agrees that they provide examples of successful use of space for recycling.

Research was conducted to determine if other states have passed similar legislation requiring building space to be allocated for recycling purposes. No other states were found to have laws directly requiring buildings to allocate space for recycling, or laws specifying the amount of space to be allocated.

A California law requires cities and counties to adopt ordinances which establish space requirements for recycling in development projects, and declares that an ordinance developed by the California Integrated Waste Management Board (CIWMB) took effect on September 1, 1993, for communities that do not adopt an ordinance by then. According to CIWMB staff, however, the California model ordinance will not contain specific space requirements, but rather will use a performance-based measure which would be effectively the same as Minnesota's current law. We did obtain ordinances from several California counties and cities that require specific amounts of space to be allocated for recycling. A comparison of these ordinances showed that the space requirements vary widely in approach and amount of space required. When compared with the space requirements proposed for Minnesota, the figures proposed for Minnesota seem to fall within the low end of the range.

There does not appear to be a consensus of opinion regarding the "correct" amount of space needed for recycling. Most agree that the amount of space needed will vary according to individual circumstances of building usage and availability of recycling opportunities. In the absence of exhaustive research, the team has proposed minimum space requirements we consider to be reasonable.

### **1300.4900 Special Egress Devices — Group E Occupancies**

This rule part is needed because security within public schools has become a major concern to many school districts, both from a property preservation point of view, but more importantly, a personal physical safety point of view for the students and faculty. The public is demanding and expects that protection provided them in schools should include some level of security, and this is being supported by numerous court decisions. As a means to achieve this goal, access control systems are currently being installed in thousands of buildings. However, these access control systems are being installed in violation of the code as they prevent required means of egress. Therefore, it is necessary that the code allows for provision of an adequate level of security without jeopardizing the egress capabilities of the occupants. We believe the proposed amendments clearly provide a higher level of safety than the alternative of uncontrolled, unregulated or unenforced locked doors used in a means of egress. It is better to regulate a safe means of locking to provide an adequate level of security desired by school districts than the alternate method of unregulated locking arrangements.

These subparts are patterned after revised Proposal (Log #247) to the 1994 Life Safety Code (NFPA 101 Chapter 5-2.1.6) and the 1993 Minnesota Uniform Fire Code, Appendix II-H "Standards for Egress-Control Devices in Educational Occupancies." Additional requirements have been added so that the language is consistent with the requirements of Section 1004.5 of the 1994 *Uniform Building Code*. The following were also used in the development of the proposed amendments: "Fire in Minnesota 1992," "Guidelines for Locked Patient Areas in Health Care Facilities," State Fire Marshal Division, Department of Public Safety, and letters this division received from design professionals. Developing language based on these documents is reasonable since they are recognized standards that protect life safety in situations of fire and panic.

### **1300.5100 Use of Buildings by Lower Grades**

It is necessary that this rule part be included as part of the code because *Minnesota Statute* 123.36 subdivision 15 now specifically regulates the use of buildings by lower grades and states in paragraph (d) that it "supercede(s) any contrary provisions of the state fire code or state building code and rules relating to those codes must be amended by the state agencies having jurisdiction of them." Since section 305.2.3 of the UBC does not address the use of buildings by lower grades in this way, it is necessary to include the new rule part in order to implement the statute. This is reasonable because the applicable language is an extract from the referenced statute.

### **1300.5300 Corridor Construction**

This rule part is being titled, renumbered, and relocated from part 1305.5900 in order to distinguish the provision

as a requirement of the state building code and not an amendment to the UBC. Only the occupancy group designations have been changed to reflect the corresponding designations in the 1994 UBC.

**1300.5500 Footing Depth for Frost Protection**

This section has been titled, renumbered, and reorganized from part 1305.5400 so that the rule will stand alone as a provision of the state building code instead of an amendment to the UBC. This is needed to clearly distinguish the provision as a Minnesota requirement and reduce potential conflict with future changes in the language of section 1806 of the UBC. It is reasonable because the intent of the current requirement does not change as the first paragraph of the existing rule remains in the UBC while the rest of the material is located in this new rule part.

**1300.5700 Radial Ice on Open Frame Towers**

This section is being relocated from part 1305.4800 because this subject is not specifically regulated in the UBC. No changes in the language have been made.

**1300.5900 Automatic Garage Door Opening Systems**

This rule part is required to be included in the code by *Minnesota Statute* 16B.61 subdivision 3(k). It is reasonable to simply reference the specific requirements located in *Minnesota Statute* sections 325F.82 and 325F.83 instead of repeating them. The specific statutory requirements will be reprinted into the supplemental/informational pages of the state building code.

**2. ADOPTION OF THE UNIFORM BUILDING CODE, CHAPTER 1305**

**1305.0010 Adoption of the Uniform Building Code by reference**

The change in the year and chapter numbers of the UBC are needed to reflect the correct edition and new chapter range of the Uniform Building Code (UBC) proposed for adoption. A specific range of rule numbers is proposed to more accurately reflect that all but the first two rule parts consist of amendments to the UBC. This means that the last four digits of each rule part number corresponds to the particular amended section of the UBC. This part replaces part 1305.0100.

In addition, the adoption by reference of the UBC is qualified due to the amendments needed in chapter 1305 and the provisions cited in chapters 1300 and 1365 of *Minnesota Rule*.

**1305.0020 Appendix Chapters**

The title of this rule part is changed from part 1305.0150 to clarify its purpose of identifying required and optional appendix chapters. Because the chapter numbers changed in the 1994 UBC, it is necessary to renumber the referenced appendices accordingly.

**Subpart 1.** Two new required appendix chapters have been added. Appendix chapter 3 division I, Detention and Correction Facilities, is needed to better regulate detention and correction facilities. Current code provisions do not adequately address the life-safety needs of this specialized type of facility. The provisions are reasonable because they have been amended where necessary in part 1305.4031 to correlate with the rules of Minnesota's Department of Corrections. Appendix chapter 29, Minimum Plumbing Fixtures, is needed to replace part 1305.1795 that is being repealed. Current provisions of 1305.1795 do not provide an adequate minimum number of fixtures in some occupancies such as those in public assembly facilities. The provisions in this appendix chapter will satisfy the new statutory requirement ratio referenced in proposed part 1300.3900 for water closets in areas of public accommodation. The proposed rule is reasonable because it provides a realistic minimum number of required plumbing fixtures in all occupancies that is based on established national standards.

**Subpart 2.** The reference in Part B, Special Fire Suppression Systems, is being relocated from current rule part 1305.0150 to *Minnesota Rule* part 1300.2900 subpart 2.A. in order to clarify its application as an optional chapter of the Minnesota State Building Code and not the Uniform Building Code.

Current provisions in the main body of the code adequately address the installation of new roof coverings applied to new buildings. However, "reroofing" is not specifically regulated. Therefore, it is necessary that appendix chapter 15, "reroofing", be added as an option for those primarily aging cities to use in regulating the

**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

---

application of new roof coverings onto existing buildings. Appendix chapter 15 sufficiently regulates this subject in conjunction with the roof covering provisions in chapter 15 of the main body of the code.

### **1305.0102 Section 102 Unsafe Buildings or Structures**

The only change from previous rule part 1305.0400 is that all of the UBC language is being dropped from the rule. This is reasonable because the material omitted from part 1305.0400 will still appear in the UBC while the state amendment appears in this rule part exactly as it is written in 1305.0400.

### **1305.0103 Section 103 Violations**

This is the same as previous rule part 1305.0600. Only the rule number and title have changed.

### **1305.0105 Section 105 Board of Appeals**

This is the same as previous rule part 1305.0500. Only the rule number and title have changed.

### **1305.0106; Section 106.2 Work Exempt from Building Permit**

This is the same as previous rule part 1305.0700. Only the rule number and title have been changed.

### **1305.0107; Section 107.3 Plan Review Fees**

The reference in UBC section 107.3 to Table 1-A is being omitted because section 107.1 allows, in lieu of Table 1-A, local governments to adopt their own fee schedule. The exception has been added here to allow local governments to charge less than 65 percent for a plan review fee when their administrative cost of residential plan review is typically less. This is reasonable because the code has by *Minnesota Rule* permitted local government to establish their own permit fee schedules. In addition, it is not uncommon that certain prevalent housing types built in much of greater Minnesota require significantly less time to plan review than what is recovered through the required plan review fee.

### **1305.0108; Section 108.5 Required Inspections**

The major change from previous rule part 1305.0900 is that all of the UBC language is being dropped from the rule. This should make it clear to the reader that only three specific required inspections are being added or modified. This is reasonable because the material omitted from part 1305.0900 will still appear in section 108 of the UBC.

### **1305.0109; Section 109 Certificate of Occupancy**

This material is being reorganized from part 1305.1000 in order to make it clear to the reader that only the exception portion of this UBC section is being amended. This is reasonable because the material omitted from previous rule part 1305.1000 will still appear in section 109 of the UBC. It was necessary to add manufactured homes to the exception because they are single family homes as are Group R Division 3 occupancies, but are not specifically included in the R-3 category by definition.

### **1305.0301; Table 3-A Description of Occupancies by Group and Division**

It is necessary that the appropriate references of this section be redesignated according to the 1994 UBC. The material omitted from previous rule part 1305.1500 is being relocated to the more appropriate definition section of 1300.2400. These changes are reasonable because the provisions will be current and easier for the reader to access.

### **1305.0308; Group I Occupancies**

**Subpart 1.** This section replaces previous rule part 1305.2500. It is being changed to correct code references of the UBC which were changed and remove the term, "supervised living facility". As discussed under part 1305.0301, supervised living facilities will be defined and classified in part 1300.2400. In addition, division 1.2 is being added to this proposed rule because the subject matter is now included within this section of the UBC. This addition is reasonable because the language is taken directly from the UBC to address the many new outpatient surgery centers that are being constructed. Previous editions of the UBC have not adequately addressed this type of surgery facility.

**Subpart 2.** The original form of this rule, part 1305.2600, is being repealed because this section of the 1994 UBC has been modified and reformatted. Although this entire section of the UBC is reproduced here as *Minnesota Rule*, we are proposing to change only the first and last sentences of the UBC text. These changes are reasonable because they are consistent with the text of the previous rule part 1305.2600 being repealed.

It is necessary to amend the first sentence so that the requirement for a smoke barrier applies to floor levels of all Group I occupancies which have an occupant load of 5 or more. This is reasonable because it applies the same as does the current rule, part 1305.2600, which is being repealed.

The last sentence of subpart 2 is also being added back in to remain consistent with the provisions of the current rule. Because the UBC now defines "smoke exhaust system", this term is more appropriate to use when describing the required system than the current, "ventilation system". In addition, it was necessary to define "openings to the exterior" as used in the current rule. Therefore, the proposed language is reasonable because it clearly defines operable or fixed windows as an alternate to the "smoke control system".

**Subpart 3.** It is necessary to delete the last sentence of this section because it conflicts with the established rules of the Department of Corrections and State Fire Marshal which permit the use of Class I carpet in certain restrained areas. This is reasonable because *Minnesota Statute* 241.021 subdivision 1(2), requires that state agencies ensure that their minimum standards are substantially the same as the other governing agencies. In addition, this division believes the proposed rule does not lessen needed fire protection.

#### **1305.0405; Section 405 Stages and Platforms**

It is necessary to amend this provision of the UBC by changing the "and" after the word "overhead" to "or" in order to correct a grammatical error in the UBC language. This is needed so that the many stages less than 50 feet in height that are being constructed with all of the curtains, drops, and stage effects, etc., are regulated as required for a legitimate stage.

#### **1305.1019; Section 1019.6 Hardware, Group I Occupancies**

This rule is needed because security within health-care facilities has become a major concern to facility owners, operators, licensing agencies, and patient's families, from a patient's personal safety point of view. The public is demanding and expects that protection provided them in a building should include some level of security, and this is being supported by numerous court decisions. As a means to achieve this goal, access control systems are currently being installed in thousands of buildings. However, these access control systems are being installed in violation of the code. Therefore, it is necessary that the code allows for provision of an adequate level of security without jeopardizing the egress capabilities of the occupants. We believe the proposed amendments clearly provide a higher level of safety than the alternative of uncontrolled, unregulated or unenforced locked doors used in a means of egress. It is better to regulate a safe means of locking to provide an adequate level of security desired by building owners and occupants than the alternate method of unregulated locking arrangements.

This rule is reasonable because it is patterned after the Minnesota State Fire Marshal's "Guidelines for Locked Patient Areas in Health Care Facilities". The proposal has been modified to be consistent with the wording and structure of the UBC and to provide the level of security desired by building owners per letters received from design professionals.

#### **1305.1101; Chapter 11 Accessibility**

It is necessary to delete the accessibility provisions of UBC Chapter 11 because accessibility for the disabled is regulated by chapter 1340 of *Minnesota Rules*.

#### **1305.1202; Section 1202.2 Ventilation**

**UBC Section 1202.2.4.** It is necessary to amend the ventilation rate for H-4 occupancies because the requirement in the current code was found to be excessive. Prior to July 15, 1990 the ventilation rate was 3/4 cfm per square foot. When Minnesota adopted a new mechanical code on that date, the new ventilation rate prescribed by the code was 1 cfm per square foot. Experience has shown the increased ventilation rate to be excessive, both in terms of energy consumption and equipment costs. Therefore, it is reasonable that this rule part be included to reflect a minimum, satisfactory, and cost effective ventilation rate.

**UBC Section 1202.2.7.** Current *Minnesota Rule* part 1300.1900 specifies the minimum required ventilation rate of 3/4 cfm per square foot for Group S division 3 (B-1) parking garages. Because the ventilation requirements of the UBC have been relocated and reformatted, therefore, eliminating UBC 705, it is necessary to repeal *Minnesota Rule* part 1305.1900 that referred to it, yet retain the substance here. This is reasonable because the ventilation rate remains the same.

#### **1305.1506 Section 1506 Roof Drainage**

**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 only substantive change from previous rule part 1305.5700, is replacing the term "roof drains" with "roof drain lines" as is now shown in the 1994 UBC. This was necessary to clarify that overflow drain lines must be independent from roof drain lines and not just from roof drains. These modifications are reasonable because now both the UBC and *Minnesota Rule* are clarified to reflect the original intent. In order to make the amendment to the UBC easier to locate in rule, it was necessary and reasonable to delete the text in previous *Minnesota Rule* 1305.5700 that appears in the UBC.

### **1305.1614; Section 1614 Wind Design Definitions**

Minnesota's Structural Advisory Committee determined that no part of Minnesota would fall into the exposure "D" category. Therefore, it is necessary that this exposure factor be deleted in order to prevent any misapplication. Exposures "B" and "C" comprehensively represent the wind exposures throughout the state, so "D" is unnecessary.

### **1305.1616; Section 1616 Basic Wind Speed**

The second sentence of this amendment in part 1305.4800 is omitted because the information is already contained within section 1615 of the UBC. The last sentence is being deleted in order to defer to the language of UBC section 1622. These modifications are needed to reduce confusion in the rule as to what is being amended.

### **1305.1623; Section 1623 Occupancy Categories**

This is the same as previous rule part 1305.4850. Only the rule number and title have changed.

### **1305.1704; Section 1704 Prefabricated Construction**

It is necessary to delete this section of the 1994 UBC because prefabricated construction in Minnesota is regulated by *Minnesota Rule* chapters 1360 and 1361.

### **1305.1907; Section 1907 Corrosive Environments**

This is the same as previous rule part 1305.5340. Only the rule number and title have changed.

### **1305.1918; Section 1918 Prestressed Concrete**

*Minnesota Rule* parts 1305.5360 and 1305.5380 are being titled, renumbered and reorganized in order to align with the format of UBC section 1918.14. No other changes from parts 1305.5360 and 1305.5380.

### **1305.1928; Table 19-A-8 Corrosion Preventive Coating**

This is the same as previous rule part 1305.5385. Only the rule number and title have changed.

### **1305.2109; Section 2109 Empirical Design of Masonry**

This is a new rule that is needed to recognize a commonly used design method for masonry construction currently permitted by the UBC. Section 2109 of the 1994 UBC has been changed to now only apply in areas where the design wind speed is less than 80 mph. This amendment to permit its application is reasonable because the current provisions have been used successfully in Minnesota for many years with a design wind speed of 80 mph.

### **1305.2326; Section 2326 Blocking**

This is the same as previous rule part 1305.5320. Only the rule number and title have changed.

### **1305.3001; Chapter 30 Elevators, Dumbwaiters, Escalators, and Moving Walks**

It is necessary to delete this section of the UBC because elevators and other similar devices are regulated by *Minnesota Rules* 1305.5100 through 1305.5118, now proposed for chapter 1307.

### **1305.4313; Appendix Chapter 3 Division I - Detention and Correctional Facilities**

These proposed amendments are needed to maintain the intent of smoke control within Group I, Division 3 occupancies while recognizing that practical difficulties are involved in meeting the strict letter of the code in the climatic conditions encountered in Minnesota (i.e. the requirement that smoke management provide for 100% supply to all floors with returns closed in all zones adjacent to zone of smoke generation at not less than eight air changes per hour). We believe the intent of the UBC requirement for smoke management was for the multi-tiered cell complex only. Appendix chapter 3 (1991 Appendix chapter 10) was developed to allow the use of a multi-tiered cell design in I-3 occupancies. Previously the code would not allow levels to be open to each other in an I-3 unless designed under the provisions of an atrium or mezzanine. The physics associated with smoke development, spread and control in a multi-tiered open cell block is similar to that of an atrium. Like the provisions for an atrium; the proposed amendments recognize that a multi-tiered cell area requires the more restrictive smoke-management system, while the adjacent areas require only smoke exhaust. These amendments are rea-



sonable and were developed in consultation within the State Fire Marshal's office and the Minnesota Department of Corrections.

The following publications were also used in the development of the proposed amendments:

"New Correction Facilities." NFPA 101-Life Safety Code Handbook 1991.

"Smoke Control Systems." NFPA 92A, 1992.

"Alternate Approaches to Life Safety." NFPA 101M, 1992.

"Chapter 57-Smoke Control." Uniform Building Code, 1992 Supplement.

"Fire Safety in Correctional Facilities - 1981." U.S. Department of Justice.

**1305.4332; Appendix Chapter 3 Division III - One and Two Family Dwelling Code**

This is the same as previous rule part 1305.6901. Only the rule number and title have changed.

**1305.4429; Appendix Chapter 29 - Minimum Plumbing Fixtures**

Exception 1 is being amended from the UBC in order to permit the building official the authority to determine whether or not an adjustment to the ratio is really warranted. Essentially the word "shall" is replaced with the word "may". This is reasonable because it restores the authority of the building official to administer the code in this area which is consistent with section 104 of the code. Exception 2 is necessary because studies done by the division show that an excessive amount of fixtures may result if 50 square feet per occupant is used to determine the occupant load for schools or their auditoriums. Also see comment under part 1305.0020.

**1305.7100 Special Provisions for the City of Rochester**

This rule is amended in order to reference the applicable provisions of the 1994 edition of the UBC, its corresponding occupancy designations, and numbering system.

**3. OPTIONAL FIRE PROTECTION SYSTEMS, CHAPTER 1306**

**1306.0100 Special Fire Protection Systems - Optional**

Previous rule part 1305.6905 is being relocated to a separate chapter of *Minnesota Rule* in order to identify it as an optional chapter of the state building code and not an amendment to the UBC. The only changes are as follows.

