

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

city of Plymouth

rules in State Register

publish

↓

△ something in publication

§14

date of public hrng

Note -- we were not a public hearing

27 April - Register

↓

DOA - Bldg Code involves

one small § of fee certify

16A.1278

2070

last fall -- much more than fee

understand -- totality - fees are small

some p

small port

20% -- fees

north

development

May 29, community Dir

Jim Wells --

Elroy Rudall -- ;
have no intention

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT of Administration
COMMISSIONER'S OFFICE

DATE: 12/29/86

TO: Martha Casserly
Attorney General's Office

FROM: Sandra J. Hale
Commissioner

PHONE: 6-3862

SUBJECT: WITHDRAWAL OF PROPOSED RULES FROM REVIEW BY OFFICE OF THE ATTORNEY GENERAL

Pursuant to your 12/29/86 telephone conversation with Elroy Berdahl of the Building Codes and Standards Division, we request the following:

Withdrawal of the proposed rules relating to certification maintenance (1300.0940 to 1300.0948). Your review would be completed by 12/31/86. However, because of the absence of our counsel, Mr. Buffington, and your supervisor, Mr. Miles there would be no opportunity for their review of your determination. We will re-submit to provide this opportunity of review.

Withdrawal of proposed permanent rules relating to Minnesota State Building Code (1305.2050, 1305.2100 and 1305.6200). These rules were based upon the most current Department of Human Services rules for child day care. Subsequent to our proposal the State Appeals Court found the DHS rules invalid. DHS has appealed to the State Supreme Court. The validity of our proposed rule will be determined by the decision of the Supreme Court on the DHS rules. We are obligated to await their decision prior to processing our rule.

Feel free to contact Elroy Berdahl at 296-9991 if you have any questions.

SJH:p

cc: Richard A. Brooks, Director, BCSD
Elroy Berdahl, Supervisor, BCSD

RULE REVIEW CHECKLIST

File No. 1336

Docket No. 05.0009.0004

DATE RECEIVED 12-17-86
REVIEW DATE 12-26-86
DUE DATE 12-31-86

ADOPTED W/O HEARING ✓
EMERGENCY RULE

APPROVED
DISAPPROVED
WITHDRAWN 12-29-86

REVISOR APPROVED 12-19-86
REVISOR DISAPPROVED
FILED W/SEC. STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion
April 22, 1985 Date published in State Register
Yes Comments

___ Petition for Adoption of a Rule

___ Board's Authorizing Resolution

✓ Proposed rule
Yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
16B.59 Statutory Authority
Yes Small business statement
Yes Expenditure of public money statement
Yes Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Aug 21, 1986 Date (30)/25 days before adoption

✓ Publication in State Register
Aug 18, 1986 Date 30/25 days before adoption

___ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting
12/18/86 Date

___ Written requests, submissions or comments

✓ Declaration of attorney
Steve Buffington Name of SAAG representing agency

___ ~~Notice of Submission to Attorney General~~

___ ~~Affidavit of Mailing Notice to Attorney General~~

✓ certificate

✓ order for Hearing

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT of Administration
BUILDING CODES & STANDARDS

Office Memorandum

TO: Steve Buffington
Special Assistant Attorney General
Martha J. Casserly
Special Assistant Attorney General

DATE: 2/4/87

FROM: Elroy Berdahl, Supervisor
Code Consultant Section

PHONE: 6-9991

SUBJECT: BUILDING CODE CERTIFICATION RULE - A.G.O. FILE NO. 1336

Attached for your review and comments is a draft of 1300.0946 Subd. 3 together with an expanded statement of need and reasonableness. Please contact me directly at 296-9991

EB:p

attachment

2-11-87 - talked w/ EB - suggested as follows
The State Bldg Inspector shall require that specific courses be taken if necessary to ensure .....

RECEIVED
FEB 5 1987
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Subd. 3. Mandatory Courses. The State Building Inspector may through advanced announcement require that specific courses need to be taken to ensure continuing education in relevant code application, administration and enforcement practices. The requirement may include training courses, where new code or legislative mandates are presented.

Statement of Need and Reasonableness
add to 1300.0946

Subd. 3 has been included to alert the certified person that there could be some course subjects that will require a mandatory participation, particularly if a seminar or school is presenting new materials or subject matter that is considered to be essential for the building official to properly administer the application of the code or law.

Since the inception of the State Building Code in 1972 the codes have been expanded by legislation and subsequent rules adoption. Examples are: the Minnesota Uniform Fire Code, Handicapped Code, Energy Code, Solar Energy Code, Home Energy Disclosure Rules, Standards for Wheelchair Lifts and Federal Standards for Mobile Homes. Additionally, other state agencies have implemented new rules that directly impact on the construction of buildings and the administrative responsibilities of municipal building officials.

In order for the state building inspector and the municipal building officials to fulfill their statutory responsibilities of code administration and enforcement it is necessary to create a vehicle for education and training in key areas of new responsibilities.

AgCopy

Department of Administration

Adopted Permanent Rules Relating to Certification Maintenance

Rules as Adopted

1300.0940 AUTHORITY; PURPOSE.

Parts 1300.0940 to 1300.0948 are adopted by the commissioner of administration pursuant to Minnesota Statutes, section 16B.65, subdivision 7, to set continuing education standards for certified building officials.

1300.0942 DEFINITIONS.

Subpart 1. **Applicability.** When used in parts 1300.0940 to 1300.0948, the terms defined in this part have the meanings given them.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of administration.

Subp. 3. **Continuing education unit.** "Continuing education unit" means ten hours of educational instruction.

Subp. 4. **State building inspector.** "State building inspector" means the director of the Building Codes and Standards Division of the Department of Administration.

Subp. 5. **Unit of instruction.** "Unit of instruction" means three hours of structured educational participation in a program listed in part 1300.0946.

1300.0944 UNITS OF INSTRUCTION REQUIRED.

This part establishes the number of units of instruction required within a three-year period to maintain certification.

A. A Class I certified building official must receive credit for 18 units of instruction through any of the programs described in part 1300.0946, subpart 1 or 2.

B. A Class II certified building official must receive credit for 24 units of instruction through any of the programs described in part 1300.0946, subpart 1 or 2.

1300.0946 CREDIT FOR INSTRUCTION.

Subpart 1. **Approved programs.** The following programs are approved for the indicated number of units of instruction:

A. annual Building Official Institute of Minnesota, 2 units per day of attendance;

B. State Building Codes and Standards Division seminars, 2.5 units per day of attendance;

C. International Conference of Building Officials seminars, 3 units per continuing education unit earned;

D. International Conference of Building Officials Annual Education and Code Development Conference, 2 units per day;

E. State International Conference of Building Officials chapter meetings, 1 unit per meeting with a minimum three-hour educational program;

F. regional building official meetings, 1 unit per meeting with a minimum three-hour educational program;

G. area building official luncheon meetings, 0.25 unit per meeting;

H. community college building inspection technology and related courses, 3 units per credit earned;

I. area vocational technical training institute courses in construction, management, or supervision, 1 unit per three hours' instruction or related shop work;

J. certification in an International Conference of Building Officials certificate program taken after January 1, 1985, 4 units per certificate;

K. certification as a "Certified Building Official" by the Council of American Building Officials, after January 1, 1985, 6 units; and

L. teaching a course at the community college level in the building inspection technology program or a course at an area vocational technical institute, 1 unit per three hours of instruction.

Subp. 2. **Other courses.** Courses offered by other states, correspondence schools, universities, or other institutes of learning which offer building code administration and

enforcement-related courses must be considered on an individual basis. Each building official must prearrange for unit approval with the state building inspector in order to receive credit. Units must be approved on the basis of comparison with the items identified in subpart 1.

Subp. 3. **Mandatory courses.** The state building inspector may mandate specific courses and required minimum hours in selected subject areas to ensure continuing education in relevant code application and enforcement practices. Parts 1300.0940 to 1300.0948 do not limit the state building inspector from requiring or furnishing more than the number of hours of continuing education required by part 1300.0944.

Subp. 4. **Credit for repeat of courses.** Credit for an educational offering will be allowed only once during a three-year cycle.

Subp. 5. **Review of courses.** All continuing education courses are subject to periodic review and evaluation by the commissioner or the commissioner's designee.

1300.0948 REQUIREMENTS FOR RECERTIFICATION.

Subpart 1. **Submission of information.** Each certified building official must provide evidence to the state building inspector on forms approved by the state building inspector and provided by the Building Codes and Standards Division of attendance or participation in an educational offering and indicate the number of units of instruction earned. The information must be submitted to the state building inspector within 60 days of the last day of the third calendar year following the date of the last certification issued. For persons certified prior to January 1, 1985, the last day of the third calendar year is December 31, 1987.

Subp. 2. **Certificate of renewal.** The commissioner shall issue a certificate of renewal, which is valid for three years, to each applicant who has provided the evidence of units of instruction earned and has submitted the fee within the time indicated in subpart 1. The fee is $20.

Subp. 3. **Extension of time for compliance.** The state building inspector may grant an extension of time for compliance with parts 1300.0940 to 1300.0948 if the person requesting the extension of time show cause for the extension. The extension does not relieve the building official from complying with the continuing education requirements for the immediate subsequent three-year period.

Subp. 4. **Reinstatement of certificate.** A building official who has let certification lapse because of unemployment, retirement, or any other reason may be reinstated upon approval of the state building inspector. The reinstatement may be based upon proof of earning continuing educational units, as required, if no more than three years has passed since the certification has lapsed, or taking the test provided for certification as a building official. In either case the appropriate fee must be submitted with the application.

DEPARTMENT OF
ADMINISTRATION
RECEIVED
AUG 26 1986
BUILDING CODES &
STANDARDS DIV.
AM ☑
PM ☐

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL-Administration

Office Memorandum

TO: STEVE BUFFINGTON
Special Assistant
Attorney General

DATE: 01-12-87

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: Building Code Certification Maintenance Rule

Listed below are the reasons why I cannot approve the Building Code Certification Maintenance Rule and my suggestions to correct the problems:

1. 1300.0948, subp. 2 (page 3, line 35) provides that "The fee is $20." When an agency sets a fee by rule, it must comply with the additional rulemaking requirements of Minn. Stat. § 16A.128. It appears that Building Code did not comply with this law.

Essentially, three things must be done: First the fee must be approved by the Commissioner of Finance. Second, the approval must be in the statement of need and reasonableness. Consequently, a new statement of need and reasonableness must be prepared (with the approval by the Commissioner of Finance attached) before the new notice of intent to adopt the rule is published and mailed.

Third, a new Notice of Intent must be published and mailed. Instead of 25 persons having the right to request a hearing, under section 16A.128 (Supp. 1985), 20 percent of the persons who will be required to pay the fee have the right to request a hearing.[1/] Consequently, a new Notice of Intent to Adopt the Rule must be published and mailed with this change. In addition, Building Code must provide another 30 days comment period, then it may resubmit the rule to the Attorney General.

2. 1300.0946, subp. 3, (page 3, lines 6 through 12) cannot be approved by the Attorney General because 1) it provides the Commissioner unbridled discretion not provided by the authorizing statute and 2) it exceeds its statutory authority. The concern with unbridled discretion is that it may allow the agency to apply the rule in an inconsistent or unequal manner. Further, the authorizing statute (16B.65, subd. 7) states that the "Commissioner may by rule establish or approve continuing education programs . . . ." The Commissioner cannot expand this authority to impose additional requirements not provided for by the rules.

[1/]This difference was deleted by the 1986 Legislature, however, the change does not become effective until July 1, 1987.

To correct this defect, this subpart must be deleted.

3. 1300.0948, subp. 4 (page 4, lines 8 through 16) provides for reinstatement of certificate. This subpart is vague and ambiguous (i.e., "or any other reason may") and also provides unbridled discretion.

One suggestion to correct these defects is to consolidate the first two sentences as follows:

> Subpt. 5 **Reinstatement of certificate.** A building official who has let certification lapse shall be reinstated based upon proof of earning continuing educational units, as required, if no more than three years has passed since the certification has lapsed, or taking the test provided for certification as a building official. In either case the appropriate fee must be submitted with the application.

After agency action, the rule may be resubmitted to the Attorney General for review. Upon resubmission, the following documents must be submitted.:

1. A new Statement of Need and Reasonableness.

2. The Supplemental Notice of Intent to Adopt the rule as published in the State Register and mailed to persons on the agency rulemaking list.

3. Affidavit of mailing the supplemental notice.

4. Four copies of the modified rule approved as to form by the revisor of statutes.

5. Supplemental findings of fact and conclusions and order adopting the rule.

Also please include a memorandum specifying that the rule is being resubmitted and refer to our file number 1336 so that we may obtain our initial file in this matter.

