

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

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: 3/8/83

FROM : Norman R. Osterby
Director

PHONE: 6-4627

SUBJECT: SUBMISSION TO ATTORNEY GENERAL - OPTIONAL APPENDIX E AUTOMATIC FIRE SUPPRESSION SYSTEMS

Enclosed please find for your review and approval: Statement of Compliance with Rule Making Procedures, Original and three copies of the Rule as Adopted, two copies of the Order Adopting Rule, Order for Hearing, Notice of Hearing, Affidavit of Mailing of Notice of Hearing, Mailing List Certificate, Rule as Proposed, State Register dated 12/6/82, Hearing Examiner's Report, Agency's Findings of Fact and Conclusions, Statement of Need and Reasonableness, Transcript of the Hearing, Affidavit of Mailing Notice of Submission to the Attorney General and accompanying Notice.

The adopted rule is being submitted to the Revisor's Office on this date for their approval.

Also included for your review are the written comments received by our office and the Office of Administrative Hearings.

If you have any questions please call me.

(p)
enclosures

SF-00009-01

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT of Administration
BUILDING CODES & STANDARDS

TO : Larry Starns
Special Asst. Attorney General

DATE: 3/7/83

FROM : Peggi Opalinski Peggi - Call me!!

PHONE: 6-4626

SUBJECT: APPENDIX E SUBMISSION TO ATTORNEY GENERAL

Enclosed please find the necessary documents for review by the Attorney General for Appendix E. Please review and attach your Certificate of Rule Making Compliance. The date on the Notice of and Affidavit of Submission to the Attorney General is March 8, 1983. I am also submitting a copy of the adopted rules to the Revisor's Office on that date. Thanks for all your help!

p

Our File No. 842

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3-8-83
DATE FOR REVIEW 3-21-83
DATE DUE 3-28-83

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

Approved 3/25/83 Disapproved Returned to Agency

Resubmitted Due 3/28/83
Approved Disapproved Returned to Agency

Date filed w/Secretary of State 3/28/83 Revisor approved 3/9/83 disapproved

---

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 3.2.83 Date

N/A Notice of Intent to Solicit Outside Opinion but see HE 7

✓ Order for rulemaking
1.5.82 date of Hearing misstated yr — should be '83

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
? Sufficiency see my comment

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

✓ Mailing list Certificate

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

✓ Hearing Examiner's Report

N/A Chief Hearing Examiner's Report(s)
Approving H.E.'s Report
✓ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

N/A Certificate of Board's Resolution Adopting Rules

N/A 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

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : SANDRA J. HALE, Commissioner of Admin. DATE: 3/28/83

Attn: LARRY D. STARNS, Special Assistant Attorney General

FROM : TED A. MARTINEZ TAM PHONE: 296-4692
Special Assistant
Attorney General

SUBJECT: In the Matter of the Proposed Rules of the Department of Administration Governing Amendments to the State Building Code Entitled Proposed Optional Appendix E Automatic Fire Suppression Systems.

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

Department of Administration
Building Codes and Standards Division

Adopted Rules Governing Amendments to the State Building Code entitled Proposed Optional Appendix E Automatic Fire Suppression Systems

Rule as Adopted

2 MCAR S 1.10020 Optional provisions for installation of on-premises fire suppression systems.

A. Purpose. This rule authorizes optional provisions for the installation of on-premises fire suppression systems in new construction. It is intended to alleviate increasing demands for additional fire suppression resources by allowing a municipality to adopt the optional provisions of this rule based on its local fire suppression capabilities.

B. Municipal option. The sprinkler system requirements in C. may be adopted without change by a municipality. If they are adopted, the requirements are applicable throughout the municipality for new buildings, additions to buildings, and buildings for which the occupancy classification is changed.

C. Requirements. Automatic sprinkler systems must be installed and maintained in operable condition in buildings in the occupancy classifications listed in 1.-12. This requirement is in addition to other minimum requirements set in the state building code. The height and area increases provided ~~for~~ in sections 506 and 507 of the Uniform Building Code, as adopted in the state building code ~~may be applied~~ are applicable.

1. Group A-1 occupancies.

2. Group A-2 occupancies with an occupant load of 300 or more.

3. Group A-2.1 occupancies.

4. Group B-1 service stations with 3,000 or more gross sq. ft. of area, not including canopies.

5. Group B-1 parking garages with 5,000 or more gross sq. ft. of area.

6. Group B-2 offices and post-secondary classrooms with 8,500 or more gross sq. ft. of area or three or more stories in height.

7. Group B-2 retail, warehouse, or manufacturing areas with 2,000 or more gross sq. ft. of area or three or more stories in height.

8. Group E-1 and E-2 occupancies with 8,500 or more gross sq. ft. in area or two or more stories in height, except for minor additions that do not increase the occupant load or significantly increase the fire load.

9. Group E-3 occupancies with an occupant load of 30 or more.

10. Group H-4 occupancies with 3,000 or more gross sq. ft. of area.

11. Group R-1 apartment houses with 8,500 or more gross sq. ft. of area or with dwelling units on three or more floors, except that when they are not required by Uniform Building Code, sections 1807 or 1907, or other provisions of the state building code, automatic sprinkler systems within dwelling units in apartment occupancies are considered complete when protection is provided in all habitable rooms. Building officials, in concurrence with their fire chiefs, may accept <u>alternate</u> systems ~~not-fully-complying~~ <u>which have fire protection capabilities equivalent to systems which comply</u> with Standard 38-1 of the Uniform Building Code.

12. Group R-1 hotels and motels with 8,500 or more gross sq. ft. of area or with guest rooms on three or more floors.

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

AR0239

Agency: Department of Administration

Division: Building Codes and Standards Division

Agency Contact: Elroy N. Berdahl 296-4633

Rule Numbers: 2 MCAR S 1.10020

Title: Adopted Rule Providing Optional Procedures for Installation of On-Premises Fire Suppression Systems

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

Steven C. Cross

Craig E. Lindeke

Assistant Revisor

Phone: 296-0946

Date: March 9, 1983

APPROVED AS TO LEGALITY
March 25 1983
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Ted A. Martinez
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 28 1983
Secretary of State

11:37AM

Rule as Proposed (all new material)

2 MCAR S 1.10020 Optional provisions for installation of on-premises fire suppression systems.

A. Purpose. This rule authorizes optional provisions for the installation of on-premises fire suppression systems in new construction. It is intended to alleviate increasing demands for additional fire suppression resources by allowing a municipality to adopt the optional provisions of this rule based on its local fire suppression capabilities.

B. Municipal option. The sprinkler system requirements in C. may be adopted without change by a municipality. If they are adopted, the requirements are applicable throughout the municipality for new buildings, additions to buildings, and buildings for which the occupancy classification is changed.

C. Requirements. Automatic sprinkler systems must be installed and maintained in operable condition in buildings in the occupancy classifications listed in 1.-12. This requirement is in addition to other minimum requirements set in the state building code. The height and area increases provided for in sections 506 and 507 of the Uniform Building Code, as adopted in the state building code may be applied.

1. Group A-1 occupancies.

2. Group A-2 occupancies with an occupant load of 300 or more.

3. Group A-2.1 occupancies.

4. Group B-1 service stations with 3,000 or more gross sq. ft. of area, not including canopies.

5. Group B-1 parking garages with 5,000 or more gross sq. ft. of area.

6. Group B-2 offices and post-secondary classrooms with 8,500 or more gross sq. ft. of area or three or more stories in height.

7. Group B-2 retail, warehouse, or manufacturing areas with 2,000 or more gross sq. ft. of area or three or more stories in height.

8. Group E-1 and E-2 occupancies with 8,500 or more gross

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

sq. ft. in area or two or more stories in height, except for minor additions that do not increase the occupant load or significantly increase the fire load.

9. Group E-3 occupancies with an occupant load of 30 or more.

10. Group H-4 occupancies with 3,000 or more gross sq. ft. of area.

11. Group R-1 apartment houses with 8,500 or more gross sq. ft. of area or with dwelling units on three or more floors, except that when they are not required by Uniform Building Code, sections 1807 or 1907, or other provisions of the state building code, automatic sprinkler systems within dwelling units in apartment occupancies are considered complete when protection is provided in all habitable rooms. Building officials, in concurrence with their fire chiefs, may accept systems not fully complying with Standard 38-1 of the Uniform Building Code.

12. Group R-1 hotels and motels with 8,500 or more gross sq. ft. of area or with guest rooms on three or more floors.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

BUILDING CODES & STANDARDS DIVISION

In the Matter of the Proposed Rules of the Department of Administration Governing Amendments to he State Building Code Entitled Proposed Optional Appendix E Automatic Fire Suppression Systems

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Peter Erickson on the 5th day of January, 1983, at 9:30 a.m., in the Building Codes and Standards Division Conference Room, St. Paul, Minnesota, after proper notice required by Minnesota Statutes sections 14.13 and 14.14 was served upon all persons, associations, and other interested groups registered with the State Building Codes and Standards Division for that purpose.

After affording interested persons an opportunity to present written and oral data, statements, and arguments, hearing all of the testimony, considering all of the evidence adduced and upon the records, files, and proceedings herein and applicable statutory standards or criteria, and confirming the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Appendix E are adopted this 2nd day of March, 1983, pursuant to authority vested in me by Minnesota Statutes sections 16.85 and 16.86 (1982).

STATE OF MINNESOTA

Sandra J. Hale

SANDRA J. HALE
COMMISSIONER OF ADMINISTRATION

BCD
EXHIBIT #1

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS DIVISION

In the Matter of the Proposed
Rules of the Department of Administration
Governing Amendments to the State
Building Code entitled Proposed Optional
Appendix E Automatic Fire Suppression Systems

ORDER FOR HEARING

IT IS ORDERED this 17th day of November, 1982 that a public hearing on the proposed rules captioned above be held in the State Building Codes and Standards Division Conference Room, St. Paul, Minnesota on January 5, 1982, commencing at 9:30 a.m., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all persons who have registered their names with the State Building Codes and Standards Division for that purpose and be published in the State Register.

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION

James J. Hiniker, Jr.
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS DIVISION

In the Matter of the Proposed Rules of the Department of Administration Governing Amendments to the State Building Code entitled Proposed Optional Appendix E Automatic Fire Suppression Systems

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the Building Codes & Standards Division Conference Room, 408 Metro Square Building, St. Paul, Minnesota on January 5, 1983 commencing at 9:30 a.m., and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Peter Erickson, Hearing Examiner, Office of Administrative Hearings, 4th Floor Summit Bank Building, 310 4th Ave. So., Minneapolis, MN 55415, either before the hearing or within 5 working days after the close of the hearing. At the hearing the Hearing Examiner may extend the time for comment for a period not to exceed twenty (20) calendar days from the date of hearing.

The proposed rules provide for installation of on-premises fire suppression systems, to alleviate increasing demands on municipalities for additional fire suppression resources, i.e. equipment, personel, fire stations, etc. by authorizing a municipalilty to adopt optional provisions based on its local fire suppression capabilities. When a municipality determines that additional provisions for on-site fire suppression systems are necessary based on local fire suppression capabilities they may adopt the rules without change. The adoption of the rule, without change, by municipalities is to establish uniformity of additional standards above and beyond the basic provision of the State Building Code. The State Building Code is the uniform standard in use throughout the state which establishes standards for the construction, reconstruction, alteration and repair of buildings governing matters of structural materials; design and construction, fire protection, health, sanitation and safety.

The proposed rules are subject to change as a result of the rules hearing process. The agency therefore strongly urges those who are potentially affected in any matter by the substance of the proposed rules to participate in the rules hearing process.

Copies of the proposed rules will be available at the door on the date of the hearing and one free copy can now be obtained by writing to the Building Codes & Standards Division, 408 Metro Square Building, 7th & Robert Sts., St. Paul, MN 55101.

The agency's authority to promulgate the proposed rules is contained in MN Stats. (1980) §§ 16.85 and 16.86.

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need and the reasonableness of the proposed rules.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. 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 to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01 subd. 11 (1979 supp.) as any individual:

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

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

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

The rule hearing procedure is governed by Minn. Stat. §§ 15.0411 - 15.0417 and 15.052 and by 9MCAR §§ 2.101 - 2.113. Questions about the procedure may be directed to the Hearing Examiner.

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION

James J. Hiniker, Jr.
Commissioner

Date: 11-17-82

In the Matter of the Proposed Rules of the Department of Administration Governing Amendments to the State Building Code entitled Proposed Optional Appendix E Automatic Fire Suppression Systems

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

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

That on the 2nd day of December, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the State of Minnesota Central Mail System for United States Mailing at said City of St. Paul, 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 Division.

Gloria Safford
Gloria Safford

Subscribed and sworn to before me
this 2nd day of December, 1982.

JOSEPH A. SAURO
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Dec. 11, 1987

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed
Rules of the Department of Administration
Governing Amendments to the State
Building Code entitled Proposed Optional
Appendix E Automatic Fire Suppression Systems

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 Division is accurate and complete as of 2:00 p.m., this 2nd day of December, 1982.

Margaret Ann Opalinski
Office Services Manager

STATE REGISTER

STATE OF MINNESOTA



VOLUME 7, NUMBER 23

December 6, 1982

Pages 881-912

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		
24	Monday Nov 29	Monday Dec 6	Monday Dec 13
25	Monday Dec 6	Monday Dec 13	Monday Dec 20
26	Monday Dec 13	Monday Dec 20	Monday Dec 27
27	Monday Dec 20	Monday Dec 27	Monday Jan 3

*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

Carol Anderson Porter
Editor

Paul Hoffman, Robin PanLener, Roy Schmidtke, Jean Walburg
Editorial Staff

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

Cover graphic: *Minnesota State Capitol*, ink drawing by Ric James.

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 14-23 884

PROPOSED RULES

Administration Department
Building Codes and Standards Division
Amendments to the State Building Code Entitled Proposed Optional Appendix E Automatic Fire Suppression Systems 886

Minnesota Housing Finance Agency
Proposed Temporary Rules Governing Income Limits for the Limited Unit Development Mortgages [request for public comment] 888

Minnesota Pollution Control Agency
Proposed Revision of APC 1 Relating to Ambient Air Quality Standards [notice of correction of adopted amendments] 889

Public Utilities Commission
Proposed Amendment of Rules Governing the Cold Weather Rule [notice of intent to adopt rules without a public hearing] 889

Public Welfare Department
Proposed Rules Governing Mental Health Center Standards [notice of hearing] 890

Revenue Department
Petroleum Tax Division
Proposed Rules Governing Special Fuel Requirements [notice of intent to adopt a rule without a public hearing] 899

ADOPTED RULES

Public Welfare Department
Social Services Bureau
Adopted Rule Governing Services to Mothers and Pregnant Women 901

SUPREME COURT

Decisions Filed Wednesday, November 24, 1982
82-340 State of Minnesota v. John Van Gorden, Appellant. Hennepin County 902
82-343 State of Minnesota v. Bradley Vogelpohl, Appellant. Brown County 902
82-892 Jeffrey Frank, petitioner, Appellant, v. State of Minnesota. Hennepin County 902
81-1210 American Motorist Insurance Company v. Vicky M. Sarvela, Appellant. Hennepin County 902
82-398 Rush City Hospital v. Sandstone Area Hospital and Nursing Home, Inc. and Lakeside Nursing Home, Inc., Appellants, and Pine County Board of Commissioners, Dr. George R. Petterson, Minnesota Commissioner of Health, and Central Minnesota Health Systems Agency, Defendants. Pine County 902
81-1296 In the Matter of the Appeal of: Daniel J. Nordgren, Jr., *et al.*, Appellants, v. City of Maplewood, Ramsey County, Minnesota. Ramsey County 902
82-429 Olympia Brewing Company, Relator, v. Commissioner of Revenue. Tax Court 902

STATE CONTRACTS

Public Welfare Department
Chemical Dependency Program Division
Training Services 903

OFFICIAL NOTICES

Administration Department
Office Space Wanted by State of Minnesota 903

Commerce Department
Banking Division
Bulletin No. 2685: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of December 1982 904

Energy, Planning and Development Department
Planning Division
Office of Local Government
Notice of Meeting 904
Notice of Grants Award Meeting for Youth Intervention Bill applicants 904

Ethical Practices Board
1983 Campaign Expenditure and Contribution Limits 904

Metropolitan Council of the Twin Cities
Notice of Availability of Final Environmental Impact Statement 905

Minnesota Board of Chiropractic Examiners
Outside Opinion Sought on Proposed Rules of the Board of Chiropractic Examiners 906

Natural Resources Department
Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Marshall County [notice of and order for hearing] 906

Transportation Department
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. 62787] 907

NOTICE

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

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

The PROPOSED RULES section contains:

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

The ADOPTED RULES section contains:

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

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

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

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

The listings are arranged in the same order as the table of contents of the MCAR.

MCAR AMENDMENTS AND ADDITIONS

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR § 1.10020 (proposed) 886
2 MCAR §§ 1.10103-1.10104, 1.10107, 1.10109, 1.10111-1.10112 (proposed) 766
2 MCAR §§ 1.8001-1.8024 (notice of withdrawal) 517
2 MCAR §§ 1.8001-1.8023 (additional notice) 517

Part 2 Employee Relations Department

2 MCAR §§ 2.300-2.303, 2.306-2.307, 2.311-2.312, 2.316-2.326, 2.341-2.347, 2.351-2.355, 2.361-2.370, 2.381, 2.391-2.397, 2.401-2.417 (proposed) 465
2 MCAR §§ 2.308, 2.331-2.333, 2.371 (proposed) 744
2 MCAR § 2.010 (proposed repeal) 744
2 MCAR §§ 2.001-2.004, 2.011, 2.022-2.023, 2.029-2.030, 2.038-2.042, 2.044, 2.046, 2.049, 2.056, 2.061, 2.064-2.068, 2.084-2.085, 2.088, 2.090-2.091, 2.096, 2.118, 2.179, 2.182, 2.198, 2.201-2.202, 2.205, 2.208, 2.212, 2.2121, 2.215, 2.222, 2.224-2.225, 2.227-2.231, 2.233, 2.236-2.237, 2.2371, 2.239, 2.245, 2.249, 2.2491, 2.251-2.252, 2.255-2.256, 2.2561, 2.258-2.260, 2.2601, 2.261-2.264, 2.290-2.293 (proposed repeal) 465

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0325-1.0326, 1.0327 (Agr 322), 1.0328 (proposed) 733
Agr 319-321, 323 (proposed repeal) 733
3 MCAR §§ 1.4035-1.4040 (adopted) 561

TITLE 4 COMMERCE

Part 1 Commerce Department

Uniform Conveyancing Blanks to Replace Uniform Conveyancing Blanks 54-M through 57-M (Contracts Deed) and 58-M and 59-M (Assignments of Contracts for Deed), Originals of Which are Filed with the Secretary of State, and Copies of Which Are Set Out following Minn. Stat. Ann. Ch. 507; Creating Two New Residential Mortgage Blanks and an Affidavit of Identity and Survivorship for Death occurring after December 31, 1979 (adopted) 562
4 MCAR §§ 1.0100 (BD 100), 1.0101 (BD 101), 1.0102 (BD 103), 1.0103 (BD 104), 1.0104 (BD 105), 1.0105 (BD 106), 1.0106 (BD107), 1.0107 (BD 109), 1.0120 (BD 120), 1.0121 (BD 121), 1.0122 (BD 122), 1.0123 (BD 123), 1.0124 (BD 124) (proposed) 668
BD 102, BD 108, BD 124, BD 125, BD 126 (proposed repeal) 668
4 MCAR §§ 1.41500-1.41503, 1.41505, 1.41514-1.41552 (adopted) 562
4 MCAR §§ 1.9081-1.9088 (adopted) 753
4 MCAR §§ 1.9140-1.9143 (proposed) 582
4 MCAR §§ 1.9140-1.9143 (notice of hearing) 743
4 MCAR § 1.9142 (proposed for repeal effective Jan. 1, 1986) 582

Part 2 Energy, Planning and Development Department

4 MCAR §§ 2.501-2.508 (proposed) 606

Part 3 Public Utilities Commission

4 MCAR § 3.0299 (proposed) 889

Part 4 Cable Communications Board
4 MCAR §§ 4.240-4.243 (proposed) 730

Part 10 Cosmetology Board
4 MCAR §§ 10.100-10.143 (proposed) 625

TITLE 5 EDUCATION

Part 1 Education Department
EDU 143 Temp-EDU 146 Temp (adopted) 609
EDU 142 C. (temporarily suspended) 609
EDU 143-150 (proposed) 600
EDU 142 C. (proposed repeal) 600
EDU 4, 5, 6, 7, 21, 23, 40, 42, 43, 44, 45, 46, 420, 421, 422, 423, 424, 425 (proposed) 586
5 MCAR §§ 1.0010-1.0011, 1.00201, 1.00301, 1.0036-1.0037, 1.00401-1.00402, 1.0760-1.0762, 1.07631, 1.07641, 1.07642, 1.0800-1.0805 (proposed) 586
EDU 1, 2, 3, 4 E., 4 F., 5 D., 6 A.1., 9, 20, 21 B., 22, 23 A.4., 23 A.5., 23 B.1., 23 B.2., 30, 32 A., 32 B., 32 C., 32 D.1., 40 A.1., 40 A.2., 40 A.3.b., 40 A.4., 40 A.4.a., 40 A.4.b., 40 A.4.c., 40 A.4.c.(1), 40 A.4.c.(2), 40 A.4.c.(3), 40 A.5., 40 B., 40 C., 40 D., 40 E., 40 F., 40 G., 41, 42 B.1., 42 B.2., 42 B.3., 42 D.3., 42 D.3.a., 42 D.3.b.(1), 42 D.3.b.(2), 42 D.3.c., 42 D.3.d., 42 D.3.d.(1), 43 A.2., 43 A.2.a., 43 A.2.b., 43 A.2.c., 43 A.2.d., 43 A.3., 43 B.1.a., 43 B.1.b., 43 B.1.c., 43 B.1.d., 43 B.2., 43 C., 43 C.1., 43 C.2., 43 C.2.a., 43 C.2.b., 43 C.2.c., 45 A.2.b., 46 D., 140 A., 140 B., 141, 142, 160, 161, 162, 327, 561, 700, 702, 703, 704, 705, 706, 5 MCAR §§ 1.0761 D., 1.0762 G.3. and G.4., 1.0763, 1.0764, 1.0766, 1.0767, 1.0768, 1.0769 (proposed repeal) 586
5 MCAR §§ 1.01031-1.01032 (proposed) 605
5 MCAR §§ 1.0782, 1.0786, 1.0791 (adopted) 481

Part 2 Board of Teaching
5 MCAR §§ 3.061, 3.081, 3.1041 (adopted) 821
5 MCAR §§ 3.072 B., 3.091 D., 3.101, 3.102, 3.103, 3.106, 3.108, 3.114 (repealed) 821
5 MCAR § 3.104 (repealed effective July 1, 1985) 821
5 MCAR §§ 3.060 (repealed effective July 1, 1987) 821
5 MCAR §§ 3.007. 3.065, 3.0831 (withdrawn) 821

TITLE 6 ENVIRONMENT

Part 1 Natural Resources Department
6 MCAR § 1.0200 (NR 200) (proposed) 790

Part 4 Pollution Control Agency
6 MCAR § 4.0001 (adopted) 704
6 MCAR § 4.0001 (notice of correction) 889

Part 8 Waste Management Board
6 MCAR §§ 8.401-8.412 (proposed) 791

TITLE 7 HEALTH

Part 1 Health Department
7 MCAR §§ 1.210, 1.212, 1.216 (proposed) 746
7 MCAR §§ 1.217 C.4., 1.218 D. (proposed repeal) 746
7 MCAR §§ 1.239, 1.2395, 1.250, 1.255, 1.314 (proposed) 517

Part 5 Board of Nursing
7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.1031, 5.1033, 5.2002-5.2003, 5.2021, 5.2030, 5.2033 (proposed) 749
7 MCAR §§ 5.1050-5.1101, 5.2040-5.2091, 5.3002 C. and D. (proposed repeal) 693
7 MCAR §§ 5.3000-5.3021 (proposed) 693

TITLE 8 LABOR

Part 1 Labor and Industry Department
RS 1, 15, 18-19 (proposed) 782

TITLE 10 PLANNING

Part 1 Energy, Planning and Development (State Planning Agency)
10 MCAR §§ 1.500, 1.505, 1.510, 1.515, 1.520, 1.525, 1.530, 1.535, 1.540, 1.545, 1.550, 1.555, 1.560, 1.565 (adopted) 566

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department
11 MCAR §§ 1.2094, 1.2140 (proposed) 528
11 MCAR §§ 1.3060-1.3067 (withdrawn) 820

TITLE 12 SOCIAL SERVICES

Part 2 Public Welfare Department
12 MCAR §§ 2.029, 2.0291-2.0298 (proposed) 890
12 MCAR §§ 2.0551 [Temp]-2.0554 [Temp] (proposed) 672
12 MCAR § 2.222 (adopted) 901
12 MCAR §§ 2.494, 2.504, 2.509, 2.840 (proposed) 536

Part 3 Housing Finance Agency
12 MCAR § 3.002 [Temp] (proposed) 888
12 MCAR § 3.051 [Temp] (proposed) 672
12 MCAR § 3.051 [Temp] (corrected notice) 820
12 MCAR § 3.002 [Temp] (adopted) 610
12 MCAR § 3.139 [Temp] (proposed) 671
12 MCAR § 3.139 [Temp] (corrected notice) 819
12 MCAR § 3.1395 [Temp] (proposed) 670
12 MCAR § 3.1395 [Temp] (corrected notice) 819

TITLE 13 TAXATION

Part 1 Revenue Department
13 MCAR § 1.4006 (proposed) 899
13 MCAR § 1.6007 (adopted) 481

TITLE 14 TRANSPORTATION

Part 2 Metropolitan Transit Commission
14 MCAR §§ 2.001-2.006, 2.020-2.024, 2.030-2.048 (MTC 1-6, 20-24, 30-48) (proposed repeal) 818

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 entitled Proposed Optional Appendix E Automatic Fire Suppression Systems

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Building Codes and Standards Division Conference Room, 408 Metro Square Building, St. Paul, Minnesota on January 5, 1983 commencing at 9:30 a.m., and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Peter Erickson, Hearing Examiner, Office of Administrative Hearings, 4th Floor Summit Bank Building, 310 4th Ave. So., Minneapolis, MN 55415, either before the hearing or within 5 working days after the close of the hearing. At the hearing the hearing examiner may extend the time for comment for a period not to exceed twenty (20) calendar days from the date of hearing.