**Subpart 3 Requirements.** In order to clear up some confusion as to whether area separation walls create separate buildings for the purposes of this chapter, it was necessary to add an additional sentence. This is reasonable because the provision is consistent with the original intent that buildings are viewed in this section in their entirety, irrespective of area separation walls. In addition, the occupancy group designations have been changed to reflect the corresponding designations in the 1994 UBC. Previous item 11 is being deleted because Section 904.2.5.2 requires that H-4 occupancies over 3000 square feet be sprinklered. Items previously numbered as 12 and 13 are consolidated into new item 11 in order to reduce duplication of text and improve clarity. The deletion of text relating to alternate fire protection designs and the extent of protection required within apartment units, is deleted because this subject is dealt with in section 904.1.2 exception 3 of the 1994 UBC. This is reasonable because the UBC standard referenced in exception 3 provides protection similar to that inferred in the language being deleted.

**Subpart 4 Standard.** The existing rule does not describe the standard to which automatic sprinkler systems required by this section must be installed. Therefore, it is both necessary and reasonable that the appropriate standard, referred to in UBC section 904, be referenced here.

Jurisdictions that adopt these optional provisions often are faced with a dilemma when a building, required to be sprinklered by this section, is to be constructed in an area without a public water supply. Therefore, it is necessary that the provision be added to ensure that a valid, alternate source of water is provided to supply the fire-sprinkler system. This is reasonable because it will now be clear to the reader that there is no exception to providing an appropriate on-site source of water supply to the sprinkler system when the system is required to be installed by this section.

**Subpart 5 Substitute construction.** There has been confusion over whether a sprinkler system required by this

**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

---

section may satisfy UBC Section 508 for substitution of one-hour fire-resistive construction. This new provision is necessary to clarify that the substitution is permissible because the qualifier in 508, "When ... not required throughout a building by other sections of this code", refers only to the UBC and not this optional chapter of the Minnesota State Building Code.

### 4. BASIC SNOW LOADS, CHAPTER 1365

#### 1365.0050 Scope

Because the snow load requirements are being consolidated into one chapter as described in 1365.0100, it is necessary to add this part in order to outline its application. The last sentence has essentially been relocated from part 1305.4700 exception 1.

#### 1365.0100; Basic Snow Loads

This material is relocated from *Minnesota Rule* part 1305.4700 to chapter 1365 in order to consolidate all of the snow load requirements into one chapter and clarify when provisions for snow slide-off and drifting are applicable. This is reasonable because it results in a reduction of duplicated code provisions and does not change the intent of current rule.

#### 1365.0200 Variations of Snow Loads

It is necessary to delete the reference to the UBC because the basic snow loads are now all contained within newly proposed part 1365.0100.

#### 1365.0300 Calculating Increases or Decreases

The word "increase" is being deleted because this subpart only deals with decreases.

### V. Small Business Considerations

*Minnesota Statute* 14.115, subdivision 2 (1988) requires the department, when proposing rules which may affect small businesses, to consider the following methods for reducing the impact on small businesses;

- (a) the establishment of less stringent compliance or reporting requirements for small businesses;
- (b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- (c) the consolidation or simplification of compliance or reporting requirements for small businesses;
- (d) the establishment of performance standards for small businesses to replace design or operational standards required in rule; and
- (e) the exemption of small businesses from any or all requirements of the rule.

The division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods listed above for reducing the impact of the rules on small businesses. The adoption of these rule amendments may have some effect on small businesses in Minnesota.

Since these rules contain no scheduling, deadline, or reporting requirements, items (a), (b), and (c) are not applicable.

These rules are performance based for all uses, not just for small businesses as identified in item (d).

Item (e) is not applicable as *Minnesota Statute* 16B.59 requires the commissioner of administration to administer a state code of building construction which will provide basic and uniform performance standards for all residents of the state.

### VI. Fiscal Impact

*Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

### VII. Conclusion

Based on the foregoing, the proposed amendments to *Minnesota Rule* 1300, 1305, 1306, and 1365 are both needed and reasonable.

Date: 18 August 1994

DebraRae Anderson, Commissioner  
Department of Administration

**Rules as Proposed****1300.2050 TITLE.**

The chapters referenced in part 1300.2400, subpart 6, including the standards they adopt by reference, are the Minnesota State Building Code, and may be cited as such or referred to as the "code."

**1300.2100 PURPOSE AND APPLICATION.**

Subpart 1. **Purpose.** Parts 1300.2100 to 1300.3100 govern responsibilities undertaken pursuant to *Minnesota Statutes*, sections 16B.59 to ~~16B.73~~ 16B.75. They relate to the administration and enforcement of the Minnesota State Building Code.

Parts 1300.3900 to 1300.6300 identify requirements of the code that are mandated by Minnesota Statutes, are needed to address Minnesota's climatic conditions, or are otherwise determined necessary to provide a minimum safe level of construction.

The purpose of the code is to provide minimum standards to safeguard life and limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all structures within a jurisdiction that adopts and enforces the code, and certain equipment specifically covered by the code.

The purpose of the code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the code.

Subp. 2. **Application.** The code applies statewide except as provided for in Minnesota Statutes, sections 16B.72 and 16B.73, and supersedes the building code of any municipality. The code does not apply to ~~agriculture~~ agricultural buildings except with respect to state inspections required or rulemaking authorized.

The administrative chapter of the Uniform Building Code, chapter 1, as amended, governs the application of the code.

**1300.2400 DEFINITIONS.**

[For text of subs 1 and 2, see M.R.]

Subp. 2a. Adult day care center. "Adult day care center" means a facility that provides adult day care to functionally impaired adults on a regular basis for periods of less than 24 hours a day in a setting other than a participant's home or the residence of the facility operator.

A. "Class E" means any building or portion of a building used for adult day care purposes for those participants who are capable of taking appropriate action for self-preservation under emergency conditions as determined in accordance with part 9555.9730 and must meet Group E, Division 3 occupancy requirements.

B. "Class I" means any building or portion of a building used for adult day care purposes for those participants who are not capable of taking appropriate action for self-preservation under emergency conditions as determined in accordance with part 9555.9730 and must meet Group I, Division 2 occupancy requirements.

[For text of subp 3, see M.R.]

Subp. 3a. Balcony, exterior residential. "Balcony, exterior residential" means a balcony not greater than 100 square feet in area with a floor level more than 30 inches above grade that serves a private dwelling, apartment, or hotel guest room.

[For text of subs 4 and 5, see M.R.]

Subp. 6. **Code.** "Code" means the Minnesota State Building Code adopted under *Minnesota Statutes*, section 16B.61, subdivision 1, including chapters and includes the following chapters of Minnesota Rules:

- A. 1300, Code Administration Minnesota Building Code;
- B. 1301, Building Official Certification;
- C. 1302, Public Building Construction Approvals;
- D. 1305, Adoption of the Uniform Building Code with certain amendments;
- E. 1306, Special Fire Protection Systems;
- F. 1307, Elevators and Related Devices;
- G. 1310, Building Security;

**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

H. 1315, Adoption of the National Electrical Code; 1320, Adoption of ANSI/ASME A17.1 Safety Codes for Elevators and Escalators with certain amendments;

I. 1325, Solar Energy Systems;

J. 1330, Fallout Shelters;

K. 1335, Floodproofing Regulations;

L. 1340, Facilities for the Handicapped;

M. 1346, Mechanical Systems Adoption of the Uniform Mechanical Code;

N. 1350, Manufactured Homes; 1355, Plumbing;

O. 1360, Prefabricated Buildings; and

P. 1361, Industrialized/Modular Buildings;

Q. 1365, Appendix on Snow Loads;

R. 1370, Storm Shelters (Manufactured Home Parks);

S. 4715, Minnesota Plumbing Code; and

T. 7670, Minnesota Energy Code.

See part 1300.2900 for those chapters that may be adopted at the option of a municipality which has adopted the code.

Subp. 6a. Deck, residential. "Deck, residential" means a deck greater than 100 square feet in area or 30 inches or less above grade that serves a private dwelling, apartment, or hotel guest room.

[For text of subp 7, see M.R.]

Subp. 7a. Family day care home. "Family day care home" means a residence or portion of a residence licensed by the Department of Human Services under chapter 9502 for no more than ten children at one time of which no more than six are under school age and must meet Group R, Division 3 occupancy requirements.

Subp. 7b. Group family day care home. "Group family day care home" means any residence or portion of a residence licensed by the Department of Human Services under chapter 9502 for no more than 14 children at any one time and must meet Group R, Division 3 occupancy requirements.

[For text of subp 8, see M.R.]

Subp. 8a. Manufactured home. "Manufactured home" has the meaning given in Minnesota Statutes, section 327.31, subdivision 3, and for the purpose of determining occupancy separations, is considered a Group R, Division 3 occupancy.

[For text of subp 9, see M.R.]

Subp. 10. Municipality. "Municipality" means a city, county, or town meeting the requirements of Minnesota Statutes, section 368.01, subdivision 1, the University of Minnesota, or the state of Minnesota for public buildings and state licensed facilities.

Subp. 10a. Recyclable materials. "Recyclable materials" means materials that are separated from mixed municipal solid waste, for the purpose of recycling, including paper, glass, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subp. 10b. Recycling. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subp. 10c. Supervised living facility. "Supervised living facility" means a facility in which there is provided supervision, lodging, meals, and, in accordance with the provisions of rules of the Minnesota Department of Human Services, and the Minnesota Department of Health, counseling and developmental habilitative or rehabilitative services to persons who are mentally retarded, chemically dependent, adult mentally ill, or physically handicapped.

A. "Class A-1 supervised living facility" means a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for six or fewer persons and must meet Group R, Division 3 occupancy requirements.

B. "Class A-2 supervised living facility" means a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for more than six persons and must meet Group R, Division 1 occupancy requirements.

C. "Class B-1 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile, or non-

mobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for six or fewer persons and must meet Group R, Division 3 occupancy requirements.

D. "Class B-2 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile, or non-mobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for seven to 16 persons and must meet Group R, Division 1 occupancy requirements.

E. "Class B-3 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile, or non-mobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for over 17 persons and must meet Group I, Division 2 occupancy requirements.

Subp. 11. **State building inspector official.** "State building inspector official" means the person who, under the direction and supervision of the commissioner, administers the code.

Subp. 11a. **State licensed facilities.** "State licensed facilities" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, or correctional facility.

[For text of subps 12 and 13, see M.R.]

Subp. 14. **Uniform Building Code or UBC.** "Uniform Building Code" or "UBC" means the Uniform Building Code, as promulgated by the International Conference of Building Officials, Whittier, California, 1988 edition and as adopted by reference in part 1305.0010.

Subp. 15. **Ventilation.** "Ventilation" is the process of supplying or removing air by natural or mechanical means to or from any space. The air may or may not have been conditioned.

#### **1300.2600 APPLICATION FOR APPEAL.**

Subpart 1. **Form of request.** Under *Minnesota Statutes*, section 16B.67, a person aggrieved by the final determination of a municipality as to the application of the code may, within 180 ~~working~~ days of that determination, appeal to the commissioner. The appeal must be accompanied by a cashier's check, certified check, money order, or equivalent, payable in the amount of \$70 to the "Commissioner of Administration."

[For text of subps 2 to 4, see M.R.]

#### **1300.2700 STATE SURCHARGE FEES.**

All municipal permits issued for work under the code are subject to a surcharge fee. The fees are established by *Minnesota Statutes*, section 16B.70. Reports and remittances by municipalities must be filed with the commissioner, directed to the attention of the state building ~~inspector~~ official.

Surcharge fees imposed by the state are in addition to municipal permit fees. Surcharge report forms and information may be obtained by writing the commissioner, to the attention of the state building ~~inspector~~ official.

#### **1300.2800 MINNESOTA STATE BUILDING CODE INFORMATION AND ASSISTANCE.**

Building code information or assistance may be obtained by contacting the state building ~~inspector~~ official in writing or by telephone.

#### **1300.2900 REQUIRED AND OPTIONAL ADMINISTRATION.**

Subpart 1. [See repealer.]

Subp. 2. **Administration optional.** The following chapters of the code are not mandatory but may be adopted without change by a municipality which has adopted the code:

A. chapter 1306, special fire protection systems;

B. chapter 1310, building security; and

~~B- C.~~ chapter 1335, floodproofing regulations, parts 1335.0300 to 1335.3100, sections 200.2 to 1405.3.

**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

## 1300.3900 RESTROOM FACILITIES IN PUBLIC ACCOMMODATIONS.

Subpart 1. Ratio. In a place of public accommodation subject to this part, the ratio of water closets for women to the total of water closets and urinals provided for men must be at least three to two, unless there are two or fewer fixtures for men. This part becomes effective July 1, 1995.

Subp. 2. Application. This part applies only to the construction of buildings or structures of public accommodation or where the cost of alterations to an existing place of public accommodation exceeds 50 percent of the estimated replacement value of the existing facility.

Subp. 3. Definition. For purposes of this part, "place of public accommodation" means a publicly or privately owned sports or entertainment arena, stadium, theater, community or convention hall, special event center, amusement facility, or special event center in a public park, that is designed for occupancy by 200 or more people.

## 1300.4100 SPACE FOR COMMUTER VANS.

Every parking ramp or other parking facility must include spaces for the parking of motor vehicles having a capacity of seven to 16 persons. The number of required spaces must be determined by two percent of the gross designed parking area with a minimum of two spaces. The minimum vertical clearance of required spaces is 98 inches.

## 1300.4300 ROOF COVERING; SEVERE CLIMATE.

For the purpose of determining underlayment requirements in either the Uniform Building Code or the One- and Two-Family Dwelling Code, the entire state of Minnesota is subject to wind-driven snow and roof ice buildup.

## 1300.4500 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, which equipment will require periodic inspection, service, and maintenance in accordance with the Minnesota State Mechanical Code, chapter 1346, must meet the requirements in items A to C:

A. A stairway complying with UBC Chapter 10 or a stair leading to a scuttle or bulkhead in the roof having such equipment must be provided to make the equipment safely accessible. The stair leading to the scuttle or bulkhead 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 may be more than nine inches and handrails must be provided on both sides of the access stairs. The opening of the scuttle or bulkhead must not be less than nine square feet in area with the minimum dimension being two feet. This required access may not be located in or pass through the elevator shaft or elevator machine room.

B. The roof access opening and equipment must be located with at least six feet of clearance from the edge of the roof or similar hazards, unless a suitable rail or guard at least 42 inches high is provided.

C. Each unit of equipment must have an accessible disconnect switch and convenience outlet installed as required in both the Electrical Code and Minnesota State Mechanical Code.

## 1300.4700 RECYCLING SPACE.

Subpart 1. Requirement. Space must be provided for the collection, separation, and temporary storage of recyclable materials within or adjacent to all new or significantly remodeled buildings or structures that contain 1,000 square feet or more.

Exception: Residential structures with fewer than four dwelling units.

Subp. 2. Location. Space designated for recycling shall be located so it is at least as convenient as the location where other solid waste is collected. If feasible, recycling space should be adjacent to other solid waste collection space. Recycling space must be located and designed in accordance with the provisions of this code and ordinances of the jurisdiction.

Subp. 3. Identification on plans. Space designated for recycling must be identified on plans submitted for a building permit.

Subp. 4. Minimum space. Space designated for recycling must be sufficient to contain all the recyclable materials generated from the building. The minimum amount of recycling space required must be the number of square feet determined by multiplying the gross square feet of floor areas assigned to each use within a building as set forth in subpart 6, Table 1-A, times the corresponding factor.

Subp. 5. Local requirements. Nothing in this part prohibits local jurisdictions from increasing the minimum recycling space requirements.

## Subp. 6. TABLE 1-A MINIMUM RECYCLING SPACE REQUIREMENTS.

	<u>USE<sup>1</sup></u>	<u>FACTOR</u>
1.	Aircraft hangars (no repair)	.001

---

---

## Proposed Rules

2.	<u>Auction rooms</u>	.0025
3. <sup>2</sup>	<u>Auditoriums, reviewing stands, stadiums, gymnasiums, public swimming pools, skating rinks</u>	.001
4.	<u>Lodge rooms, conference rooms, lounges, stages, exhibit rooms</u>	.0025
5.	<u>Dance floors, churches and chapels, lobby accessory to assembly areas<sup>1</sup>, waiting areas</u>	.001
6.	<u>Dining rooms</u>	.003
7.	<u>Drinking establishments</u>	.004
8.	<u>Bowling alleys (excluding lanes)</u>	.0025
9.	<u>Children's homes and homes for the aged</u>	.0025
10.	<u>Classrooms</u>	.002
11.	<u>Courtrooms</u>	.001
12.	<u>Dormitories</u>	.0025
13.	<u>Exercise rooms</u>	.001
14.	<u>Garages, parking</u>	.001
15.	<u>Hospitals and sanitariums, nursing homes</u>	.0025
16.	<u>Hotels</u>	.002
17.	<u>Apartments</u>	.0025
18.	<u>Kitchens - commercial</u>	.003
19.	<u>Libraries</u>	.002
20.	<u>Locker rooms</u>	.001
21.	<u>Malls</u>	.0025
22.	<u>Manufacturing areas</u>	.0025
23.	<u>Mechanical equipment rooms</u>	.001

**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

24.	<u>Nurseries for children (day care)</u>	<u>.002</u>
25.	<u>Offices</u>	<u>.0025</u>
26.	<u>School shops and vocational rooms</u>	<u>.0025</u>
27.	<u>Storage and stock rooms</u>	<u>.0025</u>
28.	<u>Warehouses</u>	<u>.001</u>
29.	<u>All others</u>	<u>.002</u>

### Footnotes:

<sup>1</sup> The area of a use must include all areas serving or accessory to a use (corridors, accessory use areas, etc.).

<sup>2</sup> Exclude playing areas, courts, fields, and like areas.

<sup>3</sup> Assembly uses must be determined in accordance with Table 1-A.

For buildings with mixed uses, each use within the building must be evaluated separately.

If the provisions of Table 1-A are excessive due to a specific use, space for recycling may be considered individually by the administrative authority.

### **1300.4900 SPECIAL EGRESS DEVICES.**

Subpart 1. Group E, Division 1 occupancies. If approved by the building official, exit doors in a Group E, Division 1 occupancy or portions of a Group E, Division 1 occupancy, may be equipped with approved, listed egress-control devices of access-control type, provided the building is equipped throughout with an approved, supervised automatic fire alarm and smoke-detection system and the Group E, Division 1 occupancy or portion of the Group E, Division 1 occupancy is protected by an approved automatic fire sprinkler system.

These devices must:

A. automatically deactivate upon activation of:

- (1) the sprinkler system;
- (2) the smoke-detection system;
- (3) the fire alarm trouble signal; and
- (4) a manual switch from a location which is constantly attended during normal school hours (such as the office);

B. automatically deactivate upon loss of electrical power to any of the following:

- (1) the egress-control device;
- (2) the fire alarm system;
- (3) the smoke detection system; or
- (4) exit illumination as required by UBC Section 1012;

C. provide for the doors to remain unlocked until the fire-protective signaling system has been manually reset;

D. initiate an irreversible process which will deactivate the egress-control device upon activation of a manual release device located within five feet of the affected doors. The manual release device must be located 40 inches to 48 inches above the floor and must be identified by a sign that reads:

**"PULL TO EXIT"**

The egress-control device must deactivate within an approved time period not to exceed a total of 30 seconds. The time-delay established for each egress-control device must deactivate within an approved time period not to exceed a total of 30 seconds. The time delay established for each egress-control device must not be field adjustable.

A sign must be provided on the door located above and within 12 inches of the panic bar or door-latching hardware reading:

**"THIS DOOR WILL UNLOCK UNDER EMERGENCY FIRE CONDITIONS"**

The sign letters must be at least one inch in height and must have a stroke of not less than one-eighth inch.

Emergency lighting must be installed throughout the exit system.



The total number of special egress-control devices in any one egress path must be such that the aggregate time delay of all units does not exceed 30 seconds.