Finally, I highly recommend that Building Code purchase a copy of the new Attorney General rule from the Document Center. The rule includes an updated list of required documents and new sample forms. If you have any questions concerning the issues raised in this memorandum, do not hesitate to call me.

MJC:tt

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL-Administration

Office Memorandum

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Special Assistant
Attorney General

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will provide ~~comp~~ proposed for pre-~~ap~~ review

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One suggestion to correct these defects is to consolidate the first two sentences as follows:

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After agency action, the rule may be resubmitted to the Attorney General for review. Upon resubmission, the following documents must be submitted.:

~~1.~~ N/A A new Statement of Need and Reasonableness.

~~2.~~ N/A The Supplemental Notice of Intent to Adopt the rule as published in the State Register and mailed to persons on the agency rulemaking list.

~~3.~~ N/A Affidavit of mailing the supplemental notice.

1 (4.) Four copies of the modified rule approved as to form by the revisor of statutes.

2 (5.) Supplemental findings of fact and conclusions and order adopting the rule.

3 (6.) - Cmr of Finance approval

Also please include a memorandum specifying that the rule is being resubmitted and refer to our file number 1336 so that we may obtain our initial file in this matter.

Finally, I highly recommend that Building Code purchase a copy of the new Attorney General rule from the Document Center. The rule includes an updated list of required documents and new sample forms. If you have any questions concerning the issues raised in this memorandum, do not hesitate to call me.

MJC:tt

12·30·86 - 2:45 pm

→ as per conversation with Elroy Burdall, this rule is being temporarily withdrawn

→ until mjc confers with DMM + gsb on 1-5-86

Rule

pg 2, line 34- "on an indiv basis"

p 3 line 7 "may" mandate

p 3 line 10 "do not limit" the State building inspector

p 4 line 2 "may" grant an extension

p 4 line 10 "may" be reinstated

p 4 line 12 "may" be based upon proof

408 metro Sq Bldg

Bldg

Call Elroy

go to Doc Ctr

for copy of sub

"shows cause"

Bldg Code Rules - Cont Legal Educ - 16B.65 subd 7

1. pg 3, line 35 - fee - ≠ 16A.128 - diff notice of intent - approval by Cmr
auth is in 16B.65 - last sent, 3rd ¶

2. pg 2 - subp 2 - line 34 - - ad hoc rulemaking?

3. pg 3, line 7 - + line 10 - - unbridled descretion

4. pg 4, line 2 - "may" - proper descretion
5. pg 4, line 4 - "show cause" - enough of a std?

6. pg 4, line 10 - "any other reason" - enough of a desc?
pg 4, line 10 - "may" descretion

7. pg 4, line 12

if person submits has award

16A.128 FEE SETTING.

Subdivision 1. **Approval.** Fees for accounts for which appropriations are made may not be established or adjusted without the approval of the commissioner. If the fee or fee adjustment is required by law to be fixed by rule, the commissioner's approval must be in the statement of need and reasonableness. These fees must be reviewed each fiscal year. Unless the commissioner determines that the fee must be lower, fees must be set or fee adjustments must be made so the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs, statewide indirect costs, and attorney general costs attributable to the fee function.

Subd. 2. **No rulemaking.** The kinds of fees that need not be fixed by rule unless specifically required by law are:

(1) fees based on actual direct costs of a service;

(2) one-time fees;

(3) fees that produce insignificant revenues;

(4) fees billed within or between state agencies;

(5) fees exempt from commissioner approval; or

(6) fees for admissions to or use of facilities operated by the iron range resources and rehabilitation board, if the fees are set according to prevailing market conditions to recover operating costs.

Subd. 2a. **Procedure.** Other fees not fixed by law must be fixed by rule. The procedure for noncontroversial rules in sections 14.21 to 14.28 may be used except that no public hearing need be held unless 20 percent of the persons who will be required to pay the fee submit to the agency during the 30-day period allowed for comment a written request for a public hearing on the proposed rule. The notice of intention to adopt the rules must state whether a hearing will be held if not required. This procedure may be used only when the total fees estimated for the biennium do not exceed the sum of direct appropriations, indirect costs, transfers in, and salary supplements for that purpose. A public hearing is required to fix fees spent under open appropriations of dedicated receipts.

History: *1Sp1985 c 13 s 101; 1Sp1985 c 14 art 10 s 2*

16A.1281 REPORT ON LOW OR HIGH FEES.

Each biennium the commissioner shall review fees collected by agencies. The commissioner shall report on the fees to the appropriation and finance committees not later than the date the governor submits the biennial budget to the legislature. The report must analyze the fees that the commissioner believes will be too low or too high in the next biennium for the service provided. The analysis must take into account the cost of collecting the fee.

History: *1Sp1985 c 13 s 102*

16A.133 CREDIT UNION, PARKING, OTHER DEDUCTIONS.

Subdivision 1. **Credit union.** An agency head may, with the written request of an employee, deduct from the pay of the employee a requested amount to be paid to any state employees' credit union, or the Minnesota benefit association or to any organization contemplated by section 179A.06, of which the employee is a member. If an employee is a member of more than one such credit union or more than one such organization, only one credit union and one organization may be paid money by payroll deduction from the employee's pay. No deduction may be made from the

salary of an employee for payme
employees request deductions for
100 employee minimum does not
received authorized payroll deduct

[For text of

History: *1985 c 248 s 7*

16A.15 ACCOUNTING SYSTE

Subdivision 1. **Reduction.**
receipts for the general fund will
available for the remainder of the
sioner shall, with the approval of
advisory commission, transfer fr
established in subdivision 6 to
expenditures with revenue. An
governor, and after consulting the
reducing allotments.

(b) If the commissioner deter
appropriation, or item will be less
for the remainder of the term of
be less than needed, the commis
reduce the amount allotted or to

(c) In reducing allotments,
revenue available to recipients of
reductions based on all sources of

(d) In like manner, the com
the amount of any saving that can
reduction in prices or other cause

[For text of

Subd. 6. **Budget and cash**
reserve account is created in the
sioner of finance on July 1, 1983,
commissioner of finance on July 1,
the account. The commissioner
$75,000,000 to the account. The
until expended under subdivision
subdivision 1, but the commissioner
there will probably be a positive
of the biennium, the commissioner
to the budget and cash flow re
balance in the account to $450,000

[For text

History: *1Sp1985 c 14 art*

16A.154 AID PAYMENT DE

If in any calendar year the
cash flow borrowing by the state,
payment to taxing districts of

ove the rates an agency

foreseen needs, and so
ropriated general fund
er must decide there is
necessary expenditure.
all make schedules for
A schedule to repay
ent's useful life. Other-

s 72; 1980 c 614 s 55;

is section and in section
costs incurred by the
s to any other agency
clude their proportion-
nches.
nually prepare a plan
ewide indirect costs for
an to the governor and

shall make and record
osts attributable to an
al year. However, the
t, waive the transfer to
al fund receipts. The
le indirect cost plan.
application for federal
ide and agency indirect
prior approval of the
f the executive agency
mical.
ansfer federal money
o the general fund. If
roved, the commission-
ral funds are approved
act to the commission-

must supply the infor-
n.
nmend waiver, and the
for an audit. A state
by the treasurer must
dit attributable to the

8 art 2 s 1; art 6 s 1;

16A.128 FEE ADJUSTMENTS.

Subdivision 1. **Approval.** Fixed fees for accounts for which appropriations are made may not be adjusted without the approval of the commissioner. If the fee or fee adjustment is required by law to be fixed by rule, the commissioner's approval must be in the statement of need and reasonableness. These fees must be reviewed each six months. Except as determined by the commissioner, adjustments must be made so the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs and statewide indirect costs attributable to the fee function.

Subd. 2. **No rulemaking.** The kinds of fees that need not be fixed by rule unless specifically required by law are:

(1) fees based on actual direct costs of a service;

(2) one-time fees;

(3) fees that produce insignificant revenues;

(4) fees billed within or between state agencies; or

(5) fees exempt from commissioner approval.

Subd. 2a. **Procedure.** Other fees not fixed by law must be fixed by rule. The procedure for noncontroversial rules in sections 14.21 to 14.28 may be used except that no public hearing may be held. The notice of intention to adopt the rules must state that no hearing will be held. This procedure may be used only when the total fees estimated for the biennium do not exceed the sum of direct appropriations, indirect costs, transfers in, and salary supplements for that purpose. A public hearing is required for adjustments of fees spent under open appropriations of dedicated receipts.

History: *Ex1971 c 3 s 52; 1973 c 492 s 14; 1978 c 793 s 46; 1981 c 357 s 26; 2Sp1981 c 1 s 1; 3Sp1981 c 2 art 1 s 11; 1983 c 301 s 91; 1984 c 628 art 2 s 1*

16A.1281 REPORT ON LOW FEES.

In even-numbered years, the commissioner shall review fees collected by agencies. By November 15, the commissioner shall report on the fees to the appropriation and finance committees. The report must analyze the fees that the commissioner believes are too low for the service provided. The analysis must take into account the cost of collecting the fee.

History: *1975 c 204 s 88; 1984 c 628 art 2 s 1*

16A.129 MORE POWERS.

Subdivision 1. **List of salaries.** The commissioner may require a list of the employees of an agency, and that their salaries conform with the scale of compensation established by law.

Subd. 2. **Classified budget, accounts.** The commissioner may classify expenditures and revenue for budget making and accounting.

History: *1925 c 426 art 3 s 4; 1939 c 441 s 39; 1973 c 492 s 14; 1973 c 507 s 45; 1976 c 2 s 5; 1976 c 231 s 7; 1977 c 347 s 8; 1978 c 674 s 5; 1984 c 628 art 2 s 1 (53-7)*

16A.13 FEDERAL TAX WITHHOLDING.

Subdivision 1. **Custodian; bond.** The treasurer is the custodian of all moneys deposited with him for federal tax withheld from the pay of any officer or employee of the state of Minnesota. The treasurer's bond to the state shall cover the liability

STATE REGISTER

STATE OF MINNESOTA



VOLUME 9, NUMBER 43

April 22, 1985

Pages 2359-2394

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 9		
44	Monday Apr 15	Monday Apr 22	Monday Apr 29
45	Monday Apr 22	Monday Apr 29	Monday May 6
46	Monday Apr 29	Monday May 6	Monday May 13
47	Monday May 6	Monday May 13	Monday May 20

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

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

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

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. 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*.

Rudy Perpich
Governor

Sandra J. Hale
Commissioner
Department of Administration

Stephen A. Ordahl
Director
State Register and
Public Documents Division

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Robin PanLener, Paul Hoffman,
Margaret Connelly, Ruth Werness
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Debbie Kobold
Circulation Manager

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NOTICE

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

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

The PROPOSED RULES section contains:

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

The ADOPTED RULES section contains:

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

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

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

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

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

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EXECUTIVE ORDERS

Executive Order No. 85-10

Providing for the Establishment of a Special Commission to Perform Responsibilities Pursuant to Minnesota Statutes 351.03 and 351.04 (1984)

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Governor may remove from office a County Attorney when it appears to him by competent evidence that the County Attorney has been guilty of malfeasance or nonfeasance in the performance of his or her official duties;

WHEREAS, when charges are made against a County Attorney, the Governor shall appoint a special commissioner to conduct a hearing and take testimony for and against the County Attorney, and provide the County Attorney an opportunity to be heard in his or her defense;

WHEREAS, a petition has been received setting forth charges of malfeasance or nonfeasance against Kathleen Morris, Scott County Attorney;

NOW, THEREFORE, I order:

1. The Honorable Lynn C. Olson, Judge of District Court, Tenth Judicial District, is hereby appointed as a Special Commissioner pursuant to Minnesota Statutes 351.04 (1984) to take and report all pertinent evidence at a hearing to determine whether there is a basis to remove Kathleen Morris as Scott County Attorney.

2. Judge Olson will be assisted at the hearing and in making recommendations concerning the petition for removal by Julius Gernes of Winona, the Winona County Attorney, and Irene Scott of Bloomington, an attorney in practice in Minneapolis.

3. The Commissioner and her colleagues are to determine and implement procedures appropriate to this matter and consistent with law. The Commissioner is empowered to issue subpoenas to compel testimony and the presentation of other evidence concerning this matter.

4. The Scott County Attorney shall be entitled to be represented at the hearing by an attorney of her own choice.

5. The Attorney General shall appoint counsel to organize and present evidence to the Commission.

6. The Commissioner created by this Order shall report to me its findings and recommendations.

Pursuant to Minnesota Statutes, Section 4.035, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF I have set my hand this 25th day of March, 1985.



