

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT of Administration
BUILDING CODES & STANDARDS

TO : Ted Martinez
Special Asst. Attorney General

DATE: 1/14/83

FROM : Richard A. Brooks
Assistant Director

PHONE: 6-2932

SUBJECT: REVIEW OF AMENDMENTS TO THE STATE BUILDING CODE

Enclosed please find for your review and approval: Statement of Compliance with Rule Making Procedures, 2 copies of the Order Adopting Rules, Order for and Notice of Intent to Adopt Rules Without a Public Hearing, Affidavit of Mailing, Mailing List Certificate, Proposed Rule, copy of the State Register dated November 22, 1982, Statement of Need and Reasonableness, 4 copies of the Adopted Rules.

The adopted rule is also being submitted to the Revisors Office on this date for their approval.

No comments were received on the above captioned rule adoption. If you have any questions please call me or Peggi Opalinski at 296-4626.

p
enclosures

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT of Administration
BUILDING CODES & STANDARDS

TO : Larry Starns
Special Asst. Attorney General

DATE: 1/4/83

FROM : Peggi Opalinski
Office Systems Manager

PHONE: 6-4626

SUBJECT: AMENDMENTS TO THE STATE BUILDING CODE

Included for your review are: Statement of Compliance with Rule Making Procedures, 2 copies of the Order Adopting Rules, Order for and Notice of Intent to Adopt Rules Without a Public Hearing, Affidavit of Mailing, Mailing List Certificate, Proposed Rule, Copy of the State Register dated November 22, 1982, Statement of Need and Reasonableness. I have also included the original and 3 copies of the Adopted Rule. You may receive additional copies from the Revisors Office. There have been no changes made on the proposed rules.

Please call me when you submit the above to Mr. Martinez for review so as I may submit adopted rule copies to the Revisors Office. If you have any questions, please call.

p
enclosures

Our File No. 814

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1-14-83
DATE FOR REVIEW 1-24-83
DATE DUE 1-28-83

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 1/28/83 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 1/28/83 Revisor approved 1.17.83 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 1.3.83 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
11 19 82 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11.22.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

N/A Agency's Findings of Fact — no changes

LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO : JAMES J. HINIKER, JR., Commissioner

DATE: 1/28/83

Attn: LARRY D. STARNS
Special Assistant Attorney General

FROM : TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Amendments to the State Building Code.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.
TAM/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Administration
Building Codes and Standards Division

Adopted Rules Governing Amendments to the State Building Code

Rules as Adopted

2 MCAR S 1.10103 Definitions. The term "Administrative Authority" means "building official" wherever it appears in this code.

The terms "Mayor" and "City Council" mean "governing body" whenever they appear in this code.

A.-D. [Unchanged.]

E. UBC. "UBC" means the Uniform Building Code, as promulgated by the International Conference of Building Officials, Whittier, California, 1982 edition.

F. Mandatory terms. "Must" and "shall" have the same meaning and are both mandatory terms.

2 MCAR S 1.10104 Scope. This code applies to the construction, alteration, moving, demolition, repair and use of any building or structure within the municipality, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this code, and hydraulic flood control structures.

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

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

The provisions of this code relating to fallout shelters

apply only to state-owned buildings.

2 MCAR S 1.10107 State plan checking fees.

Plan checking of buildings or structures conducted by the division shall have a fee based on valuation in accordance with Table No. 107-A. "Valuation" means the total cost of construction exclusive of site work not related to the construction.

When the plan review is limited to non-structural aspects, the fee is 75% of that in Table No. 107-A.

There is no additional fee charge for consultation with designers, or for re-checking if no substantial change in the design has been made. When a determination is made by the division that a substantial change has been made in the design, the re-checking fee is $15.00 per hour or fraction of an hour. No fee shall be charged for state-owned buildings.

TABLE NO. 107-A

Valuation	Plan Checking Fee
$ 3,000.00 or less	No Charge
3,001.00 to 5,000.00	$ 21.00
5,001.00 to 10,000.00	34.00
10,001.00 to 15,000.00	47.00
15,001.00 to 20,000.00	60.00
20,001.00 to 25,000.00	72.00
25,001.00 to 30,000.00	83.00
30,001.00 to 35,000.00	93.00
35,001.00 to 40,000.00	102.00
40,001.00 to 45,000.00	112.00
45,001.00 to 50,000.00	122.00
50,001.00 to 55,000.00	129.00
55,001.00 to 60,000.00	135.00
60,001.00 to 65,000.00	142.00
65,001.00 to 70,000.00	148.00
70,001.00 to 75,000.00	155.00

75,001.00 to 80,000.00	161.00
80,001.00 to 85,000.00	168.00
85,001.00 to 90,000.00	174.00
90,001.00 to 95,000.00	181.00
95,001.00 to 100,000.00	187.00
100,001.00 to 500,000.00	187.00 for the first $100,000.00 plus $1.00 for each additional $1,000.00 or fraction of $1,000,00.
500,001.00 and up	587.00 for the first $500,000.00 plus $ .65 for each additional $1,000.00 or fraction of $1,000.00.

2 MCAR S 1.10109 Appendices.

A. Enforcement required. The following appendices, annexes, and supplemental material listed in this code must be enforced by any municipality.

1.-2. [Unchanged.]

3. 1982 UBC Appendix, Chapter 35.

4. [Unchanged.]

B. Enforcement optional. [text unchanged.]

1. [Unchanged.]

2. 1982 UBC Appendix, Chapters 1, 7, 38, 55, and 70. UBC appendices not listed as mandatory or optional are not incorporated in the State Building Code.

3.-5. [Unchanged.]

2 MCAR S 1.10111 Adoption of the Uniform Building Code 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. The UBC is amended as follows:

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

UBC Section 104(a) is amended by changing the last sentence and adding a sentence to read: [amendment unchanged.]

UBC Section 104(f) is amended by adding an additional item number 4 as follows: [amendment unchanged.]

UBC Section 203 is amended to read as follows:

UBC Section 203. All buildings or structures regulated by this code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment are, for the purpose of this section, unsafe uses. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the code are unsafe building appendages. All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in Minnesota Statutes, sections 463.15 to 463.26.

UBC Section 204 is amended by amending the last sentence as follows: [amendment unchanged.]

UBC Section 205 is amended by adding a sentence as follows: [amendment unchanged.]

UBC Section 301(b) is amended by the addition of item 12 as

follows: [amendment unchanged.]

Section 304(a) of the UBC is amended to read as follows:

UBC Section 304. (a) Permit Fees. Each municipality must adopt its own schedule of permit fees. The fee schedule of Table 3-A is optional for use by the local authority and is a recommended schedule. In areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of $100 or .005 times the value of the structure, addition or alteration. (Minnesota Statutes, section 16.851.)

The determination of value or valuation under any of the provisions of this code must be made by the building official. The value to be used in computing the building permit and building plan review fees is the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

Section 305(e) of the UBC is amended to read as follows: [amendment unchanged.]

Section 307(a) of the UBC is amended to read as follows: [amendment unchanged.]

Section 405 of the UBC, Definition of Dwelling, is amended to read:

DWELLING is any building or any portion of a building which contains not more than two "Dwelling Units," including Class A-1 Supervised Living Facilities as defined in Section 420.

Section 406 of the UBC is amended by the addition of the following definition: [amendment unchanged.]

Section 407 of the UBC, Definition of Fire Code, is amended as follows: [amendment unchanged.]

UBC Section 414 of the UBC, Definition of Mechanical Code, is amended as follows: [amendment unchanged.]

Section 420 of the UBC is amended by adding the following definitions:

"Supervised Living Facility" means a facility in which

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

"Class A Supervised Living Facility" means a Supervised Living Facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

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

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

"Class B Supervised Living Facility" means a Supervised Living Facility for ambulatory, non-ambulatory, mobile or non-mobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

UBC Table 5-A, Group I-1, I-2, R1 and R3 are amended to read as follows: [amendments unchanged.]

Section 510 of the UBC is amended by adding a new subsection (c) that reads as follows:

UBC Section 510(c) Sanitation Facilities. Sanitation facilities must be provided for each Occupancy in accordance with Table 5-E and UBC Sections 605, 705, 805, 905, 1005 or 1205 as amended herein. Fixtures must be provided for each sex in accordance with the percentage of occupants of each sex. When the percentage of each sex is not known, one-half for each sex shall be assumed. For sanitation facilities for the handicapped see 2 MCAR S 1.15503.

Types of building occupancy not shown, or when the provisions of Table 5-E are excessive due to a specific use or

occupant load, facilities may be considered individually by the Administrative Authority.

Section 511(a) of the UBC is amended to read as follows:

UBC Section 511(a) Toilet Facilities. Each water closet stool must be located in a clear space not less than 30 inches in width and have a clear space in front of the water closet of not less than 24 inches.

For provisions for the physically handicapped see 2 MCAR SS 1.15501-1.15508.

Section 511(b) of the UBC is deleted in its entirety.

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

UBC Section 514 Roof Access. [remainder of amendment unchanged.]

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

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

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

systems must be connected directly to the outside, and the point of discharge must be at least five feet from any openable window.

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

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

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

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

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

Section 705 of the UBC is amended to read as follows:

UBC Section 705. All portions of Group B Occupancies must be provided with natural light by means of exterior glazed openings with an area equal to one-tenth of the total floor area, and natural ventilation by means of exterior openings with an area not less than one-twentieth of total floor area, or must be provided with artificial light and mechanically operated ventilating system as specified in Section 605 and the applicable sections of the mechanical code.

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

In all enclosed parking garages used for storing or handling of automobiles operating under their own power and on all loading platforms in bus terminals, ventilation must be

provided capable of exhausting a minimum of 3/4 cfm per square foot of gross floor area. The building official may approve an alternate ventilation system designed to exhaust a minimum of 14,000 cfm for each operating vehicle. The alternate system must be based upon the anticipated instantaneous movement rate of vehicles but not less than 2.5 percent (or one vehicle) of the garage capacity. Automatic CO sensing devices may be employed to modulate the ventilation system to maintain a maximum average concentration of CO of 50 ppm during any eight-hour period, with a maximum concentration not greater than 200 ppm for a period not exceeding one hour. Connecting offices, waiting rooms, ticket booths, etc., must be supplied with conditioned air under positive pressure.

EXCEPTION: In gasoline service stations without lubrication pits, storage garages and aircraft hangars not exceeding an area of 5,000 square feet, the building official may authorize the omission of ventilating equipment required in this section where, in his opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation.

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

Water closet rooms in connection with food establishments where food is prepared, stored or served must have a nonabsorbent interior finish as specified in section 510(b), must have hand-washing facilities in or adjacent to them, and must be separated from food preparation or storage rooms as specified in Section 510(a).

A toilet room 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. Exhaust systems must be connected directly to the outside and the point of discharge must be at least five feet from any openable window.

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

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

Section 709(e) of the UBC is amended to read as follows: [amendment unchanged.]

Section 709 of the UBC is amended by adding a new paragraph (m): [amendment unchanged.]

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

UBC Section 802(c) Special Provisions. Rooms in Divisions 1 and 2 Occupancies used for day-care purposes, kindergarten pupils, and Division 3 Occupancies may not be located above the first story, and they may not be located in a basement unless there is provided at least one exit without intervening stairs directly on grade 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).

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

UBC Section 805. All portions of Group E Occupancies must be provided with light and ventilation, either natural or artificial, as specified in Section 605.

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

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

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

UBC Section 809. Approved fire alarms must be provided for all Group E Occupancies with an occupant load of more than 50 persons, and in Group E Division 3 Occupancies with an occupant load of more than 29 persons. In every Group E Occupancy with

an automatic sprinkler or detection system, the operation of the system must automatically activate the school fire alarm system.

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

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

1. [Unchanged.]

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, boiler rooms, and (c) a weatherproof station on exterior of building facing residential areas.

3.-4. [Unchanged.]

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

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

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

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

EXCEPTION: In public repair garages and aircraft hangars

not exceeding an area of 5,000 square feet, the building official may authorize the omission of ventilating equipment required by this section where, in his opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation.

Every building or portion of a building where persons are employed must be provided with at least one water closet. Separate facilities must be provided for each sex when the number of employees exceeds four and both sexes are employed.

The toilet facilities must be located either in the building or conveniently in a building adjacent to it on the same property.

A toilet room 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 exhaust systems must be connected directly to the outside, and the point of discharge must be at least five feet from any openable window.

? not subject to review

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

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

Section 1001 of the UBC is amended to read as follows: [amendment unchanged.]

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

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

Every story of a Group I, Division 1 Occupancy accommodating more than five nonambulatory persons, unless provided with a horizontal exit, must be divided into not less than two compartments accommodating approximately the same number of nonambulatory persons in each compartment by a

smoke-stop partition meeting the requirements of one-hour occupancy separation so as to provide an area of refuge within the building. Corridor openings in the smoke-stop partition must be protected with doors as required in Section 3305(h). Other openings must be limited to ducts which have fire dampers in the plane of the wall activated by detectors of products of combustion other than heat conforming to section 4306(b) 2.

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

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

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

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

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

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

[amendment unchanged.]

UBC Section 1101 Group M, 6th line is amended to read as follows:

For occupancy separations, see Table No. 5-B. For purposes of occupancy separation, manufactured homes, as defined in Minnesota Statutes, section 327.31, subdivision 3, are Group R, Division 3 Occupancies.

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

UBC Section 1201 Group R, Division 4 Occupancies: This use group includes all one and two family dwellings built exclusively by the standards as established in the 1975 One and Two Family Dwelling Code as promulgated by the national model

code organizations and 2 MCAR SS 1.16001-1.16006. Use and installation of foam plastics must comply with Section 1712 of the UBC as amended herein.

EXCEPTION: [Unchanged.]

Section R-202 of the One and Two Family Dwelling Code is amended to read as follows:

Section R-202. Buildings must be constructed in accordance with the provisions of this code using the design criteria set forth in Table No. 2-A. These criteria shall be established by the jurisdiction based solely or in part on the climatic and geographic conditions set forth in Appendix A.

Roof snow loads must be in accordance with 2 MCAR S 1.10111 - UBC Section 2305(d). Frost line depth must be in accordance with 2 MCAR S 1.10111 - UBC Section 2907(a). Wind velocity must be in accordance with the conditions set forth in Appendix A of the One and Two Family Dwelling Code.

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 glazing area of not less than eight square feet or eight percent of the floor area of the rooms. One-half of the required area of glazing must be openable.

EXCEPTION: The glazed areas need not be openable where an approved mechanical ventilation system is provided capable of producing a change of air every 30 minutes and the opening is not required by Section R-211.

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: The glazed areas are not required where artificial light and an approved mechanical ventilation system is provided capable of producing a change of air every 12 minutes.

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: Required glazed openings may face into a roofed porch where the porch abuts a street, yard or court and the longer side of the porch is at least 65 percent open and unobstructed and the ceiling height is not less than seven feet.

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

Section R-211 Exits. At least one exit conforming to this chapter must be provided from each dwelling unit.

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

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

UBC Section 1201 Group R Division 1 occupancy definition is amended to read as follows:

Division 1. Hotels and apartment houses. Convents and monasteries (each accommodating more than ten persons), supervised living facilities Class A-2 as defined in Section 420 for the mentally retarded, mentally ill, chemically dependent, and the physically handicapped (each accommodating more than six persons). Physically handicapped persons shall be housed at street level in supervised living facilities.

UBC Section 1201 Group R, Division 3 is amended to read as follows: [amendment unchanged.]

Section 1204 of the UBC is amended to read as follows:

UBC Section 1204. Exit facilities. Stairs, exits and smoke proof enclosures must be as specified in Chapter 33.

Every sleeping room below the fourth story must have at least one operable window or exterior door approved for emergency escape or rescue. The units must be operable from the

inside to provide a full clear opening without the use of separate tools.

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

Bars, grilles, and similar devices may be installed on emergency escape and rescue windows or doors if:

1. the devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and

2. the building is equipped with smoke detectors installed in accordance with UBC Section 1210.

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

UBC Section 1205. (a) [amendment unchanged.]

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

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

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

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

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

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

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

When alterations, repairs or additions 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. The detector must be connected to a sounding

device or other detector to provide an alarm which will be audible in the sleeping area.

Section 1213 of the UBC is deleted in its entirety.

Chapter 12 of the UBC is amended by adding a new section to read as follows: [amendment is unchanged.]

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

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

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

Section 1706(d) of the UBC is deleted in its entirety. See 2 MCAR S 1.18806 C.

Section 1711 of the UBC is amended to read as follows:

UBC Section 1711. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than 30 inches above grade or floor below, and roofs used for other than service of the building must be protected by a guardrail. Guardrails may not be less than 42 inches in height. Open guardrail and stair railings must have intermediate rails or an ornamental pattern so that a sphere six inches in diameter cannot pass through. The height of stair railings on open sides may be as specified in Section 3306 (j) in lieu of providing a guardrail. Ramps must, in addition, have handrails when required by Section 3307.

On all earth sheltered structures a means must be provided to restrict access to the roof area unless guardrails are provided and the roof is designed for vehicular loads.

EXCEPTIONS:

1.-5. [Unchanged.]

6. Guardrails need not be provided on the auditorium side of a stage or enclosed platform.

Section 1712(a) General. The provisions of this section govern the requirements and uses of foam plastic in buildings and structures. For trim, see Section 1705(e).

Except where otherwise noted in this section, all foam plastics used in building construction must have a flame-spread rating of not more than 75 and must have a smoke-developed rating of not more than 450 when tested in the maximum thickness intended for use in accordance with UBC Standard No. 42-1. All packages and containers of foam plastic and foam plastic ingredients must bear the label of an approved agency showing either the flame-spread rating and smoke-developed rating of the product at the thickness tested or the use for which the product has been listed. The interior of the building must be separated from the foam plastic by an approved thermal barrier having an index of 15 when tested over calcium silicate board in accordance with UBC Standard No. 17-3 or protected from the interior of the building by a thermal barrier of one-half inch gypsum wallboard. The thermal barrier must be installed in such a manner that it will remain in place for the time of its index classification based upon approved diversified tests.

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

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

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

1. Elevators on all floors must open into elevator lobbies which are separated from the remainder of the building,

including corridors and other exits, by walls extending from the floor to the underside of the fire-resistive floor or roof above. The walls must be of not less than one-hour fire-resistive construction. Openings through the walls must conform to UBC Section 3305(h).

EXCEPTION: This requirement does not apply to:

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

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

2. [Unchanged.]

4.-5. [Renumber 4.-5. as 3.-4.]

Section 2303(a) of the UBC is amended to read as follows: [amendment unchanged.]

Section 2305(d) of the UBC is amended to read as follows: [amendment unchanged.]

Section 2311(a) of the UBC is amended to read:

UBC Section 2311(a) General. Every building or structure and every portion of a building or structure must be designed and built to resist the wind effects determined in accordance with the requirements of this section. Wind is presumed to come from any horizontal direction. No reduction in wind pressure may be taken for the shielding effect of adjacent structures.

Structures sensitive to dynamic effects, such as buildings with a height-width ratio greater than five, structures sensitive to wind-excited oscillations, such as vortex shedding or icing, and buildings over 400 feet in height, must be, and any structure may be, designed in accordance with approved national standards.

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

Section 2312(a) of the UBC is amended to read as follows: [amendment unchanged.]

Section 2403(e) of the UBC is amended to read as follows:

UBC Section 2403(e). Concrete Masonry Units. Concrete masonry units must be of a quality at least equal to the requirements set forth in UBC Standard No. 24-4 or No. 24-5 when used for bearing walls or piers or when in contact with ground or exposed to the weather; or equal to the requirements set forth in UBC Standard No. 24-6 when used for nonbearing purposes and not exposed to the weather. Solid units subject to the action of weather or soil must be Grade N. Concrete masonry units must be tested as set forth in UBC Standard No. 24-7.

Concrete masonry units used for walls below grade or for other uses as determined by the designer are not subject to the moisture control provisions of Table 24-4-A of UBC Standard 24-4.

Section 2416 of the UBC is amended by the addition of paragraph (n) as follows:

UBC Section 2416(n). Alternate Design Method. The specification for the Design and Construction of Load-Bearing Concrete Masonry 8th Printing May, 1978, published by the National Concrete Masonry Association may be used as an alternate design method providing the following conditions are satisfied.

1.-3. [Unchanged.]

Section 2501(a) of the UBC is amended to read as follows: [amendment unchanged.]

Section 2510(h) of the UBC is amended to read as follows: [amendment unchanged.]

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

UBC Section 2907(a). General. Footings and foundation, unless otherwise specifically provided, must be constructed of masonry, concrete, or treated wood in conformance with UBC Standard No. 29-3 and in all cases must extend below the frost line. Footings of concrete and masonry must be of solid material. Foundations supporting wood must extend at least six inches above the adjacent finish grade. Footings must have a minimum depth below finished grade for the zone as established below unless another depth is recommended by a foundation investigation.

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

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

Zone II -- [Unchanged.]

2. [Unchanged.]

UBC Section 3203(d) 3 is amended to read as follows: [amendment unchanged.]

Section 3207(c) of the UBC is amended to read as follows: [amendment unchanged.]

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

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

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

EXCEPTION: [Unchanged.]

UBC Section 3321(b) is amended to read as follows:

UBC Section 3321(b). Minimum size of exits. Every exit opening through which patients are transported on stretchers or beds must be of sufficient width to permit the ready passage of stretchers or beds but must have a clear width of not less than 44 inches, except as hereinafter provided. Exit openings in Division 2 Occupancies must have a clear width of not less than 34 inches. There must be no projections within the required

clear widths.

UBC Section 3321(c) is amended to read as follows:

UBC Section 3321(c). Corridors. The minimum clear width of a corridor must be 44 inches except as follows:

Corridors serving any Group I, Division 1 Occupancies must be at least eight feet in width; corridors serving any Group I, Division 2 Occupancies must be at least six feet in width.

There may be no change of elevation in a corridor serving nonambulatory persons unless ramps are used.

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.

UBC Table 33A is amended as follows:

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

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

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

UBC Section 3802(h) Special Automatic Fire Extinguishing Systems. In all occupancies having commercial cooking equipment (see NFPA No. 96-1976), automatic fire extinguishing systems complying with UBC Standard 38-1 or NFPA No. 12-73 must be installed for protection of duct systems, grease removal devices, hoods and over commercial cooking equipment which may be a source of ignition (such as fat fryers, ranges, griddles, and boilers). Systems installed in accordance with the following standards are also permitted.

1.-2. [Unchanged.]

EXCEPTION: [Unchanged.]

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

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

UBC Standard 38-2 Section 38.207(a) Assured Source

Required. Class I, Class II and Class III standpipe systems must be provided with an approved source of water supply. With prior approval of the Fire Chief, Class I standpipes systems may be supplied only through a fire department connection.

UBC Table 38-A is amended as follows: [amendment unchanged.]

UBC Section 4701(a) is amended to read as follows: [amendment unchanged.]

UBC Sections 5001 to 5006 are amended to read as follows: [amendments unchanged.]

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

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

Section 6001 of the UBC is amended to read as follows:

UBC Section 6001. The UBC Standards which are referred to in various parts of this code are the Uniform Building Code Standards, 1982 Edition, and are a part of this code with the following amendment:

UBC Section 6001, Chapter 25, 25-17 is amended to read as follows:

Chapter 25, 25-17; 2510(a), 2510(b), 2510(c), 2510(d), 2510(e), 2510(h), 2514(b)1, 2514(b)2, 2516(j)1, 3203(c)4, Tables Nos. 25-F, 25-G, 25-H and 47-H Timber Connector Joints, Bolted Joints, Drift Bolts and Wood Screws, Lag Screws. National Design Specification for Wood Construction (1977), National Forest Products Association. Metal Plate Connected Wood Trusses TPI-78, Truss Plate Institute. Nails and Staples, Federal Specification No. FF-N-105B (March 17, 1971).

2 MCAR S 1.10112 Validity Clause. If any section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, that decision does not affect the validity of the remaining portions of this code.

The Department of Administration would have adopted this code and each section, subsection, clause, or phrase of this code, whether or not any one or more sections, subsections,

sentences, clauses, and phrases is declared unconstitutional.

Renumbering. Renumber 2 MCAR S 1.0111 Table 17-B as 2 MCAR S 1.0111 Table 5-E.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 2 8 1983

Secretary of State

3:50 PM

APPROVED AS TO LEGALITY

January 28, 1983

HUBERT H. HUMPHREY, III ATTORNEY GENERAL

BY Ted A. Martinez

SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed

2 MCAR S 1.10103 Definitions. ~~Wherever~~ The term "Administrative Authority" means "building official" wherever it appears in this code ~~the words "Building Official" shall be substituted therefore~~.

~~Wherever~~ The terms "Mayor" ~~or~~ and "City Council" mean "governing body" whenever they appear in this code ~~the words "Governing Body" shall be substituted therefore~~.

A.-D. [Unchanged.]

E. UBC. "UBC" means the Uniform Building Code, as promulgated by the International Conference of Building Officials, Whittier, California, 1982 edition.

F. Mandatory terms. "Must" and "shall" have the same meaning and are both mandatory terms.

2 MCAR S 1.10104 Scope. ~~The provisions of~~ This code ~~shall apply~~ applies to the construction, alteration, moving, demolition, repair and use of any building or structure within the municipality, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this code, and hydraulic flood control structures.

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

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

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

2 MCAR S 1.10107 State plan checking fees.

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Plan checking of buildings or structures conducted by the division shall have a fee based on valuation in accordance with Table No. 107-A. "Valuation" means the total cost of construction exclusive of site work not related to the construction.