Subp. 2. Group A occupancy in conjunction with Group E, Division 1, occupancy. If approved by the building official, exit doors serving Group A occupancies in conjunction with a Group E, Division 1, occupancy may be equipped with approved, listed, egress-control devices of access-control type, provided the building is equipped throughout with an approved, supervised automatic fire alarm and smoke-detection system and the Group A occupancy or portion of the Group A occupancy is protected by an approved automatic fire sprinkler system.

These systems must be installed so as to:

A. include a sensor on the egress side arranged to detect an occupant approaching the doors, with the doors designed to unlock upon detection of an approaching occupant;

B. automatically deactivate the egress-control device upon activation of:

- (1) the sprinkler system;
- (2) the smoke-detection system; or
- (3) the fire alarm trouble signal;

and provide that the doors remain unlocked until the fire-protective signaling system has been manually reset;

C. automatically deactivate the egress-control device upon loss of electrical power to any of the following:

- (1) the egress-control device;
- (2) the fire alarm system;
- (3) the smoke detection system; or
- (4) exit illumination as required by UBC Section 1012;

D. include doors arranged to unlock from a manual release device which is located 40 inches to 48 inches above the floor and within five feet of the secured doors. The manual release device must be readily accessible and clearly identified by a sign that reads:

**“PUSH TO EXIT”**

The sign letters must be at least one inch in height and have a stroke of not less than one-eighth inch. When operated, the manual release device must result in direct interruption of power to the lock, independent of the access control system electronics, and the door must remain unlocked for a minimum of 30 seconds.

**1300.5100 USE OF BUILDINGS BY LOWER GRADES.**

Subpart 1. Buildings equipped with complete automatic sprinkler and fire alarm systems. Rooms occupied by preschool, kindergarten, and first and second grade students for classrooms, latchkey, day care, early childhood family education, teen parent, or similar programs may be located on any floor level below the fourth story of a school building if the building is protected throughout by a complete automatic sprinkler system and a complete automatic fire alarm system consisting of automatic smoke detection throughout the exit system and approved smoke detection in all rooms and areas other than classrooms and offices.

Subp. 2. Other buildings. Rooms used by preschool, kindergarten, or first grade students for classrooms, latchkey, day care, early childhood family education, teen parent, or similar programs, must be located on the story of exit discharge, and rooms used by second grade students, for any purpose, must be located on the story of exit discharge or one story above unless one of the following conditions is met:

A. a complete automatic sprinkler system is provided throughout the building, the use of the affected room or space is limited to one grade level at a time, and exiting is provided from the affected room or space which is independent from the exiting system used by older students; or

B. a complete approved automatic fire alarm system is installed throughout the building consisting of automatic smoke detection throughout the exit system and approved detection in all rooms and areas other than classrooms and offices, the use of the affected room or space is limited to one grade level at a time, and exiting is provided from the affected room or space which is independent from the exiting system used by older students.

**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

For purposes of this subpart, pupils from second grade down are considered one grade level.

Subp. 3. Accessory spaces. Accessory spaces, including gymnasiums, cafeterias, media centers, auditoriums, libraries, and band and choir rooms, which are used on an occasional basis by preschool, kindergarten, and first and second grade students are permitted to be located one level above or one level below the story of exit discharge, if the building is protected throughout by a complete automatic sprinkler system or a complete approved corridor smoke detection system.

### **1300.5300 CORRIDOR CONSTRUCTION.**

Subpart 1. Group B and M occupancies. In existing Type I and II-F.R. buildings housing Group B and M occupancies, corridor walls may be of approved wired glass set in metal frames. The glass height 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 must be provided to protect the corridor from the Group B or M occupancy area (tenant space). The draft curtain 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 must extend from the wire glass to a rated ceiling or floor assembly. When the Group B or M 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 existing buildings of other than Type I or of Type II-F.R. construction, this exception is not permitted, unless the entire building is provided with an approved automatic fire extinguishing system.

Subp. 2. Group I, Division 1.1 occupancies. In hospital and nursing home occupancies (I-1.1) 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 automatic fire extinguishing system.

### **1300.5500 FOOTING DEPTH FOR FROST PROTECTION.**

Subpart 1. Minimum footing depth. In the absence of a determination by an engineer competent in soil mechanics, the minimum allowable footing depth in feet due to freezing is five feet in Zone I and 3-1/2 feet in Zone II.

Zone I includes the counties of: Aitkin, Becker, Beltrami, Carlton, Cass, Clay, Clearwater, Cook, Crow Wing, Douglas, Grant, Hubbard, Itasca, Kanabec, Kittson, Koochiching, Lake, Lake of the Woods, Mahanomen, Marshall, Mille Lacs, Morrison, Norman, Otter Tail, Pennington, Pine, Polk, Red Lake, Roseau, Saint Louis, Todd, Traverse, Wadena, and Wilkin.

Zone II shall include the counties of: Anoka, Benton, Big Stone, Blue Earth, Brown, Carver, Chippewa, Chisago, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Jackson, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Pope, Ramsey, Redwood, Renville, Rice, Rock, Scott, Sibley, Sherburne, Stearns, Steele, Stevens, Swift, Wabasha, Waseca, Washington, Watonwan, Winona, Wright, and Yellow Medicine.

Less depths may be permitted when supporting evidence is presented by an engineer competent in soil mechanics.

Subp. 2. Soil under slab on grade construction for buildings. When soil, natural or fill, is sand or pit run sand and gravel, and of depth in accordance with minimum footing depth requirements for each zone, slab on grade construction which is structurally designed to support all applied loads is permitted. Footings for interior bearing walls or columns may be constructed to be integral with the slab on grade for any height building. Footings for exterior bearing walls or columns may be similarly constructed for any height building when supporting soil is as described in this item. Footing design must reflect eccentric loading conditions at slab edges, soil bearing capacity, and the requirements of UBC Chapter 19. Slab on grade construction for detached buildings of Group U, Division 1 occupancies may be placed on any soil except peat or muck.

### **1300.5700 RADIAL ICE ON OPEN FRAME TOWERS.**

The effect of one-half inch of radial ice must be included in the design of open frame towers including all supporting guys. This effect must include the weight of the ice and the increased profile of each such tower component so coated.

### **1300.5900 AUTOMATIC GARAGE DOOR OPENING SYSTEMS.**

All automatic garage door opening systems that are installed, serviced, or repaired for garages serving residential buildings, must comply with the provisions of *Minnesota Statutes*, sections 325F.82 and 325F.83.

### **1305.0010 ADOPTION OF UNIFORM BUILDING CODE BY REFERENCE.**

Chapters 1 to 35 and appendixes of the 1994 edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, Whittier, California, are incorporated by reference and made part of the Minnesota State Building Code except as qualified by the applicable provisions in chapters 1300 and 1365, part 1305.0020, and as amended in this chapter.

The Uniform Building Code is not subject to frequent change and a copy of the Uniform Building Code, with amendments for use in Minnesota, is available in the office of the commissioner of administration.

### **1305.0020 APPENDIX CHAPTERS.**

Subpart 1. Required. Uniform Building Code Appendix Chapters 3, Division I; 12, Division II; and 29 must be administered by any municipality which has adopted the code.

Subp. 2. Optional. UBC Appendix Chapters 3, Division III; 15; 19; 31, Division II; and 33 are not mandatory but may be adopted without change at the discretion of any municipality which has adopted the code, except UBC Appendix Chapter 33 may be adopted with a revised fee schedule and bonding requirements.

### **1305.0102 SECTION 102, UNSAFE BUILDINGS OR STRUCTURES.**

UBC Section 102 is amended by amending the last paragraph to read as follows:

All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures in *Minnesota Statutes*, sections 463.15 to 463.26.

### **1305.0103 SECTION 103, VIOLATIONS.**

UBC Section 103 is amended by adding a sentence to read as follows:

A violation of a provision of this code is a misdemeanor (*Minnesota Statutes*, section 16B.69).

### **1305.0105 SECTION 105, BOARD OF APPEALS.**

UBC Section 105.1 is amended by amending the last sentence to read as follows:

The board shall adopt rules of procedures for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official and to the state building official within 15 days of the decision.

### **1305.0106 SECTION 106, WORK EXEMPT FROM BUILDING PERMIT.**

UBC Section 106.2 is amended by the addition of item 12 to read as follows:

12. Agricultural buildings as defined in *Minnesota Statutes*, section 16B.60, subdivision 5.

### **1305.0107 SECTION 107, PLAN REVIEW FEES.**

UBC Section 107.3 is amended by amending the first paragraph and adding an exception to the first paragraph to read as follows:

107.3 Plan review fees. When submittal documents are required by Section 106.3.2, a plan review fee must be paid at the time of submitting the submittal documents for plan review. The plan review fee must be 65 percent of the building permit fee.

Exception: The plan review fee for dwellings, apartment houses, and their accessory structures may be established by the local authority and must not exceed 65 percent of the building permit fee.

### **1305.0108 SECTION 108, REQUIRED INSPECTIONS.**

UBC Section 108.5 is amended by adding the following:

108.5.4.1 Insulation inspection: To be made after all required insulation is in place but before any covering material is in place.

108.5.5 Lath and/or gypsum board inspection: To be made after all lathing and gypsum board, interior and exterior, used as a structural element or a part of a fire-resistive assembly, is in place but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

108.5.6.1 Installation of 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. Evaluation of an approved anchoring system, when installed, is part of the installation inspection.

### **1305.0109 SECTION 109, CERTIFICATE OF OCCUPANCY.**

UBC Section 109.1 is amended by amending the exception to read as follows:

Exception: A municipality has the option of requiring certificates of occupancy for Group R, Division 3 occupancies; Group U occupancies; and manufactured homes.

**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

### 1305.0301 TABLE 3-A, DESCRIPTION OF OCCUPANCIES BY GROUP AND DIVISION.

UBC Table 3-A, Groups I-1.1 and I-2 are amended to read as follows:

UBC Section 301 Table 3-A.

I-1.1 - Nurseries for full-time care of children under the age of six (each accommodating more than four persons). Hospitals, sanitariums, nursing homes, and similar buildings (each accommodating more than four persons).

I-2 - Detoxification centers and homes for children six years of age or over (each accommodating more than four persons).

### 1305.0308 SECTION 308, GROUP I OCCUPANCIES.

Subpart 1. Section 308.1. Section 308.1 of the UBC is amended to read as follows:

UBC Section 308.1. Group I occupancies shall be:

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

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

Division 2. Detoxification centers and homes for children six years of age or over (each accommodating more than four persons).

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

For occupancy separations, see Table 3-B.

Exception: Group I occupancies shall not include buildings used only for private residential purposes for a family group.

Subp. 2. Section 308.2.2.1. Section 308.2.2.1 of the UBC is amended to read as follows:

UBC Section 308.2.2.1. Group I smoke barriers. Floor levels of Group I occupancies used by inpatients for sleeping or treatment, or having an occupant load of five or more, shall be divided into at least two compartments by smoke barriers of not less than one-hour fire resistance meeting the requirements of Section 905.2.3. The area within a smoke-control zone shall not exceed 22,500 square feet (2,090 m<sup>2</sup>) and its width or length shall not exceed 150 feet (45,720 mm). The area of a smoke zone shall not be less than that required to accommodate the occupants of the zone plus the occupants from any adjoining zone. Not less than 30 square feet (2.8 m<sup>2</sup>) net clear floor area for bed and litter patients and six square feet (0.6 m<sup>2</sup>) net clear floor area for other occupants shall be used to compute the required areas.

Doors in smoke barriers shall be tight-fitting smoke- and draft-control assemblies having a fire protection rating of not less than 20 minutes and shall comply with Section 1019.2. When doors are installed across corridors, a pair of opposite-swinging doors without a center mullion or horizontal sliding doors that comply with UBC Standard 7-8, which is part of this code (see UBC Chapter 35, part II), shall be installed. Smoke barrier doors shall:

- A. when installed across corridors, have vision panels. The area of the vision panels shall not exceed that tested;
- B. be close fitting with only the clearance necessary for proper operation and shall be without undercuts, louvers, or grilles;
- C. have stops at the head and jambs. Opposite-swinging corridor doors shall have rabbets or astragals at the meeting edges;
- D. have positive latching devices, except on doors installed across corridors; and

E. be self-closing or automatic closing. An approved sign shall be adjacent to self-closing doors specifying that they are to be maintained in a closed position. Doors installed across corridors shall comply with Section 713.6.1, item 3, and doors on the floor or in the affected zone shall automatically close if the fire alarm or sprinkler system is activated.

At least two exits shall be provided from each smoke zone. Exits may pass through adjacent zones, provided at least one exit does not return through the compartment zone from which exiting originated. Exit doors at zone boundaries shall be equipped with approved vision panels.

A smoke exhaust system as defined in Section 903 shall be provided in each smoke-control zone of every Group I occupancy. When approved by the building official and the fire chief, operable windows or fixed windows that can be readily broken by impact, may be used in lieu of a smoke exhaust system.

Subp. 3. Section 308.2.2.2. UBC Section 308.2.2.2, Group I, Division 3 occupancies, is amended by deleting the last sentence.

### 1305.0405 SECTION 405, STAGES AND PLATFORMS.

UBC Section 405.1.2, definition of "stage, legitimate" is amended to read as follows:

"Stage, legitimate" is a stage wherein curtains, drops, leg drops, scenery, lighting devices, or other stage effects are retractable horizontally or suspended overhead or the stage height is greater than 50 feet (15,240 mm).

**1305.1019 SECTION 1019.6 HARDWARE, GROUP I OCCUPANCIES.**

UBC Section 1019.6 is amended to read as follows:

1019.6. Hardware.

1. Exit doors serving an area having an occupant load of 50 or more shall not be provided with a latch or lock unless it is panic hardware.

2. Patient room doors shall be readily openable from either side without the use of keys.

Exception: Key locking devices that restrict access to the room from the corridor and that are operable only by staff from the corridor side shall be permitted. Such devices shall not restrict egress from the room.

3. Where the clinical needs of the patients require specialized security measures for their safety, door locking arrangements are permitted in Group I occupancies or portions of Group I occupancies provided:

3.1 keys are carried by staff at all times;

3.2 not more than one such arrangement is located in any egress path;

3.3 the Group I occupancy or portion of the Group I occupancy is protected by an approved automatic sprinkler system, an approved automatic smoke-detection system, and an approved fire alarm system;

3.4 locking devices automatically deactivate upon loss of electrical power;

3.5 locking devices can be remotely deactivated from an approved location;

3.6 the secured area has an occupant load of less than 50; and

3.7 24-hour patient supervision is provided within the secured area.

4. In Group I, Division 3 occupancies, approved locks or safety devices may be used where it is necessary to forcibly restrain the personal liberties of inmates or patients.

**1305.1101 CHAPTER 11, ACCESSIBILITY.**

UBC Chapter 11 is deleted and replaced with the following:

Section 1101.1 General. Buildings or portions of buildings shall be accessible to persons with disabilities as required by Minnesota Rules, chapter 1340.

**1305.1202 SECTION 1202, VENTILATION.**

UBC Section 1202.2.4, Group H, Division 4 occupancies, is amended by amending the ventilation rate of one cubic foot per minute per square foot of floor area to three-fourths cubic foot per minute per square foot of floor area.

UBC Section 1202.2.7, Group S parking garages, is amended by amending the ventilation rate of 1.5 cubic feet per minute per square foot of gross floor area to three-fourths cubic feet per minute per square foot of gross floor area.

**1305.1506 SECTION 1506, ROOF DRAINAGE.**

UBC Section 1506.3 is amended by amending a last sentence as follows:

Overflow drains shall be connected to drain lines independent from the roof drain lines and shall discharge above grade.

**1305.1614 SECTION 1614, WIND DESIGN DEFINITIONS.**

UBC Section 1614 is amended by deleting the definition of "Exposure D."

**1305.1616 SECTION 1616, BASIC WIND SPEED.**

UBC Section 1616 is amended to read as follows:

1616 Basic wind speed. The minimum basic wind speed for determining design wind pressure is 80 miles per hour.

**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

### 1305.1623 SECTION 1623, OCCUPANCY CATEGORIES.

UBC Section 1623 is deleted in its entirety.

### 1305.1704 SECTION 1704, PREFABRICATED CONSTRUCTION.

UBC Section 1704 is deleted and replaced with the following:

1704.1 General. Prefabricated construction shall comply with Minnesota Rules, chapter 1360 or 1361 as applicable.

### 1305.1907 SECTION 1907, CORROSIVE ENVIRONMENTS.

UBC Section 1907.7.5 is amended to read as follows:

In corrosive environments or other severe exposure conditions, amount of concrete protection must be suitably increased, and denseness and nonporosity of protecting concrete must be considered, or other protection must be provided. In corrosive environments of parking garages and parking ramps, industrial buildings, or similar environments, a minimum concrete cover of reinforcement steel must be one and one-half inches for top surfaces and one inch for bottom surfaces. All bonded reinforcement steel located in the slab must be epoxy coated in conformance with the applicable standards referenced in UBC Section 1903.5.3.1.

### 1305.1918 SECTION 1918, PRESTRESSED CONCRETE.

UBC Sections 1918.14.1, 1918.14.2, and 1918.19.4 are amended to read as follows:

1918.14.1. Unbonded tendons must be completely coated with suitable material to ensure corrosion protection.

Corrosive-preventive coating material for use in corrosive and noncorrosive environments must have the following properties:

- A. provide corrosion protection to the prestressing steel;
- B. provide lubrication between the strand and encapsulating sheathing;
- C. resist flow of the sheathing within the anticipated temperature range of exposure;
- D. provide a continuous nonbrittle film at the lowest anticipated temperature of exposure;
- E. be chemically stable and nonreactive with the prestressing steel, the sheathing material, and the concrete;
- F. the film must be an organic coating with appropriate polar, moisture displacing, and corrosion-preventative additives;
- G. the weight of coating material on the prestressing strand must be not less than 2.5 pounds of coating material per 100 feet of 0.5 inch diameter strand, and three pounds of coating material per 100 feet of 0.6 inch diameter strand. The amount of coating material used must be sufficient to ensure essentially complete filling of the annular space between the strand and the sheathing. The coating must extend over the entire tendon length; and
- H. test results of the corrosion preventive coating material tested in accordance with Table 19-A-8 must be provided to the engineer of record and to the special inspector.

1918.14.2. Tendon cover must be continuous over entire length to be unbonded, and must prevent intrusion of cement paste or loss of coating materials during concrete placement.

Sheathing thickness for tendons used in corrosive environments must be not less than 0.040 inch consisting of medium or high density polyethylene or polypropylene materials. The sheathing must be continuous around the circumference of the strand with no open seams. The sheathing must be connected to all stressing, intermediate, and nonstressing anchorages with a watertight seal to provide complete encapsulation of the prestressing steel. The encapsulating device must overlap the sheathing a minimum of one inch. The interface of the encapsulating device and the sheathing must be protected with polyethylene or polypropylene tape with non-water-soluble adhesives. Tape alone must not be used as a substitute for the sheath, nor may taped joints occur within three inches of the bearing surface of the anchorages or within three inches of a construction joint.

Damage to the tendon sheathing exposing the strand must be repaired with tape. A minimum of double coverage of non-water-soluble adhesive tape is required for the repair. Tears in excess of three inches must be repaired with a piece of split sheathing over the tear and then taped to the strand sheathing. The repair must be approved by the engineer of record or by a special inspector.

1918.19.4. Anchorages, couplers, and end fittings shall be permanently protected against corrosion. Anchorages must include design features that will permit a watertight connection between the sheathing and the anchorage. The design must also include the application of a watertight closing of the wedge cavity for the stressing and nonstressing anchorages. Intermediate stressing anchorages must be designed to provide watertight encapsulation of the prestressing steel. "Watertight," as used in this item, means the ability of the anchorages and the encapsulation devices, up to the attachment of the sheathing, to hold 1.25 psi water pressure for a period of 24 hours. The concrete cover of anchorages from slab surfaces must be one and one-half inches for the top or edge and one inch for the bottom surface.