The proposed rules provide for installation of on-premises fire suppression systems, to alleviate increasing demands on municipalities for additional fire suppression resources, i.e. equipment, personnel, fire stations, etc. by authorizing a municipality to adopt optional provisions based on its local fire suppression capabilities. When a municipality determines that additional provisions for on-site fire suppression systems are necessary based on local fire suppression capabilities they may adopt the rules without change. The adoption of the rule, without change, by municipalities is to establish uniformity of additional standards above and beyond the basic provision of the *State Building Code*. The *State Building Code* is the uniform standard in use throughout the state which establishes standards for the construction, reconstruction, alteration and repair of buildings governing matters of structural materials; design and construction, fire protection, health, sanitation and safety.

The proposed rules are subject to change as a result of the rules hearing process. The agency therefore strongly urges those who are potentially affected in any matter by the substance of the proposed rules to participate in the rules hearing process.

Copies of the proposed rules will be available at the door on the date of the hearing and one free copy can now be obtained by writing to the Building Codes & Standards Division, 408 Metro Square Building, 7th & Robert Sts., St. Paul, MN 55101.

The agency's authority to promulgate the proposed rules is contained in Minn. Stat. §§ 16.85 and 16.86 (1980).

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need and the reasonableness of the proposed rules.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. 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 to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01 subd. 11 (1979 supp.) as any individual:

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

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

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

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

The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052 and by 9 MCAR §§ 2.101-2.113. Questions about the procedure may be directed to the Hearing Examiner.

Date: 11-17-82

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

Rule as Proposed (all new material)

2 MCAR § 1.10020 Optional provisions for installation of on-premises fire suppression systems.

A. Purpose. This rule authorizes optional provisions for the installation of on-premises fire suppression systems in new construction. It is intended to alleviate increasing demands for additional fire suppression resources by allowing a municipality to adopt the optional provisions of this rule based on its local fire suppression capabilities.

B. Municipal option. The sprinkler system requirements in C. may be adopted without change by a municipality. If they are adopted, the requirements are applicable throughout the municipality for new buildings, additions to buildings, and buildings for which the occupancy classification is changed.

C. Requirements. Automatic sprinkler systems must be installed and maintained in operable condition in buildings in the occupancy classifications listed in 1.-12. This requirement is in addition to other minimum requirements set in the state building code. The height and area increases provided for in sections 506 and 507 of the Uniform Building Code, as adopted in the state building code may be applied.

1. Group A-1 occupancies.
2. Group A-2 occupancies with an occupant load of 300 or more.
3. Group A-2.1 occupancies.
4. Group B-1 service stations with 3,000 or more gross sq. ft. of area, not including canopies.
5. Group B-1 parking garages with 5,000 or more gross sq. ft. of area.
6. Group B-2 offices and post-secondary classrooms with 8,500 or more gross sq. ft. of area or three or more stories in height.
7. Group B-2 retail, warehouse, or manufacturing areas with 2,000 or more gross sq. ft. of area or three or more stories in height.

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.

8. Group E-1 and E-2 occupancies with 8,500 or more gross sq. ft. in area or two or more stories in height, except for minor additions that do not increase the occupant load or significantly increase the fire load.

9. Group E-3 occupancies with an occupant load of 30 or more.

10. Group H-4 occupancies with 3,000 or more gross sq. ft. of area.

11. Group R-1 apartment houses with 8,500 or more gross sq. ft. of area or with dwelling units on three or more floors, except that when they are not required by Uniform Building Code, sections 1807 or 1907, or other provisions of the state building code, automatic sprinkler systems within dwelling units in apartment occupancies are considered complete when protection is provided in all habitable rooms. Building officials, in concurrence with their fire chiefs, may accept systems not fully complying with Standard 38-1 of the Uniform Building Code.

12. Group R-1 hotels and motels with 8,500 or more gross sq. ft. of area or with guest rooms on three or more floors.

Minnesota Housing Finance Agency

Proposed Temporary Rules Governing Income Limits for the Limited Unit Development Mortgages

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of setting income limits for the Limited Unit Development Mortgages, pursuant to Laws 1981, Chapter 306, Section 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the *State Register* by writing to Monte Aaker, Research Coordinator, Minnesota Housing Finance Agency, Suite 200, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rule may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rule. As required by the Administrative Procedures Act, this temporary rule will be effective for not more than 180 days and may be continued in effect for up to an additional 180 days.

James J. Solem
Executive Director

Temporary Rule as Proposed

12 MCAR § 3.002 [Temporary] Definitions.

A.-N. [Unchanged.]

O. "Persons and families of low and moderate income" means:

1. With respect to limited-unit mortgage loans pursuant to Chapter Four of these rules, development cost loans pursuant to Chapter Three of these rules, planning grants pursuant to Chapter Five of these rules, and American Indian housing loans pursuant to Chapter Eight of these rules, which loans and grants are intended for a limited-unit development, or a dwelling unit in a planned unit development or a condominium, those persons and families whose adjusted income does not exceed the amounts set forth in Exhibit 12 MCAR § 3.002 O.-1 [Temporary] and Exhibit 12 MCAR § 3.002 O.-2 [Temporary] or such lower amount as shall be required to assure that the interest on obligations of the agency will be exempt from federal income taxation. "Metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2;

Exhibit 12 MCAR § 3.002 O.-1 [Temporary]
Maximum Adjusted Income for
Loans for New Construction

~~Mortgage Interest Rate~~	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
~~0-10.59%~~	~~$24,000~~	~~$29,000~~
~~10.60-11.09%~~	~~$25,000~~	~~$30,000~~
~~11.10-11.59%~~	~~$26,000~~	~~$31,000~~
~~11.60-12.09%~~	~~$27,000~~	~~$32,000~~

~~12.10-12.59%~~	~~$28,000~~	~~$33,000~~
~~12.60% and over~~	~~$29,000~~	~~$34,000~~
	$35,000	$39,000

Exhibit 12 MCAR § 3.002 O.-2 [Temporary]

Maximum Adjusted Income for Loans for Existing Construction

~~Mortgage Interest Rate~~	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
~~0-10.59%~~	~~$20,000~~	~~$24,000~~
~~10.60-11.09%~~	~~$21,000~~	~~$25,000~~
~~11.10-11.59%~~	~~$22,000~~	~~$26,000~~
~~11.60-12.09%~~	~~$23,000~~	~~$27,000~~
~~12.10-12.59%~~	~~$24,000~~	~~$28,000~~
~~12.60% and over~~	~~$25,000~~	~~$29,000~~
	$27,000	$35,000

2.-5. [Unchanged.]

P.-V. [Unchanged.]

Minnesota Pollution Control Agency

Proposed Revision of APC 1 (6 MCAR § 4.0001), Relating to Ambient Air Quality Standards

Notice of Correction of Adopted Amendments

At 7 S.R. 704 (November 8, 1982) the Minnesota Pollution Control Agency published adopted amendments to 6 MCAR § 4.0001 relating to ambient air quality standards. Please make the following corrections:

At S.R. 705 the word "in" in the first sentence in 6 MCAR § 4.0001 C. should be added between the words "requirement" and "B." so the first sentence reads: "The requirement in B. applies without respect to whether emission rules stated in other air pollution control rules of the agency are also being violated."

At S.R. 706, in the Remarks to the three-hour secondary sulfur dioxide standard, the word "not" should be inserted between the word "concentration" and the word "to" so the phrase reads "maximum 3 hr. concentration not to be exceeded more than once per year in Air Quality Control Regions 127, 129, 130 and 132 as set forth in 40 C.F.R. Part 81, Designations of Air Quality Control Regions (1981)."

Minnesota Public Utilities Commission

Proposed Amendment of Rules Governing the Cold Weather Rule (4 MCAR § 3.0299 F.2.b.)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission proposes to revise the above-entitled rules without a public hearing. The commission has determined that the proposed revision of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1981).

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.

The proposed changes to the rules would update the maximum total household income levels that qualify for "Inability to Pay" status under the Cold Weather Rule.

Persons interested in this rule shall have 30 days to submit comments on the proposed amendment. The proposed amendment 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 amendment within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f.

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

Mr. Randall D. Young, Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

Authority for the amending of this rule is contained in Minn. Stat. § 216A.05, subd. 1 and § 216B. Additionally, a statement of need and reasonableness that describes the need for the reasonableness of the proposed amendment and identifies the data and information relied upon to support the proposed amendment has been prepared and is available from Mr. Christopher K. Sandberg upon request. Mr. Sandberg may be reached at the above address or by telephone at (612) 296-2357.

Upon adoption of the amendment without a public hearing, the proposed amendment to the rule, this notice, and the statement of need and reasonableness, all written comments received, and the final rule as amended 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 Mr. Sandberg.

A copy of the proposed amendment to the Cold Weather Rule is attached to this notice.

Copies of this notice and the proposed amendment to the rule are available and may be obtained from Mr. Sandberg.

November 17, 1982

Randall D. Young
Executive Secretary

Rule as Proposed

4 MCAR § 3.0299 Disconnection of service during periods of cold weather.

A.-E. [Unchanged.]

F. Commission determination of inability to pay.

1. All appeals of declarations of inability to pay shall be determined on an informal basis by the commission within 30 days after receipt of the utility's written appeal.

2. The commission shall determine the residential customer's inability to pay based upon the following:

a. a finding that the residential customer is in compliance with 4 MCAR § 3.0299 D.1.; and

b. a finding of "lower budget," as defined in the Bureau of Labor Statistics Guidelines, which are ~~those applicable on the effective date of this rule~~ contained in the United States Department of Labor News (82-139) dated April 16, 1982, "Autumn 1981 Urban Family Budgets and Comparative Indexes for Selected Urban Areas" for the Minneapolis-St. Paul, Minnesota area.

3.-4. [Unchanged].

G.-I. [Unchanged.]

Department of Public Welfare

Proposed Rules Governing Mental Health Center Standards (12 MCAR §§ 2.0290-2.0298)

Notice of Hearing

A public hearing concerning the above-entitled matter will be held in the Minnesota Veterans Home Auditorium (Building 15), 5100 Minnehaha Avenue, Minneapolis, Minnesota 55417 on January 6, 1983 commencing at 9:00 a.m. and continuing until

all interested persons have an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Richard C. Luis, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, 612/341-7610 either before the hearing or within five working days after the public hearing ends. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052, and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

Proposed rules 12 MCAR §§ 2.0290-2.0298 cover the following areas:

Rules 12 MCAR §§ 2.0290-2.0298 establish organization, treatment, quality assurance and staffing standards for approval of mental health clinics and mental health centers for purposes of insurance reimbursement pursuant to Minn. Stat. § 62A.152. Minn. Stat. § 62A.152 mandates minimum level of benefits for outpatient treatment of mental or nervous disorders under certain conditions. Approval is not required for the existence of a mental health center.

Rule 12 MCAR § 2.0291 defines the following terms as used in these rules: application, approval, case review, center, client, clinical services, commissioner, competent, consultation, deferral, department, disapproval, discipline documentation, individual treatment plan, mental health professional, mental illness, multidisciplinary staff, and treatment strategy.

Rule 12 MCAR § 2.0292 lists the requirements for the center's organizational structure, and a satellite office.

Rule 12 MCAR § 2.0293 sets out the minimum treatment standards, including procedures for intake, case assignment, assessment and diagnosis, treatment planning, consultation meetings, referral, emergency services and hospital access. Minimum requirements for the client record are also specified.

Rule 12 MCAR § 2.0294 sets out the minimum quality assurance standards, including written policies and procedures for treatment and quality assurance processes, and standard for peer review, internal utilization review, supervision, continuing education, data privacy and handling of complaints and adverse incidents.

Rule 12 MCAR § 2.0295 sets out minimum standards for required staff and additional staff, requirements for staff records, and relationship to staff credentialed under Minn. Stat. § 214.13.

Rule 12 MCAR § 2.0296 explains the application and review process, including how to obtain an application, how the fee is established, what the review entails, timeline for application and review, possible review decisions, and cites the appeals process.

Rule 12 MCAR § 2.0297 explains the post-approval requirements: duration of approval, reapplication process, restrictions on approval, procedures required when the center becomes in noncompliance, and compliance reports.

Rule 12 MCAR § 2.0298 sets out the variance process, how to apply and how the decision is made.

The agency's authority to adopt the proposed rule is contained in Minn. Stat. § 245.69, subd. 2.

The department estimates that county or local costs will be $51,900, $74,800 and $44,900 for FY 1983-FY 1985. These costs are assumed to be a portion of Rule 28 (12 MCAR § 2.028) center costs. The costs include biennial applicant fees and annual ongoing charge or training to ensure that compliance is maintained by the center.

Copies of the proposed rule are now available and at least one free copy may be obtained by writing to Trudy Dunham, Mental Illness Program Division, Mental Health Bureau, Department of Public Welfare, Fourth Floor, Centennial Office Building, St. Paul, Minnesota 55155, telephone (612) 296-4503. Additional copies will be available at the hearing. If you have any questions on the content of the rule, please call Trudy Dunham.

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.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the agency. 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 to the agency, in the case of the agency's submission or resubmission to the Attorney General.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, Subd. 11, 1979 supp., as any individual:

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

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

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

November 19, 1982

Arthur E. Noot
Commissioner of Public Welfare

Rules as Proposed (all new material)

12 MCAR § 2.029 Mental health center standards. Rules 12 MCAR §§ 2.0291-2.0298 establish standards for approval of mental health centers and mental health clinics for purposes of insurance reimbursement under Minnesota Statutes, section 62A.152.

12 MCAR § 2.0291 Definitions.

A. Scope. As used in 12 MCAR §§ 2.0291-2.0298, the following terms have the meanings given them.

B. Application. "Application" means the formal statement by a center to the commissioner, on the forms created for this purpose, requesting recognition as meeting the requirements of Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298.

C. Approval. "Approval" means the determination by the commissioner that the applicant center has met the minimum standards of Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.029-2.0298, and is therefore eligible to claim reimbursement for outpatient clinical services under the terms of Minnesota Statutes, section 62A.152. Approval of a center under 12 MCAR §§ 2.0291-2.0298 does not mean approval of a staff person of such center to claim reimbursement from Medical Assistance or other third party payors when practicing privately. Approval of a center under 12 MCAR §§ 2.0291-2.0298 does not mean approval of such center to claim reimbursement from Medical Assistance.

D. Case review. "Case review" means a consultation process thoroughly examining a client's condition and treatment. It includes review of the client's reason for seeking treatment, diagnosis and assessment, and the individual treatment plan; review of the appropriateness, duration, and outcome of treatment provided; and treatment recommendations.

E. Center. "Center" means a public or private health and human services facility which provides clinical services in the treatment of mental illness. It is an abbreviated term used in place of "mental health center" or "mental health clinic" throughout the rule.

F. Client. "Client" means a person accepted by the center to receive clinical services in the diagnosis and treatment of mental illness.

G. Clinical services. "Clinical services" means services provided to a client to diagnose, describe, predict, and explain that client's status relative to a disabling condition or problem, and where necessary, to treat the client to reduce impairment due to that condition. Clinical services include individual treatment planning, case review, record keeping required for treatment, peer review, and supervision.

H. Commissioner. "Commissioner" means the Commissioner of the Minnesota Department of Public Welfare or a designated representative.

I. Competent. "Competent" means having sufficient knowledge of and proficiency in a specific mental illness assessment or treatment service, technique, method, or procedure, documented by experience, education, training, and certification, to be able to provide it to a client with little or no supervision.

J. Consultation. "Consultation" means the process of deliberating or conferring between multidisciplinary staff regarding a client and the client's treatment.

K. Deferral. "Deferral" means the determination by the commissioner that the applicant center does not meet the minimum standards of Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298 and is not approved, but is granted a period of time to comply with these standards and receive a second review without reapplication.

L. Department. "Department" means the Minnesota Department of Public Welfare.

M. Disapproval. "Disapproval" means a determination by the commissioner that the applicant center does not meet the minimum standards of Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298.

N. Discipline. "Discipline" means a branch of professional knowledge or skill acquired through a specific course of study and training and usually documented by a specific educational degree or certification of proficiency. Examples of the mental health disciplines are psychiatry, clinical psychology, clinical social work, and psychiatric nursing.

O. Documentation. "Documentation" means the automatically or manually produced and maintained evidence that can be read by person or machine, and that will attest to the compliance with requirements of Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298.

P. Individual treatment plan. "Individual treatment plan" means a written plan of intervention and treatment developed on the basis of assessment results for a specific client, and updated as necessary. The plan specifies the goals and objectives in measurable terms, states the treatment strategy, and identifies responsibilities of multidisciplinary staff.

Q. Mental health practitioner. "Mental health practitioner" means a staff person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

1. by having a bachelor's degree in one of the behavioral sciences or a related field, from an accredited college or university and 2,000 hours of supervised clinical experience in the treatment of mental illness;

2. by having 6,000 hours of supervised clinical experience in the treatment of mental illness;

3. by being a graduate student in a mental health discipline formally assigned to the center for clinical training by an accredited college or university; or

4. by having a master's or other graduate degree in a mental health discipline from an accredited college or university.

Documentation of compliance with 12 MCAR § 2.0294 D.2. is required for designation of work as supervised clinical experience.

R. Mental health professional. "Mental health professional" means a staff person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

1. in psychiatric nursing: a registered nurse with either a master's degree in a mental health discipline from an accredited college or university, or its equivalent, who is licensed under Minnesota Statutes, sections 148.171 to 148.285, with at least 4,000 hours of post master's supervised clinical experience in the treatment of mental illness.

2. in clinical social work: a person with either a master's degree in clinical social work from an accredited college or university, or its equivalent, with at least 4,000 hours of post master's supervised clinical experience in the treatment of mental illness;

3. in clinical psychology: a psychologist licensed under Minnesota Statutes, sections 148.88 to 148.98;

4. in psychiatry: a physician licensed under Minnesota Statutes, chapter 147 and certified by the Board of Psychology or eligible for board certification in psychiatry; and

5. in allied fields: a person with either a master's degree from an accredited college or university in one of the behavioral sciences or related fields, or its equivalent, whose official transcript documents that the degree or its equivalent includes a minimum of 28 semester hours of graduate course credit in mental health theory and supervised clinical training, with at least 4,000 hours of post master's supervised clinical experience in the treatment of mental illness; or a physician licensed under Minnesota Statutes, chapter 147.

Documentation of compliance with 12 MCAR § 2.0294 D.2. is required for designation of work as supervised clinical experience.

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.

S. Mental illness. "Mental illness" means a condition which results in an inability to interpret the environment realistically and in impaired functioning in primary aspects of daily living such as personal relations, living arrangements, work, and recreation, and which is listed in the clinical manual of the International Classification of Diseases (ICD-9-CM), Ninth Revision (1980), code range 290.0-302.99 or 306.0-316, or the corresponding code in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-III), Third Edition (1980), Axes I, II or III. These publications are available from the state law library.

T. Multidisciplinary staff. "Multidisciplinary staff" means the mental health professionals and mental health practitioners employed by or under contract to the center to provide outpatient clinical services in the treatment of mental illness.

U. Treatment strategy. "Treatment strategy" means the particular form of service delivery or intervention which specifically addresses the client's characteristics and mental illness, and describes the process for achievement of individual treatment plan goals.

12 MCAR § 2.0292 Mental health center; mental health clinic.

A. Organizational structure.

1. The center or the facility of which it is a unit shall be legally constituted as a partnership, corporation, or government agency. The center shall be either the entire facility or a clearly identified unit within the facility which is administratively and clinically separate from the rest of the facility. All business shall be conducted at that center or facility, except Medical Assistance billing by individually-enrolled providers when the center is not enrolled.

2. The center shall document that the prevention, diagnosis, and treatment of mental illness are the main purposes of the center. If the center is a unit within a facility, the rest of the facility shall not provide clinical services in the outpatient treatment of mental illness. The facility may provide services other than clinical services in the treatment of mental illness, including medical services, chemical dependency services, social services, training, and education. The provision of these additional services is not reviewed in granting approval to the center under 12 MCAR §§ 2.0291-2.0298.

3. The center shall have a governing body. The governing body shall provide written documentation of its source of authority. The governing body shall be legally responsible for the implementation of the standards set forth in Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298 through the establishment of written policy and procedures.