PROPOSED RULES

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

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

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

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

Department of Health
Maternal and Child Health

Proposed Rule Relating to Newborn Metabolic Screening Program; Duties of Responsible Parties

Notice of Intent to Amend Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner of Health (hereinafter "Commissioner") proposes to adopt amendments to Minnesota Rules, part 4615.0500 which relates to the duties of responsible parties involved in the newborn metabolic screening program.

The Commissioner has determined that the proposed amendments will be noncontroversial in nature and has elected to follow the provisions of Minnesota Statutes, sections 14.22 to 14.28 (1984). Sections 14.21 to 14.28 provide for an expedited process for the adoption of administrative rule changes without the holding of a public hearing.

The implementation of these amendments will not require the expenditure of public money by local bodies of greater than $100,000.00 in either of the two years following their adoption, nor do the amendments have any impact on agricultural land. The small business considerations in rulemaking do not apply to these amendments pursuant to Minnesota Statutes, section 14.115, subdivision (7c)(1984).

THE PUBLIC IS HEREBY ADVISED THAT:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendments, and comment is encouraged;

2. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed;

3. If twenty-five or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held;

4. All comments and any written requests for a public hearing shall be submitted to Edward L. Hendricks, MD, MPH, Director, Maternal and Child Health Division, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

5. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed;

6. The proposed amendments may be modified if modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language;

7. Under this expedited procedure, if a hearing is not required the department must submit any action on its rules to the

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attorney general for review of the form and legality of the rule change. Notice of the date of submission of the proposed amendments to the attorney general for review will be mailed to any person who requests to receive the notice. Requests to receive notice must be submitted to Dr. Hendricks at the above address;

8. Authority to amend Minnesota Rules part 4615.0500 is contained in Minnesota Statutes, section 144.125 (1984). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendment has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Dr. Hendricks at the above address;

9. If twenty-five or more persons request a public hearing on this matter, notice of any such hearing will be published in the *State Register*;

10. Any amendment made pursuant to this proceeding shall be effective five working days after publication in the *State Register* of notice of the adoption of the amendment.

April 3, 1985

Sister Mary Madonna Ashton
Commissioner of Health

Rule as Proposed

4615.0500 DUTIES OF RESPONSIBLE PARTIES INVOLVED IN THE NEWBORN METABOLIC SCREENING PROGRAM.

The responsible party shall do all of the following:

A. [Unchanged.]

B. Collect or have collected a specimen for screening no later than the fifth day after the infant's birth, unless the parents lawfully object to such screening. If this specimen is taken ~~prior to the third day of life or~~ prior to 24 hours after ~~beginning breast or milk formula feeding~~ birth, the responsible party shall notify the parents or legal guardian verbally and in writing of the necessity of having the PKU test repeated on their newborn not later than the 14th day of life. If taking a blood sample at the times specified above is medically contraindicated, the sample shall be taken as soon as the infant's condition permits.

C. [Unchanged.]

D. Send the specimen and the following information to the Minnesota Department of Health laboratory within 24 hours after collection:

(1) newborn infant's name;

(2) sex;

(3) mother's name;

(4) home address;

(5) date of birth;

(6) date of first feeding;

(7) date specimen collected;

(8) name and address of attending physician and hospital submitting specimen;

(9) county;

(10) ~~premature (yes or no~~ birth weight or gestational age; and

(11) bottle, breast, both.

E. [Unchanged.]

Department of Human Services

Proposed Rules Relating to Prior Authorization For Health Services and Second Surgical Opinion as a Condition For MA and GAMC Reimbursement

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Room D, Fifth Floor, Veterans Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota 55155, on May 28, 1985, commencing at 9 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 participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Jon Lunde, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota, 55415, telephone 612/341-7645, either before the hearing or within five working days after the public hearing ends.

The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. The written responses shall be added to the rulemaking record.

Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, section 14.50. The rule hearing is governed by Minnesota Statutes, sections 14.01-14.56 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Minnesota Rules, parts 9505.5000 to 9505.5105 establish the procedures for prior authorization of health services and the requirement of a second surgical opinion as conditions of reimbursement to providers of health services for recipients of medical assistance and general assistance medical care. These rules establish standards and criteria for deciding which medical assistance and general assistance medical care services require prior authorization and for deciding whether a second medical opinion is required for an elective surgery.

The rules include a definition section; prior authorization requirements; provisions for retroactive authorization; department responsibilities; criteria for selecting health services subject to the prior authorization requirements; criteria for approval of prior authorization requests; general requirements for surgical procedures requiring a second surgical opinion; exemptions to the second surgical opinion requirements; criteria to determine when a second opinion is required; provisions for a third surgical opinion; requirements of physicians recommending surgery and qualifications of physicians offering second or third opinions; penalties for failure to comply with parts 9505.5000 to 9505.5100; provisions for reimbursement of the cost of second and third surgical opinions; time limits for obtaining second and third opinions and for performing the surgery; physician responsibilities; consequences for failure to obtain the required opinions; department responsibilities; documentation requirements for exemptions; provisions permitting independent physician evaluation; and fair hearing and appeals procedures.

The agency's authority to adopt the proposed rules is contained in Minnesota Statutes, section 256.991. The cost to local public bodies of implementing the proposed rule changes will not exceed $100,000 for either of the first two years following passage of the rule.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ron Hook, Department of Human Services, Professional Services Section, Second Floor—Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101, telephone 612/296-8821. Additional copies will be available at the hearing. If you have any questions on the content of the rule amendments, contact Ron Hook.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument justi-

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fying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

Note: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the rule has been adopted and filed by the agency with the Secretary of State.

If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge (in the case of the Administrative Law Judge's report), or to the agency (in the case of the agency's submission to the Secretary of State).

Minnesota Statutes, Chapter 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 Minnesota Statutes, section 10A.01, subdivision 11, as any individual:

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

B. Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone 612/296-5615.

April 3, 1985

Leonard W. Levine, Commissioner
Department of Human Services

Rules as Proposed (all new material)

9505.5000 APPLICABILITY.

Parts 9505.5000 to 9505.5105 establish the procedures for prior authorization of health services and the requirement of a second surgical opinion as conditions of reimbursement to providers of health services for recipients of medical assistance and general assistance medical care.

These parts shall be read in conjunction with title XIX of the Social Security Act, Code of Federal Regulations, title 42, sections 430.00 to 489.57; Minnesota Statutes, sections 256B.01 to 256B.40; 256B.56 to 256B.71; 256D.01 to 256D.22; and parts 9500.0750 to 9500.1100; 9505.1000 to 9505.1040; and 9505.1750 to 9505.2150.

9505.5005 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 9505.5000 to 9505.5105 have the meanings given them in this part.

Subp. 2. Commissioner. "Commissioner" means the commissioner of the Department of Human Services or an authorized designee.

Subp. 3. Consultant. "Consultant" means an individual who is licensed or registered according to state law or meets the credentials established by the respective professional organization in an area of health care or medical service; is employed by or under contract with the Department of Human Services; advises the department whether to approve, deny, or modify prior authorization requests in his or her area of expertise; advises the department on and recommends to the department policies concerning health services and whether health services meet the criteria in part 9505.5045; and performs other duties as assigned.

Subp. 4. Department. "Department" means the Minnesota Department of Human Services.

Subp. 5. Emergency. "Emergency" means a medical condition that, if not immediately diagnosed and treated, could cause a recipient serious physical or mental disability, continuation of severe pain, or death.

Subp. 6. Fair hearing. "Fair hearing" means an administrative proceeding under Minnesota Statutes, section 256.045 and as provided in part 9505.5105, to examine facts concerning the matter in dispute and to advise the commissioner whether the department's decision to reduce or deny benefits was correct.

Subp. 7. General assistance medical care of GAMC. "General assistance medical care" or "GAMC" means the health services provided to a recipient under the general assistance medical care program according to Minnesota Statutes, chapter 256D.

Subp. 8. Health services. "Health services" means the services and supplies furnished to a recipient by a provider as defined in subpart 15.

Subp. 9. Investigative. "Investigative" means:

A. A health service procedure which has progressed to limited human application and trial, which lacks wide recognition as a proven and effective procedure in clinical medicine as determined by the National Blue Cross and Blue Shield Association Medical Advisory Committee, and utilized by Blue Cross and Blue Shield of Minnesota in the administration of their program.

B. A drug or device that the United States Food and Drug Administration has not yet declared safe and effective for the use prescribed. For purposes of this definition, drugs and devices shall be those identified in the Food and Drug Act.

Subp. 10. Local agency. "Local agency" means a county or a multicounty agency that is authorized under Minnesota Statutes as the agency responsible for the administration of the medical assistance and general assistance medical care programs.

Subp. 11. Local trade area. "Local trade area" means the geographic area surrounding the recipient's residence which the local agency identifies as commonly used by other persons in the same area to obtain necessary goods and services.

Subp. 12. Medical assistance or MA. "Medical assistance" or "MA" means the Medicaid program established by title XIX of the Social Security Act and Minnesota Statutes, chapter 256B.

Subp. 13. Medicare. "Medicare" means the health insurance program for the aged and disabled established by title XVIII of the Social Security Act.

Subp. 14. Physician. "Physician" means a person licensed to provide services within the scope of his or her profession as defined in Minnesota Statutes, chapter 147. For purposes of the second surgical opinion requirement in parts 9505.5035 to 9505.5100, "physician" shall also mean:

A. a person licensed to provide dental services within the scope of his or her profession as defined in Minnesota Statutes, section 150A.06, subdivision 1; or

B. a person who is certified by or eligible for certification from the appropriate specialty board, if applicable, to perform the surgical procedure for which his or her opinion is being requested.

Subp. 15. Prior authorization. "Prior authorization" means the written approval and issuance of an authorization number by the department to a provider prior to the provision of a covered health service, as specified in part 9500.5010.

Subp. 16. Provider. "Provider" means an individual or organization under an agreement with the department to furnish health services to persons eligible for the medical assistance or general assistance medical care programs.

Subp. 17. Recipient. "Recipient" means a person who is eligible for and receiving benefits from the medical assistance or general assistance medical care programs.

Subp. 18. Referee. "Referee" means an individual who conducts fair hearings under Minnesota Statutes, section 256.045 and recommends orders to the commissioner.

Subp. 19. Working days. "Working days" means Monday through Friday, excluding state recognized legal holidays.

9505.5010 PRIOR AUTHORIZATION REQUIREMENT.

Subpart 1. Provider requirements. Except as provided in part 9505.5015, a provider shall obtain prior authorization as a condition of reimbursement under the medical assistance and general assistance medical care programs for health services designated under part 9505.5025. Prior authorization shall assure the provider reimbursement for the approved health service only if the service is given during a time the person is a recipient and the provider meets all requirements of the medical assistance or general assistance medical care programs.

Subp. 2. Expiration of eligibility. When root canal therapy, removable dental prosthodontics, and other custom fabricated prosthetic, orthotic, or prosthodontic appliance services were started on a recipient who was eligible but whose eligibility for medical assistance or general assistance medical care expired prior to completion of the service, the department shall prorate its allowable reimbursement for the service based on the percentage of the service completed prior to the expiration of the recipient's eligibility, provided that the provider was not aware of or should not have been aware of the impending expiration of eligibility.

Subp. 3. Submission of forms. The provider shall submit to the department a prior authorization form, DPW-1855, which has been completed according to instructions in the appropriate provider handbook, and other information necessary to address the criteria in part 9505.5030. The provider shall bear the burden of establishing compliance with the criteria in part 9505.5030 and shall

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submit information which demonstrates that the criteria in part 9505.5030 are met. The provider who administers or supervises the recipient's care shall personally review and sign the form and any attached documentation.

Subp. 4. Consequences of failure to comply. A provider who furnishes health services without complying with the prior authorization requirements of parts 9505.5010 to 9505.5030 shall not be reimbursed. A physician, hospital, or other provider who is denied reimbursement because of failure to comply with parts 9505.5010 to 9505.5030 shall not seek payment from the recipient and the recipient shall not be liable for payment of the service for which reimbursement is denied.

9505.5015 RETROACTIVE AUTHORIZATION.

Subpart 1. Exceptions. As provided in subparts 2 to 4, medical assistance or general assistance medical care programs reimbursement shall be given for a health service for which the required authorization was requested after the health service was delivered to the recipient.

Subp. 2. Emergencies. A health service requiring prior authorization shall be reimbursed without prior authorization in an emergency if the provider submits the prior authorization form, DPW-1855, no later than five working days after providing the initial service and the provider documents the emergency by submitting materials, reports, progress notes, admission histories, and other information which substantiates that the service was necessary to treat the recipient.