1305.1928 TABLE 19-A-8 CORROSION PREVENTIVE COATING.

UBC Chapter 19 is amended by adding a new Table 19-A-8 to read as follows:

**TABLE 19-A-8  
PERFORMANCE SPECIFICATION FOR CORROSION PREVENTIVE COATING**

<b>TEST</b>	<b>TEST METHOD</b>	<b>ACCEPTANCE CRITERIA</b>
1. Dropping point °F(°C)	ASTM D-566 or ASTM D-2265	Minimum 300 (148.9)
2. Oil separation at 160°F(71.1°C)	FIMS 791B Method 321.2	Maximum 0.5
3. Water, percent maximum	ASTM D-95	0.1
4. Flash point, °F(°C) (Refers to oil component)	ASTM D-92	Minimum 300 (148.9)
5. Corrosion test 5 percent salt fog at 100°F(37.8°C) 5 mils. minimum hours (Q Panel Type S)	ASTM B-117	For normal environ- ments: Rust Grade 7 or better after 720 hours of exposure according to ASTM D-610. For corrosive environments: Rust Grade 7 or better after 1,000 hours of exposure according to ASTM D-610*
6. Water soluble ions+ a. Chlorides, ppm maximum	ASTM D-512	10
b. Nitrates, ppm maximum	ASTM D-922	10
c. Sulfides, ppm maximum	APHA 427D (15th Edition)	10
7. Soak test 5 percent salt fog at 100°F(37.8°C) 5 mils coating. Q panels. Type S. Immerse panels 50 percent in a 5 per- cent salt solution and expose to salt fog	ASTM B-117 (Modified)	No emulsification of the coating after 720 hours of exposure
8. Compatibility with sheathing a. Hardness and volume change of polymer after exposure to grease. 40 days at 150°F	ASTM D-4289	Permissible change in hardness 15 percent Permissible change in volume 10 percent
b. Tensile strength change of polymer after exposure to grease. 40 days at 150°F		Permissible change in tensile strength 30 percent

**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**

\*Extension of exposure time to 1,000 hours for greases used in corrosive environments requires use of more or better corrosion inhibiting additives.

+Procedure: The inside (bottom and sides) of a 1L Pyrex beaker (approximate outside diameter 105mm, height 145mm) is thoroughly coated with  $100 \pm 10$  g of corrosion preventive coating material. The coated beaker is filled with approximately 900 cc of distilled water and heated in an oven at a controlled temperature of  $100^{\circ}\text{F} \pm 2^{\circ}\text{F}$  for four hours. The water extraction is tested by the noted test procedures for the appropriate water soluble ions. Results are reported as ppm in the extracted water.

The above extracts are reprinted from the report "Specification for Unbonded Single Strand Tendons," published in the PCI JOURNAL, Volume 30, Number 2, March-April 1985, pages 22 to 39.

### **1305.2109 SECTION 2109, EMPIRICAL DESIGN OF MASONRY.**

2109.1 is amended to read as follows:

2109.1 General. The design of masonry structures using empirical design shall comply with the provisions of this section and Section 2106, subject to approval of the building official.

### **1305.2326 SECTION 2326, BLOCKING.**

2326.12.8 is amended to read as follows:

2326.12.8. Blocking. Roof rafters and ceiling joists must be supported laterally to prevent rotation and lateral displacement when required by Section 2306.7.

### **1305.3001 CHAPTER 30, ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS.**

UBC Chapter 30 is deleted and replaced with the following:

Section 3001 General. The design, construction, installation, operation, alteration, and repair of elevators, dumbwaiters, escalators, and moving walks shall be in accordance with *Minnesota Rules*, chapter 1307.

### **1305.4313 APPENDIX CHAPTER 3, DIVISION I - DETENTION AND CORRECTIONAL FACILITIES.**

UBC Section 313, Scope, is amended as follows:

The provisions of this chapter apply to the design and construction of Group I, Division 3 occupancies housing mental hospitals, mental sanitariums, jails, prisons, reformatories, and buildings where personal liberties of inmates are similarly restrained.

UBC Section 315, Definitions, is amended by adding the following definitions:

"Cell, multiple-occupancy" is a housing area in a detention or correctional facility designed to house no less than three or more than 48 inmates.

"Smoke management system" is an engineered combined system that utilizes a mechanical smoke-control system and mechanical smoke exhaust system. For definitions of mechanical smoke-control system and mechanical smoke exhaust system, see UBC Section 903.

UBC Section 317, Compartmentation, is amended by amending the first paragraph to read as follows:

Every story having an occupant load of more than five inmates in a detention or correctional facility shall be divided into not less than two approximately equal compartments by a smoke barrier, constructed pursuant to the provisions of part 1305.0308, subpart 2. In addition, multitiered cell complexes shall be separated from each other and the remaining portions of the facility by a smoke barrier. Vision panels shall not be required within exit doors at zone boundaries as stated in part 1305.0308, subpart 2, item E.

UBC Section 318, Occupancy Separations, is amended by adding exception 2 to read as follows:

2. Regardless of the provisions of Table 3-B, a three-hour fire-resistive occupancy separation as set forth in Section 302.3, may be used between a Group I, Division 3 occupancy and vocational shops and similar uses containing hazardous materials, normally otherwise classified as Group H, Divisions 2 through 7 occupancies.

UBC Section 319, Glazing, is amended to read as follows:

In restraint areas of fully sprinklered detention and correctional facilities, the area of glazing in one-hour corridor walls is not restricted, provided:

1. All glazing is approved one-fourth inch thick (6.4 mm) wired glass or other approved fire-tested glazing material set in steel frames.

Exception: Laminated security glazing may be used provided the glass shall be protected on both sides by a sprinkler system equipped with listed quick response sprinklers. The sprinkler system shall completely wet the entire surface of the glass wall when actuated.



2. In lieu of the sizes set forth in Section 1005.8, the size and area of wired glass assemblies shall conform to Sections 713.7 and 713.8. Other glazing material shall not exceed the sizes and areas specified in the fire test. When necessary to maintain direct visual supervision by facility staff, laminated security type glazing may be used in fire-resistive wall and door assemblies up to a two-hour fire protection rating provided:

2.1 The fire-resistive wall or door assembly is not part of a required area separation wall, stairway, ramp, or escalator enclosure.

2.2 The glass shall be protected on both sides by a sprinkler system equipped with listed quick response sprinklers. The sprinkler system shall completely wet the entire surface of the glass wall when actuated.

2.3 The area of the glazing shall not exceed 25 percent of the common wall of the area requiring supervision.

2.4 The area of glazing in fire-resistive door assemblies shall be limited to 1,296 square inches per light.

UBC Section 321, Automatic Sprinkler and Standpipe Systems, is amended by amending the first paragraph as follows:

321.1 General. Every building or portion of a building housing a detention or correctional facility or similar occupancy shall be protected by an automatic sprinkler system conforming to the provisions of UBC Standard 9-1. The main sprinkler control valve or valves or all other control valves in the system shall be electrically supervised so that at least a local alarm will sound at a constantly attended location when valves are closed.

UBC Section 323.1, Smoke Management System, is amended to read as follows:

323.1 Smoke management system. A mechanically operated smoke management system or systems shall be provided in every multitiered cell complex within a detention or correctional facility. For other than multitiered cell complexes, see Sections 323.9 and 323.10.

UBC Section 323.2, Design and Installation, is amended by adding the following exception:

EXCEPTION: A smoke management system or systems may be designed in accordance with the provisions of Section 905 for mechanical smoke control and mechanical smoke exhaust systems.

UBC Section 323.4, Manual Controls, is amended to read as follows:

323.4 Manual controls. A firefighter's control panel shall be provided in accordance with Sections 905.13 and 905.14.

UBC Section 323, Smoke Management, is amended by adding the following:

323.9 Smoke exhaust system. A mechanical smoke exhaust system as defined in Section 903 shall be provided in each smoke compartment of every detention or correctional facility.

Exception: Buildings or portions of buildings provided with an approved smoke management system.

323.10 Design and Installation of Smoke Exhaust System:

1. Mechanical air-handling equipment may be designed to accomplish smoke removal. Under fire conditions, the return and exhaust air, in zones where smoke is detected, shall be moved directly to the outside without recirculation to other sections of the building. The air handling system shall provide a minimum of six exhaust air changes per hour for the area involved.

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

UBC Section 324.1, Number of Exits, is amended to read as follows:

324.1 Number of exits. Multiple-occupancy rooms and day rooms in buildings or portions of buildings in detention or correctional facilities constructed of not less than one-hour fire-resistive construction shall be provided with a minimum of two exits when the occupant load is more than ten.

The occupant load of any restraint area shall be determined by Table 10-A and classified as to the occupancy group it most nearly resembles, and exits shall be provided as required by Section 1003.1. A minimum of two exits shall be provided in all areas of restraint (cells, day rooms, cell tiers, and cell complexes) within a detention or correctional facility when the occupant load is more than ten.

UBC Section 324.5, Dead-end Balconies, is amended to read as follows:

324.5 Dead-end balconies. Exit balconies serving cell tiers shall not extend more than 20 feet beyond an exit stairway.

**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

Note: For number of exits, see Section 1003.1.

UBC Section 326.6, Electrically Operable Exit Doors, is amended by deleting the last sentence.

### **1305.4332 APPENDIX CHAPTER 3, DIVISION III, ONE- AND TWO-FAMILY DWELLING CODE ADOPTED.**

UBC Appendix Chapter 3, Division III, Section 332, is amended by adding an exception to read as follows:

Exception:

1. For energy requirements, see Minnesota Rules, chapter 7670.
2. For plumbing code requirements, see Minnesota Rules, chapter 4715.
3. For electrical requirements, see Minnesota Rules, chapter 1315.
4. For mechanical code requirements, see Minnesota Rules, chapter 1346.
5. For snow load requirements, see Minnesota Rules, chapter 1365.
6. For frost depth requirements, see Minnesota Rules, chapter 1300.
7. For ice dam roof treatment, see Minnesota Rules, chapter 1300.

### **1305.4429 APPENDIX CHAPTER 29, MINIMUM PLUMBING FIXTURES.**

UBC Appendix Section 2905 is amended by adding the following exceptions:

EXCEPTIONS:

1. Where circumstances dictate that a different ratio is needed, an adjustment may be approved by the building official.
2. The actual number of students can be used in lieu of the 50 square feet per occupant specified in Group E, Division 1 occupancy areas. For assembly occupancies in conjunction with a Group E, Division 1 occupancy, refer to Group A of Table A-29-A.

### **1305.7100 SPECIAL PROVISIONS FOR THE CITY OF ROCHESTER.**

The following sections of the Uniform Building Code, 1985 1994 edition, are amended to read as follows.

UBC Section ~~3802(f)~~ 904.2.5.2 An automatic fire extinguishing system must be installed in Group H, Division 4 occupancies more than one story in height, or exceeding 8,400 square feet in floor area located in Zone No. 1 or No. 2, or exceeding 20,200 square feet in floor area located in Zone No. 3.

UBC Section ~~3802(d)~~ 904.2.7 An automatic fire extinguishing system must be installed in Group B, E, M, and S occupancies exceeding 13,500 square feet in floor area located in Zone No. 1 or No. 2, or when of Type V construction exceeding 10,500 square feet of floor area located in Zone No. 1 or No. 2, or exceeding 20,200 square feet in floor area located in Zone No. 3.

Exception: Open parking garages.

UBC Section ~~3802(h)~~ 904.2.8 An automatic fire extinguishing system must be installed in Group R1 occupancies exceeding 20,200 square feet in floor area or four stories in height located in Zone No. 1 or No. 2, or exceeding 30,000 square feet in floor area located in Zone No. 3.

### **1306.0100 SPECIAL FIRE PROTECTION SYSTEMS (OPTIONAL).**

Subpart 1. General. This part authorizes optional provisions for the installation of on-premises fire suppression systems in new buildings, buildings increased in floor area, and buildings which have the occupancy classification changed.

Subp. 2. Municipal option. The sprinkler system requirements in subpart 3 may be adopted with the selection of either item "8" or item "8a" based on local fire suppression capabilities, but without further change by a municipality which has adopted the code. When adopted, the requirements are applicable throughout the municipality for new buildings, buildings increased in floor area, and buildings which will have the occupancy classification changed.

Subp. 3. Requirements. Automatic sprinkler systems must be installed and maintained in operable condition in buildings in the occupancy classifications listed in items 1 through 11. For purposes of this chapter, area separation walls do not establish separate buildings. The square footage requirements stated in the following items establish the threshold where the provisions apply; in the case of mixed occupancies the threshold number of the most restrictive occupancy applies to the entire building, except for minor additions that do not increase the occupant load or significantly increase the fire load.

1. Group A-1 occupancies.
2. Group A-2 occupancies with an occupant load of 300 or more.
3. Group A-2.1 occupancies.
4. Group A-3 occupancies with an accumulative occupant load of 300 or more.

- 5. Group S-3 service stations with 3,000 or more gross square feet of floor area, not including canopies.
  - 6. Group S-3 parking garages with 5,000 or more gross square feet of floor area.
  - 7. Group B offices and postsecondary classrooms with 8,500 or more gross feet of floor area or three or more stories in height.
  - 8. Group M mercantile, S storage, or F factory occupancies with 2,000 or more gross square feet of floor area or three or more stories in height.
  - 8a. Group M mercantile, S storage, or F factory occupancies with 5,000 or more gross square feet of floor area or three or more stories in height.
  - 9. Group E-1 and E-2 occupancies with 8,500 or more gross square feet of floor area or two or more stories in height.
  - 10. Group E-3 occupancies with an occupant load of 30 or more.
  - 11. Group R-1 apartment houses, hotels, and motels with 8,500 or more gross square feet of floor area or with dwelling units or guest rooms on three or more floors.
- Subp. 4. Standard. Automatic sprinkler systems must comply with the applicable standard referenced in UBC Section 904. When a public water supply is not available, an alternate on-site source of water supply which meets with the approval of the building official and fire chief shall be provided.

Subp. 5. Substitute construction. The installation of an automatic sprinkler system as required by this chapter does not preclude the substitution of one-hour fire-resistive construction as permitted in UBC Section 508.

**1365.0050 SCOPE.**

This chapter regulates the application of snow loads on buildings in this state. The provisions of this chapter that govern the increase or decrease of the basic snow load do not apply to Group R, Division 3, and Group U occupancies.

**1365.0100 BASIC SNOW LOADS.**

A basic snow load of 40 pounds per square foot of horizontal projection is required in the following counties: Anoka, Carlton, Carver, Chisago, Cook, Dakota, Hennepin, Isanti, Lake, Pine, Ramsey, Saint Louis, Scott, and Washington. A basic snow load of 30 pounds per square foot of horizontal projection is required for all other counties.

Exception: A basic snow load of 30 pounds per square foot of horizontal projection shall be acceptable for detached Group U occupancies in all counties.

**1365.0200 VARIATIONS OF SNOW LOADS.**

The minimum snow loads for the design of both ordinary and multiple series roofs, either flat, pitched, or curved, shall be determined by multiplying the appropriate snow load given in ~~UBC section 2305(e) part 1365.0100~~ by the appropriate coefficients Cs (see parts 1365.0500 to 1365.0800). The full intensity of the roof snow load shall be applied to any one contiguous portion of the roof area if it produces a more unfavorable effect than the full intensity applied over the entire roof area.

**1365.0300 CALCULATING INCREASES OR DECREASES.**

Subpart 1. ~~Decreases.~~ The basic snow load coefficient Cs shall be ~~increased or decreased in accordance with~~ according to the following conditions:

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

[For text of subp 2, see M.R.]

**REPEALER.** Minnesota Rules, parts 1300.0100; 1300.0200; 1300.0300; 1300.0400; 1300.0500; 1300.0600; 1300.0700; 1300.0800; 1300.0900; 1300.0940; 1300.0942; 1300.0944; 1300.0946; 1300.0948; 1300.1000; 1300.1100; 1300.1200; 1300.1300; 1300.1400; 1300.1500; 1300.1600; 1300.1700; 1300.1800; 1300.1900; 1300.2000; 1300.2900, subpart 1; 1305.0100; 1305.0150; 1305.0200; 1305.0400; 1305.0500; 1305.0600; 1305.0700; 1305.0800; 1305.0900; 1305.1000; 1305.1100; 1305.1200; 1305.1300; 1305.1350; 1305.1370; 1305.1400; 1305.1500; 1305.1590; 1305.1600; 1305.1700; 1305.1750; 1305.1775; 1305.1795; 1305.1800; 1305.1900; 1305.2000; 1305.2050; 1305.2200; 1305.2300; 1305.2500; 1305.2600; 1305.2700; 1305.2800; 1305.2900; 1305.3400; 1305.3800; 1305.3860; 1305.3900; 1305.4100; 1305.4600; 1305.4700; 1305.4800; 1305.4850; 1305.5100; 1305.5200; 1305.5320; 1305.5340; 1305.5360; 1305.5380; 1305.5385; 1305.5400; 1305.5700; 1305.5710; 1305.5720; 1305.5730; 1305.5740; 1305.5750;

**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

---

1305.5900; 1305.6000; 1305.6200; 1305.6250; 1305.6280; 1305.6300; 1305.6425; 1305.6430; 1305.6525; 1305.6700; 1305.6800; 1305.6901; 1305.6902; 1305.6905; 1305.6910; 1305.6920; 1307.6821; and 1355.0100, are repealed.

**EFFECTIVE DATE.** Except for *Minnesota Rules*, part 1300.3900, which becomes effective on July 1, 1995, the amendments to chapters 1300, 1305, 1306, 1307, and 1365 are effective 90 days after publication of the adopted rule in the *State Register*.

## Department of Agriculture

### Proposed Permanent Rules Relating to Agricultural Inspectors

#### Notice of Intent to Adopt a Rule without a Public Hearing

The Minnesota Department of Agriculture intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedures Act sections 14.22-14.28. You have 30 days to submit written comment on the proposed rules and may also submit a written request that a hearing be held on the rules.

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

Carol Milligan  
Minnesota Department of Agriculture  
90 West Plato Boulevard  
St. Paul, MN 55107  
(612) 296-6906, Fax (612) 297-7678.

**Subject of Rules and Statutory Authority.** The proposed rules are about local agricultural inspectors duties. The statutory authority to adopt these rules is *Minnesota Statutes*, sections 18.79, subd. 4 and 18.81, subd. 3. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. October 6, 1994, to submit written comment in support of or in opposition to the proposed rules or any subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 6, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

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

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

**Small Business Considerations.** This rule applies only to local units of government, and has no impact on small business.

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

Dated: 16 August 1994

Elton Redalen, Commissioner  
Department of Agriculture

**Rules as Proposed (all new material)****1505.0751 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part apply to parts 1505.0752 to 1505.0758.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of agriculture or an authorized agent and may include a county agricultural inspector.

Subp. 3. **Control program.** "Control program" means the administration and enforcement of laws and rules pertaining to seeds, noxious weeds, screenings, pesticides, fertilizers, feed, or insect pests.

Subp. 4. **County agricultural inspector.** "County agricultural inspector" means an individual appointed by the county board of commissioners under *Minnesota Statutes*, section 18.80, subdivision 1.

Subp. 5. **Enforcement action.** "Enforcement action" means an administrative or legal proceeding used by the commissioner, a county agricultural inspector, or a local weed inspector to carry out duties under *Minnesota Statutes*, sections 18.79, subdivision 1, and 18.81, subdivisions 1 and 2.

