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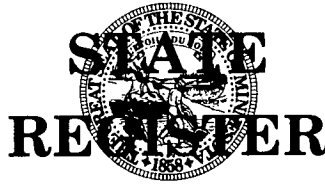
STATE OF MINNESOTA



VOLUME 9, NUMBER 28

January 7, 1985

Pages 1533-1588



Printing Schedule for Agencies

| Issue Number | *Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules | *Submission deadline for State Contract Notices and other **Official Notices | Issue Date |
|------------------------------|---|--|---------------|
| SCHEDULE FOR VOLUME 9 | | | |
| 29 | Thursday Dec 27 | Monday Jan 7 | Monday Jan 14 |
| 30 | Monday Jan 7 | Monday Jan 14 | Monday Jan 21 |
| 31 | Monday Jan 14 | Monday Jan 21 | Monday Jan 28 |
| 32 | Monday Jan 21 | Monday Jan 28 | Monday Feb 4 |

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

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

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

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

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CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Issues 27-28, inclusive 1536

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 27-28, inclusive 1537

PROPOSED RULES

Commerce Department

Proposed Rules Relating to Insurance Continuing Education 1537

Proposed Rules Relating to Political Subdivision Self-Insurance Pools Rules (Notice) 1543

Energy and Economic Development Department Energy and Economic Development Authority

Proposed Emergency Rules Relating to the Technology Product Investment Program 1544

Housing Finance Agency

Proposed Rule Governing the Amount and Eligibility for Home Improvement Grants or Rental Rehabilitation Loans 1548

Proposed Rule Governing the Rental Rehabilitation Program 1548

Labor and Industry Department

Occupational Safety and Health Division

Occupational Safety and Health; Farm Workers Right to Know 1551

Natural Resources Department

Proposed Rule Relating to Mississippi River Land Use District, Amendment 1555

ADOPTED RULES

Administration Department

Building Codes and Standards Division

Adopted Rules Updating the State Building Code and Governing Handicapped Accessibility, Electrical Work, Elevators, and Plumbing 1557

Commerce Department

Adopted Rules Relating to Subdivided Lands Registration 1575

Health Department

Adopted Rules Relating to Maximum Permissible Formaldehyde Level in Housing Units 1576

Housing Finance Agency

Extension of Emergency Rules Governing Temporary Housing Demonstration Program 1576

OFFICIAL NOTICES

Commerce Department

Outside Opinion Sought Regarding Proposed Rules Relating to Franchises Including the Impact of the Rules on Small Businesses 1576

Outside Opinion Sought Regarding Proposed Rules Relating to Liquor Liability Insurance Including But Not Limited to the Establishment and Operation of an Assigned Risk Plan Including the Impact of the Rules on Small Businesses 1577

Finance Department

Maximum Interest Rate for Municipal Obligations, January, 1985 1577

Human Services Department

Income Maintenance Bureau

Office of Child Support Enforcement

Outside Opinion Sought Concerning Child Support Incentives 1577

Jackson County

Notice of Law Library Fee for Criminal Complaints and Moving Traffic Violations 1578

Medical Examiners Board

Outside Opinion Sought Concerning a Proposed Rule Regarding a Change in the Alternative Compliance Provision Within the Continuing Medical Education Requirements Necessary for Physicians and Osteopaths to Retain Their Licenses to Practice Medicine 1578

Outside Opinion Sought Concerning a Proposed Rule Regarding a Change in the Fees for the Licensure of Physicians and Osteopaths for Practicing Medicine in Minnesota 1578

Outside Opinion Sought Concerning a Proposed Rule Regarding the Use of the Examinations for Those Physicians and Osteopaths Seeking Licensure to Practice in Minnesota 1579

Outside Opinion Sought Concerning a Proposed Rule Regulating Advertising by Physicians and Osteopaths 1579

STATE CONTRACTS

Administration Department

Office Space Wanted for an Administrative Truck Center, a Cooperative Effort Between the Departments of Public Safety, Transportation and Revenue 1580

Administration Department

Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding 1580

Agriculture Department

Soil and Water Conservation Board

Request for Proposals for Public Opinion Survey 1581

Energy and Economic Development Department

Minnesota Office of Tourism

Request for Proposals for Advertising Agencies 1581

Request for Proposals for Public Relations Assistance 1582

Vocational-Technical Education Board; and

Economic Security Department

State Job Training Office

Request for Proposals for JTPA—Education Coordination Services for Special Needs Groups 1582

SUPREME COURT

Decisions Filed Friday, December 28, 1984 1583

NOTICE

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

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

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

The ADOPTED RULES section contains:

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

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

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

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

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

| | |
|-------------------------------|-------------------------------|
| Issues 1-13, inclusive | 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 |
| Issues 27-38, inclusive | |

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

MCAR AMENDMENTS AND ADDITIONS

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR § 1.10111 (adopted) 1555

MINNESOTA RULES AMENDMENTS AND ADDITIONS

DEPARTMENT OF COMMERCE

| | |
|--|------|
| 2725.0100-2725.0240 (proposed) | 1537 |
| 2785.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600 [9 SR 946] (notice) | 1543 |
| 2810.2100; .2150; .2170; .2700; .9940; .9950 (adopted) | 1575 |
| STATE BOARD OF EDUCATION | |
| 3505.2510 (proposed) | 1506 |
| 3505.3300 (proposed) | 1505 |
| MN HOUSING FINANCE AGENCY | |
| 4900.0293 (proposed) | 1548 |
| 4900.0640 (proposed) | 1548 |
| 4900.1700-.1703 [Emer] (extended) | 1576 |

DEPARTMENT OF LABOR AND INDUSTRY

| | |
|---|------|
| 5206.1300; .1400; .1500; .1600; .1700; .1800; .1900 [Standards] (proposed) | 1551 |
| DEPARTMENT OF NATURAL RESOURCES | |
| 6105.0911 (proposed) | 1555 |
| DEPARTMENT OF PUBLIC SAFETY | |
| Bureau of Criminal Apprehension | |
| 7510.6200; .6300; .6350; .6910 (proposed) | 1508 |
| SMALL BUSINESS FINANCE AGENCY | |
| 8300.4100-.4112 [Emer] (proposed) | 1544 |
| TRANSPORTATION REGULATION BOARD | |
| 8900.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900 (proposed) | 1510 |

PROPOSED RULES

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

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

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

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

Department of Commerce

Proposed Rules Relating to Insurance Continuing Education

Notice of New Hearing Date and Modification of Rules as Originally Published.

Notice is given that a public hearing will be held pursuant to Minn. Stat. § 14.14, subd. 1, as amended by Minn. Laws 1984, ch. 640 in the above-entitled matter in the Large Hearing Room, 500 Metro Square Building, St. Paul, Minnesota 55101, on February 14, 1985, at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing by sending them to Administrative Law Judge, Peter C. Erickson, 4th Floor, Summit Bank Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The rule hearing procedure is governed by Minn. Stat. § 14.02-14.45, as amended by Minn. Laws 1984, ch. 640, and by Minn. Rule 1400.0200-1400.1200 (10831). Questions regarding procedure may be directed to the Administrative Law Judge at the above-listed address.

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 Commissioner proposes to adopt rules relating to Continuing Education for Insurance Agents. Authority for adoption of these rules is contained in Minn. Stat. § 60A.1701, subd. 6(c). A copy of the proposed rules accompanies this notice.

A hearing on the rules was originally set for December 14, 1984, however the Department of Commerce has as a result of various comments received and other circumstances determined that certain modifications and additions to the rules were necessary. Those modifications and amendments have been made and are incorporated in the rules as published hereafter. For convenience the rules as modified are published in their entirety.

The proposed rules, if adopted, will govern Continuing Education for Insurance Agents and are intended to assure the quality of courses as well as to set the administrative procedure for course approval, course credit, reporting requirements and similar functions.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the Department of Commerce and will be available at the Office of Administrative Hearings 25 days prior to the hearing.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. § 14.155, Subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in order to explain the purpose or intended operation of the proposed rules, or a suggested modification, or for other purposes material to the evaluation or formulation of the proposed rules.

As a result of the hearing process, the proposed rule may be modified. Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the five to twenty day submission period, there will be a three-day period in which the Commissioner and interested persons may respond in writing to any new information submitted. During the three-day period, the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three-day period. The written responses will be added to the record of the proceeding.

Notice: Any person may request notification of the date on which the Administrative Law Judge's Report will be available, after which date the Department of Commerce may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing records have been filed with the Secretary of State. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge.

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

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

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.

One free copy of this notice and the proposed rules may be obtained by contacting Richard Gomsrud, General Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

2725.0100 DEFINITIONS.

Subpart 1. Scope. For the purpose of parts 2725.0100 to 2725.0240, the following terms have the meanings given them.

Subp. 2. Coordinator. "Coordinator" means an individual who is responsible for monitoring continuing education offerings.

Subp. 3. Correspondence courses. "Correspondence courses" means courses that have been offered by a provider that has been in existence for at least five years; or courses approved by the National Home Study Council.

Subp. 4. Instructor. "Instructor" means an individual lecturing in a continuing education offering.

Subp. 5. Licensee. "Licensee" means a natural person licensed by this state to sell classes of insurance for which licensing examinations are required.

Subp. 6. National examinations. "National examinations" means examinations taken pursuant to, or examinations related to or taken in the course of:

A. The Life Underwriter Training Council (LUTC) life course curriculum or the health course curriculum.

B. The American College diploma curriculum for Chartered Life Underwriter (CLU) or Chartered Financial Consultant (ChFC).

C. The College of Financial Planning diploma curriculum for Chartered Financial Planning (CFP) program.

D. The Insurance Institute of America curriculum for: Program in General Insurance (INA); Associate in Claims Program (AIC); Associate in Risk Management Program (ARM); Associate in Underwriting Program (AIU); Associate in Loss Control Management Program (ALCM); Accredited Adviser in Insurance Program (AAI); Associate in Premium Auditing Program (APA); Associate in Research and Planning Program (ARP); Chartered Property Casualty Underwriter (CPCU).

E. The National Association of Health Underwriters curriculum for Registered Health Underwriter program (RHU).

F. The Health Insurance Association of America curriculum for HIAA program.

G. The Academy of Life Underwriting Education Council curriculum for LUEC program.

H. The Certified Insurance Counselor curriculum for CIC program.

Subp. 7. Person. "Person" means a natural person, firm, institution, partnership, corporation, or association.

Subp. 8. Sponsor. "Sponsor" means a person offering or providing insurance education.

2725.0110 GENERAL REQUIREMENTS.

Subpart 1. Courses approved for credit. Only courses which impart substantive and procedural knowledge relating to the insurance field shall be approved for credit.

Subp. 2. Nonapproved courses. The following are not approved courses:

A. a course which is approved for prelicense training;

B. courses designed to prepare students for a license examination;

C. courses in mechanical office or business skills, including typing, speed reading, or use of calculators or other machines or equipment;

D. courses in sales promotion, including meetings held in conjunction with the general business of the licensee;

E. courses in motivation, salesmanship, psychology, time management, or communication;

F. courses related to office management or intended to improve the operation of the licensee's business; or

G. courses relating to the specific products of a specific company.

Subp. 3. Automatic approval. The commissioner shall grant automatic approval for insurance related courses approved by the Department of Commerce for real estate education, the Board of Continuing Legal Education for legal education, or similar regulatory offices within Minnesota.