Subp. 3. Retroactive eligibility. When the health service was provided on or after the date on which the recipient's eligibility began, but before the date the case was opened, a health service requiring prior authorization shall be authorized retroactively if the health service meets the criteria in part 9505.5030, and if an authorization request is submitted to the department within 20 working days of the date the case was opened. The request for retroactive authorization must be submitted to the department in the manner set in part 9505.5010.

Subp. 4. Medicare denial. A health service originally billed to Medicare for which reimbursement was denied shall be reimbursed without prior authorization if the service meets the criteria of part 9505.5030 and if the authorization request is submitted to the department along with a copy of the explanation of Medicare benefits (EOMB), within 20 working days of the date of the EOMB.

9505.5020 DEPARTMENT RESPONSIBILITIES.

Subpart 1. Notification requirements. If the information submitted by the provider does not meet the requirements of part 9505.5030, the department shall notify the provider of what is necessary to complete the request and the time limit for its submission. If the department does not receive the requested information within 20 working days of the date appearing on the notice which was sent to the provider, the request for prior authorization shall be denied unless an extension is requested and granted. The department shall send the provider, within 30 working days of receipt of all the information required in part 9505.5010, a notice of the action taken on the request for prior authorization. If the prior authorization request is denied, the department shall send the recipient within the same time period a copy of the notice sent to the provider and a statement of the recipient's right to appeal as provided in Minnesota Statutes, section 256.045.

Subp. 2. Publication requirements. The department shall annually publish in the last issue of the *State Register* for October a list of health services that require prior authorization. In addition, the department shall publish any revision of the list at least 45 days before the effective date if the revision imposes a prior authorization requirement on a health service. When a list is published, the department shall send each provider a copy of the list.

Subp. 3. Retention of information submitted by provider. The department shall have the right to retain information submitted to the department by the provider in accordance with part 9505.5010.

9505.5025 CRITERIA FOR SELECTING HEALTH SERVICES SUBJECT TO PRIOR AUTHORIZATION REQUIREMENT.

Subpart 1. Criteria. The commissioner with the advice of consultants shall use the criteria in items A to H to determine which health services shall be subject to the prior authorization requirement:

A. the health service is of questionable medical necessity;

B. utilization of the health service needs monitoring in order to control the expenditure of program funds;

C. less costly appropriate alternatives to the health service are generally available;

D. the health service is investigative;

E. the health service is newly developed or modified;

F. the health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial;

G. the health service is determined to be obsolete by the commissioner; or

H. the health service is comparable to a service provided in a skilled nursing facility or hospital but which is provided in a recipient's home.

Subp. 2. Health services provided outside of Minnesota. In addition to the list of health services published in the *State Register* under part 9505.5020, subpart 2, prior authorization is required for health services to be provided outside of Minnesota. A health service that is provided to a Minnesota resident outside of Minnesota but within the recipient's local trade area and that would not require prior authorization if it were provided to a Minnesota resident within Minnesota shall be exempt from the prior authorization requirement.

9505.5030 CRITERIA FOR APPROVAL OF PRIOR AUTHORIZATION REQUEST.

A request for prior authorization of a health service under part 9505.5020, subpart 2, shall be evaluated by consultants using the criteria given in items A to E. A health service meeting the criteria in this part shall be approved, if the health service is otherwise a covered service under the MA or GAMC programs. The health service must:

A. be medically necessary as determined by prevailing medical community standards or customary practice and usage;

B. be appropriate and effective;

C. meet quality and timeliness standards;

D. be the least expensive appropriate alternative health service available; and

E. represent an effective and appropriate use of program funds.

9505.5035 SURGICAL PROCEDURES REQUIRING SECOND OPINION.

Subpart 1. General requirements. Except as provided in part 9505.5040, second surgical opinions shall be required for medical assistance and general assistance medical care recipients for inpatient and outpatient elective surgical procedures according to the list published in the *State Register* under Minnesota Statutes, section 256B.02, subdivision 8. Publication shall occur annually in the last issue of the *State Register* for the month of October. In addition, the department shall publish any revision of the list at least 45 days before the effective date if the revision imposes a second surgical opinion requirement. The department shall send each provider a copy of the published list or a revision of the published list.

Subp. 2. Requirements prior to eligibility determination. The requirements of parts 9505.5035 to 9505.5100 must be applicable to individuals who have applied for MA or GAMC, but whose applications have not yet been approved or denied at the time the surgical procedure is proposed.

9505.5040 EXEMPTIONS TO SECOND SURGICAL OPINION REQUIREMENTS.

Provided the requirements of part 9505.5075 are met, a second surgical opinion is not required when:

A. The surgical procedure is approved for reimbursement by Medicare.

B. The surgical procedure is a consequence of, or a customary and accepted practice as an incident to, a more major surgical procedure which is subject to the second opinion requirement.

C. The procedure is an emergency. For an emergency, the physician shall submit substantiating documentation such as medical reports, progress notes, an admission history, or any other pertinent information necessary to substantiate the characterization of the surgical procedure as an emergency.

D. A visit to another physician to obtain a second opinion requires travel outside the local trade area.

E. The recipient has good cause for not obtaining a second opinion. Good cause refers to circumstances beyond the recipient's control. Examples of good cause include illness of the recipient, illness of a family member requiring the presence of the recipient, weather conditions that prohibit safe travel, or the unavailability of transportation.

F. The surgical procedure is performed before the individual's date of application for MA or GAMC, and retroactive eligibility was extended to cover the period of time during which the surgical procedure was performed.

9505.5045 CRITERIA TO DETERMINE WHEN SECOND OPINION IS REQUIRED.

The commissioner shall use the criteria in items A to E to determine which surgical procedures shall be subject to the second surgical opinion requirement.

A. Authoritative medical literature identifies the surgical procedure as being overutilized.

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B. The surgical procedure is shown to be utilized to a greater degree within the Medicaid population than in the non-Medicaid population.

C. The utilization or cost of a surgical procedure falls within the top ten percent of all surgical procedures reimbursed under the MA and GAMC programs.

D. Another surgical procedure that uses less intrusive measures could be employed.

E. The surgical procedure has at least a five percent rate of failure to obtain the requisite two physician's approvals, as determined by the Minnesota Medical Assistance Second Surgical Opinion Program or a similar second surgical opinion program.

9505.5050 THIRD SURGICAL OPINION.

When a second surgical opinion fails to substantiate the initial surgical opinion, a third surgical opinion shall be obtained if the recipient still wants the surgery. No opinion beyond the third opinion shall be considered in meeting the requirements of this part. The cost of an opinion beyond the third opinion shall not be reimbursed under the medical assistance or general assistance medical care programs.

9505.5055 SECOND OR THIRD OPINION BY A PHYSICIAN.

Subpart 1. Requirements of recommending physician. The physician who initially recommends surgery shall provide to the recipient in need of a second or third surgical opinion, the names of at least two other physicians who are qualified to render a second or third opinion, or the name of an appropriate medical referral resource service, and information about the consequences of failing to obtain a second or third opinion. The physician offering the surgical service shall ensure that the required second opinion and, when required, third opinion, are obtained.

Subp. 2. Qualifications of physician offering second or third opinions. The recommending physician and the physician named to render a second or third opinion or the medical referral resource service shall have no common financial interest or referral relationship resulting in a financial gain. The physician who gives a second or third opinion must be a provider.

9505.5060 PENALTIES.

The penalties for failure to comply with parts 9505.5000 to 9505.5100 shall be imposed in accordance with parts 9505.1750 to 9505.2150 in addition to parts 9500.0960 and 9500.1080.

9505.5065 REIMBURSEMENT OF COST OF SECOND AND THIRD SURGICAL OPINIONS.

Reimbursement of the cost of second and third surgical opinions under the medical assistance and general assistance medical care programs shall be permitted up to the allowable fee maximums as maintained by the department. When the physician who provides the second or third surgical opinion also performs the surgery, reimbursement for the surgery shall be denied.

9505.5070 TIME LIMITS; SECOND AND THIRD OPINIONS; SURGERY.

The second surgical opinions shall be obtained within 90 days of the date of the initial opinion. The third opinion, if required, shall be obtained within 45 days of the date of the second opinion. Approved surgery, if not performed within 180 days of the initial opinion, and if still requested by the recipient, shall require repetition of the second surgical opinion process as described in this part.

9505.5075 PHYSICIAN RESPONSIBILITY.

The physician who provides a second or third opinion shall indicate his or her approval or disapproval of the requested surgical procedure, on a form supplied by the department. The completed form shall contain all the information considered necessary by the commissioner to substantiate the second opinion, shall be personally signed by each physician providing an opinion, shall be attached to a completed and signed prior authorization form, and shall be submitted to the department by the physician who is offering to provide the surgical service.

9505.5080 FAILURE TO OBTAIN REQUIRED OPINIONS.

Failure to obtain a required second or third surgical opinion shall result in denial of reimbursement for all costs, direct and indirect, associated with the surgery, including costs attributable to other providers and hospitals except for the providers who rendered the second or third opinion. If the physician is unable to secure the required second or third opinions to support the surgical procedure, the second surgical opinion form shall be submitted to the department within 135 days of the date of the first opinion. Failure to comply with this subpart may result in termination of the providers' agreement with the Department.

9505.5085 PROHIBITION OF PAYMENT REQUEST.

A physician, hospital, or other provider who is denied reimbursement because of failure to comply with parts 9505.5035 to 9505.5100 shall not seek payment from the recipient of the service and the recipient shall not be liable for payment for the service for which reimbursement was denied.

9505.5090 DEPARTMENT RESPONSIBILITY.

If two of the three physicians concur that the requested surgical procedure is appropriate, the department shall certify that the requirements of this part are met and shall assign an authorization number within 30 working days of the department's receipt of the necessary information and forms.

If two of the three physicians concur that the requested surgical procedure is inappropriate, then the department shall deny authorization of reimbursement for the requested surgical procedure. The department shall send the recipient a copy of the notice denying authorization for the surgery and a statement of the recipient's right to appeal as provided in Minnesota Statutes, section 256.045.

9505.5095 DOCUMENTATION OF EXEMPTIONS.

When the surgical procedure is exempt under part 9505.5040 from the second or third opinion requirement, the provider shall submit documentation to support the basis of the exemption with the claim for payment. In the alternative, approval of the exemption may be requested prior to providing the health service. The request shall be submitted on a form supplied by the department and attached to a prior authorization form. If the requests are approved, an authorization number will be assigned within 30 working days of the department's receipt of the request.

9505.5100 INDEPENDENT PHYSICIAN EVALUATION.

The commissioner shall have the right to order an independent evaluation by a physician selected by the recipient and approved by the commissioner when the commissioner has reason to believe, based on parts 9505.1750 to 9505.2150, that the requested surgical procedure is not necessary. If the recipient needs assistance locating an appropriate physician, the services of the local county medical society, or any other physician referral resource may be utilized. If the selected physician determines the procedure is not necessary, the commissioner shall deny authorization.

9505.5105 FAIR HEARINGS AND APPEALS.

Subpart 1. Appealable actions. A recipient may appeal any of the following department actions:

A. the department has failed to act with reasonable promptness on a request for prior authorization or on an authorization request under the second surgical opinion program, as established under parts 9505.5020, subpart 1, and 9505.5090;

B. the department has denied a request for prior authorization;

C. the department has denied an authorization request under the second surgical opinion program; or

D. the department has proposed a reduction in service as an alternative to authorization of a proposed service for which prior authorization was requested.

Subp. 2. No right to appeal. The right to appeal shall not apply to the list of surgical procedures established according to Minnesota Statutes, section 256B.02, subdivision 8.

Subp. 3. Request for fair hearing. When a recipient requests assistance from a local agency in filing an appeal with the department, the local agency shall provide the assistance.

The request for a hearing must be submitted in writing by the recipient to the appeals unit of the department. The request must be filed either:

A. within 30 days of the date notice of denial of the prior authorization request or request for authorization of a surgical procedure was received; or

B. no later than 90 days from the date notice of denial was received if the appeals referee finds there was good cause for the delay.

Subp. 4. Fair hearing. A referee shall conduct the hearing according to Minnesota Statutes, section 256.045, subdivision 4.

Subp. 5. Commissioner's ruling. Within 90 days of the date of receipt of the recipient's request for a hearing, the commissioner shall make a ruling to uphold, reverse, or modify the action or decision of the department. The commissioner's ruling shall be binding upon the department and the recipient unless a request for judicial review is filed pursuant to Minnesota Statutes, section 256.045, subdivision 7.