Subp. 6. **Local weed inspector.** "Local weed inspector" means the supervisor of a township board or the mayor of a city when they assume the duties of their office or their appointed assistant under *Minnesota Statutes*, section 18.80, subdivisions 2 and 3.

Subp. 7. **Municipality.** "Municipality" means a home rule charter or statutory city or a township.

Subp. 8. **Noxious weed.** "Noxious weed" means an annual, biennial, or perennial plant that the commissioner designates to be injurious to public health, the environment, public roads, crops, livestock, or other property.

**1505.0752 PROCEDURE FOR ENFORCEMENT OF NONPERFORMANCE.**

Subpart 1. **Local weed inspectors.** The procedure in this subpart applies if a city mayor, township supervisor, or their appointed assistant fails to carry out a duty assigned in *Minnesota Statutes*, section 18.81, subdivision 2.

A. If a county agricultural inspector observes that a local weed inspector has failed to carry out a duty assigned in *Minnesota Statutes*, section 18.81, the county agricultural inspector shall instruct the local weed inspector having jurisdiction to initiate enforcement action including the date by which it must be initiated. If no enforcement action is initiated by the date given, the county agricultural inspector shall notify the local weed inspector of the nonperformance in writing. The notice of nonperformance must include the following:

- (1) the name and address of the owner and occupant of the land in violation or of the person selling or transporting noxious weed propagating parts;
- (2) the legal description of the land in violation, if applicable;
- (3) the names of the noxious weeds growing on the land or being unlawfully sold or transported;
- (4) the steps to be followed by the local weed inspector in carrying out the inspector's duty;
- (5) the date by which enforcement action must be initiated; and
- (6) the county agricultural inspector's signature, address, and telephone number.

B. If a local weed inspector fails to initiate an enforcement action by the date specified in a notice of nonperformance, the county agricultural inspector serving the notice may perform the duty.

C. After an enforcement action resulting from a notice of nonperformance has been completed, the county agricultural inspector involved may file an itemized statement of costs with the clerk in the municipality where the action was carried out if the county cannot be reimbursed in another manner. The municipality shall issue the proper warrants to the county for the services rendered.

D. If a municipality fails to reimburse the county, the county auditor may include the amount listed in the itemized statement as a part of the next annual levy in the municipality and withhold that amount from the municipality in making its next apportionment.

Subp. 2. **County agricultural inspectors.** The procedure established in this subpart applies if a county agricultural inspector fails to carry out a duty assigned in *Minnesota Statutes*, section 18.81, subdivision 1, clauses (1) to (3).

A. If the commissioner observes that a county agricultural inspector has failed to carry out a duty assigned in *Minnesota*

**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

---

*Statutes*, section 18.81, the commissioner shall instruct the county agricultural inspector to initiate enforcement action, including the date by which the enforcement action must be initiated. If no enforcement action is initiated by the date given, the commissioner shall notify the county agricultural inspector of the nonperformance in writing. The notice must contain the following:

- (1) the name and address of the person or persons who own, occupy, or manage the land or firm;
- (2) the legal description of the land in violation, if applicable;
- (3) the names of the noxious weeds growing on the land in violation or a specific description of the nonperformance;
- (4) the steps for the county agricultural inspector to follow in order to carry out the inspector's duty;
- (5) the date by which the enforcement action must be taken by the county agricultural inspector; and
- (6) the signature, address, and telephone number of the commissioner.

B. If a county agricultural inspector fails to initiate an enforcement action by the date specified in a notice of nonperformance, the commissioner may carry out the duty for the county. The commissioner shall inform the board of county commissioners of the nonperformance by the agricultural inspector.

C. The commissioner may request the board of county commissioners to provide information concerning any corrective measures taken to prevent future nonperformance actions.

### **1505.0754 WORK PLANS AND PERFORMANCE EVALUATIONS FOR COUNTY AGRICULTURAL INSPECTORS.**

Subpart 1. **Work plans.** A detailed plan of work to be accomplished by each county agricultural inspector must be jointly developed each year by the commissioner and the county agricultural inspector. A separate work plan must be developed for each of the control programs involving seed, noxious weed, and screenings. If participation in the control programs for feed, fertilizer, pesticide, and insect pests is requested by the commissioner, a separate work plan must also be developed for each program. The plan must list the individual tasks, the amount of time sufficient to complete them, and the budget necessary. The plan must be submitted to the board of county commissioners each year for its approval of the amount of time and the budget needed.

If the commissioner requests participation in the feed, fertilizer, pesticide, and insect pest control programs, the written request to do so must accompany the work plan.

Subp. 2. **Performance evaluation.** The performance of a county agricultural inspector must be evaluated annually by the board of commissioners in the county where the inspector is employed. The evaluation must be based on the following criteria:

- A. whether or not all tasks assigned to the inspector by the work plan were performed;
- B. the level of performance for each task assigned by the work plan;
- C. the response to all notices of nonperformance received during the calendar year for which the evaluation is being made; and
- D. whether or not the hours of training required by part 1505.0756 were completed.

### **1505.0756 TRAINING REQUIREMENTS AND AUTHORIZED AGENT STATUS FOR COUNTY AGRICULTURAL INSPECTORS.**

#### Subpart 1. **Training requirements.**

A. To meet qualifications as a county agricultural inspector in the control programs for noxious weed, seed, and screenings as required by *Minnesota Statutes*, section 18.80, subdivision 1, each county agricultural inspector must complete at least 40 hours of approved training in the first year of employment, and 20 hours in each succeeding year as follows:

- (1) 16 hours in seed law enforcement training in the first year and eight in each succeeding year;
- (2) 20 hours in noxious weed law enforcement training in the first year and ten in each succeeding year; and
- (3) four hours in screenings law enforcement in the first year and two in each succeeding year.

B. To meet qualifications as a county agricultural inspector in the control programs for feed, fertilizers, pesticides, and insect pests, the participating county agricultural inspector must satisfactorily perform all assigned tasks in the noxious weed, seed, and screenings control programs and must complete the number of hours of training required by the county work plan for each program.

#### Subp. 2. **Authorized agent status.**

A. *Minnesota Statutes*, section 18.79, subdivision 2, gives the commissioner the power to authorize county agricultural inspectors to act as agents in the administration and enforcement of *Minnesota Statutes*, sections 18.76 to 18.88. As an agent, the county agricultural inspector has the same authority, within the agent's jurisdiction, as the commissioner to administer and enforce assigned laws.

B. A county agricultural inspector shall submit a request in writing to the commissioner to become or to discontinue being an authorized agent for each control program assigned to the inspector in *Minnesota Statutes*, section 18.81, subdivision 1.

C. A county agricultural inspector is eligible to become an authorized agent of the commissioner for the noxious weed, seed, and screenings control programs one year after completing the initial training needed to meet the qualification requirement if the inspector's latest annual performance evaluation specified in part 1505.0754, subpart 2, indicates a satisfactory level of performance.

D. The commissioner may authorize a county agricultural inspector to be an authorized agent for the feed fertilizer, pesticide, and insect pest control programs if the inspector is already an authorized agent in the noxious weed, seed, and screenings control programs and if the inspector has met the qualification requirement in item C.

E. The commissioner shall provide a letter of authorization along with an endorsement for authorized agent status in each control program on an identification card supplied to each authorized inspector.

F. The commissioner may revoke the authorized agent status for each or all control programs if an inspector fails to maintain a satisfactory level of performance as determined in the annual evaluation specified in part 1505.0754, subpart 2.

### **1505.0758 MEETINGS AND REPORTS REQUIRED OF INSPECTORS.**

#### **Subpart 1. Meetings.**

A. County agricultural inspectors shall attend the following meetings according to *Minnesota Statutes*, section 18.79, subdivision 7, to receive the training considered necessary by *Minnesota Statutes*, section 18.79, subdivision 6:

- (1) an annual short course for all county agricultural inspectors at one location;
- (2) an annual meeting for the county agricultural inspectors in a designated region at several locations throughout the state; and
- (3) other regional meetings called by the commissioner to address a special problem or training need that may arise involving one or more duties assigned to the position in *Minnesota Statutes*, section 18.81, subdivision 1.

B. Local weed inspectors are required to attend the following meetings according to *Minnesota Statutes*, section 18.79, subdivision 7, to receive the training considered necessary by *Minnesota Statutes*, section 18.79, subdivision 6:

- (1) an annual noxious weed law enforcement training meeting or time allotted on the program of an annual meeting of a county township officers association;
- (2) for those unable to attend a meeting as provided in subitem (1), a correspondence refresher course or other training approved by the commissioner; and
- (3) other meetings called by the commissioner to address a special problem or training need that may arise involving a duty assigned to the position in *Minnesota Statutes*, section 18.81, subdivision 2.

#### **Subp. 2. Reports.**

A. The following reports are required from county agricultural inspectors according to *Minnesota Statutes*, section 18.79, subdivision 7, as a record of their activities in performing the duties assigned to them in *Minnesota Statutes*, section 18.81, subdivision 1:

- (1) a monthly report to be kept on file in each county and available for review;
- (2) an annual report submitted to the commissioner summarizing their activities in the duties assigned to them and the activities of the local weed inspectors reported to them; and
- (3) special reports, to be requested as needed and submitted to the commissioner, involving one or more of the duties assigned to them.

B. An annual report from each municipality submitted to the county agricultural inspector in the county where the municipality is located is required of local weed inspectors according to *Minnesota Statutes*, section 18.79, subdivision 7, as a record of their activities in performing the duties assigned to them in *Minnesota Statutes*, section 18.81, subdivision 2.

**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

---

### Department of Public Safety

#### Proposed Permanent Rules Relating to Uniform Tag for Dangerous Dogs

##### Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Department of Public Safety intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 347.51, subdivision 7.

You have until 4:30 p.m., October 5, 1994 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the above due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change(s) proposed.

In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 5, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any change(s) you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Commissioner of the Department of Public Safety will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Eric A. McFarland  
Officer of the Commissioner  
Minnesota Department of Public Safety  
445 Minnesota Street, Suite 100  
St. Paul, MN 55101-2156  
(612) 296-5083

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

**A Statement of Need and Reasonableness** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Eric A. McFarland, at the above address, upon request.

In preparing the rule, the Commissioner of the Department of Public Safety has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rule will not directly affect small businesses.

*Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of the rule will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rule.

*Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of the rule will not have an impact on agricultural land.

*Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rule does not establish or adjust departmental charges.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the above named representative.

Dated: 17 August 1994

Michael S. Jordan, Commissioner  
Department of Public Safety

#### Rules as Proposed (all new material)

##### 7417.0100 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7417.0100 to 7417.0400 is to establish the design of a uniform dangerous dog tag, to be inscribed on or attached to each dangerous dog's tag and affixed to each dangerous dog's collar at all times.



Subp. 2. **Scope.** The scope of parts 7417.0100 to 7417.0400 is to be consistent with the provisions of *Minnesota Statutes*, section 347.51, subdivision 7.

**7417.0200 UNIFORM DANGEROUS DOG TAG.**

Subpart 1. **Description.** Each uniform dangerous dog tag must meet the following standards:

- A. It must be circular in shape and 1-1/2 inches in diameter.
- B. A ring one-fourth inch in diameter must be affixed to the top center of the dangerous dog tag, so that the dangerous dog tag can be affixed to the dangerous dog's collar.
- C. The outer edges of the circle must contain a perfect red circle that is one-fourth inch in width.
- D. An illustration of a black dog must be shown in the center of the circle standing on its hind legs at a 45-degree angle, with its open mouth facing the right side of the symbol.
- E. The dog must appear to be in the process of attempting to bite at a black hand and wrist that is entering the circle from the right side and is pointed toward the dog's open mouth.
- F. The hand and wrist must also protrude into the circle one-fourth inch, with a one-sixteenth inch yellow space between the end of the wrist and the inner edge of the red circle.
- G. The dog must also be proportionately centered in the circle and be one inch long, from the dog's extreme hind leg to the front tip of the dog's nose.
- H. The hand and wrist must enter into the inside of the circle, from the right side, one-fourth inch.
- I. The hand must also have all five fingers spread apart, with the palm of the hand showing.
- J. The remaining portion of the tag must be bright yellow.

Subp. 2. **Construction, registration number, inscription.** The uniform dangerous dog tag must be made of one-sixteenth inch thick aluminum and shall have the dangerous dog's registration number inscribed on the back of the tag. Each uniform dangerous dog tag must also have the following words inscribed on or attached to the back:

"*Minnesota Statutes*, section 347.51, requires that this authorized warning symbol be posted on a dangerous dog tag and affixed to the dog's collar at all times. Minnesota Department of Public Safety"

**7417.0300 TAG WORN BY EACH DANGEROUS DOG.**

Subpart 1. **Requirement.** Each dangerous dog registered under *Minnesota Statutes*, section 347.51, must have a uniform dangerous dog tag affixed to the dangerous dog's collar at all times.

Subp. 2. **Separate tag.** The uniform dangerous dog tag shall be a dog tag separate and apart from the dog tag that dogs are required to wear under part 1720.1555.

**7417.0400 UNIFORM DANGEROUS DOG TAG GRAPHIC.**

The uniform dangerous dog tag must look like the following graphic:



**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.

## 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 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.

## Pollution Control Agency

### Adopted Permanent Rules Relating to Ambient Air Quality Standards

The rules proposed and published at *State Register*, Volume 18, Number 36, pages 1987-1992, March 7, 1994 (18 SR 1987), are adopted as proposed.

## Board of Water and Soil Resources

### Adopted Permanent Rules Relating to Reinvest in Minnesota Conservation Reserve and Permanent Wetlands Preserve Programs

The rules proposed and published at *State Register*, Volume 18, Number 49, pages 2530-2545, June 6, 1994 (18 SR 2530), are adopted with the following modifications:

#### Rules as Adopted

#### 8400.3030 DEFINITIONS.

Subp 3a. **Agricultural land.** "Agricultural land" means land devoted for use as pasture or hayland for domestic livestock or dairy animals, or to the agricultural crop production of horticultural, row, close grown, introduced pasture, or introduced hayland crops, or to growing nursery stocks, or for pasturing domestic livestock or dairy animals, or for use as animal feedlots, and may include contiguous land associated with the production of the above these uses.

Subp. 31a. **Land with crop history.** "Land with crop history" means land that has produced horticultural, row, or close grown crops or that has been enrolled at a cropland rate in a federal or state conservation program at least two of the five years prior to applying for enrollment in a conservation easement program, or land that meets the definition of introduced hayland in subpart 29, or land that meets the definition of introduced pasture in subpart 30. For the purposes of parts 8400.3000 to 8400.3930, land with crop history includes acres devoted to "set aside" or "conserving use" for the United States Department of Agriculture programs.

#### 8400.3160 CRITERIA FOR ELIGIBLE LAND.

##### Subp. 3. Permanent wetlands preserve program.

B. In addition, land eligible for the permanent wetlands preserve program must be all of the following:

- (2) land that has no more than four adjacent upland acres enrolled for each acre of wetland enrolled;

## Department of Administration

### Notice of Withdrawal of Proposed Permanent Rules Relating to the Minnesota State Building Code

NOTICE IS HEREBY GIVEN that the proposed permanent rules amending the Minnesota State Building Code, *Minnesota Rules* chapters 1360 and 1361 in the May 2, 1994, *State Register* on pages 2298 to 2308 (18 S.R. 2298) are withdrawn on September 12, 1994.

Dated: 23 August 1994

Debra Rae Anderson,  
Commissioner

### Gambling in Minnesota

<i>Lawful Gambling Statutes 1992</i> Chapter 349. 65 pp. 2-5 SR \$ 6.95	<i>Gaming News Subscription</i> Yearly subscription. 90-8SR \$40.00
<i>Lawful Gambling Rules 1993</i> Chapter 7861 thru 7865. 80pp. 3-3 SR \$ 6.95	<i>Gambling Organizations Directory</i> Lists name and address of licensed gambling organizations in Minnesota 99-2SR \$29.95
<i>Gambling Manager's Handbook 1992</i> Requirements of gambling activities 10-19SR \$16.95	<i>Regulatory Accounting Manual</i> Procedures guide includes tax forms 10-40SR \$14.95
<i>High Stakes: Gambling in Minnesota 1992</i> Overview to gambling in Minnesota 10-46SR \$ 8.95	<i>Accounting Manual Worksheets</i> 8-11SR \$ 7.95
<i>Gambling in Minnesota 1993</i> Supplement to High Stakes Gambling 10-26s1SR \$ 5.95	<i>View-through Binder</i> 8 1/2 x 11 10-25 SR \$ 5.95 <i>Tab Dividers</i> 10 per package 10-19 SR \$16.95

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order.

### Attract wildlife to your property...

#### Landscaping for Wildlife

Best-selling guide to attracting wildlife with your landscaping plans that are easy and inexpensive. Packed with diagrams and 70 color photos. 144 pp. Paperback. 9-15 SR \$10.95

#### Woodworking for Wildlife

Sports 185 color photos and 28 building diagrams for nest boxes and platforms to attract more than 50 species of birds and mammals. 112 pp. Paperback. 9-14 SR \$9.95

**Save \$2.40 by purchasing both publications together. 9-20SR \$18.50**

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order. Visit Minnesota's Bookstore to view a variety of wildlife publications.



**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.

# Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

## Department of Revenue

### Revenue Notice #94-22: Tax Exempt Entities - Grounds for Revocation of 501(c)(3) Status Under Minnesota Law

The 1994 Legislature enacted a new law dealing with tax-exempt organizations which states:

"The commissioner [of revenue] may examine or investigate an entity claiming exemption under this section [*Minnesota Statutes* 290.05] and subpart F of the *Internal Revenue Code*. The commissioner may revoke the exemption under this section for violations of federal law that would permit the commissioner of internal revenue or the secretary of the treasury to revoke the exemption under federal law, regardless of whether such action has been taken under federal law."

This new law clarifies that the Minnesota Department of Revenue can revoke section 501(c)(3) status for Minnesota tax purposes, using the same exact guidelines as the Internal Revenue Service can use to revoke 501(c)(3) status for federal purposes under the *Internal Revenue Code*. The purpose of this notice is to provide guidance on some of the types of activities which might cause the Department to take such action.

#### Ways to lose 501(c)(3) status

##### 1. Failure to engage primarily in activities which accomplish one or more exempt purposes.

The exempt purpose requirement is satisfied if the organization is operated exclusively for religious, charitable, scientific, testing for public safety, literary, or education purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals.

The presence of a single nonexempt purpose which is substantial in nature will destroy the exemption. While the presence of profit making activities is often an indication of a non exempt purpose, the presence of profit making activities alone is not a bar to qualification of an organization as exempt if the activities further or accomplish an exempt purpose. However, there is no clear test for making the determination: the presence of a nonexempt purpose requires a case by case analysis for determining whether that purpose is "substantial."

##### 2. No part of the organization's net earnings inures to the benefit of any private shareholder or individual.

An organization may lose its 501(c)(3) status if it is organized and operated for the benefit of private interests such as designated individuals, the creator or family of the creator, shareholders of the organization, or persons having a personal and private interest in the activities of the organization. Essentially this means that a private shareholder or individual who has the ability to control or influence the organization so as to cause the benefit cannot receive the organization's funds except as reasonable compensation for goods or services.

##### 3. Substantial effort to influence legislation.

No substantial part of the activities of an exempt organization may constitute carrying on propaganda, or otherwise attempting, to influence legislation. An organization is attempting to influence legislation if it contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation, or advocates the adoption or rejection of legislation. While many tax exempt organizations engage in efforts to influence legislation, their tax exempt status is not at risk unless those activities are "substantial."