~~EXCEPTION:~~ When the plan review is limited to non-structural aspects, the fee ~~shall be~~ is 75% of ~~these listed~~ that in Table No. 107-A.

There ~~shall be~~ is no additional fee charge for consultation with designers, or for re-checking ~~provided~~ if no substantial change in the design has been made. When a determination is made by the division that a substantial change has been made in the design, the re-checking fee ~~shall be~~ is $15.00 per hour or fraction ~~thereof~~ of an hour. No fee shall be charged for state-owned buildings.

TABLE NO. 107-A

Valuation	Plan ~~Fee Check~~ Checking Fee
$ 3,000.00 or less	No Charge
3,001.00 to 5,000.00	$ 21.00
5,001.00 to 10,000.00	34.00
10,001.00 to 15,000.00	47.00
15,001.00 to 20,000.00	60.00
20,001.00 to 25,000.00	72.00
25,001.00 to 30,000.00	83.00
30,001.00 to 35,000.00	93.00
35,001.00 to 40,000.00	102.00
40,001.00 to 45,000.00	112.00
45,001.00 to 50,000.00	122.00
50,001.00 to 55,000.00	129.00
55,001.00 to 60,000.00	135.00
60,001.00 to 65,000.00	142.00
65,001.00 to 70,000.00	148.00
70,001.00 to 75,000.00	155.00

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75,001.00 to 80,000.00	161.00
80,001.00 to 85,000.00	168.00
85,001.00 to 90,000.00	174.00
90,001.00 to 95,000.00	181.00
95,001.00 to 100,000.00	187.00
100,001.00 to 500,000.00	187.00 for the first $100,000.00 plus $1.00 for each additional $1,000.00 or fraction ~~thereof~~ of -- $1,000.00. ---
500,001.00 and up	~~577.00~~ 587.00 --- for the first $500,000.00 plus $ .65 for each additional $1,000.00 or fraction ~~thereof~~ of -- $1,000.00. ---

2 MCAR S 1.10109 Appendices.

A. Enforcement required. The following appendices, annexes, --- -
and supplemental material listed in this code ~~shall be mandatory~~ ~~to enforce~~ must be enforced by any municipality.

1.-2. [Unchanged.]

3. ~~1979~~ 1982 UBC Appendix, Chapter 35.
----

4. [Unchanged.]

B. Enforcement optional. [text unchanged.]
---

1. [Unchanged.]

2. ~~1979~~ 1982 UBC Appendix, Chapters ~~12~~ 1, 7, 38, ~~48, 49,~~ 55, and 70. UBC appendices not listed as mandatory or opticnal
---- ----

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are not incorporated in the State Building Code.

3.-5. [Unchanged.]

2 MCAR S 1.10111 Adoption of the Uniform Building Code by reference. Chapters 1 ~~through~~ to 60 and appendices of the ~~1979~~ 1982 Edition of the Uniform Building Code~~, hereinafter "UBC",~~ as promulgated by the International Conference of Building Officials, Whittier, California, are incorporated by reference and hereby made part of the State Building Code ~~(SBC)~~ except as qualified by 2 MCAR Section 1.10109. ~~Said~~ The UBC ~~shall be subject to the following alterations and amendments~~ is amended as follows:

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

UBC Section 104(a) is amended by changing the last sentence and adding a sentence to read: [amendment unchanged.]

UBC Section 104(f) is amended by adding an additional item number 4 as follows: [amendment unchanged.]

UBC Section 203 is amended to read as follows:

UBC Section 203. All buildings or structures regulated by this code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment are, for the purpose of this section, unsafe uses. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the ~~Building~~ code are ~~hereby designated as~~ unsafe building appendages. All ~~such~~ unsafe buildings, structures, or appendages are ~~hereby declared to be~~ public nuisances and ~~shall~~ must be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in Minnesota Statutes, ~~Chapter 463 Sections 15 through 26~~ sections 463.15 to

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463.26.

UBC Section 204 is amended by amending the last sentence as follows: [amendment unchanged.]

UBC Section 205 is amended by adding a sentence as follows: [amendment unchanged.]

UBC Section 301~~(a)~~(b) is amended by the addition of item 12 as follows: [amendment unchanged.]

Section 304(a) of the UBC is amended to read as follows:

UBC Section 304. (a) Permit Fees. ~~The fee for each permit shall be as set forth in Table 3-A.~~ Each municipality ~~shall~~ must adopt its own schedule of permit fees. The fee schedule of Table 3-A is ~~hereby made~~ optional for use by the local authority and is a recommended schedule. In areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of $100 or .005 times the value of the structure, addition or alteration. (Minnesota Statutes, section 16.851.)

The determination of value or valuation under any of the provisions of this code ~~shall~~ must be made by the building official. The value to be used in computing the building permit and building plan review fees ~~shall be~~ is the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

Section 305(e) of the UBC is amended to read as follows: [amendment unchanged.]

Section 307(a) of the UBC is amended to read as follows: [amendment unchanged.]

Section 405 of the UBC, Definition of Dwelling ~~shall be~~, is amended to read:

DWELLING is any building or any portion ~~thereof~~ of a building which ~~is not an "Apartment House", "Lodging House" or a "Hotel" as defined in this code, which~~ contains ~~one or~~ not more than two "Dwelling Units" ~~or "Guest Rooms", used, intended or~~

~~designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes and shall include~~, including Class A-1 Supervised Living Facilities as defined in Section 420.

Section 406 of the UBC is amended by the addition of the following definition: [amendment unchanged.]

Section 407 of the UBC, Definition of Fire Code, is amended as follows: [amendment unchanged.]

UBC Section 414 of the UBC, Definition of Mechanical Code, is amended as follows: [amendment unchanged.]

Section 420 of the UBC is amended by adding the following definitions:

"Supervised Living Facility" means a facility in which there is provided supervision, lodging, meals, and, in accordance with the provisions of rules of the Department of Public Welfare, and the Department of Health, counseling and developmental habilitative or rehabilitative services to five or more persons who are mentally retarded, chemically dependent, adult mentally ill or physically handicapped.

"Class A Supervised Living Facility" means a Supervised Living Facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class A-1 supervised living facilities ~~shall~~ include homes providing boarding and lodging for ~~6~~ six or fewer ambulatory or mobile disabled persons.

Class A-2 supervised living facilities ~~shall~~ include homes providing boarding and lodging for more than ~~6~~ six ambulatory or mobile disabled persons.

"Class B Supervised Living Facility" means a Supervised Living Facility for ambulatory, non-ambulatory, mobile or non-mobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

UBC Table 5-A, Group I-1, I-2, R1 and R3 are amended to

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read as follows: [amendments unchanged.]

Section 510 of the UBC is amended by adding a new subsection (c) that reads as follows:

UBC Section 510(c) Sanitation Facilities. Sanitation facilities must be provided for each Occupancy in accordance with Table 5-E and UBC Sections 605, 705, 805, 905, 1005 or 1205 as amended herein. Fixtures must be provided for each sex in accordance with the percentage of occupants of each sex. When the percentage of each sex is not known, one-half for each sex shall be assumed. For sanitation facilities for the handicapped see 2 MCAR S 1.15503.

Types of building occupancy not shown, or when the provisions of Table 5-E are excessive due to a specific use or occupant load, facilities may be considered individually by the Administrative Authority.

Section 511(a) of the UBC is amended to read as follows:

UBC Section 511(a) Toilet Facilities. Each water closet stool must be located in a clear space not less than 30 inches in width and have a clear space in front of the water closet of not less than 24 inches.

For provisions for the physically handicapped see 2 MCAR SS 1.15501-1.15508.

Section 511(b) of the UBC is deleted in its entirety.

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

UBC Section ~~512~~ 514 Roof Access. [remainder of amendment unchanged.]

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

UBC Section 605. All enclosed portions of Group A Occupancies customarily used by human beings and all dressing rooms ~~shall~~ 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 ~~shall~~ must be provided with artificial light and a mechanically operated ventilating

system. The mechanically operated ventilating systems ~~shall supply~~ must be capable of supplying a minimum of ~~5~~ 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 ~~and such system shall be kept continuously in operation~~ during ~~such~~ the time as the building is occupied. If the velocity of the air at the register exceeds ~~10~~ ten feet per second, the register ~~shall~~ must be placed more than ~~8~~ 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 ~~shall~~ must be on a separate circuit from that of the stage. ~~Such exit lighting shall~~ 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 lights in corridors, exit courts and exit passageways shall be protected by a wire cage.~~

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

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

For other requirements on water closets, see ~~Section 1711~~ UBC section 511(a) as amended ~~herein~~ in this rule.

APPROVED AS TO FORM
REVISOR OF STATUTES
BY:

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c) as specified ~~herein~~ in this rule.

Section 705 of the UBC is amended to read as follows:

UBC Section 705. All portions of Group B Occupancies ~~shall~~ must be provided with natural light by means of exterior glazed openings with an area equal to one-tenth of the total floor area, and natural ventilation by means of exterior openings with an area not less than one-twentieth of total floor area, or ~~shall~~ must be provided with artificial light and mechanically operated ventilating system as specified in Section 605 and the applicable sections of the mechanical code.

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

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

EXCEPTION: In gasoline service stations without lubrication pits, storage garages and aircraft hangars not exceeding ~~in~~ an area of ~~5000~~ 5,000 square feet, the building official may authorize the omission of ~~such~~ ventilating

equipment required in this section where, in his opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation.

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

~~Such~~ Water closet rooms in connection with food establishments where food is prepared, stored or served ~~shall be~~ must have a nonabsorbent interior finish as specified in section ~~1711~~ 510(b), ~~shall~~ must have hand-washing facilities ~~therein~~ in or adjacent ~~thereto~~ to them, and ~~shall~~ must be separated from food preparation or storage rooms as specified in Section 510(a).

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

For other requirements on water closets, see UBC Section ~~1711~~ 511(a) as amended ~~herein~~ in this rule.

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c) as specified ~~herein~~ in this rule.

Section 709(e) of the UBC is amended to read as follows: [amendment unchanged.]

Section 709 of the UBC is amended by adding a new paragraph (m): [amendment unchanged.]

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

UBC Section 802(c) Special Provisions. Rooms in Divisions 1 and 2 Occupancies used for day-care purposes, kindergarten pupils, and Division 3 Occupancies ~~shall~~ may not be located above the first story, ~~nor shall~~ and they may not be located in a basement unless there is provided at least one exit without intervening stairs directly on grade from the occupied space.

Storage and janitor closets ~~shall~~ must be of one-hour fire-resistive construction. Stages and enclosed platforms ~~shall~~ must be constructed in accordance with Chapter 39. For attic space partitions and draft stops, see Section ~~3205~~ 2516(f).

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

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

For other requirements on water closets, see UBC Section ~~1711~~ 511(a) as amended ~~herein~~ in this rule.

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c) as specified ~~herein~~ in this rule.

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

UBC Section 809. Approved fire alarms ~~shall~~ 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 ~~such~~ the system ~~shall~~ must automatically activate the school fire alarm system.

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

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

1. [Unchanged.]

2. ~~Shall have~~ Sounding stations on 100-foot to 150-foot spacing; (a) in corridors, (b) in areas of high noise levels, such as band rooms, shops, boiler rooms, and (c) a weatherproof station on exterior of building facing residential areas.

3.-4. [Unchanged.]

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

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

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

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

EXCEPTION: In public repair garages and aircraft hangars not exceeding an area of ~~5000~~ 5,000 square feet, the building official may authorize the omission of ~~such~~ ventilating equipment required by this section where, in his opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation.

Every building or portion ~~thereof~~ of a building where persons are employed ~~shall~~ must be provided with at least one water closet. Separate facilities ~~shall~~ must be provided for each sex when the number of employees exceeds four and both sexes are employed.

~~Such~~ The toilet facilities ~~shall~~ must be located either in

~~such~~ the building or conveniently in a building adjacent ~~thereto~~ to it on the same property.

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

For other requirements on water closets, see UBC Section ~~1711~~ 511(a) as amended ~~herein~~ in this rule.

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c), as specified ~~herein~~ in this rule.

Section 1001 of the UBC is amended to read as follows:

[amendment unchanged.]

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

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

Every story of a Group I, Division 1 Occupancy accommodating more than five nonambulatory persons, unless provided with a horizontal exit, ~~shall~~ must be divided into not less than two compartments accommodating approximately the same number of nonambulatory persons in each compartment by a smoke-stop partition meeting the requirements of one-hour occupancy separation so as to provide an area of refuge within the building. Corridor openings in the smoke-stop partition ~~shall~~ must be protected with doors as required in Section ~~3304(h)~~ 3305(h). Other openings ~~shall~~ must be limited to ducts which have fire dampers in the plane of the wall activated by detectors of products of combustion other than heat conforming to section 4306(b) 2.

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

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

UBC Section 1005. All portions of Group ~~1~~ I Occupancies ~~shall~~ must be provided with natural light by means of exterior glazed openings with an area equal to one-tenth of the total floor area, and natural ventilation by means of exterior openings with an area not less than one-twentieth of the total floor area, or ~~shall~~ must be provided with artificial light and a mechanically operated ventilating system as specified in section 605 and the mechanical code.

For other requirements on water closets, see UBC Section ~~1711~~ 511(a) as amended ~~herein~~ in this rule.

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c) as specified ~~herein~~ in this rule.

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

[amendment unchanged.]

UBC Section 1101 Group M, 6th line is amended to read as follows:

For occupancy separations, see Table No. 5-B. For purposes of occupancy separation, ~~mobile~~ manufactured homes ~~shall be considered as~~, as defined in Minnesota Statutes, section 327.31, subdivision 3, are Group R, Division 3 Occupancies.

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

UBC Section 1201 Group R, Division 4 Occupancies: This use group ~~shall include~~ 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 SS 1.16001-1.16006. Use and installation of foam plastics ~~shall~~ must comply with Section ~~1717~~ 1712 of the UBC as amended herein.

EXCEPTION: [Unchanged.]

Section R-202 of the One and Two Family Dwelling Code is amended to read as follows:

Section R-202. Buildings must be constructed in accordance with the provisions of this code using the design criteria set forth in Table No. 2-A. These criteria shall be established by the jurisdiction based solely or in part on the climatic and geographic conditions set forth in Appendix A.

Roof snow loads must be in accordance with 2 MCAR S 1.10111 - UBC Section 2305(d). Frost line depth must be in accordance with 2 MCAR S 1.10111 - UBC Section 2907(a). Wind velocity must be in accordance with the conditions set forth in Appendix A of the One and Two Family Dwelling Code.

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 glazing area of not less than eight square feet or eight percent of the floor area of the rooms. One-half of the required area of glazing must be openable.

EXCEPTION: The glazed areas need not be openable where an approved mechanical ventilation system is provided capable of producing a change of air every 30 minutes and the opening is not required by Section R-211.

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: The glazed areas are not required where artificial light and an approved mechanical ventilation system is provided capable of producing a change of air every 12 minutes.

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: Required glazed openings may face into a roofed porch where the porch abuts a street, yard or court and the longer side of the porch is at least 65 percent open and unobstructed and the ceiling height is not less than seven feet.

Section R-211 of the One and Two Family Dwelling Code is

amended to read as follows:

Section R-211 Exits. At least one exit conforming to this chapter must be provided from each dwelling unit.

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

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

UBC Section 1201 Group R Division 1 occupancy definition is ~~changed~~ amended to read as follows:

Division 1. Hotels and apartment houses. Convents and monasteries (each accommodating more than ~~10~~ ten persons), supervised living facilities Class A-2 as defined in Section 420 for the mentally retarded, mentally ill, chemically dependent, and the physically handicapped (each accommodating more than ~~four~~ six persons). Physically handicapped persons shall be housed at street level in supervised living facilities.

UBC Section 1201 Group R, Division 3 is amended to read as follows: [amendment unchanged.]

~~Section R-202 of the One and Two Family Dwelling Code is amended to read as follows:~~

~~Section R-202. Buildings shall be constructed in accordance with the provisions of this code using the design criteria set forth in Table No. 2-A. These criteria shall be established by the jurisdiction based solely or in part on the climatic and geographic conditions set forth in Appendix A. Roof snow loads shall be in accordance with 2 MCAR S 1.10111 - UBC Section 2305(d). Frost line depth shall be in accordance with 2 MCAR S 1.10111 - UBC Section 2907(a). Wind velocity shall be in accordance with the conditions set forth in Appendix A of the One and Two Family Dwelling Code.~~

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

Section R-204. All habitable rooms shall be provided with aggregate glazing area of not less than 8 square feet nor 8 percent of the floor area of such rooms. One-half of the required area of glazing shall be openable.

EXCEPTION: The glazed areas need not be openable where an approved mechanical ventilation system is provided capable of using a change of air every 30 minutes and the opening is not required by Section R-211.

Bathrooms, water-closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet, one-half of which must be openable.

EXCEPTION: The glazed areas are not required where artificial light and an approved mechanical ventilation system is provided capable of producing a change of air every 12 minutes.

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

EXCEPTION: Required glazed openings may face into a roofed porch where the porch abuts a street, yard or court and the longer side of the porch is at least 65 percent open and unobstructed and the ceiling height is not less than 7 feet.

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

Section R-211 Exits. No less than one exit conforming to this Chapter shall be provided from each dwelling unit.

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

All egress or rescue windows from sleeping rooms must have

~~a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches.~~

Section 1204 of the UBC is amended to read as follows:

UBC Section 1204. Exit facilities. Stairs, exits and smoke proof enclosures ~~shall~~ must be as specified in Chapter 33.

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

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

Bars, grilles, and similar devices may be installed on emergency escape and rescue windows or doors if:

1. the devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and

2. the building is equipped with smoke detectors installed in accordance with UBC Section 1210.

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

UBC Section 1205. (a) [amendment unchanged.]

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

Additional water closets ~~shall~~ must be provided on each floor for each sex at the rate of one for every additional ~~10~~ ten guests, or fractional part ~~thereof~~ of ten guests, in excess

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of ~~10~~ ten.

Every dwelling unit ~~shall~~ must be provided with a kitchen equipped with a kitchen sink ~~and~~. 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 ~~shall~~ must be equipped with hot and cold running water necessary for its normal operation.

For other requirements on water closets, see ~~Sections 510 and 1711~~ UBC Section 511(a) as amended ~~herein~~ in this rule.

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c), as specified ~~herein~~ in this rule.

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

UBC Section 1210. (a) Fire-warning Systems. Every dwelling unit and every guest room in a hotel or lodging house used for sleeping purposes ~~shall~~ must be provided with smoke detectors conforming to UBC Standard No. 43-6. In dwelling units, detectors ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ must be placed at the center of the ceiling directly above the stairway. All detectors ~~shall~~ must be located in accordance with approved manufacturer's instructions. When actuated, the detector ~~shall~~ must provide an alarm in the dwelling unit or guest room.

When alterations, repairs or additions 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 ~~shall~~ must be provided with smoke detectors located as required for new Group R, Division 3 or 4 Occupancies.

In new construction, required smoke detectors ~~shall~~ must receive their primary power from the building wiring when ~~such~~

that wiring is served from a commercial source. Wiring ~~shall~~ 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. The detector must be connected to a sounding device or other detector to provide an alarm which will be audible in the sleeping area.

Section 1213 of the UBC is deleted in its entirety.

Chapter 12 of the UBC is amended by adding a new section to read as follows: [amendment is unchanged.]

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

UBC Section 1217. Deadbolt Locks Required. All doors leading to public or shared areas from all apartment dwelling units and hotel units ~~shall~~ must be provided with deadbolt locks, at least one of which must be capable of being locked with a key from the exterior of ~~said~~ 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.

Deadbolt locks having a bolt moved by turning a key ~~shall~~ must be of the five-pin tumbler type or an approved equivalent. The lock throw ~~shall be~~ may not be less than three-quarters of an inch ~~(3/4")~~. Locks ~~shall~~ must meet the requirements of UBC Section ~~3303(e)~~ 3304(c).

Section 1706(d) of the UBC is deleted in its entirety. See 2 MCAR ~~Section~~ S 1.18806 C.

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

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

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~~not less than 24 inches.~~

~~For provisions for the physically handicapped see 2 MCAR Sections 1.15501-1.15508.~~

~~Section 1711(c) of the UBC is deleted in its entirety.~~

~~Section 1711 of the UBC is amended by adding a new subsection (h) that reads as follows.~~

~~UBC Section 1711(h) Sanitation Facilities. Sanitation facilities shall be provided for each Occupancy in accordance with Table 17-B and UBC Sections 605, 705, 805, 905, 1005 or 1205 as amended herein. Fixtures shall be provided for each sex in accordance with the percentage of occupants of each sex. When the percentage of each sex is not known, one-half for each sex shall be assumed. For sanitation facilities for the handicapped see 2 MCAR Section 1.15503.~~

~~Types of building occupancy not shown, or when the provisions of Table 17-B are excessive due to a specific use or occupant load, facilities may be considered individually by the Administrative Authority.~~

Section ~~1716~~ 1711 of the UBC is amended to read as follows:

UBC Section ~~1716~~ 1711. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than 30 inches above grade or floor below, and roofs used for other than service of the building ~~shall~~ must be protected by a guardrail. Guardrails ~~shall~~ be may not be less than 42 inches in height. Open guardrail and stair railings ~~shall~~ must have intermediate rails or an ornamental pattern ~~such~~ so that a sphere 9 six inches in diameter cannot pass through. The height of stair railings on open sides may be as specified in Section ~~3305~~ 3306 (j) in lieu of providing a guardrail. Ramps ~~shall~~ must, in addition, have handrails when required by Section ~~3306~~ 3307.

On all earth sheltered structures a means ~~shall~~ must be provided to restrict access to the roof area unless guardrails are provided and the roof is designed for vehicular loads.

EXCEPTIONS:

1.-5. [Unchanged.]

6. Guardrails need not be provided on the auditorium side of a stage or enclosed platform.

~~Section 1717(b) (1) (B) of the UBC is amended to read as follows:~~

~~UBC Section 1717(b) (1) (B). On the room side surface of conforming walls or ceiling or other surfaces referred to in the first sentence of Section 1717(b), provided the foam plastic is fully protected from the interior of the building by a thermal barrier of 1/2 inch gypsum wallboard or other approved material having an equivalent finish rating as determined by U.B.C. Standard No. 43-1. Thermal barriers shall be installed in a manner that they will remain in place for a minimum of 15 minutes under the same test conditions.~~

Section 1712(a) General. The provisions of this section govern the requirements and uses of foam plastic in buildings and structures. For trim, see Section 1705(e).

Except where otherwise noted in this section, all foam plastics used in building construction must have a flame-spread rating of not more than 75 and must have a smoke-developed rating of not more than 450 when tested in the maximum thickness intended for use in accordance with UBC Standard No. 42-1. All packages and containers of foam plastic and foam plastic ingredients must bear the label of an approved agency showing either the flame-spread rating and smoke-developed rating of the product at the thickness tested or the use for which the product has been listed. The interior of the building must be separated from the foam plastic by an approved thermal barrier having an index of 15 when tested over calcium silicate board in accordance with UBC Standard No. 17-3 or protected from the interior of the building by a thermal barrier of one-half inch gypsum wallboard. The thermal barrier must be installed in such a manner that it will remain in place for the time of its index classification based upon approved diversified tests.

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

UBC Section 1807(h) Elevators. Elevators and elevator lobbies ~~shall~~ must comply with the provisions of 2 MCAR SS

1.18801-1.18806 and the following:

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

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

~~EXCEPTION: 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 shall not be required on any floor when such floor is provided with an exit corridor conforming to the provision of S 3304(g).~~

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

EXCEPTION: This requirement does not apply to:

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

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

2. [Unchanged.]

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

4.-5. [Renumber 4.-5. as 3.-4.]

Section 2303(a) of the UBC ~~shall be~~ is amended to read as --

follows: [amendment unchanged.]

Section 2305(d) of the UBC is amended to read as follows: [amendment unchanged.]

Section 2311~~(g)~~(a) of the UBC is amended to read:

UBC Section 2311~~(g) Open Frame Towers. Radio towers and other towers of trussed construction shall be designed and constructed to withstand wind pressures specified in this section, multiplied by the shape factors set forth in Table No. 23-H.~~

~~Wind pressures shall be applied to the total normal projected area of all the elements of one face (excluding ladders, conduits, lights, elevators, etc., which shall be accounted for separately by using the indicated factor for these individual members).~~ (a) General. Every building or structure and every portion of a building or structure must be designed and built to resist the wind effects determined in accordance with the requirements of this section. Wind is presumed to come from any horizontal direction. No reduction in wind pressure may be taken for the shielding effect of adjacent structures.

Structures sensitive to dynamic effects, such as buildings with a height-width ratio greater than five, structures sensitive to wind-excited oscillations, such as vortex shedding or icing, and buildings over 400 feet in height, must be, and any structure may be, designed in accordance with approved national standards.

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

Section 2312(a) of the UBC is amended to read as follows: [amendment unchanged.]

Section 2403(e) of the UBC is amended to read as follows:

UBC Section 2403(e). Concrete Masonry Units. Concrete masonry units ~~shall~~ must be of a quality at least equal to the requirements set forth in UBC Standard No. 24-4 or No. 24-5 when

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used for bearing walls or piers or when in contact with ground or exposed to the weather; or equal to the requirements set forth in UBC Standard No. 24-6 when used for nonbearing purposes and not exposed to the weather. Solid units subject to the action of weather or soil ~~shall~~ must be Grade A N. Concrete masonry units ~~shall~~ must be tested as set forth in UBC Standard No. 24-7.

Concrete masonry units used for walls below grade or for other uses as determined by the designer ~~shall~~ are not ~~be~~ subject to the moisture control provisions of Table 24-4-A of UBC Standard 24-4.

