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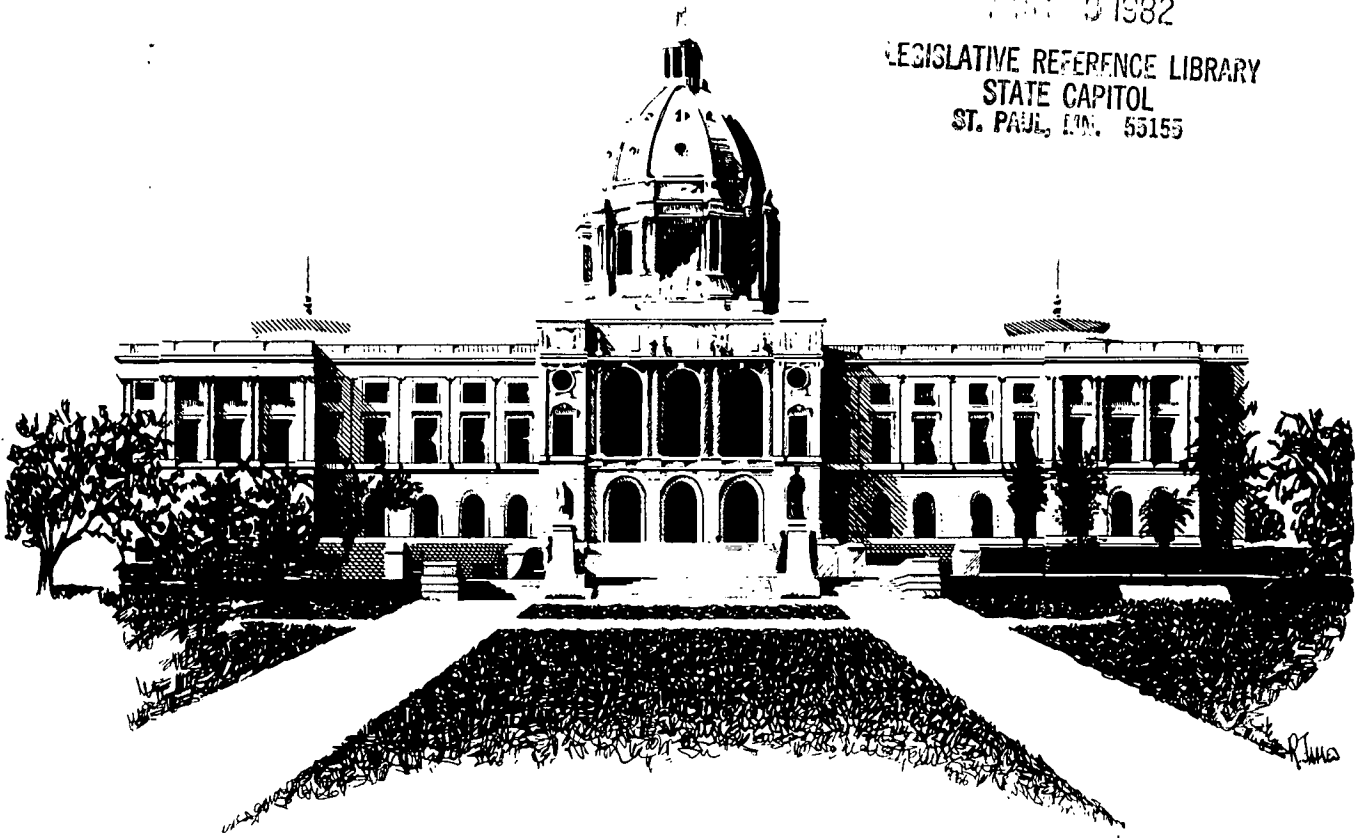
# STATE REGISTER

STATE OF MINNESOTA

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**VOLUME 7, NUMBER 6**

**August 9, 1982**

**Pages 161-188**



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**Printing Schedule for Agencies**

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
<b>SCHEDULE FOR VOLUME 7</b>			
7	Monday Aug 2	Monday Aug 9	Monday Aug 16
8	Monday Aug 9	Monday Aug 16	Monday Aug 23
9	Monday Aug 16	Monday Aug 23	Monday Aug 30
10	Monday Aug 23	Monday Aug 30	Monday Sept 6

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

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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

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NOTICE

How to Follow State Agency Rulemaking Action in the State Register

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

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
• Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
• Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
• Proposed temporary rules.

The ADOPTED RULES section contains:

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

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

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

Issues 1-13, inclusive Issue 39, cumulative for 1-39
Issues 14-25, inclusive Issues 40-51, inclusive
Issue 26, cumulative for 1-26 Issue 52, cumulative for 1-52
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The listings are arranged in the same order as the table of contents of the MCAR.

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**PROPOSED RULES**

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

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**Minnesota Housing Finance Agency****Proposed Adoption of Rules Relating to the Income Limits for the Home Improvement Loan Program****Notice of Intent to Adopt Rules without a Public Hearing**

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

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

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

**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

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Monte Aaker, Research Coordinator  
Research Division  
Minnesota Housing Finance Agency  
Suite 200  
333 Sibley Street  
St. Paul, Minnesota 55101  
Telephone: 612/296-9952

### Rule as Proposed

12 MCAR § 3.002 O. "Persons and families of low and moderate income" means:

1.-4. [Unchanged.]

5. with respect to home improvement loans and accessibility improvement assistance pursuant to Chapter Six of these rules, those persons and families whose adjusted income does not exceed ~~\$18,000~~ \$24,000 or such lower amount as the agency may establish to assure that the interest on obligations of the agency will be exempt from federal income taxation.

## Department of Public Safety State Fire Marshal Division

### Proposed Rules Governing Amendments to the Uniform Fire Code

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

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

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

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

The proposed rules update the *Minnesota Uniform Fire Code* to the 1982 edition of the *Uniform Fire Code*, *Western Fire Chiefs*, and update the *National Fire Codes* to the 1982 edition. The proposed rules published in the *State Register* and attached to this notice are amendments to the *Uniform Fire Code* to make it a state code and to correspond to state law, the *State Building Code* and to customary state and local jurisdictions and relationships.

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

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

The department's authority to adopt the proposed rules is contained in Minn. Stat. § 299F.011. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

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

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

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

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

John P. Sopsic  
Commissioner

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

**11 MCAR § 1.5101 Purpose.** The purpose of 11 MCAR §§ 1.5101-1.5154 is to adopt uniform fire safety standards governing the maintenance of buildings and premises; regulate the storage, use, and handling of dangerous and hazardous materials, substances, and processes; and regulate the maintenance of adequate egress facilities.

**11 MCAR § 1.5102 Scope.** The scope of 11 MCAR §§ 1.5101-1.5154 is intended to be consistent with Minn. Stat. § 299F.011.

**11 MCAR § 1.5103 Rules and standards adopted by reference.** The '*Uniform Fire Code*,' as promulgated by the International Conference of Building Officials and the Western Fire Chiefs Association (Whittier, California, 1982) is incorporated by reference and hereby made part of Minnesota rules pursuant to statutory authority, subject to the alterations and amendments in 11 MCAR §§ 1.5104-1.5154.

**11 MCAR § 1.5104 Sec. 1.101 of the *Uniform Fire Code*.** Sec. 1.101 of the *Uniform Fire Code* is amended to read:

Sec. 1.101. This code shall be known as the *MINNESOTA UNIFORM FIRE CODE*, may be cited as such, and will be referred to herein as "this code."