The commissioner shall grant automatic approval for courses approved by the insurance regulatory agency in another state if the course does not conflict with parts 2725.0100 to 2725.0240.

Subp. 4. Credit hours. Except as otherwise provided, courses must be attended in their entirety in order for a licensee to receive credit. No credit will be given for partial attendance at a course.

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PROPOSED RULES

Upon completion of approved courses, students shall receive credit for the number of hours approved for the course based on one hour of credit for each hour of attendance.

If the number of credit hours for which a course is approved is fewer than the total number of hours of the course, the student must attend the entire course in order to receive credit for the number of approved hours.

The number of approved hours will not include time spent on meals, breaks, or other unrelated activities.

The approved instructor shall earn 1½ hours of continuing education credit for each one hour of instruction of approved courses.

Neither students nor instructors may earn credit for attending or instructing at any subsequent offering of the same course for three years after attending or teaching the course.

Subp. 5. Examinations. Course examinations will not be required for continuing education courses unless the sponsor requires an examination.

Subp. 6. Textbooks. Textbooks are not required for continuing education courses. If textbooks are not used, students are to be provided with a syllabus containing, at a minimum, the course title, times and dates of the course offering, the names and addresses or telephone numbers of the course coordinator and instructor, and a detailed outline of the subject matter to be covered. A textbook or syllabus must be available for the use of each student during the course. Any printed material disbursed to the students must be of a readable quality. Any textbook required must contain accurate and current information relating to the subject being taught.

Subp. 7. Approval of course offerings. Sponsors must submit their courses to the commissioner for approval at least 30 days prior to the date on which the course is to be held. Each application for approval of a course offering must be accompanied by the application for approval of the instructor. Applications must be submitted on forms prescribed by the commissioner.

Subp. 8. Approval of courses not submitted for approval. Licensees may receive continuing education credit for courses attended which have not been submitted for approval by a coordinator. Requests for approval of these courses must be submitted on forms prescribed by the commissioner.

Subp. 9. Advertising. Courses cannot be advertised in any manner as approved unless approval has been granted, in writing, by the commissioner.

Upon written request by a sponsor, the commissioner shall grant permission, in writing, to the sponsor to use the term "approval pending" if it is clearly visible in the advertisement and if in fact the course has been submitted to the commissioner for approval in accordance with subpart 7.

All advertising relating to approved course offerings must contain the following statement: "This course has been approved by the commissioner of commerce for insurance continuing education credit." This statement must be prominently displayed on the cover of any pamphlet, advertisement, or circular.

The number of hours for which a course has been approved shall be prominently displayed on any advertisement for the course. If the course offering is longer than the number of hours of credit to be given, it must be clear that credit is not earned for the entire course.

Advertising must be truthful, clear, and not deceptive or misleading.

Advertising of approved courses must be clearly distinguishable from the advertisement of other nonapproved courses and services.

Subp. 10. Approval of subsequent offerings. If approval has been granted for the initial offering of a course, approval for subsequent offerings of identical courses shall be granted without requiring a new application if a "Notice of Subsequent Offering" is filed with the commissioner at least 30 days in advance of the date the course is to be held. Identical courses are those covering substantially the same material.

Subp. 11. Courses must be open. All course offerings shall be open to any interested individuals.

Subp. 12. Fees. Fees for courses shall be reasonable and clearly identified to students.

Reasonable discounts of tuition shall be offered.

If a course is canceled for any reason, all fees shall be returned promptly. In all instances, the fees must be refunded within 30 days of cancellation.

In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their tuition refunded in full. In all instances, the fees must be refunded within 30 days of postponement.

A sponsor shall have a refund policy addressing student's cancellation or failure to complete a course, as long as that policy is clear to potential students.

Subp. 13. Adequate facility to be used. Each course of study shall be conducted in a classroom or other facility which is adequate to comfortably accommodate the faculty and the number of students enrolled.

Subp. 14. National examinations. A licensee shall receive 20 hours of continuing education credit for passing a recognized national examination.

Credit shall not be received for both attending courses leading to the national examination and passing the national examination.

Subp. 15. Company-sponsored courses. Licensees may not receive more than half of their continuing education requirement for a particular reporting period in courses sponsored by an insurance company.

Insurance companies sponsoring insurance continuing education courses shall not require their agents to attend their courses.

Subp. 16. Correspondence courses. The amount of credit received by an agent for a correspondence course shall be based on successful completion of the course and subject to the number of hours assigned by the commissioner.

Any offeror of correspondence courses shall clearly disclose to any agent wishing to receive credit in Minnesota the number of hours for which that particular course has been approved by the commissioner.

Licensees may not receive more than half of their continuing education requirement for a particular reporting period in correspondence courses.

2725.0120 FALSIFICATION OF REPORTS.

A licensee found to have falsified a continuing education report to the commissioner shall be considered to have violated the insurance licensing law, and shall be subject to suspension or revocation of his or her insurance license.

2725.0130 COMMISSIONER'S RIGHT TO AUDIT.

The commissioner reserves the right to audit subject offerings with or without notice to the sponsor.

2725.0140 GENERAL POWERS OF COMMISSIONER.

The commissioner may deny, censure, suspend, or revoke the approval of a coordinator, instructor, or course if it is determined not to be in compliance with the statute or rules governing the offering of insurance continuing education courses. The commissioner may also refuse to approve courses by specific sponsors if it is determined that past offerings have not been in compliance with continuing education laws and rules.

2725.0150 MANDATORY NOTICE TO STUDENTS.

At the beginning of each approved continuing education offering, the following notice shall be read to the students: "This course has been approved by the commissioner of commerce for (number) hours of insurance continuing education credit. If you have any comments about this offering, please mail them to the Commissioner of Commerce, 500 Metro Square Building, Saint Paul, Minnesota 55101."

2725.0160 COURSE COORDINATOR.

Subpart 1. General requirement. Each course of study shall have at least one coordinator, approved by the commissioner, who is responsible for supervising the program and assuring compliance with the statutes and rules governing the offering of insurance continuing education courses. Assistants may be hired by the sponsor; however, the approved coordinator remains responsible for compliance with the laws.

Subp. 2. Qualifications. Course coordinators shall possess the following qualifications:

- A. a minimum of five years (during the immediately preceding five-year period) as an active licensed insurance agent;
- B. at least three years (during the immediately preceding five-year period) full-time experience in the administration of an education program; or

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PROPOSED RULES

C. a degree in education plus at least two years (during the immediately preceding five-year period) insurance experience.

Subp. 3. Forms. Applications for coordinator approval shall be submitted on forms prescribed by the commissioner.

Subp. 4. Responsibilities. The coordinator must:

- A. Assure compliance with all laws and rules pertaining to insurance continuing education.
- B. Notify the commissioner of any material change in applications for course or instructor approval.
- C. Assure that students are provided with current and accurate information.
- D. Supervise and evaluate courses and instructors. The commissioner may request written evaluations of courses and/or instructors either by students or coordinators.
- E. Investigate written complaints relating to course offerings and/or instructors, and forward a copy of the written complaints to the Department of Commerce.
- F. Maintain accurate records relating to course offerings, instructors, and student attendance for a period of five years from the date the course was completed. If the coordinator leaves the employ of the sponsor, the records must be turned over to the replacement coordinator or an officer of the sponsor. If a sponsor ceases operation, the coordinator shall be responsible for maintaining the records or providing a custodian of the records acceptable to the commissioner. In order to be acceptable, custodians must agree to make copies of student records available to students at a reasonable fee. Under no circumstances will the commissioner act as custodian of the records.
- G. Be available to instructors and students throughout the course offerings, and provide the name of the coordinator and a telephone number at which he or she can be reached.
- H. Attend workshops or instructional programs as reasonably required by the commissioner.
- I. Provide students with course completion certificates, on a form prescribed by the commissioner, within 30 days of completion of the course. Notwithstanding the preceding sentence, a coordinator may require payment of the course tuition as a condition for receiving the course completion certificate.

2725.0170 INSTRUCTORS.

Subpart 1. General requirement. Failure to have only approved instructors teach at an approved continuing education offering will result in loss of course approval.

Subp. 2. Qualifications. Instructors shall possess the following qualifications:

- A. three years of recent experience in the subject area being taught;
- B. a degree in the subject area being taught; or
- C. two years of recent experience in the subject area being taught and 60 hours of course work in the subject area being taught.

Subp. 3. Responsibilities. Approved instructors must:

- A. comply with all laws and rules pertaining to insurance continuing education;
- B. provide students with current and accurate information;
- C. maintain an atmosphere conducive to learning in a classroom;
- D. provide assistance to the students and respond to questions relating to course material; and
- E. attend such workshops or instructional programs as are reasonably required by the commissioner.

2725.0180 MANAGEMENT RESPONSIBILITY OF SPONSORS.

Sponsors of continuing education courses are responsible for the actions of the coordinators and instructors.

2725.0190 PROHIBITED PRACTICES.

The following practices of sponsors, coordinators, and instructors are prohibited:

- A. misrepresenting any material submitted to the commissioner;
- B. promoting any particular insurance agency or company or their products; and
- C. requiring students to participate in other programs or services offered by the sponsor, coordinator, or instructor.

2725.0200 NOTIFICATION REQUIREMENTS FOR COORDINATORS AND INSTRUCTORS.

Coordinators and instructors must notify the commissioner within ten days after the occurrence of the following:

A. A felony or gross misdemeanor conviction or of disciplinary action taken against an insurance or other occupational license held by the coordinator or instructor. The conviction or action may be grounds for denying or revoking instructor or coordinator approval.

B. Any change of information contained in an application for approval.

2725.0210 LICENSEE REPORTING REQUIREMENT.

Continuing education credit must be reported by the licensee on forms and in a manner prescribed by the commissioner.

2725.0220 WAIVERS.

If a licensee provides satisfactory documentation to the commissioner that he or she is unable, and will continue to be unable, to attend actual classroom course work, because of a physical handicap, medical condition, or similar reason, attendance at continuing education courses shall be waived for a period not to exceed one year. The commissioner shall require that the individual read a sufficient number of insurance textbooks, or listen to a sufficient number of insurance related tapes as would be necessary for the licensee to satisfy his or her educational credit hour needs. The commissioner shall award the licensee credit hours for reading books or listening to tapes by determining how many credit hours would be granted to a classroom course involving the same material and giving the licensee the same number of credit hours under this part. The licensee may apply each year for a new waiver upon the same terms and conditions as were necessary to secure the original waiver. The commissioner may request such documentation of the condition upon which the request for waiver is based as shall be necessary to satisfy the commissioner of the existence of the condition and that the condition does preclude attendance at continuing education courses.

2725.0230 EXTENSIONS.

Upon appropriate showing of a bona fide financial or medical hardship, the commissioner shall extend, for up to 90 days, the time period during which the continuing education must be successfully completed. Loss of income from either attendance at courses or cancellation of a license is not a bona fide financial hardship.

Requests for extensions must be submitted in writing no later than April 1 of the year due and shall include an explanation with verification of the hardship, plus verification of enrollment at an approved course of study.

2725.0240 EXEMPTIONS.

A currently licensed insurance agent shall be exempted from continuing education requirements if the agent's age and years licensed as an insurance agent in good standing in Minnesota exceed 85 years, as long as that agent has maintained an active insurance agent license in the state for the last ten consecutive years.