REPEALER. Minnesota Rules, parts 9500.0980; 9500.1070, subparts 4, items A, and B, subitems (1) and (5); 6, items A, subitem

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(3); B, subitem (3); C, subitem (1); D, subitem (1), and that part of subitem (2) which reads: "The medical assistance program will pay for multiple family group-psychotherapy or group-psychotherapy for up to two hours per week for a ten-week period"; 7, item A; 10, item E, subitems (1), (2), (3), and (4); 16, item A; and 18, item B; and that part of subpart 19, item D, which reads: "Prior authorization must be obtained on any services for which payment is claimed under this section,"; and 9505.1020, subpart 4, items Q and R, are repealed.

Department of Revenue

Proposed Rule Relating to Property; Utility Valuation

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State of Minnesota Department of Revenue proposes to adopt the above-entitled rules without a public hearing. The Commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes 14.21 to 14.28 (1984).

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

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.14 to 14.20.

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

Ronald Cook
Property Equalization Division
Department of Revenue
Centennial Office Building
St. Paul, Minnesota 55145
(612) 296-5137

Authority for the adoption of these rules is contained in Minnesota Statutes sections: 270.06 (14); 270.11, Subd. 1 and 6; 273.33, Subd. 2; 273.37, Subd. 2; and 273.38. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Ronald Cook at the above mentioned address, upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Ronald Cook, at the above mentioned address.

The proposed rules if adopted will effectively amend the current rules of the Department of Revenue relating to ad valorem (property) taxes imposed on utilities. The present rules deal generally with the valuation, allocation and apportionment of property of electric, gas distribution, pipelines and cooperative electric companies. The proposed rules if adopted would: modify the income approach to value by increasing the capitalization rate by .5%; modify the cost approach to value by increasing the maximum depreciation allowances by 1% for electric utilities and 2.5% for pipelines and gas distribution companies and also specifically modify the cost approach to value for electric utility companies by revising the calculation and application of the average cost per kilowatt of installed capacity factor.

A copy of the proposed rule is included with this notice. Additional copies are available together with a statement of need and may be obtained by contacting Ronald Cook at the above mentioned address.

February 25, 1985

Arthur C. Roemer
Commissioner of Revenue

Rule as Proposed

8100.0300 VALUATION.

Subpart 1. General. Because of the unique character of public utility companies, such as being subject to stringent government

regulations over operations and earnings, the traditional approaches to valuation estimates of property (cost, capitalized income, and market) must be modified when utility property is valued. Consequently, for the ~~1982~~ 1985 and subsequent assessment years, until economic and technological factors dictate a change, the value of utility company property will be estimated in the manner provided in this chapter.

Subp. 2. [Unchanged.]

Subp. 3. Cost approach. The cost factor to be considered in the utility valuation formula is the original cost less depreciation of the system plant, plus improvements to the system plant, plus the original cost of construction work in progress on the assessment date. The original cost of any leased operating property used by the utility must be reported to the commissioner in conjunction with the annual utility report. If the original cost of the leased operating property is not available, the commissioner shall make an estimate of the cost by capitalizing the lease payments. Depreciation will not be allowed on construction work in progress. Depreciation will be allowed as a deduction from cost in the amount allowed on the accounting records of the utility company, as such records are required to be maintained by the appropriate regulatory agency.

Depreciation, however, shall not exceed the prescribed percentage of cost: for electric companies, ~~19~~ 20 percent; for gas distribution companies, ~~47.5~~ 50 percent; and for pipeline companies, ~~47.5~~ 50 percent.

A modification to the cost approach to value will be considered by the commissioner when valuing electric utility property. The original cost of an electric utility's major generating plants will be increased if the cost of the plant falls below a certain standard. The standard to be used will be a national average of the cost per kilowatt of installed capacity. The cost per kilowatt of installed capacity is the total construction cost of the generating plant divided by the number of kilowatts the plant is capable of producing. The national average to be used will be computed by totaling the construction costs, excluding the cost of land, for major generating plants within the 48 contiguous United States. The total cost of the plants will be divided by the total generating capacity of the same plants to arrive at an average cost per kilowatt of installed capacity. A separate average will be computed for each type of plant: gas turbine, hydroelectric, and steam-electric. The plants used in the calculation will exclude ~~federally constructed multipurpose projects, and~~ nuclear electric generating plants.

The information used to compute the average will be drawn from the latest ~~issues~~ issue of the ~~following~~ United States Department of Energy ~~publications: Hydro Electric Plant Construction Cost and Annual Production Expenses; Steam-Electric Plant Construction Cost and Annual Production Expenses; and Gas Turbine Electric Plant Construction Cost and Annual Production Expenses~~ publication, Historical Plant Cost and Annual Production Expenses for Selected Electric Plants. ~~The~~ All plants ~~which~~ included in this publication will be used in the computation of the national average ~~will be those plants built during the most recent 15 years included in these publications~~ by type of plant.

An example of this computation of the national average cost per kilowatt of installed capacity is as follows:

Steam-Electric Generating Plants

Plant	Plant Cost Excluding Land	Plant Capacity
A	$ 14,000,000	100,000 kw
B	13,000,000	90,000 kw
C	17,000,000	110,000 kw
D	14,500,000	80,000 kw
E	18,000,000	120,000 kw
F	10,000,000	70,000 kw
G	19,000,000	130,000 kw
H	9,000,000	60,000 kw
I	20,000,000	140,000 kw
J	8,000,000	50,000 kw
	$142,500,000	950,000 kw

Total plant cost ($142,500,000) divided by total plant capacity (950,000 kw) equals $150 average cost per kilowatt of installed capacity.

The national average cost per kilowatt of installed capacity will be compared to the specific cost per kilowatt of installed capacity for each of the major generating plants owned by the utility being valued. If the national average cost per kilowatt is greater than the

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subject plant cost, the subject plant will have additional dollars incorporated into its cost in order to raise its cost per kilowatt to the national average. If the subject plant's cost per kilowatt equals or exceeds the national average, no cost will be added.

The following example illustrates this procedure:

XYZ Utility
Steam-Electric Generating Plants

1. Plant	#1	#2
2. Installed Capacity	100,000 kw	50,000 kw
3. Year in Service	1970	1950
4. Cost of Plant (Exclusive of Land)	$15,200,000	$5,000,000
5. Specific Plant Cost per kw	$152	$100
6. National Average Cost per kw	$150	$150
7. Deficiency	none	$ 50
8. Additional Cost (Line 7 × Line 2)	none	$2,500,000

This additional cost to be added to the original cost of the specific plant will be reduced by an allowance for pollution control equipment and an allowance for obsolescence.

The allowance for pollution control equipment will be computed annually by totaling the construction costs, exclusive of land, of all major generating plants within Minnesota by type of plant. A total will also be made of the cost of the equipment in these plants which has been approved for tax exempt status in accordance with Minnesota Statutes, section 272.02, subdivision 1, clause ~~(15)~~ (9). This total will also be computed by type of plant. The total of the approved pollution control equipment will be divided by the total construction cost, exclusive of land, of the plants in order to calculate a percentage. This percentage will be the ratio of dollars spent for pollution control equipment to total dollars spent to construct a specific type of power plant. This percentage will then be used to reduce the gross additional cost to be added to the cost of the specific generating plant. An example of this process is as follows:

Steam-Electric Plants Within Minnesota

Plant	Plant Cost Excluding Land	Cost of Approved Pollution Control Equipment
A	$15,200,000	$1,500,000
B	10,000,000	1,000,000
C	5,000,000	700,000
D	20,000,000	2,000,000
E	16,500,000	1,470,000
	$66,700,000	$6,670,000

Total cost of approved pollution control equipment ($6,670,000) divided by total plant cost ($66,700,000) equals ten percent ratio of pollution control equipment expenditures to total expenditures for generating plant construction.

XYZ Utility
Steam-Electric Plant #2

1. Additional Cost Due to Computation of Average Cost per kw of Installed Capacity	$2,500,000
2. 10% Allowance for Pollution Control Equipment	250,000
3. Additional Cost to be Added after Adjustment for Pollution Control Equipment	2,250,000

The allowance for obsolescence which will be applied to the additional plant construction cost will be computed annually for hydroelectric and steam-electric generating plants. The information needed to compute the obsolescence factors will be drawn from the same ~~publications~~ publication that ~~are~~ is used to compute the national average cost per kilowatt of installed capacity figure. Gas turbine plants will not have any obsolescence allowance applied to the additional cost added to the plants.

The obsolescence allowance for hydroelectric plants will be calculated through the use of a "plant factor." The plant factor is

computed by dividing the number of kilowatt hours a generating plant actually produced in a year by the number of kilowatt hours the plant was capable of producing. The plant factor is normally expressed as a percentage. The mathematical expression of this factor is: net generation (kwh) divided by annual installed capacity (hours in a year × installed capacity (kw)). A standard plant factor will be computed for hydroelectric plants by averaging the plant factors of the ten plants with the highest plant factors in the ~~15 year~~ average cost per kilowatt of installed capacity study ~~period~~. This standard will then be compared to an average of the most recent three years' plant factor of the subject plant. The amount the subject plant deviates from the standard is the amount of obsolescence which will be applied to the added cost.

An example of this obsolescence allowance computation is shown below.

Hydroelectric Plants

Plant	Net Generation kwh (000)	Plant Capability kwh (000)	Plant Factor
A	400,150	755,000	53%
B	300,040	577,000	52%
C	250,000	480,000	52%
D	600,000	1,250,000	48%
E	896,000	1,600,000	56%
F	700,000	1,400,000	50%
G	507,000	975,000	52%
H	450,000	1,000,000	45%
I	376,000	800,000	47%
J	810,000	1,800,000	45%
		Average	50%

XYZ Utility

Hydroelectric Plant #4

Year	Net Generation kwh (000)	Plant Capability kwh (000)	Plant Factor
19XX	400,000	1,000,000	40%
19XX	500,000	1,000,000	50%
19XX	450,000	1,000,000	45%
		Average	45%

Hydroelectric plant #4 plant factor (45 percent) divided by standard plant factor (50 percent) equals 90 percent. Therefore, hydroelectric plant #4 deviates from the standard by ten percent, or is ten percent obsolete.

The obsolescence allowance for steam-electric generating plants will be computed annually using two indicators. The first indicator will be the plant factor. The plant factor for steam-electric plants will be computed and applied in the same manner as the computation specified for hydroelectric plants. The only difference will be that the information used for the computation will be drawn from the latest ~~Steam-Electric Plant Construction Cost and Annual Production Expense~~ Fossil-Fueled Steam-Electric Plant Section of the latest Historical Plant Cost and Annual Production and Expenses for Selected Electric Plants publication rather than the Hydro-Electric Plant ~~publication~~ section. Plant factors of the ten best steam-electric generating plants within the ~~15-year~~ study period will be averaged. This average will be compared to the most recent three-year average plant factor for the subject plant. The subject plant's deviation from the standard plant factor is the amount of indicated obsolescence.

The second indicator which will be used to compute an obsolescence allowance for steam-electric generating plants will be a thermal efficiency factor. The source of information for this computation will also be the latest issue of the United States Department of Energy's publication, ~~Steam-Electric Plant Construction Cost and Annual Production Expenses~~ Historical Plant Cost and Annual Production Expenses for Selected Electric Plants, Fossil-Fueled Steam Electric Plant Section. Thermal efficiency for a generating plant is measured by the number of British thermal units (Btu's) required to produce one kilowatt hour. This efficiency rating can be obtained by dividing the number of kilowatt hours produced by a generating plant by the number of Btu's needed to produce this power. The number of Btu's used can be obtained by multiplying the units of fuel burned by the generating plant—tons of coal,

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gallons of oil, or cubic feet of gas—by the average Btu content of the fuel unit. The standard thermal efficiency factor will be computed by averaging the thermal efficiency factor of the ten most efficient steam-electric generating plants within the ~~15 year~~ study period used to compute the average cost per kilowatt of installed capacity. This standard thermal efficiency factor will then be compared to the thermal efficiency factor of the subject plan. The amount the subject plant deviates from the standard is the amount of obsolescence indicated by this factor.

The two obsolescence figures for the subject plant as indicated by both the plant and thermal efficiency factors will then be averaged. This resulting average is the obsolescence allowance which will be applied to the cost added to the subject plant as a result of the average cost per kilowatt of installed capacity computation. In no instance shall the original cost of a generating plant be reduced by an allowance for obsolescence unless its cost is increased through the use of the average cost per kilowatt of installed capacity computation.

The following examples illustrate computation of the standard thermal efficiency factor; obsolescence indicated by the application of this factor to the subject plant; average obsolescence for steam-electric generating plants; and obsolescence allowance adjustment of the added cost due to the use of the average cost per kilowatt of installed capacity for the subject plant.