**11 MCAR § 1.5105 Sec. 1.102 of the *Uniform Fire Code*.** Sec. 1.102 of the *Uniform Fire Code* is amended by adding a paragraph to read:

Sec. 1.102(d) Whenever in this code reference is made to the *Uniform Fire Code Standards*, the provisions in the *Uniform Fire Code Standards* shall not apply unless specifically adopted.

**11 MCAR § 1.5106 Sec. 2.101 of the *Uniform Fire Code*.** Sec. 2.101 of the *Uniform Fire Code* is amended to read:

Sec. 2.101. The state fire marshal may, and the chief of any jurisdiction adopting this code shall, administer and enforce this code and all laws of the state pertaining to:

- (a) The prevention of fires.
- (b) The suppression or extinguishing of dangerous or hazardous fires.
- (c) The storage, use and handling of explosive, flammable, combustible, toxic, corrosive and other hazardous gaseous, solid and liquid materials.
- (d) The installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment.
- (e) The maintenance and regulation of fire escapes.
- (f) The maintenance of fire protection and elimination of fire hazards on land and in buildings, structures, and other property, including those under construction.
- (g) The means and adequacy of each exit in the event of fire, from factories, schools, hotels, lodging houses, institutions, hospitals, class B supervised living facilities, churches, halls, theaters, amphitheatres, and all other places in which people work, live, or congregate from time to time for any purpose.

**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

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(h) The investigation of the cause, origin and circumstances of fire.

11 MCAR § 1.5107 Sec. 2.102 of the *Uniform Fire Code*. Sec. 2.102 of the *Uniform Fire Code* is deleted and replaced with the following:

Sec. 2.102. (a) Any jurisdiction which adopts this code is authorized to make amendments, by ordinance, to Article 2 hereof to provide for a system of enforcement and administration within the jurisdiction. These amendments shall be in the form of additions only, and none of the existing provisions of Article 2 shall be changed nor shall any amendment be made which interferes with the intent of the existing provisions nor the state fire marshal's duties and powers thereunder.

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

(c) Wherever the term "state fire marshal" appears in Article 2, it shall also include the chief of any jurisdiction adopting this code.

(d) Wherever the term "chief" appears in Articles 2-86 or in the Appendix of this code, it shall mean state fire marshal except that it shall also include the chief of any jurisdiction adopting this code.

11 MCAR § 1.5108 Sec. 2.103 of the *Uniform Fire Code*. Sec. 2.103 of the *Uniform Fire Code* is deleted in its entirety.

11 MCAR § 1.5109 Sec. 2.104 of the *Uniform Fire Code*. Sec. 2.104 of the *Uniform Fire Code* is deleted in its entirety.

11 MCAR § 1.5110 Sec. 2.105 of the *Uniform Fire Code*. Sec. 2.105 of the *Uniform Fire Code* is deleted in its entirety.

11 MCAR § 1.5111 Sec. 2.202 of the *Uniform Fire Code*. Sec. 2.202 of the *Uniform Fire Code* is amended to read:

Sec. 2.202. (a) The fire department of any jurisdiction adopting this code shall investigate promptly the cause, origin and circumstances of each and every fire occurring in the municipality involving loss of life or injury to person or destruction or damage to property, and if it appears to the members of the fire department making the investigation that such fire is of suspicious origin, they shall then take immediate charge of all physical evidence relating to the cause of fire, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall cooperate with the authorities in the collection of evidence and in the prosecution of the case. The chief shall make a report in writing to the state fire marshal of all facts and findings relative to each investigation.

(b) The police department may assist the fire department in its investigation whenever requested to do so.

11 MCAR § 1.5112 Sec. 2.205 of the *Uniform Fire Code*. Sec. 2.205 of the *Uniform Fire Code* is amended to read:

Sec. 2.205. Any order or notice authorized or required by this code shall be given or served upon the owner, operator, occupant or other person responsible for the condition or violation either by oral notification, personal service, or by delivering the same to and leaving it with some person of suitable age and discretion upon the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by mail to his last known address. Orders or notices given orally shall be confirmed by service in writing as herein provided.

11 MCAR § 1.5113 Sec. 2.302 of the *Uniform Fire Code*. Sec. 2.302 of the *Uniform Fire Code* is deleted in its entirety.

11 MCAR § 1.5114 Sec. 2.303 of the *Uniform Fire Code*. Sec. 2.303 of the *Uniform Fire Code* is deleted and replaced with the following:

Sec. 2.303. Whenever the *Uniform Fire Code*, as amended by 11 MCAR §§ 1.5101-1.5154, is silent on any subject, for any reason, in any situation, the provision of protection shall be in accordance with the 'National Fire Codes, 1982' issued by the National Fire Protection Association (Quincy, Massachusetts, 1982) which are adopted by reference as part of this code as though set forth herein in their entireties.

11 MCAR § 1.5115 Article 4 of the *Uniform Fire Code*. Article 4 of the *Uniform Fire Code* is deleted in its entirety.

11 MCAR § 1.5116 Sec. 9.103 of the *Uniform Fire Code*; authority having jurisdiction defined. In Sec. 9.103 of the *Uniform Fire Code* the following definition is added:

Sec. 9.103. AUTHORITY HAVING JURISDICTION shall mean any municipal fire code official or the state fire marshal or any of their authorized representatives.

11 MCAR § 1.5117 Sec. 9.104 of the *Uniform Fire Code*; building code definition amended. In Sec. 9.104 of the *Uniform Fire Code* the definition of Building Code is amended to read:



Sec. 9.104 BUILDING CODE shall mean the *Minnesota State Building Code*.

11 MCAR § 1.5118 Sec. 9.108 of the *Uniform Fire Code*; fireman defined. In Sec. 9.108 of the *Uniform Fire Code* the following definition is added:

Sec. 9.108. FIREMAN, as used throughout this code, shall be construed to mean firefighters.

11 MCAR § 1.5119 Sec. 9.115 of the *Uniform Fire Code*; mechanical code definition amended. In Sec. 9.115 of the *Uniform Fire Code* the definition of mechanical code is amended to read:

Sec. 9.115. MECHANICAL CODE shall mean the *Minnesota Heating, Ventilation, Air Conditioning, and Refrigeration Code*, rules SBC 7101-8505 of the Department of Administration.

11 MCAR § 1.5120 Sec. 9.115 of the *Uniform Fire Code*; municipality defined. In Sec. 9.115 of the *Uniform Fire Code* the following definition is added:

Sec. 9.115. MUNICIPALITY shall mean any city, county, or town meeting the requirements of Minn. Stat. § 368.01, subd. 1, or the University of Minnesota.

11 MCAR § 1.5121 Sec. 9.117 of the *Uniform Fire Code*; Group I Occupancies defined. In Sec. 9.117 of the *Uniform Fire Code* the definition of Group I Occupancies is amended to read:

Sec. 9.117. Group I Occupancies:

Division 1. Nurseries for the full-time care of children under the age of six (each accomodating more than four persons). Hospitals, sanitariums, nursing homes and similar buildings (each accommodating more than four persons).

Division 2. Detoxification centers, homes for children six years of age or over, supervised living facilities Class B as defined for the mentally retarded, mentally ill or the physically handicapped (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.

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

11 MCAR § 1.5122 Sec. 9.117 of the *Uniform Fire Code*; Group R Occupancies defined. In Sec. 9.117 of the *Uniform Fire Code* the definition of Group R Occupancies is amended to read:

Sec. 9.117. Group R Occupancies:

Division 1. Hotels and apartment houses. Convents and monasteries (each accommodating more than ten persons). Supervised living facilities Class A-2 as defined in Sec. 9.121 for the mentally retarded, mentally ill, chemically dependent, and the physically handicapped (each accommodating more than four persons). Physically handicapped persons shall be housed at street level.