4. The center shall have an organizational chart or statement which specifies the relationships among the governing body, any administrative and support staff, mental health professional staff, and mental health practitioner staff; their respective areas of responsibility; the lines of authority involved; the formal liaison between administrative and clinical staff; and the relationship of the center to the rest of the facility and any additional services provided.

B. Secondary locations.

1. The center shall notify the commissioner of all center locations. If there is more than one center location, the center shall designate one as the main office and all secondary locations as satellite offices. The main office as a unit and the center as a whole shall be in compliance with 12 MCAR § 2.0295. The main office shall function as the center records and documentation storage area and house most administrative functions for the center. Each satellite office shall:

a. be included as a part of the legally constituted entity;

b. adhere to the same clinical and administrative policies and procedures as the main office;

c. operate under the authority of the center's governing body;

d. store all center records and the client records of terminated clients at the main office;

e. ensure that a mental health professional is on-site and competent to supervise and intervene in the clinical services provided at that site, whenever the satellite office is open;

f. ensure that its multidisciplinary staff have access to and interact with main center staff for consultation, supervision, and peer review; and

g. ensure that clients have access to all clinical services provided in the treatment of mental illness and the multidisciplinary staff of the center.

2. If the commissioner determines that a secondary location is not in compliance with 1., it is not a satellite office. Outpatient clinical services in the treatment of mental illness delivered by the center or facility of which it is a unit shall cease at that location, or the application shall be disapproved.

12 MCAR § 2.0293 Minimum treatment standards.

A. Multidisciplinary approach. The center shall document that services are provided in a multidisciplinary manner. That

documentation shall include evidence that staff interact in providing clinical services, that the services provided to a client involve all needed disciplines represented on the center staff and that staff participate in case review and consultation procedures as described in F.

B. Intake and case assignment.

1. The center shall establish an intake or admission procedure which outlines the intake process, including the determination of the appropriateness of accepting a person as a client by reviewing the client's condition and need for treatment, the clinical services offered by the center, and other available resources.

2. The center shall document that case assignment for assessment, diagnosis, and treatment is made to a multidisciplinary staff person who is competent in the service, in the recommended treatment strategy and in treating the individual client characteristics. Responsibility for each case shall remain with a mental health professional.

C. Assessment and diagnostic process. The center shall establish an assessment and diagnostic process that determines the client's condition and need for clinical services. The assessment of each client shall include clinical consideration of the client's general physical, medical, developmental, family, social, psychiatric, and psychological history and current condition. The diagnostic statement shall include the diagnosis based on the codes in the International Classification of Diseases or the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders and refer to the pertinent assessment data. The diagnosis shall be by or under the supervision of and signed by a psychiatrist or licensed consulting psychologist, or by and signed by a licensed psychologist.

D. Treatment planning. The individual treatment plan, based upon a diagnostic assessment of mental illness, shall be jointly developed by the client and the mental health professional. This planning procedure shall ensure that the client has been informed in the following areas: assessment of the client condition; treatment alternatives; possible outcomes and side effects of treatment; treatment recommendations; approximate length, cost, and hoped-for outcome of treatment; the client's rights and responsibilities in implementation of the individual treatment plan; staff rights and responsibilities in the treatment process; the Government Data Practices Act, Minnesota Statutes, sections 15.1611 to 15.1699; and procedures for reporting grievances and alleged violation of client rights. If the client is considering chemotherapy, hospitalization, or other medical treatment, the appropriate medical staff person shall inform the client of the treatment alternatives, the effects of the medical procedures, and possible side effects. Clinical services shall be appropriate to the condition, age, sex, socioeconomic, and ethnic background of the client, and provided in the least restrictive manner. Clinical services shall be provided according to the individual treatment plan and existing professional codes of ethics.

E. Client record. The center shall maintain a client record for each client. The record must document the assessment process, the development and updating of the treatment plan, the treatment provided and observed client behaviors and response to treatment, and serve as data for the review and evaluation of the treatment provided to a client. The record shall include:

1. a statement of the client's reason for seeking treatment;

2. a record of the assessment process and assessment data;

3. the initial diagnosis based upon the assessment data;

4. the individual treatment plan;

5. a record of all medication prescribed or administered by multidisciplinary staff;

6. documentation of services received by the client, including consultation and progress notes;

7. when necessary, the client's authorization to release private information, and client information obtained from outside sources;

8. at the closing of the case, a statement of the reason for termination, current client condition, and the treatment outcome; and

9. correspondence and other necessary information.

F. Consultation; case review. The center shall establish standards for case review and encourage the ongoing consultation among multidisciplinary staff. The multidisciplinary staff shall attend staff meetings at least twice monthly for a minimum of

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.

four hours per month, or a minimum of two hours per month if the staff person provides clinical services in the treatment of mental illness less than 15 hours per week. The purpose of these meetings shall be case review and consultation. Written minutes of the meeting shall be maintained at the center for at least three years after the meeting.

G. Referrals. If the necessary treatment or the treatment desired by the client is not available at the center, the center shall facilitate appropriate referrals. The multidisciplinary staff person shall discuss with the client the reason for the referral, potential treatment resources, and what the process will involve. The staff person shall assist in the process to ensure continuity of the planned treatment.

H. Emergency service. The center shall ensure that clinical services to treat mental illness are available to clients on an emergency basis.

I. Access to hospital. The center shall document that it has access to hospital admission for psychiatric inpatient care, and shall provide that access when needed by a client. This requirement for access does not require direct hospital admission privileges on the part of qualified multidisciplinary staff.

12 MCAR § 2.0294 Minimum quality assurance standards.

A. Policies and procedures. The center shall develop written policies and procedures and shall document the implementation of these policies and procedures for each treatment standard and each quality assurance standard in B.-G. and 12 MCAR § 2.0293. The policies shall be approved by the governing body. The procedures shall indicate what actions or accomplishments are to be performed, who is responsible for each action, and any documentation or required forms. Multidisciplinary staff shall have access to a copy of the policies and procedures at all times.

B. Peer review. The center shall have a multidisciplinary peer review system to assess the manner in which multidisciplinary staff provide clinical services in the treatment of mental illness. Peer review shall include the examination of clinical services to determine if the treatment provided was effective, necessary, and sufficient and of client records to determine if the recorded information is necessary and sufficient. The system shall ensure review of a randomly selected sample of five percent or six cases, whichever is less, of the annual caseload of each mental health professional by other multidisciplinary staff. Peer review findings shall be discussed with staff involved in the case and followed up by any necessary corrective action. Peer review records shall be maintained at the center.

C. Internal utilization review. The center shall have a system of internal utilization review to examine the quality and efficiency of resource usage and clinical service delivery. The center shall develop and carry out a review procedure consistent with its size and organization which includes collection or review of information, analysis or interpretation of information, and application of findings to center operations. The review procedure shall minimally include, within any three year period of time, review of the appropriateness of intake, the provision of certain patterns of services, and the duration of treatment. Criteria may be established for treatment length and the provision of services for certain client conditions. Utilization review records shall be maintained, with an annual report to the governing body for applicability of findings to center operations.

D. Staff supervision.

1. The center shall have a clinical evaluation and supervision procedure which identifies each multidisciplinary staff person's areas of competence and documents that each multidisciplinary staff person receives the guidance and support needed to provide clinical services for the treatment of mental illness in the areas they are permitted to practice.

2. A mental health professional shall be responsible for the supervision of the mental health practitioner, including approval of the individual treatment plan and bimonthly case review of every client receiving clinical services from the practitioner. This supervision shall include a minimum of one hour of face-to-face, client-specific supervisory contact for each 40 hours of clinical services in the treatment of mental illness provided by the practitioner.

E. Continuing education. The center shall require that each multidisciplinary staff person attend a minimum of 36 clock hours every two years of academic or practical course work and training. This education shall augment job-related knowledge, understanding, and skills to update or enhance staff competencies in the delivery of clinical services to treat mental illness.

F. Violations of standards.

1. The center shall have procedures for the reporting and investigating of alleged unethical, illegal, or grossly negligent acts, and of the serious violation of written policies and procedures. Serious violations of policies and procedures are: a violation which threatens the health, safety, or rights of clients or center staff; the repeated nonadherence to policies and procedures; and the nonadherence to policies and procedures which result in noncompliance with Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298. The center shall document that the reported behaviors have been reviewed and that responsible disciplinary or corrective action has been taken if the behavior was substantiated. The procedures shall address both client and staff reporting of complaints or grievances regarding center procedures, staff, and services. Clients and staff shall be informed they may file the complaint with the department if it was not resolved to mutual satisfaction.

2. The center shall have procedures for the reporting of suspected abuse or neglect of clients, in accordance with Minnesota Statutes, sections 241.62, subdivision 5, 626.556, and 626.557.

G. Data classification. Client information compiled by the center, including client records and minutes of case review and consultation meetings, shall be protected as private data on individuals within the welfare system under the Minnesota Government Data Practices Act.

12 MCAR § 2.0295 Minimum staffing standards.

A. Required staff.

1. The multidisciplinary staff of a center shall consist of at least four mental health professionals. At least two of the mental health professionals shall each be employed or under contract for a minimum of 35 hours a week by the center. Those two professionals shall be of different disciplines and shall be either a clinical social worker, psychiatric nurse, psychologist, or a psychiatrist. At least two mental health professionals shall be on-site when the center is open.

2. The mental health professional staff shall include a psychiatrist and a licensed consulting psychologist.

3. The mental health professional staff shall include either a clinical social worker or a psychiatric nurse.

4. The mental health professional employed or under contract to the center to meet a requirement of 2. or 3. shall be on-site and providing clinical services in the treatment of mental illness at least eight hours every two weeks. The center shall employ or contract with the professionals required in 2. or 3. so that each professional comprises five percent of the full-time equivalent multidisciplinary staff time spent in clinical services, or 35 hours, whichever is less, to ensure and document their ongoing presence and availability in the provision of clinical services.

B. Additional staff; staffing balance. Additional mental health professional staff may be employed by or under contract to the center provided that no single mental health discipline or combination of allied fields shall comprise more than 60 percent of the full-time equivalent mental health professional staff. This provision does not apply to a center with fewer than six full-time equivalent mental health professional staff. This provision does not apply to a center with fewer than six full-time equivalent mental health professional staff. Mental health practitioners may also be employed by or under contract to a center to provide clinical services for the treatment of mental illness in their documented area of competence. Mental health practitioners shall not comprise more than 25 percent of the full-time equivalent multidisciplinary staff. In determination of full-time equivalence, only time spent in clinical services for the treatment of mental illness shall be considered.

C. Multidisciplinary staff records. The center shall maintain records sufficient to document that the center has determined and verified the clinical service qualifications of each multidisciplinary staff person, and sufficient to document each multidisciplinary staff person's terms of employment.

D. Credentialed occupations. The center shall adhere to the qualifications and standards specified by rule for any human service occupation credentialed under Minnesota Statutes, section 214.13 and employed by or under contract to the center.

12 MCAR § 2.0296 Application procedures; review; decision.

A. Application.

1. A facility seeking approval as a center for insurance reimbursement of its outpatient clinical services in treatment of mental illness must make formal application to the commissioner for such approval. The application form for this purpose may be obtained from the Mental Illness Program Division of the department. The application form shall require only information which is required by statute or rule, and may require the applicant center to explain and provide documentation of compliance with the minimum standards in Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298.

2. Each application shall be accompanied by payment of the nonrefundable application fee. The fee shall be established and adjusted in accordance with Minnesota Statutes, section 16A.128 to cover the costs to the department in implementing Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298.

3. The application is considered complete on the date the application fee and all information required in the application form are received by the department.

4. The center shall designate in the application a mental health professional as the coordinator for issues surrounding compliance with 12 MCAR §§ 2.0291-2.0298.

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.

5. A center whose application is disapproved or whose approval is withdrawn may not reapply for 90 days following notification of disapproval or the withdrawal of approval. A center whose approval is withdrawn under 12 MCAR § 2.0297 D.2. or due to noncompliance with 12 MCAR § 2.0294 F.1. may not reapply for two years following notification of disapproval.

B. Review of applicant centers.

1. The formal review shall begin after the completed application has been received, and shall include an examination of the written application and a visit to the center. The applicant center shall be offered a choice of site visit dates, with at least one date falling within 60 days of the date on which the department receives the complete application. The visit shall include interviews with multidisciplinary staff and examination of a random sample of case records, consultation minutes, quality assurance reports, and multidisciplinary staff records.

2. If implementation of a procedure is too recent to be reliably documented, a written statement of the planned implementation shall be accepted as documentation on the initial application. The evidence of licensure or accreditation through another regulating body shall be accepted as documentation of a specific procedure when the required minimum standard of that body is the same or higher than a specific provision of 12 MCAR §§ 2.0291-2.0298.

3. The applicant center shall allow the commissioner to inspect the center at any time during the approval and deferral periods, whether or not the visit had been announced in advance. A visit shall occur only during normal working hours of the center and shall not disrupt the normal functioning of the center.

C. Decision on application.

1. Upon completion of the site visit, a report shall be written. The report shall include a statement of findings, a recommendation to approve, defer, or disapprove the application, and the reasons for the recommendation.

2. The applicant center shall be sent written notice of approval, deferral, or disapproval within 30 days of the completion of the site visit. If the decision is a deferral or a disapproval, the notice shall indicate the specific areas of noncompliance.

3. An application shall be disapproved or deferred if it is the initial application of a center, when the applicant center is not in compliance with Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298.

4. If an application is deferred, the length of deferral shall not exceed 180 days. If the areas of noncompliance stated in the deferral notice are not satisfactorily corrected by the end of the deferral period, the application shall be disapproved. At any time during the deferral period, the applicant center may submit documentation indicating correction of noncompliance. The application shall then be approved or disapproved. At any time during the deferral period, the applicant center may submit a written request to the commissioner to change the application status to disapproval. The request shall be complied with within 14 days of receiving this written request. The applicant center is not an approved center for purposes of Minnesota Statutes, section 62A.152 during a deferral period.

5. The effective date of a decision is the date the commissioner signs a letter notifying the applicant center of that decision.

D. Appeals. If an application is disapproved or approval is withdrawn, a contested case hearing and judicial review as provided in Minnesota Statutes, sections 15.0418 to 15.0425 may be requested by the center within 30 days of the commissioner's decision.

12 MCAR § 2.0297 Post-approval requirements.

A. Duration of approval. Initial approval of an application is valid for 12 months from the effective date, subsequent approvals for 24 months, except when approval is withdrawn according to the criteria in D.

B. Reapplication. The center shall contact the department for reapplication forms, and submit the completed application at least 90 days prior to the expected expiration date. If an approved center has met the conditions of Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298, including reapplication when required, its status as an approved center shall remain in effect pending department processing of the reapplication.

C. Restrictions. The approval is issued only for the center named in the application and is not transferable or assignable to another center. The approval is issued only for the center location named in the application and is not transferable or assignable to another location. If the commissioner is notified in writing at least 30 days in advance of a change in center location and can determine that compliance with all provisions of Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298 are maintained, the commissioner shall continue the approval of the center at the new location.

D. Noncompliance.

1. Changes in center organization, staffing, treatment, or quality assurance procedures that affect the ability of the center to comply with the minimum standards of Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298 shall be reported in writing by the center to the commissioner within 15 days of occurrence. Review of the

change shall be conducted by the commissioner. A center with changes resulting in noncompliance in minimum standards shall receive written notice and may have up to 180 days to correct the areas of noncompliance before losing approval status. Interim procedures to resolve the noncompliance on a temporary basis shall be developed and submitted in writing to the commissioner for approval within 30 days of the commissioner's determination of the noncompliance. Nonreporting within 15 days of occurrence of a change that results in noncompliance, failure to develop an approved interim procedure within 30 days of the determination of the noncompliance, or nonresolution of the noncompliance within 180 days shall result in the immediate withdrawal of approval status.

2. Serious violation of policies or procedures, professional association or board sanctioning, or loss of licensure for unethical practices, or the conviction of violating a state or federal statute shall be reported in writing by the center to the commissioner within ten days of the substantiation of such behavior. Review of this report and the action taken by the center shall be conducted by the commissioner. Approval shall be withdrawn immediately unless the commissioner determines that: the center acted with all proper haste and thoroughness in investigating the behavior, the center acted with all proper haste and thoroughness in taking appropriate disciplinary and corrective action, and that no member of the governing body was a party to the behavior. Failure to report such behavior within ten days of its substantiation shall result in immediate withdrawal of approval.

E. Compliance reports. The center may be required to submit written information to the department during the approval period to document that the center has maintained compliance with the rule and center procedures.

12 MCAR § 2.0298 Variances.

A. When allowed. The standards and procedures established by 12 MCAR §§ 2.0291-2.0297 may be varied by the commissioner. Standards and procedures established by statute shall not be varied.

B. Application. A request for a variance must be submitted in writing to the commissioner, accompanying or following the submission of a completed application for approval under Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298. The request shall state:

1. the standard or procedure to be varied;

2. the specific reasons why the standard or procedure cannot be or should not be complied with; and

3. the equivalent standard or procedure the center will establish to achieve the intent of the standard or procedure to be varied.

C. Decision procedure. Upon receiving the variance request, the commissioner shall consult with a panel of experts in the mental health disciplines regarding the request. Criteria for granting a variance shall be the commissioner's determination that B.1.-3. are met. Hardship shall not be a sufficient reason to grant a variance. No variance shall be granted that would threaten the health, safety, or rights of clients. Variances granted by the commissioner shall specify in writing the alternative standards or procedures to be implemented and any specific conditions or limitations imposed on the variance by the commissioner. Variances denied by the commissioner shall specify in writing the reason for the denial.

D. Notification. The commissioner shall send the center a written notice granting or not granting the variance within 90 days of receiving the written variance request. This notice shall not be construed as approval or disapproval of the center under Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298.

Department of Revenue
Petroleum Tax Division

Proposed Rules Governing Special Fuel Requirements (13 MCAR § 1.4006)

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the Department of Revenue proposes to adopt the above-entitled rule without a public hearing. The commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subdivision 4h (1981).

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.

Persons interested in this rule shall have thirty days to submit comments on the proposed rule. The proposed rule 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 rule within the thirty-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 Statute § 15.0412, subdivisions 4-4f.

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

Mr. Larry Trimble
Acting Director
Petroleum Tax Division
Minnesota Department of Revenue
1276 University Avenue
St. Paul, Minnesota 55435
Telephone: (612) 296-3511

Authority for the adoption of this rule is contained in Minnesota Statutes § 296.27. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule has been prepared and is available from Larry Trimble upon request. A copy of the proposed rule is also available from Larry Trimble.

Upon adoption of the final rule without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rule 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 Larry Trimble.

The rule proposed for adoption relates to the issuance of sales invoices for special fuel sales made by a distributor or special fuel dealer.

November 17, 1982

Clyde E. Allen, Jr.
Commissioner of Revenue

Rule as Proposed

13 MCAR § 1.4006 Special fuel requirements.

A. [Unchanged.]

B. Sales invoices. ~~A~~ Sales ~~invoice shall be~~ invoices issued for ~~each sale~~ sales of special fuel made by a distributor or a special fuel dealer~~.~~ ~~Such sales invoices~~ shall bear the ~~signature of the person making the delivery,~~ name and address of the purchaser, ~~motor vehicle license number if delivered into the supply tank of a licensed motor vehicle,~~ date of sale, number of gallons, ~~rate of tax,~~ price per gallon, and total amount of sale. The words "Special Fuel" shall be written or printed on each sales invoice at the time of sale or delivery. Sales invoices shall have the name and address of the distributor or special fuel dealer making the sale printed or rubber-stamped thereon and shall be machine-numbered serially with numbers of at least three digits and issued in sequence. A separate sales invoice book shall be maintained for special fuel sales, and one copy of each such sales invoice shall be retained in the special fuel sales invoice book, unless otherwise authorized by the commissioner. Sales invoices issued for fuel other than for use as special fuel shall show the kind of fuel and the name and address of the purchaser.

C.-G. [Unchanged.]

ADOPTED RULES

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

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

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

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

Department of Public Welfare
Social Services Bureau

Adopted Rule Governing Services to Mothers and Pregnant Women (12 MCAR § 2.222)

The rule proposed and published at *State Register* Volume 7, Number 5, pp. 129-131, August 2, 1982 (7 S.R. 129) is adopted with the following amendments.

Rule as Adopted

12 MCAR § 2.222 Services to mothers and pregnant women ~~and mothers who are minors~~.

A. Applicability; purpose. This rule governs the offer and provision of services to mothers and pregnant women ~~and to mothers~~. The purpose of this rule is to ~~define the types of~~ establish criteria for mothers and pregnant women ~~and mothers~~ who shall be offered social services and the responsibility of local agencies to offer services to ~~them~~ women who meet these criteria as required by Minnesota Statutes, section 257.33.

B. ~~Definition~~ Definitions. As used in 12 MCAR § 2.222, "local social services agency" means the agency responsible for social services which is under the authority of the board of county commissioners or human services board; and "appropriate social services" are those services identified as appropriate social services by the local social services agency.

C. Eligibility criteria for women. The local agency shall offer the services required under D. to women who meet one or more of the following criteria:

1. women who are minors and are either pregnant or already have a child;
2. mothers who are referred to the agency because they did not have prenatal care;
3. mothers who request assistance in establishing paternity for their children;
4. women who request assistance in deciding if they want to parent their child; and
5. mothers who are referred to the agency because they have physical, mental, or emotional problems which limit the care that they are able to provide for their children.

D. Local social services agency responsibilities. The local agency shall:

1. Contact each minor mother who is reported by a hospital as having given birth to a child and offer appropriate social services to her; and
2. Offer appropriate social service to women who meet one or more of the criteria of C.

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.

SUPREME COURT

Decisions Filed Wednesday, November 24, 1982

Compiled by John McCarthy, Clerk

82-340 State of Minnesota v. John Van Gorden, Appellant. Hennepin County.

Presence of severe aggravating circumstances justified durational departure of greater than two times the presumptive sentence established by the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-343 State of Minnesota v. Bradley Vogelpohl, Appellant. Brown County.

Particularly cruel way in which defendant committed offense of second-degree murder justified limited durational departure from presumptive sentence established by Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-892 Jeffrey Frank, 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. Dissenting, Wahl, J.

81-1210 American Motorist Insurance Company v. Vicky M. Sarvela, Appellant. Hennepin County.

Underinsured, like uninsured coverages, were incorporated into the Minnesota No-Fault Automobile Insurance Act, Minn. Stat. § 65B.41, *et seq*, (1980), not subject to the Act's motorcycle exclusions.

An insurance policy exclusion which attempts to prevent underinsured motorist coverage from following the insured is inconsistent with the purposes of the Minnesota No-Fault Automobile Insurance Act, § 65B.41, *et seq*. (1980).

Reversed and remanded. Todd, J.

82-398 Rush City Hospital v. Sandstone Area Hospital and Nursing Home, Inc. and Lakeside Nursing Home, Inc., Appellants, and Pine County Board of Commissioners, Dr. George R. Petterson, Minnesota Commissioner of Health, and Central Minnesota Health Systems Agency, Defendants. Pine County.

Act of May 15, 1981, ch. 200, § 2, 1981 Minn. Laws 673, 673 is constitutional legislation, although not yet effective.

Reversed. Todd, J.

81-1296 In the Matter of the Appeal of: Daniel J. Nordgren, Jr., *et al.*, Appellants, v. City of Maplewood, Ramsey County, Minnesota. Ramsey County.