Department of Commerce

Rules Relating to Political Subdivision Self-Insurance Pools

Notice Concerning the Impact on Small Businesses of the Previously Published Proposed Rules Relating to Political Subdivision Self-Insurance Pools

The Department of Commerce recently published rules relating to Political Subdivision Self-Insurance Pools in the *State Register* on November 5, 1984, (Cite 9 SR 946). The rules in question have been determined to have an impact on small businesses. The impact of the rules is discussed in the Statement of Need and Reasonableness. As previously noted in the Notice of Intent to Adopt Rules Without a Hearing, said Statement of Need and Reasonableness is available upon request. The comment period pertaining to said rules expired on December 5, 1984. This notification hereby extends that comment period an additional 30 days from the date of this notification.

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

Copies of this notice and the Statement of Need and Reasonableness are available and may be obtained by contacting Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101 Telephone (612) 296-5689.

Michael A. Hatch
Commissioner of Commerce

Department of Energy and Economic Development Energy and Economic Development Authority

Proposed Emergency Rules Relating to the Technology Product Investment Program

Notice is hereby given that the Minnesota Energy and Economic Development Authority is proposing to adopt emergency rules for loan application procedures, Technology Product Loans. The agency is authorized by Minnesota Statutes, section 116J.91, subdivision 4, to adopt emergency rules for its financial assistance programs.

All interested parties have 25 days from the day of publication of this notice in the *State Register* to submit written comments to the agency in support of or in opposition to the proposed emergency rules, and comments are encouraged. With publication of this notice in the January 7, 1985, *State Register*, written comments must be received by the agency no later than 4:30 p.m. on February 1, 1985. Written comments should be sent to:

Rosemary T. Fruehling, Director
Office of Software/Courseware Technology Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone: 612-297-1554

Please be advised that the proposed emergency rules may be modified as a result of the comments received. Any written material received by the agency will become part of the record in this matter.

The proposed emergency rules with any modifications adopted by the agency, will be submitted to the Attorney General for review as to form and legality after close of the comment period. Persons wishing to be informed of the date of submission of the proposed emergency rules to the Attorney General should notify the agency of such desire at the address given above. The Attorney General has ten working days to approve or disapprove the rules.

The emergency rules will be effective five working days following approval of the rules by the Attorney General. It is the agency's intent to keep the rules in effect for a period of 180 days, although the proposed emergency rules may be continued in effect for an additional period of up to 180 days if the agency publishes a separate notice to such effect in the *State Register* and mails the same notice to all persons on the agency's list to receive notice of rulemaking proceedings.

A full copy of the proposed emergency rules is available by contacting Dr. Fruehling at the above address.

January 7, 1985

Mark B. Dayton, Commissioner of Energy
and Economic Development Department &
Chairman of the Minnesota Energy and
Economic Development Authority

Rules as Proposed (all new material)

8300.4101 [Emergency] DEFINITIONS.

Subpart 1. Scope. For the purpose of parts 8300.4102 to 8300.4112 [Emergency], the following terms have the meanings given them.

Subp. 2. Product rights. "Product rights" means a product to which the rights have been acquired by the authority through purchase, lease, license, or loan default.

Subp. 3. Conceptual product. "Conceptual product" means an idea based upon a mental impression or general notion that can be documented in a technology-related product design or plan.

Subp. 4. Courseware. "Courseware" means specialized software for the delivery of education and training.

Subp. 5. Default. "Default" means the failure of the loan recipient to repay the principal and interest, to make royalty payments in accordance with the security agreement, or the breach by the loan recipient for more than ten days after mailing

written notice of breach by the commissioner of any material covenant in the note, loan agreement, or in any instrument securing the loan which the commissioner determines constitutes an adverse change in the loan recipient's ability to repay the product loan. For purposes of these parts, a loan is considered in default if the principal and interest repayments and royalty payments are not received by the authority within ten days after the day specified in the security agreement.

Subp. 6. Derivative product. "Derivative product" means a product that takes or uses part of a previous product in its make up.

Subp. 7. Education. "Education" means the deliberate process of developing knowledge, mind, and character of an individual.

Subp. 8. Product. "Product" means something produced by a business and that exists in a usable form. Product includes, but is not limited to, a technology related product, a conceptual product, or a prototype product.

Subp. 9. Product loan. "Product loan" means a loan made to a business for the development and for marketing of a product.

Subp. 10. Prototype product. "Prototype product" means a working model that approximates the function of a final technology-related product.

Subp. 11. Royalty. "Royalty" means the proceeds paid to the authority in connection with the loan agreement or in connection with product rights. Payments can be based on but not limited to a percent of sales of the product or a specific dollar amount for each unit of the product sold.

Subp. 12. Software. "Software" means a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result, in any form of material object in which such statements or instructions may be fixed, by any method now known or hereafter developed, regardless of whether the statements or instructions are capable of being perceived by or communicated to humans. Software includes courseware.

Subp. 13. Technology-related product. "Technology-related product" means a product that results from a method or process for handling a specific technical problem. Technology-related product includes computer software and computer hardware products.

Subp. 14. Training. "Training" means the process which instructs so as to make a person proficient or qualified.

8300.4102 [Emergency] TECHNOLOGY PRODUCT LOAN PROGRAM.

Subpart 1. Purpose. The authority shall make technology product loans to eligible applicants in compliance with Minnesota Statutes, chapter 116M in order to help create or retain jobs for the state. The authority shall also consider the value of the product to promote the public good of the state, especially in education and training. Loans may be made to eligible applicants for the development and marketing of technology-related products that exist as completed products, prototypes, or as conceptual product designs.

Subp. 2. Use of loan proceeds. The loan must be made to provide financial assistance for the development and marketing of a technology-related product. Proceeds of the loan may be used to pay the costs of computer and other technology-related equipment, and for working capital.

Subp. 3. Size of loan. The principal amount of any product loan issued by the authority may not exceed \$250,000 for technology-related equipment and for working capital for any one product, provided, however, the authority may make an additional loan not to exceed \$100,000 for the same product if the applicant can demonstrate that the additional loan is necessary to develop and market the product as described in the loan agreement or to modify the development and marketing plans if the commissioner determines that such modifications are necessary. Proceeds of the loan must be issued to the eligible applicant in accordance with an approved plan and timetable. The plan must establish significant events in the development and marketing activities of the product which, when determined by the commissioner to be complete, shall serve as an indicator to release subsequent loan proceeds in accordance with the plan and timetable.

Subp. 4. Loan-to-project percentage. The maximum loan percentages of the project costs are 50 percent for working capital, and 75 percent for equipment.

The authority may require a lower loan-to-project percentage based upon the economic feasibility of the application. The authority may accept letters of credit or other credit enhancements as part of the equity contributions of the borrower and may accept in kind contributions if specifically related to the development and marketing of the product.

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PROPOSED RULES

In kind contributions may include the fair market value of services and other support activities provided directly and indirectly to a product. Included may be items such as direct labor, management services, and the use of facilities and equipment.

Subp. 5. Maximum term. The maximum term of the loan may not exceed the average useful life of the equipment, or the following limit, whichever is less:

- A. computer or technology-related equipment, four years;
- B. working capital, three years;
- C. combination of items A and B, weighted average.

Subp. 6. Interest rate. The interest rate of a loan is five percentage points below a full faith and credit obligation of the United States government of comparable maturity, as of five working days before closing.

Subp. 7. Security requirements. In addition to security interests in collateral as specified in part 8300.3013 [Emergency] as proposed at *State Register*, volume 9, page 826 (October 22, 1984), and as adopted at *State Register*, volume . . . , page 9 . . . (January . . . , 1985), the authority shall require a security interest in the product in the form of a royalty on the product and, in case of default, full rights to the product. The royalty payment must be based upon net receipts of the product not to exceed 25 percent and must be set forth in a security agreement that shall be entered into at the same time the loan is made. Royalty payments must be made to the authority in accordance with the schedule appearing in the security agreement.

The security agreement must set forth the terms and conditions applicable to all derivatives of the product, and must bind all future assignees of the product. The amount of royalty paid to the authority shall be set forth in the security agreement. Royalty terms provided in the security agreement may not extend more than seven years from the date of the loan agreement unless the authority and the eligible applicant agree to an extension. The maximum amount of royalty paid to the authority shall not exceed three times the amount of the loan principal. The security agreement must contain a provision for assignment of all product rights, including copyrights and patents to the authority upon default of the loan.

Subp. 8. Loan servicing. The commissioner shall monitor the repayment of the principal and interest as provided in the amortization schedule. The commissioner may restructure the loan at the request of the borrower or upon his or her own initiative if the commissioner determines that restructuring the loan will increase the probability that the loan will be repaid to the state.

If the borrower requests the commissioner to restructure the loan, the commissioner shall charge the borrower a fee in the amount of one-half percent on the outstanding principal amount of the loan.

Subp. 9. Loan payments; royalties. Loan payments must be made as provided in the amortization schedule. The first payment is due upon the date of completion of the product or 12 months after the date of issuance of the loan, whichever occurs first.

The authority, in its sole discretion, may accept royalty payments in lieu of loan payments if it appears that this arrangement will increase the probability that the loan will be repaid. The amount of royalty paid in lieu of loan payments may not reduce the total amount of royalty due.

8300.4103 [Emergency] ELIGIBLE LOAN APPLICANTS.

A person, partnership, firm, or corporation engaged in and determined by the authority to constitute a small business as defined in the regulations of the United States Small Business Administration, Code of Federal regulations, title 13, part 121, standard industrial code (SIC) 7372, is considered an eligible small business or an eligible applicant for a technology product loan.

8300.4104 [Emergency] FINANCING ELIGIBLE SMALL BUSINESSES AND TARGETED SMALL BUSINESSES.

The authority may use funds available for product loans to help finance eligible small businesses. Two-thirds of these available funds must be allocated to help finance targeted small businesses.

The authority shall make a determination as to the use of funds four months prior to the close of its fiscal year. At that time the authority may reallocate its remaining funds between the categories of eligible small businesses and targeted small businesses if it determines that by doing so participation in the program may increase.

8300.4105 [Emergency] LOAN DEFAULT.

If the commissioner determines the loan to be in default, the authority may take such actions provided in law to protect its interests. Upon default, the commissioner shall notify the loan recipient in writing of the default and give the loan recipient 60 days to re-establish the good standing of the loan. During this time period the commissioner may permit the borrower to sell or reassign the product rights or licenses, prepare derivative products, or undertake other measures that will increase the probability that remaining loan payments will be made. If the loan remains in default at the end of the initial 60-day time period,

the commissioner may extend the time period for an additional 60 days if the loan recipient can demonstrate that the additional period of time is necessary to re-establish the good standing of the loan. If the loan remains in default at the end of the initial 60-day time period and any granted extension, all product rights as provided in the security agreement revert to the authority. The loan recipient shall also provide to the commissioner, if requested, all relevant materials including technical documentation, drawings, prototypes, models, test results, and source code associated with the product.

8300.4106 [Emergency] DISPOSITION OF ACQUIRED PRODUCTS.

Subpart 1. Sales. For product rights acquired under loan default, the authority may sell the acquired product in a commercially reasonable manner to any person or business.

Subp. 2. No product warranty. No warranty may be expressed or implied by the authority for products distributed under subpart 1. Product recipients shall assume all risk of use. The state, the authority, and its employees may not be held liable for any damages, including any lost profits, lost savings, or other incidental or consequential damages arising out of the use or inability to use the product.

8300.4107 [Emergency] CERTIFICATIONS.