##### 4. Any direct or indirect political campaigning.

An organization can lose its tax exempt status if it directly or indirectly intervenes or participates in any political campaign on behalf of, or in opposition to, any candidate for federal, state or local public office. The campaign activity does not have to be substantial: any amount of campaign activity could result in loss of 501(c)(3) status. Campaign activity includes, but is not limited to, publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to any candidate. Certain non-partisan "voter education" activities, such as sponsoring candidate debates, compiling and distributing voting records or positions of candidates, if done on a broad range of issues do not constitute prohibited political campaigning. Employees of 501(c)(3) organizations, may, however, engage in political campaigning, as long as they are not using 501(c)(3) approved time or resources to do it.

#### Result of loss of exempt status.

For churches, the result of the loss of 501(c)(3) status is that donations to the organization are no longer deductible to the contributor. For other 501(c)(3) organizations, the effect of loss of 501(c)(3) status is the total loss of tax exempt status. The loss of 501(c)(3) status would also seriously jeopardize, and in most instances be grounds for revocation of sales tax or property tax exemptions to which the organization might otherwise be entitled.

Dated: 5 September 1994

Patricia A. Lien  
Assistant Commissioner for Tax Policy

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

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

---

## Administration Department

### Print Communications Division

#### **State Register Index Available for Volume 18**

An index to rules, and official notices soliciting outside information relating to rules, for volume 18, July 1993-June 1994, is now available. The index also includes Executive Orders of the Governor, Commissioner's Orders and Revenue Notices.

Subscribers who wish to receive a copy of the index need to contact Minnesota's Bookstore, ask for a copy, and leave your name and address. There will be no charge to subscribers. Call (612) 297-3000, or toll-free: 1-800-657-3757, or FAX to (612) 297-8260, or write to Minnesota's Bookstore, 117 University Ave., St. Paul, MN 55155.

Copies of the index will be mailed to *State Register* subscribers who are designated as "State Depository Libraries," or who are designated in *Minnesota Statutes*, Sec. 14.46 subd. 4 as a recipient of a subscription at no charge.

Those wishing to purchase a copy will be charged the same rate applied to an issue of the *State Register*, \$3.50, with a shipping charge of \$3.00 if processed for mailing.

## Minnesota Comprehensive Health Association

### **Notice of Meeting of Ad Hoc Committee on Request for Proposal for Writing Carrier Contract**

NOTICE IS HEREBY GIVEN that the Ad Hoc Committee on Request for Proposals (RFP) for Writing Carrier Contract of the Minnesota Comprehensive Health Association (MCHA), will meet on Wednesday, September 7, 1994 at 5:00 p.m., at the Minnesota Comprehensive Health Association, Suite 910, 5775 Wayzata Boulevard, St. Louis Park.

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

## Minnesota Comprehensive Health Association

### **Notice of Meeting of the Board of Directors**

NOTICE IS HEREBY GIVEN that the Minnesota Comprehensive Health Association (MCHA) Board of Directors will meet on Friday, September 9, 1994 at 9:00 a.m. at the Sheraton Park Place Hotel, 1500 Park Place Boulevard, St. Louis Park, Minnesota. The meeting will be in room "Terrace IV" on the second floor.

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

## Department of Finance

### Cash and Debt Management Division

#### **Notice of Available Tax Exempt Bonding Authority**

NOTICE IS HEREBY GIVEN pursuant to *Minnesota Statutes* 474A.14 that on September 1, 1994 the total sum of \$11,592,006 of tax exempt bonding authority was available in the state unified pool. Of this amount \$5 million was reserved for Rural Finance Authority projects and \$6,550,000 was reserved for small issue manufacturing projects. The total of these reservations was \$11,550,000 leaving \$42,006 unreserved on 9/1/94.

John Gunyou  
Commissioner

## Official Notices

---

### Department of Finance

#### Cash and Debt Management Division

#### Notice of Revisions to Tax Exempt Bonding Application and Issuance Forms

NOTICE IS HEREBY GIVEN that tax exempt bonding forms of the Minnesota Department of Finance have been updated to reflect recent legislative changes. To obtain a copy of the revised tax exempt bonding application forms and project closing forms, please contact Mr. Lee Mehrkens at (612) 296-1700.

John Gunyou  
Commissioner

### Department of Human Services

#### Notice of Advisory Committee Meeting on Organ and Tissue Transplants

The Advisory Committee on Organ and Tissue Transplants will meet on Wednesday September 21st, and Wednesday October 27, 1994 from 3:00 to 5:00 p.m. in Room 1A and 1B of the Department of Human Services office building at 444 Lafayette Road, St. Paul, Minnesota 55155. The purpose of these meetings is to make recommendations to address transplant procedures and facilities that should be considered for addition to those covered by Minnesota Medical Assistance. These recommendations are then submitted to the Department of Human Services.

### Department of Labor and Industry

#### Labor Standards Division

#### Notice of Correction to Prevailing Wage Rates

Prevailing wage rates determined and certified for Labor Code 404-CARPENTER for projects in the following counties for commercial construction has been corrected: Lyon dated 931220, 940314, 940523 & 940725; Murray dated 940411 & 940523; Nobles dated 940502, 940613, 940725 & 940801; Martin dated 940418; Pipestone dated 940815; Watonwan dated 940418.

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452.

John B. Lennes, Jr.  
Commissioner

### Department of Labor and Industry

#### Labor Standards Division

#### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective September 6, 1994 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Cook:** Aircraft Maintenance & Storage Building-Northwest of Grand Marais.

**Crow Wing:** Riverside Elementary School Additions & Remodeling-Brainerd.

**Dakota:** ISD #196 High School of Environmental Studies-Apple Valley.

**Goodhue:** Goodhue Schools Additions & Remodeling; Goodhue Schools Site & Foundation-Goodhue.

**Hennepin:** U of M Williams Arena/Sports Pavilion Painting; Field School Site-Minneapolis.

**Murray:** Lake Shetek State Park Interpretive Center Remodeling-Currie.

**Rice:** Morristown Jr. High School UST Removal & Replacement-Morristown.

**St. Louis:** Eveleth Health Services Park Renovation-Eveleth.

**Washington:** Stillwater Correctional Facility Security Screens Cell Hall "D"-Stillwater.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr  
Commissioner

## Office of the Ombudsman for Mental Health and Mental Retardation

### Notice of a General Meeting of the Advisory Committee

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting from 9:00 a.m. until 1:00 p.m. on Thursday, September 15, 1994. The meeting will be held in Suite 202, Metro Square Building on 7th and Robert Street, St. Paul.

## Pollution Control Agency

### Hazardous Waste Division

### Notice of Intent to Issue a Statewide General Permit Governing Facilities Composting Less Than 1,500 Cubic Yards of Petroleum Contaminated Soil

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is preparing to issue a statewide general permit governing composting of petroleum contaminated soil. The issuance of the general permit is authorized by *Minnesota Rules* pt. 7001.0210, subp. 2 (1993), which allows the Agency to issue a general permit if "... the Agency finds that it is appropriate to issue a single permit to a category of permittees, whose operations, emissions, activities, discharges or facilities are the same or substantially similar. . ."

The Agency requires that excavated petroleum contaminated soil be treated or disposed of properly. One method that has recently become more common is the composting of petroleum contaminated soil. Composting is a safe and effective method that takes advantage of naturally occurring micro-organisms to biodegrade petroleum.

Composting of petroleum contaminated soil is regulated by the Agency's solid waste rules and is required to be permitted. The permitting process can take up to six months. By using a general permit to cover all proposed petroleum contaminated soil composting facilities that treat less than 1,500 cubic yards of petroleum contaminated soil at any one time, the MPCA will be able to streamline the permitting process for these types of facilities. The general permit, if approved, should reduce the time between application for and issuance of a permit to one month.

The preliminary determination to issue the general permit is tentative. There are three formal procedures for public participation in the Agency's consideration of the general permit. First, interested persons may submit written comments on the proposed general permit. Second, interested persons may request the Agency to hold a public information meeting. Third, interested persons may request the Agency to hold a contested case hearing, which is conducted by the Office of Administrative Hearings, pursuant to the Administrative Procedures Act. Interested persons who submit comments or requests to the Agency should include:

1. a statement of the person's interest in the draft general permit;
2. a statement of the action the person wishes the Agency to take, including specific references to the section of the draft general permit that the person believes should be changed; and
3. the reasons supporting the person's position.

The public comment period commences Tuesday, September 6, 1994, and terminates October 6, 1994. For a copy of the draft permit, please contact Tracy Finch at (612) 297-8573. Written comments should be mailed to:

Barbara A. Hearley  
Tanks and Spills Section  
Hazardous Waste Division

## Official Notices

---

Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155

All written comments and requests for public information meetings or contested case hearings received during the public comment period will be considered by the Division Manager, Hazardous Waste Division. The Division Manager will issue a final determination in a timely manner after the expiration of the public comment period.

### Pollution Control Agency

#### Air Quality Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Minnesota Rules, Chapters 7007 and 7017 Governing Air Emission Permits and Monitoring and Testing Requirements

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from sources outside the MPCA in preparing to propose amendments to rules governing compliance certification under air emission permits and governing what evidence may be used to determine whether an air quality requirement has been violated. The amendments are being made in response to a formal request by the United States Environmental Protection Agency (EPA).

In 1990, Section 114 of the Clean Air Act (CAA) was amended to require the Administrator of the EPA to promulgate rules implementing an enhanced monitoring and compliance certification program for major stationary sources of air pollution. The primary purpose of this program is to reduce air pollutant emissions by requiring sources to monitor compliance with applicable emission limitations or standards on a continuing basis over time. EPA's proposed Enhanced Monitoring Program Rule was published in the *Federal Register* on October 22, 1993.

As part of the new enhanced monitoring program, the EPA is amending its own rule to ensure that the results of enhanced monitoring may be used in compliance certification and in establishing violations. EPA is concerned that, without the amendments, certain federal rules could be interpreted such that only the reference test method published with the original standard could be used to formally determine compliance. Similarly, EPA is concerned that certain provisions of each state's implementation plan (SIP), incorporated into federal law under section 110 of the CAA, could be read to prevent the full use of enhanced monitoring results. The EPA has therefore issued a SIP call requesting Minnesota, along with other states, to amend their SIP's to ensure the enhanced monitoring results may be used in compliance certifications and, along with any other credible evidence, to establish a violation. The EPA has drafted model language, which will be the starting point for this rulemaking. The MPCA considers this rulemaking to simply make explicit its current interpretation of state law.

A revision to the SIP is due to EPA by November 15, 1994, or the date that the enhanced monitoring rule becomes final, if later. The SIP call included draft language for states to use which would resolve EPA's concerns. The draft language is similar to the language EPA is proposing to add to its own rules.

The adoption of the proposed rule is authorized by *Minnesota Statutes* § 116.07, subd. 4, which authorizes the MPCA to adopt rules and standards for the prevention, abatement and control of air pollution. The MPCA also has related authority to require air emission permits under *Minnesota Statutes* § 116.07, subd. 4a, and to require sources to monitor emissions and certify compliance under *Minnesota Statutes* §§ 116.07, subd. 9 and 116.091.

The MPCA does not intend to form an advisory task force for this rulemaking.

The MPCA requests information and opinions concerning the subject matter of the rule. For a copy of the draft rule concerning the subject matter listed above, or to submit data or views on the subject matter in writing or orally contact:

Norma Coleman  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

Oral statements will be received during regular business hours over the telephone at (612) 296-7712 and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m., September 26, 1994. Any written material received



by the MPCA shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted. The MPCA anticipates this rule to be completed by November of 1994. If the rule becomes controversial the MPCA anticipates the completion date to be February 1995.

Charles W. Williams  
Commissioner

## **Pollution Control Agency**

### **Water Quality Division**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Individual Sewage Treatment Systems, *Minnesota Rules* ch. 7080, and Proposed New Rules Governing a Licensing Program for Persons that Install and Maintain Individual Sewage Treatment Systems**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the Agency in preparing to propose rules to fulfill the rulemaking mandate under the Individual Sewage Treatment Act (Act), *Minnesota Laws 1994* ch. 617. The goals of the Act will be accomplished in two separate rulemaking processes as described below.

##### **ADMINISTRATIVE MANDATES**

One process will amend the administrative portions of *Minnesota Rules* ch. 7080, which contains the standards for the design, construction, use and maintenance of individual sewage treatment systems (ISTS). *Minnesota Rules* ch. 7080 must include how the Agency will ensure compliance with ISTS rules, how local units of government will enforce ISTS ordinances including requirements for permitting and inspection programs, how the ISTS Committee will participate in review and implementation of the rules, provisions for handling and disposing of effluent, provisions for system abandonment, and provisions for proximity variances and alternative and more restrictive standards. The adoption of these amendments is required by *Minnesota Laws 1994*, ch. 617, sec. 1, subd. 3. Do not confuse these administrative changes with the pending technical revisions published in the *State Register* on August 22, 1994.

##### **LICENSING MANDATES**

A second rulemaking process will be conducted to establish rules for a licensing program for ISTS professionals. The licensing rules must include requirements for training, examinations, continuing education, equivalent experience, bonding, insurance, fee schedules, license revocation, suspension and other enforcement. The Advisory adoption of these new rules is required by *Minnesota Laws 1994* ch. 617, sec. 2, subd. 1.

The Agency requests information and opinions concerning the subject matter of the Act and the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should specify whether the data or views relate to the professional licensing program or the chapter 7080 amendments and be addressed to:

ISTS Act Development Team  
Minnesota Pollution Control Agency  
Water Quality/Manager's Office  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

## Official Notices

---

Oral statements will be received during regular business hours over the ISTS Information voice mail system at (612) 282-6246 and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m. on October 15, 1994. Any written material received by the Agency shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule amendments or new rules are adopted.

The Agency is especially interested in receiving information concerning the following issues:

- 1) Procedures and rule language for how the Agency will ensure compliance with ISTS rules;
- 2) Procedures and rule language for how local units of government will enforce ordinances, including requirements for permitting and inspection programs;
- 3) Certification methods for alternative standards;
- 4) The appropriate level of experience to be required under the licensing program and related standards; and
- 5) Conditions for revoking a professional ISTS license and corresponding disciplinary actions.

The Act places specific time constraints on the program development effort for the two rulemaking processes. Draft rule language must be completed by mid-December 1994, to meet the Act's mandated rule effective date of January 1, 1996.

The Agency does not intend to form an advisory task force on these rules. Rather, the Agency will conduct a series of meetings, described below, and seek advice from the ISTS Advisory Committee established under *Minnesota Rules* pt. 7080.0100.

Regional meetings will be held throughout the state between September 26 and October 5, 1994. Six hours of each meeting will be dedicated to address both the administrative and licensing issues. The purpose of these meetings is to develop the first draft rule language and justification for the Statement of Need and Reasonableness. The Agency welcomes participants with experience in these issues, such as planning and zoning administrators, inspectors, local elected officials, commissioners, public citizens, environmental groups and other interested parties.

The first draft of the rule will then be evaluated and revised in two, six-hour meetings on November 1 and 30, 1994. Participants targeted for these meetings are leaders of affected groups, such as the Association of Minnesota Townships, Minnesota Lakes Association, Association of Minnesota Realtors, Regional Development Commission, Association of Minnesota Counties, Association of Small Cities and League of Minnesota Cities. However, anyone may attend.

In addition to these information gathering meetings, the Agency staff will be seeking advice from the ISTS Advisory Committee established under Minnesota, Rules pt. 7080.0100. This committee includes representatives from:

- Minnesota Extension Service of the University of Minnesota,
- County administrators,
- Municipal building inspectors,
- Sewage treatment contractors, and
- Water well contractors.

If you are interested in attending the ISTS rule development meetings, call the ISTS Information Line and request to be added to the public meeting mailing list. If you have information or opinions about the issues discussed in this notice, you are encouraged to send a written statement to the ISTS Act Development Team at the above address.

Charles W. Williams  
Commissioner

## Minnesota Property Insurance Placement Facility

### Notice of Meeting of the Board of Directors

**NOTICE IS HEREBY GIVEN** that a meeting of the Board of Directors of the Minnesota Property Insurance Placement Facility will be held at 9:00 a.m. on Wednesday, September 14, 1994 at the office of the Minnesota Property Insurance Placement Facility, 1201 Marquette Avenue, Suite 310, Minneapolis MN. For additional information please call 338-7584.

## Office of the Secretary of State

### Notice of Vacancies in Multi-Member Agencies

**NOTICE IS HEREBY GIVEN** to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by September 27, 1994. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1993 Annual Compilation and Statistical Report published in November 1993, is available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1993 fiscal year. The 1993 Annual Compilation also indicates members with terms that ended in January 1994 as open for application; some of these positions may still be open. The cost of the 1993 Annual Compilation is \$5.95 per copy plus sales tax. There is a \$2.00 charge for mailing per order; an order may include any number of copies. To order copies of the 1993 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

#### Abused Children Advisory Council

Minnesota Dept. of Corrections, 300 Bigelow Bldg., 450 N. Syndicate, St. Paul, MN 55104. 612-642-0221.

*Laws of 1994, Chapter 552.*

**APPOINTING AUTHORITY:** Commissioner of Corrections.

**COMPENSATION:** Reimbursement of expenses.

**VACANCY:** Twelve positions: Please refer to the description of this council.

The advisory council advises the Commissioner of Corrections on all matters related to the Department's funding of abused children programs in Minnesota, other than purely administrative matters. The council advises on grants-related planning, development, data collection, rulemaking, funding and evaluation of programs. The advisory council shall serve as a liaison between the Commissioner of Corrections and organizations that provide services to abused children, and serves as an advocate within the Department of Corrections for the rights of abused children. The advisory council consists of twelve members, knowledgeable about or with interests in issues concerning abused children and the programs that serve them, including the need for effective advocacy services. Six positions will be reserved for persons who are not service providers in community or governmental organizations (persons not affiliated with grantee or potential grantee programs) that provide services to abused children. Six members of the council shall be residents of the seven county metro area and six members shall be residents of Greater Minnesota. Membership must include one member from the Department of Human Services Child Protection Unit. The Department of Corrections seeks to ensure that the advisory council membership reflects diversity with respect to race, age, sexual orientation and disability. The terms of members shall be for two years. No member may serve on the advisory council for more than two consecutive terms. Monthly meetings, approximately three hours, at the Dept. of Corrections central office. The advisory council expires June 1997 per *Minnesota Statutes* 15.059 subd. 5.

#### Battered Women's Advisory Council

Dept. of Corrections, 300 Bigelow Bldg., 450 N. Syndicate Ave., St. Paul, MN 55104. 612-642-0200.

*Minnesota Statutes* 611A.34.

**APPOINTING AUTHORITY:** Commissioner of Corrections.

**COMPENSATION:** Reimbursed for expenses, no per diem.

**VACANCY:** Five vacancies: Three Greater Minnesota members including one public member and two service providers; and two metro area public members.

The advisory council advises the commissioner of Corrections on all matters related to the department's funding of battered women's programs in Minnesota, other than purely administrative matters. The council advises on planning, development, data collection, rulemaking, funding and evaluation of programs. The council conducts business at monthly meetings and by subcommittee processes, with staff support provided by the department, and works closely with the Battered Women's Program Director. The council consists of twelve members, knowledgeable about and with experience or interest in issues concerning battered women, including the need for effective advocacy services. Six positions are reserved for persons who are not service providers in commu-

## Official Notices

---

nity or governmental organizations (persons not affiliated with grantee programs). Six positions are to be filled by residents of the seven county metro area, and six positions by residents of greater Minnesota. The department seeks to ensure that the council includes battered women, that at least six members are from communities of color in Minnesota, and that council membership reflects diversity with respect to age, disability, and sexual orientation. Monthly meetings, three to six hours, at the Dept. of Corrections. The council shall not expire per *Minnesota Statutes* 611A.34.