The City of Maplewood had authority under Minn. Stat. § 444.075, subd. 3 (1980) to impose connection charges on the owners of land for which special assessments had been voided when the owners subsequently made connections with the improvements.

A connection charge under Minn. Stat. § 444.075 (1980) may not be prescribed without formal city council action.

Respondents are entitled to a hearing on whether the connection charges are just and equitable.

Reversed and remanded. Wahl, J.

82-429 Olympia Brewing Company, Relator, v. Commissioner of Revenue. Tax Court.

Beer picked up at the taxpayer's brewery in Minnesota by out-of-state distributor-purchasers in their own trucks for transportation and resale outside Minnesota does not constitute a sale made *within* Minnesota for the purposes of income tax apportionment under Minn. Stat. § 290.19 (1980).

Reversed. Simonett, 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 Public Welfare
Chemical Dependency Program Division

Notice of Request for Proposals for the Provision of Training

The Department of Public Welfare (DPW) is requesting proposals for the development and provision of training for individuals who conduct alcohol and drug problem assessments as assigned by the courts. The purpose of the project is to improve the quality and consistency of assessments.

DPW seeks to upgrade the assessments through the development of a comprehensive curriculum and the delivery of twelve one-day training events. Additional tasks include the identification of a model assessment instrument, a report on the characteristics of the assessors and a report on further activities to enhance the public response to DWI offenders.

A grant will be awarded to the lowest bidder submitting a detailed work plan and demonstrating the necessary skills and experience to successfully complete the contract. Specific proposal requirements are defined in the Request for Proposals. The maximum amount available for this grant is $30,000. A bidders conference will be held Friday, December 10, 1982 at 1:30 p.m. in Conference Room D of the Veterans Service Building, 20 W. 12th Street, St. Paul, MN. Closure for responses will be 4:30 p.m., January 20, 1983.

All inquiries regarding this request should be made to:

Lee Gartner
Chemical Dependency Program Division
4th Floor, Centennial Bldg.
St. Paul, MN 55155
(612) 296-8574

OFFICIAL NOTICES

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

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

Department of Administration

Office Space Wanted by State of Minnesota

The Department of Administration desires proposals for the rental of approximately 16,000 useable sq. ft. of office space for the Public Employee Retirement Association in the City of St. Paul. CONTACT: Department of Administration, Real Estate Management Division, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

Department of Commerce
Banking Division

Bulletin No. 2685: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of December 1982

Notice is hereby given that pursuant to Section 47.20, subd. 4a, Minnesota Statutes 1980, the maximum lawful rate of interest for conventional home mortgages for the month of December 1982 is fourteen (14.00) percentage points. Further, pursuant to Section 47.20, Minnesota Statutes, the maximum lawful rate of interest for contracts for deed for the month of December 1982 is fourteen (14.00) percentage points.

It is important to note that this maximum lawful interest rate does not apply to all real estate loans and contracts for deed. Under Minnesota's interest rate moratorium, which is identical to the Federal Usury Preemption, in most instances any rate may be charged on real estate mortgages and contracts for deed that constitute first liens.

This is the same rate as set for November 1982 and is based on the Federal National Mortgage Association (FNMA) October 25, 1982, auction results and an average yield for conventional mortgage commitments of 13.917%. No offers were accepted by FNMA at the November 22, 1982, auction. In this case, Section 47.20, Subd. 4a, Minnesota Statutes, provides that the previous month's rate continues in effect. The next FNMA auction is scheduled for December 20, 1982, and will be the basis for the January 1983 maximum rate. Current rates regarding the monthly publication are available by telephoning the Banking Division 24-hour information number (612) 297-2751.

November 24, 1982

Michael J. Pint
Commissioner of Banks

Department of Energy, Planning and Development
Planning Division
Office of Local Government

Notice of Meeting

The Juvenile Justice Advisory Committee will meet on Friday, December 10, 1982 at 9:00 a.m. in Room 116A, First Floor, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota.

Department of Energy, Planning and Development
Planning Division
Office of Local Government

Notice of Meeting

The Juvenile Justice Advisory Committee will hold the grants award meeting for Youth Intervention Bill applicants on Thursday, December 9, 1982 at 9:00 a.m. in Room D, Sixth Floor, Veterans Service Building, 20 W. 12th St. and Columbus Avenue, St. Paul, Minnesota.

Ethical Practices Board

1983 Campaign Expenditure and Contribution Limits

In accordance with Minn. Stat. §§ 10A.25, 10A.255, and 10A.27, the following nonelection year campaign expenditure and contribution limits will be applicable in calendar year 1983:

Office sought or held	Nonelection Year Contribution Limits From individual, pol. com. or fund	From political party, in aggregate	Nonelection Year Expenditure Limits
Governor and Lt. Governor	$12,000	$60,000	$254,160
Attorney General	$ 2,000	$10,000	$ 42,360
Secretary of State	$ 1,000	$ 5,000	$ 21,180
State Treasurer	$ 1,000	$ 5,000	$ 21,180
State Auditor	$ 1,000	$ 5,000	$ 21,180
State Senator	$ 300	$ 1,500	$ 6,354
State Representative	$ 150	$ 750	$ 3,177
Elective Judgeships	No limit	No limit	No limit

Request for Advisory Opinion re: Contributors to Political Party

The Ethical Practices Board solicits opinions and comments on the following request for an advisory opinion which will be discussed at its January 13, 1983, Board meeting. Written comments should arrive prior to December 20, 1982, at the Board office, 41 State Office Bldg., St. Paul 55155.

The Libertarian Party of Minnesota has not since its beginning supported individual candidates in any elections. All contributions have been used for educational activities, convention expenses, office maintenance, etc.

I interpret this condition as releasing us from the requirement of listing all contributors in excess of $50.00 during the calendar year. Should our party change this policy of not contributing to individual campaigns, I would interpret this new condition as then requiring this individual reporting to begin. Please inform me if this is a correct interpretation of the statute.

Requested by John W. Ardoyno, treasurer, Libertarian Party of Minnesota

Metropolitan Council of the Twin Cities

Notice of Availability of Final Environmental Impact Statement

Pursuant to Section 4332(2)(c), Title 42, U.S.C. the Metropolitan Council of the Twin Cities has prepared the Final Environmental Impact Statement (EIS) for Interstate 35E from Trunk Highway 110 in Dakota County to I-94 near Downtown St. Paul, Ramsey County.

The FEIS describes and evaluates the preferred alternative within the Pleasant Avenue corridor for a proposed link between I-35E south of the St. Paul area to I-94 and I-35E immediately north at Downtown St. Paul. A direct connection parkway design is the preferred alternative.

Copies of the FEIS are available at the following library locations:

St. Paul Public Library
Central Library
90 W. Fourth St.
St. Paul, MN 55101

St. Paul Public Library
Merriam Park Branch
1831 Marshall Av.
St. Paul, MN 55104

Dakota County Library
1101 West County Rd. 42
Burnsville, MN 55337

St. Paul Public Library
Riverview Branch
1 E. George St.
St. Paul, MN 55107

South St. Paul Public Library
106 3rd Avenue N.
South St. Paul, MN 55075

St. Paul Public Library
Highland Park Branch
1974 Ford Parkway
St. Paul, MN 55116

St. Paul Public Library
Lexington Branch
1080 University Av.
St. Paul, MN 55104

Metropolitan Council Library
Suite 300 Metro Square Bldg.
7th and Robert Sts.
St. Paul, MN 55101

Dakota County Public Library
W. St. Paul Community Library
40 Emerson Avenue E.
West St. Paul, MN 55118

The FEIS maps, right-of-way information and other data are available for public review and copying at the Road Plans Information Office, Room 609, State Transportation Building, St. Paul, and the Mn/DOT District Nine Office, 3485 Hadley Avenue North, Oakdale.

Final EIS summaries are available by calling the Metropolitan Council's Public Information office at 291-6464.

Charles Weaver, Chairman
Metropolitan Council

Minnesota Board of Chiropractic Examiners

Proposed Rules of the Minnesota Board of Chiropractic Examiners

Notice of Intent to Solicit Outside Opinion and Information

Pursuant to Minn. Stat. § 15.0412, subd. 6, notice is hereby given that the Minnesota Board of Chiropractic Examiners is reviewing its rules to determine whether any new rules or amendments are needed. Among other possible subjects, the board will be considering changes in its existing rules on professional advertising.

The board hereby requests information and opinions from sources outside the agency relative to any such advertising or other rule changes. Interested or affected persons or groups should address their written or oral comments to E. A. Brochman, DC, Executive Secretary, Minnesota Board of Chiropractic Examiners, Minnesota Department of Health Building, Room 336, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, telephone: (612) 623-5430.

All written submissions shall become part of the record in any subsequent rulemaking proceeding.

November 29, 1982

E. A. Brochman, DC, Executive Secretary
Minnesota Board of Chiropractic Examiners

Department of Natural Resources

Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Marshall County

Notice of and Order for Hearing

It is hereby ordered and notice is hereby given that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1980) will be held in the Court House, Warren, MN, on December 22, 1982, commencing at 1:00 p.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of County representative Howard Lunsetter, Gatzke, MN 56724, Department of Natural Resources representative Merlyn Wesloh, Route 5, Box 41A, Bemidji, MN 56601, and County Soil and Water Conservation District representative Gary Anderson, Stephen, MN 56757.

Each of the waters listed in this notice is the subject of a petition for a hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1980) and the criteria contained in Minn. Stat. § 105.37, subds. 14 and 15 (1980). Please take notice that waters listed in para. A.2. may sometimes also be considered for designation, in the alternative, as wetlands.

A. PUBLIC WATERS

1. Watercourses.

Name	Section	From Township	Range	Section	To Township	Range
None						

2. Preliminarily designated under section 105.37, subds. 14(a)-14(h).

Number and Name	Section	Township	Range
45-14: Agder WMA	27	155 (Agder)	42
45-23: Elm Lake WMA	10-16, 21-23	155 (Agder)	42

B. WETLANDS

Number and Name	Section	Township	Range
45-56: Unnamed	26, 27	155 (Agder)	42

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425 (1980).

Any activity that would change the course, current or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1980). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subds. 10 and 12 (1980).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this notice and order may be directed to any member of the hearings unit or to:

David B. Milles
DNR—Division of Waters
Third Floor, Space Center Building
444 Lafayette Road
St. Paul, MN 55101
Telephone: 612/297-2835.

November 23, 1982

Joseph N. Alexander, Commissioner
Department of Natural Resources

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. 67287

Whereas, the Commissioner of Transportation has made his Order No. 66400 as amended by Orders Nos. 66446, 66550, 66628, 66690, 66768, 66807, 66920, 66962, 67065, 67142, 67224, 67267 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. 113 From Jct. T.H. 59 to Jct. T.H. 71
(Seasonally Restricted. Effective Dec. 1 to Mar. 7 each year.)

COUNTY ROADS

Redwood County

C.S.A.H. 6 From Jct. T.H. 14 to Jct. T.H. 68
(Effective July 15 each year)

C.S.A.H. 33 From Jct. T.H. 68 to Jct. C.S.A.H. 133
(Effective July 15 each year)

C.S.A.H. 133 From Jct. C.S.A.H. 33 to Front St. in Wabasso
(Effective July 15 each year)

Correction to November 15, 1982 Designation

T.H. 72 From Baudette to So. Jct. T.H. 1
Should read:

T.H. 72 & T.H. 1 From Baudette to So. Jct. T.H. 71
(Effective December 1 each year)

Dated this 29th 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.

_____ Annual subscription $130.00
_____ Single copies $3.25 each

Minnesota Guidebook to State Agency Services 1982-83 A 750-page reference guide to services provided by Minnesota agencies.

_____ Single copy $9.00 + $.45 sales tax = $9.45 each

Session Laws of Minnesota—1982. One volume. Laws enacted during the 1982 legislative session. Inquire about back volumes. $35 + $1.75 (sales tax) = $36.75.

State Register Binder. Durable 3½ inch, forest green binders imprinted with the *State Register* logo.

_____*State Register Binder* $6.00 + $.30 (sales tax) = $6.30* each

State Register Index. Contains cumulative findings aids to Volume 6 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index. _____Single copy $5.00

Worker's Compensation Decisions. Volume 35. Selected landmark decisions of the Worker's Compensation Court of Appeals. Available by annual subscription, with quarterly update service. _____ Annual subscription $65.00

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.

_____FREE COPY

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.

_____FREE COPY

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Minnesota Department of Revenue. Please enclose full amount for items ordered. Make check or money order payable to "State of Minnesota."

EACH ORDER MUST INCLUDE ADDITIONAL $1.00 FOR POSTAGE AND HANDLING.

Name_____

Attention of: _____

Street _____

City _____ State _____ Zip _____

Telephone_____

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.

BCD-83-001-PE

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF ADMINISTRATION
BUILDING CODES AND STANDARDS DIVISION

In the Matter of the Proposed Rules of the Department of Administration Governing Amendments to the State Building Code Entitled Proposed Optional Appendix E Automatic Fire Suppression Systems.

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Administrative Hearings at 9:30 a.m. on Wednesday, January 5, 1983 in Room 408 of the Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota. Larry D. Starns, Special Assistant Attorney General, 204 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, appeared on behalf of the Building Codes and Standards Division of the Minnesota Department of Administration (hereinafter "BCD"). Richard Brooks, Assistant Director for the BCD, James Heim, Deputy Chief of the Duluth Fire Department, and Sivert Hendrickson, Building Official for the City of Richfield, appeared and testified for the BCD in support of the proposed rules. The hearing continued until all interested groups of persons had had an opportunity to testify concerning the adoption of the proposed rules.

This Report shall be available for review to all affected individuals upon request for at least five working days before the agency takes any further action on the rule(s). Pursuant to Minn. Stat. § 14.16 (1982), the Commissioner of the Department of Administration shall, if he proposes to adopt the rule as recommended herein, submit the rule, together with the complete hearing record to the Attorney General and shall be responsible for notifying persons who have indicated that they wish to be notified of such filing. If the Commissioner makes changes in the rule other than those recommended herein, he shall submit the rule with the complete hearing record to the Chief Hearing Examiner for a review of the changes prior to submitting it to the Attorney General for review.

Based upon all the testimony, exhibits, and written comments, the Hearing Examiner makes the following:

FINDINGS OF FACT

1. On November 18, 1982, the BCD filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Order for Hearing.
(c) The Notice of Hearing proposed to be issued.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.

2. On December 6, 1982, a Notice of Hearing and a copy of the proposed rules were published at 7 State Register 23, pp. 886-888.

3. On December 2, 1982, the BCD mailed the Notice of Hearing to all persons and associations who had registered their names with the BCD for the purpose of receiving such notice.

4. On December 8, 1982, the BCD filed the following documents with the Hearing Examiner:

(a) The Notice of Hearing as mailed.
(b) The Agency's certification that its mailing list was accurate and complete.
(c) The Affidavit of Mailing the Notice to all persons on the Agency's list.
(d) The Statement of Need and Reasonableness.
(e) The names of BCD personnel personnel who will represent the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.
(f) A copy of the State Register containing the proposed rules.

The documents were available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing.

5. The record remained open through January 25, 1983 for the receipt of written comments and statements, the period having been extended by order of the Hearing Examiner to 20 calendar days following the hearing.

6. Statutory authority to adopt the proposed rules is contained in Minn. Stat. §§ 16.85 and 16.86 (1982).

7. During the 1981 legislative session, a bill was introduced permitting local units of government to enact ordinances requiring on-site fire suppression systems as was deemed appropriate. This legislation passed the House of Representatives and was considered by the Governmental Operations Committee of the Senate, where testimony in opposition to the bill was heard. One issue raised was that the uniformity provided in the State Building Code would be destroyed and designers, developers and builders would be subjected to a vast array of requirements if local governmental units were allowed to pass their own fire suppression ordinances. The Chairman of the Senate Committee recommended that all affected parties attempt to resolve their differences through the rule-making process of the Administrative Procedure Act.

The Director of the Building Codes and Standards Division subsequently appointed a committee to review the issues involved and recommend how they might best be resolved.[1] The Committee first met on July 16, 1981 and, after a series of 16 meetings, the final (fourth) draft of the proposal was completed on May 26, 1982. During the committee deliberations, input was received from many resource persons, including fire protection engineers, fire department administrative personnel, mechanical engineers, the concrete industry, sprinkler industry, insurance industry and committee members, among others. Several informational meetings were held with architects, building developers, building owners and managers, and building officials. Draft copies were revised following input from all of those concerned individuals.

- -

[1] The advisory committee appointed by the Director of the BCD was made up of the following persons:

Floyd Erickson, Asst. Director School Facilities, Dept. of Education	William Gary Associated General Contractors
Jan Gasterland, Building Official North Star Chapter, ICBO	Omar McGary Retired Fire Chief

The concensus of the committee was to propose an optional appendix chapter to the State Building Code which could be adopted, without change, at the discretion of municipal governments, similar to the existing appendix Chapter D relating to building security. A measure of uniformity would thus be maintained so that persons affected could quickly ascertain whether or not the appendix chapter had been adopted by any given municipality, so that structures could be designed and constructed accordingly.

During this entire deliberative process, and to the present, the BCD has not published a notice of intent to seek outside information in the State Register. Minn. Stat. § 14.10 (1982) requires as follows:

14.10 SOLICITATION OF OUTSIDE INFORMATION.

> When an agency seeks to obtain information or opinions in preparing to propose the adoption, amendment, suspension, or repeal of a rule from sources outside of the agency, the agency shall publish notice of its action in the state register and shall afford all interested persons an opportunity to submit data or views on the subject of concern in writing or orally. Such notice and any written material received by the agency shall become a part of the hearing record to be submitted to the attorney general under section 14.16. (Emphasis added)

Although the issue of compliance with Minn. Stat. § 14.10 was not raised during the hearing, it is the statutory responsibility of the Hearing Examiner to determine whether the Agency has "fulfilled all relevant, substantive and procedural requirements of law or rule." Minn. Stat. § 14.50 (1982).

The usual rule of law is that technical defects in compliance with procedural requirements which do not reflect bad faith undermining the purpose of the procedure and which do not prejudice the rights of those intended to be protected by them will not suffice to overturn governmental action. City of Minneapolis v. Wurtele, 291 N.W.2d 386, 391 (Minn. 1980). This general rule has been applied to the rulemaking proceedings of administrative agencies where the courts have required only substantial compliance. "Tote", Inc. v. Ohio State Racing Commission, 121 N.E.2d 463, motion dismd., 130 N.E.2d 455 (Ohio 1954); Kingery v. Chappie, 504 P.2d 831 (Alaska 1972); Anderson, Leech & Morse, Inc. v. Washington State Liquor Control Board, 575 P.2d 221 (Washington, 1978).

- -

Fn. 1 (Cont.)

G. Clinton Hedsten, P.E.
Director of Engineering
Oxford Properties

James Heim, CHAIRMAN
Duluth Fire Dept. Deputy Chief

Jack Horner, General Counsel
Minnesotas Multi Housing Assn.

Wes Werner
State Fire Marshal

Sivert Hendrickson
Past Supervisor
Code Consultants
Building Codes & Standards Div.
Present Building Official

Richard A. Brooks
Assistant Director
Building Codes & Standards Div.,

Calvin M. Niemeyer, AIA
Hammel, Green, Abrahamson

Russell Smith
Building Official

Norman R. Osterby, Director
Building Codes & Standards Div.

Pat Coughlin
Minnesota Fire Chiefs Association
Richfield Fire Department

The Minnesota Supreme Court has yet to apply the "substantial compliance" doctrine to defects in administrative rulemaking procedures. The Court was asked to adopt that doctrine in Johnson Brothers Wholesale Liquor v. Novak, 295 N.W. 2d 238 (Minn. 1980), but refused to do so because the agency in that case had engaged in no rulemaking proceedings whatsoever. The Court did not hold that the doctrine would not be applied in an appropriate case and its applicability to rulemaking proceedings under the Minnesota Administrative Procedures Act has been suggested. See, Auerbach, Administrative Rulemaking in Minnesota, 63 Minn. L.Rev. 151, 215 (1979).

In this matter, there is no evidence of any bad faith on the part of the Agency in the solicitation of outside comments and rule drafting procedure. Rather, the record shows that the BCD made all reasonable attempts to allow all affected persons and/or groups to participate in the deliberation process. Although the technical requirements in Minn. Stat. § 14.10 were not complied with by the BCD, the purpose of that statute has been met. There is no evidence that anyone was prejudiced by the failure of the BCD to comply with the publication requirement. Consequently, the Hearing Examiner finds that the BCD has "substantially complied" with the statutory "solicitation" requirements. In the narrow circumstances of this case, no negative findings or conclusions will result.

8. Although Minnesota Statutes do not mandate that municipalities provide fire protection for their citizens, many municipalities are endeavoring to maintain a proficient level of fire protection in the face of additional construction and restricted budgets due to cutbacks in resources. By providing for built-in fire suppression systems in new construction, a reasonable degree of protection can be maintained without additional fire stations, obtaining new equipment and supplies, and recruiting additional fire-fighting personnel. The experience of Rochester, Minnesota, which has had a "sprinkler ordinance" for the past 15 years shows that although the population of the city has increased by 32,000 and the has expanded an additional four square miles, the manpower requirements for the fire department have been reduced by six fire-fighters. This is a direct result of the requirement that all new construction be equipped with automatic sprinkler systems.[2] In addition, automatic sprinkler systems have been shown to be both life and property saving devices in case of fire.

9. The proposed rule, 2 MCAR § 1.10020, Optional Provisions for Installation of On-Premises Fire Suppression Systems, authorizes municipalities to adopt, without change, requirements for the installation of automatic sprinkler systems in new construction as set forth in the rule. The rule specifies the types of occupancies along with square foot requirements which will fall under

- -

[2] Pursuant to Minn. Stat. § 16.86, subd. 6 (1982), the BCD adopted a special amendment to the State Building Code (SBC) which permitted the City of Rochester to adopt a sprinkler ordinance. See, Special Provisions for the City of Rochester contained in the SBC immediately prior to Appendix A. Although Rochester is the only municipality which has been authorized to adopt fire code provisions different than the state code, other municipalities have also done so as part of zoning regulations. The validity of those regulations is questionable, however, in light of the requirements of Minn. Stat. § 299F.011 (1982), and the Minnesota Supreme Court's holding in City of Minnetonka v. Mark Z. Jones Assoc., 236 N.W.2d 163 (1975).

the "sprinkler" mandate. Single family residences are not covered by this rule. At hearing, the BCD amended two sentences in the proposed rule to clarify ambiguities. The last sentence in paragraph C. was amended to read, "The height and area increases provided in sections 506 and 507 of the Uniform Building Code, as adopted in the state building code are applicable." In addition, the last sentence in paragraph C.11. was amended to read, "Building officials, in concurrence with their fire chiefs, may accept alternate systems which have fire protection capabilities equivalent to systems which comply with Standard 38-1 of the Uniform Building Code." The Hearing Examiner finds that these amendments merely clarify the intent of the rule and are not substantial changes to the rules as proposed.

Several building officials commented that the proposed rule would fragment fire code requirements throughout the state. Additionally, those officials argued that the square foot requirements for each of the occupancies listed are both arbitrary and excessive. Amendments were suggested to increase the square foot requirements for each occupancy grouping. The BCD contends that this optional appendix will not fragment the SBC because if it is adopted by a municipality, it must be adopted in whole, thus fragmentation cannot result. Advisory Board member Patrick J. Coughlin, Assistant Chief of the Richfield Public Safety Department, stated that quantitative formulas which relate the cubic feet of compartment size to gallons of water needed per minute and manpower requirements were used to establish the square footage requirements. These computations are briefly described in Exhibit 5 to the Statement of Need and Reasonableness.