Section ~~2417~~ 2416 of the UBC is amended by the addition of paragraph (n) as follows:

UBC Section ~~2417(n)~~ 2416(n). Alternate Design Method. The specification for the Design and Construction of Load-Bearing Concrete Masonry 8th Printing May, 1978, published by the National Concrete Masonry Association may be used as an alternate design method providing the following conditions are satisfied.

1.-3. [Unchanged.]

Section 2501(a) of the UBC is amended to read as follows:

[amendment unchanged.]

Section 2510(h) of the UBC is amended to read as follows:

[amendment unchanged.]

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

UBC Section 2907(a). General. Footings and foundation, unless otherwise specifically provided, ~~shall~~ must be constructed of masonry, concrete, or treated wood in conformance with UBC Standard No. 29-3 and in all cases ~~shall~~ must extend below the frost line. Footings of concrete and masonry ~~shall~~ must be of solid material. Foundations supporting wood ~~shall~~ must extend at least ~~6~~ six inches above the adjacent finish grade. Footings ~~shall~~ must have a minimum depth below finished grade for the zone as established below unless another depth is recommended by a foundation investigation.

1. In the absence of a determination by an engineer

competent in soil mechanics, the minimum allowable footing depth in feet due to freezing ~~shall be~~ is five feet in Zone 1 and three and one-half feet in Zone II.

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

Zone II -- [Unchanged.]

2. [Unchanged.]

UBC Section 3203(d) 3 is amended to read as follows: [amendment unchanged.]

~~S 3205(e) is amended to read as follows:~~

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

Section 3207(c) of the UBC is amended to read as follows: [amendment unchanged.]

UBC Section ~~3303(a)~~ 3304(a) is amended to read as follows:

UBC Section ~~3303~~ 3304. (a) General. This section ~~shall apply~~ applies to every exit door serving an area having an occupant load of more than ~~10~~ ten or serving hazardous rooms or areas, except that subsections (c), (h), and (i) ~~and (j) shall~~ 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 ~~shall~~ must have at least one exit door that meets the requirements of subsection (e).

UBC Section ~~3304(h)~~ 3305(h) 2. is amended by adding an exception 2 to read as follows:

EXCEPTION: [Unchanged.]

~~UBC Section 3305(j) exception 2 is amended to read as follows:~~

~~Exception 2 -- Private Stairway 30 inches or less in height may have handrails on one side only. Handrails are not required on private stairways with less than 3 risers.~~

UBC Section ~~3319(b)~~ 3321(b) is amended to read as follows:

UBC Section 3321(b). Minimum size of exits. Every exit opening through which patients are transported on stretchers or beds ~~shall~~ must be of sufficient width to permit the ready passage of ~~such equipment~~ stretchers or beds but ~~shall~~ must have a clear width of not less than 44 inches, except as hereinafter provided. Exit openings in Division 2 Occupancies ~~shall~~ must have a clear width of not less than 34 inches. There ~~shall~~ must be no projections within ~~such~~ the required clear widths.

UBC Section ~~3319(c)~~ 3321(c) is amended to read as follows:

UBC Section 3321(c). Corridors. The minimum clear width of a corridor ~~shall~~ must be 44 inches except as follows:

Corridors serving any ~~area~~ Group I, Division 1 Occupancies ~~shall~~ must be ~~not less than~~ at least eight feet in width; corridors serving any Group I, Division 2 Occupancies ~~shall~~ must be ~~not less than~~ at least six feet in width.

There ~~shall~~ may be no change of elevation in a corridor serving nonambulatory persons unless ramps are used.

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.

UBC Table 33A is amended as follows:

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

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

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

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

UBC Section 3802 ~~(e)~~(h) Special Automatic Fire Extinguishing Systems. In all occupancies having commercial cooking equipment (see NFPA No. 96-1976), automatic fire extinguishing systems complying with UBC Standard 38-1 or ~~38-2 shall~~ NFPA No. 12-73 must be installed for protection of duct systems, grease removal devices, hoods and over commercial cooking equipment which may be a source of ignition (such as fat fryers, ranges, griddles, and boilers). Systems installed in accordance with the following standards are also permitted.

1.-2. [Unchanged.]

EXCEPTION: [Unchanged.]

Section ~~3803 (a)~~ 3805(a) of the UBC is amended as follows:

UBC Section ~~3803 (a)~~ 3805(a) General. Standpipes ~~shall~~ must comply with the requirements of this section and ~~in accordance~~ with UBC Standard ~~38-3~~ 38-2, amended as follows:

UBC Standard ~~38-3~~ 38-2 Section ~~38.306 (a)~~ 38.207(a) Assured Source Required. Class I, Class II and Class III standpipe systems ~~shall~~ must be provided with an approved source of water supply. With prior approval of the Fire Chief, Class I standpipes systems may be supplied only through a fire department connection.

UBC Table ~~38A~~ 38-A is amended as follows: [amendment unchanged.]

UBC Section 4701(a) is amended to read as follows: [amendment unchanged.]

UBC Sections 5001 ~~through~~ to 5006 are amended to read as follows: [amendments unchanged.]

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

UBC Sections 5101~~, 5102, 5103 and 5104~~ to 5105, Elevators, Dumbwaiters, Escalators, Manlifts, Moving Walks, Hoists and Lifts are deleted. Refer to 2 MCAR SS 1.18801-1.18806.

Section 6001 of the UBC is amended to read as follows:

UBC Section 6001. The UBC Standards which are referred to in various parts of this code ~~shall be~~ are the Uniform Building Code Standards, ~~1979~~ 1982 Edition, and are ~~hereby declared to be~~ a part of this code with the following amendment~~s~~:

UBC Section 6001, Chapter 25, 25-17 is amended to read as follows:

Chapter 25, 25-17~~,~~; 2510(a), 2510(b), 2510(c), 2510(d), 2510(e), 2510(h), 2514(b)1, 2514(b)2, 2516(j)1, 3203(c)4, Tables Nos. 25-F, 25-G, 25-H and 47-H Timber Connector Joints, Bolted Joints, Drift Bolts and Wood Screws, Lag Screws. National Design Specification for Wood Construction (1977), National Forest Products Association. Metal Plate Connected Wood Trusses TPI-78, Truss Plate Institute. Nails and Staples, Federal Specification No. FF-N-105B (March 17, 1971).

2 MCAR S 1.10112 Validity Clause. If any section, subsection, sentence, clause, or phrase of this code~~,~~ is, for any reason, held to be unconstitutional, ~~such decision shall~~ that decision does not affect the validity of the remaining portions of this code.

~~It is hereby declared that~~ The Department of Administration would have adopted this code and each section, subsection, clause, or phrase ~~thereof~~ of this code, ~~irrespective of the fact that~~ whether or not any one or more sections, subsections, sentences, clauses, and phrases ~~be~~ is declared unconstitutional.

Renumbering. Renumber 2 MCAR S 1.0111 Table 17-B as 2 MCAR S 1.0111 Table 5-E.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

Agency: Department of Administration RD242

Division: Building Code Division

Agency Contact: Elroy Berdahl

Rule Numbers: 2 MCAR SS 1.10103, 1.10104; 1.10107; 1.10109; 1.10111; 1.10112

Title: Proposed Rules Establishing the State Building Code

Type of Rules: Permanent

Incorporations by Reference:

Rule Number:	Material Incorporated:
2 MCAR SS 1.10103, 1.10104, 1.10109, 1.10111	Uniform Building Code, as promulgated by the International Conference of Building Officials Whittier, California, 1982 edition.

Duplication of Statutory Language:

Rule Number:	Statutory Section Duplicated:

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Craig E. Lindeke
Assistant Revisor
Phone: 296-0946
Date: 10/4/82

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

BUILDING CODES & STANDARDS DIVISION

In the Matter of the Proposed Adoption of Amendments to the State Building Code

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on November 22, 1982 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on November 19, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public heaing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Amendments to the State Building Code are adopted this 3rd day of January, 1983 pursuant to authority vested in me by Minnesota Statutes section 16.85.

STATE OF MINNESOTA

JAMES J. HINIKER, JR.
COMMISSIONER OF ADMINISTRATION

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS DIVISION

PROPOSED RULES GOVERNING AMENDMENTS TO THE STATE BUILDING CODE

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the State of Minnesota, Department of Administration (hereinafter "agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules are noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subd. 4h, for the adoption of noncontroversial rules.

The State Building Code Rules, 1980 Edition (2MCAR §§ 1.10101 to 1.18901), adopted the 1979 Edition of the Uniform Building Code and certain amendments thereto by reference as a portion of the Minnesota State Building Code. The proposed amendments to the 1980 Edition of the Rules update the Minnesota State Building Code by incorporating the 1982 Edition of the Uniform Building Code, International Conference of Building Officials, Whittier, California. These amendments also amend the 1980 State Building Code in such manner as, and only where necessary, to correlate section numbers and subject terminology appearing in the 1980 State Building Code with the section numbers and subject terminology appearing in the 1982 Edition of the Uniform Building Code.

Additionally, the amendments correct printing errors that occurred in the 1980 State Building Code, change definitions relating to mobile homes as necessitated by 1981 legislation, provide clarification by substituting different wording for existing terminology, and reflect language changes requested by the Office of the Minnesota Revisor of Statutes designed to eliminate redundant wording and the use of archaic language.

The 1982 Edition of the Uniform Building Code is readily available for purchase from the Documents Section, 117 University Avenue, St. Paul, Minnesota 55155, or directly from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

Authority for the adoption of these rules is contained in Minnesota Statutes §§ 16.85 and 16.86. The agency has prepared a statement of need and reasonableness describing the agency's reasons for the proposed rules, identifying data and information relied upon by the agency to support such rules. A Copy of the statement of need and reasonableness, the 1982 Edition of the Uniform Building Code, and the 1982 Analysis of Revisions to the Uniform Building Code will be made available for review by the public during business hours in the Building Codes and Standards Division. Persons wishing to review said statement of need and reasonableness, the 1982 Edition of the Uniform Building Code, and the 1982 Analysis of Revisions to the Uniform Building Code should contact Ms. Peggi Opalinski, Building Codes & Standards Division, 408 Metro Square Building, 7th & Robert Sts., St. Paul, MN 55101, Telephone: (612) 296-4626.

Interested persons have 30 days after publication of the proposed rules in the State Register to submit comments. The proposed rules may be modified if the data and views submitted to the agency warrant modification, if modifications do not result in substantial change in the proposed language.

If, during the comment period, seven or more persons submit to the agency a written request for hearing on the proposed rules, the agency shall proceed to schedule a public hearing before adoption of the rules. The agency requests that that the persons desiring a public hearing submit written statements which identify particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied upon to support the modifications.

Persons who wish to submit comments or a request for a public hearing should submit such comments or requests no later than 30 days after publication in the State Register to Ms. Peggi Opalinski at the address given above.

In the event a hearing is required, the agency will proceed according to provisions of Minnesota Statute § 15.0412, subd. 4-4F. Persons who wish to receive a copy of the final rule as proposed for adoption should submit a written statement of such desire to Ms. Opalinski.

After adoption of the final rule by the agency, the proposed rules, this notice, the statement of need and reasonableness, all written comments received by the agency, and the final rule as adopted will be sent to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General should submit a written statment of such desire to Ms. Opalinski.

Please be advised that Minnesota Statutes. ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he/she commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, Telephone: (612) 296-5651.

JAMES J. HINIKER, JR.
COMMISSIONER, DEPT. OF ADMINISTRATION

Date: 11-3-82

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS DIVISION

In the Matter of the Adoption of Amendments to the 1980 Edition of the State Building Code; Adoption by Reference of the 1982 Edition of the Uniform Building Code

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED THIS 4th day of November, 1982 that Notice of Intent to Adopt Rules Without Public Hearing in the aove-entitled matter be given to all persons who have registered their names with the State Department of Administration, Building Codes and Standards Division for that purpose and be published in the State Register.

STATE OF MINNESOTA

COMMISSIONER OF ADMINISTRATION

In the Matter of the Adoption of
Amendments to the 1980 Edition of
the State Building Code; Adoption
by Reference of the 1982 Edition of
the Uniform Building Code

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Gloria Safford, being first duly sworn, deposes and says:

That on the 19th day of November, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota she served the attached Notice of Hearing by despositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Building Codes and Standards Division for the purpose of receiving notice of the proposed adoption of rules by this agency.

Gloria Safford
Gloria Safford

Subscribed and sworn to before me
this 19th day of November, 1982

Mary A. Kahnke

MARY A. KAHNKE
NOTARY PUBLIC - MINNESOTA
DAKOTA COUNTY
My Commission Expires May 9, 1984

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Adoption of
Amendments to the 1980 Edition
of the State Building Code; Adoption
by Reference of the 1982 Edition of
the Uniform Building Code

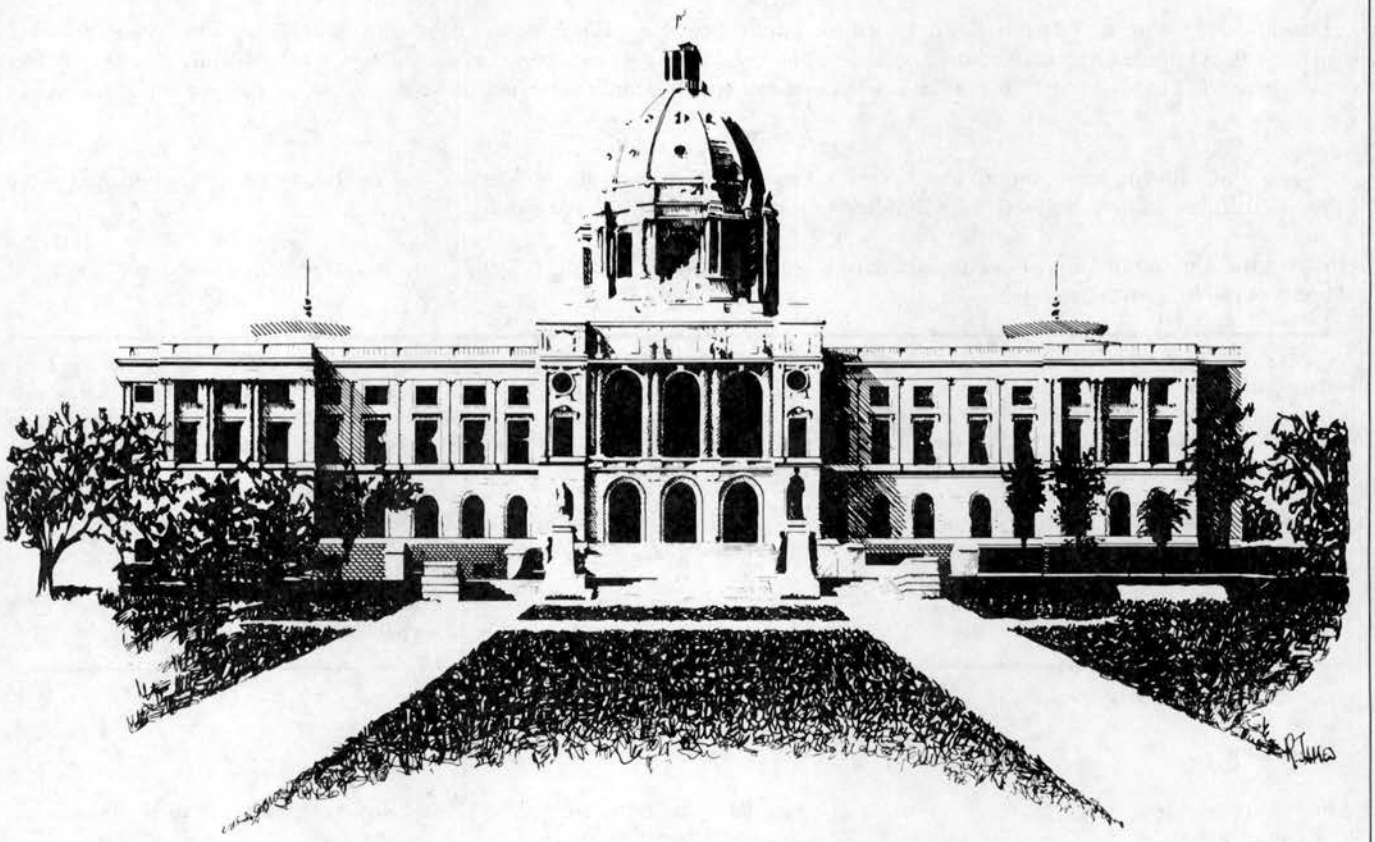
I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the State Building Codes and Standards Division for the purpose of receiving notice of the proposed adoption of rules by this agency is accurate and complete as of 9:00 a.m., this 19th day of November, 1982.

Margaret Ann Opalinski

Margaret Ann Opalinski
Office Systems Manager

STATE REGISTER

STATE OF MINNESOTA



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November 22, 1982

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STATE REGISTER

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 7		
22	Monday Nov 15	Monday Nov 22	Monday Nov 29
23	Monday Nov 22	Monday Nov 29	Monday Dec 6
24	Monday Nov 29	Monday Dec 6	Monday Dec 13
25	Monday Dec 6	Monday Dec 13	Monday Dec 20

*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.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.051. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.25 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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*.

Albert H. Quie
Governor

James J. Hiniker, Jr.
Commissioner
Department of Administration

Stephen A. Ordahl
Director
State Register and
Public Documents Division

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Circulation Manager

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NOTICE

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

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

The PROPOSED RULES section contains:

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

The ADOPTED RULES section contains:

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

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

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

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Issues 14-25, inclusive
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7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.1031, 5.1033, 5.2002-5.2003, 5.2021, 5.2030, 5.2033 (proposed) 749
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PROPOSED RULES

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

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

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

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

Department of Administration Building Codes and Standards Division

Proposed Rules Governing Amendments to the State Building Code

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State of Minnesota, Department of Administration (hereinafter "agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules are noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subd. 4h, for the adoption of noncontroversial rules.

The *State Building Code Rules*, 1980 Edition (2 MCAR §§ 1.10101 to 1.18901), adopted the 1979 Edition of the *Uniform Building Code* and certain amendments thereto by reference as a portion of the *Minnesota State Building Code*. The proposed amendments to the 1980 Edition of the Rules update the *Minnesota State Building Code* by incorporating the 1982 Edition of the *Uniform Building Code*, International Conference of Building Officials, Whittier, California. These amendments also amend the *1980 State Building Code* in such manner as, and only where necessary, to correlate section numbers and subject terminology appearing in the *1980 State Building Code* with the section numbers and subject terminology appearing in the 1982 Edition of the *Uniform Building Code*.

Additionally, the amendments correct printing errors that occurred in the *1980 State Building Code*, change definitions relating to mobile homes as necessitated by 1981 legislation, provide clarification by substituting different wording for existing terminology, and reflect language changes requested by the Office of the Minnesota Revisor of Statutes designed to eliminate redundant wording and the use of archaic language.

The 1982 Edition of the *Uniform Building Code* is readily available for purchase from the Documents Section, 117 University Avenue, St. Paul, Minnesota 55155, or directly from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

Authority for the adoption of these rules is contained in Minnesota Statutes §§ 16.85 and 16.86. The agency has prepared a statement of need and reasonableness describing the agency's reasons for the proposed rules, identifying data and information relied upon by the agency to support such rules. A copy of the statement of need and reasonableness, the *1982 Edition of the Uniform Building Code*, and the *1982 Analysis of Revisions* to the *Uniform Building Code* will be made available for review by the public during business hours in the Building Codes and Standards Division. Persons wishing to review said statement of need and reasonableness, the 1982 Edition of the *Uniform Building Code*, and the *1982 Analysis of Revisions to the Uniform Building Code* should contact Ms. Peggi Opalinski, Building Codes & Standards Division, 408 Metro Square Building, 7th & Robert Sts., St. Paul, MN 55101, Telephone: (612) 296-4626.

Interested persons have 30 days after publication of the proposed rules in the *State Register* to submit comments. The proposed rules may be modified if the data and views submitted to the agency warrant modification, if modifications do not result in substantial change in the proposed language.

If, during the comment period, seven or more persons submit to the agency a written request for hearing on the proposed rules, the agency shall proceed to schedule a public hearing before adoption of the rules. The agency requests that the persons

desiring a public hearing submit written statements which identify particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied upon to support the modifications.

Persons who wish to submit comments or a request for a public hearing should submit such comments or requests no later than 30 days after publication in the *State Register* to Ms. Peggi Opalinski at the address given above.

In the event a hearing is required, the agency will proceed according to provisions of Minnesota Statute § 15.0412, subd. 4-4F. Persons who wish to receive a copy of the final rule as proposed for adoption should submit a written statement of such desire to Ms. Opalinski.

After adoption of the final rule by the agency, the proposed rules, this notice, the statement of need and reasonableness, all written comments received by the agency, and the final rule as adopted will be sent to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General should submit a written statement of such desire to Ms. Opalinski.

Please be advised that Minnesota Statutes ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he/she commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, Telephone: (612) 296-5651.

November 3, 1982

James J. Hiniker, Jr., Commissioner
Dept. of Administration

Statement of Need and Reasonableness

The *Minnesota State Building Code* 2 MCAR §§ 1.10101-1.18901 includes the adoption of current model codes and amendments to these model codes. One of these model codes is the *Uniform Building Code* copyrighted by the International Conference of Building Officials, Whittier, California. It provides for minimum standards of health, safety, welfare, comfort and security by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of buildings and structures. The *Uniform Building Code* is revised annually and re-printed every three years. The revisions have been deemed necessary to reflect the changes required to provide for current technology in methods, materials, and life safety aspects for buildings and structures. The revisions have been promulgated and accepted through the code change process as established by the International Conference of Building Officials which is a nationally recognized model building code body.

Minnesota Statutes § 16.85, relating to the *State Building Code*, provides that the *State Building Code* and any amendment thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States. The 1982 Edition of the *Uniform Building Code* is the most recent edition of the nationally recognized model code. The *Uniform Building Code* has been a part of the *State Building Code* in use in Minnesota since July 1, 1972 and as current editions became available they have been adopted by reference as part of the state code.

It is necessary to adopt the 1982 Edition of the *Uniform Building Code* so that the citizens of Minnesota are provided with minimum levels of health, safety, and welfare at the least cost consistant with current nationally recognized standards of construction. Authorization for adoption is provided in Minnesota Statutes § 16.86.

The *State Building Code Rules*, 1980 Edition (2 MCAR §§ 1.10101 to 1.18901), adopted the 1979 Edition of the *Uniform Building Code* and certain amendments thereto by reference as a portion of the *Minnesota State Building Code*. The proposed amendments to the 1980 Edition of the Rules update the *Minnesota State Building Code* by incorporating the 1982 Edition of the *Uniform Building Code*, International Conference of Building Officials, Whittier, California. These amendments also amend the *1980 State Building Code* in such manner as, and only where necessary, to correlate section numbers and subject terminology appearing in the *1980 State Building Code* with the section numbers and subject terminology appearing in the 1982 Edition of the *Uniform Building Code*.

Additionally, the amendments correct printing errors that occurred in the 1980 *State Building Code*, change definitions relating to mobile homes as necessitated by 1981 legislation, provide clarification by substituting different wording for existing

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terminology, and reflect language changes requested by the Office of the Minnesota Revisor of Statutes designed to eliminate redundant wording and the use of archaic language.

The proposed section renumbering, relocation, and rewording of the existing rules necessary to adopt the 1982 Edition of the *Uniform Building Code* are determined to be necessary and reasonable for the reasons stated herein.

The sections proposed to be amended are as follows:

2 MCAR § 1.10103	Definitions, Revisors Office language clarification.
2 MCAR § 1.10103 E.	Added to definitions by Revisors Office for purpose of rule clarity.
2 MCAR § 1.10103 F.	Added to definitions by Revisors Office for purpose of rule clarity.
2 MCAR § 1.10104 Scope	Revisors Office language clarification.
2 MCAR § 1.10104 Scope	2nd paragraph added UBC § 306 for clarification of other code provisions affecting existing buildings.
2 MCAR § 1.10107	State plan checking fees, Revisors Office language clarification.
2 MCAR § 1.10107	$500,001.00 and up fee is changed to read "$587.00". The amount of $577.00 was previously printed in error.
2 MCAR § 1.10109	Change of Edition of *Uniform Building Code* from 1979 to 1982 necessary for *1982 Uniform Building Code* adoption.
2 MCAR § 1.10111	Adoption of the *Uniform Building Code* by reference. Revisors Office language clarification.
2 MCAR § 1.10111	
UBC 203	Revisors Office language clarification
UBC 301	*1982 Uniform Building Code* section change-location.
UBC 304(a)	Revisors Office language clarification.
UBC 405	Revisors Office language clarification.
UBC 405	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 407	Revisors Office language clarification.
UBC 414	Revisors Office language clarification.
UBC 420	Revisors Office language clarification.
UBC 420	"Department of Health" added for clarification of definition.
UBC 510(c)	*1982 Uniform Building Code* section change-location.
UBC 511(a)	*1982 Uniform Building Code* section change-location.
UBC 511(b)	*1982 Uniform Building Code* section change-location.
UBC 605	Revisors Office language clarification.
UBC 605	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 605	*1982 Uniform Building Code* section change-location.
UBC 705	Revisors Office language clarification.
UBC 705	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 705	*1982 Uniform Building Code* section change-location.
UBC 802(c)	Revisors Office language clarification.
UBC 802(c)	*1982 Uniform Building Code* section change-location.
UBC 809	Revisors Office language clarification.
UBC 905	Revisors Office language clarification.
UBC 905	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 905	*1982 Uniform Building Code* section change-location.
UBC 1002(b)	Revisors Office language clarification.
UBC 1002(b)	*1982 Uniform Building Code* section change-location.
UBC 1005	Revisors Office language clarification.
UBC 1005	*1982 Uniform Building Code* section change-location.
UBC 1101	Reflects new statutory definition changing the term "mobile" to "manufactured homes".
UBC 1201	Revisors Office language clarification.
UBC 1201	*1982 Uniform Building Code* section change-location.
UBC 1201	R-202-R211 relocated in proposed rules.
UBC 1201	Group R Division 1. Revisors Office language clarification.
UBC 1201	Group R Division 1. The change of four to "six" was to correct printing error in previous rule.
UBC 1201	Group R Division 3—R202-R211 deleted as relocated in 1201.