For products financed by the authority, the eligible loan recipient shall agree to and execute a statement acceptable in form and content to the commissioner. This statement must certify at least the following:

- A. that the product is original;
- B. that the product does not infringe upon copyrights and patents;
- C. that the product will basically perform the tasks it has represented in its documentation that it will perform;
- D. that the loan recipient will hold the authority harmless.

8300.4108 [Emergency] DATA, PUBLIC AND PRIVATE.

An applicant shall execute an acknowledgement that data provided as part of the application or loan servicing process may be considered public data. If the eligible applicant considers any part of the data to be provided to the authority to be a trade secret, and if the authority agrees that the data is a trade secret as defined in the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, then the authority shall enter into an agreement with the eligible applicant regarding the data.

8300.4109 [Emergency] CONTENT OF APPLICATION.

In addition to the data required by part 8300.3012 [Emergency], as proposed at *State Register*, volume 9, page 826 (October 22, 1984), and as adopted at *State Register*, volume . . . , page . . . , (January . . . , 1985), an applicant for the technology product loan program shall provide the following information:

- A. specific product descriptions and comparison data to similar or related products, projected life cycle of the product, need for the product, pricing considerations, profit margins, and future product trends;
- B. market research data including a description of the targeted audience that will use and purchase the product; how the product will be packaged, promoted, and sold, including pricing considerations;
- C. a market plan describing primary strategies, distribution agreements, if any, and opportunities for leverage with other products;
- D. a product packaging, documentation, and manufacturing plan including projected cost of product and inventory levels;
- E. product descriptions, sales, and profit data on other technology products under the control of the business;
- F. projected financial performance of the proposed product including sales and profit projections and cash flow and return on investment analysis;
- G. jobs maintained or created as a result of the loan; and
- H. a description of how the product will serve the public good of the state, especially in education and training.

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PROPOSED RULES

8300.4110 [Emergency] SUBMISSION AND EVALUATION CRITERIA.

Subpart 1. Evaluation criteria. The authority shall evaluate an application according to the standards and requirements in parts 8300.4101 to 8300.4112 [Emergency], the laws governing the program, and the following criteria:

- A. the number of jobs created and maintained;
- B. the ability of the product to attract private investment capital;
- C. the projected financial success of the product;
- D. the probability that royalty projections will be realized;
- E. the projected return on investment to the state;
- F. the degree to which the product serves the public good and reduces other state expenses; and
- G. the degree to which the product can be expected to meet the needs of the marketplace.

Subp. 2. Use of consultants. The authority shall evaluate applications using the evaluation criteria. The commissioner may employ consultants as needed to extend the expertise of staff. The commissioner shall take steps that are reasonable to ensure that consultants are free from any conflicts of interests and that they use reasonable means to protect confidentiality of data.

Subp. 3. Priority funding. The commissioner may make priority funding recommendations to the authority based on the evaluation of the applications.

8300.4111 [Emergency] COPYRIGHT OR PATENT.

The copyright or patent for the product shall remain with the business unless specifically acquired by the authority.

8300.4112 [Emergency] DERIVATIVE PRODUCTS AND SUCCESSOR BUSINESS.

All agreements made as part of the technology product loan program, including product loan and security agreements, must contain an appropriate clause to maintain and secure the authority's financial interests in derivative products and successor businesses.

Housing Finance Agency

Proposed Rules Governing the Amount and Eligibility for Home Improvement Grants or Rental Rehabilitation Loans

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. § 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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 twenty-five or more persons submit written requests for a public hearing on the proposed rule 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. § 14.14 *et. seq.* Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 200
333 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9793

Authority for the adoption of these rules is contained in Minn. Stat. § 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson 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 a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) 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 \$250.00, 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 \$250.00, 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, (612) 296-5615.

January 4, 1985

James J. Solem
Executive Director

Rule as Proposed

4900.0640 AMOUNT OF GRANT OR LOAN.

Subpart 1. Amount of grant. The amount of the rehabilitation grant ~~or loan~~ shall not exceed the lesser of \$6,000, the actual cost of the work performed, or that portion of the cost of rehabilitation which the agency determines cannot otherwise be paid by ~~such~~ the person or family without spending an unreasonable portion of the income of ~~such~~ the person or family thereon.

Subp. 2. Amount of loan. The amount of the rehabilitation loan shall not exceed the lesser of \$7,500, the actual cost of the work performed, or that portion of the cost of rehabilitation that the agency determines cannot otherwise be paid by the person or family without spending an unreasonable portion of the income of the person or family thereon.

Subp. 3. Type of loan. The agency shall review the credit worthiness of each recipient of a rehabilitation loan pursuant to part 4900.0080. If the recipient has an adjusted income of \$6,000 or less, or if the recipient is not financially capable of making a monthly loan payment of at least \$10, the recipient shall be eligible for a deferred loan. A recipient whose adjusted income exceeds \$6,000 and who is financially capable of making a monthly loan payment of \$10 or more shall be eligible for a flexible or deferred loan, or a combination of such loans, as determined by the agency.

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PROPOSED RULES

Housing Finance Agency

Proposed Rule Governing the Rental Rehabilitation 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. § 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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 twenty-five or more persons submit written requests for a public hearing on the proposed rule 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. § 14.14. *et. seq.* Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 200
333 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9793

Authority for the adoption of these rules is contained in Minn. Stat. §462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson 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 a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) 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 \$250.00, 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 \$250.00, 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, (612) 296-5615.

January 4, 1985

James J. Solem
Executive Director

Rules as Proposed**4900.0293 ADDITIONAL AGENCY REQUIREMENTS FOR PARTICIPATION IN RENTAL REHABILITATION PROGRAM.**

Projects selected for grants under the rental rehabilitation program, in addition to meeting the eligibility and ineligibility criteria in Code of Federal Regulations, title 24, section 511.10, must comply with all of the following requirements:

- A. The project must consist of one or more buildings that contain ~~five~~ one or more rental dwelling units.
- B. and C. [Unchanged.]

**Department of Labor and Industry
Occupational Safety and Health Division****Occupational Safety and Health; Farm Workers Right to Know****Request for Comments**

Notice is hereby given that the Department of Labor and Industry proposes to adopt the following additions to the Minnesota Occupational Safety and Health Standards, as authorized under Minnesota Statutes, section 182.655, establishing the Occupational Safety and Health Standards described below.

The Employee Right-to-Know Act (Laws of Minnesota 1983, Chapter 316) provides the Commissioner of Labor and Industry with a statutory mandate to develop a training standard concerning hazardous substances and harmful physical agents for farming operations that employ more than ten employees or maintain a temporary labor camp and employ any of its residents. These proposed standards were developed in consultation with three representatives of agricultural employers and three representatives of agricultural employees.

All interested or affected persons are hereby afforded a period of 30 days to submit written data or comments on these proposed standards. Any interested person may file written objections to the proposed standards, stating the reasons for those objections. Any interested person may request, in writing, a public hearing on specific objections to the proposed standards. Written comments, objections, or requests for hearing should be submitted to: Occupational Safety and Health Division, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101.

Steve Keefe
Commissioner

Standard as Proposed (all new material)

**DEPARTMENT OF LABOR AND INDUSTRY
OCCUPATIONAL SAFETY AND HEALTH DIVISION
FARMING OPERATIONS TRAINING PROGRAMS
FARMING OPERATIONS TRAINING PLAN**

5206.1300 PURPOSE.

The standards in parts 5206.1300 to 5206.1900 implement provisions of the Employee Right-to-Know Act of 1983, Laws of Minnesota 1983, chapter 316, which require the commissioner of the Department of Labor and Industry to develop and implement a training program for farming operations. These standards require each employer who is engaged in a farming operation and employs more than ten employees or maintains a temporary labor camp and employs any of its residents to provide training and information to employees who are routinely exposed to hazardous substances or harmful physical agents.

5206.1400 SCOPE.

Farming operations that employ more than ten employees or that operate a temporary labor camp and employ any of its residents must comply with all requirements of this chapter at the time the employer has more than ten employees or at the

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PROPOSED RULES

time the camp is maintained. Persons who only provide housing facilities for seasonal or temporary migrant agricultural workers employed by another employer are exempt from the requirements of parts 5206.1300 to 5206.1900. Farming operations that employ ten or fewer employees and do not maintain a temporary labor camp are exempt from the provisions of parts 5206.1300 to 5206.1900 except that label information must be furnished to employees or their representatives upon request as provided in Minnesota Statutes, section 182.654.

5206.1500 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 5206.1300 to 5206.1900 have the meanings given them in this part.

Subp. 2. Data sheet. "Data sheet" means a document such as a material safety data sheet (OSHA Form 20), operation standard, or placard which contains information required by Minnesota Statutes, section 182.653, subdivisions 4b and 4e regarding the physical, chemical, and hazardous properties of a substance or mixture and is used by an employer to communicate to an employee the information required under Minnesota Statutes, section 182.653, subdivisions 4b and 4e.

Subp. 3. Employee. "Employee" means any person suffered or permitted to work by an employer including any person acting directly or indirectly in the interest of or as a representative of an employer. It includes any child employed in accordance with Minnesota Statutes, chapter 181A.

Subp. 4. Handler. "Handler" means any person who handles, mixes, or applies hazardous substances.

Subp. 5. Harmful physical agent. "Harmful physical agent" means a physical agent determined by the commissioner as part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee.

Subp. 6. Hazardous substance. "Hazardous substance" means a chemical or substance, or mixture of chemicals or substances, which:

A. is regulated by the Federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z;

B. is a pesticide used in agricultural operations registered with the United States Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide and Rodenticide ACT (FIFRA), section 3;

C. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; a compressed gas; a carcinogen; a teratogen; a mutagen; a reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or

D. is determined by the commissioner as part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.

Subp. 7. Non-handler. "Non-handler" means any person who does not handle, use, or apply a hazardous substance but is exposed to hazardous substances such as in field work.

Subp. 8. Incidental farm worker. "Incidental farm worker" means any person who is not a handler of hazardous substances and is employed for not more than five days.

Subp. 9. Routinely exposed. "Routinely exposed" means a reasonable potential for exposure exists during the normal course of assigned work. It includes the exposure of an employee to a hazardous substance when assigned to work in a field where a hazardous substance has been applied to that field within the last 30 days. It does not include a simple walk through of an area where a hazardous substance is present.

Subp. 10. Temporary labor camp. "Temporary labor camp" means any facility arranged, paid for, or maintained by an employer in which that employer's seasonal or temporary agricultural workers are required to live as a condition of employment. A "temporary labor camp" may consist of one or more buildings or structures, tents, or vehicles. It also includes a barracks-type camp, in which sleeping quarters are arranged on the dormitory plan, and a family-type camp that provides individual dwelling quarters for single family units.

5206.1600 HAZARDOUS SUBSTANCES AND HARMFUL PHYSICAL AGENTS.

Subpart 1. Hazardous substances list. The commissioner has determined that part 5206.0400, subpart 2 "Exemptions" and subpart 4 "List of hazardous substances" shall be incorporated by reference and shall be covered by the provisions of parts 5206.1300 to 5206.1900. The list of hazardous substances includes the majority of hazardous substances, including pesticides, that will be encountered in Minnesota. It does not include all hazardous substances and will not always be current. Employers

shall exercise reasonable diligence in evaluating their farming operation with respect to other recognized hazardous substances and assure that employees are provided with the training required in part 5206.1700.

Subp. 2. Harmful physical agents covered by this chapter. The commissioner has determined that indoor heat shall be covered by the provisions of this chapter governing harmful physical agents. Where there is a reasonably foreseeable potential for exposure to heat in an indoor work environment where the temperature may be expected to reach or exceed the permissible exposure limit, the employer must provide training to employees as required in part 5206.1700.