Steam-Electric Generating Plants

Plant	Net Generation kwh (Millions)	Btu's Used (Millions)	Btu's per kwh
A	2,000	18,400,000	9,200
B	6,000	53,400,000	8,900
C	8,000	72,000,000	9,000
D	5,000	45,500,000	9,100
E	3,000	26,400,000	8,800
F	1,000	9,000,000	9,000
G	4,000	36,600,000	9,150
H	9,000	80,550,000	8,950
I	7,000	61,950,000	8,850
J	5,000	45,250,000	9,050
		Average	9,000

XYZ Utility Company

Steam-Electric Plant #2

Net Generation kwh (Millions)	Btu's Used (Millions)	Btu's per kwh
2,000	21,600,000	10,800

Steam-electric plant #2 thermal efficiency factor (10,800 Btu's per kwh) divided by standard thermal efficiency factor (9,000 Btu's per kwh) equals 120 percent. Therefore, steam-electric plant #2 deviates from the standard by 20 percent or is 20 percent obsolete.

XYZ Utility Company

Steam-Electric Plant #2

1. Obsolescence Indicated by Plant Factor	10%
2. Obsolescence Indicated by Thermal Efficiency Factor	20%
3. Obsolescence Allowance (Average of 1 and 2)	15%
4. Additional Cost due to Computation of Average Cost per kw of Installed Capacity	$2,500,000
5. 15% Obsolescence Allowance	375,000
6. Additional Cost to be Added after Adjustment for Obsolescence	2,125,000

The cost indicator of value computed in accordance with this subpart will be weighted for each type of utility company as follows: electric companies, 85 percent; gas distribution companies, 75 percent; and pipeline companies, 75 percent.

The following example illustrates how the cost indicator of value would be computed for an electric company:

1. Utility Plant (Cost)		$200,000,000
2. Construction in Progress		5,500,000
3. Additional Value From Average Cost per kw Computation		2,000,000
4. Total Plant		207,500,000
5. Nondepreciable Plant (Land, Intangibles, C.W.I.P.)	17,500,000	
6. Depreciable Plant	190,000,000	
7. Book Depreciation or (Maximum ~~19%~~; 20%		36,100,000
8. Total Cost Indicator of Value		171,400,000

Any company for which a modification is made under this subpart due to the average cost per kilowatt adjustment being made to original cost of a plant or plants located in Minnesota shall have an alternative cost indicator computation made without giving effect to the average cost per kilowatt adjustment of such plant or plants.

Subp. 4. Income approach to valuation. The income indicator of value will be estimated by weighting the net operating earnings of the utility company for the most recent three years as follows: most recent year, 40 percent; previous year, 35 percent; and final year, 25 percent. After considering, as far as possible, all conditions that may exist in the future that may affect the present annual return, including risk, life expectancy of the property, and cost of money, the capitalization rates used to compute value for the assessment will be: electric companies, ~~10.75~~ 11.25 percent; gas distribution companies, ~~11.0~~ 11.50 percent; and pipeline companies, ~~11.25~~ 11.75 percent. The income indicator of value computed in accordance with this subpart will be weighted for each class of utility company as follows: electric companies, 15 percent; gas distribution companies, 25 percent; and pipeline companies, 25 percent.

The following example illustrates how the income indicator of value would be computed for a gas distribution company:

	~~1980~~ 1982	~~1981~~ 1983	~~1982~~ 1984
1. Net Operating Income	$ ~~570,240~~ $ 596,160	$ ~~467,650~~ $ 488,911	$ ~~554,400~~ $ 579,600
2. Capitalized Income @ ~~11%~~ 11.5%	5,184,000	4,251,400	5,040,000
3. Weighting Factor	25 percent	35 percent	40 percent
4. Weighted Capitalized Income	1,296,000	1,488,000	2,016,000
5. Total Income Indicator of Value			4,800,000

Subp. 5. and 6. [Unchanged.]

Subp. 7. Obsolescence allowances. The commissioner shall adjust the value calculated under this part through the use of an obsolescence allowance. This allowance is intended to be used in order to recognize the effect the curtailment or termination of a pipeline's source of supply may have on its value. This allowance must be applied for each year at the time the utility files its Minnesota Department of Revenue Annual Utility Report. The utility's eligibility for this allowance will be based on the relevant facts for the specific valuation year. The application of an obsolescence allowance in any previous year shall have no bearing on the use of the allowance for a subsequent year. In order for a pipeline or a gas distribution company to be eligible for this allowance it must meet certain criteria or standards listed below. It is mandatory that standards in items A, B, and C be met by the utility. It is highly desirable that standards in items D and E also be met.

A. The utility shall demonstrate that its source of supply for gas or oil will be terminated within the next ten years.

B. The utility shall be at, or above, the maximum depreciation allowance specified by subpart 3.

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C. The utility shall have made application to the appropriate regulatory agency for increased depreciation allowances, and the application shall not have been denied or rejected.

D. The utility must not have made any major capital expenditures within the last three years.

E. The utility must not have sold any long-term bonds or signed any long-term notes within the last three years.

If the utility has made major capital expenditures or entered into long-term debt obligations within the last three years, a satisfactory explanation of the rationale for these actions shall be made to the commissioner before an allowance for obsolescence will be granted.

The obsolescence allowances which may be applied to the utility's value will be calculated in the following manner:

(1) Method 1. A five-year average of the utility's annual throughput will be calculated. The throughput for the assessment year will be compared to this average and a percentage calculated. This percentage will be applied to the cost indicator of value calculated under subpart 3 in order to adjust the indicator for obsolescence. The adjusted cost indicator of value will be used in the calculation of the unit value under subpart 5. The following is an example of this procedure:

Year	Throughput in Barrels
~~1977~~ 1979	1,200,000
~~1978~~ 1980	1,300,000
~~1979~~ 1981	1,150,000
~~1980~~ 1982	1,100,000
~~1981~~ 1983	1,050,000
	5,800,000 Total
	1,160,000 Average Throughout

1. ~~1982~~ 1984 Throughput	1,000,000 Barrels
2. Percent of ~~1982~~ 1984 Throughput to Five-Year Average Throughput	86%
3. Cost Indicator of Value	$6,300,000
4. Cost Indicator Adjusted for Obsolescence	5,418,000

(2) Method 2. The book depreciation shown on the books and accounts of the utility will be compared to the depreciation allowed by subpart 3. If the book depreciation exceeds the maximum depreciation allowance, 50 percent of the excess depreciation will be used in the calculation of the cost indicator of value. An example of this calculation is as follows:

1. Book Depreciation		$ 6,000,000
2. Maximum Allowable Depreciation	~~4,750,000~~	5,000,000
3. Excess Depreciation	~~1,250,000~~	1,000,000
4. 50% of Excess Depreciation	~~625,000~~	500,000
5. Utility Plant		11,000,000
6. Construction Work in Progress		50,000
7. Total Plant		11,050,000
8. Nondepreciable Plant (Land, CWIP)		1,050,000
9. Depreciable Plant		10,000,000
10. Depreciation (Maximum ~~47.5%~~ 50%)	~~4,750,000~~	5,000,000
11. Obsolescence Allowance	~~625,000~~	500,000
12. Cost Indicator of Value	~~5,675,000~~	5,550,000

(3) Method 3. The income indicator of value computed in accordance with subpart 4 will be calculated by capitalizing the utility's three-year weighted net operating earnings for a specific term of years rather than into perpetuity. The term of years to be used will be the number of years remaining until the expected expiration of the utility's source of supply for product (oil, gas), or the number of years remaining until the utility's major assets (pipeline, pump stations, storage tanks, and similar assets) are fully depreciated, whichever is greater. An example of this capitalization process is as follows:

	~~1979~~ 1982	~~1980~~ 1983	~~1981~~ 1984
1. Net Operating Earnings	$1,320,000	$1,000,000	$800,000
2. Weighting	25%	35%	40%
3. Weighted Net Operating Earnings	$330,000	$350,000	$320,000
4. Total Weighted Net Operating Earnings		$1,000,000	
5. Terms of years until major assets are fully depreciated			8
6. Capitalization rate pursuant to subpart 4		~~9%~~	11.75%
7. Capitalization rate converted to term of 8 years		~~18.0674%~~	19.9548%
8. Capitalized Income/Income Indicator of Value		~~$5,534,831~~	$5,011,325

The commissioner shall apply to the valuation process whichever of the three obsolescence methods is most appropriate in order to equitably recognize the effect of obsolescence on the utility's value.

Subp. 8. [Unchanged.]

ADOPTED RULES

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

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

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

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

Department of Energy and Economic Development Energy and Economic Development Authority

Adopted Emergency Rules Relating to the Technology Product Loan Program

The rules proposed and published at *State Register*, Volume 9, Number 28, pages 1544-1548, January 7, 1985 (9 S.R. 1544) and Volume 9, Number 29, pages 1612-1613, January 14, 1985 (9 S.R. 1612) are adopted with the following modifications:

Rules as Adopted

8300.4101 [Emergency] DEFINITIONS.

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

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

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tion, drawings, prototypes, models, test results, and source codes associated with the product.

8300.4102 [Emergency] TECHNOLOGY PRODUCT LOAN PROGRAM.

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

Subp. 5. Maximum term. The maximum term of the loan may not exceed the average useful life of the computer and other technology-related equipment~~,~~ or the following limit, whichever is less:

A. computer ~~or~~ and other technology-related equipment, four years;

B. working capital, three years;

C. combination of items A and B, weighted average.

Subp. 7. Security requirements. In addition to security interests in collateral as specified in part 8300.3013 [Emergency] as proposed at *State Register*, volume 9, page 826 (October 22, 1984), and as adopted at *State Register*, volume ~~.~~ 9, page ~~.~~ 1615, (January ~~.~~ 14, 1985), the authority shall require a security interest in the product in the form of a royalty on the product and, in case of default, full rights to the product, including all patents, copyrights, mask work, trade secrets, trademarks, service marks, and any other intellectual property rights. The royalty payment must be based upon net receipts of the product not to exceed 25 percent and must be set forth in a security agreement that shall be entered into at the same time the loan is made. Royalty payments must be made to the authority in accordance with the schedule appearing in the security agreement.

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

8300.4105 [Emergency] LOAN DEFAULT.

If the commissioner determines the loan to be in default, the authority may take such actions provided in law or in equity to protect its interests. Upon default, the commissioner shall notify the loan recipient in writing of the default and give the loan recipient 60 days to re-establish the good standing of the loan. During this time period the commissioner may permit the borrower to sell or reassign the product rights or licenses, prepare derivative products, or undertake other measures that will increase the probability that remaining loan payments will be made. If the loan remains in default at the end of the initial 60-day time period, the commissioner may extend the time period for an additional 60 days if the loan recipient can demonstrate that the additional period of time is necessary to re-establish the good standing of the loan. If the loan remains in default at the end of the initial 60-day time period and any granted extension, all product rights as provided in the security agreement ~~revert~~ transfer automatically to the authority. The loan recipient shall also provide to the commissioner, if requested, all relevant materials including technical documentation, drawings, prototypes, models, test results, and source code associated with the product.

8300.4106 [Emergency] DISPOSITION OF ACQUIRED PRODUCTS.

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

8300.4107 [Emergency] CERTIFICATIONS.

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

A. that the product is original;

B. that the product does not infringe upon copyrights ~~and~~, patents, mask work, trade secrets, trademarks, service marks, and any other intellectual product rights;

C. that the product will ~~basically~~ substantially perform the tasks it has represented in its documentation that it will perform;

D. that the loan recipient will hold the authority harmless.

8300.4109 [Emergency] CONTENT OF APPLICATION.

In addition to the data required by part 8300.3012 [Emergency], as proposed at *State Register*, volume 9, page 826 (October 22, 1984), and as adopted at *State Register*, volume ~~.~~ 9, page ~~.~~ 1615, (January ~~.~~ 14, 1985), an applicant for the technology product loan program shall provide the following information:

8300.4111 [Emergency] ~~COPYRIGHT OR PATENT~~ INTELLECTUAL PROPERTY RIGHTS.

~~The copyright or patent for~~ Copyrights, patents, mask work, trade secrets, trademarks, service marks, and any other intellectual property rights in the product shall remain with the business unless specifically ~~acquired by~~ transferred to the authority.

Department of Energy and Economic Development Energy and Economic Development Authority

Extension of Emergency Rules Governing The Special Assistance Program

Notice is hereby given that Minnesota Rules 8300.3000 to 8300.3014 [Emergency] which governs The Special Assistance Program under the Minnesota Energy and Economic Development Authority, effective October 11, 1984, and published in the *State Register* at Volume 9, Number 11, September 10, 1984, page 544 [9 S.R. 544], are being continued in effect for an additional 180 days. This continuation is in accordance with Minnesota Statutes 14.35. The new expiration date for Minnesota Rules 8300.3000 to 8300.3014 [Emergency] will be August 11, 1985, or the date Minnesota Rules 8300.3000 to 8300.3014 [Emergency] are replaced by permanent rules; whichever is earlier.