Exception: Supervised living facilities Class A-2 as defined in Sec. 9.121 having more than six but not more than 15 ambulatory or mobile disabled persons, duly licensed prior to the adoption of this code, and complying with the requirements for lodging and rooming houses as set forth in Standard 101, in the *National Fire Codes, 1973*, issued by the National Fire Protection Association (Boston, Massachusetts, 1973), shall be classified as Group R, Division 3 occupancies.

Division 2. Not used.

Division 3. Dwellings and lodging houses, supervised living facilities Class A-1 as defined in Sec. 9.121.

11 MCAR § 1.5123 Sec. 9.121 of the *Uniform Fire Code*; state fire marshal defined. In Sec. 9.121 of the *Uniform Fire Code* the following definition is added:

Sec. 9.121. STATE FIRE MARSHAL shall mean the Minnesota state fire marshal or any of his or her authorized representatives.

11 MCAR § 1.5124 Sec. 9.121 of the *Uniform Fire Code*; supervised living facility defined. In Sec. 9.121 of the *Uniform Fire Code* the following definition is added:

Sec. 9.121. SUPERVISED LIVING FACILITY means a facility in which there is provided supervision, lodging, meals, and,

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in accordance with the provisions of rules of the Department of Public Welfare and/or the Department of Health, counseling and developmental habilitative or rehabilitative services to five or more persons who are mentally retarded, chemically dependent, adult mentally ill or physically handicapped.

**CLASS A 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.

**CLASS A-1 supervised living facilities** shall include homes providing boarding and lodging for six or fewer ambulatory or mobile disabled persons.

**CLASS A-2 supervised living facilities** shall include homes providing boarding and lodging for more than six ambulatory or mobile disabled persons.

**CLASS B SUPERVISED LIVING FACILITY** means a Supervised Living Facility for ambulatory, nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

**11 MCAR § 1.5125 Sec. 10.207 of the Uniform Fire Code.** Sec. 10.207 of the *Uniform Fire Code* is amended by adding paragraphs to read:

Sec. 10.207. (g) The marking of fire lanes on private and public property shall be designated and approved by the chief and the chief of police.

(h) Parking of motor vehicles in, or otherwise obstructing, fire lanes shall be prohibited at all times.

**11 MCAR § 1.5126 Sec. 10.301 of the Uniform Fire Code.** Sec. 10.301, paragraph (e), of the *Uniform Fire Code* is amended to read:

Sec. 10.301. (e) All fire alarm systems, fire hydrant systems, fire-extinguishing systems (including automatic sprinklers), wet and dry standpipes, basement inlet pipes, and other fire-protection systems and pertinents thereto shall meet the approval of the chief as to installation and location and shall be subject to such periodic tests as required by the chief. Plans and specifications shall be submitted to the chief for review and approval prior to issuance of a building permit.

**11 MCAR § 1.5127 Sec. 10.309(g) of the Uniform Fire Code.** Sec. 10.309(g) of the *Uniform Fire Code* is deleted in its entirety.

**11 MCAR § 1.5128 Sec. 10.312 of the Uniform Fire Code.** Sec. 10.312, paragraph (b), of the *Uniform Fire Code* is amended to read:

Sec. 10.312. (b) Where Required.

1. Standpipe systems shall be provided as set forth in table no. 10.312 and shall have a constant water supply and pressure.

EXCEPTION: Dry standpipes may be installed with prior approval of the chief.

2. Standpipe systems shall comply with Standard 14, in the *National Fire Codes, 1982*, issued by the National Fire Protection Association (Quincy, Massachusetts, 1982).

**11 MCAR § 1.5129 Table No. 10.312 of the Uniform Fire Code.** Table No. 10.312 of the *Uniform Fire Code* is amended by changing Section 2, "Occupancy" column to read:

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

**11 MCAR § 1.5130 Sec. 11.204 of the Uniform Fire Code.** Sec. 11.204 of the *Uniform Fire Code* is amended to read:

Sec. 11.204. Cotton batting, either natural, artificial or manufactured, straw, dry vines, leaves, trees, or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of all occupancies unless flame retardant, provided, however, that nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale. Electric light bulbs in such occupancies shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flame retardant.

EXCEPTION: These requirements shall not apply to Group R3 Occupancies.

**11 MCAR § 1.5131 Sec. 11.210 added to the Uniform Fire Code.** A new section is added to the *Uniform Fire Code* to read:

Christmas Trees

Sec. 11.210. (a) The use or display of natural or resin bearing trees or decorations in Group I occupancies is prohibited.

(b) The use, display, or storage of natural or resin bearing trees without open flames or electric light decorations is permitted in schools, churches, hotels, and mercantile occupancies.

(c) The use or display of flame retardant artificial trees decorated with U.L. listed electric lighting systems is acceptable in all occupancies.

(d) Natural or resin bearing trees shall not be stored on balconies or grounds of R1 Occupancies. See section 11.203(c).  
11 MCAR § 1.5132 Sec. 11.211 added to the *Uniform Fire Code*. A new section is added to the *Uniform Fire Code* to read:  
Malls, Skyways, Tunnels, or Courts

Sec. 11.211. No combustible goods, merchandise, vehicles, or decorations shall be displayed or stored in an enclosed mall, skyway, tunnel, or court unless prior approval is obtained from the chief.

11 MCAR § 1.5133 Sec. 11.301 of the *Uniform Fire Code*. Sec. 11.301, paragraph (a), of the *Uniform Fire Code* is amended to read:

Sec. 11.301. (a) In the event of the discovery of fire, smoke, or flammable or toxic gases on any property, the owner or occupant shall immediately report such condition to the local fire department.

11 MCAR § 1.5134 Sec. 11.302 of the *Uniform Fire Code*. Sec. 11.302 of the *Uniform Fire Code* is amended by adding a paragraph to read:

Sec. 11.302. (e) Whoever intentionally gives a false alarm of fire, or unlawfully tampers or interferes with any station or signal box of any fire alarm system or any auxiliary fire appliance, or unlawfully breaks, injures, defaces, or removes any such box or station, or unlawfully breaks, injures, destroys, or disturbs any of the wires, poles, or other supports and appliances connected with or forming a part of any fire alarm system or any auxiliary fire appliance is guilty of a misdemeanor.

11 MCAR § 1.5135 Sec. 11.403 of the *Uniform Fire Code*. Sec. 11.403, paragraph (b), of the *Uniform Fire Code* is amended to read:

Sec. 11.403. (b) Every kettle shall be equipped with a tight-fitting cover. A kettle, when in operation, shall be placed a safe distance from any combustible material or buildings. Fired tar kettles shall not be left unattended.

EXCEPTION 1: Kettles when mounted in a truck body of all metal construction and securely attached to the bed of the truck. The driver, operator, or attendant shall not leave the immediate vicinity of the vehicle while it is being filled or discharged.

EXCEPTION 2: Small patch kettles while being towed behind a vehicle for patching purposes only.

11 MCAR § 1.5136 Sec. 12.101 of the *Uniform Fire Code*. The last sentence of Sec. 12.101 of the *Uniform Fire Code* is amended to read:

Sec. 12.101. No exit or part thereof shall be altered in any way unless in conformance with the *Building Code*.