UBC 1204	Revisors Office language clarification.
UBC 1204	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 1205	Revisors Office language clarification.
UBC 1205	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 1205	*1982 Uniform Building Code* section change-location.
UBC 1210	Revisors Office language clarification.
UBC 1210	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 1217	Revisors Office language clarification.
UBC 1217	*1982 Uniform Building Code* section change-location.
UBC 1217	"with a key" inserted to clarify existing rule as to method of locking.
UBC 1711(b)	Necessitated by change in *1982 Uniform Building Code* wording/location.
UBC 1711(c)	Necessitated by change in *1982 Uniform Building Code* wording/location.
UBC 1711(h)	Necessitated by change in *1982 Uniform Building Code* wording/location.
UBC 1716	Revisors Office language change.
UBC 1716	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 1716	*1982 Uniform Building Code* section change-location.
UBC 1717(b)(1)(B)	*1982 Uniform Building Code* section change-location.
1712(a)	Necessitated by change in *1982 Uniform Building Code* wording.
1712(a)	*1982 Uniform Building Code* section change-location.
UBC 1807(h)	Revisors Office language clarification.
UBC 1807(h)	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 2303(a)	Revisors Office language clarification.
UBC 2311(a)	Revisors Office language clarification.
UBC 2311(a)	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 2403(e)	Revisors Office language clarification.
UBC 2403(e)	Change "A" to "N" to correct error in previous rule printing.
UBC 2416(n)	*1982 Uniform Building Code* section change-location.
UBC 2501(a)	Revisors Office language clarification.
UBC 2907(a)	Revisors Office language clarification.
UBC 2907(a)	"Grand" changed to "Grant" to correct error in previous rule printing.
UBC 3205(c)	*1982 Uniform Building Code* section change-location.
UBC 3303(a)	Revisors Office language clarification.
UBC 3303	*1982 Uniform Building Code* section change-location.
UBC 3304(h)	*1982 Uniform Building Code* section change-location.
UBC 3305(j)	Necessitated by change in *1982 Uniform Building Code* wording/location.
UBC 3321(b)	Revisors Office language clarification.
UBC 3321(b)	*1982 Uniform Building Code* section change-location.
UBC 3321(c)	Revisors Office language clarification.
UBC 3321(c)	*1982 Uniform Building Code* section change-location.
UBC 3802(h)	Revisors Office language clarification.
UBC 3802(h)	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 3802(h)	*1982 Uniform Building Code* section change-location.
UBC 3805(a)	Revisors Office language clarification.
UBC 3805(a)	Necessitated by change in *1982 Uniform Building Code* wording.
UBC 3805(a)	*1982 Uniform Building Code* section change-location.
UBC 5001 to 5006	Revisors Office language clarification.
UBC 5101 to 5105	Revisors Office language clarification.
UBC 6001	Revisors Office language clarification.
UBC 6001	*1982 Uniform Building Code* section change-location.
UBC Chapter 25	Necessitated by change in *1982 Uniform Building Code* wording.
2 MCAR § 1.10112	Revisors Office language clarification.

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Renumbering Table 17B to 5E in 2 MCAR § 1.10111—*1982 Uniform Building Code* section change-location.

November 4, 1982

James J. Hiniker, Jr., Commissioner
Dept. of Administration

Rules as Proposed

2 MCAR § 1.10103 Definitions. ~~Wherever~~ The term "Administrative Authority" means "building official" wherever it appears in this code ~~the words "Building Official" shall be substituted therefore~~.

~~Wherever~~ The terms "Mayor" ~~or~~ and "City Council" mean "governing body" whenever they appear in this code ~~the words "Governing Body" shall be substituted therefore~~.

A.-D. [Unchanged.]

E. UBC. "UBC" means the Uniform Building Code, as promulgated by the International Conference of Building Officials, Whittier, California, 1982 dition.

F. Mandatory terms. "Must" and "shall" have the same meaning and are both mandatory terms.

2 MCAR § 1.10104 Scope. ~~The provisions of~~ This code ~~shall apply~~ applies to the construction, alteration, moving, demolition, repair and use of any building or structure within the municipality, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this code, and hydraulic flood control structures.

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

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

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

2 MCAR § 1.10107 State plan checking fees.

Plan checking of buildings or structures conducted by the division shall have a fee based on valuation in accordance with Table No. 107-A. "Valuation" means the total cost of construction exclusive of site work not related to the construction.

~~EXCEPTION.~~ When the plan review is limited to non-structural aspects, the fee ~~shall be~~ is 75% of ~~those listed~~ that in Table No. 107-A.

There ~~shall be~~ is no additional fee charge for consultation with designers, or for re-checking ~~provided~~ if no substantial change in the design has been made. When a determination is made by the division that a substantial change has been made in the design, the re-checking fee ~~shall be~~ is $15.00 per hour or fraction ~~thereof~~ of an hour. No fee shall be charged for state-owned buildings.

TABLE NO. 107-A

Valuation	Plan ~~Fee Check~~ Checking Fee
$ 3,000.00 or less	No Charge
3,001.00 to 5,000.00	$ 21.00
5,001.00 to 10,000.00	34.00
10,001.00 to 15,000.00	47.00
15,001.00 to 20,000.00	60.00
20,001.00 to 25,000.00	72.00
25,001.00 to 30,000.00	83.00
30,001.00 to 35,000.00	93.00
35,001.00 to 40,000.00	102.00
40,001.00 to 45,000.00	112.00
45,001.00 to 50,000.00	122.00
50,001.00 to 55,000.00	129.00
55,001.00 to 60,000.00	135.00
60,001.00 to 65,000.00	142.00
65,001.00 to 70,000.00	148.00
70,001.00 to 75,000.00	155.00

75,001.00 to 80,000.00	161.00
80,001.00 to 85,000.00	168.00
85,001.00 to 90,000.00	174.00
90,001.00 to 95,000.00	181.00
95,001.00 to 100,000.00	187.00
100,001.00 to 500,000.00	187.00 for the first $100,000.00 plus $1.00 for each additional $1,000.00 or fraction ~~thereof~~ of $1,000.00.
500,001.00 and up	~~577.00~~ 587.00 for the first $500,000.00 plus $.65 for each additional $1,000.00 or fraction ~~thereof~~ of $1,000.00.

2 MCAR § 1.10109 Appendices.

A. Enforcement required. The following appendices, annexes, and supplemental material listed in this code ~~shall be mandatory to enforce~~ must be enforced by any municipality.

1.-2. [Unchanged.]

3. ~~1979~~ 1982 UBC Appendix, Chapter 35.

4. [Unchanged.]

B. Enforcement optional. [text unchanged.]

1. [Unchanged.]

2. ~~1979~~ 1982 UBC Appendix, Chapter ~~12~~ 1,7, 38, ~~48,~~ ~~49,~~ 55, and 70. UBC appendices not listed as mandatory or optional are not incorporated in the State Building Code.

3.-5. [Unchanged.]

2 MCAR § 1.10111 Adoption of the *Uniform Building Code* by reference. Chapters 1 ~~through~~ to 60 and appendices of the ~~1979~~ 1982 Edition of the *Uniform Building Code*~~,~~ ~~hereinafter "UBC",~~ as promulgated by the International Conference of Building Officials, Whittier, California, are incorporated by reference and hereby made part of the *State Building Code* ~~(SBC)~~ except as qualified by 2 MCAR Section 1.10109. ~~Said~~ The UBC ~~shall be subject to the following alterations and amendments~~ is amended as follows:

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

UBC Section 104(a) is amended by changing the last sentence and adding a sentence to read: [amendment unchanged.]

UBC Section 104(f) is amended by adding an additional item number 4 as follows: [amendment unchanged.]

UBC Section 203 is amended to read as follows:

UBC Section 203. All buildings or structures regulated by this code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment are, for the purpose of this section, unsafe uses. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the ~~Building~~ code are ~~hereby designated as~~ unsafe building appendages. All ~~such~~ unsafe buildings, structures, or appendages are ~~hereby declared to be~~ public nuisances and ~~shall~~ must be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in Minnesota Statutes, ~~Chapter 463 Sections 15 through 26~~ sections 463.15 to 463.26.

UBC Section 204 is amended by amending the last sentence as follows: [amendment unchanged.]

UBC Section 205 is amended by adding a sentence as follows: [amendment unchanged.]

UBC Section 301~~(a)~~ (b) is amended by the addition of item 12 as follows: [amendment unchanged.]

Section 304(a) if the UBC is amended to read as follows:

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UBC Section 304. (a) Permit Fees. ~~The fee for each permit shall be as set forth in Table 3-A.~~ Each municipality ~~shall~~ must adopt its own schedule of permit fees. The fee schedule of Table 3-A is ~~hereby made~~ optional for use by the local authority and is a recommended schedule. In areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of $100 or .005 times the value of the structure, addition or alteration. (Minnesota Statutes, section 16.851.)

The determination of value or valuation under any of the provisions of this code ~~shall~~ must be made by the building official. The value to be used in computing the building permit and building plan review fees ~~shall be~~ is the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

Section 305(e) of the UBC is amended to read as follows: [amendment unchanged.]

Section 307(a) of the UBC is amended to read as follows: [amendment unchanged.]

Section 405 of the UBC, Definition of Dwelling ~~shall be~~, is amended to read:

DWELLING is any building or any portion ~~thereof~~ of a building which ~~is not an "Apartment House", "Lodging House" or a "Hotel" as defined in this code, which~~ contains ~~one or~~ not more than two "Dwelling Units" ~~or "Guest Rooms", used, intended or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes and shall include~~, including Class A-1 Supervised Living Facilities as defined in Section 420.

Section 406 of the UBC is amended by the addition of the following definition: [amendment unchanged.]

Section 407 of the UBC, Definition of Fire Code, is amended as follows: [amendment unchanged.]

UBC Section 414 of the UBC, Definition of Mechanical Code, is amended as follows: [amendment unchanged.]

Section 420 of the UBC is amended by adding the following definitions~~.~~:

"Supervised Living Facility" means a facility in which there is provided supervision, lodging, meals, and, in accordance with the provisions of rules of the Department of Public Welfare, and the Department of Health, counseling and developmental habilitative or rehabilitative services to five or more persons who are mentally retarded, chemically dependent, adult mentally ill or physically handicapped.

"Class A Supervised Living Facility" means a Supervised Living Facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class A-1 supervised living facilities ~~shall~~ include homes providing boarding and lodging for ~~6~~ six or fewer ambulatory or mobile disabled persons.

Class A-2 supervised living facilities ~~shall~~ include homes providing boarding and lodging for more than ~~6~~ six ambulatory or mobile disabled persons.

"Class B Supervised Living Facility" means a Supervised Living Facility for ambulatory, non-ambulatory, mobile or non-mobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

UBC Table 5-A, Group I-1, I-2, R1 and R3 are amended to read as follows: [amendments unchanged.]

Section 510 of the UBC is amended by adding a new subsection (c) that reads as follows:

UBC Section 510(c) Sanitation Facilities. Sanitation facilities must be provided for each Occupancy in accordance with Table 5-E and UBC Sections 605, 705, 805, 905, 1005 or 1205 as amended herein. Fixtures must be provided for each sex in accordance with the percentage of occupants of each sex. When the percentage of each sex is not known, one-half for each sex shall be assumed. For sanitation facilities for the handicapped see 2 MCAR § 1.15503.

Types of building occupancy not shown, or when the provisions of Table 5-E are excessive due to a specific use or occupant load, facilities may be considered individually by the Administrative Authority.

Secton 511(a) of the UBC is amended to read as follows:

UBC Section 511(a) Toilet Facilities. Each water closet stool must be located in a clear space not less than 30 inches in width and have a clear space in front of the water closet of not less than 24 inches.

For provisions for the physically handicapped see 2 MCAR §§ 1.15501-1.15508.

Section 511(b) of the UBC is deleted in its entirety.

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

UBC Section ~~512~~ 514 Roof Access. [remainder of amendment unchanged.]

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

UBC Section 605. All enclosed portions of Group A Occupancies customarily used by human beings and all dressing rooms ~~shall~~ 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 ~~shall~~ must be provided with artificial light and a mechanically operated ventilating system. The mechanically operated ventilating systems ~~shall supply~~ must be capable of supplying a minimum of ~~5~~ 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 ~~and such system shall be kept continuously in operation~~ during ~~such~~ the time ~~as~~ the building is occupied. If the velocity of the air at the register exceeds ~~10~~ ten feet per second, the register ~~shall~~ must be placed more than ~~8~~ 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 ~~shall~~ must be on a separate circuit from that of the stage~~. Such exit lighting shall~~ 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 lights in corridors, exit courts and exit passageways shall be protected by a wire cage.~~

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

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

For other requirements on water closets, see ~~Section 1711~~ UBC section 511(a) as amended ~~herein~~ in this rule.

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c) as specified ~~herein~~ in this rule.

Section 705 of the UBC is amended to read as follows:

UBC Section 705. All portions of Group B Occupancies ~~shall~~ must be provided with natural light by means of exterior glazed openings with an area equal to one-tenth of the total floor area, and natural ventilation by means of exterior openings with an area not less than one-twentieth of total floor area, or ~~shall~~ must be provided with artificial light and mechanically operated ventilating system as specified in Section 605 and the applicable sections of the mechanical code.

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

In all enclosed parking garages used for storing or handling of automobiles operating under their own power and on all loading platforms in bus terminals, ventilation ~~shall~~ must be provided capable of exhausting a minimum of ¾ cfm per square foot of gross floor area. The building official may approve an alternate ventilation system designed to exhaust a minimum of 14,000 cfm for each operating vehicle. ~~Such~~ The alternate system ~~shall~~ must be based upon the anticipated instantaneous movement rate of vehicles but not less than 2.5 percent (or one vehicle) of the garage capacity. Automatic CO sensing devices may be employed to modulate the ventilation system to maintain a maximum average concentration of CO of 50 ppm during any eight-hour period, with a maximum concentration not greater than 200 ppm for a period not exceeding one hour. Connecting offices, waiting rooms, ticket booths, etc., ~~shall~~ must be supplied with conditioned air under positive pressure.

EXCEPTION: In gasoline service stations without lubrication pits, storage garages and aircraft hangars not exceeding ~~in~~ an area of ~~5000~~ 5,000 square feet, the building official may authorize the omission of ~~such~~ ventilating equipment required in this section where, in his opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation.

Every building or portion ~~thereof~~ of a building where persons are employed ~~shall~~ must be provided with at least one water

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closet. Separate facilities ~~shall~~ must be provided for each sex when the number of employees exceeds four and both sexes are employed. ~~Such~~ The toilet facilities ~~shall~~ must be located either in ~~such~~ the building or conveniently in a building adjacent ~~thereto~~ to it on the same property.

~~Such~~ Water closet rooms in connection with food establishments where food is prepared, stored or served ~~shall be~~ must have a nonabsorbent interior finish as specified in section ~~1711~~ 510(b), ~~shall~~ must have hand-washing facilities ~~therein~~ in or adjacent ~~thereto~~ to them, and ~~shall~~ must be separated from food preparation or storage rooms as specified in Section 510(a).

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

For other requirements on water closets, see UBC Section ~~1711~~ 511(a) as amended ~~herein~~ in this rule.

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c) as specified ~~herein~~ in this rule.

Section 709(e) of the UBC is amended to read as follows: [amendment unchanged.]

Section 709 of the UBC is amended by adding a new paragraph (m): [amendment unchanged.]

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

UBC Section 802(c) Special Provisions. Rooms in Divisions 1 and 2 Occupancies used for day-care purposes, kindergarten pupils, and Division 3 Occupancies ~~shall~~ may not be located above the first story, ~~nor shall~~ and they may not be located in a basement unless there is provided at least one exit without intervening stairs directly on grade from the occupied space.

Storage and janitor closets ~~shall~~ must be of one-hour fire-resistive construction. Stages and enclosed platforms ~~shall~~ must be constructed in accordance with Chapter 39. For attic space partitions and draft stops, see Section ~~3205~~ 2516(f).

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

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

For other requirements on water closets, see UBC Section ~~1711~~ 511(a) as amended ~~herein~~ in this rule.

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c) as specified ~~herein~~ in this rule.

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

UBC Section 809. Approved fire alarms ~~shall~~ 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 ~~such~~ the system ~~shall~~ must automatically activate the school fire alarm system.

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

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

1. [Unchanged.]

2. ~~Shall have~~ Sounding stations on 100-foot to 150-foot spacing~~;~~ (a) in corridors, (b) in areas of high noise levels, such as band rooms, shops, boiler rooms, and (c) a weatherproof station on exterior of building facing residential areas.

3.-4. [Unchanged.]

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

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

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

In all buildings used for the repair or handling of automobiles operating under their own power, ventilation ~~shall~~ must be provided capable of exhausting a minimum of ¾ cfm per square foot. Additionally, each engine repair stall ~~shall~~ must be equipped with an exhaust pipe extension duct, extending to the outside of the building, which, if over ~~10~~ ten feet in length, ~~shall~~ must mechanically exhaust 300 cubic feet per minute. Connecting offices and waiting rooms ~~shall~~ must be supplied with conditioned air under positive pressure.

EXCEPTION: In public repair garages and aircraft hangars not exceeding an area of ~~5000~~ 5,000 square feet, the building official may authorize the omission of ~~such~~ ventilating equipment required by this section where, in his opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation.

Every building or portion ~~thereof~~ of a building where persons are employed ~~shall~~ must be provided with at least one water closet. Separate facilities ~~shall~~ must be provided for each sex when the number of employees exceeds four and both sexes are employed.

~~Such~~ The toilet facilities ~~shall~~ must be located either in ~~such~~ the building or conveniently in a building adjacent ~~thereto~~ to it on the same property.

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

For other requirements on water closets, see UBC Section ~~1711~~ 511(a) as amended ~~herein~~ in this rule.

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c), as specified ~~herein~~ in this rule.

Section 1001 of the UBC is amended to read as follows: [amendment unchanged.]

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

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

Every story of a Group I, Division 1 Occupancy accommodating more than five nonambulatory persons, unless provided with a horizontal exit, ~~shall~~ must be divided into not less than two compartments accommodating approximately the same number of nonambulatory persons in each compartment by a smoke-stop partition meeting the requirements of one-hour occupancy separation so as to provide an area of refuge within the building. Corridor openings in the smoke-stop partition ~~shall~~ must be protected with doors as required in Section ~~3304(h)~~ 3305(h). Other openings ~~shall~~ must be limited to ducts which have fire dampers in the plane of the wall activated by detectors of products of combustion other than heat conforming to section 4306(b) 2.

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

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

UBC Section 1005. All portions of Group ~~1~~ I Occupancies ~~shall~~ must be provided with natural light by means of exterior glazed openings with an area equal to one-tenth of the total floor area, and natural ventilation by means of exterior openings with an area not less than one-twentieth of the total floor area, or ~~shall~~ must be provided with artificial light and a mechanically operated ventilating system as specified in section 605 and the mechanical code.

For other requirements on water closets, see UBC Section ~~1711~~ 511(a) as amended ~~herein~~ in this rule.

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c) as specified ~~herein~~ in this rule.

Section 1009 of the UBC is amended to read as follows: [amendment unchanged.]

UBC Section 1101 Group M, 6th line is amended to read as follows:

For occupancy separations, see Table No. 5-B. For purposes of occupancy separation, ~~mobile~~ manufactured homes ~~shall be considered as~~, as defined in Minnesota Statutes, section 327.31, subdivision 3, are Group R, Division 3 Occupancies.

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

UBC Section 1201 Group R, Division 4 Occupancies: This use group ~~shall include~~ includes all one and two family dwellings built exclusively by the standards as established in the 1975 One and Two Family Dwelling Code as promulgated by the national model code organizations and 2 MCAR §§ 1.16001-1.16006. Use and installation of foam plastics ~~shall~~ must comply with Section ~~1717~~ 1712 of the UBC as amended herein.

EXCEPTION: [Unchanged.]

Section R-202 of the One and Two Family Dwelling Code is amended to read as follows:

Section R-202. Buildings must be constructed in accordance with the provisions of this code using the design criteria set forth in Table No. 2-A. These criteria shall be established by the jurisdiction based solely or in part on the climatic and geographic conditions set forth in Appendix A.

Roof snow loads must be in accordance with 2 MCAR § 1.10111—UBC Section 2305(d). Frost line depth must be in accordance with 2 MCAR § 1.10111—UBC Section 2907(a). Wind velocity must be in accordance with the conditions set forth in Appendix A of the One and Two Family Dwelling Code.

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 glazing area of not less than eight square feet or eight percent of the floor area of the rooms. One-half of the required area of glazing must be openable.

EXCEPTION: The glazed areas need not be openable where an approved mechanical ventilation system is provided capable of producing a change of air every 30 minutes and the opening is not required by Section R-211.

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: The glazed areas are not required where artificial light and an approved mechanical ventilation system is provided capable of producing a change of air every 12 minutes.

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: Required glazed openings may face into a roofed porch where the porch abuts a street, yard or court and the longer side of the porch is at least 65 percent open and unobstructed and the ceiling height is not less than seven feet.

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

Section R-211 Exits. At least one exit conforming to this chapter must be provided from each dwelling unit.

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

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

UBC Section 1201 Group R Division 1 occupancy definition is ~~changed~~ amended to read as follows:

Division 1. Hotels and apartment houses. Convents and monasteries (each accommodating more than ~~10~~ ten persons), supervised living facilities Class A-2 as defined in Section 420 for the mentally retarded, mentally ill, chemically dependent, and the physically handicapped (each accommodating more than ~~four~~ six persons). Physically handicapped persons shall be housed at street level in supervised living facilities.

UBC Section 1201 Group R, Division 3 is amended to read as follows: [amendment unchanged.]

~~Section R-202 of the One and Two Family Dwelling Code is amended to read as follows:~~

~~Section R-202. Buildings shall be constructed in accordance with the provisions of this code using the design criteria set forth in Table No. 2-A. These criteria shall be established by the jurisdiction based solely or in part on the climatic and geographic conditions set forth in Appendix A. Roof snow loads shall be in accordance with 2 MCAR § 1.10111—UBC Section 2305(d). Frost line depth shall be in accordance with 2 MCAR § 1.10111—UBC Section 2907(a). Wind velocity shall be in accordance with the conditions set forth in Appendix A of the One and Two Family Dwelling Code.~~

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

~~Section R-204. All habitable rooms shall be provided with aggregate glazing area of not less than 8 square feet nor 8 percent of the floor area of such rooms. One-half of the required area of glazing shall be openable.~~

~~EXCEPTION: The glazed areas need not be openable where an approved mechanical ventilation system is provided capable of ueing a change of air every 30 minutes and the opening is not required by Section R-211.~~

~~Bathrooms, water-closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet, one-half of which must be openable.~~

~~EXCEPTION: The glazed areas are not required where artificial light and an approved mechanical ventilation system is provided capable of producing a change of air every 12 minutes.~~

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

~~EXCEPTION: Required glazed openings may face into a roofed porch where the porch abuts a street, yard or court and the longer side of the porch is at least 65 percent open and unobstructed and the ceiling height is not less than 7 feet.~~

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

~~Section R-211 Exits. No less than one exit conforming to this Chapter shall be provided from each dwelling unit.~~

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

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

Section 1204 of the UBC is amended to read as follows:

UBC Section 1204. Exit facilities. Stairs, exits and smoke proof enclosures ~~shall~~ must be as specified in Chapter 33.

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

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

Bars, grilles, and similar devices may be installed on emergency escape and rescue windows or doors if:

1. the devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and

2. the building is equipped with smoke detectors installed in accordance with UBC Section 1210.

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

UBC Section 1205. (a) [amendment unchanged.]

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

Additional water closets ~~shall~~ must be provided on each floor for each sex at the rate of one for every additional ~~10~~ ten guests, or fractional part ~~thereof~~ of ten guests, in excess of ~~10~~ ten.

Every dwelling unit ~~shall~~ must be provided with a kitchen equipped with a kitchen sink ~~and~~. Every dwelling unit and every

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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 ~~shall~~ must be equipped with hot and cold running water necessary for its normal operation.

For other requirements on water closets, see ~~Sections 510 and 1711~~ UBC Section 511(a) as amended ~~herein~~ in this rule.

For additional sanitation facilities requirements, see UBC Section ~~1711(h)~~ 510(c), as specified ~~herein~~ in this rule.

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

UBC Section 1210. (a) Fire-warning Systems. Every dwelling unit and every guest room in a hotel or lodging house used for sleeping purposes ~~shall~~ must be provided with smoke detectors conforming to UBC Standard No. 43-6. In dwelling units, detectors ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ must be placed at the center of the ceiling directly above the stairway. All detectors ~~shall~~ must be located in accordance with approved manufacturer's instructions. When actuated, the detector ~~shall~~ must provide an alarm in the dwelling unit or guest room.

When alterations, repairs or additions 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 ~~shall~~ must be provided with smoke detectors located as required for new Group R, Division 3 or 4 Occupancies.