5206.1700 TRAINING.

Subpart 1. General. The requirements in items A to G apply to training programs provided to employees concerning hazardous substances and harmful physical agents.

A. Training shall be made available by, and at the cost of, the employer.

B. Records of training provided under the requirements of this chapter must be maintained by the employer, retained for five years, and made available, upon request, for review by employees or their representatives and by the commissioner or his or her authorized representative.

C. Information and training programs may relate to specific exposure hazards; the common hazards of a group of hazardous substances; or to the hazards of a complete production operation, whichever is more effective. Specific information on individual hazardous substances or mixtures and harmful physical agents must be available in writing for employees use.

D. Once training has been completed, an employer may request the employee to sign a statement that the employee has been trained as required by parts 5206.1300 to 5206.1900.

E. Frequency of training.

(1) Training must be provided to an employee prior to initial assignment to a worksite where the employee may be routinely exposed to a hazardous substance or harmful physical agent.

(2) Additional training must be provided to a non-handler of hazardous substances prior to the time the employee may be routinely exposed to a hazardous substance or harmful physical agent with properties not covered in the generic training program. Additional training must be provided to a handler of hazardous substances prior to the time the employee may be routinely exposed to a new hazardous substance or harmful physical agent.

(3) Training must be provided at intervals of not greater than one year. Maintenance of a private applicator's certification or commercial applicator's license fulfills the annual training requirement.

(4) Employees performing the same or similar job assignments for more than one employer during the current growing season need only be trained once. The current employer must produce verification of the training, in a timely manner, upon request of the commissioner or an authorized representative of the commissioner.

F. The commissioner may, upon request of an employer or an employer's representative, certify a training program as complying with this chapter.

G. The employer shall maintain current information for training or information requests by employees.

Subp. 2. Training program for hazardous substances. Training for employees who may be routinely exposed to hazardous substances shall be provided in a manner which can be reasonably understood by the employees. For employees who do not understand English, training must be provided in a language understood by the employee.

A. Training program for handlers of hazardous substances.

(1) The oral training program for handlers of hazardous substances must include the following:

(a) the name or names of the substance including any generic or chemical name, trade name, and commonly used name;

(b) the level, if any and if known, at which exposure to the substance has been restricted according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups which have conducted research to determine the hazardous properties of potentially hazardous substances;

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PROPOSED RULES

- (c) the known acute and chronic effects of exposure at hazardous levels (including routes of entry into the body);
- (d) the known symptoms of the effects;
- (e) any potential for flammability, explosion, or reactivity of the substance;
- (f) appropriate emergency treatment;
- (g) the known proper conditions for safe use of and exposure to the substance;
- (h) procedures for cleanup of leaks and spills;
- (i) the name, phone number, and address of a manufacturer of the hazardous substance; if the name and phone number of a manufacturer is not available, the phone number of a local poison control center or the Chemical Transportation Emergency Center (CHEMTREC) must be provided.

(2) A written copy of the information required in subitem (1) shall be readily accessible in the area or areas in which the hazardous substance is used or handled.

(3) In lieu of the oral training program required in subitem (1), employees who handle or use hazardous substances may obtain and hold a valid private applicator's certification from the Minnesota Department of Agriculture by completing the training program available through the county extension agent or may fulfill licensing requirements and secure a commercial applicator's license as provided for in Minnesota Statutes, section 18A.26, subdivision 2. Maintenance of a private applicator's certification or commercial applicator's license fulfills the annual training requirement of subpart 1, item E, subitem (3).

B. The oral training program for non-handlers of hazardous substances must include the following:

(1) Proper conditions of exposure:

(a) where label information restricts re-entry after application to other than when sprays have dried or dusts have settled, employees must be provided with the name of the substance, the time of application, and the re-entry time; and

(b) where label information does not restrict re-entry or restricts entry until sprays have dried or dusts have settled, employees must be instructed not to re-enter a field treated with the pesticide until the spray has dried or the dust has settled since application.

(2) Routes of entry into the body:

(a) methods of preventing entry;

(b) emergency procedures to be followed in case of accidental exposure; and

(c) first aid and other applicable nonemergency procedures.

(3) Symptoms of exposure:

(a) possible allergies, symptoms, or sensitivities that may occur; and

(b) hazards to special at-risk groups such as children and pregnant women as information is available.

(4) Procedures to follow if symptoms appear.

(5) A written copy of the information in item B must be available for employee use. For employees who do not read English, a written notice in a language understood by the employee must be provided advising employees of the name and address of an agency that will translate the written information for them.

(6) Provision of information for medical treatment:

(a) Information required for medical treatment as described in unit (b) must be provided immediately upon request to an employee, or the employee's representative, who reports symptoms of exposure. If symptoms appear, the employee or employee representative shall request information for medical treatment from the employer.

(b) The employer shall give the employee or employee representative the name of the substance, the date it was applied, the rate at which it was applied, and either the material safety data sheet or the label for the substance applied.

(c) Employees who are unfamiliar with the community or who do not speak English must be provided information in a language understood by the employee concerning the appropriate agency to contact for assistance and medical treatment.

C. Hazardous substance training for incidental farm workers may be fulfilled by providing incidental farm workers with written information in a language understood by the employee. The written statement shall include the information required in item B, subitems (1) to (5). The written information shall be provided to incidental farm workers prior to assignment to work in a field where a hazardous substance has been applied.

D. The training program developed or approved by the Department of Labor and Industry meets the requirements of this chapter.

Subp. 3. Training program for harmful physical agents. The training program for employees who may be routinely exposed to heat in an indoor work environment where the temperature may be expected to reach or exceed the permissible exposure limit shall be provided in a manner which can be reasonably understood by the employees. For employees who do not understand English, training must be provided in a language understood by the employees.

A. Training on heat must include the following:

- (1) the known proper conditions for exposure and recommended protective measures;
- (2) the known acute and chronic effects of exposure at hazardous levels;
- (3) the known symptoms of the effects;
- (4) appropriate emergency treatment; and
- (5) the effects of heat to special at-risk groups such as persons with heart disease and high blood pressure.

B. A written copy of the information in item A must be available for employees' use. For employees who do not read English, a written notice in a language understood by the employee must be provided advising employees of the name and address of an agency that will translate the written information for them.

C. In lieu of an oral training program, written documentation of the information required in item A may be provided to employees. For employees who do not read English, the written documentation must be in a language understood by the employee.

5206.1800 AVAILABILITY OF INFORMATION.

Subp. 1. Data sheets. A written document containing the information required in the training programs described in part 5206.1700, subparts 2 and 3, shall be available for each hazardous substance or harmful physical agent to which employees are routinely exposed. Written information for hazardous substances must include the information required in part 5206.1700, subpart 2, item A, subitem (1), units (a), (c), (d), (f), and (g). Written information for heat must include the information required in part 5206.1700, subpart 3, item A.

Subp. 2. OSHA Form 20. Provision of a properly completed federal OSHA Form 20, "Material Safety Data Sheet," shall be prima facie proof of compliance with the information requirements of a data sheet or the requirements under Minnesota Statutes, section 182.653, subdivisions 4b, 4c, and 4e.

Subp. 3. Translation of data sheet information. For employees who do not read English, a written notice in a language understood by the employee must be included with the material safety data sheet indicating the name and address of an agency that will translate the information for the employee.

Subp. 4. Data sheets not available. If a material safety data sheet is not available from the manufacturer, label information must be provided to employees. The employer shall maintain a record of notices concerning the unavailability of data sheets.

5206.1900 LABELING.

Employers engaged in a farming operation must comply with the labeling requirements for hazardous substances and harmful physical agents found in parts 5206.1000 and 5206.1100. The registered Environmental Protection Agency label meets the requirements of this part. Label information must be provided to employees or their representatives within 24 hours of the request.

Department of Natural Resources

Proposed Rule Relating to Mississippi River Land Use District, Amendment

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the State Department of Natural Resources is proposing to adopt the above entitled

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PROPOSED RULES

amendment to Minn. Rules part 6105.0910 without a public hearing. The Commissioner of Natural Resources has elected to follow procedures set forth in Minnesota Stat. §§ 14.22-14.28 (1983 Supp. as amended by 1984 Minn. Laws ch. 640).

The amendment proposed concerns the land use district boundary. It will remove approximately 38.8 acres from the Mississippi Recreational River Land Use District in Section 26 of Otsego Township in Wright County (T 121 N R 23 W). In government lot 1, the area to be removed from the land use district is the land west of state highway 101 and the land west of county road 36. In government lot 2, the land being removed is that west of county road 36.

The Department believes that the proposed amendment will have no adverse impact on either small business or agriculture.

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

Unless 25 or more persons submit written requests for a public hearing on the proposed amendment within the 30-day comment period, a public hearing will not be held. The written request must specify why 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. §§ 14.14-14.20 (1983 Supp. as amended by 1984 Minn. Laws ch. 640).

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 amendment, should address their correspondence to:

William Zachmann
Department of Natural Resources
Division of Waters, Box 32
500 Lafayette Road
St. Paul, MN 55146

The Department's authority to adopt rules is contained in Minn. Stat. §§ 104.34 and 104.35. A statement that describes the need for and reasonableness of the proposed amendment is available from the Department of Natural Resources upon request.

Upon adoption of the final amendment without a public hearing, the proposed amendment, this notice, the Statement of Need and Reasonableness, all written comments received, and the final amendment as adopted will be delivered to the Attorney General for review as to 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 amendment 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 (5) days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 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 or her 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 or her 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 statutes provide certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, Telephone (612) 296-5616.

December 20, 1984

Joseph N. Alexander, Commissioner
Department of Natural Resources

Rule as Proposed (all new material)

6105.0911 LAND USE DISTRICT DELETION.

Part 6105.0910 is amended by changing the land use acreages in Government Lots 1 and 2 of Section 26, T 121 N-R 23 W as follows:

- A. Government Lot 1, East of Minn. Hwy. 101 and County Hwy. 36.
- B. Government Lot 2, East of County Hwy. 36.

ADOPTED RULES

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

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

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

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

Department of Administration Building Codes and Standards Division

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

The rules proposed and published at *State Register*, Volume 9, Number 1, pages 5-40, July 2, 1984 (9 S.R. 5) are adopted with the following modifications:

Rules as Adopted

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

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

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

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

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

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

1.-6. [Unchanged.]

7. 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.

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

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

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

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

UBC Section 509 is amended to read as follows:

Sec. 509. Pedestrian way.

(a) General. Pedestrian ways connecting buildings are not to be considered as adjacent buildings for the provisions of this chapter when they comply with the provisions of this section. Pedestrian ways may be constructed only when openings in the exterior walls of the connected buildings are permitted by Section 504. Design loads must be as required in Chapter 23. Walking surfaces must be a minimum ~~150~~ 100 pounds per square foot live load design.

Pedestrian ways are not to be ~~used for exiting purposes~~ identified as exits.

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ADOPTED RULES

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

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

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

For roof construction and coverings, refer to chapter 32.

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

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

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

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

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

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

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

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

Section 514 Roof Access. Unless specifically exempted by the Building Official due to space limitation, roof height above grade or other special considerations, buildings on which any heating, air conditioning, or refrigeration equipment is hereafter installed on the roof, which equipment will require periodic inspection, service, and maintenance in accordance with the mechanical code SBC 7101-8810, must meet the following requirements:

A stairway complying with Chapter 33 or a stair leading to a scuttle or bulkhead in the roof having such equipment 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.