11 MCAR § 1.5137 Sec. 12.106 of the *Uniform Fire Code*. Sec. 12.106, paragraph (a), of the *Uniform Fire Code* is amended to read:

Sec. 12.106. (a) General. Stairways shall conform to the provisions of the *Building Code*.

EXCEPTION: Stairs or ladders used only to attend equipment are exempt from the requirements of this section when properly maintained.

11 MCAR § 1.5138 Sec. 12.109 of the *Uniform Fire Code*. Sec. 12.109, paragraph (a), of the *Uniform Fire Code*, is amended to read:

Sec. 12.109. (a) Every exit enclosure shall conform to the provisions of the *Building Code*.

11 MCAR § 1.5139 Article 26 of the *Uniform Fire Code*. The title of Article 26 of the *Uniform Fire Code* is changed to "RESURFACING AND REFINISHING."

11 MCAR § 1.5140 Sec. 26.101 of the *Uniform Fire Code*. Sec. 26.101 of the *Uniform Fire Code* is amended to read:

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

11 MCAR § 1.5141 Sec. 26.102 of the *Uniform Fire Code*. Sec. 26.102 of the *Uniform Fire Code* is amended to read:

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## PROPOSED RULES

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

11 MCAR § 1.5142 Sec. 26.103 of the *Uniform Fire Code*. The subtitle of Sec. 26.103 of the *Uniform Fire Code* is changed to "Resurfacing and Refinishing."

11 MCAR § 1.5143 Sec. 26.104 of the *Uniform Fire Code*. The subtitle of Sec. 26.104 of the *Uniform Fire Code* is changed to "Refinishing."

11 MCAR § 1.5144 Sec. 49.101 of the *Uniform Fire Code*. Sec. 49.101, paragraph (c), of the *Uniform Fire Code* is amended to read:

Sec. 49.101. (c) A local permit shall be required for welding or cutting operations. This permit shall not be required for each welding or cutting job location. All persons shall notify the chief in advance where such work is taking place, except where such work is done in response to an emergency call that does not allow for the chief to be notified in advance of the work. The requirement to notify the chief does not apply to welding operations conducted on the premises of a commercial or industrial establishment engaged primarily in work requiring welding operations.

11 MCAR § 1.5145 Sec. 61.105 of the *Uniform Fire Code*. Sec. 61.105 of the *Uniform Fire Code* is amended to read:

Sec. 61.105. The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the manufacturer. The installation and use of waste oil burners shall conform to the provisions of Minn. Stat. § 299F.015.

11 MCAR § 1.5146 Sec. 74.101 of the *Uniform Fire Code*. Sec. 74.101 of the *Uniform Fire Code* is amended to read:

Sec. 74.101. This article shall apply to bulk oxygen systems and to the storage, handling and use of compressed gases as defined herein. This article shall also apply to fixed installations of nonflammable medical gases intended for sedation, wherein the patient is not rendered unconscious, such as, but not limited to, analgesia systems used for dentistry, podiatry, and such other similar uses. Liquefied petroleum gases and compressed gases used in conjunction with welding or cutting operations are exempt from these provisions. Wherever the term "oxygen" occurs in this article, the requirements shall apply to systems for nitrous oxides.

11 MCAR § 1.5147 Article 77 of the *Uniform Fire Code*. Article 77 of the *Uniform Fire Code* is deleted in its entirety.

11 MCAR § 1.5148 Sec. 79.101 of the *Uniform Fire Code*. Sec. 79.101, paragraph (a) of the *Uniform Fire Code* is amended to read:

Sec. 79.101. (a) General. The storage, use, dispensing and mixing of flammable and combustible liquids shall be in accordance with this article, except as otherwise provided in rules FireMar 20-23 of the Department of Public Safety. This article also applies specifically to all flammable and combustible liquids as defined in Section 79.102, except those that are solid at 100 degrees Fahrenheit or above. When heated, sprayed or mixed, Class II or Class III liquids may assume the characteristics of lower flash point liquids. Under such conditions the appropriate provisions of this article for the actual flash point shall apply.

### Exceptions:

1. The transportation of flammable and combustible liquids when in conformity with the U.S. Department of Transportation regulations on file with and approved by the U.S. Department of Transportation.

2. Alcoholic beverages in retail sales or storage uses, provided the liquids are packaged in individual containers not exceeding four liters.

3. Medicines, foodstuffs and cosmetics, containing not more than 50 percent by volume of water-miscible liquids and with the remainder of the solution not being flammable, in retail sales or storage uses when packaged in individual containers not exceeding four liters.

4. Storage and use of fuel-oil tanks and containers connected with oil-burning equipment. Such storage and use shall comply with Article 61 and the *Mechanical Code*, rules SBC 7101-8505 of the Department of Administration.

5. Liquids without flash points that can be flammable under some conditions, such as certain halogenated hydrocarbons and mixtures containing halogenated hydrocarbons.

6. Mists, sprays, or foams except flammable aerosols in containers as may be included under Division II.

11 MCAR § 1.5149 Sec. 79.903 of the *Uniform Fire Code*. Sec. 79.903, paragraph (f), of the *Uniform Fire Code* is amended to read:

Sec. 79.903. (f) Approved special dispensing systems. Approved special dispensing systems such as card operated and remote preset-types are permitted at service stations, provided there is at least one attendant on duty at all times the station is open to the public. Approved dispensing devices are permitted for self-service stations. Coin and currency operated dispensing devices are not approved dispensing devices.

1. The attendant or supervisor on duty shall be capable of performing the functions and assuming the responsibilities covered in Section 79.903(b).
2. Emergency controls shall be installed at a location acceptable to the authority having jurisdiction, but controls shall be not more than 100 feet from dispensers.
3. Instructions for the operation of dispensers shall be conspicuously posted.
4. Remote preset-type devices are to be in the off position while not in use so that dispenser cannot be activated without the knowledge of the attendant.

11 MCAR § 1.5150 Sec. 79.903 of the *Uniform Fire Code*. Sec. 79.903 of the *Uniform Fire Code* is amended by adding a new paragraph to read:

Sec. 79.903. (g) Age requirement. Flammable and combustible liquids shall be dispensed only by persons 16 years of age or older. Prominent signs shall be posted at self-service stations prohibiting flammable liquids from being dispensed by anyone under age 16.

11 MCAR § 1.5151 Article 82 of the *Uniform Fire Code*. Article 82, Liquefied Petroleum Gases, is deleted in its entirety.

11 MCAR § 1.5152 Rules for liquefied petroleum gases. Rules for liquefied petroleum gases shall be the existing state fire marshal rules concerning liquefied petroleum gases, rules Fire Mar 11-14 of the Department of Public Safety.

11 MCAR § 1.5153 Sec. 85.109 of the *Uniform Fire Code*. Sec. 85.109 of the *Uniform Fire Code* is amended to read:

Sec. 85.109. Electrical appliances or fixtures shall not be used unless they are of an approved type.

11 MCAR § 1.5154 Amendments to the Appendixes of the *Uniform Fire Code*.

A. Adoption. Appendixes I-A, I-B, II-A, II-B, II-C, III-B, and VI-C of the Uniform Fire Code shall be deemed a part of this code and shall be enforced as such. Appendixes V-A, VI-B, and VI-D may or may not be adopted at the discretion of the local jurisdiction.

B. Amendment. Appendix II-B, item 3(d), is amended to read:

(d) In addition to the foregoing requirement, the capacity of each new tank installed shall be restricted to not more than 3,000 gallons. When installed but before backfilling, tank and fittings shall be tested for tightness at not less than three nor more than five pounds per square inch for not less than one hour. Greater test pressures may be required by the chief when tanks are subject to submergence in excess of 30 feet.