In new construction, required smoke detectors ~~shall~~ must receive their primary power from the building wiring when ~~such~~ that wiring is served from a commercial source. Wiring ~~shall~~ 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. The detector must be connected to a sounding device or other detector to provide an alarm which will be audible in the sleeping area.

Section 1213 of the UBC is deleted in its entirety.

Chapter 12 of the UBC is amended by adding a new section to read as follows: [amendment is unchanged.]

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

UBC Section 1217. Deadbolt Locks Required. All doors leading to public or shared areas from all apartment dwelling units and hotel units ~~shall~~ must be provided with deadbolt locks, at least one of which must be capable of being locked with a key from the exterior of ~~said~~ 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.

Deadbolt locks having a bolt moved by turning a key ~~shall~~ must be of the five-pin tumbler type or an approved equivalent. The lock throw ~~shall be~~ may not be less than three-quarters of an inch ~~(¾")~~. Locks ~~shall~~ must meet the requirements of UBC Section ~~3303(c)~~ 3304(c).

Section 1706(d) of the UBC is deleted in its entirety. See 2 MCAR ~~Section~~ § 1.18806 C.

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

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

~~For provisions for the physically handicapped see 2 MCAR Sections 1.15501-1.15508.~~

~~Section 1711(c) of the UBC is deleted in its entirety.~~

~~Section 1711 of the UBC is amended by adding a new subsection (h) that reads as follows:~~

~~UBC Section 1711(h) Sanitation Facilities. Sanitation facilities shall be provided for each Occupancy in accordance with Table 17-B and UBC Sections 605, 705, 805, 905, 1005 or 1205 as amended herein. Fixtures shall be provided for each sex in accordance with the percentage of occupants of each sex. When the percentage of each sex is not known, one-half for each sex shall be assumed. For sanitation facilities for the handicapped see 2 MCAR Section 1.15503.~~

~~Types of building occupancy not shown, or when the provisions of Table 17-B are excessive due to a specific use or occupant load, facilities may be considered individually by the Administrative Authority.~~

Section ~~1716~~ 1711 of the UBC is amended to read as follows:

UBC Section ~~1716~~ 1711. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than 30 inches above grade or floor below, and roofs used for other than service of the building ~~shall~~ must be protected by a guardrail. Guardrails ~~shall be~~ may not be less than 42 inches in height. Open guardrail and stair railings ~~shall~~ must have intermediate rails or an ornamental pattern ~~such~~ so that a sphere ~~9~~ six inches in diameter cannot pass through. The height of stair railings on open sides may be as specified in Section ~~3305~~ 3306 (j) in lieu of providing a guardrail. Ramps ~~shall~~ must, in addition, have handrails when required by Section ~~3306~~ 3307.

On all earth sheltered structures a means ~~shall~~ must be provided to restrict access to the roof area unless guardrails are provided and the roof is designed for vehicular loads.

EXCEPTIONS:

1.-5. [Unchanged.]

6. Guardrails need not be provided on the auditorium side of a stage or enclosed platform.

~~Section 1717(b) (1) (B) of the UBC is amended to read as follows:~~

~~UBC Section 1717(b) (1) (B). On the room side surface of conforming walls or ceiling or other surfaces referred to in the first sentence of Section 1717(b), provided the foam plastic is fully protected from the interior of the building by a thermal barrier of ½ inch gypsum wallboard or other approved material having an equivalent finish rating as determined by U.B.C. Standard No. 43-1. Thermal barriers shall be installed in a manner that they will remain in place for a minimum of 15 minutes under the same test conditions.~~

Section 1712(a) General. The provisions of this section govern the requirements and uses of foam plastic in buildings and structures. For trim, see Section 1705(e).

Except where otherwise noted in this section, all foam plastics used in building construction must have a flame-spread rating of not more than 75 and must have a smoke-developed rating of not more than 450 when tested in the maximum thickness intended for use in accordance with UBC Standard No. 42-1. All packages and containers of foam plastic and foam plastic ingredients must bear the label of an approved agency showing either the flame-spread rating and smoke-developed rating of the product at the thickness tested or the use for which the product has been listed. The interior of the building must be separated from the foam plastic by an approved thermal barrier having an index of 15 when tested over calcium silicate board in accordance with UBC Standard No. 17-3 or protected from the interior of the building by a thermal barrier of one-half inch gypsum wallboard. The thermal barrier must be installed in such a manner that it will remain in place for the time of its index classification based upon approved diversified tests.

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

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

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

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

~~EXCEPTION: 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 shall not be required on any floor when such floor is provided with an exit corridor conforming to the provision of § 3304(g).~~

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

EXCEPTION: This requirement does not apply to:

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(1) the main extrance level elevator lobby in an office building; or

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

2. [Unchanged.]

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

4.-5. [Renumber 4.-5. as 3.-4.]

Section 2303(a) of the UBC ~~shall be~~ is amended to read as follows: [amendment unchanged.]

Section 2305(d) of the UBC is amended to read as follows: [amendment unchanged.]

Section 2311~~(g)~~(a) of the UBC is amended to read:

UBC Section 2311~~(g) Open Frame Towers. Radio towers and other towers of trussed construction shall be designed and constructed to withstand wind pressures specified in this section, multiplied by the shape factors set forth in Table No. 23-H. Wind pressures shall be applied to the total normal projected area of all the elements of one face (excluding ladders, conduits, lights, elevators, etc., which shall be accounted for separately by using the indicated factor for these individual members).~~ (a) General. Every building or structure and every portion of a building or structure must be designed and built to resist the wind effects determined in accordance with the requirements of this section. Wind is presumed to come from any horizontal direction. No reduction in wind pressure may be taken for the shielding effect of adjacent structures.

Structures sensitive to dynamic effects, such as buildings with a height-width ratio greater than five, structures sensitive to wind-excited oscillations, such as vortex shedding or icing, and buildings over 400 feet in height, must be, and any structure may be, designed in accordance with approved national standards.

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

Section 2312(a) of the UBC is amended to read as follows: [amendment unchanged.]

Section 2403(e) of the UBC is amended to read as follows:

UBC Section 2403(e). Concrete Masonry Units. Concrete masonry units ~~shall~~ must be of a quality at least equal to the requirements set forth in UBC Standard No. 24-4 or No. 24-5 when used for bearing walls or piers or when in contact with ground or exposed to the weather; or equal to the requirements set forth in UBC Standard No. 24-6 when used for nonbearing purposes and not exposed to the weather. Solid units subjected to the action of weather or soil ~~shall~~ must be Grade ~~A~~ N. Concrete masonry units ~~shall~~ must be tested as set forth in UBC Standard No. 24-7.

Concrete masonry units used for walls below grade or for other uses as determined by the designer ~~shall~~ are not ~~be~~ subject to the moisture control provisions of Table 24-4-A of UBC Standard 24-4.

Section ~~2417~~ 2416 of the UBC is amended by the addition of paragraph (n) as follows:

UBC Section ~~2417(n)~~ 2416(n). Alternate Design Method. The specification for the Design and Construction of Load-Bearing Concrete Masonry 8th Printing May, 1978, published by the National Concrete Masonry Association may be used as an alternate design method providing the following conditions are satisfied.

1.-3. [Unchanged.]

Section 2501(a) of the UBC is amended to read as follows: [amendment unchanged.]

Section 2510(h) of the UBC is amended to read as follows: [amendment unchanged.]

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

UBC Section 2907(a). General. Footings and foundation, unless otherwise specifically provided, ~~shall~~ must be constructed of masonry, concrete, or treated wood in conformance with UBC Standard No. 29-3 and in all cases ~~shall~~ must extend below the frost line. Footings of concrete and masonry ~~shall~~ must be of solid material. Foundations supporting wood ~~shall~~ must extend at least ~~6~~ six inches above the adjacent finish grade. Footings ~~shall~~ must have a minimum depth below finished grade for the zone as established below unless another depth is recommended by a foundation investigation.

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

Zone I—~~Shall include~~ Includes the counties of: Aitkin, Becker, Beltrami, Carlton, Cass, Clay, Clearwater, Cook, Crow

Wing, Douglas, ~~Grand~~ Grant, Hubbard, Itasca, Kanabec, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomen, Marshall, Mille Lacs, Morrison, Norman, Otter Tail, Pennington, Pine, Polk, Red Lake, Roseau, St. Louis, Todd, Traverse, Wadena, and Wilkin.

Zone II—[Unchanged.]

2. [Unchanged.]

UBC Section 3203(d) 3 is amended to read as follows: [amendment unchanged.]

~~§ 3205(c) is amended to read as follows:~~

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

Section 3207(c) of the UBC is amended to read as follows: [amendment unchanged.]

UBC Section ~~3303(a)~~ 3304(a) is amended to read as follows:

UBC Section ~~3303~~ 3304. (a) General. This section ~~shall apply~~ applies to every exit door serving an area having an occupant load of more than ~~10,~~ ten or serving hazardous rooms or areas, except that subsections (c), (h), and (i) ~~and (j) shall~~ 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 ~~shall~~ must have at least one exit door that meets the requirements of subsection (e).

UBC Section ~~3304(h)~~ 3305(h) 2. is amended by adding an exception 2 to read as follows:

EXCEPTION: [Unchanged.]

~~UBC Section 3305(j) exception 2 is amended to read as follows:~~

~~Exception 2—Private Stairway 30 inches or less in height may have handrails on one side only. Handrails are not required on private stairways with less than 3 risers.~~

UBC Section ~~3319(b)~~ 3321(b) is amended to read as follows:

UBC Section 3321(b). Minimum size of exits. Every exit opening through which patients are transported on stretchers or beds ~~shall~~ must be of sufficient width to permit the ready passage of ~~such equipment~~ stretchers or beds but ~~shall~~ must have a clear width of not less than 44 inches, except as hereinafter provided. Exit openings in Division 2 Occupancies ~~shall~~ must have a clear width of not less than 34 inches. There ~~shall~~ must be no projections within ~~such~~ the required clear widths.

UBC Section ~~3319(c)~~ 3321(c) is amended to read as follows:

UBC Section 3321(c). Corridors. The minimum clear width of a corridor ~~shall~~ must be 44 inches except as follows:

Corridors serving any ~~area~~ Group I, Division 1 Occupancies ~~shall~~ must be ~~not less than~~ at least eight feet in width; corridors serving any Group I, Division 2 Occupancies ~~shall~~ must be ~~not less than~~ at least six feet in width.

There ~~shall~~ may be no change of elevation in a corridor serving nonambulatory persons unless ramps are used.

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.

UBC Table 33A is amended as follows:

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

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

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

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UBC Section 3802~~(e)~~(h) Special Automatic Fire Extinguishing Systems. In all occupancies having commercial cooking equipment (see NFPA No. 96-1976), automatic fire extinguishing systems complying with UBC Standard 38-1 or ~~38-2 shall~~ NFPA No. 12-73 must be installed for protection of duct systems, grease removal devices, hoods and over commercial cooking equipment which may be a source of ignition (such as fat fryers, ranges, griddles, and boilers). Systems installed in accordance with the following standards are also permitted.

1.-2. [Unchanged.]

EXCEPTION: [Unchanged.]

Section ~~3803(a)~~ 3805(a) of the UBC is amended as follows:

UBC Section ~~3803(a)~~ 3805(a) General. Standpipes ~~shall~~ must comply with the requirements of this section and ~~in accordance~~ with UBC Standard ~~38-3~~ 38-2, amended as follows:

UBC Standard ~~38-3~~ 38-2 Section ~~38.306(a)~~ 38.207(a) Assured Source Required. Class I, Class II and Class III standpipe systems ~~shall~~ must be provided with an approved source of water supply. With prior approval of the Fire Chief, Class I standpipes systems may be supplied only through a fire department connection.

UBC Table ~~38A~~ 38-A is amended as follows: [amendment unchanged.]

UBC Section 4701(a) is amended to read as follows: [amendment unchanged.]

UBC Sections 5001 ~~through~~ to 5006 are amended to read as follows: [amendments unchanged.]

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

UBC Sections 5101~~, 5102, 5103 and 5104~~ to 5105, Elevators, Dumbwaiters, Escalators, Manlifts, Moving Walks, Hoists and Lifts are deleted. Refer to 2 MCAR §§ 1.18801-1.18806.

Section 6001 of the UBC is amended to read as follows:

UBC Section 6001. The UBC Standards which are referred in various parts of this code ~~shall be~~ are the Uniform Building Code Standards, ~~1979~~ 1982 Edition, and are ~~hereby declared to be~~ a part of this code with the following amendment~~:~~:

UBC Section 6001, Chapter 25, 25-17 is amended to read as follows:

Chapter 25, 25-17~~:~~; 2510(a), 2510(b), 2510(c), 2510(d), 2510(e), 2510(h), 2514(b)1, 2514(b)2, 2516(j)1, 3203(c)4, Tables Nos. 25-F, 25-G, 25-H and 47-H Timber Connector Joints, Bolted Joints, Drift Bolts and Wood Screws, Lag Screws. National Design Specification for Wood Construction (1977), National Forest Products Association. Metal Plate Connected Wood Trusses TPI-78, Truss Plate Institute. Nails and Staples, Federal Specification No. FF-N-105B (March 17, 1971).

2 MCAR § 1.10112 Validity Clause. If any section, subsection, sentence, clause, or phrase of this code~~,~~ is, for any reason, held to be unconstitutional, ~~such decision shall~~ that decision does not affect the validity of the remaining portions of this code.

~~It is hereby declared that~~ The Department of Administration would have adopted this code and each section, subsection, clause, or phrase ~~thereof~~ of this code, ~~irrespective of the fact that~~ whether or not any one or more sections, subsections, sentences, clauses, and phrases ~~be~~ is declared unconstitutional.

Renumbering. Renumber 2 MCAR § 1.0111 Table 17-B as 2 MCAR § 1.0111 Table 5-E.

Department of Labor and Industry Workers' Compensation Rehabilitation Services

Proposed Rules Governing Qualified Rehabilitation Consultants and Rehabilitation Vendors

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minnesota Statutes, section 15.0412, subdivision 4, in Room 83, State Office Building, State Capitol Complex, 435 Park Street, St. Paul, Minnesota on December 28, 1982, commencing at 9:00 a.m. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Commissioner of Labor and Industry has been provided the statutory authority to promulgate rules governing qualified

rehabilitation consultant qualifications, standards for performance, services and fees, and revocation procedures for qualified rehabilitation consultants/rehabilitation vendors. The promulgation of these rules is authorized by Minnesota Statutes § 176.102, subds. 10 and 12, which requires the agency to promulgate rules relating to qualified rehabilitation consultants and any other rules necessary to implement Minn. Stat. § 176.102.

A copy of the rules is attached. One free copy of this notice and the proposed rules may be obtained by contacting:

Gladys Westberg, Director
Rehabilitation Services
Workers' Compensation Division
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone: (612) 297-2684

Additional copies will also be available at the door on the date of the hearing.

Notice is also hereby given that twenty-five (25) days prior to the hearing a statement of need and reasonableness will be available for review at the address given above of the Department of Labor and Industry and at the Office of Administrative Hearings. The statement of need and reasonableness will include a summary of all of the evidence and argument which the department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule(s). Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The proposed rules are subject to change as a result of the rule hearing process. The Department of Labor and Industry strongly urges those who are potentially affected by these proposed rules to participate in the rule hearing process.

All interested or affected persons will have an opportunity to participate concerning the adoption of proposed rules. Statements may be made orally and written material may be submitted at the hearing. The Department of Labor and Industry hereby requests those submitting written statements to provide a copy of said materials to the department address given previously, if possible. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Peter Erickson, Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7606, either before the hearing or within five (5) working days after the close of the hearing. If so ordered by the hearing examiner, the hearing record may remain open and such materials may be submitted for a period longer than five (5) working days but not exceeding twenty (20) calendar days after the close of the hearing. All such statements and materials will be entered into and become a part of the record for this proceeding. The rule hearing procedure is governed by Minnesota Statutes, §§ 15.0411 to 15.0417 and section 15.052: as well as by 9 MCAR §§ 2.101 to 2.112 (Minnesota Code of Agency Rules). If you have any questions about this procedure, call or write the hearing examiner.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the Department of Labor and Industry may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Department of Labor and Industry. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the Hearing Examiner's Report) or department (in the case of the department's submission or resubmission to the Attorney General). It is not anticipated that adoption of the proposed rules will result in the expenditure of public monies by local bodies of government to implement the rules for the two years immediately following its adoption within the meaning of Minnesota Statutes, §§ 15.0412, subdivision 7.

Please be advised that Minnesota Statutes, chapter 10A 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 Minnesota Statutes section 10A.01, subdivision 11 as any individual:

1. 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

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2. 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 the public officials.

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

Dated this 3rd day of November, 1982

Russell B. Swanson
Commissioner

Rules as proposed

RS 1

A.-K. [Unchanged.]

L. "Rehabilitation services" means the division of rehabilitation services of the Department of Labor and Industry.

L. [Reletter as M.]

RS 14 Qualifying eligibility criteria for rehabilitation consultant. The following eligibility criteria and procedures shall be used by the commissioner in determining who is qualified for registration as a qualified rehabilitation consultant.

A. Qualified rehabilitation consultant/affiliated/independent.

~~i.~~ 1. Holder of a masters or doctorate degree in vocational rehabilitation or related fields of counseling and guidance, psychology, social work, or physical rehabilitation (occupational therapy, physical therapy, nursing) from an accredited institution, plus a current license as appropriate, plus one year of experience beyond the trainee level in vocational rehabilitation or physical rehabilitation. At least one year shall have been spent as a qualified rehabilitation consultant intern in active involvement in rehabilitation of work related injuries and diseases.

or

~~ii.~~ 2. Holder of a baccalaureate degree in vocational rehabilitation or related fields of counseling and guidance, psychology, social work, or physical rehabilitation (occupational therapy, physical therapy, nursing), from an accredited institution, plus a current license as appropriate, plus two years of experience beyond the trainee level in vocational rehabilitation or physical rehabilitation. At least one year shall have been spent as a qualified rehabilitation consultant intern in active involvement in rehabilitation of work related injuries and diseases.

~~iii. Diploma in nursing from an accredited institution, plus a current Minnesota R.N. license, plus three years of experience in physical rehabilitation or vocational rehabilitation. At least one year shall have been spent in rehabilitation of work related injuries and diseases.~~

~~or~~

~~iv. Holder of any baccalaureate degree other than listed in ii above from an accredited institution, plus three years of experience in vocational rehabilitation. At least one year shall have been spent in rehabilitation of work related injuries and diseases.~~

~~or~~

~~v. High school diploma, plus continuing education in and five years experience in vocational rehabilitation, including counseling, evaluation and direct case services. Two of the five years shall have been spent in rehabilitation of work related injuries and diseases.~~

B. Rehabilitation consultant intern:

An individual who meets the minimum educational requirements but does not meet the minimum experience requirements may be registered as a consultant intern. When the intern is registered, the intern's employer shall provide the commissioner with the name of the qualified rehabilitation consultant under whose direct supervision the intern will work. The supervisor shall be considered to be directly responsible for the rehabilitation work on any case. The supervisor shall co-sign all work being done by the intern. So that all parties are aware of the intern's status, he shall be designated as an "intern." The intern may make application for "qualified" status when the minimum requirements in effect on the date of application have been met.

Complaints about professional behavior or services, or failure to comply with established laws, rules, policies and procedures, or decisions and orders shall be grounds for denial of "qualified" status. The intern may appeal the denial as provided in rule RS 15 B.

In cases where an intern has been supervised by a qualified rehabilitation consultant/affiliated who leaves the organization

with which he has been affiliated and no other qualified rehabilitation consultant is available to supervise the intern, the intern may, with the approval of the commissioner, temporarily sign all required documents in the capacity of a qualified rehabilitation consultant. Past performance and overall experience will be taken into consideration for this approval.

C. Experience criteria.

The burden of proof of experience shall be on the applicant. This shall include documentation of a history of employment in a position of physical rehabilitation or vocational rehabilitation ~~of work related injuries and diseases. One year of experience in rehabilitation of work related injuries and diseases means one year of full time experience, two years of 50% of time experience, three years of 33⅓% of time experience, or four years of 25% of time experience or any combination equal to 100% of one year's experience. The experience shall have been attained in not more than four consecutive years~~.

Supporting documents shall consist of signed statements by present and previous employers and insurers specifying the services, caseload, and amount of time spent in rehabilitation of work related injuries and diseases.

D. General criteria.

All persons who are qualified rehabilitation consultants shall be exclusively self-employed or exclusively employed by a single organization that is approved for the employment of qualified rehabilitation consultants or an employer/insurer.

All persons who are qualified rehabilitation consultants shall be residents of the state of Minnesota. An organization authorized for the employment of qualified rehabilitation consultants may request an exception for a consultant who lives contiguous to a Minnesota catchment area if the organization and any such consultant agrees, as a condition to approval, to appear at any hearing when requested, in the same manner as if they had been subpoenaed. Failure to do so shall result in automatic revocation of the individual consultant's approval.

Qualified rehabilitation consultants operating on the effective date of this amendment with approval and registration shall be deemed to meet the standards of this rule. Qualified rehabilitation consultant interns operating on the effective date of this amendment with approval and registration shall be required to meet the minimum requirements of this rule in order to make application for "qualified" status.

RS 15 Procedure for qualifying as rehabilitation consultant.

A. Application. An individual desiring to receive approval and registration as a qualified rehabilitation consultant shall submit to the commissioner, a complete application consisting of the following:

~~i.~~ 1. completed and signed application form (notarized); ~~and~~

~~ii.~~ 2. copy of current license or certification; ~~and~~

~~iii.~~ 3. supporting experience documentation; ~~and~~

~~iv.~~ 4. transcripts of all schools attended beyond high school; ~~and~~

~~v.~~ 5. list of pertinent continuing education by title, location and date; and

~~vi.~~ 6. list of services and fees. This filing shall not constitute an approval or disapproval of the services or fees.

The commissioner shall issue a notice of acceptance or rejection to the applicant within ~~45~~ 60 days of receipt of the completed application and completion of an introductory training session.

B. Appeal process.

The appeal process provides a mechanism for applicants to request reconsideration of a rejected application for registration, renewal and reinstatement.

A written notice of appeal shall be filed with the commissioner within 15 days of mailing of notice of disapproval.

The decision shall be reviewed by the review panel. The applicant shall be advised of the date, time and place of the review at least ten ~~(10)~~ days prior to the hearing date, and is encouraged to be present.

C. Registration.

The commissioner shall assign a registration number to each qualified rehabilitation consultant. The registration number shall be on all reports submitted by the consultant.

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To retain registration, the consultant must submit satisfactory evidence of approved continuing education pertinent to the workers' compensation rehabilitation field equivalent to 15 contact hours each year at the time registration is renewed.

D. Renewal.

Registration shall be renewed every two years.

If an interval of one year occurs without active involvement in rehabilitation services to workers' compensation recipients, the registration and approval will be automatically revoked and reinstatement will be required in accordance with minimum requirements in effect on the date of application.

Services and fee schedules shall be submitted to the commissioner whenever there is a change or no less than once each calendar year. This filing shall not constitute an approval or disapproval of the services or fees.

No later than 60 days prior to expiration of registration, the consultant shall request registration renewal on a form prescribed by the commissioner.

E. Revocation. ~~Qualified rehabilitation consultant approval and registration may be revoked by the commissioner for failure to comply with the rules or policies or for good cause. Notice of and reason for revocation shall be mailed to the consultant by the commissioner.~~

~~The consultant may appeal the revocation as provided in section 15, b.~~

~~A consultant whose registration has been revoked shall wait at least 180 days from the date of mailing of revocation to re-apply for approval.~~

Grounds for revocation of approval and registration shall be complaints about professional behavior or services, or for failure to comply with established laws, rules, policies, procedures, or decisions and orders. The commissioner shall conduct a preliminary investigation of any complaints or lack of compliance, informing the individual of the matter and affording the individual an opportunity to respond. If it is determined that there is sufficient evidence to warrant a hearing, the commissioner may refer the matter to the review panel for decision. At any time that the commissioner makes a recommendation to the review panel to review any complaints of lack of compliance, the individual shall be given written notice of the recommendation and the grounds for the review.

If the rehabilitation review panel determines a hearing is required, the panel shall notify the rehabilitation provider of the date, time, place, and reasons for holding a revocation hearing. The notice shall be mailed not less than 15 days before the hearing date. The review panel shall issue a written order based on their determinations.

Unless otherwise ordered by the review panel, a consultant whose registration has been revoked shall wait at least one year from the effective date of revocation to reapply for approval.

Rules as Proposed (all new material)

RS 18 Standards of performance.

A. Minimal standards. The standards of conduct described in B. to F. establish minimum standards concerning the professional activities of qualified rehabilitation consultants (QRC's) and rehabilitation service vendors in the state of Minnesota. The performance evaluations by Rehabilitation Services of QRC's and vendors will be based upon these standards, as well as on the adherence to the established rules, policies, and procedures of Minnesota Statutes, section 176.102.

B. Professional conduct.

1. The welfare of the injured employee shall be the primary focus of concern, communications, and activity by the QRC or vendor.

2. The QRC or vendor shall maintain a fair and objective position in dealings with the employee, employer, and insurer. No QRC or vendor shall force compliance with a plan with which the employee or employer disagrees.

3. If a QRC provides any service on a case, Rehabilitation Services will assume that the QRC is acting as a QRC and shall notify Rehabilitation Services.

4. In accordance with rule RS 1, the QRC or vendor shall provide rehabilitation services under a rehabilitation plan. Following any determination of eligibility for benefits, a person testifying as a QRC expert witness on a case may not function as the ongoing QRC on that case unless agreed to by the parties.