The Minnesota State Builders Association and the Minnesota Multi-Housing Association (MSBA and MMHA, respectively) both argued that the safety features provided by the proposed rule do not justify the cost for rule implementation. The MMHA points out that Minn. Stat. § 16.83, which requires that "the construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety" dictates against this proposed rule. Both the MSBA and the MMHA have suggested that paragraph C.11. be amended by deleting the square foot requirement and making the provision applicable only to dwellings with units on four or more floors rather than three or more as proposed. Each argues that the 8,500-square-foot requirement contained in the rule is too restrictive and that a dwelling unit with three floors cannot be distinguished from a typical one-family residence.

Mr. Phil Carlson from the Carlson Automatic Fire Protection Company testified that it would cost less than $600 to sprinkle a 1,000-square-foot apartment unit. In addition, the record shows that insurance cost benefits will accrue to the owners of "sprinkled" buildings. If a fire does occur in a sprinkled building, a reduction in the loss of property and/or possibly life will result. The derivation of the square-foot requirements has been discussed above. Similarly, the sprinkler requirement for apartment houses which have dwelling units on three or more floors was also a product of the equipment, manpower, water demand and compartment size formulas.

Mr. Wilkin Berger, testifying on behalf of the Minnesota Society of Architects, suggested that the term "automatic sprinkler systems" should be used throughout the rule rather than initial use of the term "fire suppression

systems". The term, "fire suppression systems", was used in the proposed rule, however, to allow for the inclusion of other types of systems in the rule by way of later amendment.

As amended by the BCD above, the Hearing Examiner finds that the need for and reasonableness of proposed Rule 2 MCAR § 1.10020 has been demonstrated by an affirmative presentation of facts in the record. Because of the optional nature of this proposed appendix to the SBC, each municipality will have the opportunity to assess the cost-effectiveness of this rule in light of its own needs. If municipalities determine that this rule is too restrictive to be adopted, the BCD may be forced to reconsider some of the provisions contained therein. There were amendments suggested to the proposed rule which are reasonable alternatives, however. The Hearing Examiner points out that many written comments were received from fire chiefs, fire marshals, mayors, and firefighter organizations throughout the state which endorse the rule as proposed and support its reasonableness as a needed measure for fire protection and budgetary control for municipal government.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. That the Building Code Division gave proper notice of the hearing in this matter.

2. That the BCD has fulfilled the procedural requirements of Minn. Stat. § 14.14, subds. 1 and 2 (1982) and all other procedural requirements of law or rule.

3. That the BCD has documented its statutory authority to adopt the proposed rules, and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. §§ 14.05, subd. 1, 14.15, subd. 3 and 14.50 (i) and (ii) (1982).

4. That the BCD has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts in the record within the meaning of Minn. Stat. §§ 14.14, subd. 2 and 14.50 (iii) (1982).

5. That the additions and amendments to the proposed rules which were suggested by the BCD after publication of the proposed rules in the State Register do not result in rules which are substantially different from the proposed rules as published in the State Register within the meaning of Minn. Stat. § 14.15, subd. 3 (1982) and 9 MCAR §§ 2.110 A. and 2.111 (1980 Ed.).

6. That any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

7. That a finding or conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the BCD from further modification of the rules based upon an examination of the public comments, provided that no substantial change is made from the proposed rules as originally published, and provided that the rule finally adopted is based upon facts appearing in this rule hearing record.

Based upon the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

It is hereby recommended that the proposed rules be adopted consistent with the Findings and Conclusions made above.

Dated this 14 day of February, 1983.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

Reported: Taped.

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

BUILDING CODES & STANDARDS DIVISION

In the Matter of the Proposed Rules of the Department of Administration Governing Amendments to the State Building Code Entitled Proposed Optional Appendix E Automatic Fire Suppression Systems

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for hearing before Hearing Examiner Peter Erickson on the 5th day of January, 1983, at 9:30 a.m. in the Building Codes and Standards Division Conference Room, St. Paul, Minnesota, after proper notice required by Minnesota Statutes §§ 14.13 and 14.14 was served upon all persons, associations, and other interested groups registered with the State Building Codes and Standards Division for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced upon the records, files and proceedings herein, this agency hereby accepts and adopts the findings of fact, conclusions and recommendations of the hearing examiner as included in his report dated February 14, 1983 and incorporated them hereto by reference.

STATE OF MINNESOTA

Sandra J. Hale

SANDRA J. HALE
COMMISSIONER OF ADMINISTRATION

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed
Rules of the Department of Administration
Governing Amendments to the State Building
Code entitled Proposed Optional Appendix E
Automatic Fire Suppression Systems

STATEMENT OF NEED AND
REASONABLENESS

The above captioned rules are a proposed optional appendix chapter to the State Building Code which authorizes municipalities to require on-site fire suppression systems in certain occupancies.

The proposed rules are needed to authorize municipalities to adopt fire suppression requirements, established through information obtained from nationally-recognized experts, to a protection level higher than currently authorized. MN Stats. 1980, Section 299F.011, Subd. 4 prohibits municipalities from establishing requirements in excess of the requirements of the Uniform Building Code adopted pursuant to MN Stats. 1980, Section 16.83 to 16.867 (State Building Code). The adoption of rules establishing standards for additional on site fire suppression systems is necessary to permit municipalities to obtain standards of fire suppression capabilities not in conflict with provisions of the State Building Code when it is determined by the municipalilty that additional provisions are necessary and cost effective.

The agency's authority to promulgate the proposed rules is contained in MN Stats. (1980) §§ 16.85 and 16.86.

The expansion of fire suppression and prevention capabilities is necessary for public safety in buildings located in expanding municipalities. A primary concern of growing municipalites is to establish a balance of public

and private sector financing for fire suppression protection in new buildings where public sector funding limits have been reached.

These rules are a reasonable approach to fire suppression on the local level because resources for municipal fire departments are limited to current or reduced expenditure levels. The level of fire fighting and prevention provided is exclusively a local determination. The economic feasibility and reasonableness of adopting uniform regulations in excess of the State Building Code must be determined by the municipality providing the services and those bearing the expense.

The establishment of optional rules for adoption without change are based on a study of nationwide trends of the fire suppression capabilities of municipal fire departments. This provides municipalities a method to establish reasonable additional standards based on local capabilities.

During the 1981 session of the Minnesota Legislature, a bill was introduced permitting local units of government to enact ordinances requiring on-site fire suppression systems as they deemed appropriate. The legislation passed the House and was considered by the Government Operations Committee of the Senate, where testimony was offered in opposition to the bill. One issue of opposition was that the uniformity provided for in the State Building Code would be destroyed and designers, developers and builders would be subjected to a vast array of requirements. The chairman of the Senate committee recommended that all affected parties attempt to resolve their differences through the rule making process of the Administrative Procedure Act.

The Director of the Building Codes and Standards Division subsequently appointed a committee to review the issues involved and recommend how they

might be best resolved. The listing of committee members is attached to this statement. (Exhibit 1) The committees first meeting was on July 16, 1981 and after a series of 16 meetings the final (4th) draft of the proposal was completed on May 26, 1982. During the committee deliberations input was received from many resource persons, including fire protection engineers, fire department administrative personnel, mechanical engineers, the concrete industry, sprinkler industry, insurance industry, committee members, and others. Several informational meetings were held with architects, building developers, building owners and managers, building officials and others, and draft copies were revised following input from concerned persons.

The consensus of the committee was to propose an optional appendix chapter to the State Building Code that could be adopted, without change, at the descretion of municipal governments, similar to the existing appendix chapter D relating to building security. A measure of uniformity would thus be maintained so that persons affected could quickly ascertain whether or not the appendix chapter had been adopted by any given municipality, so that structures would be designed and constructed accordingly. The committee believes this approach will be a long term solution to existing and future problems.

Although Minnesota Statutes do not mandate that municipalities provide fire protection for their citizens, many municipalities are endeavoring to maintain a proficient level of fire protection in the face of additional construction and restricted budgets due to cutbacks in resources. Municipalities firmly believe that by providing for built-in fire suppression systems in new construction, they can maintain a reasonable degree of protection without building additional fire stations, obtaining new equipment and supplies, and recruiting additional personnel. Additional resources would

also be necessary, to provide ongoing training of personnel; maintanence and operation of equipment, and buildings; as well as additional fire fighter salaries. The cost of providing additional services involves both initial capital outlay plus continuous program maintanence costs. The Fresno California Cronicle attached to this statement (Exhibit #2) supports the effectiveness of this position. In spite of considerable growth in area and population, fire department staffing, equipment and number of stations was not substantially increased.

Recently adopted OSHA regulations impose additional training requirements and safety equipment provisions which places an additional burden on the ability of municipalities to provide fire protection service within reasonable budget levels. The added training requirements may be a deterrent to obtaining volunteer fire fighters due to increased commitments on volunteer fire fighters time. Service of full time paid fire fighters is beyond the budget limitations of most municipalities in Minnesota. OSHA Subpart L. Federal Register Vol. 45, No. 179, Sept. 12, 1980 Sec. 1910.156. A listing of paid and volunteer fire departments in the state is attached to this statement (Exhibit #3).

The Minnesota Fire Chiefs Association has, for years, advocated the extensive use of automatic sprinkler systems in buildings to control or extinguish fires and reduce property damage losses. In addition they are concerned about the life safety of building occupants and fire department personnel who must enter buildings to suppress fires. Statistics show that multiple death losses are very rare in buildings equipped with automatic sprinkler systems throughout. Property losses are greatly reduced in buildings protected throughout by automatic sprinkler systems. Manpower needs are reduced dramatically when buildings are protected with automatic

sprinklers. Comparisons of fires in comparable buildings with and without sprinklers are attached to this statement (Exhibit #4). Edina - Apartment Building fires; Richfield Hub Center; Duluth, Apartment Building.

The installation of sprinkler systems is recognized by the present building code as providing additional fire safety protection, by allowing larger allowable areas, additional stories, and substitution for 1 hour fire resistive construction in some cases. Some cost savings can be realized when the code is researched and applied to a given design.

A Concern has been expressed by multi-family housing developers that increased initial costs will be a deterrent to development of much needed lower and moderate income housing. Experience has shown that there is much less clean up and re-construction after a fire in a sprinklered apartment building, thus allowing re-occupancy of units quickly after a fire. The early reoccupancy results in additional pay-back of initial investment. Tenants are benefitted by the additional safety provided by automatic sprinkler protection. In the proposed rule an exception to 2MCAR Section 1.10020.C.11, was incorporated to allow acceptance of sprinkler systems that would provide protection at minimal cost.

Water supply demands for extinguishment of fires with hose lines are much greater than when automatic sprinklers are used. Fires usually grow rapidly in their early stages, delayed alarms or long response times are serious obstacles to fire extinguishment. On-site extinguishing systems provide an alarm when the sprinkler system is actuated by heat of the fire, thus providing an early alarm as well as containment or extinguishment of the fire.

Small fires are usually fought with 1-1/2" hose lines requiring 2 men per line. Large fires require 2-1/2" hose lines needing 3 or 4 men per hose line. The majority of fires set off a maximum of 2 sprinkler heads with a discharge 15 to 20 GPM. Water and manpower requirements are attached to this statement (Exhibit #5).

Fire resistive construction is required by the code in many instances. Experience by fire and building departments, and investigations after fires has shown that fire resistive assemblies have failed during fires. Some of the factors causing failure are as follows:

1. Many sub-contractors are involved and none of them has total responsibility to assure compliance. These sub-contractors include ceiling installers, electricians, insulators (thermal and acoustical), sheet metal and ventilation installers, plumbers, communications people and others.

2. Frequently, inspectors and plan review personnel are not sufficiently experienced and trained to detect all deficiencies in complex assemblies.

3. Many building departments are understaffed, due to budget constraints.

4. Remodeling of buildings often gives rise to the use of substitute materials and as a result ceilings or walls are no longer fire resistive, and compartmentation is negated.

When fire suppression efforts are underway compartments must be opened to gain access. In many instances this will cause the fire to spread from its original source. Fire fighters advance hoses into stairways and corridors to attack fires. When this occurs, the fire resistive character of such vital life safety areas is defeated. Automatic sprinkler protection tends to offset the hazards which prevail when fire resistive assemblies have been negated.

Minnesota cities are developing a pattern of maintaining a manpower level in their fire departments which is minimally sufficient to extinguish the average size house fire. When the provisions of proposed Appendix E, based on occupancy classification and hazard, are combined with a minimally sufficient fire department an acceptable level of fire extinguishment capability is achieved.

Group A Occupancies (public assembly) accomodating 300 or more persons, normally have large open areas rather than small compartments. Compartments help contain a fire. Fire in a large compartment can readily defeat a small fire fighting force. Sprinkler protection is needed in order to contain an incipient fire. This reduces the chances of panic in a large crowd attempting to flee a growing fire and allows a smaller fire fighting force to extinguish the fire.

The square footage limitation for Group B service stations is restricted due to the nature of the occupancy. Flammable and combustible liquids greatly increase the fire loading in these occupancies. Even in a small square footage occupancy flammable or combustible liquids fire can readily overcome an average fire fighting force.

Group B-1 (parking garages), consisting of large open areas, do not allow storage other than automobiles. The spacing of the automobiles and the fact that fires in an auto are normally contained within the engine or passengers compartment provide some degree of assurance in keeping a fire isolated. Due to this fact the square footage limitations for parking garages was established at 5,000 square feet. This is more liberal than the Group B-1 service stations due to the lesser hazard.

Group B-2 (offices and post-secondary classrooms), were assigned a square footage limitation of 8500 square feet. These occupancies are divided into fairly small compartments which contain a moderate fire loading of normal combustibles. Due to this fact, the committee determined that the square footage limitation could be increased above the more restrictive requirements of the occupancy groups previously listed. The height of a building is a critical factor. Regardless of square footage, the average fire department would still require additional equipment and manpower to gain access to buildings of over two stories.

The Group B-2 (retail, warehouse and manufacturing Occupancies), were assigned a square footage limitation of 2000 square feet. These types of occupancies normally contain a high loading of normal combustibles, densely stored in an open area.

Group E-1 and E-2 Occupancies (K-12 schools) were assigned a square footage limitation of 8500 square feet. The characteristics of these occupancies are similar to Group B-2, offices and post-secondary classrooms. K-12 schools are comprised of smaller compartments which help contain a fire.

Group H-4 Occupancies (repair garages) were assigned a maximum square footage limitation of 3000 square feet. H-4 Occupancies have welding and cutting operations, as well as other open flames used in areas where flammable liquids are stored and dispensed. H-4 Occupancies have a greater probability of fire with such fires being more severe in nature due to the highly flammable and combustible contents.

The Group R-1 Occupancies (apartment houses, hotels and motels) were assigned a maximum square footage limitation of 8500 square feet. The characteristics of these occupancies are similar to Group B-2 offices and post-secondary classrooms as to compartmentation and combustible contents. R-1 Occupancies, where the occupants are sleeping, creates a life loss potential not associated with B-2 Occupancies. Hotel and motel occupancies also present the problem that sleeping occupants are not familiar with their surroundings which also increases the life loss potential. R-1 Occupancies require a high level of fire department manpower for evacuation and rescue purposes.

All testimony received at the hearing will be given due consideration and incorporated into the proposed rule if determined necessary and reasonable.

JAMES J. HINIKER, JR.
COMMISSIONER

Date: 11-30-82

"THE FRESNO CHRONICLE"

An Economically Feasible

Approach to a City's Fire Problem

NATIONAL AUTOMATIC SPRINKLER AND
FIRE CONTROL ASSOCIATION, INC.
4908 TILE LINE ROAD
CRYSTAL LAKE, ILLINOIS 60014

...dedicated to the nation's firefighters who risk their lives to protect life and property from the ravages of fire...

March 1, 1978

TABLE OF CONTENTS

Preface 1

The Problem 3

Fresno, California. 5

Code Adoptions. 6

Area Analysis/Population Growth 10
Discussion 12

Number of Square Miles Protected Per Fire Station 13
Discussion 15

Fire Department Manpower Levels 16
Discussion 18

Fire Fighters Per 10,000 Population 20
Discussion 21

Fire Fighters Per Square Mile of Area 23
Discussion 24

Fire Department Manpower Levels 25

Fire Department Apparatus 31
Discussion 33

21 Year Profile--Fire Losses Per Capita 34

Percent of Total Fire Loss by Occupancy 37
Discussion 40

Percent of Fire Losses--Residential Vs. Other 41
Discussion 43

Percent of Fire Losses--Residential Vs. Other Occupancies--
Three-Year Average. 44

Percent of Fire Losses in Dollars--Graphical Analysis
Residential Vs. Other 46

Three Year Average--City of Fresno. 48

Fiscal Analysis 50
Discussion 52

Fiscal Analysis 53

Fire Department Budget--Current Vs. Constant Dollar 55

Fiscal Analysis 58

Insurance Services Grading Classifications. 60

Fire Insurance Ratings. 68

PREFACE

This report, "The Fresno Chronicle--An Economically Feasible Approach to a City's Fire Problem", is the result of a massive research effort coordinated by Raymond J. Casey, President of the National Automatic Sprinkler and Fire Control Association, Inc.

During the Spring of 1977, the Association staff was directed to begin updating statistics contained in the original "Project Fresno", published in December of 1966. This initial research compared fire department manpower levels, particularly on duty strength, in 1955 with 1966. It examined the effect of the Dangerous Building Ordinance applicable principally to existing construction and a federally funded urban renewal program calling for automatic fire sprinkler protection in all new construction.

This frontal attack on the fire problem, focusing primarily on Fresno's central business district, resulted in sprinkler protection for numerous buildings.

This effort contributed greatly to the eventual re-grading of Fresno from a Class 3 to a Class 2 city according to the ISO Municipal Grading Schedule.

The research contained in this report examines, over two decades, a variety of factors influencing the fire fighting capacity of the City and the ever increasing strides taken by Fresno officials in seeking out innovative solutions to the fire problem.

We are confident that the research embraced in this report will serve as an impetus for other cities around the country to initiate studies on the fire problem.

It is not the intent of this document to provide all the answers, but rather to focus on the need for continued research and analysis in obtaining viable solutions to the municipal fire problems facing the cities of this nation.

We wish to acknowledge the cooperation of Fresno officials, who greatly aided the Association staff in conducting this research.

Chief Leland Hill, Chief of Department
City of Fresno, California

Fire Marshal Richard Borgardt
City of Fresno, California

Donald Teninty, Deputy Fire Marshal
City of Fresno, California

George Kerber, Director of Planning and Inspections
City of Fresno, California

Pat Smith, Manager--Research Department
Fresno County and City Chamber of Commerce

Without the capable assistance of these officials, this document could not have been published.

We offer the Fresno Chronicle as testimony of how a major metropolitan city responded to the challenge of fire, providing susbstantial savings to the taxpayer and insuring greater fire protection for its citizenry.

March 1, 1978

THE PROBLEM

The fire problem confronting the American people has become a public menace.

An examination of the statistics for fire losses resulting in property damage to death and injury defy description and stagger the imagination.

The United States, a leader of the nations of the world in technological advancement, has earned the dubious honor of leading "all major industrial countries in per capita deaths and property losses from fire".

The final report of the National Commission on Fire Prevention and Control, "America Burning", issued in 1973, reveals a litany all too familiar.

Here are some facts:

- "Annually, fire claims nearly 12,000 lives in the United States".

- "Only motor vehicle and falls rank higher among the causes of accidental death".

- "300,000 Americans are injured and maimed by fire each year".

- "The price of destructive fire in the United States amounts, by conservative estimate, to at least 11.4 billion dollars per year".

- "Losses from businesses that must close and from jobs that are interrupted or destroyed are incalculable".

- "Estimated annual costs for fire department operations are 2.5 billion dollars".

- "The death rate of fire fighters is 15% greater than the next most dangerous occupation, mining and quarrying".

- "Approximately 85¢ out of every dollar lost is attributal to building fires, considering 2.7 billion dollars in property loss sustained each year".

- "Approximately 2/3 of the 12,000 deaths that occur annually result from building fires".

The National Fire Data Center, an adjunct of the National Fire Prevention and Control Administration, issued in October of 1977, the first in a series of reports entitled "Fires in the United States".

The statistics are startingly similar to the National Commission's findings.

In the mid-70's, the Nation is experiencing each year approximately:

- "2.6 million fires that were attended by the fire service, and another 30 million fires, mostly minor, that were not reported to the fire service".

- "7,500 fire deaths".

- "110,000 fire injuries and an estimated 200,000 additional injuries from fire not reported to the fire service".

- "4.2 billion in direct property loss from fires".

- "Fire...in the home is the second most frequent cause of accidental death".

Recognizing the importance of national trends, the findings also stress the import of "striking differences from place to place in important aspects of the fire problem".

The report recommends that state and local governments analyze their own fire problems rather than relying on the data of outside groups.

In January of 1978, the National League of Cities issued a policy statement on fire. In their "Policy for Action", the report called for greater cooperation on the part of the federal government and national organizations working with local and state government officials in analyzing evaluative criteria seeking solutions to the fire problem.

With greater public awareness of the fire problem and with greater attention given to fire in the mass media, the need for viable programs in terms of public education is beginning to surface.

The importance of responding to the fire problem is becoming the concern of many municipalities around the country.

A major weapon being utilized more and more in local ordinances and building codes is providing a formidable opponent to fire. The installation of automatic fire sprinkler systems in numerous occupancies is assuming a more prominent role in the thinking of building code writers on both the state and local level.

FRESNO, CALIFORNIA

While many cities have taken up the gauntlet, the City of Fresno, California has built a whole concept of public fire safety around the automatic fire sprinkler.

Located halfway between San Francisco and Los Angeles, in the lush San Joaquin Valley, Fresno is one of the largest agricultural counties in the world.

Between 1956 and 1965, City Fathers were confronted with problems being experienced by many major metropolitan areas around the country. Rapidly rising population, new industry, new construction, higher building costs, and declining sources of tax revenue were putting a squeeze on public fire protection.

It became evident that solutions be sought.

Focusing on Fresno's central business district, City officials enacted a Dangerous Building Ordinance, empowering the building department to require that all unsafe buildings not meeting minimum safety standards be condemned.

Under the provisions of the Dangerous Building Ordinance, a building owner may choose between several alternatives in bringing his building up to standard. In the vast majority of cases, owners elect to install automatic fire sprinklers rather than to enclose stairways, add new stairwells and thus eliminate office space, close transoms, and add costly structural renovations.

In most instances, it was found that the most economical way to comply with these regulations was to install automatic fire sprinklers.

This ordinance, which addresses itself primarily to existing buildings, was coupled with a funding plan with the Federal urban renewal agency.

The City entered into an agreement that "all new construction shall be fire sprinklered to provide fire protection equivalent to the standards listed in a National Board of Fire Underwriters Pamphlet 13--Sprinkler Systems".

Presently, as a direct result of these programs, additional municipal ordinances and strong building and fire codes, 90% of the floor area in Fresno's central business district is afforded sprinkler protection.

Reliable sources within the City of Fresno have stated that the implementation of the requirements contained in the Dangerous Building Ordinance are still not completed.