### Board of Water and Soil Resources

155 S. Wabasha, Suite 104, St. Paul, MN 55107. 612-296-3767.

*Minnesota Statutes* 103B.101.

**APPOINTING AUTHORITY:** Governor. Senate confirmation.

**COMPENSATION:** \$55 per diem plus expenses.

**VACANCY:** One vacancy: Watershed district or watershed management organization representative.

The board coordinates the water and soil resources management activities of local units (counties, SWCD's, WD's, WMO's) of government through educational activities, approval of local plans, administration of state grants and cost-sharing contracts. Programs include RIM reserve, local water planning and implementation, Wetlands Conservation Act, soil conservation, water quality enhancement. Mission: To provide leadership enabling local governments to properly manage water and soil resources and to help all citizens be stewards of our irreplaceable natural resources. Twelve members include three county commissioners, three soil and water conservation district (SWCD) supervisors, three watershed district (WD) or watershed management organization (WMO) representatives, and three unaffiliated citizens. One member must come from each of the current soil and water conservation administrative regions throughout the state. At least three but no more than five members must come from the seven-county metropolitan area. All members must be knowledgeable of soil and water problems. Members must file with the Ethical Practices Board. Monthly meetings. The board does not expire.

### Board on Judicial Standards

2025 Centre Pointe Blvd., Ste. 420, Mendota Hts., MN 55120. 612-296-3999.

*Minnesota Statutes* 490.15.

**APPOINTING AUTHORITY:** Governor. Senate confirmation.

**COMPENSATION:** \$55 per diem.

**VACANCY:** One vacancy: Public member.

The board investigates allegations of misconduct by Minnesota judges and referees and recommends judicial discipline to the supreme court, including censure, suspension, retirement or removal of judges, and to educate the judiciary and the public on the role of the Board of Judicial Standards and on the Code of Judicial Conduct. The board consists of ten members, including one judge of the court of appeals, three trial judges, two lawyers with ten years experience in the state, and four public members. Senate confirmation is not required for the judicial members. No member may serve more than two full four-year terms or their equivalent. Monthly meetings, usually 5-6 hours, within the metropolitan area. Occasional special meetings. The board does not expire.

### Emergency Response Commission

B-5 State Capitol Building, St. Paul, MN 55155. 612-643-3000.

*Minnesota Statutes* 299K.03 as amended by *Laws of 1994, Chapt. 584*.

**APPOINTING AUTHORITY:** Governor.

**COMPENSATION:** Per diem plus expenses.

**VACANCY:** One position: representative of emergency managers for a term expiring in January 1996.

The commission coordinates the implementation of the federal Emergency Planning and Community Right-To-Know Act, carrying out the requirements of a commission under the Act, and may adopt rules in order to do so. The commission consists of twenty-two members, including the commissioners of the Departments of Public Safety, Health, Agriculture, the commissioner of the Pollution Control Agency; and eighteen members (four from outside the metro area) to be appointed by the governor to include one representative each of: fire chiefs, professional firefighters, volunteer firefighters, fire marshals, law enforcement personnel, emergency medical personnel, health professionals, wastewater treatment operators, labor, local elected officials, emergency managers, three representatives of community groups or the public, four representatives from business and industry, at least one of whom must represent small business. Members must file with the Ethical Practices board. Commission meetings are held on the second Thursday of each month from 9:30 a.m. to 12:00 noon. The meetings are generally held in the State Office Building or in B-5 State Capitol Building (during legislative session). The commission does not expire.

**General Crime Advisory Council**

Minnesota Dept. of Corrections, 300 Bigelow Bldg., 450 N. Syndicate, St. Paul, MN 55104. 612-642-0200.

*Minnesota Statutes 611A.361.*

**APPOINTING AUTHORITY:** Commissioner of Corrections.

**COMPENSATION:** Reimbursement of expenses.

**VACANCY:** Four vacancies: Two non-metro service providers, and two non-metro, non-service providers.

The advisory council advises the commissioner of Corrections on all matters related to the Department's funding of programs serving victims of general crime other than sexual assault and domestic abuse in Minnesota, other than purely administrative matters. The council advises on grants-related planning, development, data collection, rulemaking, funding and evaluation of programs. The council serves as a liaison between the Commissioner of Corrections and organizations that provide services to victims of crime other than sexual assault and domestic abuse, and serves as an advocate within the Department of Corrections for the rights of victims of general crime. The advisory council consists of twelve members. Six positions will be reserved for persons who are not service providers in community or governmental organizations (persons not affiliated with grantee or potential grantee programs) that provide services to victims of crime other than sexual assault and domestic abuse. Six members of the council shall be residents of the seven-county metro area and six members shall be residents of Greater Minnesota. The Department of Corrections seeks to ensure that the council membership reflects diversity with respect to race, age, sexual orientation, and disability. No member may serve more than two consecutive terms. Monthly meetings, approximately three hours, at the Dept. of Corrections central office. The council expires June 30, 1997 per *Minnesota Statutes 15.059 subd. 5* as amended by *Laws of 1993*.

**Governor's Task Force on Fire Protection Systems**

Public Safety, 285 Bigelow Bldg., 450 N. Syndicate St., St. Paul, MN 55104-4127. 612-643-3083.

Executive Order 93-21.

**APPOINTING AUTHORITY:** Governor.

**COMPENSATION:** Expenses.

**VACANCY:** One vacancy: Active member of the Minnesota State Fire Chiefs Association.

The task force recommends policies and rules to regulate the fire protection industry of Minnesota. The task force consists of eight members. Members should have interest in strengthening new fire protection systems in Minnesota. The State Fire Marshall or designee shall serve as chair. Meeting schedule and location not determined at this time. The task force expires August 26, 1995 per *Minnesota Statutes 15.059 subd. 6*.

**Health Technology Advisory Committee**

121 E 7th Place, Suite 400, St. Paul, MN 55101

*Minnesota Statutes 62J.15.*

**APPOINTING AUTHORITY:** Minnesota Health Care Commission.

**COMPENSATION:** None.

**VACANCY:** One vacancy.

The committee will conduct evaluations of existing research and technology assessments conducted by other entities of new and existing health care technologies. The advisory committee may include members of the Minnesota Health Care Commission and must include at least one person representing physicians, at least one person representing hospitals, and at least one person representing the health care technology industry. Meetings are regularly held the third Thursday of each month from 1:00 to 4:00 p.m. at various locations. The committee expires June 30, 1997 per *Minnesota Statutes 15.059 subd. 5* as amended by *Laws of 1993*.

**Maternal and Child Health Advisory Task Force**

Dept. of Health, Maternal and Child Health Division, Box 9441, 717 Delaware St. S.E., Mpls., MN 55440. 612-623-5459.

*Minnesota Statutes 15.014, Subd. 2.*

**APPOINTING AUTHORITY:** Commissioner of Health.

**COMPENSATION:** Reimbursed for expenses.

**VACANCY:** Fifteen positions: including five professionals with expertise in maternal and child health services, five representatives of local community health boards, and five consumer representatives interested in the health of mothers and children.

## Official Notices

---

The task force meets to review and report on the health care needs of mothers and children throughout the state of Minnesota. The task force consists of fifteen members providing equal representation from five professionals with expertise in maternal and child health services, five representatives of local community health boards as defined in *Minnesota Statutes* 145A.02, subdivision 5, and five consumer representatives interested in the health of mothers and children. Meetings generally held five times per year, approximately five hours in length, at 717 Delaware St. S.E., in Minneapolis. The task force expires two years from establishment (September 1996) per *Minnesota Statutes* 15.059, Subd. 6.

### Medical Malpractice Joint Underwriting Association (MMJUA)

Dept. of Commerce, 133 E. 7th St., St. Paul, MN 55101. 612-297-4634.

*Minnesota Statutes* 62F.02.

**APPOINTING AUTHORITY:** Commissioner of Commerce/Governor.

**COMPENSATION:** \$150 per diem plus expenses.

**VACANCY:** Three vacancies: Public members.

The board provides medical malpractice insurance coverage to any licensed health care provider unable to obtain this insurance through ordinary methods. The board consists of eleven members including three public members appointed by the governor, three health care providers appointed by the commissioner of Commerce, and five members elected by members of the association. Every personal injury liability insurer in the state shall be a member as a condition for obtaining and retaining a license to write insurance in Minnesota. The board does not expire.

### Minnesota Board of Chiropractic Examiners Peer Review Committee

2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089. 612-642-0591.

*Minnesota Statutes* 148.01-148.106.

**APPOINTING AUTHORITY:** Executive Director, Minnesota Board of Chiropractic Examiners.

**COMPENSATION:** \$55 per diem.

**VACANCY:** One vacancy: Public member. Must be available to attend first meeting on Tuesday, November 8, 1994 at 12:30 p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are one year in length. Members may serve two full terms. Applications may be submitted at any time and are retained and considered for two years. The committee meets on the second Thursday of every month at 12:30 p.m. at the Minnesota Board of Chiropractic Examiners' office. The committee does not expire.

### Minnesota Board of Nursing

2700 University Ave. W., #108, St. Paul, MN 55114. 612-642-0567.

*Minnesota Statutes* 148.181.

**APPOINTING AUTHORITY:** Governor.

**COMPENSATION:** \$55 per diem plus expenses.

**VACANCY:** One vacancy: Registered Nurse (RN) position. Member must be resident of Minnesota, graduate of an approved school of nursing, with at least five years experience immediately prior to appointment, and at least two years teaching or executive experience in an Associate Degree Nursing Program immediately prior to appointment. The term expires January 1995.

The board licenses professional and practical nurses, registers public health nurses, disciplines licensees, renews licenses, approves nursing schools, lists professional nursing organizations which certify certain advanced nurse specialists for the purpose of third party reimbursement and identifies nurse practitioners and clinical specialists in psychiatric and mental health nursing eligible to prescribe drugs and therapeutic devices. The board consists of sixteen members, all of whom must be residents of Minnesota. The membership includes eight RNs, four LPNs, and four public members. RN and LPN members must have graduated from an approved school of nursing, be licensed and currently registered in Minnesota and have at least five years experience in nursing practice, administration or nursing education immediately preceding appointment. One RN must have executive or teaching experience in a baccalaureate degree nursing program, one RN must have executive or teaching experience in an associate degree nursing program, one RN must have executive or teaching experience in a practical nursing program; these programs must be approved by the board and at least two years experience must have occurred during the five years immediately preceding appointment. One RN must have national certification as a registered nurse anesthetist, nurse practitioner, nurse midwife, or clinical nurse specialist, and one RN must be practicing professional nursing in a nursing home at the time of appointment. Four of the eight RNs must have at least five years of experience in nursing practice or nursing administration immediately preceding appointment. The

four LPNs must have had at least five years experience in nursing practice immediately preceding appointment. The four public members must be public members as defined by *Minnesota Statutes* 214.02. A member may be reappointed but may not serve more than two full terms consecutively. The governor shall attempt to make appointments to the board that reflect the geography of the state. Board members who are nurses should reflect the broad mix of practice types and sites of nurses practicing in Minnesota. Meetings at least six times a year (February, April, June, August, October, and December). Members must file with the Ethical Practices Board. The board does not expire.

**Minnesota Technology, Inc.**

111 3rd Ave. S., Suite 400, Mpls., MN 55401. 612-338-7722.

*Minnesota Statutes* 1160.03, subd. 2.

**APPOINTING AUTHORITY:** Governor.

**COMPENSATION:** \$55. per diem plus expenses.

**VACANCY:** One vacancy: Prefer owner/CEO of a small or mid-sized manufacturing company.

The duties of the corporation include applied research, technology transfer and early stage funding to small manufacturers; establishing programs and policies to provide technology transfer and research and development assistance to individuals, businesses and non-profit organizations; and providing financial assistance for bringing new products to the marketplace. The corporation consists of fourteen directors including: a person from the private sector appointed by the governor who shall act as chair and serve as chief science advisor to the governor and legislature; the dean of the Institute of Technology and the dean of the Graduate school of the University of Minnesota; the commissioner of the Department of Trade and Economic Development; and six members appointed by the governor, at least one of whom must be a person from a public post-secondary system other than the University of Minnesota; and one member who is not a member of the legislature appointed by each of the following: the speaker of the house of representatives, the house of representatives minority leader, the senate majority leader, and the senate minority leader. At least fifty percent of the six members appointed by the governor and fifty percent of the four members appointed by the legislature must reside outside the seven-county metropolitan area and must have experience in manufacturing, the technology industry, or research and development. Monthly meetings on the third Thursday of each month at 3:00 p.m. at the Minneapolis office. Quarterly all-day meetings at a regional office location. Members must file with the Ethical Practices Board. The board does not expire.

**Professional Sports Franchises Advisory Task Force**

Metropolitan Sports Facilities Commission, HHH Metrodrome, 900 S 5th St., Mpls. 55415. 612-332-0386.

*Laws of 1994*, Chpt. 648.

**APPOINTING AUTHORITY:** Governor.

**COMPENSATION:** Expenses.

**VACANCY:** Eleven positions: Public members, one from each congressional district. Please see the description of this new task force.

The task force will study the overall impact of professional sports in Minnesota, analyzing the following factors: economic disruption and worker dislocation that would occur in the event that a professional sports team would relocate; the dynamics and consequences of cities competing against each other for professional sports franchises; and the relative public costs of obtaining and keeping professional sports franchises. The task force shall make findings and report to the legislature by February 1, 1995, on the overall impact of professional sports franchises on the state and recommendations on a policy the state should adopt with regard to obtaining and retaining professional sports franchises. The task force consists of eighteen members including: Eleven public members appointed by the Governor, one from each congressional district; the Governor or Governor's designee; the Commissioner of Trade and Economic Development, the chair of the Metropolitan Sports Facilities Commission; the chairs of the Metropolitan and Local Government Committee of the Senate, and the Local Government and Metropolitan Affairs Committee of the House of Representatives, or their successor committees; the chairs of the Jobs, Energy, and Community Development Committee of the Senate, and the Commerce and Economic Development Committee of the House of Representatives, or their successor committees; one minority member of the Senate, appointed by the Subcommittee on Committees of the Rules and Administration Committee; and one minority member of the House of Representatives, appointed by the Speaker of the House. Meeting schedule and location is undetermined at this time. The task force will expire on June 1, 1995.

**Sexual Assault Advisory Council**

Minnesota Dept. of Corrections, 300 Bigelow Bldg., 450 N. Syndicate, St. Paul, MN 55104. 612-642-0200.

*Minnesota Statutes* 611A.25, Sec. 7.

**APPOINTING AUTHORITY:** Commissioner of Corrections.

**COMPENSATION:** Reimbursement of expenses.

## Official Notices

---

**VACANCY:** Three vacancies: Two non-metro non-service providers and one metro non-service provider.

The advisory council advises the commissioner of Corrections on all planning, development, data collection, rulemaking, funding and evaluation of programs and services to sexual assault victims other than matters of a purely administrative nature. The council consists of twelve members. No more than six of the members of the council shall be representative of community or governmental organizations (persons not affiliated with grantee or potential grantee) that provide services to sexual assault victims. One-half of the members shall be from the metro area and one-half of the members from the non-metro, including all non-metro areas of the state. Special consideration to comprising the council of diverse populations. No member may serve more than two consecutive terms. Monthly meetings, approximately five hours, at the Dept. of Corrections central office. The council expires June 30, 1997 per *Minnesota Statutes* 15.059 subd. 5 as amended by *Laws of 1993*.

### **Small Business Procurement Advisory Council**

112 Administration Bldg., St. Paul, MN 55155. 612-297-4412.

*Minnesota Statutes* 16B.20.

**APPOINTING AUTHORITY:** Commissioner of Administration.

**COMPENSATION:** \$55 per diem.

**VACANCY:** One vacancy.

The council advises on the small business procurement program, reviews complaints from vendors, and reviews compliance reports. The council consists of thirteen members. The council expires June 30, 1997 per *Minnesota Statutes* 15.059 subd. 5 as amended by *Laws of 1993*.

### **Sustainable Economic Development and Environmental Protection Task Force**

300 Centennial Office Bldg., 658 Cedar St., St. Paul, MN 55155. 612-297-1257.

*Laws of 1994*, Chpt. 632, Art. 2, Sec. 56.

**APPOINTING AUTHORITY:** Chair, Minnesota Environmental Quality Board.

**COMPENSATION:** Expenses only.

**VACANCY:** Eleven new positions: Public members, residents of Minnesota. At least one member shall represent towns, one member shall represent cities, one member shall represent counties, and one member shall represent regional development commissions. Please see the description of this new agency.

The task force shall research and recommend: what policies or goals are of statewide interest relating to sustainable communities and land use that should guide decision making at state, regional, and local levels; what planning framework and process will enhance collaboration at all levels to help achieve the goals; and how the planning framework will incorporate the following nonexclusive list of issues: sustainable economic development, protection of natural resources, urban-rural linkages, and citizen involvement. The task force consists of seventeen members including: six legislators, including three members of the Senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration, and three members of the House of Representatives appointed by the Speaker of the House; at least one member from the Senate and one member from the House of Representatives must be a member of the minority caucus; and eleven public members appointed by the Chair of the Minnesota Environmental Quality Board, at least one public member shall represent towns, one member shall represent cities, and one member shall represent counties, and one member shall represent regional development commissions. Members must be residents of the state of Minnesota and serve at the pleasure of the appointing authority. Monthly six hour meetings, at St. Paul and other variable locations. The task force expires June 30, 1995 per *Laws of 1994*, Chpt. 632.



---

---

## Professional, Technical & Consulting Contracts

---

---

## State Grants

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

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

---

### Department of Human Services

#### Minnesota Board on Aging

#### Notice of Availability of Funds for the Senior Nutrition Program

NOTICE IS HEREBY GIVEN that \$150,000 is available for Calendar Year 1995 to Senior Nutrition programs serving counties where congregate and home delivered meals were locally financed prior to participation in the nutrition program of the Older Americans Act. Supplemental funds for affected areas may be awarded in amounts up to the level of prior county financial participation less any local match as required by the Older Americans Act.

Interested parties should contact their local Area Agency on Aging for application deadlines and procedures. Area Agencies on Aging will apply to the Minnesota Board on Aging (MBA) for available funds in their 1995 Area Plan on Aging due Monday, November 7, 1994 at 4:30 p.m. to the MBA offices at:

Minnesota Board on Aging  
444 Lafayette Road  
St. Paul, MN 55155-3843  
Attn: James G. Varpness, Executive Secretary

---

---

## Professional, Technical & Consulting Contracts

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

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

---

### Department of Economic Security

#### Notice of Proposed Contracts for Federal Fiscal Year 1995 for

#### Braille Textbook Format Consultant and Trainer/Certifier of Volunteer Braille Transcribers

#### Contracts for Reader Services

#### Contracts for Driver Services

The Minnesota Department of Economic Security, Services for the Blind and Visually Handicapped (SSB), is publishing notice that the contracts listed below are available and will be awarded for Federal Fiscal Year 1995 (October 1, 1994 to September 30, 1995).

#### A. Notice of Proposed Contract for a Braille Textbook Format Consultant and Trainer/Certifier of Volunteer Braille Transcribers

SSB is seeking an individual/organization to serve as a format consultant and accept assignments for formatting material that is to be transcribed into braille according to the rules of the Code of Textbook Formats and Techniques. The candidate must 1) be certi-

## Professional, Technical & Consulting Contracts

---

fied as a Volunteer Braille Transcriber by the National Library Services, 2) be thoroughly knowledgeable of the Code of Braille Textbook Formats and Techniques, 3) have the ability to communicate clearly the correct braille format to volunteer braille transcribers, 4) be sensitive to the unique needs of volunteer braille transcribers, and 5) have the knowledge, skills and abilities to train and certify volunteer braille transcribers.