Repealer. Rules of the Department of Public Safety, Fire Marshal Division, Fire Mar 30-51 and its rules 4401-4404 governing nursing and boarding care homes are repealed.

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# ADOPTED RULES

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

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

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

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

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## Department of Administration Division of Building Codes and Standards

### Adopted Rules for the Minnesota Manufactured Home Building Code (2 MCAR §§ 1.90100-1.90904) Adopting Federal Mobile Home Construction and Safety Standards and Procedural and Enforcement Regulations and Revisions to the Existing Rules

The rules proposed and published at *State Register*, Volume 6, Number 46, pages 1881-1904, May 17, 1982 (6 S.R. 1881) are adopted with the following modifications:

#### Rules as Adopted

2 MCAR § 1.90101 Authorization. Rules 2 MCAR §§ 1.90101-1.90906 are authorized by Minn. Stat. §§ 327.31-327.36; and 327.55 and established through the rulemaking procedures set forth in Minn. Stat. §§ 15.0411-15.0417, to implement, interpret, and carry out the provisions of Minn. Stat. §§ 327.31-327.36; and 327.55 relating to manufactured homes. If these rules differ from the code promulgated by the American National Standards Institute as ANSI A119.1, or the provisions of the National Fire Protection Association identified as NFPA 501B, ~~or the federal mobile home construction and safety standards in Code of Federal Regulations, title 24, part 3280 (1981), or the mobile home procedural and enforcement regulations in Code of Federal Regulations, title 24, part 3282 (1981), as amended at Federal Register, volume 47, pages 5887 and 5888, (1981),~~ these rules shall govern in all cases.

#### 2 MCAR § 1.90103 Definitions.

U. Failure to conform. "Failure to conform" includes noncompliance, having a defect or serious defect, and having an imminent safety hazard related to failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 42, part 3280 (1981). "Failure to conform" is used as a substitute for all of those terms.

Relettering. Reletter 2 MCAR § 1.90103 U.-GGG. as 2 MCAR § 1.90103 V.-HHH.

## Department of Economic Security Community Services and Training Division

### Adopted Rules Governing Weatherization Assistance for Low-Income Persons Program

The rule proposed and published at *State Register*, Volume 6, Number 48, pages 1998-2005, May 31, 1982 (6 S.R. 1998) is adopted as proposed.

## **Department of Natural Resources Commissioner's Order No. 2118**

### **Regulations for the Taking of Bear during the 1982 Season, Superseding Commissioner's Order No. 2097**

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of bear during the 1982 season.

#### **Section 1. SEASON DATES, METHOD AND HOURS.**

Bear may be taken by legal firearms and bow and arrow from September 11, 1982 to October 24, 1982, both dates inclusive, between one-half hour before sunrise and sunset each day. However, no person shall hunt bear while having in possession or having under control both a firearm and a bow and arrow. A quota of bear hunting licenses is established in Section 5 for each of five permit areas described in Section 4. Hunters must first obtain a valid bear hunting license following the procedure established in Section 6 and will then be restricted to hunting bear in the permit area designated on his or her license.

#### **Sec. 2. BAG LIMIT.**

No person shall take more than one bear during any calendar year whether by firearm or bow and arrow, which bear may be of either sex or any age except that cub bear may not be taken at any time. Cub bears are any bears less than one year of age.

#### **Sec. 3. LEGAL WEAPONS.**

a. A firearm or ammunition may be used to take bear only if it meets the following requirements:

- (1) Handguns, rifles, shotguns and all projectiles used therein shall be at least 23/100ths of an inch in caliber;
- (2) All firearms shall be loaded only with ammunition containing single projectiles;
- (3) All projectiles shall be of a soft point or an expanding bullet type;
- (4) All ammunition shall have a case length of at least 1.285 inches; and
- (5) Muzzleloaders must be incapable of being loaded at the breech. Smooth-bore muzzleloaders shall be at least .45 caliber and rifled muzzleloaders shall be at least .40 caliber.

It is unlawful to take bear with a .30 caliber M-1 carbine cartridge or with any other firearm or ammunition which does not meet the requirements provided in clauses (1) to (5).

b. A bow and arrow may be used to take bear only if the bow has a pull of no less than 40 pounds at or before full draw and all requirements of M.S. 100.29, Subd. 7 are met.

#### **Sec. 4. BEAR HUNT PERMIT AREAS—1982.**

a. North East (NE) Bear Hunt Permit Area.

That portion of the state lying within the following described boundary:

Beginning on U.S. Highway 53 at the eastern boundary of the state; thence along U.S. Hwy. 53 to State Trunk Highway (STH) 37; thence along STH 37 to STH 135; thence along STH 135 to STH 169; thence along STH 169 to County State Aid Highway (CSAH) 18, Lake County; thence along CSAH 18 to Forest Route 438; thence along Forest Route 438 to the public access at Moose Lake; thence due north to the northwestern shore of Moose Lake; thence northeasterly along the shores of Moose Lake, Newfound Lake and Sucker Lake to the northern boundary of the state near prairie portage; thence along the northern and eastern boundaries of the state to the point of beginning.

b. North Central (NC) Bear Hunt Permit Area.

That portion of the state lying within the following described boundary:

Beginning on U.S. Hwy. 53 at the junction with State Trunk Hwy. (STH) 194; thence along U.S. Hwy. 53 to STH 37; thence along STH 37 to STH 135; thence along STH 135 to STH 169; thence along STH 169 to County State Aid Highway (CSAH) 18, Lake County; thence along CSAH 18 to Forest Route 438; thence along Forest Route 438 to the public access at

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Moose Lake; thence due north to the northwestern shore of Moose Lake; thence northeasterly along the shores of Moose Lake, Newfound Lake and Sucker Lake to the northern boundary of the state near prairie portage; thence along the northern boundary of the state to a point due north of the junction of U.S. Hwy. 71 and STH 11 at Pelland; thence due south to said junction; thence along U.S. Hwy. 71 to STH 6; thence along STH 6 to U.S. Hwy. 2; thence along U.S. Hwy. 2 to STH 194; thence along STH 194 to the point of beginning.

c. North West (NW) Bear Hunt Permit Area.

That portion of the state lying within the following described boundary:

Beginning at the junction of U.S. Hwy. 71 and STH 11 at Pelland; thence along U.S. Hwy. 71 to STH 6; thence along STH 6 to STH 1; thence along STH 1 to the western boundary of the state; thence along the western and northern boundaries of the state to a point due north of the point of beginning; thence due south to the point of beginning.

d. West Central (WC) Bear Hunt Permit Area.

That portion of the state lying within the following described boundary:

Beginning on State Trunk Highway (STH) 1 at the western boundary of the state; thence along STH 1 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Hwy. 169; thence along U.S. Hwy. 169 to STH 101; thence along STH 101 to Interstate Highway 94; thence along I-94 to the western boundary of the state; thence along the western boundary of the state to the point of beginning.

e. East Central (EC) Bear Hunt Permit Area.

That portion of the state lying within the following described boundary:

Beginning on U.S. Hwy. 53 on the eastern boundary of the state; thence along U.S. Hwy. 53 to STH 194; thence along STH 194 to U.S. Hwy. 2; thence along U.S. Hwy. 2 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Hwy. 169; thence along U.S. Hwy. 169 to STH 101; thence along STH 101 to Interstate Highway 94; thence along I-94 to I-696; thence along I-696 to U.S. Hwy. 12; thence along U.S. Hwy. 12 to the eastern boundary of the state; thence along the eastern boundary of the state to the point of beginning.