Waging this war against fire is an on-going process with Fresno's fire officials.

CODE ADOPTIONS

With foresight and planning, the architects of Fresno mapped a strategy to stabilize costs to the taxpayer and improve fire protection for the city's inhabitants, centering on strong codes and ordinances strengthened by requirements calling for the installation of automatic fire sprinkler protection.

Municipal Code--City of Fresno

The Municipal Code for the City of Fresno supplements the provisions of the Uniform Building Code and the California Administrative Code--Title 19.

Stringent requirements under this code encourage automatic fire sprinkler protection:

- "...ABATEMENT OF DANGEROUS BUILDINGS. All buildings or portions thereof which are determined by the Building Official to be dangerous as defined in this article and hereby declared to be public nuiances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified..."

- "...FIRE ZONE NO. 1. Buildings and structures hereafter erected, constructed, moved within or into Fire Zone No. 1 shall be only a Type I, II, III-H.T., III-one-hour, IV-one-hour, or V-one-hour and shall meet the requirements of this section. All buildings over three thousand square feet in area shall be equipped with an approved automatic fire extinguishing system."

- "...AUTOMATIC FIRE-EXTINGUISHING EQUIPMENT--FIRE ZONE NO. 1. Where an approved automatic fire-extinguishing system is provided in buildings in Fire Zone No. 1, the following substitutions may be approved by the Building Official. These exceptions shall not apply to buildings covered by Title 19 of the California Administrative Code.

(a) Occupancy separations may be reduced by one hour.

(b) Exterior wall protection due to the proximity of property lines may be reduced by fifty percent.

(c) Party walls for adjacent property may be approved by the Building Official subject to the following conditions:

(1) Both buildings are equipped with an approved automatic fire-extinguishing system.

(2) The party wall is a minimum of a two-hour fire-rated wall.

(3) The area of the combined buildings is within the allowable area for a single building.

(4) An approved party wall agreement signed by both property owners is recorded in the County Recorder's Office.

(d) Vertical shaft enclosures may be reduced by one hour but in no case less than one hour in buildings three or more stories in height.

(e) Corridor protection may be reduced to thirty-minute wood frame construction with twenty-minute labeled assemblies on all openings.

(f) Fire Protection for exit enclosures and exterior smokeproof enclosures may be reduced by fifty percent but in no case to less than one hour.

(g) Exit courts and passageways may be constructed with thirty-minute fire protection with twenty-minute labeled assemblies in all openings.

(h) Fire protection for exterior walls, floors and ceilings may be reduced by fifty percent..."

- "...FIRE RESISTIVE SUBSTITUTION. Where one-hour fire resistive construction throughout is required by this Code, an approved automatic fire extinguishing system, as specified in Chapter 38 of the Uniform Building Code, may not be substituted therefor.

Exception: In no. 2 and No. 3 Fire Zones, an approved automatic fire extinguishing system may be substituted for one-hour fire resistive construction throughout when required by this Code..."

- "...Any historical building having more than three thousand square feet of floor area shall be protected with an installation of approved automatic fire sprinklers..."

Included in the Municipal Code for the City of Fresno are a number of mandatory requirements which call for the installation of automatic fire extinguishing systems.

Here are some examples:

- "In every story, basement or cellar of all buildings except dwellings when floor area exceeds fifteen hundred square feet and there is not provided at least twenty square feet of opening entirely above the adjoining ground level in each fifty lineal feet or fraction thereof of exterior wall in the story, basement or cellar on at least one side of the building. Openings shall have a minumum dimension of not less than thirty inches. Such openings shall be maintained readily accessible to the Fire Department and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior."

- "When openings in a story are provided on only one side and the opposite wall of such story is more than seventy-five feet from such openings, the story shall be provided with an approved automatic fire-extinguishing system, or openings as specified above shall be provided on at least two sides of the exterior walls of the story."

- "If any portion of a basement or cellar is located more than seventy-five feet from openings required in this section, the basement or cellar shall be provided with an approved automatic fire-extinguishing system."

- "Under the roof and gridiron, in the tie and fly galleries and in all places behind the proscenium wall of stages, over enclosed platforms in excess of five hundred square feet in area; and in dressing rooms, workshops and storerooms accessory to such stages or enclosed platforms."

- "In Group E, Division 1 and 2 occupancies which would include storage and handling of hazardous and highly flammable or explosive materials other than flammable liquids for Division 1 classification, and paint stores and paint shops having an area of more than 1,500 square feet, and Division 3 occupancies conducting a woodworking establishment, planing mills and box factories having an area of more than 3,000 square feet; and in repair garages more than one story in height shall be provided with an automatic fire extinguishing system."

- "In Group F, Division 2 occupancies used for retail sales or warehousing having an area of more than 10,000 square feet in a single floor or more than two stories in height."

- "In assembly occupancies having over 12,000 square feet of floor area which can be used for exhibition or display purposes..."

- "Fire extinguishing systems are required in commercial laundry establishments using more than two power driven machines in the laundering process..."

California Administrative Code--Title 19

The City of Fresno is required to enforce the provisions of the California Administrative Code--Title 19--Public Safety.

By establishing minimum standards, Title 19 contains provisions receptive to the automatic fire suppression concept.

Under the provisions of Title 19, nursing homes for ambulatory persons, homes or institutions for the aged, asylums, hospitals and sanitariums, the installation of automatic sprinkler systems are, in most instances, required to provide reasonable fire and panic safety.

Uniform Building Code

The City of Fresno adopts the 1973 edition of the Uniform Building Code. The Code will soon be updated to reflect current changes and technology, and in an effort to reflect these technological changes, the City of Fresno will soon adopt the most recent edition of the code.

The Uniform Building Code provides a number of mandatory requirements for the installation of automatic fire sprinklers and through the use of construction economies, provides the building owner and architect with a number of economic incentives if automatic fire sprinklers are used.

Here are some examples of trade-offs available under this code:

- "Liberal height and area increases."

- "Fireproofing reductions for:
  a) Exterior bearing walls
  b) Interior bearing walls
  c) Structural framing
  d) Permanent partitions
  e) Floor
  f) Roof"

- "Permission to use interior finishes with high flame spread characteristics."

- "Exit distance increases."

The Uniform Building Code was the first of the model codes to allow sprinkler options or "trade-offs" even when sprinklers are mandatory.

Overview

The City of Fresno has developed an entire concept of public fire safety based on automatic fire sprinkler protection.

City officials are not content to rest on the remarkable gains they have made. Constant strides for evaluating present codes and practices will insure the citizens of the City of Fresno, the best available protection from the ravages of fire. The silent sentries are the vanguard...now and in the future.

EXHIBIT A

CITY OF FRESNO
AREA ANALYSIS/POPULATION GROWTH

CITY OF FRESNO
AREA ANALYSIS/POPULATION GROWTH

YEAR	CITY OF FRESNO AREA IN SQUARE MILES	POPULATION
1956	21.45	115,000 (estimated)
1957	23.25	112,944 (special census)
1958	25.05	112,944 (special census)
1959	26.84	132,000 (estimated)
1960	28.64	133,939 (U.S. census)
1961	31.49	141,600 (State Tax Return)
1962	35.59	147,200 (State Spec. Census)
1963	36.29	151,600 (State Dept. of Finance)
1964	37.07	156,000 (State Dept. of Finance)
1965	37.78	158,000 (special census)
1966	38.78	159,300 (State Dept. of Finance)
1967	38.99	161,400 (State Dept. of Finance)
1968	40.70	162,500 (State Calif. Census)
1969	41.78	168,600 (State Calif Census)
1970	41.80	165,972 (U.S. census)
1971	42.83	169,600 (State Calif. Census)
1972	43.52	173,800 (State Calif. Census)
1973	44.21	176,800 (State Calif. Census)
1974	47.91	176,800 (State Calif. Census)
1975	53.46	177,900 (State Calif. Census)
1976	55.76	179,200 (State Calif. Census)
1977	56.74	186,900 (State Calif. Census)

Notes: From 1960-1974, the area in square miles was as of April 1st.
From 1975-1977, the area in square miles was as of January 1st.

CITY OF FRESNO
AREA ANALYSIS/POPULATION GROWTH

Discussion:

An analysis of the geographical area in square miles for the City of Fresno from 1956-1977 reflects a steady increase over the 22-year period.

A series of annexations has almost tripled the geographical area for Fresno since 1956.

In 1956, the population for the City was an estimated 115,000 people. Federal census polls in 1960 and 1970 reveal a dramatic increase in the City's population.

Presently, a State of California census shows 186,900 people living within the prescribed city limits for the City of Fresno.

The statistics in this exhibit, when compared with exhibits that follow, begin to show some rather interesting trends.

Let us now turn to the number of fire stations and the area in square miles that they protect from 1956-1977.

EXHIBIT B

CITY OF FRESNO
NUMBER OF SQUARE MILES PROTECTED PER FIRE STATION

CITY OF FRESNO
NUMBER OF SQUARE MILES PROTECTED PER FIRE STATION

YEAR	CITY OF FRESNO AREA IN SQUARE MILES	NUMBER OF FIRE STATIONS	SQUARE MILES PROTECTED PER FIRE STATION
1956	21.45	9	2.38
1957	23.25	9	2.58
1958	25.05	9	2.78
1959	26.84	9	2.98
1960	28.64	9	3.18
1961	31.49	9	3.49
1962	35.59	10	3.55
1963	36.29	10	3.62
1964	37.07	10	3.70
1965	37.78	10	3.77
1966	38.78	10	3.87
1967	38.99	10	3.89
1968	40.70	10	4.07
1969	41.78	10	4.17
1970	41.80	10	4.18
1971	42.83	10	4.28
1972	43.52	11	3.96
1973	44.21	11	4.02
1974	47.91	11	4.36
1975	53.46	11	4.86
1976	55.76	10	5.57
1977	56.74	11	5.16

CITY OF FRESNO
NUMBER OF SQUARE MILES PROTECTED PER FIRE STATION

Discussion:

Nine fire stations protected 21.45 square miles of area in 1956. This is approximately one fire station for every 2½ square miles of area.

In 1966, ten fire stations protected an area of 38.78 square miles. This is approximately one fire station serving almost four square miles of area.

In 1976, ten fire stations protected 55.76 square miles, computing to approximately one fire station for every 5½ square miles of area. The addition of one fire station in 1977 reduced this figure slightly.

Dramatic increases in geographical area and population have not required substantial increases in the number of fire stations protecting the City.

Exhibit C analyzes the total on-duty manpower (suppression) from 1955 to 1977. The analysis is startling.

EXHIBIT C

CITY OF FRESNO
FIRE DEPARTMENT MANPOWER LEVELS

CITY OF FRESNO
FIRE DEPARTMENT MANPOWER LEVELS

Fiscal Year	Total On-Duty Manpower (Suppression)
1955	68
1956	68
1957	68
1958	68
1959	66
1960	65
1961	65
1962	68
1963	68
1964	67
1965	67
1966	68
1967	71
1968	73
1969	73
1970	69
1971	69
1972	71
1973	71
1974	70
1975	67
1976	71
1977	68

CITY OF FRESNO
FIRE DEPARTMENT MANPOWER LEVELS

Discussion:

Total on-duty manpower (suppression) for any 24-hour period shows little difference when figures are compared over a 23-year period.

It should be pointed out that in 1955-1956, a 66-hour work-week was in effect. From 1957-1960, the work-week was 60 hours. For both of these periods, a two platoon system was utilized by the Fresno Fire Department.

In 1961, a three platoon system was initiated with a drop of one hour per week per year until, in 1964, a 56-hour work-week was achieved.

These figures begin to take on significance when compared with dramatic increases in population and geographical area for the City of Fresno.

These statistics clearly demonstrate how the manpower levels have been stabilized for the City's fire department.

The savings to the taxpayer in salaries, fringe and pension benefits are substantial. These savings have been accomplished without sacrificing any fire protection for Fresno residents.

We are now beginning to see certain trends emerge which lend support to the contention that the City's fathers have found alternate solutions to the fire problem other than using, as a sole means of defense, the conventional resources of the City's fire department.

With the trend in recent years of protecting wider geographical areas and more people with less manpower, the prominent role of automatic fire sprinklers takes on an even greater significance.

EXHIBIT D

CITY OF FRESNO
FIRE FIGHTERS PER 10,000 POPULATION--1955-1977

CITY OF FRESNO
FIRE FIGHTERS PER 10,000 POPULATION--1955-1977

YEAR	TOTAL ON DUTY MANPOWER (SUPPRESSION)	POPULATION	FIRE FIGHTERS PER 10,000 POPULATION
1955	68	112,650 (estimated)	6.04
1956	68	115,000 (estimated)	5.91
1957	68	112,944 (special census)	6.02
1958	68	112,944 (special census)	6.02
1959	66	132,000 (estimated)	5.00
1960	65	133,939 (U.S. Census)	4.85
1961	65	141,600 (State Tax Return)	4.59
1962	68	147,200 (State Special Census)	4.62
1963	68	151,600 (State Dept. of Finance)	4.49
1964	67	156,000 (State Dept. of Finance)	4.29
1965	67	158,000 (special census)	4.24
1966	68	159,300 (State Dept. of Finance)	4.27
1967	71	161,400 (State Dept. of Finance)	4.40
1968	73	162,500 (State Calif. Census)	4.49
1969	73	168,600 (State Calif. Census)	4.33
1970	69	165,972 (U.S. Census)	4.16
1971	69	169,600 (State Calif. Census)	4.07
1972	71	173,800 (State Calif. Census)	4.09
1973	71	176,800 (State Calif. Census)	4.02
1974	70	176,800 (State Calif. Census)	3.96
1975	67	177,900 (State Calif. Census)	3.77
1976	71	179,200 (State Calif. Census)	3.96
1977	68	186,900 (State Calif. Census)	3.64

CITY OF FRESNO
FIRE FIGHTERS PER 10,000 POPULATION
1955 - 1977

Discussion:

In 1955 an estimated population of 112,650 people was served by a total on-duty manpower (suppression) of 68 fire fighters. Approximately six fire fighters for every 10,000 residents.

In 1965, a special census showed 158,000 people in Fresno. Total on-duty manpower (suppression) was 67 men. Approximately 4 fire fighters for every 10,000 in population.

186,900 people are presently living in the City of Fresno according to a recent State of California census, with a total of 68 on-duty fire fighters, approximately 3½ firemen for every 10,000 inhabitants.

Even with the substantial increases in population and geographical area for the City of Fresno, the fire department was able to reduce its personnel and still effectively protect greater numbers of people and wider geographical regions as the years progressed.

An examination of this exhibit and comparison with Exhibit E clearly shows that more people and wider areas are protected with less manpower.

EXHIBIT E

CITY OF FRESNO
FIRE FIGHTERS PER SQUARE MILES OF AREA

CITY OF FRESNO
FIRE FIGHTERS PER SQUARE MILES OF AREA

YEAR	FIRE DEPT. MANPOWER TOTAL ON-DUTY STRENGTH (SUPPRESSION)	CITY OF FRESNO AREA IN SQUARE MILES	FIRE FIGHTERS PER SQUARE MILES OF AREA
1956	68	21.45	3.2
1957	68	23.25	2.9
1958	68	25.05	2.7
1959	66	26.84	2.5
1960	65	28.64	2.3
1961	65	31.49	2.1
1962	68	35.59	1.9
1963	68	36.29	1.9
1964	67	37.07	1.8
1965	67	37.78	1.8
1966	68	38.78	1.8
1967	71	38.99	1.8
1968	73	40.70	1.8
1969	73	41.78	1.7
1970	69	41.80	1.7
1971	69	42.83	1.6
1972	71	43.52	1.6
1973	71	44.21	1.6
1974	70	47.91	1.5
1975	67	53.46	1.3
1976	71	55.76	1.3
1977	68	56.74	1.2

CITY OF FRESNO
FIRE FIGHTERS PER SQUARE MILE OF AREA

Discussion:

In 1956, there were three fire fighters for slightly in excess of 21 square miles of area.

In 1965, there were approximately two fire fighters for every 38 square miles of area.

In 1977, there is approximately one fire fighter for every 56 square miles of area.

As a result of a series of annexations, the area for the City of Fresno has almost tripled since 1956, but in 1977, requires less fire fighters per square mile to protect its citizens.

EXHIBIT F

CITY OF FRESNO
FIRE DEPARTMENT MANPOWER LEVELS

CITY OF FRESNO
FIRE DEPARTMENT MANPOWER LEVELS

Fiscal Year	Total Sworn/ Uniformed Personnel	Total Nonsworn Uniformed Personnel	Total Uniformed Personnel
1955	218	0	218
1956	218	0	218
1957	238	0	238
1958	237	0	237
1959	232	0	232
1960	232	0	232
1961	236	0	236
1962	245	0	245
1963	249	0	249
1964	249	0	249
1965	250	0	250
1966	254	0	254
1967	264	0	264
1968	271	0	271
1969	271	0	271
1970	258	0	258
1971	259	0	259
1972	264	0	264
1973	265	0	265
1974	263	6	269
1975	262	6	268
1976	275	6	281
1977	276	6	282

CITY OF FRESNO
FIRE DEPARTMENT MANPOWER LEVELS

Fiscal Year	Total Civilian Personnel	Total Full-Time Paid Personnel	Total Prevention Uniformed Personnel including Arson Investigators
1955	9	227	9
1956	9	227	9
1957	10	248	9
1958	10	247	9
1959	6	238	15
1960	5	237	17
1961	5	241	17
1962	5	250	14
1963	5	254	14
1964	8	257	13
1965	8	258	13
1966	8	262	13
1967	9	273	15
1968	9	280	14
1969	5	276	14
1970	5	263	14
1971	5	264	14
1972	8	272	14
1973	8	273	15
1974	7	276	14
1975	14	282	16
1976	14	295	16
1977	24	306	16

CITY OF FRESNO
FIRE DEPARTMENT MANPOWER LEVELS

Fiscal Year	Total Administration Uniformed Personnel including Alarm Dispatchers	Total Operations (Suppression) Uniformed Personnel
1955	12	197
1956	12	197
1957	11	218
1958	10	218
1959	7	210
1960	7	208
1961	8	211
1962	8	223
1963	8	227
1964	8	228
1965	8	229
1966	8	233
1967	8	241
1968	8	249
1969	9	248
1970	10	234
1971	10	235
1972	10	240
1973	10	240
1974	11	238
1975	15	231
1976	15	244
1977	15	245

CITY OF FRESNO
FIRE DEPARTMENT MANPOWER LEVELS

Fiscal Year	Total Operations (Suppression) Uniformed Personnel Excluding Chief Officers	Total Operations (Suppression) Uniformed Personnel Excluding Chief Officers Assigned Per 24-Hour Shif Including Vacation Relie
1955	190	95
1956	190	95
1957	210	105
1958	210	105
1959	202	101
1960	200	100
1961	204	68
1962	216	72
1963	220	73.3
1964	221	73.6
1965	222	74
1966	226	75.3
1967	234	78
1968	242	80.6
1969	241	80.3
1970	227	75.6
1971	228	76
1972	233	77.6
1973	233	77.6
1974	231	77
1975	224	74.6
1976	237	79
1977	237	79

EXHIBIT G

CITY OF FRESNO
FIRE DEPARTMENT APPARATUS

CITY OF FRESNO

FIRE DEPARTMENT APPARATUS

YEAR	IN SERVICE FIRE APPARATUS			RESCUE FIRE APPARATUS					
	ENGINE CO's. (PUMPERS)	TRUCK CO's. (LADDER)	AIR RESCUE	ENGINE CO's. (PUMPERS)	TRUCK CO's. (LADDER)	HOSE WAGONS	WATER TANKS	RESCUE VANS	FUEL SUPPLY TRUCKS
1955	9	4		3		3	2		1
1956	9	4		3		3 in serv.	2		1
1957	9	4		4	1	3 in serv.	2		1
1958	9	4		4	1	3	2		1
1959	9	4		4	1	3	2		1
1960	9	4		4	1	3	2		1
1961	9	4		4	1	3	2		1
1962	10	4	1	3	1	3	2		1
1963	10	4	1	3	1	3	2		1
1964	10	4	1	2	1	3	2		1
1965	10	4	1	3	1	3	2		1
1966	10	4	1	3	1	3	2		1
1967	10	4	1	3	1	3	2		1
1968	10	4	2	3	1	3	2		1
1969	11	4	2	3	1	2	2	1	1
1970	11	4	2	3	1	2	1	1	1
1971	11	4	2	3	1	2	1	1	1

Fire Dept. Apparatus (continued)

YEAR	IN SERVICE FIRE APPARATUS			RESCUE FIRE APPARATUS					
	ENGINE CO's. (PUMPERS)	TRUCK CO's. (LADDER)	AIR RESCUE	ENGINE CO's. (PUMPERS)	TRUCK CO's. (LADDER)	HOSE WAGONS	WATER TANKS	RESCUE VANS	FUEL SUPPLY TRUCKS
1972	11	4	2	3	1	2	1	1	1
1973	11	4	2	2	1	2	1	1	1
1974	11	4	2	2	1	2	1	1	1
1975	10	5	3	3	1	2	1	1	1
1976	10	5	3	2	1	2	1	1	1
1977	11	5	3	2	1	2	1	1	1

CITY OF FRESNO
FIRE DEPARTMENT APPARATUS

Discussion:

Although the fire department for the City of Fresno is protecting larger numbers of people over a wider geographical area, there has not been a dramatic increase in the amount of equipment being used by the fire department when we compared in service fire apparatus from 1955-1977.

Once again, dramatic savings for the taxpayer are evident.

EXHIBIT H

CITY OF FRESNO
21 YEAR PROFILE - FIRE LOSSES PER CAPITA

CITY OF FRESNO
21 YEAR PROFILE - FIRE LOSSES PER CAPITA

YEAR	NO. OF INCIDENTS	LOSS	POPULATION	PER CAPITA LOSS
1956	1026	$ 415,821	115,000 (estimated)	3.616
1957	1009	449,894	112,944 (special census)	3.98
1958	1291	511,779	112,944 (special census)	4.53
1959	1490	566,363	132,000 (estimated)	4.291
1960	1569	829,528	133,939 (U.S. Census)	6.193
1961	1674	759,779	141,600 (State Tax Return)	5.366
1962	1694	855,145	147,200 (State Special Census)	5.809
1963	1478	397,064	151,600 (State Dept. of Finance)	2.619
1964	1927	638,414	156,000 (State Dept. of Finance)	4.092
1965	2037	596,787	158,000 (special census)	3.777
1966	2396	857,818	159,300 (State Dept. of Finance)	5.385
1967	2893	825,142	161,400 (State Dept. of Finance)	5.112
1968	3341	630,551	162,500 (State Calif. Census)	3.88
1969	3513	871,276	168,600 (State Calif. Census)	5.167
1970*	3455	3,478,897	165,972 (U.S. Census)	20.96
1971	3714	1,286,429	169,600 (State Calif. Census)	7.585
1972	5143	1,211,698	173,800 (State Calif. Census)	6.97
1973	5423	1,214,916	176,800 (State Calif. Census)	6.87
1974	5905	2,008,710	176,800 (State Calif. Census)	11.36
1975	6808	1,788,239	177,900 (State Calif. Census)	10.05
1976	5276	2,167,145	186,900 (State Calif. Census)	11.60

* Fire losses of $3,478,897 in 1970 was due to one large loss fire which destroyed a retail sales occupancy of 104,000 square feet in area and amounted to a loss of $2,200,000. The following citation appeared in the May, 1971 issue of Fire Journal:

"Mercantile

Department Store. The GEM Company's department store in Fresno, California, was the scene of a $2.2 million fire on October 26. The 104,000 square-foot one-story building, constructed of masonry walls and built-up wood roof supported by unprotected steel columns, was 90 per cent stocked in preparation for the store's opening. The installation of three sprinkler systems had just about been completed, but at the time of the fire the valves had not been opened on the risers to two of the systems. The operative system protected one end of the building, including an office and machinery area that was separated from the rest of the building by a one-hour partition. The fire originated during the night in the concealed space between the wood roof deck and the noncombustible suspended ceiling. The point of origin was in that part of the building where sprinkler protection had not yet been turned on. Between 20,000 and 24,000 square feet of concealed area was involved when fire fighters responded to the alarm given by a passer-by at approximately 6 a.m. The fire burned off most of the roof of the building and destroyed all the contents except some machinery in the partitioned-off area. This fire illustrates the folly of occupying new sprinklered buildings before the sprinkler protection has been placed in operation."