The selected contractor will be paid \$800 per month and may have an annual training allowance of \$2,000 to attend National Braille Association Workshops as funds are available. The contractor will also be paid \$5,000 for each brailist that is trained and certified by the contractor that will be used to transcribe braille for the Communication Center, up to a maximum of \$10,000. The total cost of this contract will not exceed \$21,600.00.

Inquiries and/or proposals including a statement of qualifications and training/work experience should be directed to:

Julie Talbott, CSS Director  
Services for the Blind and Visually Handicapped  
2200 University Avenue West, #240  
St. Paul, MN 55114  
(612) 642-0511

All proposals must be received by 4:30 p.m., Friday, 9/09/94 for consideration.

### B. Notice of Proposed Contracts for Reader Services

SSB is seeking individuals/organizations to provide reader services as a reasonable accommodation to blind or visually handicapped employees of the agency. As a Reader, the individual will read incoming correspondence, case file information, regulations, grant applications/grants, etc., and record information on fiscal documents, rehabilitation plans, applications, and client information system forms as dictated by the blind or visually handicapped employee. The following approximate number of contracts will be let:

1. 7 Readers for the Metro area: 1 of these must have a working knowledge or familiarity of computer-related technical terms and language;
2. 1 Reader for the Duluth area;
3. 1 Reader for the Rochester area.

All individuals will be paid at a rate from \$4.75 to \$6.00 per hour. Contracts will range from 10-20 hours per week based on the individual needs of the employee. Total cost of all contracts is not expected to exceed \$35,000.00.

Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Julie Talbott, CSS Director  
Services for the Blind and Visually Handicapped  
2200 University Avenue West, #240  
St. Paul, MN 55114  
(612) 642-0511

All proposals must be received by 4:30 p.m., Friday, 9/09/94 for consideration. Individuals responding after this date, as well as those individuals who responded by the date although were not selected, will have their name on file for a period of one year, and will be contacted if vacancies occur or additional services are needed during this period.

### C. Notice of Proposed Contracts for Driver Services

SSB is seeking individuals/organizations to provide driver services as a reasonable accommodation to blind or visually handicapped employees of the agency. As a Driver, the individual will drive the blind or visually handicapped employee to meetings, client interviews or appointments and return to the office in their own or a state-owned vehicle. The following approximate number of contracts will be let:

1. 6 Drivers for the Metro area;
2. 1 Driver for the Duluth area serving the northern half of the state;
3. 1 Driver for the Rochester area serving Dodge, Faribault, Fillmore, Freeborn, Houston and Mower counties;

Candidates must possess a valid driver's license and good driving record and provide proof of insurance if their own vehicle is to be used.

All individuals will be paid at a rate from \$4.75 to \$6.00 per hour. Contracts will range from 10-20 hours per week based on the

---

---

## Professional, Technical & Consulting Contracts

individual needs of the employee. An individual providing driver services who uses his/her own vehicle shall be reimbursed as part of the contract at a rate of \$.27 per mile. Total cost of all contracts is not expected to exceed \$20,000.00.

Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Julie Talbott, CSS Director  
Services for the Blind and Visually Handicapped  
2200 University Avenue West, #240  
St. Paul, MN 55114  
(612) 642-0511

All proposals must be received by 4:30 p.m., Friday, 9/09/94 for consideration. Individuals responding after this date, as well as those individuals who responded by the date but were not selected, will have their name on file for a period of one year, and will be contacted if vacancies occur or additional services are needed during this period.

Individuals interested in both the reader and the driver activities should indicate this in their brief statement.

## State Board of Investment

### Notice of Request for Proposals for Insurance Company 401(A) Vendors

The State Board of Investment (SBI) is soliciting proposals from insurance companies for 401(a) products and services. Responses to this request for proposal will be used to select up to five (5) insurance company vendors to invest employee and employer contributions in two defined contribution retirement plans for administrators and faculty of the State University and Community College Systems.

All interested vendors should contact the person named below by letter or telephone to request a copy of the Request for Proposal.

James E. Heidelberg  
Minnesota State Board of Investment  
Room 105, MEA Building  
55 Sherburne Avenue  
St. Paul, MN 55155  
Telephone: (612) 296-3328

All proposals must be submitted on or before 3:00 P.M. Central Time, September 30, 1994 as specified in the Request for Proposal. **NO PROPOSALS RECEIVED AFTER THAT DATE AND TIME WILL BE CONSIDERED.**

## Department of Public Service

### Request for Proposals for Consultants to Evaluate Environmental Externality Cost Study

#### I. INTRODUCTION

The Minnesota Department of Public Service (Department) is soliciting proposals from qualified consultants to evaluate the environmental externality cost study performed by the Research Triangle Institute (RTI) for Northern States Power Company (NSP or the Company). Specifically, the consultant must assess the reasonableness of the assumptions underlying and calculations derived from RTI/NSP's Minnesota damage-cost environmental externality cost model.

#### II. QUALIFICATION OF RESPONDENTS

Qualified respondents must be able to demonstrate experience and expertise in evaluating environmental externality cost studies using a damage-cost methodology developed for emissions from electrical generating facilities. The respondent must have experience in evaluating inputs to a damage-cost environmental externality cost model. These inputs include results from one or more production cost simulation models; results from a residual generation model; and results from (at the minimum) air, ground-water and surface-water dispersion models.

This experience should also include a demonstrated knowledge of human health dose-response models, environmental damage functions and health and environmental effects valuation models, as well as experience in developing confidence intervals based on sensitivity analyses. The qualified respondent should also have experience presenting testimony in contested cases before one or more public utility commissions in the United States or Canada.

## Professional, Technical & Consulting Contracts

---

---

The qualified respondent will provide:

- a list of every commission or regulatory body before which the respondent has presented similar testimony, and
- copies of any similar testimony and/or reports prepared by the respondent.

### III. SCOPE OF PROJECT

#### A. Duration

The duration of this project is from November 8, 1994, to October 31, 1995. The consultant must defend any recommendations in sworn testimony in a contested hearing.

#### B. Tasks to Be Performed

The Department's objective is to have a team of experts evaluate the design and construction of the environmental externality damage-cost study that NSP/RTI will submit.

The Department anticipates that this evaluation will require at least the following four skill-sets and tasks:

- **Resource Economist** — this individual would evaluate the theoretical consistency of the inputs and damage-cost computer model, and review the non-human health-related environmental damage functions.
- **Epidemiologist/Toxicologist** — this individual would review the selection of dose-response models and the assumptions regarding human population numbers and locations.
- **Environmental Engineer** — this individual would review the selection of environmental medium dispersion models for emissions from electrical generation facilities.
- **Statistician/Risk Evaluation Specialist** — this individual would review the assumptions underlying and techniques employed to develop the proposed valuation models for health and environmental effects.

To complete these tasks, the consultant would be responsible for performing the following:

- Develop and prepare information requests to obtain the necessary information to perform the evaluation.
- Identify and review any additional information and records necessary to evaluate the damage-cost estimates and the reasonableness of the damage-cost model used to develop those estimates, in particular the development of the damage-cost valuation functions for the selected emissions and the appropriate levels of monetization for the selected emissions.
- Work closely with designated members of the Department in all stages of the project to ensure compliance with the tasks identified by the Department. Department staff will assist the consultant, as necessary, in obtaining required information from the Company and other sources. The consultant will also provide the designated staff with a progress report every two weeks throughout the duration of the project.
- Provide a written report documenting the issues, NSP's environmental externality damage-cost model, and the consultant's analysis and recommendations. Include detailed changes to the model and emissions values if necessary. Prepare written testimony that explains and advocates the recommendations set forth in the consultant's report. The consultant shall provide to the Department all documentation used in the analysis and development of recommendations.

Following the completion of the respondent's report and investigation the respondent will be expected to:

- Develop and deliver rebuttal and/or surrebuttal testimony on any issues relating to the report's findings and recommendations. The anticipated filing dates for rebuttal and surrebuttal testimony are February 15, 1995, and April 1, 1995.
- Testify in the Minnesota Public Utilities Commission's contested hearings on environmental costs as a member of the Department's staff participating in the evidentiary proceedings.
- Assist Department counsel in the preparation of cross-examination of NSP and other intervenor witnesses.
- Assist Department counsel in the preparation of briefs and related issues developed in testimony.

The consultant may propose additional tasks or activities if they will substantially improve the ability of the consultant to advocate recommendations in the contested hearing.

### IV. PROPOSAL CONTENTS

The following will constitute the minimum contents of the consultant's proposal:

1. An outline of the consultant's background and experience in conducting this type of analysis and testifying on these matters.
2. A restatement of the objectives and tasks of the project to illustrate the consultant's understanding of the proposal.
3. An identification of the consultant's personnel who will perform each task, and a summary of their training and experi-

---

---

## Professional, Technical & Consulting Contracts

ence. No change in personnel assigned to this project will be permitted without written approval of the Department's project manager.

4. A detailed work plan which identifies in specific terms all the tasks to be performed in fulfilling the obligations enumerated in section III.B and provides cost estimates for each task. In addition, the proposal shall:
  - a. identify and describe the documentation to be provided by the consultant; and
  - b. identify the level of Department participation as well as other services to be provided by the Department.
5. Copies of recently delivered testimony, studies, or reports regarding the items described above.

### V. EVALUATION

All proposals received by the deadline will be evaluated by representatives of the Department. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

- Expressed understanding of the project objectives.
- Project work plan.
- Project cost detail.
- Qualifications of both the firm and each of the project personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by November 1, 1994.

### VI. SUBMISSION OF PROPOSALS

Responses to this Request for Proposal are due on or before 4:30 P.M. CST on October 10, 1994. Two (2) copies of the proposal must be sent to and received by:

Mr. John Kundert  
Senior Rates Analyst, Electric Unit  
Minnesota Department of Public Service  
121 7th Place East, Suite 200  
St. Paul, Minnesota 55101-2145  
(612) 297-3900

Under *Minnesota Statutes* section 363.073, any proposal in excess of \$50,000 from a company who has had, during the past year, 20 or more full-time employees in Minnesota, must furnish evidence that the company has received a Certificate of Compliance from the Minnesota Department of Human Rights.

Acceptable evidence includes a copy of the Certificate of Compliance, or notarized statement from an officer of the company that the company has a Certificate of Compliance.

Late proposals will not be accepted. Each proposal must be signed in ink by an authorized member of the firm. Proposals are to be sealed in mailing envelopes or packages with the consultant's name and address clearly written on the outside. Prices and terms of the proposal as stated must be valid for the length of the project.

Prospective respondents who have questions concerning this request for proposal may call or write Mr. Kundert. Other Department personnel are not allowed to discuss the project before the submission deadline.

### VII. PROJECT COSTS

The cost of the project shall not exceed \$40,000.

## Department of Transportation

### Engineering Services Division

#### Notice of Request for Proposals from Consultants for Final Roadway Design Plan

The Minnesota Department of Transportation is seeking consultants for the final roadway design plan of two stages of T.H. 610, a proposed four-lane divided freeway in Brooklyn Park, MN. Stage 3 roadway segment is from Hampshire Ave. to Regent Ave. and Stage 4 roadway segment is from T.H. 169 to Hampshire Ave. Work is proposed to start for both segments in September, 1994 and continue through September, 1997 for Stage 3 and February, 1998 for Stage 4. Each Stage will have a separate consultant contract and no one consultant will be selected for both contracts.

## **Professional, Technical & Consulting Contracts**

---

These projects have a 15% DBE participation requirement and will have federal funding participation. Consultants may express an interest for one or both segments by providing a written request to receive the Request for Proposal. Include in the written request whether your firm is a Small Targeted Business or Disadvantaged Business Enterprise.

In accordance with *Minnesota Rules* 1230.1910, certified Targeted Group Business and individuals submitting as prime consultants shall receive the equivalent of a 6% preference in the evaluation, and certified Economically Disadvantaged Businesses and individuals submitting as prime consultants shall receive the equivalent of a 4% preference in the evaluation. Proposal requests will be available by mail through September 23, 1994 and can be obtained from the MN/DOT Consultant Agreements Engineer at the following address:

Pattie Loken, P.E.  
MN/DOT, Consultant Agreements Unit  
395 John Ireland Boulevard, Mailstop 680  
St. Paul, MN 55155  
Phone: (612) 297-1172  
Fax: (612) 297-3160

After September 23, 1994, the Request for Proposal must be picked up in the Consultant Agreement Office, Rm. 320 of the Transportation Building, St. Paul, MN. Proposals must be received at the above address no later than 2:00 P.M. on September 30, 1994. No time extensions will be granted.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and MN/DOT reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

## **Department of Transportation**

### **Transportation Research and Investment Management Division**

#### **Minnesota Guidestar Program**

### **Notice of Request for Proposals for Cost Sharing Partners (RFPP) for Intelligent Vehicle Highway Systems (IVHS)**

The Minnesota Department of Transportation is requesting proposals for cost sharing partnerships for Intelligent Vehicle Highway Systems (IVHS) projects and cooperative programs. The RFPP provides guidelines for preparing proposals but does not define specific projects or programs. The specific projects or programs are to be proposed by the responder and to be responsive to the Minnesota Guidestar strategic plan, which is an attachment to the RFPP.

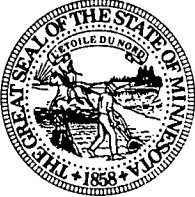
The Department may award cost sharing agreements with multiple selected responders. The agreements are expected to begin on or after March 1, 1995. The actual begin date and duration of the agreements will vary according to the individual requirements of each selected project or program.

A copy of the Request for Proposals for Partners (RFPP) may be obtained by requesting the Minnesota Guidestar Program Open Solicitation RFPP from:

Mr. Don Olson  
Minnesota Department of Administration  
112 Administration Building  
50 Sherburne Avenue  
St. Paul, MN 55155  
Phone (612) 296-3771  
FAX (612) 297-3996  
TDD Relay Service (612) 297-5353

All proposals must be received at the above address no later than 3:00 P.M. November 18, 1994 (due date). The RFPP will be available through the due date.

This request does not obligate the Department to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.



# Minnesota's Bookstore

117 University Avenue St. Paul, MN 55155

Open 7am-5:30pm, Mon-Thurs and 7am-4:30pm, Fri

**Phone:**

8am-4:30pm, M-F  
612/297-3000  
1-800/657-3757

**TDD:** *telecommunications*

*device for the deaf*  
612/282-5077  
1-800/657-3706

**Fax:**

24 hour  
612/296-2265

**Online Service:**

24-hour, free access  
612/821-4096  
Parameters: 8-N-1  
1200-2400 bps

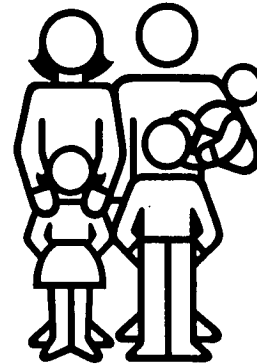
## NEW Human Services Rules Now Available

### Human Services Rules

Minnesota Rules Chapters 9500-9585, including May '94 amendments. Extracts from Rules governing assistance pro- programs, eligibility, grant amounts, AFDC and residence requirements. Looseleaf, 1,836pp. Stock No. 3-95 \$39.95

Need a Binder for your Rules? Due to its size, Human Services Rules require 2 binders. Order Stock No. 10-21 \$6.95/binder

Tab Dividers also available.  
Order Stock No. 21-9 \$3.50/pkg. of 10



## Are you up-to-date with these recently revised Laws, Rules, and Manuals ?

### Human Services Laws

Selected Chapters from the 1993 Minnesota Statutes related to human services delivery. Among the many topics covered are: government data practices, human service licensing, MN Commitment Act of 1982, medical assistance, MN Family Preservation Act, and chemical dependency. Looseleaf, 1,551pp. Requires 2 binders. Stock No. 2-56 \$34.95

### Health Care Program Manual

(...formerly known as the MA/GAMC Medical Care Provider Manual) This MinnesotaCare Programs Provider Manual provides up-to-date information for providers and agency personnel regarding services to Medicaid patients. Covers GAMC and MinnesotaCare services, provider enrollment, claims processing and program compliance. 336pp. (DHS, 1994) Stock No. 10-12 \$20.00

### Home Health Care/Hospice Rules 1993

MN Statutes Chapter 144A and MN Rules Chapters 4668 and 4669. 61pp. Stock No. 3-82 \$6.95

### Nursing & Boarding Care Home Rules

Chapters 4620.1200, 4638, 4655, and 4660. Licensing requirements for facilities where nursing, personal or custodial care is provided. 215pp. (1993) Stock No. 3-12 \$14.00

### Nursing Board Laws

MN Statutes Chapter 148 governs practice of professional nursing in Minnesota. 20pp. (1993) Stock No. 2-91 \$5.00

### Nursing Board Rules

Rules governing preparation programs and licensing and registration of nurses. MN Chapters 6301, 6305, 6310, 6316, 6321, 6330 and 6340. Includes '94 rule changes as an insert. 70pp. (1993) Stock No. 3-94 \$7.00

### Social Work Practice Act

Laws and rules relating to social work licenses. MN Statutes Chapter 148B and MN Rules Chapter 8740. 70pp. (1993) Stock No. 3-39 \$7.95

### Supervised Living Facilities Laws & Rules

Statutes Chapters 144.56 and 144.651-.653 and Rules Chapter 4665. Standards for construction, equipment, maintenance, and operation of supervised living facilities. 42pp. (1992) Stock No. 3-15 \$4.50

### Pharmacy Laws

MN Statutes Chapter 151-152, 214, 319A and sections of other chapters. 122pp. (1993) Stock No. 2-78 \$8.00

### Pharmacy Rules

MN Rules Chapter 6800. 100pp. (1993) Stock No. 3-67 \$8.95

STATE OF MINNESOTA  
Department of  
Administration




# Print Communications Division

117 University Avenue • St. Paul, Minnesota 55155  
Metro Area 612-297-3000 (FAX: 612-296-2265)  
Toll free 1-800-657-3757  
TDD (612) 282-5077  
Metro Area (612) 297-5353 Greater MN 1-800-627-3529

Second Class  
U.S. Postage  
Paid  
Permit No.  
326630  
St. Paul, MN

Please notify us of any address changes so that we can continue to give you our best service. Include your old mailing label to speed your service.

 Printed on recycled paper  
15% post-consumer waste

Legislative Reference Library 7850  
Kim Hanson 00/00  
645 State Office Bldg  
INTEROFFICE

**TO ORDER:**

Complete attached order blank. Include either your VISA/MasterCard, American Express or Discover credit card number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order.

Please include sales tax and \$3.00 postage and handling.

**PREPAYMENT REQUIRED.**

Merchandise may be returned if it is in resalable condition.

**NOTE:**

**STATE REGISTER** and other subscriptions do not require sales tax or postage and handling fees.



Metro area (612) 297-3000  
Toll-Free 1-800-657-3757  
Facsimile (FAX) (612) 296-2265

Telecommunications Device for the Deaf access to all PrintComm services:

Metro: 282-5077 Nationwide: 1-800-657-3706

Prices subject to change without notice.

Please allow about 6 weeks for delivery.

In a hurry? Stop by our Bookstore.

Bookstore hours: 7-5:30 Monday-Thursday

7-4:30 Friday

**For Your Convenience, photocopy this order blank**

Code No.	Quantity	Description	Item Price	Total
Name or Company			<b>Subtotal</b>	
Attention				6½% tax MN residents 7% St. Paul residents
Address				
City	State	Zip	Shipping (per order)	<b>\$3.00</b>
American Express/VISA/MasterCard/Discover No.			<b>TOTAL</b>	
Signature		Expiration Date.	Telephone (During Day)	

If tax exempt, please provide ES number or send completed exemption form.