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.

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

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

UBC Section 605 is amended to read as follows:

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

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

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

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

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

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

[The amendment to UBC Section 705 is unchanged.]

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

Section 709(m) 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.

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

Section 802(c) Special provisions. Rooms in Divisions 1 and 2 Occupancies used for day-care purposes, kindergarten, first grade, or second grade pupils, and Division 3 Occupancies may neither be located above the first story, nor be located in a basement unless at least one exit is provided directly to the outside at adjacent ground level without changes in elevation from the occupied space.

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

[The amendment to UBC Section 805 is unchanged.]

UBC Section 809 is amended to read as follows:

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

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

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

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

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

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

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

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Every story of a Group I Occupancy accommodating more than five persons, unless provided with a horizontal exit, must be divided into not less than two compartments accommodating approximately the same number of persons in each compartment by a smoke-stop partition meeting the requirements of one-hour occupancy separation so as to provide an area of refuge within the building. Corridor openings in the smoke-stop partition must be protected with doors as required in Section 3305(h). Other openings are limited to ducts which have fire dampers in the plane of the wall activated by detectors of products of combustion other than heat conforming to Section 4306(b) 2. A ventilation system capable of smoke evacuation must be provided for each area of refuge. When approved by the building official, openings to the exterior of the building may be used in lieu of a mechanical system.

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

[The amendment to UBC Section 1005 is unchanged.]

UBC Section 1009 is amended to read as follows:

Section 1009. An approved fire alarm system must be provided for all Group I Occupancies. Audible alarm devices must be used in all nonpatient areas. Visible alarm devices may be used in lieu of audible devices in patient-occupied areas. An approved alarm system must comply with Section 809 as amended in this rule. Operation of any fire alarm activating device must automatically, without delay, accomplish general alarm indication and control functions. Zoned, coded systems are permitted.

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

[The amendment to UBC Section 1101 is unchanged.]

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

Section 1201 Group R, Division 4 Occupancies: This use group includes all one and two family dwellings built exclusively by the standards as established in the 1975 One and Two Family Dwelling Code as promulgated by the national model code organizations and 2 MCAR §§ ~~1.16001-1.16006~~ 1.16007-1.16008. Use and installation of foam plastics must comply with UBC Section 1712 as amended in this rule.

EXCEPTION: [Unchanged.]

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

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

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

EXCEPTION: [Unchanged.]

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

EXCEPTION: [Unchanged.]

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

EXCEPTION: [Unchanged.]

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

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

UBC Section 1205 is amended to read as follows:

Section 1205. (a) [Unchanged.]

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

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

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

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

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

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

Section 1217. **Deadbolt Locks Required.** All doors leading to public or shared areas from all apartment dwelling units and hotel units must be provided with deadbolt locks, at least one of which must be capable of being locked with a key from the exterior of each unit. For the purpose of this section a "deadbolt lock" is a locking bolt, which, when in the locked position, can only be moved positively by turning a knob, key, or sliding bolt, and which must be independent of other latching or locking devices.

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

EXCEPTION: Hotel unit doors may be provided with locks having separate deadbolts and deadlocking latchbolts which are interconnected for anti-panic operation, and must be provided with emergency and display keying to outlaw all keys except emergency and display keys when the deadbolt is projected by the turn piece from the room side.

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

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

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

NOTE: [Unchanged.]

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

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

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

2.-3. [Unchanged.]

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

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

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

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

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

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

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

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

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

11. **Weather exposure.** ~~In geographical areas where experience has demonstrated a specific need,~~ Approved wood of natural resistance to decay or treated wood must be used for those portions of wood members which form the structural supports of buildings, balconies, porches, or similar permanent building appurtenances when those members are exposed to

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ADOPTED RULES

the weather without adequate protection from a roof, eave, overhang, or other covering to prevent moisture or water accumulation on the surface or at joints between members. ~~Depending on local experience,~~ Those members ~~may~~ must include horizontal members such as girders, joists, and decking, vertical members such as posts, poles and columns, or both horizontal and vertical members. ~~The entire state of Minnesota is a geographical area requiring the types of wood required in this subsection.~~

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

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

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

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

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

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

EXCEPTION:

3. In Type I and II-F.R. buildings housing Group B-2 Occupancies, corridor walls may be of approved wired glass set in metal frames. The glass height 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-2 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 B-2 Occupancy area (tenant space) is protected by an approved automatic fire-extinguishing system for a distance of 12 feet in depth adjoining the corridor, and the corridor is not less than 12 feet in width, glass other than wired glass may be approved. Open grille type gates and similar enclosing or security devices may be used in corridor walls of corridors not less than 12 feet in width, when the entire story is protected by an approved fire-extinguishing system.

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

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

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

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

UBC Table 33A is amended as follows:

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

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

Amend use item 22 to read as follows:

| | | |
|----------------|----|-----|
| 22. Warehouses | 30 | 500 |
|----------------|----|-----|

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

| | | |
|-------------------------|----|-----|
| 23. Manufacturing Areas | 30 | 200 |
|-------------------------|----|-----|

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

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

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

(h) Clearance to Combustible Material. Combustible material may not be placed within two inches of fireplace, smoke chamber, or chimney walls. Combustible material may not be placed within six inches of the fireplace opening. No

combustible material within 12 inches of the fireplace opening may project more than one-eighth inch for each one inch clearance from the opening.

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

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

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

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

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

COMBINED SYSTEM is a system of water piping which serves 2-½ inch hose outlets for use by the fire department and also supplies water to automatic fire sprinklers.

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

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

Class I is a standpipe system directly connected to a water supply and equipped with 2-½ inch valves and outlets for use by the fire department or trained personnel.

Class II is a standpipe system directly connected to a water supply and equipped with 1-½ inch valves and outlets intended for use by trained building occupants.

Class III is a standpipe system directly connected to a water supply and equipped with both 1-½ inch valves and outlets for use by trained building occupants and 2-½ inch valves and outlets for use by the fire department or trained personnel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Special Automatic Fire Extinguishing Systems. In all occupancies having commercial-type cooking equipment, automatic fire extinguishing systems complying with the Fire Code must be installed for protection of duct systems, grease removal devices, and hoods and over equipment which may be a source of ignition, such as fat fryers, ranges, griddles, and broilers.

EXCEPTION: These requirements do not apply to Group R-3, Group R-4, and Group M Occupancies.

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

(a) General. Standpipes must comply with the requirements of this section and with UBC Standard 38-2 as amended in this rule.

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

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

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

There must be at least one 2-½ inch outlet above the roof line when the roof has a slope of less than four inches in 12 inches and the roof is of combustible construction, or where there are structures on the roof of combustible construction or housing combustible contents, or where needed for exposure protection. The authority having jurisdiction may require that a two-way 2-½ inch outlet be provided for testing and maintenance. The outlet must be accessible with an opening to the roof complying with Section 3306(e).

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

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

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

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

UBC Section 4305(e) is deleted.

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

UBC 4701(a) General. The installation of lath, plaster, and gypsum board must be done in a manner and with materials as specified in this Chapter, in ASTM C926-81 Specifications for Portland Cement and Portland Cement-Lime Plastering, Exterior (Stucco) and Interior, and in ANSI A42.3, 1971 Specifications for Lathing and Furring for Portland Cement and Portland Cement-Lime Plastering, Exterior (Stucco) and Interior; and, when required for fire-resistive construction, also must conform with the provisions of Chapter 43.

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

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

UBC Sections 5101 to 5104 are deleted. Refer to 2 MCAR §§ 1.18801-1.18806.

[The amendments to UBC Section 6001 are unchanged.]

C. Amended UBC Standard 38-1.

UBC Standard 38-1 is amended to read:

Standard No. 38-1.

Installation of Sprinkler Systems

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

Adoption of NFPA Standards

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

Amendments

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

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

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

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

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

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

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

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

~~1-11.1 Performance. All tests required by this standard for new work must be performed by the installer. The authority having jurisdiction may require that a special inspector witness the testing of the sprinkler system (see Uniform Building Code Section 306(e)). The installer must give the authority having jurisdiction advance notification of the times at which tests will be performed. When the representative of the authority having jurisdiction is not available and permission is granted by the authority, the test may be witnessed by the owner or his representative and the Contractor's Material and Test Certificate (see Section 1-12) must be completed and forwarded to the authority having jurisdiction.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 38-103 Applicability. The National Fire Protection Association Standard 13D, as adopted by Section 38-101, applies to the selection, installation, inspection, maintenance, and testing of sprinkler systems installed in Group R, Division 3 and 4 occupancies, or installed in manufactured homes (mobile homes), except as follows:

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

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

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

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

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

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

Mobile home or manufactured home. "Mobile home" or "manufactured home" means a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when

erected on-site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the unit. The term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and which complies with Minnesota Statutes, sections 327.31 to 327.36.

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

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

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

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

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

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

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

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

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

D. Amendments to UBC Standard 38-2.

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

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

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

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

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

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

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

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

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

Section 38.203.1. Class I and Class III standpipe systems—unsprinklered buildings. A Class I and Class III standpipe system in unsprinklered buildings must be sized to provide the following:

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

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

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

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

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

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

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

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

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

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

Required Water Supplies

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

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

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

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

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

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

(d) Minimum water supply for combined systems. For a combined system the water supply must be as required by ~~amended Section 38.203(3)~~ 38.207(b) and the sprinkler demand need not be added.

Where the sprinkler system demand, including hose stream allowance as determined by UBC Standard No. 38-1 as amended in this rule exceeds the supply required by Section ~~38.203(3)~~ as amended in this rule 38.207(b), the larger supply must be provided.

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

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

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

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

Sec. 38.208. Fire department inlet connections. Each Class I or Class III standpipe system or combined system must be equipped with one or more fire department inlet connections. ~~Fire department inlet connections must be provided for each portion of a building subdivided by required area separation walls complying with UBC Sections 505(e) and 1701 connection locations must be subject to the approval of the fire department, and the connections must be equipped with approved caps which the fire department can easily remove to make connection. Fire department inlet connections must be protected against~~

mechanical damage and must be visible and accessible. Installation of a shutoff valve in the fire department inlet connection is prohibited. The location and height of each fire department inlet connection must be approved by the fire department.

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

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

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

Piping, valves, and fittings

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

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

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

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

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

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

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

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

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

Standpipe outlets

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

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

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

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

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

Outlets must be provided with an approved hose valve.

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

Fire department outlets that will be supplied only through the fire department inlet connection permitted by the

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ADOPTED RULES

exception to Section 38.207(a), as amended in this rule, for dry standpipes must be identified by an approved sign which specifies "Dry Standpipe for Fire Department Use Only."

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

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

~~41-~~ 6. UBC Standard 38-2, Section 38.211(b), is renumbered as 212(b) and is amended to read as follows:

Hose reels, racks, and cabinets

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

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

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

~~42-~~ 7. UBC Standard 38-2, Section 38.212, is renumbered as 38.213.