EXHIBIT I

CITY OF FRESNO
PERCENT OF TOTAL FIRE LOSS BY OCCUPANCY

PERCENT OF TOTAL FIRE LOSS BY OCCUPANCY
1958 - 1976

Year	Residential	Non Residential	Mercantile	Manufacturing	Miscellaneous	Exposures with Loss	Totals
1958	31.41%	29.04%	36.90%	.99%	.11%	1.55%	100%
1959	41.92%	18.04%	36.16%	3.86%	.02%	--	100%
1960	40.39%	4.00%	52.56%	3.05%	--	--	100%
1961	38.16%	8.80%	31.04%	19.53%	.13%	2.34%	100%
1962	31.94%	.73%	63.96%	2.57%	.11%	.69%	100%
1963	60.61%	.62%	34.23%	2.99%	.08%	1.47%	100%
1964	55.49%	7.56%	35.11%	.06%	--	1.78%	100%
1965	55.49%	5.77%	33.72%	4.67%	.01%	.34%	100%
1966	42.17%	.59%	52.73%	2.89%	.08%	1.54%	100%
1967	48.82%	.08%	23.07%	25.95%	.05%	2.03%	100%
1968	70.14%	3.88%	11.33%	9.26%	.01%	5.38%	100%

Percent of Total Fire Loss By Occupancy (continued)

Year	Residential	Non Residential	Mercantile	Manufacturing	Miscellaneous	Exposures with Loss	Totals
1969	55.82%	3.08%	37.38%	.02%	--	3.70%	100%
1970	17.01%	1.40%	80.08%	.01%	--	1.50%	100%
1971	43.02%	12.20%	31.29%	.65%	--	12.84%	100%

PERCENT OF TOTAL FIRE LOSS BY OCCUPANCY
1972 - 1976

Year	Residential	Schools & Hospitals	Storage & Warehousing	Vehicles	Stores & Offices	Public Assembly	Manu. & Indus.	Spec. Prop.	Totals
1972	54.37%	1.07%	8.62%	10.89%	7.35%	2.22%	9.46%	6.03%	100%
1973	53.10%	1.10%	5.50%	10.10%	15.30%	3.40%	2.60%	8.90%	100%
1974	44.43%	.32%	13.49%	8.65%	15.63%	6.12%	7.09%	4.27%	100%
5	54.20%	13.31%	10.25%	7.49%	6.03%	4.77%	.30%	3.18%	100%
1976	56.50%	4.16%	4.00%	6.64%	10.82%	5.87%	8.69%	3.32%	100%

CITY OF FRESNO
PERCENT OF TOTAL FIRE LOSS BY OCCUPANCY

Discussion:

An analysis of this exhibit shows some rather significant trends.

In 1958, approximately 31% of the fire losses in the City were in residential buildings. In 1967, almost 49% of the losses reported were in residential buildings.

With the exception of 1970, the statistics show a steady increase in fires occurring in residential occupancies.

In 1972, Fresno began utilizing the Uniform Fire Incident Reporting System (UFIRS) in an effort to collect, classify, and report fire incident data more effectively.

The Special Property category includes fires occurring in utilities and outdoor properties. In 1974 and 1975, residential garages used as storage were considered in the Storage and Warehousing category.

Exhibit J shows the relationship between residential fires and fires occurring in all other occupancies and vividly shows the shift of the greater dollar loss fires in the middle 60's occurring in residential construction.

Exhibit K compares a three-year average of fire losses in residential and other occupancies.

EXHIBIT J

CITY OF FRESNO
PERCENT OF FIRE LOSSES--RESIDENTIAL VS. OTHER

CITY OF FRESNO
PERCENT OF FIRE LOSSES--RESIDENTIAL VS. OTHER

YEAR	RESIDENTIAL	OTHER	TOTAL
1958	31.41%	68.59%	100%
1959	41.92%	58.08%	100%
1960	40.39%	59.61%	100%
1961	38.16%	61.84%	100%
1962	31.94%	68.06%	100%
1963	60.61%	39.39%	100%
1964	55.49%	44.51%	100%
1965	55.48%	44.52%	100%
1966	42.17%	57.83%	100%
1967	48.82%	51.18%	100%
1968	70.14%	29.86%	100%
1969	55.82%	44.18%	100%
1970	17.01%	82.99%	100%
1971	43.02%	56.98%	100%
1972	54.37%	45.63%	100%
1973	53.10%	46.90%	100%
1974	44.43%	55.57%	100%
1975	54.20%	45.80%	100%
1976	56.50%	43.50%	100%

CITY OF FRESNO
PERCENT OF FIRE LOSSES--RESIDENTIAL VS. OTHER

Discussion:

In analyzing the annual statistical summaries provided by the Fresno Fire Department, we see a substantial shift to residential fire losses when compared with other fire losses from a period of 1958-1976.

In 1958, 31.4% of the fire losses in dollars occurred in residential construction. Almost 69% of the losses reported occurred in mercantile, non-residential, and manufacturing occupancies.

With the exception of 1970, where a $2½ million large loss fire occurred in a mercantile occupancy (see Exhibit H), the trend for fires in residential buildings steadily increases and in 1956, more than 56% of the fire losses occurred in residential construction.

We have plotted, in Exhibit L, the comparison of fire losses.

EXHIBIT K

CITY OF FRESNO
PERCENT OF FIRE LOSSES - RESIDENTIAL VS. OTHER OCCUPANCIES
THREE-YEAR AVERAGE

1958 - 1975

PERCENT OF FIRE LOSSES - RESIDENTIAL VS. OTHER OCCUPANCIES

THREE-YEAR AVERAGE

YEAR	RESIDENTIAL	OTHER	TOTAL
1958-1960	37.91%	62.09%	100%
1961-1963	43.57%	56.43%	100%
1964-1966	51.05%	48.95%	100%
1967-1969	58.26%	41.74%	100%
1970-1972	38.13%	61.87%	100%
1973-1975	50.58%	49.42%	100%

EXHIBIT L

CITY OF FRESNO
PERCENT OF FIRE LOSSES IN DOLLARS--GRAPHICAL ANALYSIS
RESIDENTIAL VS. OTHER

CITY OF FRESNO
PERCENT OF FIRE LOSSES IN DOLLARS--GRAPHICAL ANALYSIS
RESIDENTIAL VS. OTHER

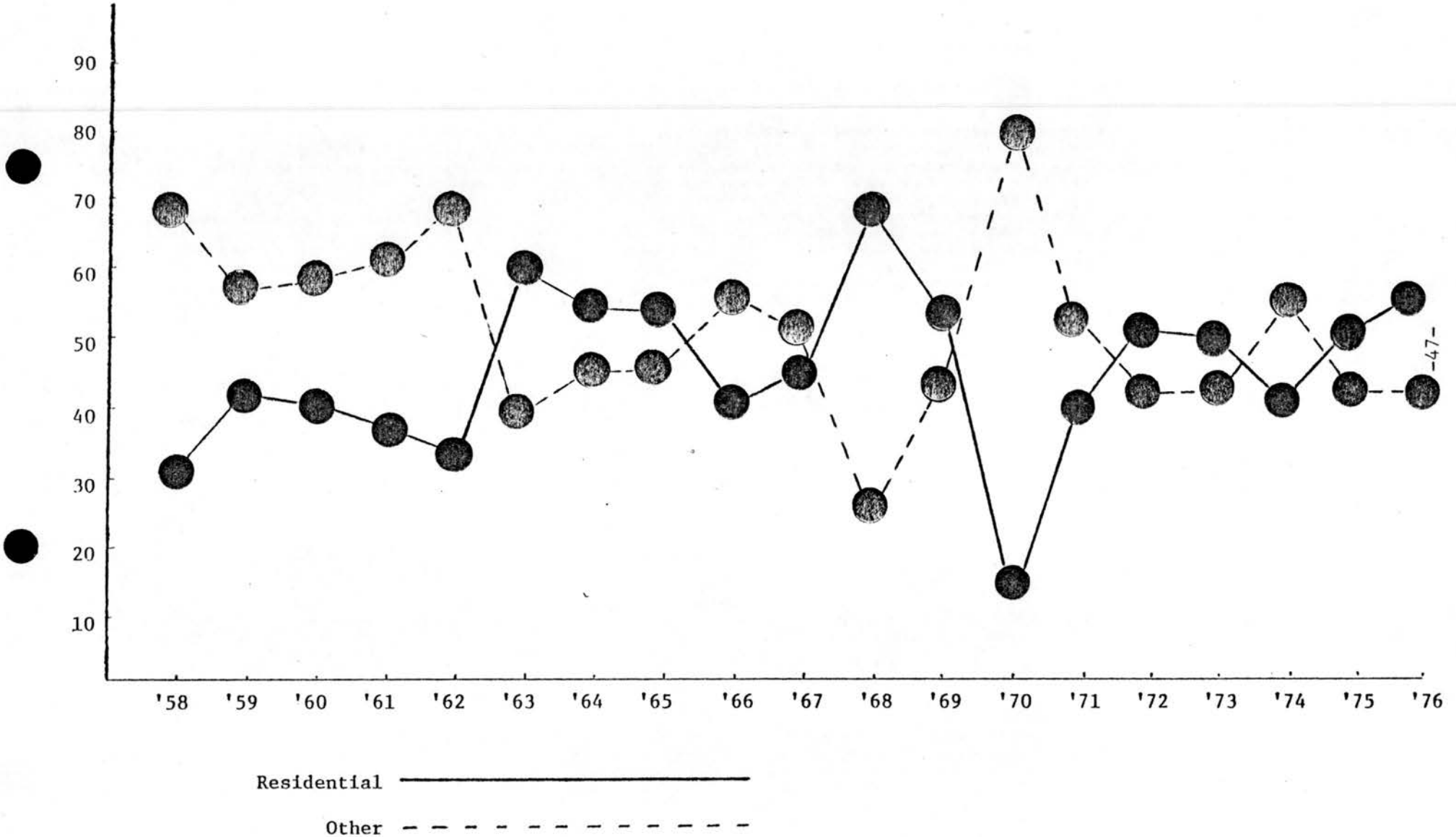


EXHIBIT M

CITY OF FRESNO
1956 - 1976
THREE YEAR AVERAGE

1956 - 1976
THREE YEAR AVERAGE
- Incidents
- Fire Loss
- Population
- Per Capita Loss

Year	Number of Incidents	Average Fire Loss	Average Population	Average Per Capita Loss
1956-1958	1109	$459,165	113,629	4.04
1959-1961	1578	$718,557	135,846	5.28
1962-1964	1700	$630,208	151,600	4.16
1965-1967	2442	$759,916	159,567	4.76
1968-1970	3436	$1,660,241	165,691	10.02
1971-1973	4760	$1,237,681	173,400	7.14
1974-1976	5996	$1,988,031	180,533	11.11

EXHIBIT N

CITY OF FRESNO
FISCAL ANALYSIS

CITY OF FRESNO
FISCAL ANALYSIS

YEAR	TOTAL FIRE DEPT. BUDGET	TOTAL CITY BUDGET	PERCENT
1956	$1,860,848	$14,089,270	13.2%
1957	$2,029,699	$15,482,074	13.1%
1958	$2,158,138	$16,859,996	12.8%
1959	$2,143,806	$15,775,458	13.6%
1960	$2,304,693	$17,376,977	13.3%
1961	$2,508,471	$19,337,514	12.9%
1962	$2,655,075	$20,685,516	12.8%
1963	$2,817,151	$22,287,019	12.6%
1964	$3,156,069	$22,627,120	13.9%
1965	$2,681,084	$24,087,346	11.1%
1966	$2,643,063	$25,492,644	10.4%
1967	$2,728,789	$27,365,970	9.9%
1968	$2,980,496	$29,909,463	9.9%
1969	$3,150,238	$37,964,047	8.3%
1970	$3,347,537	$41,541,987	8.1%
1971	$3,654,037	$44,579,447	8.2%
1972	$4,142,834	$43,064,391	9.6%
1973	$6,114,116*	$48,091,359	12.7%
1974	$6,712,890*	$54,054,730	12.4%
1975	$7,536,310*	$61,240,857	12.3%
1976	$8,768,700*	$72,481,400	12.1%
1977	$9,004,600*	$112,595,800**	7.9%

* Vehicle rental and fringe benefits are paid out of individual departmental appropriations. Prior to 1973-74, they were not paid out of departmental budgets, but were paid out of General Expenses and Fixed Charges Dept.

**Grant funded activities are now included as part of the budget, they were not included prior to the 1977-78 year - these are projected figures.

CITY OF FRESNO
FISCAL ANALYSIS

Discussion:

The City of Fresno has effectively stabilized their fire department costs when we compare allocations with the total city budget from 1956-1977.

Exhibit N compares the total fire department budget with the total city budget in current dollars. Exhibits O, P, and Q compare these same statistics considering inflationary factors, thus making a comparison between current and constant dollars.

Stabilizing fire department costs has provided substantial savings to the taxpayer of the City of Fresno.

In 1956, there was little more than 13% of the monies being allocated for fire department use. In 1977, the fire department budget is a little less than 8% of the total city budget.

This in itself is somewhat remarkable considering the shrinking dollar and the forces of inflation which has affected the budgets of city administrations and departments throughout the country.

Again, these figures take on even greater significance when recognizing that the fire department for the City is serving wider geographical areas and a substantial increase in its population over the last two decades.

EXHIBIT O

CITY OF FRESNO
FISCAL ANALYSIS

CITY OF FRESNO
FISCAL ANALYSIS

YEAR	TOTAL FIRE DEPARTMENT BUDGET--CURRENT DOLLARS	CONSTANT DOLLARS
1956	$1,860,848	$1,964,993
1957	$2,029,699	$2,071,121
1958	$2,158,138	$2,143,136
1959	$2,143,806	$2,112,124
1960	$2,304,693	$2,235,396
1961	$2,508,471	$2,407,362
1962	$2,655,075	$2,519,046
1963	$2,817,151	$2,640,254
1964	$3,156,069	$2,919,583
1965	$2,681,084	$2,439,567
1966	$2,643,063	$2,336,926
1967	$2,728,789	$2,346,336
1968	$2,980,496	$2,459,155
1969	$3,150,238	$2,466,905
1970	$3,347,537	$2,474,159
1971	$3,654,037	$2,591,516
1972	$4,142,834	$2,843,400
1973	$6,114,116	$3,952,240
1974	$6,712,890	$3,907,386
1975	$7,536,310	$4,019,365
1976	$8,768,700	$4,421,936
1977	$9,004,600	$4,265,561

Bureau of Labor Statistics--Consumer Price Index
(1957-59 = 100)

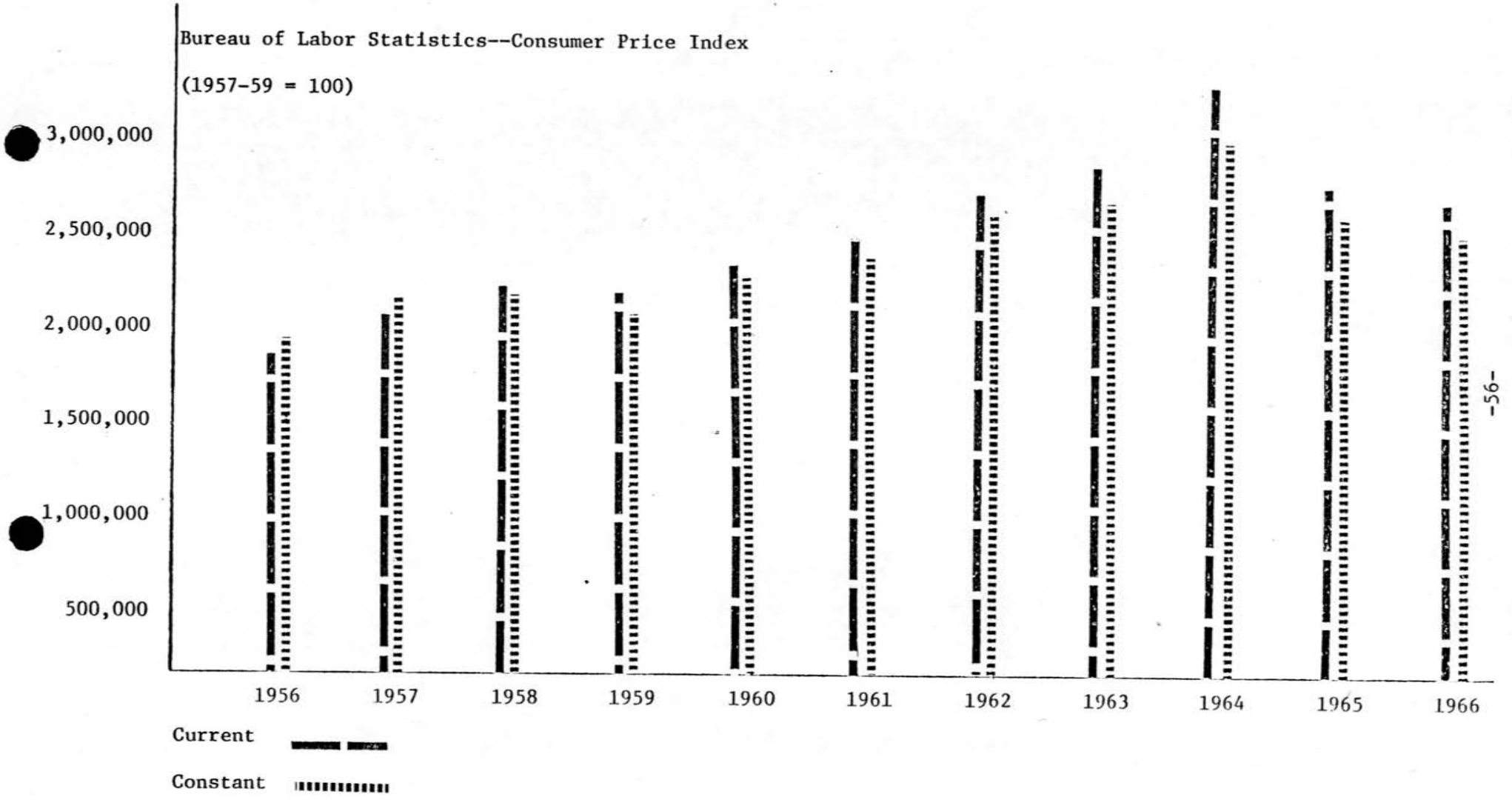
EXHIBIT P

CITY OF FRESNO
FIRE DEPARTMENT BUDGET--CURRENT VS. CONSTANT DOLLARS
1956 - 1977

CITY OF FRESNO

FIRE DEPARTMENT BUDGET--CURRENT VS. CONSTANT DOLLARS

1956 - 1966



CITY OF FRESNO

FIRE DEPARTMENT BUDGET--CURRENT VS. CONSTANT DOLLARS

1967 - 1977

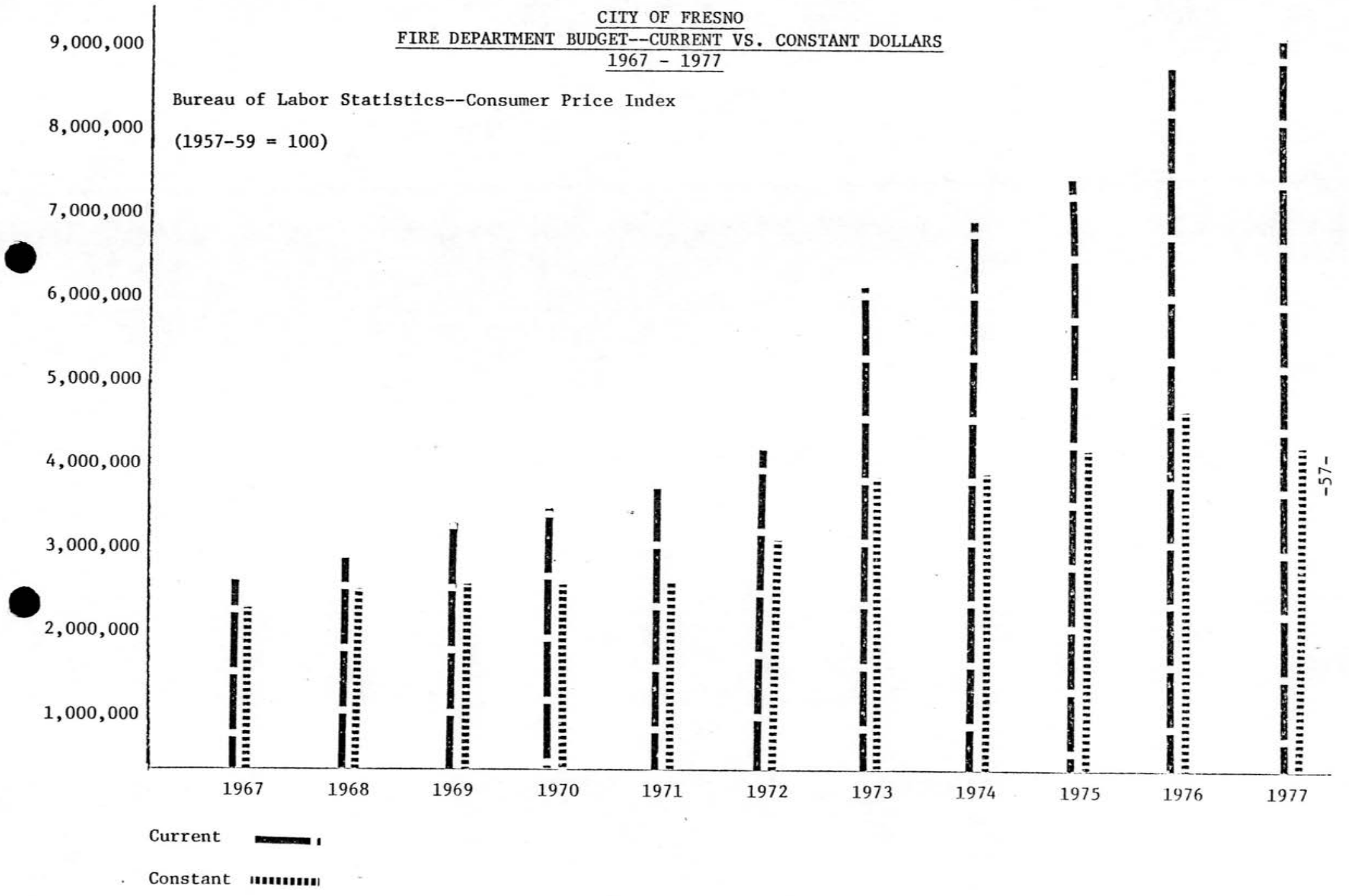


EXHIBIT Q

CITY OF FRESNO
FISCAL ANALYSIS

CITY OF FRESNO
FISCAL ANALYSIS

YEAR	TOTAL CITY BUDGET--CURRENT DOLLARS	CONSTANT DOLLARS
1956	$14,089,270	$14,877,793
1957	$15,482,074	$15,798,034
1958	$16,859,996	$16,742,796
1959	$15,775,458	$15,542,323
1960	$17,376,977	$16,854,487
1961	$19,337,514	$18,558,074
1962	$20,685,516	$19,625,723
1963	$22,287,019	$20,887,552
1964	$22,627,120	$20,931,655
1965	$24,087,346	$21,917,512
1966	$25,492,644	$22,539,915
1967	$27,365,970	$23,530,498
1968	$29,909,463	$24,677,774
1969	$37,964,047	$29,729,089
1970	$41,541,987	$30,703,611
1971	$44,579,447	$31,616,629
1972	$43,064,391	$29,556,891
1973	$48,091,359	$31,086,851
1974	$54,054,730	$31,463,754
1975	$61,240,857	$32,661,790
1976	$72,481,400	$36,551,386
1977	$112,595,800	$53,337,659

Bureau of Labor Statistics--Consumer Price Index
(1957-59 = 100)

EXHIBIT R

CITY OF FRESNO
INSURANCE SERVICES GRADING CLASSIFICATIONS

INSURANCE SERVICES GRADING CLASSIFICATIONS

The American Insurance Association periodically measures a city's capacity to cope with the hazards of fire and other physical property damage.