5. A QRC shall cooperate in the transfer to a newly assigned QRC of all data, reports, and relevant information from appropriate sources in a timely manner with a proper release of information from the employee. A QRC may provide assistance in any transition for the period the QRC had activity on the case.

6. A QRC or vendor shall provide only those services for which the QRC or vendor has professional qualifications and competencies.

7. A QRC or vendor may make recommendations for referrals to appropriate resources.

8. A QRC or vendor shall not engage in any form of discrimination, shall not accept referrals, and shall withdraw from any case in which achieving rehabilitation goals is being interferred with by the lack of rapport between the QRC or vendor and the employee or in which there are personality conflicts between the employee and the QRC or vendor.

9. A QRC or vendor shall maintain reasonable and appropriate communications with the injured employee to facilitate timely and effective rehabilitation.

10. The roles and functions of a claims agent and of a QRC or vendor are separate. It shall not be a proper role of any QRC or vendor, or an agent of a rehabilitation provider to engage in activities not included in the rehabilitation plan in connection with claims adjustment or investigation.

11. A QRC or vendor shall not perform any unethical or illegal activity.

12. A QRC shall not provide services to any parties after an approved change of QRC except as provided in 3. and 4.

13. No more than one QRC shall be involved at any given time in an employee's rehabilitation effort.

14. A QRC or vendor shall provide only those services which are necessary and reasonable in carrying out the rehabilitation plan.

C. Communications.

1. All reports submitted by a QRC or vendor shall be legible and show the employee's name, social security number, date of injury, county, zip code of residence, and legal representative if any.

2. All reports shall be submitted in accordance with Rehabilitation Services policy and procedure, unless modified by Rehabilitation Services.

3. The employer shall be provided with copies of all reporting forms as a minimum.

4. A QRC shall be responsible for maintaining objective, effective lines of communications with all members of the rehabilitation team: the employee, employer, insurer, attorney, vendor, and physician. Vendors are to submit all reports directly to the QRC.

5. A QRC or vendor shall be responsible for adhering to all applicable data privacy acts.

6. A QRC or vendor shall not engage in communications with a physician concerning an employee without a release of information form from the employee.

7. A QRC or vendor shall not make recommendations concerning intent to or date of retirement but may assist an employee in contacting resources concerning a choice of retirement or return to work.

8. A QRC or vendor shall not recommend entering into settlement agreements.

9. A QRC or vendor shall request only that information or data which is directly pertinent to current rehabilitation needs and objectives. They are prohibited from making investigations for claims processing purposes.

10. All reports regarding a case shall be provided to Rehabilitation Services.

11. The QRC shall insure that any vendors on a particular case have access to all reports relevant to that vendor's services.

D. Responsibilities.

1. A QRC shall be responsible for making every effort to insure that the employee understands his rights and responsibilities.

2. A QRC or vendor shall be knowledgeable and informed regarding appropriate portions of the workers' compensation law rules, policies, and procedures. QRCs and vendors shall be held responsible for any information they give out to other parties.

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3. A QRC or vendor shall contact Rehabilitation Services to clarify any rehabilitation issues or problems.

4. A QRC or vendor registration is subject to revocation based on complaints about professional behavior or services, or for failure to comply with established laws, rules, policies, procedures, decisions, or orders.

E. Continuing education and competencies.

1. A QRC or vendor shall attend at least one introductory training session provided by Rehabilitation Services.

2. Rehabilitation Services update sessions are mandatory for all QRCs.

3. A QRC or vendor shall keep abreast of professional advances and topics by participation in continuing education programs.

F. Business practices.

Individuals or organizations in rehabilitation shall give special attention to and adhere to the following:

1. Rehabilitation providers shall adhere to all applicable federal, state, and local laws establishing and regulating business practices;

2. Rehabilitation providers shall not misrepresent themselves, their duties, or credentials;

3. Providers should carry professional liability insurance for the protection of themselves and affected third parties;

4. Any discussion and comments or criticism directed toward or about a fellow professional rehabilitation provider or organization shall be positive or constructive. Constructive criticism shall be directed to Rehabilitation Services;

5. Competitive advertising must be factually accurate and must avoid exaggerated claims as to costs, results, and endorsements by other parties. When recruiting, rehabilitation providers shall not falsely promise benefits, employment advancement, or salaries which they know or have reason to know that they cannot meet;

6. A rehabilitation provider shall not promise or offer services or results he cannot deliver or has reason to believe he cannot provide;

7. A provider shall not solicit referrals either directly or indirectly by offering money or gifts. De minimis gifts are not considered the offering of money or gifts;

8. No rehabilitation provider shall effectuate or participate in the wrongful removal of professional rehabilitation files or other materials without the consent of the provider's employer and the subject employee;

9. Rehabilitation providers shall not enter into fee arrangements that would be likely to create conflicts of interest or influence their testimony in claims cases. The professional rehabilitation provider shall advise the referral source and payor of its fee structure in advance of the rendering of any services and shall also furnish, upon request, detailed, accurate time records; and

10. A rehabilitation provider shall not have a financial relationship with any business or industry which may influence the manner in which rehabilitation services are delivered to employees covered by Minnesota Statutes, chapter 176.

RS 19 Rehabilitation services and fees.

A. Fee monitoring.

1. Rehabilitation Services has the responsibility and jurisdiction under Minnesota Statutes, section 176.102, subdivisions 2 and 9 to monitor and determine reasonable rehabilitation costs and necessity of services provided and to resolve any disputes that may arise between the parties according to rule RS 13.

2. The employer/insurer has the primary responsibility for monitoring and paying the cost of necessary rehabilitation services provided. Either the employer/insurer or a rehabilitation provider may request Rehabilitation Services to make a determination of reasonable costs and necessity of services.

3. Rehabilitation Services shall conduct periodic audits of costs and services. The employer/insurer and the rehabilitation provider shall provide Rehabilitation Services with itemized services and costs as requested. Rehabilitation Services must contact the parties to discuss costs and services deemed questionable. Rehabilitation Services may order an administrative conference to discuss services and fee disputes, whether initiated by one of the parties or by Rehabilitation Services.

B. Reasonable and necessary services. A QRC or vendor shall bill for only those necessary and reasonable services which are rendered in accordance with RS rules and policies and procedures.

C. Rehabilitation Services reporting requirements are:

1. rehabilitation forms;

2. an initial evaluation narrative report that includes:

a. medical status;

b. vocational history;

c. educational history;

d. social/economic status;

e. transferable skills;

f. employment barriers; and

g. recommendations;

3. narrative progress reports, if needed, of up to one page;

4. copies of all vendor reports, medical, psychological, and vocational attached to progress reports; and

5. copies of reports prepared for others.

The requesting party shall bear the cost of developing reports.

D. Estimated goal dates and costs. When developing the rehabilitation plan and progress reports, the QRC shall make a professional judgement regarding any projected goal date and estimated costs. This shall include a projected goal date and estimated costs submitted by any vendor. When the date or cost has been exceeded, the QRC and any rehabilitation vendor shall submit to Rehabilitation Services an itemized billing and a one page rationale regarding continued provision of rehabilitation services. The rehabilitation provider is to submit the rationale to the employer/insurer. If the parties are unable to agree, any party may request a review by Rehabilitation Services.

E. Invoices. Detailed invoices are to be attached to all plan completion forms.

F. Consent of employer/insurer; exceptions. A QRC or vendor shall obtain the express consent of the employer/insurer before providing the following services, however, the absence of express consent shall not preclude Rehabilitation Services from determining the reasonable value or necessity of these services:

1. costs for physician visits, phone calls to physicians, accompanying employee to appointments or examinations not directed to plan objectives;

2. follow-up activity with employers during job placement services to verify employee applications not arranged by QRC or vendor;

3. phone calls to Rehabilitation Services regarding general procedures or questions on rehabilitation direction;

4. unanswered attempted phone calls;

5. time spent for report writing beyond items indicated in the reporting guidelines of C;

6. QRC billings during vendor activity periods beyond required reporting or specific problem solving activity;

7. time for attendance of a supervisor or observer at administrative conferences when the QRC is providing services to the employee;

8. any services rendered prior to the acceptance of eligibility for rehabilitation by insurer, or determination of eligibility by Rehabilitation Services;

9. time spent reviewing the file and initial contact to establish rapport with interested parties by a QRC or vendor when a case has been transferred from another QRC or vendor within the same rehabilitation firm;

10. time spent by a supervisor, another QRC, or support staff in addition to the QRC of record;

11. job placement activities beyond 90 days from the start of the job placement effort without a plan review;

12. wait time for cold call or early arrival for a prearranged appointment;

13. time spent by a QRC selected by the employee before approval of QRC change has been issued by Rehabilitation Services;

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14. unnecessary or duplication of services, for example, testing;

15. charges beyond the hourly fee for testimony at a judicial hearing when the QRC or vendor has provided rehabilitation service under the plan;

16. extraordinary travel costs; and

17. any disputed services and fees in regard to rehabilitation services provided.

Department of Natural Resources

Proposed Amendments to Rules Governing Boat and Water Safety

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Natural Resources intends to adopt an amendment to the above-referenced rules without public hearing because of the noncontroversial nature of the amendment.

The proposed amendments to these rules are necessary due to recent changes in Minnesota Statutes §§ 361.02-.03 governing the licensing of watercraft.

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

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

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Kim Elverum, Department of Natural Resources, Box 46-Centennial Bldg., St. Paul, MN 55155, (612) 296-3336.

Authority to adopt these rules is contained in Minnesota Statutes § 361.25. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available for inspection by the public during regular hours, at the above address.

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

The proposed rules follow this notice.

November 8, 1982

Joseph N. Alexander, Commissioner
Department of Natural Resources

Rule as Proposed

~~NR200~~ 6 MCAR § 1.0200 Licensing of watercraft.

(a) [Reletter as A.]

~~(b)~~ B. Display of license certificate. No person shall operate or use a watercraft, except a nonmotorized canoe, kayak, sailboat, sailboard, paddle boat, or rowing shell required to be licensed unless the license certificate for such watercraft is on board and available for inspection by authorized enforcement officers. Owners of nonmotorized canoes, kayaks, sailboats, sailboards, paddle boats, or rowing shells shall produce the license certificate for such watercraft within a reasonable time upon request of authorized enforcement officers. The owner of rental watercraft may keep the license certificate available for inspection on the premises from which the watercraft is rented, provided that the owner's business is legibly printed on the rear half and on both sides of the watercraft in the same size and manner as required for the license number in ~~NR 200, section (c)~~ C.

~~(c)~~ C. Display of license number and validation decal on motorized watercraft. The license number, on all watercraft, except nonmotorized canoes, kayaks, sailboats, sailboards, paddle boats, and rowing shells shall be securely affixed on each side of the forward half of the watercraft for which it was issued in such a position as to provide clear and legible identification. The letters

and numerals must be of a color that contrasts with the background and may be reflectorized decals or metal or may be painted. The letters and numerals shall read from left to right and shall not be less than ~~3~~ three inches in height, of block type, of a stroke not less than ~~1/2~~ one-half inch or more than ~~3/4~~ three-fourths inch in width, not including a border. The license number shall be maintained so that it is clearly visible and legible, and the letter groups must be separated from the numeral groups by a space of not less than ~~3~~ three inches nor more than ~~4~~ four inches. Adjacent letters and numerals within each group must be spaced not less than ~~1/2~~ one-half inch nor more than ~~3/4~~ three-fourths inch apart. A state validation decal for the current license period must be affixed toward the stern of the boat and not more than ~~4~~ four inches from the first or last letter of the license number on each side of the boat.

~~(d)~~ D. Marking of nonmotorized canoes, kayaks, paddle boats, and rowing shells. All nonmotorized canoes, kayaks, paddle boats, and rowing shells shall display decals furnished by the Department of Natural Resources for such watercraft. These decals shall be securely affixed on each side of the forward half of the watercraft for which the decal was issued, in such a position as to provide clear and legible identification.

(e) and (f) [Reletter as E. and F.]

~~(g)~~ G. Other insignia. No person shall operate any watercraft, except a nonmotorized canoe, kayak, rowing shell, sailboard, paddle boat, or sailboat, which has any number, letter, design, or insignia displayed on either side thereof which is closer than 24 inches to any part of the watercraft license number ~~of~~ or validation decal.

~~(h)~~ H. Dealer license numbers. The last two characters of all dealers' license numbers shall be the letters DD. No other license number shall include both such letters. Dealers' license numbers shall be displayed in accordance with ~~NR 200, section (c)~~ C., except that such numbers may be so affixed as to be readily detachable and must be attached to any watercraft owned by the dealer when such watercraft is being used for demonstration purposes or any other purpose incident to the usual and customary conduct of the business of manufacturing, selling, or trading of watercraft. A dealer may use as many detachable sets of numbers as is necessary in the conduct of his business.

(i) and (j) [Reletter as I. and J.]

Waste Management Board

Proposed Rules Governing the Solid Waste Processing Facilities Demonstration Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Waste Management Board proposes to adopt the above-entitled rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subd. 4h (1980).

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

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subds. 4-4f.

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

Waste Management Board
Attn: Ed Welsch
123 Thorson Building
7323 - 58th Avenue North
Crystal, MN 55428
(612) 536-0816

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Authority for the adoption of these rules is contained in Minnesota Statutes section 115A.49. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN, upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Waste Management, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428.

The rules proposed for adoption relate to the following matters: (1) eligibility for loans and grants; (2) information and documents which must be submitted in an application; (3) procedures for initial review of applications; (4) procedures and criteria for evaluating loan and grant applications and for selecting loan and grant recipients; (5) provisions related to the awarding of loans and grants; (6) required contents of loan and grant agreements; and (7) provisions relating to apportioning available funds between loans and grants.

Copies of this notice and the proposed rules are available and may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428.

Robert G. Dunn, Chairman
Waste Management Board

Rules as Proposed (all new material)

6 MCAR § 8.401 Definitions.

A. Scope. For the purposes of 6 MCAR §§ 8.401-8.412, the following terms have the meanings given them, unless the context requires otherwise.

B. Board. "Board" means the Minnesota Waste Management Board established in Minnesota Statutes, section 115A.04.

C. Chairperson. "Chairperson" means the chairperson and chief executive officer of the board.

D. Cities. "Cities" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 4.

E. Comprehensive solid waste management plan. "Comprehensive solid waste management plan" means a written plan conforming to the requirements of Minnesota Statutes, section 115A.46.

F. Disposal. "Disposal" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 9.

G. Final engineering/architectural plans. "Final engineering/architectural plans" means those engineering drawings and specifications used to secure bids for construction or equipment.

H. Funding round. "Funding round" means a six-month period.

I. Institutional arrangements. "Institutional arrangements" means methods of financing, marketing, procurement, methods of securing the waste supply, or joint efforts between political subdivisions.

J. Mixed municipal solid waste. "Mixed municipal solid waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 21.

K. On-site utilities. "On-site utilities" means gas, electrical, water, and sewer facilities within the geographic boundaries of the waste processing facility.

L. Preliminary engineering/architectural plans. "Preliminary engineering/architectural plans" means conceptual plans adequate to obtain preconstruction permits and to meet the needs of an environmental assessment.

M. Processing. "Processing" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25.

N. Recipient. "Recipient" means an applicant who has received a grant or loan under the solid waste processing facilities demonstration program.

O. Resource recovery. "Resource recovery" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 27.

P. Resource recovery facility. "Resource recovery facility" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 28.

Q. Solid waste. "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

R. Solid waste disposal facilities and equipment. "Solid waste disposal facilities and equipment" means structures, machinery, or devices at a disposal site necessary for efficient land disposal of solid wastes, including machinery or devices designed to move earth during burial of wastes or to increase the density of wastes buried or to be buried, and facilities in which solid waste is temporarily stored and concentrated prior to transport to a disposal site.

S. Solid waste management district. "Solid waste management district" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 32.

T. Special waste stream. "Special waste stream" means materials which are normally found in the solid waste stream in sufficient quantity to be recovered for subsequent use, if separated from the solid waste stream and processed separately. Examples of special waste streams include used tires, wood wastes, and agricultural wastes.

U. Statewide application or significance. "Statewide application or significance" means that a project is capable of demonstrating a feasible alternative to disposal to other communities in the state.

V. Transfer station. "Transfer station" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 33.

W. Waste processing equipment. "Waste processing equipment" means machinery or devices acquired and used as an integral component of a waste processing facility.

X. Waste processing facility. "Waste processing facility" means structures and equipment singly or in combination, designed, constructed, and used to separate, modify, convert, heat, prepare, or otherwise process solid waste so that materials or substances contained within the waste may be recovered for subsequent use.

6 MCAR § 8.402 solid waste processing facilities demonstration program. Rules 6 MCAR §§ 8.401-8.412 implement the solid waste processing facilities demonstration program created and described in Minnesota Statutes, sections 115A.49 to 115A.54, by establishing the substantive criteria and procedural conditions under which the board may award grants and loans for capital costs of projects which demonstrate the feasibility of waste processing technology or equipment or the feasibility of institutional arrangements in providing waste processing facilities.

6 MCAR § 8.403 Eligibility criteria.

A. Eligible applicants. Eligible applicants are limited to cities, counties, and solid waste management districts established pursuant to Minnesota Statutes, sections 115A.62 to 115A.72.

B. Eligible projects. Only projects which demonstrate feasible and prudent alternatives to disposal are eligible for loans and grants. To qualify as a demonstration project, a project must be conceptually and technically feasible but not now in operation in the state or not now in operation in a geographical area of the state with demonstrably different characteristics from those of the area where a facility is now in operation. A conceptually and technically feasible project may also qualify as a demonstration project if it involves institutional arrangements not previously utilized in the state, or not previously utilized in a geographical area of the state with demonstrably different characteristics from those in the area where a facility is now in operation. Five types of projects are eligible for loans and grants: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; and special waste streams.

C. Eligible costs. Eligible costs under 6 MCAR §§ 8.401-8.412 shall be limited to the costs of waste processing equipment; structures necessary to house the waste processing equipment; appropriate and necessary on-site utilities; structures necessary to concentrate and temporarily store solid waste prior to transportation to a waste processing facility; and final design and engineering specifications.

D. Ineligible costs. Ineligible costs include any costs related to acquisition of land, solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering.

6 MCAR § 8.404 Information required on the grant and loan application. Applications for grants and loans for waste processing facilities shall include the following information as required in the application forms supplied by the board:

1. the name of each applicant making the grant or loan application;

2. the name of each political subdivision affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented;

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3. resolutions from each applicant which demonstrate that the applicant is committed to implementing the project; providing necessary local financing; and accepting and exercising the government powers necessary to the project;

4. the name, qualifications, and address of the project manager;

5. the name and qualifications of the facility operator, if available;

6. the total capital cost of the project;

7. the total grant- or loan-eligible cost of the project;

8. the amount of grant or loan funding requested;

9. the amount and sources of all other funding contributions, including the amount of funds to be contributed by the applicant;

10. the type of assistance applied for (loan or grant and loan together);

11. the type of waste processing facility for which a grant or loan is being applied for: waste to energy; materials recovery; chemical, physical, or biological modification; transfer stations; or special waste stream.

6 MCAR § 8.405 Documentation required to be submitted with the grant and loan application. Applications for grants or loans for waste processing facilities shall include the following documentation:

A. a conceptual and technical feasibility report which includes at least the following analysis: description of alternative waste processing facilities, description of the institutional arrangements necessary for project implementation and operation, description of methods of procurement, and waste stream analysis;

B. a financial feasibility report including: an evaluation and analysis of all capital and operating costs of the proposed project, an evaluation and analysis of various financing mechanisms available to the applicant, an analysis of the ability of the community to continue operation of the facility over the life of the facility;

C. a comprehensive solid waste management plan conforming to Minnesota Statutes, section 115A.46, including consideration of solid waste management alternatives;

D. preliminary design and engineering plans or specifications of the proposed waste processing facility and equipment;

E. documentation that waste supplies are committed to the project and that the applicant has the authority and mechanism to commit such wastes;

F. a marketability analysis of recovered materials/energy, including market commitments such as letters of intent or market contracts;

G. a detailed estimate of annual operating and maintenance costs;

H. a report on the proposed project's potential for statewide application or significance;

I. a report on the status of required permits from permitting agencies;

J. a report on time frames of project development;

K. resolutions complying with the requirements of Minnesota Statutes, section 115A.54, subdivision 3;

L. if the applicant seeks to qualify a project as demonstrating a technology or institutional arrangements in a geographical area of the state rather than the entire state, a report on how the area is demonstrably different from the characteristics of the area where a facility is now in operation;

M. if the project application proposes a waste processing facility that demonstrates institutional arrangements, a report which describes the institutional arrangements;

N. if the applicant requests priority based on any of the following conditions, documentation of the existence of the condition:

1. the natural geologic and soil conditions which are claimed to be unsuitable for land disposal of solid waste;

2. the available capacity of existing solid waste disposal facilities are claimed to be less than five years; or

3. the claim that the proposed project would service an area outside the metropolitan area and would serve more than one local government unit;

O. if the applicant is seeking a grant, a report discussing the factor or factors in 6 MCAR § 8.410 B. upon which the applicant is basing the request for a grant.

6 MCAR § 8.406 Grant and loan application procedures.

A. Funding rounds. There shall be four funding rounds. The first funding round commences on January 1, 1983 and

subsequent funding rounds commence every six months thereafter. Each funding round entails a six-month period and consists of two three-month segments, the first being the application segment and the second being the review segment.

B. Application segment. The application segment of each funding round consists of the first three months of each funding round and commences each January 1 and July 1 and terminate each March 31 and September 30, respectively, of years 1983 and 1984. During the application segment, the applicant shall prepare or accumulate all of the information and documentation set out in 6 MCAR §§ 8.404 and 8.405. The applicant is encouraged to contact the chairperson and request a preapplication review of the proposed project. The applicant then must submit the grant or loan application to the board no later than March 31 or September 30, whichever date is appropriate for consideration during that funding round. If the grant or loan application is postmarked later than March 31 or September 30, whichever date is appropriate to the specific funding round, the applications shall be returned.

C. Review segment. The review segment of each funding round consists of the second three months of each funding round and commences each April 1 and October 1 and terminate each June 30 and December 31, respectively, of years 1983 and 1984. During the review segment the chairperson or his designee shall conduct the initial review of all applications and the board shall evaluate and select projects and award the grants and loans.

6 MCAR § 8.407 Initial review.

A. Applications reviewed. The chairperson or his designee shall review all applications received during the application segment of each funding round. Applications received after the last day of each application segment shall be returned to the applicant.

B. Eligibility and completeness review. Upon receipt of a timely filed application, the chairperson or his designee shall determine the eligibility of the applicant, the eligibility of the costs specified in the application, the eligibility of the project specified in the application, and the completeness of the application.

C. Notice of determination. Within 14 days after receiving the application, the chairperson shall notify each applicant of the chairperson's determinations. If the chairperson determines that the applicant or the project is not eligible, the application shall not be further considered and the applicant shall be notified of the determination. If the chairperson determines that any of the costs or any part of the project is not eligible or that the application is otherwise not complete, the chairperson shall return the application together with a statement of the reasons for rejecting the application. The applicant shall have 14 days after receipt of the rejection of the application or until two weeks following the final day of the application segment, whichever is later, to correct any inadequacies identified in the application. Applications which are not resubmitted within the time period allowed shall not be further considered during the funding round.

D. Review of documentation. If the applicant, the costs, and the project are determined to be eligible and the application is complete, the chairperson shall, within 45 days after the receipt of the application, review the application to determine whether the supporting documentation is adequate. In determining whether the documentation is adequate, the chairperson shall consider whether the documentation demonstrates:

1. that the project is conceptually and technically feasible;

2. that affected political subdivisions are committed to implementing the project, providing necessary local financing, and accepting and exercising the government powers necessary for project implementation and operation;

3. that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project;

4. that the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, the effects of the alternatives on the cost to generators, and the effects of the alternatives on the solid waste management and recycling industry within the projects service area;

5. that the applicant has completed a comprehensive solid waste management plan conforming to the requirements of Minnesota Statutes, section 115A.46, including consideration of solid waste management alternatives; and

6. that the project demonstrates a technology that is of potential statewide application or significance.

E. Consultation with other agencies. In determining the adequacy of the documentation, the chairperson shall consider any

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recommendations provided by the Pollution Control Agency, the appropriate regional development commission, the State Planning Agency, and, if appropriate, the Metropolitan Council.

F. Determination of sufficient documentation. If the chairperson determines that the documentation in the application is adequate, the application shall be considered final and the applicant shall be so notified. The application shall then be referred to the board to be evaluated as provided in 6 MCAR § 8.408. If the chairperson determines that the documentation in the application is inadequate, the chairperson shall return the application together with a statement of the reasons for rejecting the application. The applicant shall have 14 days after receipt of the rejection of the application or two weeks after the final day of the application segment, whichever time period is greater, to correct the inadequacies in the documentation. Applications which are not resubmitted within the time periods allowed shall not be further considered during the funding round.

If the inadequacies in the documentation are corrected within the time allowed, the application shall be considered final and the applicant shall be so notified. The application shall then be referred to the board to be evaluated as provided in 6 MCAR § 8.408.

6 MCAR § 8.408 Project type evaluation.

A. Process of evaluation. Upon completion of the chairperson's initial review of the application as set out in 6 MCAR § 8.407, the board shall compare projects of similar technology based on the factors set out in this section and select the top project in each category for further evaluation.