~~43-~~ 8. UBC Standard 38-2, Section 38.213, is renumbered as 38.214 and amended to read as follows:

Systems maintenance

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

2 MCAR § 1.15501 Where required.

B. Scope. Rules 2 MCAR §§ 1.15501-1.15508 apply to all buildings except the following:

5. floors of buildings not used by the general public and not normally occupied by persons the owner, lessee, sublessee, or employees;

6. R-1 occupancies in which dwelling units are individually owned and there is no public space or shared area for more than two units within the building. All portions of public space or shared areas which are located on the floor of building access must be accessible; ~~and~~

~~7. home occupations.~~

2 MCAR § 1.15502 Building accessibility.

A. Definitions.

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

~~a. the occupation is engaged in only by persons residing in the dwelling;~~

~~b. the occupation is conducted in no more than one room in the principal structure;~~

~~c. evidence of the occupation is not visible from the street;~~

~~d. the principal structure is the base of operation for the occupation using equipment or machinery usually found in the home; and~~

~~e. the occupation does not involve the retail sale of products produced off the site.~~

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

B. [Unchanged.]

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

2 MCAR § 1.18601 Electrical.

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

5. ~~2 MCAR §§ 1-16001~~
~~1-16006~~ 1.16007-1.16008

Energy Code

2 MCAR § 1.18806 Elevators, dumbwaiters, escalators, and moving walks.

C. Amendments to ANSI A 17.1.

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

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

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

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

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

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

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

100.4 Hoistway protection in case of fire.

Hoistways of elevators must be provided with means to prevent the accumulation of smoke and hot gases in case of fire as required by Section 1706(d) of the UBC. Vents must be manually operable or remote control automatic vents. Location of operating devices is subject to approval of the Fire Chief.

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

MHD 123 Materials.

(d) Piping System Materials

(kk) Plastic tubing 6K with fittings. Installation must be in accordance with International Association of Plumbing and Mechanical Officials (IAPMO) Installation Standard ~~22-84~~ 22-82.

Rules as adopted by others

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

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

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

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

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

~~Section 1201 Group R, Division 4 Occupancies: This use group includes all one and two family dwellings built exclusively by the standards as established in the 1979 One and Two Family Dwelling Code as promulgated by the national~~

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ADOPTED RULES

model code organizations and 2 MCAR §§ 1-16001-1-16006. Use and installation of foam plasties must comply with UBC Section 1712 as amended in this rule.

EXCEPTION: {Unchanged.}

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

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

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

EXCEPTION: {Unchanged.}

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

EXCEPTION: {Unchanged.}

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

EXCEPTION: {Unchanged.}

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 1807(h) Elevators. Elevators and elevator lobbies must comply with the provisions of 2 MCAR §§ 1-18801-1-18806 and the following:

NOTE: {Unchanged.}

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

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

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

2. 4. {Unchanged.}

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

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

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

2. Except for corridors in Group B, Division 2 and Group R, Division 1 Occupancies and partitions separating dwelling units or guest rooms, all interior nonbearing partitions required to be one-hour fire-resistive construction by Table No. 17-A may be of noncombustible construction without a fire-resistive time period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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ADOPTED RULES

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

UBC Table 33A is amended as follows:

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

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

Amend use item 20 to read as follows:

20. Stores-Retail Sales rooms

| | | |
|--------------|------------|----|
| Basement | See Note 7 | 20 |
| Ground Floor | 50 | 30 |
| Upper Floors | 20 | 50 |

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

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

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

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

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

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

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

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

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

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

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

Section 1705(b) Fixed partitions.

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

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

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

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

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

3. Corridors more than 30 feet in width where occupancies served by those corridors have at least one exit independent from the corridor. (See Appendix Chapter 7, Part 1, for covered malls.)

4. Exterior sides of exterior exit balconies.

5. In Group I, Division 3 Occupancies such as jails, prisons, reformatories, and similar buildings with open-barred cells forming corridor walls, the corridor and cell doors need not be fire resistive.

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

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

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

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

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

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

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

3. Proposed by Genova, Inc.

MHD 123 Materials.

(a)-(b) [Unchanged.]

(c) Standards for plumbing materials

(1)-(2) [Unchanged.]

TABLE 123 (C) (3)

STANDARDS FOR PLUMBING MATERIALS

| DESCRIPTION | ANSI | ASTM | FS | OTHER |
|--|-----------------|-------|----|------------------------|
| I.-V. [Unchanged.] | | | | |
| VI. PLASTIC PIPE AND FITTINGS DRAIN, WASTE AND VENT | | | | |
| 6A-6J [Unchanged.] | | | | |
| 6K L Chlorinated polyvinylchloride (CPVC) | 119.1, 119.2 | D2846 | | FHA Bulletin #76 |

Water distribution. Chlorinated polyvinyl chloride (CPVC) pipe together with fittings must be tested by the manufacturer at 150 psi and 210 degrees Fahrenheit for a period of not less than 48 hours by an independent testing laboratory acceptable to the administrative authority.

(d) Piping System Materials

(1)-(2) [Unchanged.]

(3) Water Distribution Pipe

(aa)-(jj) [Unchanged.]

(kk) Plastic tubing 6K with fittings. Installation must be in accordance with International Association of Plumbing and Mechanical Officials (IAPMO) Installation Standard 22-82.

(ll) Plastic pipe 6kL and corresponding fittings. Installation must be in accordance with International Association of Plumbing and Mechanical Officials (IAPMO) Installation Standards 20-82.

(4)-(15) [Unchanged.]

Department of Commerce

Adopted Rules Relating to Subdivided Land Registration

The rules proposed and published at *State Register*, Volume 9, Number 12, pages 588-592, September 17, 1984 (9 S.R. 588) are adopted as proposed.

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

Minnesota Department of Health Division of Environmental Health

Notice of Adoption of Amendment to Rules.

Notice is hereby given that Minn. Rule 4620.1800 has been amended as shown below, in accordance with an order of the Minnesota Supreme Court dated March 23, 1984, in the case of Manufactured Housing Institute, et al., Appellants, vs. George R. Pettersen, individually, et al., Respondents (C7-83-124).

4620.1800 Maximum Permissible Formaldehyde Level in Housing Units.

At the time of sale of a newly constructed housing unit, the ambient indoor air of any habitable room in the unit shall not contain more than ~~0.5~~ 0.4 parts of formaldehyde per million parts of air as measured according to the procedures specified in parts 4620.1900 and 4620.2000. The seller is responsible for assuring that the unit complies with this level.

The installation of urea formaldehyde foam insulation in a housing unit which is not newly constructed shall not cause the indoor level of formaldehyde in any habitable room in the unit to exceed the higher of ~~0.5~~ 0.4 parts per million or the preinstallation level as measured according to the procedures specified in parts 4620.1900 to 4620.2100. The installer of urea formaldehyde foam insulation is responsible for assuring that the installation complies with this level.

Minnesota Housing Finance Agency

Extension of Emergency Rules Governing Temporary Housing Demonstration Program

Notice is hereby given that Minnesota Rules, Part 4900.1700, 4900.1701, 4900.1702, and 4900.1703, (Emergency) which governs Temporary Housing Demonstration Program, effective July 30, 1984 and published in the *State Register* as Adopted at Volume 9, Number 7, pages 333 are being continued in effect for an additional 180 days. This continuation is in accordance with Chapter 640, 1984 Laws of Minnesota. The new expiration date for Minnesota Rules, Part 4900.1700, 4900.1701, 4900.1702, and 4900.1703 (Emergency) will be July 25, 1985 or the date Minnesota Rules, Part 4900.1700, 4900.1701, 4900.1702 and 4900.1703 (Emergency) are replaced by permanent rules; whichever date is earlier.

OFFICIAL NOTICES

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

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

Department of Commerce

Outside Opinion Sought Regarding Proposed Rules Relating to Franchises Including the Impact of the Rules on Small Businesses

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing Franchises. Promulgation of these rules is authorized by Minnesota Statutes, sections 45.023 and 80C.18.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minnesota Statutes, sections 14.115, subd. 1.

The Department of Commerce 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 to: Elizabeth Moran, Department of Commerce, 500 Metro Square Building, St. Paul, MN 51501, (612) 296-2284.

All statements of information and comment shall be accepted until February 7, 1985. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Outside Opinion Sought Regarding Proposed Rules Relating to Liquor Liability Insurance Including But Not Limited to the Establishment and Operation of an Assigned Risk Plan Including the Impact of the Rules on Small Businesses

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing Liquor Liability Insurance including but not limited to the establishment and operation of an Assigned Risk Plan. Promulgation of these rules is authorized by Minnesota Statutes, sections 45.023 and 340.11.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minnesota Statutes, sections 14.115, subd. 1.

The Department of Commerce 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 to: Richard G. Gomsrud, General Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-5689.

All statements of information and comment shall be accepted until January 25, 1985. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Finance

Maximum Interest Rate for Municipal Obligations, January, 1985

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Gordon M. Donhowe, announced today that the maximum interest rate for municipal obligations in the month of January will be eleven (11) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to twelve (12) percent per annum.

For further information, contact:

Peter Sausen, Director
Debt Management
State of Minnesota
Department of Finance
(612) 296-8372.

Department of Human Services Income Maintenance Bureau Office of Child Support Enforcement

Outside Opinion Sought Concerning Child Support Incentives

Notice is hereby given that the Minnesota Department of Human Services is considering a new Rule 9500.1800, Incentive Awards to county IV-D agencies for collecting child support.

This rule is authorized by Minnesota Statutes, sections 14.01-14.70, and governs the distribution of monetary awards to county IV-D agencies for collecting child support; including the formula for determining incentive awards; requirements of the formula; procedures for determining the award; and supplemental award funds.

OFFICIAL NOTICES

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Stanley M. Koich, Program Advisor
Office of Child Support Enforcement
Space Center Building—2nd Floor
444 Lafayette Road
St. Paul, Minnesota 55101

Oral statements of information and comment will be received during regular business hours over the telephone at 612/296-2567.

All statements of information and comment will be accepted until further notice is given. Any written material received by the Department shall become part of the hearing record.

Jackson County

Notice of Law Library Fee for Criminal Complaints and Moving Traffic Violations

Effective January 1, 1985, there will be a \$1.00 Law Library fee added to all moving traffic violations and criminal complaints within the jurisdiction of the District Court of Jackson County.

David E. Johnson
Clerk of District Court
Jackson County

Board of Medical Examiners

Outside Opinion Sought Concerning a Proposed Rule Regarding a Change in the Alternative Compliance Provision within the Continuing Medical Education Requirements Necessary for Physicians and Osteopaths to Retain Their Licenses to Practice Medicine

Notice is hereby given that the Minnesota Board of Medical Examiners is considering the adoption of a rule which would change the alternative compliance provision of the continuing medical education requirement. Under the change those who take and pass certification examinations from Canadian specialty societies, will be counted as fulfilling the CME requirement for that reporting cycle.

This proposed rule is authorized by Minnesota Statute § 214.12 which establishes the authority for the health manpower regulatory authorities to implement Continuing Medical Education requirements as a means of improving the professional skills of the licensees or registrants on an ongoing basis.

All interested or affected persons or groups may submit information on this subject. The rule may be revised on the basis of comments received. Any written material received will become part of the record of any rule hearings held on this subject. Written or oral information and comments should be addressed to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 SE Delaware Street, Suite 352
Minneapolis, MN 55414

Arthur W. Poore
Executive Secretary

Board of Medical Examiners

Outside Opinion Sought Concerning a Proposed Rule Regarding a Change in the Fees for the Licensure of Physicians and Osteopaths for Practicing Medicine in Minnesota

Notice is hereby given that the Minnesota Board of Medical Examiners is considering the adoption of a rule which would adjust the fees charged for a license to practice medicine in Minnesota.