The "Standard Schedule for Grading Cities and Towns of the United States with References to Their Fire Defenses and Physical Conditions" is commonly known as the "Grading Schedule".

The present version of this standard schedule is developed by the Insurance Services Office and is the modern version for the grading of cities and towns which was first issued in 1916 by the National Board of Underwriters.

The Grading Schedule classifies municipalities, using as a criteria, their fire defense capabilities and related physical conditions.

Within the schedule is a standard which lists 52 items used to analyze the fire protection for any municipality being graded. Deficiency points are assigned for each item which does not meet the standards. The total is determined by adding the deficiency points assigned to all items contained within the standard.

The maximum number of deficiency points is 5,000. These are divided into 10 classes of 500 points each, as shown in Table 1:

RELATIVE CLASS AS DETERMINED BY POINTS OF DEFICIENCY--TABLE 1

Points of Deficiency	Relative Class of Municipality
0 - 500	First
501 - 1,000	Second
1,001 - 1,500	Third
1,501 - 2,000	Fourth
2,001 - 2,500	Fifth
2,501 - 3,000	Sixth
3,001 - 3,500	Seventh
3,501 - 4,000	Eighth
4,001 - 4,500	Ninth
More than 4,500	Tenth

From an examination of the Table, it can be determined that a municipality with 1,548 points would be in Class 4, and a municipality with 4,371 points would be in Class 9.

Each of the 52 items in the schedule are grouped under four factors:

- Water Supply
- Fire Department
- Fire Service Communications
- Fire Safety Control

14 of the 52 items are allocated to Water Supply, 17 to the Fire Department, 10 to Fire Service Communications, 8 to Fire Safety Control, and 3 to Additional Deficiencies.

Once the fire protection classification has been determined as a result of a survey and grading, the question of the relationship between this classification, insurance rates, and the resulting insurance premiums needs to be answered.

The determination of insurance rates for individual properties considers one of two methods:

a) Specific rating used generally for commercial properties

or

b) Class rating used generally for individual properties such as dwellings, apartment houses, and motels.

Factors considered in specific rating are: (see Table 2)

- Construction
- Occupancy
- Hazards
- Exposures
- Internal Fire Protection
- Public Fire Protection Class
- Statistical Loss Experience

There are four factors generally considered in class rating: (see Table 3)

- Construction
- Occupancy
- Public Fire Protection Class
- Statistical Loss Experience

Changes in public fire protection class generally result in changes in the insurance rates on specifically rated properties. However, such changes do not always result in a change of rates on class rated properties. The primary reason for this is because the public fire protection classes are considered in groups when being applied to class rated properties. (see Table 4)

Considering the groupings as shown in Table 4, the public fire protection class of a municipality should improve from Class 5 to Class 4, the rates on both specifically rated and class rated properties. If however, the class improved from Class 4 to Class 3, the rates on the specifically rated properties would be reduced but the rates on the class rated properties would remain the same.

Though most dwellings are insured under a homeowners policy, the "fire rate" is only a portion of the total rate for that policy. Public fire protection class is one of the factors considered in this rate but the classes are generally grouped as in the case of other class rated properties.

The following illustrations exemplify the typical effect of improvements in public fire protection class on insurance rates:

- "An advance in class from 7 to 6 would result in a reduction in rates on specifically rated properties of about 3 percent for frame construction, 5 percent for brick construction, and 2 percent for fire resistive construction; reductions for regular fire policies on frame dwellings would be about 15 percent and for homeowners policies on frame dwellings 5 percent.

- "An advance in class from 6 to 5 would result in a reduction in rates on specifically rated properties of about 5 percent for frame and brick construction, and 2 percent for fire resistive construction; since classes 5 and 6 are often grouped for use with class rated properties, rates for regular fire policies on dwellings and for homeowners policies would remain the same."

- "An advance in class from 3 to 2 would result in a reduction in rates on specifically rated properties of approximately 4 percent for frame construction, 5 percent for brick construction, and 2 percent for fire resistive construction; here again since classes 1 through 4 are frequently grouped for use with class rated properties, rates for regular fire policies on dwellings and for homeowners policies would remain unchanged."

- "City officials frequently ask if the savings in insurance premiums that would result from an advance from one fire protection class to the next better one would be sufficient to justify the cost of the improvements necessary to produce the change in class. If this were the case, the fire protection improvements could be justified on an economic basis. However, as previously observed, the public fire protection class is only one of a number of factors that affect insurance rates. Further, in most cases the other factors generally have a greater effect on insurance rates than the public fire protection class. If these observations are considered together with the fact that the rates on the class rated properties, which include the dwellings, do not always change with every change in public fire protection class, the conclusion can be reached that it generally is not possible to justify the cost necessary to produce an improvement in public fire protection class by the resulting savings in insurance premiums."1

The incentive to reduce insurance premium costs as a result of reclassification of the city's fire defenses is but a small part of the benefits of using automatic fire sprinklers as a supplement to a large city's conventional resources--the fire services.

The Fresno Chronicle exemplifies the benefits in reducing men, equipment, and overall cost in conducting the activities of the fire services for a major metropolitan area.

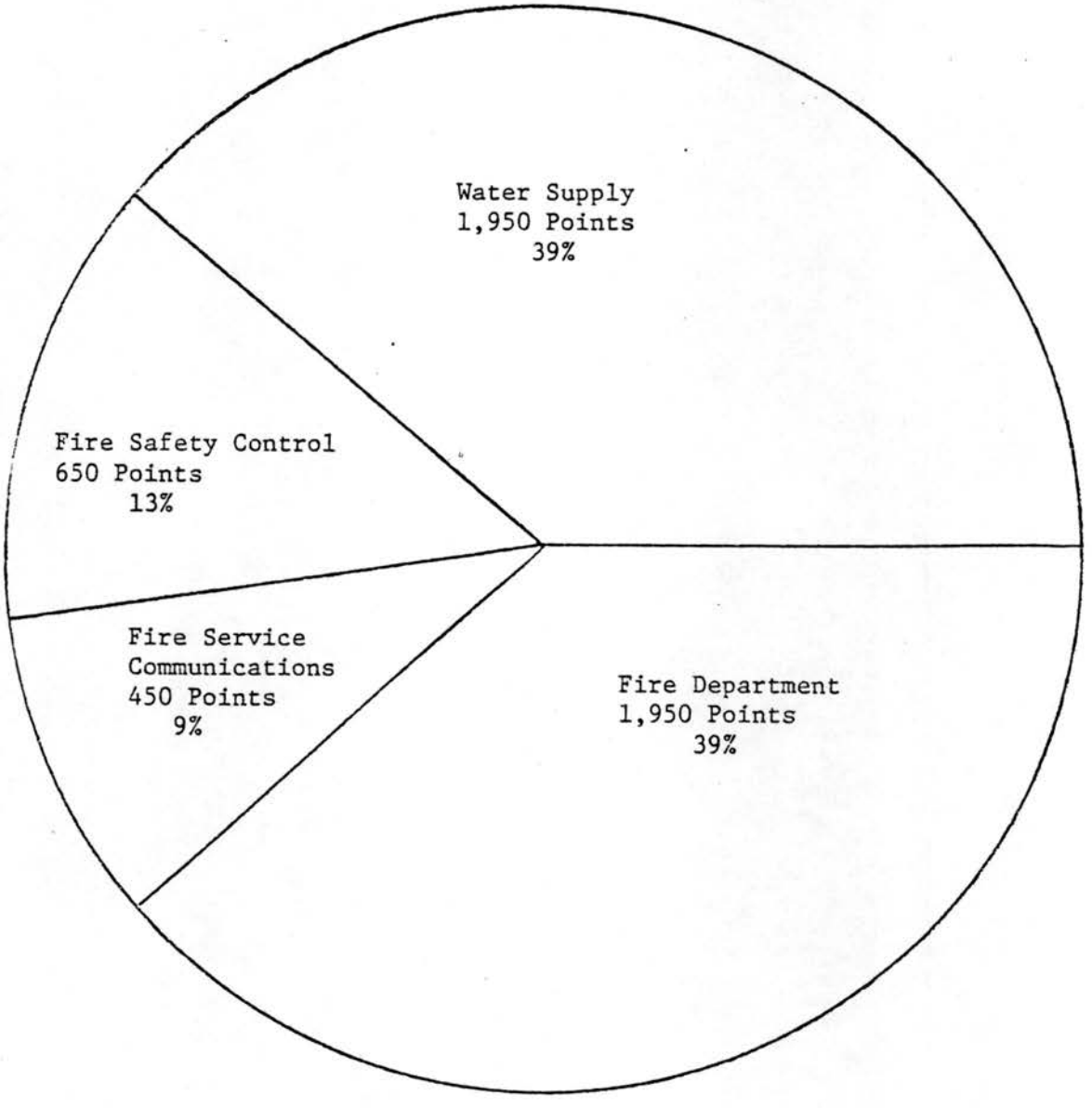
These savings, by themselves, justify the adoption of a master plan calling for a strengthening of building codes for both new and existing construction and using, to its greatest advantage, automatic fire sprinkler protection.

The City of Fresno, California can well serve as a model to other cities in the United States which are attempting to find reasonable answers and solutions to the fire problem.

---

[1] Carl, Kenneth J., P.E., Director, Public Protection Grading, Insurance Services Office; A Paper Presented at the 96th Annual Conference of the American Water Works Association, June 24, 1976, New Orleans, Louisiana, "Relationship Between Insurance Services Grading Classifications of Municipalities and Fire Insurance Premiums".

INSURANCE SERVICES GRADING CLASSIFICATIONS
RELATIVE VALUES AND MAXIMUM DEFICIENCY POINTS



FACTORS CONSIDERED IN
SPECIFIC RATING FOR FIRE INSURANCE

CONSTRUCTION

OCCUPANCY

HAZARDS

EXPOSURES

INTERNAL FIRE PROTECTION

PUBLIC FIRE PROTECTION CLASS

STATISTICAL LOSS EXPERIENCE

GRADING SCHEDULE FOR
MUNICIPAL FIRE PROTECTION

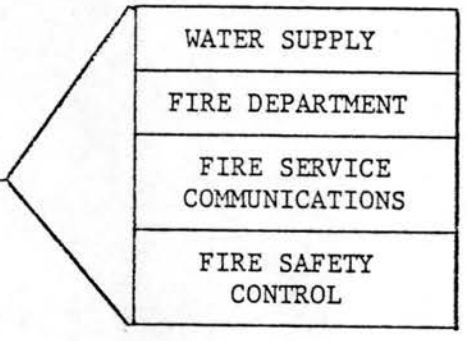


TABLE 2

FACTORS CONSIDERED IN
CLASS RATING FOR FIRE INSURANCE

CONSTRUCTION

OCCUPANCY

PUBLIC FIRE PROTECTION CLASS

STATISTICAL LOSS EXPERIENCE

GRADING SCHEDULE FOR
MUNICIPAL FIRE PROTECTION

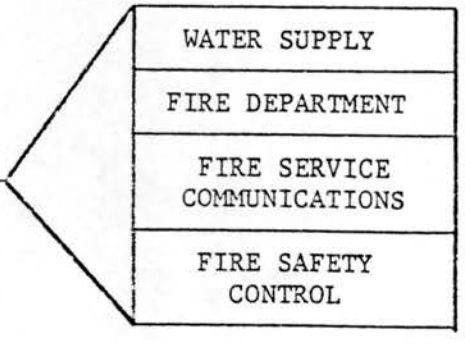


TABLE 3

RELATIVE VALUES AND MAXIMUM DEFICIENCY POINTS

Feature	Per Cent	Points
Water Supply	39	1,950
Fire Department	39	1,950
Fire Service Communications	9	450
Fire Safety Control	13	650
	100	5,000

USE OF PUBLIC FIRE PROTECTION CLASSES IN FIRE INSURANCE RATING

COMMERCIAL PROPERTIES	HABITATIONAL PROPERTIES (Apartments, Motels, etc.)	DWELLING PROPERTIES (Homeowners policies)
Classes Generally Considered Separately	Classes Generally Considered in Groups	Classes Generally Considered in Groups
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10

TABLE 4

EXHIBIT S

CITY OF FRESNO
NUMBER OF SPRINKLERED BUILDINGS--FIRE INSURANCE RATINGS

CITY OF FRESNO

NUMBER OF SPRINKLERED BUILDINGS--FIRE INSURANCE RATINGS

YEAR	FIRE INSURANCE RATING	NUMBER OF SPRINKLERED BUILDINGS
1956	Class 3	
1957	Class 3	
1958	Class 3	
1959	Class 3	
1960	Class 3	
1961	Class 3	
1962	Class 3	
1963	Class 3	
1964	Class 3	
1965	Class 3	
1966	Class 3	420--Approximate
1967	Class 3	
1968	Class 3	
1969	Class 2	
1970	Class 2	
1971	Class 2	
1972	Class 2	
1973	Class 2	
1974	Class 2	
1975	Class 2	
1976	Class 2	
1977	Class 2	700--Approximate

RECEIVED
SEP - 8 1981
DEPT. OF ADMINISTRATION
BUILDING CODE DIVISION

EXHIBIT # 3

PAID AND VOLUNTEER FIRE DEPARTMENTS

STATE OF MINNESOTA - 1982

14 Departments - All Paid Personnel - (Larger Departments)

22 Departments - 5 or More Paid Personnel

10 Departments - Less Than 5 Paid Personnel

750 Departments - Manned Entirely by Volunteer Personnel

796 Total Departments

(State Fire Marshal Division)

EXHIBIT #4

COMPARISON

TWO EDINA APARTMENT FIRES

6730 VERDON AVENUE		7151 YORK AVENUE SOUTH
4 stories Approx. 10 years old Heat Detectors Throughout		13 stories 10 years old
Type I Fire Resistive	CONSTRUCTION	Type I Fire Resistive
Apartment	OCCUPANCY	Apartment - Elderly
Within Dwelling Unit	FIRE LOCATION	Within Dwelling Unit
Living Room/Hallway (Room Unoccupied)	FIRE AREA	Living Room (Room Unoccupied)
Clothes Basket (Ignition Source Unknown)	FIRE START	Plastic Decorative Wreath (Candle)
Occupant Entering	ALERT	Sprinkler/Alarm
To contents, Hall Closet	FIRE GROWTH	To Television Set Cabinet
To Carpet/Interior Hall		To Wall Hangings, Picture Frames
Door to Corridor Open		SPREAD OF FIRE CHECKED Sprinkler
To Public Corridor Interior Finish (Rated Less than 25)		
To Adjoining Apartment (Open Door)		
	LOSS	
2 Dead	- Life	
$70,000.00	- Property	$1,000.00
6 Engines 24 Men	RESOURCES	1 Engine 8 men
2 Ladders 5 Men		
3 Ambulances 7 Men		

COMPARISON

Two Richfield Shopping Center Fires

26 W. 66th St.		68 W. 66th St.
Type 3, Unprotected	--CONSTRUCTION--	Type 3, Unprotected
Retail Store in Strip Shopping Center	--OCCUPANCY--	Retail Store in Strip Shopping Center
1:53 P.M., Monday	--TIME & DAY--	2:53 P.M., Sunday
Storeroom	--FIRE LOCATION--	Storeroom
Electric Water Heater	--FIRE START--	Incinerator
Clerks Heard Sounds of Fire	--ALERT--	Sprinkler Alarm
To Retail Area, To Roof, To Next Store, Stopped by Firefighters Hose Streams	--FIRE GROWTH--	To Material Next to Incinerator, Fire Checked By Two Sprinkler Heads.
$750,000	--LOSS--	$800.00
5 Engines, 2 Ladders, 41 Firefighters	--RESOURCES--	2 Engines, 6 Firefighters
Customers Evacuated From Seven Stores. Only One Store Reopened the Next Day. One Store Never Reopened, and The Rest Were Reopened From One to Six Months Afterward.	--COMMENTS--	Customers Evacuated From One Store. Store Reopened 45 Minutes Later.

COMPARISON

Two Duluth Building Fires

222 East Second Street Senior Citizen Apartments		West Junior High 3 Stories
Type 1 Fire Resistive	-- CONSTRUCTION --	Type 1 Fire Resistive
Senior Apartments	-- OCCUPANCY --	School
Within Dwelling Unit	-- FIRE LOCATION --	School Office
Living Room (Occupied)	-- FIRE AREA --	Office
Papers (Pipe)	-- FIRE START --	Wooden Desk
Smoke Alarm	-- ALERT --	Custodian arriving for work
Smokers, Pipe to newspaper	-- FIRE GROWTH --	Desk
To Magazine rack		To Office furniture
To Overstuffed chair		Office gutted
Spread of Fire checked		Fire checked by closed office door
Sprinkler		Smoke spread through school by way of vent system.
$3,000.00	-- LOSS --	$110,000

EXHIBIT # 5

WATER AND MANPOWER REQUIREMENTS

Theoretically, one gallon of water per minute applied in a fog pattern should have enough cooling power to extinguish 100 cubic feet of fire involving ordinary combustibles. Thus, to be able to extinguish a fire in two floors of a 1500 square foot home (8 foot ceilings) would require:

1500 X 2 = 3000
3000 X 8 = 2400
2400 - 100 = 240 GPM required

Fire suppression experts recommend 3 or 4 gallons per minute per 100 cubic feet for fire extinguishment under practical conditions, which allows for such things as openings which aid fire spread, the difficulty in applying water directly on the seat of the fire, as required by the theoretical formula to be valid.

The number of fire fighters required to maneuver the hoses is related to the size of the hose streams. The following are minimmum fire fighter requirements on hose streams.

100 GPM - 2-3
250 GPM - 3-5

"A typical sprinker head delivers an average of 15 gallons of water per minute, and the data of various national organizations indicates that about three fourths of all fires in sprinklered buildings are extinguished with one or two sprinkler heads going off."

Kimball, Warren, Fire Attack 1, Command Decisions and Company Operations, 1973, National Fire Protection Association, 60 Battery March Street, Boston, Mass., 02110, pg. 81 f.

International Fire Service Training Association, Fire Stream Practices, 1980, Fire Protection Publications, Oklahoma State University, Stillwater, Oklahoma, 74078, pg. 158.

EXHIBIT #1

ADVISORY COMMITTEE FOR PROPOSED SBC APPENDIX E
AUTOMATIC FIRE DETECTION AND SUPPRESSION SYSTEMS

Floyd Erickson, Asst. Director
School Facilities, Dept. of Education
505 Capitol Square Bldg.
St. Paul, MN 55101
296-2288

William Gary
Assoc. General Contractors
Kellogg Square, 111 Kellogg Blvd.
St.Paul, Minnesota 55101
291-1102

Jan Gasterland, Building Official
North Star Chapter, ICBO
2215 W. Old Shakopee Road
Bloomington, MN 55431
887-9630

G. Clinton Hedsten, P.E.
Director of Engineering
Oxford Properties
400 Baker Building
Minneapolis, MN 55402
372-1518

James Heim, CHAIRMAN
Duluth Fire Dept. Deputy Chief
Duluth, MN 55801
218-723-3203

Jack Horner, General Counsel
Minnesota Multi Housing Assn.
3100 W. Lake Street
Minneapolis, MN 55416
927-8602

Richard A. Brooks
Asst. Director
Building Codes & Stds. Division
296-2932

Omar McGary, Retired Fire Chief
5901 Cambridge
St. Louis Park, MN 55416
929-9625

Calvin M. Niemeyer, AIA
Hammel, Green, Abrahamson
1201 Harmon Place
Minneapolis, Minnesota 55403
332-3944

Russell Smith, Building Official
407 Morrill Hall
100 Church Street S.E.
Minneapolis, Minnesota 55455
373-4558

Pat Coughlin, MN Fire Chiefs Assn.
Richfield Fire Dept.
6700 Portland Ave.
Richfield, MN 55423
866-5061

Wes Werner
State Fire Marshal
1246 University Avenue
St. Paul, Minnesota 55104
296-7641

Norman R. Osterby
Director, Bldg. Codes & Stds. Div.
408 Metro Square Bldg.
St. Paul, MN 55101
296-4627

Sivert Hendrickson
Past Supervisor, Code Consultants
Building Codes & Stds. Division
Present Building Official
City of Richfield
866-5061

In the Matter of the Proposed Adoption
of Rules of the State Department of Administration
Governing Amendments to the State Building Code
Entitled Proposed Optional Appendix E Automatic
Fire Suppression Systems.

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PRO-
CEDURES

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.

Larry D. Starns

Special Assistant
Attorney General

Dated: March 8, 1983

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS DIVISION

In the Matter of the Proposed Rules of the Department of Administration Governing Amendments to the State Building Code entitled Proposed Optional Appendix E Automatic Fire Suppression Systems

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

That on the 8th day of March, 1983, in the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to the Attorney General by despositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Gloria S Safford

Subscribed and sworn to before me
this 8th day of March, 1983.

Janice G Johnson

JANICE G. JOHNSON
NOTARY PUBLIC—MINNESOTA
HENNEPIN COUNTY
MY COMM. EXPIRES NOV. 23, 1989

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS DIVISION

In the Matter of the Proposed Rules of the Department of Administration Governing Amendments to the State Building Code entitled Proposed Optional Appendix E Automatic Fire Suppression Systems

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.16:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, March 8, 1983, for review as to form and legality. Pursuant to 1 MCAR § 1.206 B., the Attorney General will not approve the rules for at least 10 calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25 State Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after the hearing and before submission to the Attorney General, you may contact Peggi Opalinski, 408 Metro Square Building, 7th & Robert Streets, St. Paul, MN 55101, telephone (612) 296-4626.

Norman R Osterby

NORMAN R. OSTERBY, DIRECTOR
BUILDING CODES & STANDARDS DIVISION