B. General factors. In evaluating all five types of projects the board shall, to the extent the factor is relevant to the project, consider:

1. operating capacity measured in tons of waste processed per day, percent of total waste stream to facility, area serviced, number of communities served, operating hours per day, and operating days per year;

2. market viability determined by the distance the market is from the facility, the existence of expressions of interest, contracts or long-term contracts; and the length of time the market has been in existence and the likelihood the market will remain in existence;

3. percent of input that is residual waste;

4. whether the method of securing waste is in place or planned.

C. Waste-to-energy facility factors. For waste-to-energy facilities, the board will consider:

1. energy production effectiveness measured in Btu output per tons of waste input;

2. whether variations in energy demand are matched to variations in waste supply;

3. cost effectiveness measured in Btu's delivered to customer per year per dollar capital cost, and Btu's delivered to customer per year per dollar annual cost;

4. revenue per million Btu's delivered, total annual revenue from energy sales, and revenue as percent of total annual cost.

D. Materials recovery factors. For materials recovery facilities, the board will consider:

1. recovery effectiveness determined by identifying types and quantity of product recovered;

2. cost effectiveness measured by the value of recovered materials per year per dollar of capital cost and the value of recovered materials per year per dollar of annual cost; and

3. revenue per unit weight of products, the total annual revenue from recovered products, and revenue as a percent of total annual cost.

E. Chemical, physical, or biological modification factors. For chemical, physical, or biological modification facilities, the board will consider:

1. product description, including quality and probable uses;

2. cost effectiveness measured by the value of the product per year per dollar capital cost and the value of product per dollar annual cost;

3. revenue per unit of product, total annual revenue from product sales, and revenue as a percent of total annual cost;

4. other materials required or used in process by describing and identifying sources, certainty of supply, and any benefits in consuming other materials.

F. Transfer station factors. For transfer stations, the board will consider:

1. cost effectiveness measured by the total fuel cost savings per year per dollar capital cost and total waste hauling cost savings per year per dollar total annual cost; and

2. mileage and fuel savings measured by the total miles saved per year and gallons of fuel and total fuel cost savings per year.

G. Special waste stream factors. For special waste stream facilities, the board will consider:

1. product effectiveness measured by the product selling price and competitive product selling price;

2. operating factors measured by input waste stream quantity as a percent of total waste stream and resolution of problems encountered in landfilling the special waste;

3. cost effectiveness measured by the value of product per year per dollar capital cost and value of product per year per dollar annual cost; and

4. revenue per year from products or sales of processed waste and revenue as a percent of total annual cost.

6 MCAR § 8.409 Evaluation of projects selected from each category.

A. Evaluation process. Following the selection of the top project in each category, the board shall compare the projects on the basis of the priorities and factors listed in B. and C. The board shall then list the projects in order of preference based on the results of the comparison.

B. Legislative priorities. The board shall give priority to projects where:

1. the natural geologic and soil conditions are unsuitable for land disposal of solid waste;

2. the capacity of existing solid waste disposal facilities is less than five years; or

3. projects outside of the metropolitan area, the project serves more than one political subdivision.

C. General program factors. The board shall compare the projects in relation to the following factors:

1. the market for recovered resources, its location relative to the proposed facility, and any commitments which have been made to purchase the recovered resource;

2. the proportion of the total waste stream that will be processed by the facility and the extent that the facility will extend the life of existing landfills in the area;

3. the capital cost of the facility, the estimated cost per ton of waste processed compared to the current cost per ton of waste disposed of in the area, the projected annual cost per unit of landfill capacity abated, and the projected annual cost per unit of material or energy recovered;

4. the projected revenue per ton of waste processed, the projected profitability of the facility throughout its operating life, the need for revenue sources in addition to operating revenue, and the availability of additional revenue sources.

5. the existence of other projects of the type proposed which have been funded by the board; and

6. the degree to which the technology or institutional arrangements demonstrated by the project are applicable to other cities, counties, or solid waste management districts in the state.

6 MCAR § 8.410 Award of grants and loans.

A. General procedure. The board shall award a loan, or a grant and loan if the board determines a grant should be awarded under B., to the project which receives the top rating under 6 MCAR § 8.409. The board shall then award loans and grants, if applicable, to the extent funds remain available, to the other top-rated projects in order of preference. If all of the top-rated projects identified under 6 MCAR § 8.409 are funded, the board shall select the second highest rated project in each category identified under 6 MCAR § 8.408 and shall further evaluate those projects as provided for in 6 MCAR § 8.409. The board shall then award grants or loans to the projects in the same manner and order as it did for the top-rated projects.

B. Factors in awarding grants. In making its determination on whether to award grants and loans, the board shall consider whether the project involves a significant risk to the local unit of government; whether the local unit of government has made a substantial commitment of its own funds to the project; and, in view of the applicant's financial capacity, whether a grant would affect the decision or ability to undertake the project.

C. Amount of awards. The board shall determine the amount of the loans and grants it awards based on a review of the

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

factors set out in 6 MCAR § 8.409 and the degree to which the project serves to demonstrate the uses of technology involved in Minnesota.

D. Maximum awards. The maximum loan award shall be 50 percent of the eligible costs specified in the application or $700,000, whichever is less. The maximum grant award shall be 50 percent of the eligible costs specified in the application or $300,000, whichever is less.

E. Limitations.

1. No funds shall be awarded for costs for which the applicant has applied for and received funds from another source.

2. No grant or loan shall be disbursed until the board has determined the total cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.

3. Grants and loans shall be awarded to cover the eligible costs of only those tasks which are undertaken and completed during the grant and loan period established in the grant and loan agreement. Grants and loans shall not be awarded to cover any cost associated with tasks performed prior to the award of a grant and loan or after the expiration of the grant and loan agreement.

6 MCAR § 8.411 Grant and loan agreement.

A. The grant and loan agreements must:

1. contain the resolutions required under Minnesota Statutes, section 115A.54, subdivision 3;

2. incorporate by reference the final grant and loan application submitted to the board in accordance with 6 MCAR § 8.406;

3. establish the term of the grant and loan. All grants awarded under this rule shall have a maximum term of two years. All loans awarded under this rule shall have a loan life determined by considering facility type, expected life of equipment, capital cost of the project, and loan amount;

4. in the case of a loan agreement, include schedules for the repayment of principal and interest;

5. provide that the recipient shall be authorized to enter into contracts to complete the work specified in the agreement;

6. provide that any cost overruns incurred in the development of the proposed facility shall be the sole responsibility of the recipients;

7. provide that the board will not accept amendments requesting additional grant and loan funds; and

8. require that the recipient provide a report on the developmental and operational history of the project so that knowledge and experience gained from the project may be made available to other communities in the state.

B. Cancellation of grants and loans. Grants and loans not completed in accordance with the terms and conditions of the respective agreements, including time schedules, shall be canceled unless the board determines that the variances from the respective agreements are due to factors outside the control of the grant or loan recipient.

C. Disbursement. The board shall disburse grants in accordance with the payment schedule set out in the grant agreement.

D. Interest payments. Interest payments on the loan shall be due annually and shall begin to accrue from the date the loan agreement is signed. The first repayment of the principal amount of the loan shall be due one year after the facility becomes operational or two years after the date the loan agreement is executed, whichever is earlier. Subsequent repayments of principal and interest shall be due annually on the anniversary date of the first repayment.

E. Due and payable clause. The loan agreement shall stipulate that if the recipient desires to sell the facility to a private enterprise, all outstanding loan obligations to the board shall become due and payable upon the sale to the private enterprise.

F. Repayment of grant if facility is sold to a private enterprise within three years. The grant agreements shall require repayment of the grant if the facility is sold to a private enterprise within three years of the date the grant was made. Beginning on the third anniversary of the grant, the amount of the grant which must be repaid shall be reduced ten percent each year. The sale agreement between the recipient and the private enterprise shall transfer the responsibilities outlined in 6 MCAR § 8.411 A.8. to the private enterprise.

6 MCAR § 8.412 Apportionment.

A. In general. For grants and loans to be awarded over the life of this program, the board shall apportion funds allocated to it by the legislature for this program as set out in Article VI of the Waste Management Act, Minnesota Statutes, sections 115A.49 to 115A.54, as follows in B.-E.

B. Percentage of loans and grants. Of the money appropriated for the purposes of the demonstration program, at least 70 percent shall be distributed as loans, and the remainder shall be distributed as grants.

C. Number of funding rounds. The board shall distribute the money appropriated for the purposes of the demonstration program during four funding rounds commencing on January 1, 1983. Each funding round entails a six-month period of time.

D. Amount distributed per round. During each funding round, the board shall distribute one-fourth of the money appropriated for the purposes of the demonstration program, and of the monies distributed each funding round, at least 70 percent shall be distributed as loans and the remainder shall be distributed as grants. In the event that projects awarded loans are not eligible for grants, during a specific funding round, the board may use the unobligated grant moneys to award additional loans or may carry the unobligated grant monies forward for use in the next funding round.

E. Differences between application requests and available funds. If the board receives more applications which are eligible for grant or loan assistance in a specific funding round than the board has funds available, those eligible applicants not receiving funding may resubmit applications in future funding rounds. If the board does not receive enough eligible applications for grant and loan assistance in a specific funding round to fully obligate the funds available for that funding round, the balance shall carry forward and be available as additional funds in the following funding round.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota — Tax Court

Robert R. and Helen Truex,

Appellants,

v.

The Commissioner of Revenue,

Appellee.

In the matter of the Appeal from the Commissioner's Order dated December 9, 1980, relating to the income tax liability for the years 1976, 1977 and 1978.

Order dated November 5, 1982

Docket No. 3246

The above entitled matter came on for hearing before the Minnesota Tax Court at 444 Lafayette Road, St. Paul, Minnesota, on June 15, 1982, Judge Earl B. Gustafson presiding and was submitted to the Court for decision on post-trial memoranda.

Harold E. Farnes, attorney at law, Waconia, Minnesota, appeared on behalf of Appellants.

Linda F. Close, Special Assistant Attorney General, appeared on behalf of Appellee.

Syllabus

A taxpayer's domicile requires bodily presence in a state coupled with an intent to make that place one's permanent home. The question of intent is a fact question gathered from a person's acts and declarations. The evidence supports a finding that Appellants intended to make the State of Florida their home.

Findings of Fact

1. Appellants, husband and wife, are cash-basis taxpayers. The taxable years in issue are calendar years 1976, 1977 and 1978.

2. Appellant Robert Truex was employed as a pilot by Northwest Airlines from March 11, 1943, until his retirement in April 1978.

3. In 1950 Appellants built a home at 2835 Inner Road, Wayzata, Minnesota, on land owned by Lakeside Methodist Assembly. In January 1978, Appellant renewed the original, twenty-five year ground lease for an additional twenty-five year period. Appellants continue to own this home to the present date and do not intend to sell it, in part because they stay at the home whenever they are in Minnesota.

4. In 1972 Appellants purchased a condominium in Riviera Beach, Florida, and in 1975 declared this to be their homestead for Florida tax purposes and made no application for homestead classification for their Minnesota property. Their Florida residence has been given homestead classification throughout the period in question.

5. Appellants have three sons and a daughter, all of whom are now married. The youngest child, Appellants' daughter, Joan Brust, attended college 90 miles from Riviera Beach in Miami, Florida, from September 1974 until May 1976.

6. Appellants maintain that they moved to Florida in 1974 with the intention of making the State of Florida their permanent home.

7. An earlier case in this Court was decided against Appellants, and it was determined that they were domiciled in Minnesota and not Florida for the taxable years 1974 and 1975.

8. In 1976 and 1977 most of Robert Truex's flights originated in Minneapolis and terminated in Minneapolis. In late 1977 and in 1978 unitl his retirement in April most of his flights originated in Chicago, went to Tokyo and returned to Chicago.

9. During the period in question, Appellants owned and operated a business named Hangar Services. Their son, Richard Truex, a student at the University of Minnesota at the time, lived at the Wayzata home and acted as bookkeeper and manager. Hangar Services was in the business of renting aircraft hangars at Flying Cloud Airport in Eden Prairie, Minnesota. The Truexes had operated the business since 1964, and during the period in question had approximately 50 separate hangar stalls. There was a machine shop located in the basement of the home at 2835 Inner Road, Wazata, Minnesota, for the use in connection with the hangar business. The lessees of the hangars sent their monthly rent payments to 2835 Inner Road in Wayzata. All billing statements for utilities, taxes and supplies, etc. associated with the hangar business were sent to 2835 Inner Road, Wayzata. Hangar Services' checking account was located at the Wayzata Bank and Trust Company in Wayzata, Minnesota, during the period in question.

10. Appellants maintained checking accounts and savings accounts with banks in both Minnesota and Florida. The largest savings account balance was maintained with the Northwest Airlines Employees Credit Union.

11. Throughout the period in question, Appellants held Florida drivers licenses. All automobiles with the exception of a pick-up truck used in the hangar business were licensed in Florida.

12. During the period in question, the appellants spent the winter months in Florida and the summer months in Minnesota and some additional weeks traveling in other states or countries.

13. Whenever present in Minnesota, Appellants would reside at their home at 2835 Inner Road in Wayzata.

14. A number of friends and neighbors in both Minnesota and Florida testified that they considered Appellants residents of Florida having moved there on a permanent basis after their daughter graduated from high school in 1974.

15. Appellant Helen Truex would usually spend from May through October in Minnesota during the period in question and would also spend some additional days visiting during other months.

16. In 1976 Appellant Helen Truex was physically present in Minnesota approximately 260 days, in 1977—230 days and in 1978—208 days.

17. Since 1974, Appellants have spent Thanksgiving, Christmas, News Years and Easter holidays in Florida. The one exception was Thanksgiving Day in 1976.

18. Appellant Robert Truex has served on the board of directors of his condominium complex and has personally assisted in their maintenance and improvement projects. He has also served jury duty in Florida.

19. During the period in question, Appellants regularly voted in Florida elections.

20. Both Appellants intend to maintain Florida as their permanent residence.

21. On December 9, 1980, the Commissioner of Revenue issued an Order assessing Appellants additional Minnesota income tax on the basis that they were Minnesota residents during the taxable years 1976 through 1980. The Appellants have taken this timely appeal from that Order.

Conclusions of Law

1. Appellants were residents and domiciliaries of the State of Florida for Minnesota Income Tax purposes during the period January 1, 1976, through December 31, 1978.

2. The Order of the Commissioner of Revenue dated December 9, 1980, should be reversed.

LET JUDGMENT BE ISSUED ACCORDINGLY.

By the Court,

Earl B. Gustafson, Judge
Minnesota Tax Court

Memorandum

The sole issue is whether Appellants were residents and domiciliaries of the State of Minnesota or the State of Florida for income tax purposes during the calendar years 1976, 1977 and 1978.

Minn. Stat. (1978) 290.17(1) provides that the entire income of all Minnesota resident taxpayers shall be assigned to this state for tax purposes. The term "resident" is defined in Minn. Stat. (1978) 290.01, subd. 7, as follows:

Resident. The term "resident" means any individual domiciled in Minnesota and any other individual maintaining an abode therein during any portion of the tax year who shall not, during the whole of such year, have been domiciled outside the state.

The Department of Revenue Regulation 13 MCAR § 1.6001 expands on this definition and reads in relevant part as follows:

The term "resident" means any individual maintaining a home in Minnesota during any part of a tax year who is, during that part of such year, domiciled in Minnesota. The term "domicile" means the bodily presence of an individual person in a place coupled with an intent to make such a place one's home.

The domicile of any person shall be that place in which that person's habitation is fixed, without any present intentions of removal therefrom, and to which whenever absent, that person intends to return.

A person who leaves home to go into another jurisdiction for temporary purposes only, is not considered to have lost that person's domicile. But if a person moves to another jurisdiction with the intention of remaining there permanently or for an indefinite time as a home, that person shall have lost that person's domicile in the state.

. . . .

The mere intention to acquire a new domicle, without the fact of physical removal, does not change the status of the taxpayer, nor does the fact of physical removal, without the intention to remain, change the person's status. The presumption is that one's domicile is the place where one lives.

An individual can have only one domicile at any particular time. A domicile once shown to exist is presumed to continue until the contrary is shown. An absence of intention to abandon the domicile is equivalent to an intention to retain the existing one. No positive rule can be adopted with respect to the evidence necessary to prove an intention to change a domicile, but such an intention may be proved by acts and declarations, and of the two forms of evidence, acts shall be given more weight than declarations.

The test for domicile is bodily presence in a jurisdiction coupled with an intent to make that place one's home. *Miller vs. Commissioner of Taxation*, 240 Minn. 18, 59 N.W. 2d 925 (1953). There is no dispute that Appellants were physically present in the State of Florida from time to time during the taxable years 1976 through 1978. The only issue is whether they intended to make the State of Florida their home. The question of intent, as gathered from a person's acts and declarations, is a question of fact. *In re Estate of Smith*, 242 Minn. 85, 89, 64 N.W. 2d 129, 131 (1954).

Based upon all of the evidence, the Court finds that Appellants during 1976, 1977 and 1978 intended to make Florida their home.

This is a close case because Appellants continued to spend substantial time in Minnesota during this period. Their frequent visits are understandable, however, because of their unlimited travel privileges and their long residence in Minnesota with its attendant family, social and business ties. These ties are not easily nor quickly relinquished nor do they have to be to establish residence in another state.

In our opinion Appellants, during this period, crossed the line from Minnesota residents who "winter" in Florida to Florida residents who "summer" in Minnesota. Their declarations and actions have convinced the Court that they intended to make a new home in a new state. By 1975 all of their children were emancipated. Their daughter was attending college in Miami and would frequently visit them in Riviera Beach on weekends and holidays throughout the school year. Their son Richard was attending the University of Minnesota, living at the Wayzata home and taking care of the hangar rental business.

Three neighbors from Wayzata, five neighbors from Florida and three of the Truex children all testified that during this period the Appellants lived in Florida and spent their summer months in Minnesota from late spring to early fall.

By careful and thorough preparation of the commissioner's case, counsel for the state was able to establish Appellants' presence and activity in Minnesota with greater frequency than Appellants originally represented. Although we consider this evidence significant, it does not give us a conclusive answer to the principal question of intent. Namely, did Appellants intend to move their permanent residence from Minnesota to Florida? We find their declarataons and actions, corroborated by a number of third parties, have convinced us that they did intend to make this a permanent move.

E.B.G.

SUPREME COURT

Decisions Filed Friday, November 12, 1982

Compiled by John McCarthy, Clerk

82-367 Richard Victor Boyd, petitioner, Appellant, v. State of Minnesota. Hennepin County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-383 Hugh Bion Morse, petitioner, Appellant, v. State of Minnesota. Ramsey County.

Postconviction court properly refused to resentence petitioner according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-432 John Robert Rieck, petitioner, Appellant, v. State of Minnesota. Crow Wing County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-490 Larry G. Schultz, petitioner, Appellant, v. State of Minnesota. Steele County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-542 David John Zich, petitioner, Appellant, v. State of Minnesota. Cottonwood County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-758 Leonard Charles DeFoe, Jr., petitioner, Appellant, v. State of Minnesota. Carlton County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-874 Frederick Quast, petitioner, Appellant, v. State of Minnesota. Ramsey County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-883 Tony Jackson, petitioner, Appellant, v. State of Minnesota. Ramsey County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-959 Norman A. Edstrom, Appellant, v. State of Minnesota. Anoka County.

Crimes committed before August 1, 1975, are not affected by the provisions of Minn. Stat. §§ 609.341 to 609.351 (1980); therefore, petitioner, who was sentenced to 30 years in prison for the March 1975 aggravated rape of a woman, is not entitled to have his prison term reduced to 20 years, which is the maximum permitted for criminal sexual conduct in the first degree under Minn. Stat. § 609.342.

Affirmed. Amdahl, C. J.

82-329 State of Minnesota v. Walter Lloyd Harding, Appellant. Ramsey County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-711 Billy D. Slaughter, petitioner, Appellant, v. State of Minnesota. Hennepin County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-25 George Barton v. Beverly Pfaff. Ramsey County.

Reversed. Todd, J.

82-336 Frank Warembourg and Kathy Warembourg, Appellants, v. Chickasha Mobile Home, Inc. Hennepin County.

Under the facts here presented, service of progress, filed with the Minnesota Secretary of State, upon a dissolved foreign corporation is sufficient to confer jurisdiction over the foreign corporation defendant. Minn. Stat. § 303.13, subd. 1(3) (1980).

Reversed and remanded. Todd, J.

82-668 Kenneth Alfred Thiele, petitioner, Appellant, v. State of Minnesota. Scott County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Todd, J.

81-1024 State of Minnesota v. Donald E. Berg, Appellant. St. Louis County.

Evidence was sufficient to sustain defendant's conviction of assault in the third degree.

Prosecutor violated discovery rules during trial by failing to notify defense counsel immediately of discovery of new state's witness, but record on appeal fails to establish that defendant was prejudiced by the trial court's decision allowing the prosecutor to reopen its case-in-chief and call the witness.

Affirmed. Simonett, J. Took no part, Peterson, J.

82-422 American National Bank, Appellant, v. Lawrence J. Blaeser and Clarice A. Blaeser. Crow Wing County.

Minn. Stat. § 580.23 (1980) does not permit a foreclosing mortgagee to elect the redemption period and thereby preserve his right to a deficiency judgment.

Affirmed. Kelley, J.

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.

Department of Corrections
Minnesota Correctional Facility—Stillwater

Notice of Request for Proposals for Correctional Industries Study

Notice is hereby given that the Minnesota Correctional Facility—Stillwater is requesting proposals for a study of market and manufacturing operations of the institution's metal products division. The contractor will (1) evaluate current marketing efforts for the products and identify opportunities for improvement; and/or identify additional marketable products manufactured with existing plant operations; (2) identify opportunities for improving cost performance; (3) develop and plan implementation of strategies to minimize the need for state subsidization of the operation.

The estimated cost of the contract is not to exceed $40,000.

Deadline for receipt of proposal is 4:30 p.m. on December 6, 1982.

For a copy of the Request for Proposal which gives guidelines for proposal development contact:

Warden Robert Erickson
Minnesota Correctional Facility—Stillwater
Box 55
Stillwater, Minnesota 55082
(612) 439-1910

Department of Economic Security

Notice of Request for Proposals for Graphic Arts Services

The Department of Economic Security is requesting proposals for bids to provide a variety of graphic arts services during calendar year 1983. This contract will cover such tasks as concept development, graphic design and layout, special typesetting, and illustration for a variety of the department's publications. Respondents will be asked to provide a portfolio, staff qualifications and a fee schedule which will be effective during the life of the contract. The successful respondent will be assigned tasks within the scope of the contract as needed by the Department. Total amount of the contract will not exceed $10,000.

For more information and a complete copy of the request for proposal, contact:

Rick Naymark
Department of Economic Security
390 North Robert Street
St. Paul, Minnesota 55101
(612) 296-2369

Proposals will be accepted until December 13, 1982.

Department of Economic Security Greater Minnesota Job Training Office

Notice of Request for Proposals for Operation of CETA Title VII "School-to-Work Transition Project"

In accordance with Laws of 1979, Chapter 336, the Minnesota Department of Economic Security and Greater Minnesota Private Industry Council are requesting proposals from qualified bidders to operate a Title VII "School-to-Work Transition Project" in the Greater Minnesota area (Economic Development Regions I, 6W, 6E, 7W, 7E, 8, 9, and 10). An amount of $100,000 has been reserved to solicit proposals for School-to-Work Transition Projects which would assist disadvantaged high school seniors who plan to enter full-time, private sector jobs upon graduation.

Request for proposal application is available upon request. Inquiries and requests should be directed to:

Charlie Robinson
Greater Minnesota Job Training Programs
690 American Center Building
St. Paul, Minnesota 55101
(612/296-2975)

Request for proposal applications will be accepted to 4:00 p.m., Thursday, December 23, 1982.

Minnesota Housing Finance Agency

Notice of Request for Proposals for Program Administrator/Mortgage Loan Servicing—Medium Density Homeownership Program

The Minnesota Housing Finance Agency is seeking proposals from real estate lenders to act as program administrator and loan servicer for conventional and insured conventional loans originated under the Medium Density Homeownership Program. MHFA anticipates that between $30-$35 million in home mortgage loans will be originated under the program. It is anticipated that the home mortgage loans originated will be 30-year, fixed rate, level payment loans, although certain interest rate "buydown" arrangements will be allowed. All mortgage loans will be required to adhere to the provisions of the Mortgage Subsidy Bond Tax Act of 1980.

The Medium Density Homeownership Program has been created to stimulate the new construction or substantial rehabilitation of moderately priced, energy efficient, attached, for-sale housing units throughout Minnesota. MHFA has requested proposals from builder/developers throughout the state for eligible developments. All proposal submissions were due November 15, 1982. MHFA will provide a forward commitment for end mortgage loan financing for each unit selected and

approved for construction or rehabilitation. Prior to final selection and approval of a particular development, it will be reviewed and analyzed by Agency staff regarding such factors as site and design concept, market feasibility, association budget, legal structure, and energy efficiency. It is anticipated that all developments will also have to be approved for mortgage financing by either FHA or FNMA. MHFA will not purchase individual mortgage loans in a selected development until the development achieves a presale requirement of 70% of the units, unless this requirement is specifically waived. The maximum unit price under the program is $70,000 and MHFA will provide financing commitments for between 12 and 40 units per project. It is anticipated that each builder/developer will select a local mortgage lender which is to be primarily responsible for the processing and submission of conforming mortgage loans to MHFA.

Under the Medium Density Homeownership Program, the real estate lender that is selected as program administrator will be required to perform each of the following duties:

1. The program administrator must provide for the origination of mortgage loans in selected developments in such cases where an eligible local mortgage lender either is not available or is unwilling to provide mortgage origination.