This proposed rule is authorized by Minnesota Statute §§ 147.02 and 214.06 which requires that licensing boards, with the approval of the Commissioner of Finance, adjust any fees so that the total fees collected by the board will as closely as possible equal anticipated expenditures.

All interested or affected persons or groups may submit information on this subject. The rule may be revised on the basis of comments received. Any written material received will become part of the record of any rule hearings held on this subject. Written or oral information and comments should be addressed to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 SE Delaware Street, Suite 352
Minneapolis, MN 55414

Arthur W. Poore
Executive Secretary

Board of Medical Examiners

Outside Opinion South Concerning a Proposed Rule Regarding the Use of the Examinations for Those Physicians and Osteopaths Seeking Licensure to Practice in Minnesota

Notice is hereby given that the Minnesota Board of Medical Examiners is considering the adoption of a rule which would make provisions for the new FLEX Examination used for the licensure of physicians in Minnesota. Under the change an applicant who takes the revised FLEX Examination must obtain a grade average of 75.0 on both parts of the test, allows an applicant to take the two separate parts of the FLEX Examination in separate sessions, would allow those applicants who failed the examination for the fifth time in June 1984 another opportunity to pass the examination, and would establish disciplinary procedures for those violating the rules of the FLEX Examination. These requirements apply to all physicians and osteopaths seeking licensure under general application and reciprocity.

The proposed rule is authorized by Minnesota Statute § 147.01, subdivision 3, which establishes the authority for the Board of Medical Examiners to adopt rules as necessary to carry out the purposes of the Medical Practices Act, Minnesota Statute 147.01 *et. seq.*

All interested or affected persons or groups may submit information on this subject. The rule may be revised on the basis of comments received. Any written material received will become part of the record of any rule hearings held on this subject. Written or oral information and comments should be addressed to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 SE Delaware Street, Suite 352
Minneapolis, MN 55414

Arthur W. Poore
Executive Secretary

Board of Medical Examiners

Outside Opinion Sought Concerning a Proposed Rule Regulating Advertising by Physicians and Osteopaths

Notice is hereby given that the Minnesota Board of Medical Examiners is considering the adoption of a rule which will establish regulatory standards for those physicians and osteopaths seeking to advertise. The rules establish standards and publications for advertising the responsibilities the physician must assume in advertising and the penalties for not complying with this rule.

The proposed rule is authorized by Minnesota Statutes §§ 147.01, subdivision 3, which grants general rulemaking authority to the board, 147.021 which prohibits any misleading, deceptive, or fraudulent representations in the practice of medicine, and 214.15, which grants rulemaking authority to occupational licensing boards to regulate advertising.

All interested or affected persons or groups may submit information on this subject. The rule may be revised on the basis

OFFICIAL NOTICES

of comments received. Any written material received will become part of the record of any rule hearings held on this subject. Written or oral information and comments should be addressed to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 SE Delaware Street, Suite 352
Minneapolis, MN 55414

Arthur W. Poore
Executive Secretary

STATE CONTRACTS

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

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

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration

Office Space Wanted for an Administrative Truck Center, a Cooperative Effort Between the Departments of Public Safety, Transportation and Revenue

The Dept. of Administration desires proposals for rental for approx. 7,700 usable sq. ft. of office space, 7,200 of usable sq. ft. of supplemental office/special space for the Departments of Public Safety, Transportation and Revenue. Close proximity to I-494 or I-694 Highways is desired. Contact the Dept. of Administration, Real Estate Management Division, 50 Sherburne Ave., Rm. G-22, St. Paul, MN 55155 (612) 296-6674. Proposals must be submitted by 4:30 p.m. (CST) on Friday, February 8, 1985.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

| Requisition # | Item | Ordering Division | Delivery Point | Estimated Dollar Amount |
|-----------------------|-----------------------------------|----------------------------|------------------|-------------------------|
| 79-990-00277 | Dump Box Vibrators | Transportation | St. Paul | Contact buyer |
| 29-000-37071-2-3 & 83 | Fish Food | Natural Resources—Hatchery | Various | Contact buyer |
| 36-000-01492 Contract | Laser Printers | Education | St. Paul | Contact buyer |
| | Red Pressboard & Red Wallet Paper | MN Correctional Facility | Oak Park Heights | \$23,000-24,000 |
| Contract 29-003-08359 | Safety Containers | Various | Various | \$5,000-8,000 |
| | Clear Poly Bags | Natural Resources—Forestry | Willow River | Contact buyer |
| Various 29-008-32947 | Meat & Meat Products for February | Various | Various | Contact buyer |
| Contract 29-000-37069 | Baseball Caps | Natural Resources | St. Paul | Contact buyer |
| | Printed Invitations and Envelopes | Agriculture | St. Paul | Contact buyer |
| | Imagemaker | Natural Resources | St. Paul | Contact buyer |

| <u>Requisition #</u> | <u>Item</u> | <u>Ordering Division</u> | <u>Delivery Point</u> | <u>Estimated Dollar Amount</u> |
|--------------------------------------|---|---|------------------------------|----------------------------------|
| 26-073-17200 | Large Screen Projector | St. Cloud State University | St. Cloud | Contact buyer |
| Rebid 21-602-83884 | Van | Vocational Rehabilitation | Savage | Contact buyer |
| 21-200-09119, 5059 Contract Rebid | Benefit Overpayment Statement Cover Book Board | Economic Security MN Correctional Facility | St. Paul Oak Park Heights | Contact buyer \$45,000-50,000 |
| 79-400-02402, etc. | Diamond Core Drill Bits | Transportation | Various | Contact buyer |
| 29-003-08362 | Cardboard Boxes | Natural Resources | Willow River | Contact buyer |
| 79-000-46041 | Radio Control Consoles | Transportation | Various | Contact buyer |
| 26-073-17194 | Purchase of CPT Word Processing System | St. Cloud State University | St. Cloud | Contact buyer |
| 79-990-00268 | Wing Push Pole | Transportation | St. Paul | Contact buyer |
| 79-000-46043 | Used Steel Roller | Transportation | Detroit Lakes | Contact buyer |
| Schedule 125 | Aircraft Liability Insurance | Various State Agencies | Various | Contact buyer |

Contact 296-6152 for referral to specific buyers.

**Department of Agriculture
Soil and Water Conservation Board**

Request for Proposals for Public Opinion Survey

The Minnesota Department of Agriculture Soil and Water Conservation Board is seeking assistance on a marketing research project to measure and test public opinion of soil erosion, water quality and agricultural land conversion. A qualitative analysis will be conducted to determine which messages and information programs will have the greatest impact on the urban and rural agricultural publics. These services, objectives and expected outcomes are outlined in detail in the Request for Proposals (RFP) Statement of Work. The formal RFP may be requested and inquiries should be directed to:

Ms. Michele M. Gran
Communications Manager
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, Minnesota 55107

It is expected the cost of these services will not exceed \$20,000. The deadline for submission of completed proposals is 3:30 p.m., January 28, 1985.

**Department of Energy and Economic Development
Minnesota Office of Tourism**

Request for Proposals for Advertising Agencies

The Minnesota Office of Tourism is seeking proposals for a \$1.5 million contract (subject to legislative appropriation, Spring 1985) for advertising services between April 1, 1985 and March 31, 1986, with two one-year options to extend to March 31, 1988, subject to satisfactory performance and availability of funds. The agency awarded the contract will create advertising for fall, winter and spring/summer consumer campaigns and for group tour operator, travel agent and meeting and convention planner trade campaigns. Market research, including surveys and focus groups, is also a component of the services expected of the agency. Two copies of the agency proposals are due at the Minnesota Office of Tourism by 5:00 p.m. February 4, 1985. Questions on the content of the proposal should be directed to Hank Todd (612) 296-2755 or Ginger Sisco (612) 296-5027, Minnesota Office of Tourism, 240 Bremer Building, 419 N. Robert St., St. Paul, MN 55101.

Hank Todd
Director of Tourism

STATE CONTRACTS

Department of Energy and Economic Development Minnesota Office of Tourism

Request for Proposals for Public Relations Assistance

Proposals are being accepted for provision of public relations strategic planning, research and implementation for a one-year period commencing April 1, 1985, with an option to renew for each of two consecutive years. Annual contract for professional services plus expenses estimated to be \$60,000 (subject to legislative appropriation, Spring, 1985).

This support service is needed to review, analyze and make recommendations on existing communications efforts of the office, as well as to provide short-term and long-range objectives and target markets for Minnesota tourism publicity. Recommendations will then be implemented in conjunction with existing Tourism communications programs and personnel. A strong research component is essential, both pre- and post-project development.

Those interested in receiving proposal specifications and an informational packet should contact: Bonnie Richter, Communications Manager, Minnesota Office of Tourism, 240 Bremer Bldg., 419 N. Robert St., St. Paul, MN 55101, 612/297-3879.

Proposals will be accepted until 5 p.m., February 4, 1985.

Board of Vocational-Technical Education; and Department of Economic Security State Job Training Office

Request for Proposals for JTPA—Education Coordination Services for Special Needs Groups

The State Board of Vocational-Technical Education and the State Job Training Office are seeking proposals to provide job training services to individuals having identified special needs. These individuals could include youth and/or adults who are handicapped, women, recovering chemically dependents, minorities, displaced homemakers, veterans or older workers (age 55 and over). All proposals should be jointly developed by local Job Training Partnership Act (JIPA) service delivery area agencies and local education agencies. Proposals must also include input from special needs, community agencies. The training services, which will be provided under contract, are outlined in the Request for Proposals (RFP). In addition, bidder's conferences and grant writing workshops will be conducted on January 22 in Rochester, January 29 in New Ulm, January 31 in Eveleth, February 5 and 12 in the metro area and February 27 in Detroit Lakes. The purpose of these meetings will be to provide training in grant writing, to discuss the RFP process and to answer any questions. For further information on these meetings or on the proposal application, contact Steve Frantz (612/296-3597) or Kay Tracy (612/296-6064). The formal RFP should be requested from:

Art Vadnais
State Board of Vocational-Technical Education
552 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-3753

A total of \$434,856 is available statewide for funding of these proposals. Proposals should be presented to the local JIPA service delivery area administrator by Friday, March 15, 1985 for review and approval by the local Private Industry Council. Proposals must be received by Art Vadnais at the above address by 4:30 on Monday, April 15, 1985.

SUPREME COURT

Decisions Filed Friday, December 28, 1984

Compiled by Wayne O. Tschimperle, Clerk

C7-83-561 State of Minnesota v. John R. Mattson, Appellant. St. Louis County.

Defendant received a fair trial and was properly found guilty of possession of cocaine.

Affirmed. Simonett, J.

CX-83-1087 Jerry D. Hanson v. Special School District No. 1, and Self Insured, Relator. Workers' Compensation Court of Appeals.

A decision of the Workers' Compensation Court of Appeals dated and presumably signed on June 28, 1983, was not issued until it was filed and served on the parties on July 5, 1983. Consequently, the 1983 appellate review amendments of the Workers' Compensation Act govern the WCCA's review of the compensation judge's determination.

Decision under review set aside and matter remanded for reconsideration. Kelley, J.

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

- _____ Annual subscription \$130.00
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Please notify us as soon as your address changes so that we can continue to serve you.

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Contact: Senate Public Information Office
 B29 State Capitol, St. Paul, MN 55155
 (612) 296-0504

HOUSE

Session Monthly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Contact: House Information Office
 Room 8 State Capitol, St. Paul, MN 55155
 (612) 296-2146

Legislative Reference Library
Room 111 Capitol

Interoffice