### Sec. 5. BEAR HUNT PERMIT AREA QUOTAS.

The following quotas on hunter numbers are established for each bear hunt permit area:

<u>Permit Area</u>	<u>Quota</u>
North East (NE)	140
North Central (NC)	335
North West (NW)	565
West Central (WC)	510
East Central (EC)	410
Total	1960

If the number of applicants for any permit area exceeds the quota listed in this section, a random selection by computer (drawing) will be conducted by the Department of Natural Resources to determine the successful applicants for such permit area. The quota of licenses listed for any Permit Area may be modified in order to accommodate party members if the last applicant to be selected is a member of a party.

### Sec. 6. BEAR HUNT APPLICATION PROCEDURE.

a. Applications for the drawing must be made on the form provided (or a photocopy thereof) by the Department of Natural Resources and all information requested must be supplied. A driver's license number or a Department of Public Safety identification number is necessary if an unsuccessful applicant is to gain preference in the next season's drawing.

b. Each applicant must apply only once and for only one of the Bear Permit Areas.

c. Applications must be returned to the DNR License Center in St. Paul. If mailed, applications must be submitted in envelopes and postmarked no later than July 1, 1982. If hand-delivered, applications must be delivered no later than 4:30 p.m., July 1, 1982.

d. Anyone, resident or nonresident, who is at least 12 years old prior to September 11, 1982, and who has not had his or her big game hunting privileges suspended pursuant to M.S. Section 98.52 is eligible. Beginning in 1983, preference will be given to applicants who have applied correctly but were not selected for a bear hunting license in previous years.

e. Persons may apply individually or with a group. Those who wish to apply as a group must submit their applications for the drawing together in one envelope. All applications submitted in one envelope will be treated as a group provided they are all for the same permit area. Either all members of the group will be drawn or none will.



f. Successful applicants will receive a license application with instructions for obtaining their licenses. Successful applicants who do not return the license application and the fee by the deadline on that application will be replaced from a list of alternate applicants. Anyone 15 years of age and under must have a firearms safety certificate before applying for the license.

**Sec. 7. SPECIAL PROVISIONS.**

a. Every person killing a bear must affix to the carcass the locking seal provided with only his or her bear hunting license as provided in Minnesota Statutes § 98.46, Subd. 22. The seal must be fastened around the sternum (breast bone) in such a way that the seal cannot be removed without breaking the lock. The seal must be so affixed at the time the bear is brought into any hunting camp, dwelling, farm yard, or other place of abode of any kind occupied overnight, or before being placed wholly or partially on a motor vehicle of any kind, or upon a conveyance towed by a motor vehicle of any kind.

b. Registration. Every person taking a bear shall register it at an official bear registration station, obtain a Big Game Possession Tag and attach the possession tag in the same manner as the locking seal is attached, all within 48 hours after the bear is taken.

c. Bait Stations. A bait station is defined as any location at which any materials are placed for the purpose of attracting or attempting to attract bear. This definition shall not be construed to include a dump regularly and primarily used for the disposal of garbage or other refuse.

(1) No person shall establish, service or maintain any bait station prior to August 27, 1982.

(2) No person shall establish a bait station without first registering the site by mailing the following information to the Division of Enforcement, Department of Natural Resources, Box 47, Centennial Building, Saint Paul, Minnesota 55155;

(a) Name, address and telephone number of person establishing the bait station.

(b) County, township, range and section.

(3) Any person placing bait for bear shall display a tag at the site as follows:

(a) The tag shall be made of plastic, wood or metal and shall be at least 6 inches by 10 inches in size.

(b) The tag shall contain the full name and Minnesota Driver's license number or the full name, address and telephone number, all in the English language, of the person placing the bait.

(c) Letters and numbers shall be legibly printed and either painted or impressed on the tag material.

(d) The tag shall be prominently displayed between 6 and 10 feet above the natural ground level and within 20 feet of the bait.

(4) No person shall hunt bear within 100 yards of a bait station that is not registered and tagged pursuant to this order.

d. Garbage Dumps. No person shall take or attempt to take bear within one-half mile of a refuse dump or a designated municipal or county garbage collection point. No person who is licensed to take bear may be in possession of an uncased weapon legal for taking bear while within one-half mile of a refuse dump or a designated municipal or county garbage collection point.

e. Solid Waste. No person shall take or attempt to take bear by using solid waste containing bottles, cans, plastic, paper, metal or any other materials that are not readily biodegradable as a bait or lure for attracting the bear.

f. No person shall take or molest any bear in a den.

g. No person shall take or attempt to take bear with the aid of dogs.

h. No bear shall be taken in any manner in any area of the state except as herein expressly provided or as otherwise provided by Commissioner's Order.

i. None of the provisions of this order shall be construed as modifying or superseding any order establishing game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

j. All animals taken pursuant to this order must be killed before being removed from the site where taken.

Commissioner's Order No. 2097 is hereby superseded.

Dated at Saint Paul, Minnesota, this 20th day of July, 1982.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

**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

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### Department of Natural Resources Commissioner's Order No. 2119

#### Amending Commissioner's Order No. 2084, Regulations for the Taking and Possession of Fish from the Minnesota-Canada Boundary Waters

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following amendment to Commissioner's Order No. 2084 regulating the taking and possession of fish from the Minnesota-Canada boundary waters.

Section 1. Section 3 of Commissioner's Order No. 2084 is amended to read as follows:

Sec. 3. While on any Minnesota portion of the Minnesota-Canadian Boundary waters described above, no person who possesses both a Minnesota angling license and an angling license from the Canadian provinces of Ontario and/or Manitoba shall possess or transport more than the daily limit of fish as prescribed by Section 2 of this order, except that, prior to March 1, 1983, fish legally taken in Minnesota, Manitoba and Ontario by the transporter may be transported by any means only if all fish being transported are in a container bearing the name and license number of the shipper, the name of the person preparing the container for shipment, his license number as issued under M.S. § 98.46, Subd. 5 (7), and the number and species of fish contained, the state or province of origin and the net weight thereof.

Except as provided in this order, all provisions of Commissioner's Order No. 2084 shall remain in full force and effect.

Dated at Saint Paul, Minnesota, this 25th day of June, 1982.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## SUPREME COURT

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### Decisions Filed Friday, July 30, 1982

#### Compiled by John McCarthy, Clerk

81-799 *First American National Bank, etc. v. State of Minnesota, et al*, Appellants. Stearns County.

Under Minn. Stat. § 161.44 (1980) consideration to be paid by the former owner for reacquiring land sold to the state for highway purposes and no longer needed shall be the price paid by the state at the time of its acquisition plus compound interest at the statutory legal rate.

Affirmed as modified. Otis, J.

81-1060 *In re the Marriage of: Anthony P. John, petitioner, v. Lucille A. John*, Appellant. Ramsey County.

Under the circumstances of this case, a wife who agreed to a stipulation for property division in a proceeding for marital dissolution without being fully informed of the consequences is entitled to have the stipulation vacated.

Affirmed as modified. Otis, J.

81-413 *State of Minnesota v. Edward T. Cox*, Appellant. Anoka County.

Although statement of bailiff in presence of jurors regarding merits of criminal case is presumptively prejudicial, presumption was rebutted where bailiff's view was expressed as product of his own biases, impact of statement was ameliorated by prompt voir dire and curative instructions and verdict was supported by substantial evidence of guilt.

Admission of other-crimes evidence was not prejudicial error.