2. The program administrator must review mortgage loan submissions of certain local mortgage lenders for compliance with both MHFA and industry accepted requirements and standards both prior to loan closing and loan purchase by MHFA. The program administrator will be provided the authority by MHFA to approve or decline lender loan submissions to MHFA, and will be required to ultimately provide for the submission of loans to MHFA which will comply fully with MHFA requirements.

3. The program administrator will perform such other services necessary to administer the program as agreed to between MHFA and the program administrator (e.g., monitoring project presales, assistance in obtaining and reviewing project documentation).

The lender who acts as program administrator will be granted loan servicing on the mortgage loans originated under the program. Only the lender who participates as program administrator will be granted servicing under the program; other lenders who originate mortgages under the program will be required to assign servicing to the program administrator designated by MHFA. MHFA is seeking full servicing, including collection of payments, maintenance of tax and insurance escrow accounts, customer service, handling of satisfactions, delinquency servicing, and foreclosures, and preparation of reports and accounting documents. Loan servicing is to be handled in accordance with the MHFA Servicing Agreement entered into between MHFA and the Program Administrator and the MHFA Servicing and Accounting Manual.

To be eligible to submit proposals to act as program administrator under the Medium Density Homeownership Program, a lender must be:

1. A lender which can compellingly demonstrate its ability and expertise in mortgage lending; and

2. A lender with demonstrated familiarity with MHFA's single family mortgage programs; and

3. A FHLMC and FNMA approved Seller and Servicer of FHA, VA, and conventional loans; and

4. A servicer currently utilizing a computer system for the servicing and reporting of MHFA home mortgage loans; and

5. A lender whose processing volume within the previous calendar year was at least 200% greater than the amount which it proposes to process under this program; and

6. A lender whose present portfolio is at least 400% greater than the number of MHFA loans it proposes to service under this program; and

7. A lender that can demonstrate the ability to provide mortgage loan origination and processing on a statewide basis should this be necessary (e.g., a lender with statewide branch offices, institutions related through holding companies, formal "satellite" lending operation, etc.); and

8. A lender that can demonstrate familiarity with financing attached, for-sale housing developments, and selling mortgages on units in said projects in the mortgage secondary market.

Proposals submitted to MHFA must include the following information:

1. Bid at which the lender is willing to perform the program administrator and servicing activities. The bid may include both a "per loan" fee for program administrator loan review activity and a traditional servicing fee, provided that:

a. The fee for program administrator loan review activity does not exceed ½ of 1% of the principal balance per loan purchased, and

b. The servicing fee due the servicer for each mortgage shall consist of an amount, payable from the interest portion of each installment collected, that shall not exceed 3/10 of 1% per annum computed on the same principal amount and for the same period as the interest portion of the installment.

The bid may also provide for a servicing fee only if the lender does not deem a "per loan" fee necessary to provide both the program administrator loan review and servicing activities. It is understood that each bid represents all costs associated with the program administrator and servicing activities.

Please note that if the program administrator acts as an originating lender for mortgage loans in a selected development, the program administrator would only receive such fees as MHFA designates for originating lenders (most likely a 1% origination fee). If the program administrator arranges loan processing through a "related" originating lender, the "related" originating lender would receive the designated origination fee and the program administrator would receive its fee for loan review.

2. Information demonstrating that the lender meets eligibility criteria established above.

3. A detailed description of the lender's processing operation which specifically addresses the method in which the lender feels it may successfully operate as a program administrator.

4. A detailed description of the lender's servicing operation.

5. Current financial statements of the lender. MHFA reserves the right to require insurance, bonds or other security devices deemed necessary to protect its interests.

Evaluation and award will be based on the above factors. Proposals must be received in writing by MHFA not later than 4:30 p.m., December 2, 1982. Requests for more detailed information, proposals and inquiries should be directed to:

Michael Haley
Director of Home Mortgage Programs
Minnesota Housing Finance Agency
333 Sibley Street, Suite #200
St. Paul, Minnesota 55101
(612) 297-2678

Minnesota Housing Finance Agency

Notice of Request for Proposals for Program Administrator/Mortgage Loan Administrator—Rollover Housing Demonstration Program

The Minnesota Housing Finance Agency is seeking proposals from real estate lenders to act as program administrator and loan servicer for conventional and insured conventional home mortgage loans originated under the Rollover Housing Demonstration Program. MHFA anticipates that $8-$10 million in home mortgage loans will be originated under the program. It is anticipated that all mortgage loans originated will be 30-year, fixed rate, level payment mortgages, except that certain interest rate "buydown" provisions may be allowed. All home mortgage loans originated must meet the provisions of the Mortgage Subsidy Bond Tax Act of 1980.

The Rollover Housing Demonstration Program has been devised to provide for more appropriate use of underoccupied existing housing by providing mortgage loan commitments to eligible sellers of underoccupied housing to be used by eligible first time homebuyers who wish to purchase the home. (Such commitment to sellers are analogous to mortgage commitments to builders that may be used by purchasers of their newly constructed homes.) It is anticipated that eligible sellers will be defined as a household of not more than two persons where at least one of the persons is over a specific age (i.e., age 55). Commitments to eligible sellers will be of such terms and duration as deemed advisable by MHFA. House price limits and borrower income limits for the program will be established prior to program commencement.

Under the Rollover Housing Demonstration Program, MHFA plans to commit the entire amount of program funds to the program administrator. The program administrator will enlist the services of "related" mortgage lenders throughout the state to provide for distribution of the funds under an allocation plan devised by MHFA. The program administrator is responsible for monitoring individual seller commitments as well as delivering conforming mortgage loans to MHFA for purchase.

As a condition of being selected program administrator, the mortgage lender must agree to use its best efforts to adhere to a regional allocation plan devised by MHFA so that a statewide funds distribution may be achieved. Under this plan, approximately 50% of the program funds are to be used in the seven county Twin Cities metropolitan area. The program administrator must also agree to use funds targeted to individual communities to assist in meeting local housing needs and goals consistent with the program when so directed by MHFA.

After selection and upon execution of a contract with MHFA, the program administrator will pay to MHFA a commitment fee of ½ of 1% of the principal amount of loans to be purchased from the program administrator. The program administrator, or, if applicable, its "related" originating mortgage lender, shall be allowed to collect a 1% origination fee from the borrower and

charge a 1% discount to the seller of a property financed by a program mortgage loan. This will a) provide for the recapture of the commitment fee by the program administrator plus fee income of ½ of 1% and b) will provide the originating mortgage lender fee income of an additional 1% of the principal balance of each mortgage loan purchased by MHFA, whether or not said originating lender is the program administrator or a "related" mortgage lender. Thus, in cases in which program mortgage loans are actually originated by the program administrator, the program administrator's net fee income will be 1½% of the principal balance of the mortgage.

The selected program administrator will be granted all mortgage loan servicing under the Rollover Housing Demonstration Program. MHFA requires full servicing, including collection of payments, maintenance of tax and insurance escrow accounts, customer service, handling of satisfactions, delinquency servicing, and foreclosures, and preparation of reports and accounting documents. Loan servicing is to be handled in accordance with the MHFA Servicing Agreement entered into between MHFA and the review contractor and the MHFA Servicing and Accounting Manual.

To be eligible to submit proposals to act as a program administrator under the Rollover Housing Demonstration Program, a lender must be:

1. A lender which may compellingly demonstrate ability and expertise in mortgage lending and secondary market mortgage sales; and

2. A lender with demonstrated familiarity with MHFA Single Family Mortgage Programs; and

3. A FHLMC or FNMA approved Seller and Servicer of FHA, VA, and conventional loans; and

4. A servicer currently utilizing a computer system for the servicing and reporting of home mortgage loans; and

5. A lender whose processing volume within the previous calendar year was at least 200% greater than the amount which it proposes to process under this program; and

6. A lender whose present portfolio is at least 400% greater than the number of MHFA loans it proposes to service under this program; and

7. A lender that can demonstrate the capability to provide for a statewide distribution of program funds through "related" mortgage lending institutions (e.g., brunch offices, related holding company firms or institutions, formal "satellite" lender network).

Proposals submitted to MHFA must include the following information:

1. Bid at which the lender is willing to perform servicing provided that the servicing fee due the servicer for each mortgage shall consist of an amount, payable from the interest portion of each installment collected, that shall not exceed 3/10 of 1% per annum computed on the same principal amount and for the same period as the interest portion of the installment. It is understood that the servicing bid represents all costs associated with the servicing activities.

2. Information demonstrating that the lender meets eligibility criteria established above.

3. A detailed description of the lender's processing operation which specifically addresses the method in which the lender feels it may successfully operate as a program administrator.

4. A detailed description of the lender's servicing operation.

5. Current financial statements of the lender. MHFA reserves the right to require insurance, bonds or other security devices deemed necessary to protect its interests.

Evaluation and award will be based on the above factors. Proposals must be received in writing by MHFA not later than 4:30 p.m., December 2, 1982. Requests for more detailed information, proposals and inquiries should be directed to:

Michael Haley
Director of Home Mortgage Programs
Minnesota Housing Finance Agency
333 Sibley Street, Suite #200
St. Paul, Minnesota 55101
(612) 297-2678

STATE CONTRACTS

Iron Range Resources and Rehabilitation Board Mineland Reclamation Division

Notice of Request for Proposals for Architectural Services

The Iron Range Resources & Rehabilitation Board is seeking proposals from Minnesota architectural firms to prepare a design for a mineland reclamation project to be administered by the board.

Individuals or firms will develop a master plan for a recreational area, provide cost estimates, and develop a final design and working drawings to be used for the construction of the facility. The portions of the Gilbert Mine to be utilized for recreational purposes are those areas that are under the jurisdiction of the City of Gilbert.

Prospective responders who have any questions regarding this Request for Proposal may call or write:

Orlyn Olson, Mineland Reclamation Director
Mineland Reclamation Division
Iron Range Resources & Rehabilitation Board
P.O. Box 376
Calumet, Minnesota 55716
Telephone Number: (218) 247-7215

Proposals must be submitted by 4:30 p.m., December 17, 1982.

Transportation Department

Notice to Consulting Engineers (Registered Civil and Structural)

The Minnesota Department of Transportation (Mn/DOT) anticipates retaining Bridge Design Consultants to design and prepare construction plans for a limited number of bridges of average complexity during 1983.

Applicants must have an office in Minnesota staffed to handle the work. Recent experience in the production of bridge plans for the State Highway System, the County State Aid Highway System, or equivalent, is required.

Eligible design firms desiring to be considered as design contractors are asked to submit a brochure or resume giving qualifications and experience to K. V. Benthin, State Bridge Engineer, 610D Transportation Building, Mn/DOT, St. Paul, Minnesota 55155. Identify personnel to conduct the work and detail their training and experience. Brochures and resumes will be received until 4:30 p.m., December 13, 1982. Qualified applicants will be contacted, and may be requested to appear at the Mn/DOT Building in St. Paul for interviews.

Names of selected firms will be retained on file with Mn/DOT for consideration during 1983.

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 Insurance Division

Notice of Intent to Solicit Information Regarding Insurance Carriers Currently Writing Liquor Liability Insurance in Minnesota

Notice is given that the Insurance Division is seeking information from insurance companies and agencies as to which insurance companies are currently writing policies of liquor liability insurance in Minnesota.

This information is requested pursuant to Minn. Stat. § 340.11, subd. 21, clause (c) which states, in part, "The commissioner

of insurance shall advise licensees and municipalities subject to the financial responsibility requirements of this subdivision of those persons offering (liquor liability) insurance coverage."

The names of those companies who respond to this notice will be included on a list of liquor liability insurers. The list will be made available for distribution to licensees and municipalities.

Persons may submit a statement of information or comment orally to: William R. Kyle, Insurance Division, 500 Metro Square Bldg., St. Paul, MN 55101, (612) 296-6944.

All statements of information and comment shall be accepted until December 31, 1982.

Thomas L. O'Malley
Temporary Commissioner of Insurance

Metropolitan Council

Public Hearing and Post-Hearing Process on Proposed Amendment to Aviation Chapter, Metropolitan Development Guide

The following is the process and schedule the Metropolitan Council will follow in adopting a proposed amendment to the Aviation Chapter of its *Metropolitan Development Guide*. The amendment sets forth guidelines for land use compatibility with aircraft noise.

- Nov. 15, 1982: Public information meeting on guidelines for communities near major and intermediate airports, Minneapolis-St. Paul International Airport and Downtown St. Paul Airport. The meeting will be at 7 p.m. at Highland Park High School, 1015 Snelling Av., St. Paul.

- Nov. 16, 1982: Public information meeting on guidelines for communities near minor airports: Lake Elmo Airport, Washington County; and South St. Paul Municipal and Airlake Airports, Dakota County. The meeting will be at 7 p.m. at the Council Chambers, 300 Metro Square Building, 7th and Robert Sts., St. Paul.

- Nov. 17, 1982: Public information meeting on guidelines for communities near minor airports: Crystal and Flying Cloud Airports, Hennepin County; and Anoka County-Blaine Airport, Anoka County. The meeting will be at 7 p.m. at Robbinsdale-Cooper High School, 8230 47th Av. N., New Hope.

- Dec. 16, 1982: Public hearing on guidelines for communities near any of the public airports in the metropolitan airports system. The hearing will be at 7 p.m. at the Metropolitan Council Chambers, 300 Metro Square Building, 7th and Robert Sts., St. Paul. All interested people are encouraged to attend and offer comments or to submit written statements. Register in advance to speak by contacting the Council's public hearing coordinator at 291-6481. Copies of the proposed document, *Guidelines for Land Use Compatibility with Aircraft Noise, Proposed Amendment to Aviation Chapter, Metropolitan Development Guide, Public Hearing Draft*, are available free from the Council's Public Information Office at 291-6464.

- Dec. 31, 1982: Public hearing record closes.

- Jan. 21, 1983: Public hearing report is published and distributed.

- Feb. 11, 1983: 10-day response period ends.

- Feb. 25, 1983: Final statement is prepared.

- March 24, 1983: Metropolitan Council adopts amendment by resolution.

Minnesota Teachers Retirement Association

Meeting Notice

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, December 10, 1982, at 9 a.m. in Room 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota to consider matters which may properly come before the board.

Department of Transportation

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.832

Order No. 67267

Whereas, the Commissioner of Transportation has made his Order No. 66400 as amended by Orders Nos. 66446, 66550, 66628, 66690, 66768, 66807, 66920, 60962, 67065, 67142 and 67224 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.832, and

Whereas, the commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota Statutes § 169.832,

It is hereby ordered that Commissioner of Transportation Order No. 66400 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

TRUNK HIGHWAYS

T.H. 56	From Kenyon to Jct. TH 52 Seasonally Restricted, effective immediately
T.H. 32	From Jct. TH 2 to Red Lake Falls (December 1, each year)
T.H. 53	From Virginia to International Falls (December 1, each year)
T.H. 71	From Jct. TH 200 Itasca Park to Kabekona (December 1, each year)
T.H. 71	From South Jct. TH 72 to Jct. TH 53 (December 1, each year)
T.H. 72	From Baudette to South Jct. TH 1 (December 1, each year)
T.H. 73	From Jct. TH 169 to Jct. TH 53 (December 1, each year)
T.H. 92 & T.H. 200	From Bagley to West Jct. TH 71 (December 1, each year)
T.H. 169	From Jct. TH 53 to Winton (December 1, each year)
T.H. 217	From Jct. TH 65 to Jct. TH 53 (December 1, each year)
T.H. 332	From Jct. TH 53 to Jct. TH 11 (December 1, each year)
T.H. 61	From Two Harbors to Canadian Border (January 1, each year)

Correction to November 8, 1982 designation

T.H. 62	From Jct. TH 59 to Jct. TH 71 Should read effective October 1, each year

Dated this 15th of November, 1982.

Richard P. Braun
Commissioner of Transportation

STATE OF MINNESOTA

State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

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.

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Documents Center Catalog—Fall 1982. Complete listing of all items available through the Documents Center. Agency rules, brochures, studies, catalogs, maps, prints, commemorative items and much more.

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Minnesota Outdoors Catalog—Fall/Winter 1982-1983. Complete listing of material on the Minnesota outdoor activities. Bikeways, canoeing, county, lake and other maps. Books, charts, rules, laws, posters and more.

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EACH ORDER MUST INCLUDE ADDITIONAL $1.00 FOR POSTAGE AND HANDLING.

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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:

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

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

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

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS DIVISION

In the Matter of the Adoption of Amendments to the 1980 Edition of the State Building Code; Adoption by Reference of the 1982 Edition of the Uniform Building Code

STATEMENT OF NEED AND REASONABLENESS

The Minnesota State Building Code 2MCAR §§ 1.10101-1.18901 includes the adoption of current model codes and amendments to these model codes. One of these model codes is the Uniform Building Code copyrighted by the International Conference of Building Officials, Whittier, California. It provides for minimum standards of health, safety, welfare, comfort and security by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of buildings and structures. The Uniform Building Code is revised annually and re-printed every three years. The revisions have been deemed necessary to reflect the changes required to provide for current technology in methods, materials, and life safety aspects for buildings and structures. The revisions have been promulgated and accepted through the code change process as established by the International Conference of Building Officials which is a nationally recognized model building code body.

Minnesota Statutes § 16.85, relating to the State Building Code, provides that the State Building Code and any amendment thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States. The 1982 Edition of the Uniform Building Code is the most recent edition of the nationally recognized model code. The

Uniform Building Code has been a part of the State Building Code in use in Minnesota since July 1, 1972 and as current editions became available they have been adotped by reference as part of the state code.

It is necessary to adopt the 1982 Edition of the Uniform Building Code so that the citizens of Minnesota are provided with minimum levels of health, safety, and welfare at the least cost consistant with current nationally recognized standards of construction. Authorization for adoption is provided in Minnesota Statutes § 16.86.

The State Building Code Rules, 1980 Edition (2MCAR §§ 1.10101 to 1.18901), adopted the 1979 Edition of the Uniform Building Code and certain amendments thereto by reference as a portion of the Minnesota State Building Code. The proposed amendments to the 1980 Edition of the Rules update the Minnesota State Building Code by incorporating the 1982 Edition of the Uniform Building Code, International Conference of Building Officials, Whittier, California. These amendments also amend the 1980 State Building Code in such manner as, and only where necessary, to correlate section numbers and subject terminology appearing in the 1980 State Building Code with the section numbers and subject terminology appearing in the 1982 Edition of the Uniform Building Code.

Additionally, the amendments correct printing errors that occurred in the 1980 State Building Code, change definitions relating to mobile homes as necessitated by 1981 legislation, provide clarification by substituting different wording for existing terminology, and reflect language changes requested by the Office of the Minnesota Revisor of Statutes designed to eliminate redundant wording and the use of archaic language.

The proposed section renumbering, relocation, and rewording of the existing rules necessary to adopt the 1982 Edition of the Uniform Building Code are determined to be necessary and reasonable for the reasons stated herein.

The sections proposed to be amended are as follows:

2MCAR § 1.10103	Definitions, Revisors Office language clarification.
2MCAR § 1.10103 E.	Added to definitions by Revisors Office for purpose of rule clarity.
2MCAR § 1.10103 F.	Added to definitions by Revisors Office for purpose of rule clarity.
2MCAR § 1.10104 Scope	Revisors Office language clarification.
2MCAR § 1.10104 Scope	2nd paragraph added UBC § 306 for clarification of other code provisions affecting existing buildings.
2MCAR § 1.10107	State plan checking fees, Revisors Office language clarification.
2MCAR § 1.10107	$500,001.00 and up fee is changed to read "$587.00". The amount of $577.00 was previously printed in error.

2MCAR § 1.10109	Change of Edition of Uniform Building Code from 1979 to 1982 necessary for 1982 Uniform Building Code adoption.
2MCAR § 1.10111	Adoption of the Uniform Building Code by reference. Revisors Office language clarification.
2MCAR § 1.10111	
UBC 203	Revisors Office language clarification
UBC 301	1982 Uniform Building Code section change-location.
UBC 304(a)	Revisors Office language clarification.
UBC 405	Revisors Office language clarification.
UBC 405	Necessitated by change in 1982 Uniform Building Code wording.
UBC 407	Revisors Office language clarification.
UBC 414	Revisors Office language clarification.
UBC 420	Revisors Office language clarification.
UBC 420	"Department of Health" added for clarification of definition.
UBC 510(c)	1982 Uniform Building Code section change-location.

UBC 511(a)	1982 Uniform Building Code section change-location.
UBC 511(b)	1982 Uniform Building Code section change-location.
UBC 605	Revisors Office language clarification.
UBC 605	Necessitated by change in 1982 Uniform Building Code wording.
UBC 605	1982 Uniform Building Code section change-location.
UBC 705	Revisors Office language clarification.
UBC 705	Necessitated by change in 1982 Uniform Building Code wording.
UBC 705	1982 Uniform Building Code section change-location.
UBC 802(c)	Revisors Office language clarification.
UBC 802(c)	1982 Uniform Building Code section change-location.
UBC 809	Revisors Office language clarification.
UBC 905	Revisors Office language clarification.
UBC 905	Necessitated by change in 1982 Uniform Building Code wording.
UBC 905	1982 Uniform Building Code section change-location.
UBC 1002(b)	Revisors Office language clarification.
UBC 1002(b)	1982 Uniform Building Code section change-location.
UBC 1005	Revisors Office language clarification.

UBC 1005	1982 Uniform Building Code section change-location.
UBC 1101	Reflects new statutory definition changing the term "mobile" to "manufactured homes".
UBC 1201	Revisors Office language clarification.
UBC 1201	1982 Uniform Building Code section change-location.
UBC 1201	R-202-R211 relocated in proposed rules.
UBC 1201	Group R Division 1. Revisors Office language clarification.
UBC 1201	Group R Division 1. The change of four to "six" was to correct printing error in previous rule.
UBC 1201	Group R Division 3 - R202-R211 deleted as relocated in 1201.
UBC 1204	Revisors Office language clarification.
UBC 1204	Necessitated by change in 1982 Uniform Building Code wording.
UBC 1205	Revisors Office language clarification.
UBC 1205	Necessitated by change in 1982 Uniform Building Code wording.
UBC 1205	1982 Uniform Building Code section change-location.
UBC 1210	Revisors Office language clarification.
UBC 1210	Necessitated by change in 1982 Uniform Building Code wording.
UBC 1217	Revisors Office language clarification.

UBC 1217	1982 Uniform Building Code section change-location.
UBC 1217	"with a key" inserted to clarify existing rule as to method of locking.
UBC 1711(b)	Necessitated by change in 1982 Uniform Building Code wording/location.
UBC 1711(c)	Necessitated by change in 1982 Uniform Building Code wording/location.
UBC 1711(h)	Necessitated by change in 1982 Uniform Building Code wording/location.
UBC 1716	Revisors Office language change.
UBC 1716	Necessitated by change in 1982 Uniform Building Code wording.
UBC 1716	1982 Uniform Building Code section change-location.
UBC 1717(b)(1)(B)	1982 Uniform Building Code section change-location.
1712(a)	Necessitated by change in 1982 Uniform Building Code wording.
1712(a)	1982 Uniform Building Code section change-location.
UBC 1807(h)	Revisors Office language clarification.
UBC 1807(h)	Necessitated by change in 1982 Uniform Building Code wording.
UBC 2303(a)	Revisors Office language clarification.
UBC 2311(a)	Revisors Office language clarification.

UBC 2311(a)	Necessitated by change in 1982 Uniform Building Code wording.
UBC 2403(e)	Revisors Office language clarification.
UBC 2403(e)	Change "A" to "N" to correct error in previous rule printing.
UBC 2416(n)	1982 Uniform Building Code section change-location.
UBC 2501(a)	Revisors Office language clarification.
UBC 2907(a)	Revisors Office language clarification.
UBC 2907(a)	"Grand" changed to "Grant" to correct error in previous rule printing.
UBC 3205(c)	1982 Uniform Building Code section change-location.
UBC 3303(a)	Revisors Office language clarification.
UBC 3303	1982 Uniform Building Code section change-location.
UBC 3304(h)	1982 Uniform Building Code section change-location.
UBC 3305(j)	Necessitated by change in 1982 Uniform Building Code wording/location.
UBC 3321(b)	Revisors Office language clarification.
UBC 3321(b)	1982 Uniform Building Code section change-location.
UBC 3321(c)	Revisors Office language clarification.
UBC 3321(c)	1982 Uniform Building Code section change-location.

UBC 3802(h)	Revisors Office language clarification.
UBC 3802(h)	Necessitated by changed in 1982 Uniform Building Code wording.
UBC 3802(h)	1982 Uniform Building Code section change-location.
UBC 3805(a)	Revisors Office language clarification.
UBC 3805(a)	Necessitated by change in 1982 Uniform Building Code wording.
UBC 3805(a)	1982 Uniform Building Code section change-location.
UBC 5001 to 5006	Revisors Office language clarification.
UBC 5101 to 5105	Revisors Office language clarification.
UBC 6001	Revisors Office language clarification.
UBC 6001	1982 Uniform Building Code section change-location.
UBC Chapter 25	Necessitated by change in 1982 Uniform Building Code wording.
2MCAR § 1.10112	Revisors Office language clarification.
Renumbering	Table 17B to 5E in 2MCAR § 1.10111-1982 Uniform Building Code section change-location.



JAMES J. HINIKER, JR.

COMMISSIONER, DEPT. OF ADMINISTRATION

Date: 11-4-82

In the Matter of the Proposed Adoption of Rules of the State Department of Administration Adopting Amendments to the 1980 Edition of the State Building Code and Adopting by Reference the 1982 Edition of the Uniform Building Code.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General, Larry D. Starns, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Special Assistant
Attorney General

Dated: January 14, 1983