Department of Public Safety

Adopted Rules Governing Motor Vehicle Accident Prevention Courses

The rules proposed and published at *State Register*, Volume 9, Number 30, pages 1653-1655, January 21, 1985 (9 S.R. 1653) are adopted with the following modifications:

Rules as Adopted

7411.7600 REQUIREMENTS FOR APPROVAL AND OPERATION.

Subp. 3. Course length restrictions. The course of study may not be less than a total of eight hours, with no more than ~~three~~ four hours of instruction required in a 24-hour period.

Department of Public Safety Fire Marshal Division

Adopted Rules Governing Natural Gas Pipeline Safety Inspection Fees

The rules proposed and published at *State Register*, Volume 9, Number 27, pages 1508-1510, December 31, 1984 (9 S.R. 1508) are adopted with the following modifications:

Rules as Adopted

7510.6910 INSPECTION FEE.

A person who engages in the transportation of gas or who owns or operates pipeline facilities subject to Minnesota Statutes, sections 299F.56 to 299F.64 is subject to payment of a fee to recover the state's share of the cost of administering the natural gas pipeline safety activity.

A. ~~The department shall quarterly ascertain the total of its expenditures for the preceding three months that are attributable to the natural gas pipeline activity.~~

~~B.~~ The department shall maintain records on the amount of time each pipeline safety inspector spends performing duties related to each public or private natural gas pipeline company in Minnesota.

~~C.~~ B. The department shall charge each natural gas pipeline owner or operator for the actual hours spent by pipeline safety inspectors in the conduct of duties under Minnesota Statutes, sections 299F.56 to 299F.64, plus a share of other related expendi-

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tures including supplies, materials, and overhead, prorated on the basis of the inspector hours. These charges must reflect the portion of expenses not reimbursable by the United States or a federal department or agency, under Minnesota Statutes, section 299F.64. The natural gas owner or operator must be provided an itemized statement of its charges upon request.

~~D.~~ C. The department shall submit invoices to operators within 30 days after the end of the calendar quarter. Owners or operators shall remit payment to the department within 30 days after the date of the department invoice.

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 Building Codes and Standards Division

Outside Opinion Sought Regarding Amendments to the State Building Code, Including the Adoption of the 1985 Uniform Building Code

Notice is hereby given that the State Building Codes and Standards Division is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing the State Building Code. The promulgation of these rules is authorized by Minnesota Statutes Section 16B.59 which permits the agency to amend the State Building Code.

The State Building Codes and Standards Division requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment in writing. Written statements should be addressed to:

Peggi Opalinski
Building Codes & Standards Division
408 Metro Square Building
7th & Robert Sts.
St. Paul, MN 55101

All statements of information and comments shall be accepted until June 1, 1985 at 4:30 p.m. Any written material received by the State Building Codes and Standards Division shall become part of the record in the event the rules are promulgated.

Richard A. Brooks, Director

Department of Administration Building Codes and Standards

Outside Opinion Sought Regarding Proposed Rules Governing Recertification of Building Officials

Notice is hereby given that the State Building Codes and Standards Division is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing the recertification of building officials. The promulgation of these rules is authorized by Minnesota Statutes Section 16B.65 Subd. 7.

The State Building Codes and Standards Division requests information and comments concerning the subject matter of these

rules. Interested or affected persons or groups may submit statements of information or comment in writing. Written statements should be addressed to:

Building Codes & Standards Division
408 Metro Square Building
7th & Robert Sts.
St. Paul, MN 55101

All statements of information and comments shall be accepted until June 1, 1985 at 4:30 p.m. Any written material received by the State Building Codes and Standards Division shall become part of the record in the event the rules are promulgated.

Richard A. Brooks, Director

Minnesota Pollution Control Agency Solid and Hazardous Waste Division

Outside Opinion Sought Concerning Amendments to Minnesota Rules Chapter 7045 Governing Hazardous Waste

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information and opinions from sources outside the MPCA regarding possible amendments to Minnesota Rules, Chapter 7045 governing hazardous waste.

Consideration is being given to the addition of dioxins, dibenzofurans and chlorinated aliphatic hydrocarbons to the lists of hazardous wastes and to the addition of special management requirements for the treatment, storage or disposal of dioxins and dibenzofurans. These amendments are considered in response to similar amendments to the federal hazardous waste regulations.

The MPCA requests information and comments concerning the subject matter of the proposed amendments. Written or oral information or comments will be accepted until May 15, 1985. Written statements should be addressed to: Karen A. Ryss, Minnesota Pollution Control Agency, Solid and Hazardous Waste Division, 1935 West County Road B2, Roseville, Minnesota, 55113. Oral statements will be received during regular business hours at 612/297-1793.

April 12, 1985

Thomas J. Kalitowski
Executive Director

Board of Vocational Technical Education

Notice of Public Hearing

A Public Hearing pursuant to M.S. 136C.28, Subd. 3, will be held for the purpose of post-secondary vocational aid allocations for F.Y. '85-'86. The hearing will be held on May 13, 1985, Radisson St. Paul Hotel, 11 East Kellogg Boulevard, St. Paul, Minnesota, at 9:00 a.m. For more information, contact Ronald Dreyer, 559 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, phone (612) 297-1477.

STATE CONTRACTS

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

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

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

Department of Administration Energy Conservation Division

Request for Proposals to Firms Interested in Third Party Financing for Converting Existing Heating Plants to Burn Wood, Peat or Other Alternate Fuels

The Department of Administration, Energy Conservation Division, has been requested to select firms to provide energy conservation measures in accordance with Minnesota Statutes, section 16B.16 (1984). Section 16B.16 authorizes state agencies to obtain energy conserving equipment and services on a shared-savings and guaranteed-savings basis through contracts of greater than one year duration but not exceeding ten years.

Firms that wish to be considered for these projects should request a copy of the rules for "Request for Proposal" and submit a separate proposal for each facility based on the rules on or before 4:00 p.m., Monday, July 8, 1985, to Donald T. Johnson, Energy Conservation Division, Room 110, Park Professional Bldg., St. Paul, MN 55103 (612) 296-8204.

The following facilities to be considered for energy modification are:

1. Ah-Gwah Ching Nursing Home
   Ah-Gwah Ching, MN
2. Faribault State Hospital
   Faribault, MN
3. Brainerd Community College
   Brainerd, MN
4. Red Wing Correctional Facility
   Red Wing, MN

Scope:

In a shared-savings program, an energy service firm purchases, installs and services heating plant conversions at no cost to the State. In return, the State agrees to share with the firm a percentage of whatever energy cost savings result. As a pre-condition to concluding shared-savings with the State, a firm is required to collect certain data for the accurate determination of the State's anticipated energy cost savings. Collection of the data can be accomplished through an engineering audit comparable to the Minnesota Maxi Audit. The Audit may be limited to specific building systems such as the heating plants. By virtue of the Audit, the firm is apprised of the size and type of buildings involved, the nature of the energy consuming equipment, the patterns and type of fuel used, and other factors that may influence energy consumption. The basis for determining savings can be calculations through an energy audit or through the use of metering instruments. The energy service firm is required to determine which alternative fuel system is needed to produce the energy savings (BTU savings and energy cost savings).

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
26-073-17667	Editing System	St. Cloud State University	St. Cloud	Contact buyer
29-000-37760	Used Truck	Natural Resources	Rochester	Contact buyer
78-630-06258	Mattresses	MN Correctional Facility	Oak Park Heights	Contact buyer
29-000-36763	Purchase of Portable Computer	Natural Resources—Forestry	St. Paul	Contact buyer

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
79-000-46741	Geodetic Survey Disks	Transportation—Maintenance	Maplewood	Contact buyer
55-000-90825	Transcribing Equipment	Human Services	St. Paul	Contact buyer
29-001-08508	Reroof Clubhouse	Natural Resources	Lake Itasca	Contact buyer
79-990-00284	10′ Wooden Straight Edges	Transportation	St. Paul	Contact buyer
27-148-45946	Furnish & Install Golf & Batting Cage	Rochester Community College	Rochester	Contact buyer
02-307-45635	Riding Tractor Mowers	State of Minnesota	St. Paul	Contact buyer
07-300-33238	Intoxilyzer	Public Safety—Bureau of Criminal Apprehension	St. Paul	Contact buyer
55-105-06799	Dishwasher	St. Peter State Hospital	St. Peter	Contact buyer
21-200-09445	PBX Telephone System	Economic Security	St. Paul	Contact buyer
55-000-90942	Dual Image Reading System	Human Services—Services for the Blind	St. Paul	Contact buyer
04-121-26912	Aerial Spraying	Agriculture	St. Paul	Contact buyer
29-002-10677, 10678, 10679	Aerial Spraying of Herbicides	Natural Resources		Contact buyer
29-002-10634	Herbicides	Natural Resources	Grand Rapids	Contact buyer
26-074-10027, 7512	Winona State University Student Guide	Winona State University	Winona	Contact buyer
26-074-10028, 7510	Winona State University Divisional Brochures	Winona State University	Winona	Contact buyer
Contract	Photographic Lamps	Various	Various	Contact buyer
29-001-08479	Rental of Dragline With Operator	Natural Resources	Roseau	Contact buyer
01-000-04260	Window Cleaning	Military Affairs—International Airport	Minneapolis	Contact buyer
43-000-06008	Construct Water Access Section Six Mine	Iron Range Resources & Rehabilitation Board	Calumet	Contact buyer
Contract	Genuine Leroi Engines & Air Compressors Repair parts	Various	Various	Contact buyer
26-070-10900	Purchase of Laser Printer	Bemidji State University	Bemidji	Contact buyer
78-620-20786	Solvent Recovery System	MN Correctional Facility	Stillwater	Contact buyer
67-190-10459, 7459	Income Tax Withholding Tax Tables	Revenue	St. Paul	Contact buyer
29-000-37839, 7472	1985 Big Game Hunting Reg. w/Map	Natural Resources	St. Paul	Contact buyer
67-340-10456, 7460-1-2	Cigarette Tax Decal Stamps	Revenue	St. Paul	Contact buyer
67-270-10450-2-3, 7481-2-4	Sales & use Tax Return	Revenue	St. Paul	Contact buyer
99-906-27491-2-3, 7426-7-8	Bonds	Finance	St. Paul	Contact buyer
79-000-46622	Airport Lighting System	Transportation—Aeronautics	Stanton	Contact buyer
27-156-43693	Repair & Resurface Tennis Court	Normandale Community College	Bloomington	Contact buyer
26-071-14979	Computer Room Air Conditioner	Mankato State University	Mankato	Contact buyer
Contract	Liquid Bleach	Various Locations	Various	Contact buyer
29-005-07693	Quarry Rock	Natural Resources—Fisheries	Rochester	Contact buyer

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
43-000-05980	Excavation & Lot Grading Aurora	Iron Range Resources & Rehabilitation Board	Calumet	Contact buyer
26-073-17578	Controlled Reader	St. Cloud State University	St. Cloud	Contact buyer
55-000-90967, 7526	Application Information	Human Services	St. Paul	Contact buyer
99-650-28282	Purchase of Photocopy Machine	Waste Management Board	Crystal	Contact buyer
26-073-17666	Fiberoptics Cable	St. Cloud State University	St. Cloud	Contact buyer
22-400-00831, 7565	Printed Envelopes	Energy & Economic Development—Tourism	St. Paul	Contact buyer
29-000-37858 & 9, 7570 & 1	Hunting Regulations	Natural Resources	St. Paul	Contact buyer
26-070-10986, 7589	Graduate Catalogs	Bemidji State University	Bemidji	Contact buyer
29-000-37934	Evaluation Service	Natural Resources—Ecological Service Station	St. Paul	Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Human Services

Assistance Payments Policy Operations Division

Request for Proposals for Refugee Services

Notice is hereby given that the Assistance Payments Policy Operations Division, Minnesota Department of Human Services, is seeking proposals concerning the delivery of various social services to refugee persons residing in Minnesota. The services for which proposals are being requested include English as a Second Language (ESL), Employment and others as outlined in the Request for Proposals.

The estimated total amount of social services funds will not exceed $1,200,000.

If the Department receives additional federal funds in a nationwide competition, proposals will be approved up to the amount awarded. Neither the timing nor the amount of the potential additional award is known at this time.

All proposals must be received by 4:20 p.m., Tuesday, May 14, 1985. The Department reserves the right not to act on this request for proposals. A pre-bidders' conference is scheduled for Friday, April 26, 1985, from 1:00 to 3:00 p.m., in Room D, Veterans Services Building, Left Tower, St. Paul, MN.