State presented sufficient evidence corroborating testimony of accomplice on issue of intent to support conviction of second-degree murder, as required by Minn. Stat. § 634.04 (1980).

Affirmed. Peterson, J.

81-497 *State of Minnesota v. Alfredo Rodriguez Maldonado*, Appellant. Meeker County.

Police had probable cause to search defendant's truck and no warrant was needed to search either the truck or the paper bag found inside the truck.

Evidence that defendant possessed marijuana was sufficient.

Affirmed. Peterson, J.

**52026 Timothy R. White, et al. v. Steven P. Boucher, et al., Appellants, Century 21 Christy Realty, Inc. Hennepin County.**

The evidence in this case supports a judgment of specific performance and damages in favor of the purchasers of certain real property.

A realtor is required to disclose all pertinent financial information to the seller and failure to disclose can result in forfeiture of commission if it is determined that the failure was material; that is, that the seller would not have executed the purchase agreement if all financial information had been disclosed.

Normally the realtor is the agent of the seller. There is no evidence in this case to create a dual agency.

Affirmed in part, reversed in part. Todd, J. Took no part, Kelley, J.

**81-798 State of Minnesota v. Anthony Harold Holm, Appellant. Nicollet County.**

Trial court properly determined that defendant was competent to stand trial.

Trial court cannot make immediate restitution a condition of a deferred probationary term.

Convictions affirmed; remanded for resentencing. Todd, J.

**81-865 State of Minnesota v. Jerry James Tenhoff, Appellant. Hennepin County.**

Evidence was sufficient to support conviction for assault in the second degree and the conviction is affirmed.

Trial court did not prejudicially err in refusing to allow defense counsel to question victim about pending civil suit where victim's testimony did not relate to any issue that was materially in dispute.

Defendant's conviction of assault in the third degree is vacated pursuant to Minn. Stat. § 609.04 (1980).

Conviction of assault in the second degree affirmed; conviction of assault in the third degree vacated. Todd, J.

**81-1171 Curtis Rinn, Appellant, v. Transit Casualty Co. and Great West Casualty Co. Hennepin County.**

Where an employee is injured while driving a truck owned by his employer and leased to another company, and the only issue is which insurer must pay the no-fault benefits, the employee may bring an action directly against the insurance companies.

Reversed and remanded. Todd, J.

**81-1279 Kreisler Manufacturing Corporation v. Homstad Goldsmith, Inc., Appellant. Rice County.**

Where nonresident buyer's contacts with the forum state are limited to the failure to pay a debt at resident seller's Florida headquarters, nonresident's connection with the forum does not rise to the level of minimum contacts required by constitutional guarantees of due process. Therefore, the nonresident buyer is not subject to Florida jurisdiction and the default judgment obtained in Florida is unenforceable in Minnesota.

Reversed. Todd, J.

**81-673 State of Minnesota v. Andrew Johnson, Appellant. Washington County.**

Evidence was sufficient to support defendant's conviction of assault in the first degree.

Affirmed. Todd, J.

**81-1023 George Fuller, Relator, v. Farmers' Coop. Oil Association, et al. Workers' Compensation Court of Appeals.**

If an employee is entitled pursuant to Minn. Stat. § 176.285 (1980) to additional time in which to perfect an appeal from a decision of a compensation judge to the Workers' Compensation Court of Appeals, he is not required to serve and file his notice of appeal within the 30-day period described by Minn. Stat. § 176.421 (1980 & Supp. 1981).

Remanded. Yetka, J.

**81-733 Nicholas Koch v. Oscar Arnesen, et al., Relators. Workers' Compensation Court of Appeals.**

In finding a causal connection between an injury and a work-related accident, the Workers' Compensation Court of Appeals erred in relying on a medical report that had not been admitted into evidence and as to which the parties were neither given notice nor an opportunity to dispute.

Reversed and remanded for further proceedings. Simonett, J. Dissenting, Yetka, Todd, Scott and Wahl, JJ.

## Decisions Filed Friday, July 23, 1982

82-190 Hans R. Peterson, Appellant, v. State of Minnesota. Blue Earth County.

District court properly denied postconviction petition for resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

82-445 Jack Leonard Vann, petitioner, Appellant, v. State of Minnesota. Hennepin County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

## Decisions Filed Monday, July 26, 1982

82-198 Earl Lynn Misner, petitioner, Appellant, v. State of Minnesota. Hennepin County.

District court properly denied postconviction petition for resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

82-710 Francis Clinton Beaupre, petitioner, Appellant, v. State of Minnesota. Hennepin County.

District court properly denied postconviction petition for resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

## Decisions Filed Tuesday, July 27, 1982

81-1165 Glen R. Holscher, Appellant, v. State of Minnesota. Fillmore County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

82-137 State of Minnesota v. Howard Maxwell Hardy, Appellant. Hennepin County.

District court properly denied postconviction petition for resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

82-275 State of Minnesota v. Kevin Peter Anderson, Appellant. Hennepin County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

82-290 Louis William Evans, Jr., petitioner, Appellant, v. State of Minnesota. Dakota County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

82-311 Bradley J. Kvale, petitioner, Appellant, v. State of Minnesota. Hennepin County.

District court properly denied postconviction petition for resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

82-388 State of Minnesota v. Stephen M. Hopkins, Appellant. Stearns County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

82-565 Leslie Meaney, petitioner, Appellant, v. State of Minnesota. Hennepin County.

District court properly denied postconviction petition for resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

82-570 Lewis Wright, petitioner, Appellant, v. State of Minnesota. Hennepin County.

District court properly denied postconviction petition for resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

82-746 William Lee Jones, petitioner, Appellant, v. State of Minnesota. Ramsey County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines. Affirmed. Amdahl, C. J.

# OFFICIAL NOTICES

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

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

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## Department of Commerce Insurance Division

### **Petitions by the Workers' Compensation Insurers Rating Association of Minnesota for Changes in the Basic Manual for Workers' Compensation Employers' Liability Insurance and for Change in the Unit Statistical Plan Manual for Workers' Compensation and Employers' Liability Insurers**

#### **Notice of and Order for Hearing**

##### I

##### Background

On April, 1982 the Workers' Compensation Insurers Rating Association of Minnesota (hereinafter WCIRA) filed a petition to amend the Basic Manual for Workers' Compensation Employers' Liability Insurance (hereinafter manual). The manual contains rules governing the issuing, underwriting, classification, and auditing of workers' compensation risks and policies within the state of Minnesota. On June, 1982 a second petition was filed to amend a Unit Statistical Plan Manual to allow for magnetic tape submissions of individual unit statistical card required under the Unit Statistical Plan. The Unit Statistical Plan is a statistical plan for measuring premiums and losses and determining experience rating factors for all workers' compensation policyholders.

The proposed amendments to the manual as alleged in the first petition of WCIRA would make changes in the manual clarifying the interpretation and definitions given to manual classification codes relating to: boat marinas; boat building or repair; precision machine parts manufacture; brake service or repair; muffler installation or repair; metal finishing or deburring; trucking operations conducted as a secondary business; wrecking and dismantling of building structures; acoustical ceiling and tile installation; mobilehome salesman; automobile salesman; fire extinguisher systems, dry chemical installation and service; air conditioner systems installation, service and repair for automobiles; clubs, tennis, racquetball or handball; health or exercise institute; clubs: country, golf, fishing or yacht; news carriers little merchant plan; quick print shops; and x-ray equipment sales installation, service and repair.

The classification changes would amend the following classification codes: 6824F, 6834, 3629, 8387, 8391, 3372, 7380, 5701, 5479, 8748, 8742, 5188, 5538, 5074, 8391, 9060, 9061, 9063, 4304, 4299 and 5191.

In addition, the proposed amendments also modify or change the following: the retrospective premium adjustment verification procedure, the deposit premium rule, change the limitation imposed on total losses used in the experience rating plan, allows recalculation of the premium modifications resulting from reclassification of an insured to another classification, and allows for the use of magnetic tape to report Unit Statistical Plan data.

##### II

##### Findings and Conclusions

Based upon the petitions of the WCIRA in this matter, the Commissioner FINDS and CONCLUDES that:

1. The petitions for hearing set forth sufficient facts and information indicating the need for amendment of the Basic Manual, the Experience Rating Plan Manual, the Retrospective Premium Plan Manual and the Unit Statistical Plan Manual.

##### III

##### Order

1. It is hereby ordered that a hearing shall be held to consider the facts and issues raised by the Workers' Compensation Insurers Rating Association of Minnesota (WCIRA) petitions as authorized in Minn. Stat. § 79.076, subd. 2(2); 79.071; and 79.072. The hearing shall be conducted before Hearing Examiner Jon Lunde, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota, 55415, 341-7601.

2. The hearing in this matter will be held for the purpose of providing the petitioner, WCIRA, with an opportunity to present evidence in support of amendments to the manuals requested in their petitions. The hearing will be conducted as a contested case hearing according to the procedures set forth in Minn. Stat. §§ 15.0411-15.052; 79.076, subd. 2(2); 79.071; 79.072 and pursuant to 9 MCAR §§ 2.101-2.199.

## OFFICIAL NOTICES

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3. Throughout the proceedings in this matter, interested parties may be represented by legal counsel or by a person or representative of their choice. Questions concerning the hearing should be directed to the hearing examiner. Questions concerning this order, concerning discovery or concerning an informal disposition of this matter may be directed to the hearing examiner or to John Bjork, 1100 Bremer Tower, 7th and Minnesota Street, St. Paul, Minnesota, 55101, 296-9412.

### IV

#### Notice Of Prehearing Conference

1. Notice is hereby given that a prehearing conference will be held at 9:00 a.m. on September 7, 1982 at 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota, 55415, before the hearing examiner. This prehearing conference will be held for the purpose of considering any pretrial motions. A hearing on this matter has been scheduled for September 29th and 30th with the hearing beginning at 9:00 a.m. on the third floor of the Summit Bank Building, located at 310 South Fourth Avenue, Minneapolis, Minnesota.

2. Any person or organization who intends to appear at the prehearing must file a Notice of Appearance with the hearing examiner within 20 days of the publication of this notice. In addition, public comments may be presented at the hearing either orally or in writing. If no person contests the proposals or the petitions, they may be deemed true. In the event the proposals are taken as true or the issues are deemed proven, it is possible that the proposed amendments to the manual requested by the WCIRA will be granted.

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

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

4. Copies of the proposed amendments to the manual may be obtained from the Workers' Compensation Insurers Rating Association of Minnesota, 510 Marquette Avenue, Minneapolis, Minnesota, 55402, 338-4500. In addition, copies may be inspected during regular business hours at the Insurance Division, Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota, 55101.

Thomas L. O'Malley  
Temporary Commissioner of Insurance

## Department of Energy, Planning and Development

### Notice of Availability of Funds for 1983 Youth Intervention Projects

Youth Intervention funds will be available for projects operating in 1983. Applications must be submitted before October 1, 1982. Applications can be obtained by writing to:

Criminal Justice Program  
Office of Local Government  
100 Hanover Building  
480 Cedar Street  
St. Paul, MN 55101

## Mahnomen County

### Notice of Filing Fees for the County Law Library

Pursuant to Laws of Minnesota 1982, Chapter 576 the Mahnomen County Law Library Board of Trustees announces the law library fees to be collected in the district, county, municipal, probate and conciliation courts of Mahnomen County.

Civil Suits	
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Probate Court	
Petitioner	\$5.00
Conciliation Court	
Petitioner	\$5.00
Respondent	\$5.00

These fees shall be in effect from July 1, 1982, to June 30th, 1983.

Michael J. Kraker  
Board of Trustees

David Siedschlag, Chairman  
County Commissioners

## **Minnesota Pollution Control Agency Administration Division**

### **Public Input Sought on Pollution Control Objectives**

Citizens interested in helping set pollution control priorities for 1983 are invited to attend a public meeting at the Minnesota Pollution Control Agency (MPCA) on Sept. 9.

Agency staff will present the MPCA's 1983 draft work plans for air, water, and solid and hazardous waste pollution control. These plans guide MPCA resource allocation and are necessary for federal grant assistance.

Each division of the MPCA will review the highlights of its work plan. The Air Quality Division will discuss air monitoring, the air emission permit program, rule revisions, and the state plan for compliance with air quality standards. The Water Quality Division will cover the management of construction grants for wastewater treatment plants, the implementation of revised state and federal regulations, and the planning of remedies for combined sewer overflow into the Mississippi River. The Solid and Hazardous Waste Division will discuss the state hazardous waste rules and efforts to merge the state and federal hazardous waste programs into one state-run program.

Interested citizens can attend the meeting or submit written statements to the MPCA. Copies of the draft plans will be available for review beginning Aug. 26 at the MPCA Public Information Office, 1935 West County Road B2 in Roseville, and at the MPCA regional offices in Brainerd, Duluth, Detroit Lakes, Marshall, and Rochester. The meeting will be held in the MPCA's Board room (first floor) at 1:30 p.m. on Sept. 9. Written comments must be received by Sept. 20. For additional information, contact the MPCA Public Information Office, (612) 296-7373.

## **Department of Transportation**

### **Proposed Rules Governing Aeronautics**

#### **Notice of Intent to Solicit Outside Opinion**

Notice is hereby given that the Minnesota Department of Transportation is seeking information or opinions from sources outside of the department in preparing to promulgate new rules governing "Aeronautics" as adopted in Minnesota Code of Agency Rules, Department of Transportation—Aeronautics, 14 MCAR §§ 1.3001-1.3029. The department is considering the changes that pertain to its rules on Definitions, Airport Licensing (particularly the Personal-Use registration provision in Laws of Minnesota 1981, Chapter 357, § 2, Subdivision 5), Airport Zoning, Seaplane Operations within the Seven County Metropolitan Area, Commercial Operations Licensing, Ultralight Aircraft and Ultralight Airports and Balloon operations. The promulgation of these rules is authorized by *Minnesota Statutes* § 360.015, subdivision 3. This notice is issued in accordance with *Minnesota Statutes* § 15.0412, subdivision 6.

The Minnesota Department of Transportation requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

## OFFICIAL NOTICES

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Larry R. Myking, Manager  
Enforcement, Inspection and Safety Section  
Office of Aeronautics Operations  
417 Transportation Building  
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-8056 and in person at Room 222, Administration Building, St. Paul Downtown Airport.

All statements of information and comment shall be accepted until September 15, 1982. Any written material received by the Department of Transportation shall become part of the record in the event that the rules are promulgated.

Dated this 2nd day of August, 1982.

Richard P. Braun  
Commissioner of Transportation



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**Weekly Wrap-Up**—House committees, committee assignments of individual representatives, news on committee meetings and action. House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

**This Week**—weekly interim bulletin of the House. Contact House Information Office.

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Legislative Reference Library  
Room 111 Capitol  
Interoffice