Please direct requests for the complete information package, questions and proposals to:

Refugee Program Office
444 Lafayette Road, 2nd Floor
St. Paul, MN 55101
Tel: 612-296-1383

Department of Human Services
Office of Child Support Enforcement

Request for Proposals for Preparation of Public Service Announcement

The Office of Child Support Enforcement is seeking proposals from advertising agencies for professional and technical services to develop, produce and distribute public service announcements about child support enforcement services to the broadcast media as required by Public Law 98-378.

The proposal shall include scripting, production, distribution, and project direction costs for three (3) television and three (3) radio spot public service announcements.

This request for proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Additional information on child support enforcement is available by contacting:

Bonnie L. Becker, Director
Office of Child Support Enforcement
444 Lafayette Road—2nd Floor
St. Paul, Minnesota 55101
(612) 296-2499

Proposals will be accepted until 4:00 p.m., May 13, 1985.

Iron Range Resources and Rehabilitation Board

Request for Proposals for Consultant for Capacity Analysis/Facility Planning Feasibility Study of the Giants Ridge Recreation Area

The IRRRB intends to engage a consultant to conduct a capacity analysis/facility planning study addressing contemplated changes and/or additions at the Giants Ridge Recreation Area at Biwabik, Minnesota.

Specific areas of study include the following:

—Alpine ski area expansion

—Chalet space analysis and corresponding building program, including preliminary cost estimates

—Waterpark complex feasibilities

—Recreational vehicle campground feasibilities

For further information and formal Request for Proposals documents, contact Mr. Michael Gentile, Director, Giants Ridge Recreation Area, P.O. Box 190, Biwabik, Minnesota 55708, (218) 865-4143.

The deadline for receipt of proposals is noon, MAY 6, 1985.

Department of Transportation Surveying and Mapping

Contract Available for Photogrammetric Services

The Minnesota Department of Transportation desires an aerial surveys firm to provide the following photogrammetric Services conforming to Mn/DOT specifications:

1. Aerial Vertical Photography

Provide negatives taken by the contractor using a precision aerial camera. The negatives shall be suitable for printing photographs and transparencies and for use in the States' photogrammetric instruments for analytical aerial triangulation and map compilation. The state may call for the use of panchromatic, color negative or infrared color emulsions in obtaining the photography.

2. Aerial Oblique Photography

Provide negatives taken by the contractor suitable for printing photography for illustrative purposes.

3. Photographic Laboratory Services

Provide, from aerial negatives, rectified, ratioed and controlled photographic enlargements and mosaics, 9½" × 9½" diapositives on glass or film suitable for photogrammetric compilation of topographic mapping and screened photographic film positives from mosaic negatives.

4. Map Compilation

Provide map compilation by Wild A-10 Autograph or equivalent type instrument for the compilation of topographic maps or photogrammetric cross-sections.

STATE CONTRACTS

Firms desiring consideration shall express their interest and submit their Federal Forms 254 and 255 on or before May 10, 1985. Services are requested for fiscal year 1986 (July 1, 1985 to June 30, 1986).

This is not a request for proposal. Send your response to:

Earl R. Larson
Director of Surveying and Mapping
Room 711
Transportation Building
St. Paul, Minnesota 55155

SUPREME COURT

Decisions Filed Friday, April 12, 1985

Compiled by Wayne O. Tschimperle, Clerk

C0-83-1101 State of Minnesota v. Heardian Montjoy, Appellant. Dakota County.

Defendant received a fair trial and is not entitled to a reduction in his sentence.

Affirmed. Amdahl, C.J.

CX-84-1133 Samuel E. Estes, et al., v. State Farm Fire and Casualty Company, Appellant. Court of Appeals.

Petition granted; decision of the Court of Appeals modified. Amdahl, C.J.

C9-84-1950 Evan J. Henry, petitioner, v. Minnesota Public Utilities Commission. Court of Appeals.

Petition granted, order vacated and matter remanded to the Court of Appeals for decision on the merits of the appeal. Amdahl, C.J.

C5-84-701 State of Minnesota v. Paul Luther Herem, Appellant. Court of Appeals.

Notice of appeal should be liberally construed in favor of its sufficiency.

Reversed and remanded. Amdahl, C.J.

CX-84-922 Thomas E. and Edna D. Carpenter Foundation v. County of Washington, Relator. Tax Court.

The "year for which the taxpayer claims an exemption" under Minn. Stat. § 272.025, subd. 1 (1984) is the year the taxes are assessed.

Reversed. Amdahl, C.J.

C6-83-1376 Neoma Peterson, as Trustee for the Heirs of Rodney R. Peterson v. Little-Giant Glencoe Portable Elevator Division of Dynamics Corporation of America; Easterlund Implement Inc., Appellant; Prince Manufacturing Corporation. Court of Appeals.

The trial court did not abuse its discretion when instructing the jury about the mid-trial settlements between the defendants Glencoe and Prince.

Easterlund was not entitled to a directed verdict in strict liability on its cross-claim against Glencoe and Prince.

Easterlund, as a common enterpriser with the deceased worker's employer, is liable for contribution to other defendants to the extent of its percentage of negligence, but not more than the workers' compensation benefits due.

Affirmed in part, reversed in part, and remanded. Yetka, J.

CX-83-2059 State of Minnesota, Petitioner, v. Dennis Hinkel, Appellant. Court of Appeals.

A search of the defendant, a patron of an illegal "afterhours joint," was valid under a search warrant authorizing the search of "all persons on the premises" of the afterhours establishment.

Reversed, Yetka, J.

Order Filed April 2, 1985

C6-84-335 In the Matter of the Application for the Discipline of John P. Fitzgerald, Jr., an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded and suspended from the practice of law for 90 days. Amdahl, C.J.

State of Minnesota
State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

(612) 297-3000
(toll-free # for MN:
1-800-652-9747)

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CHANGE OF ADDRESS NOTICE

Please notify us as soon as your address changes so that we can continue to serve you.

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Publication(s) you are receiving from us: _____

FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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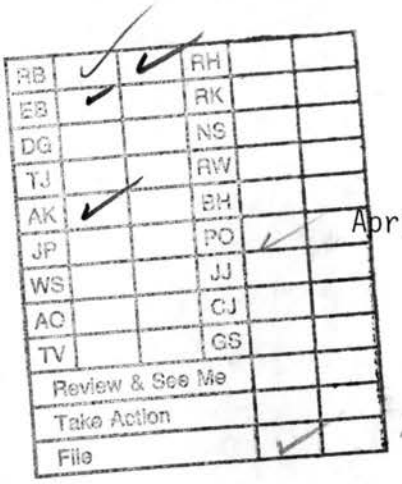

April 26, 1985

Richard Brooks, Director
Building Codes and Standards Division
408 Metro Square Building
7th & Robert Sts.
St. Paul, Minnesota 55101

Dear Mr. Brooks:

Your request for information and opinions as published in the April 22, 1985 issue of the State Registry brings forth these comments for your consideration:

1. Yes, I am in favor of this program if it is attainable by building officials and bear in mind many one or two man operations will have some limitations on attendance at seminars.

2. The thirty credit over three years seems reasonable as I've heard rumors, although I do believe some of the local area meetings such as Medina do have worthwhile programs and should be recognized by some sort of credit. (Example, if attendance at three meetings a one credit should be considered).

3. We all have heard Chapter meetings also will gain credits and there I believe it must have an education program of at least one-half day and be given one credit unless it had a full day of education thereby receiving two credits.

4. Our official annual building inspector's school and any state scheduled seminars can have designated credits and I'm sure whatever method you choose would be acceptable.

5. I also believe whenever we have ICBO seminars separate or in conjunction with annual school additional credits should be granted due to very nature of their well planned and organized seminars. In fact I do also believe any building officials who can verify attendance at past ICBO seminars should be given credit toward the required three year credit cycle.

6. There also seems to be consideration to anyone who takes future B.I.T. Class of added credits, although I can accept this approach I feel it to be unfair to those who have past credits, and in other words all down the drain. Possibly a one time credit be given for past B.I.T. credits in this three year cycle, to say allow up to three credits per year for B.I.T. credits based upon evidence of classes taken in 24 credit, 45 credit, or 90 credit degree program.

7. I also feel instructors who teach these B.I.T. classes must do added preparation and research, and should in fact be given credit or added credits for teaching classes, this may also encourage a larger teaching group for the B.I.T. program.

I'm sure there are many other approaches to this proposed credit program of recertification that will be considered in your final policy. I'd also now like to consider the following in setting up this program, namely Certification Enforcement!

It's fine to have a recertification program but along with this it will not be worth much unless your code division does something on enforcement of so called certified officials who flagrantly violate the code by allowing owners and builders to do anything they desire. As you know I do get around the area and am embarassed and frankly ashamed to be a building official when I see total disregard of the engergy, handicap and building code.

Yes, I can understand when it's an interpretation matter but total disregard is another thing. These building officials should be investigated, reprimanded in some way or their certification be pulled after due notification, also their jurisdiction be advised of such abuse. I feel this to be no difference than the State Board of Registration and architects and engineers trying to clean up the bad guys situation.

I've been on my soap box long enough and should you have any questions or desire clarification on any of these issues please contact me.

Sincerely,

Gil A Dullinger

Gil A. Dullinger
Building Official

GAD:m

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May 10, 1985

Mr. Richard Brooks, Director
Minnesota State Building Code Division
408 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

Re: Proposed rules for re-certification of Building Officials.

Dear Richard,

I am concerned that the draft of proposed rules distributed to the Building Officials Advisory Committee on 5/9/85, if implemented, may create extreme hardship to those officials in rural (outstate) Minnesota where municipal government administration may not support them with time and/or funding for education. (Part-time inspectors).

We should consider a lesser degree of continuing education for those certified for one and two-family dwellings.

A re-take of the examination should provide a three-year certification as for the original exam.

Yours truly,

Sivert Hendrickson

Sivert Hendrickson
Building Official
City of Richfield

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June 13, 1985

Mr. Richard Brooks, Director
Building Codes and Standards
408 Metro Square Building
St. Paul, MN 55101

Dear Mr. Brooks:

A review was made of the proposed Building Official Certification Rules developed by Al Kleinbeck in his Memorandum dated March 26, 1985.

We are concerned with the required eight units of instruction every three years from attendance of the Annual Building Officials Institute.

Certified inspectors are important in maintaining public confidence and respect of the department. During the annual institute, inspectors must be available at home to issue permits, answer questions and make inspections. Therefore, attendance must be rotated to conferences and meetings.

We believe requiring semi-annual attendance of the annual institute would allow rotation and enable the inspectors to remain certified.

Because of the importance being placed on attendance of the Annual Building Officials Institute, we recommend that half of the first day be dedicated to education. The institute could then be granted five units of instruction. Attendance would then fulfill one-half of that year's required units.

Sincerely,

Everett C. Grinolds

Everett C. Grinolds, Chief
Division of Inspection

ECG:dd

cc: Al Kleinbeck
Code Administrator

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NORTH STAR CHAPTER

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Review & See Me					
Take Action					
File HEARING					

May 31, 1985

Building Codes and Standards Division
408 Metro Square Building
7th and Robert Sts,
St. Paul, Minnesota 55101

Gentlemen:

In response to the notice in the State Register, Monday April 22, 1985, the North Star Chapter of the International Conference of Building Officials wishes to offer comment on Proposed Rules Governing Recertification of Building Officials. The Chapter's position is that participation in the code changes process is an activity for which CEU credit should be given for this recertification.

Sincerely,

Glenn A. Erickson
President

GAE:km

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Building Code Division

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT of Administration

Office Memorandum

TO: Alvin Kleinbeck and
Code Consultants

DATE: 6/19/85

FROM: Thomas R. Joachim
Code Administrator

PHONE: 6-7099

SUBJECT: BUILDING OFFICIAL RECERTIFICATION

Other items to consider.

1. Item #6, could the Medina meetings count as 1/3 of a credit provided a 1 hour instruction course is established.

2. Item #11, does that include courses such as english, letter writing, etc.

3. Item #12, should the instructor receive credit for teaching the same course for 3 years.

4. Are outstate courses going to be available.

5. Can ICBO certification be counted for credits. #9 recertification.

6. Can the people who are on a work program or on the job training receive credits.

7. Can there be a test for the latest amendments for credits.

8. Can a certification be put on hold until gainfully employed, then require recertification.

9. #1 are 2 annual schools necessary.

Most felt that it should be eased into, say 21 credits the first 3 year period, then 24, then 30.

Also, all were concerned about notification of hearings.

TRJ:p

Department of Administration

Proposed Rules Relating to Certification Maintenance

Rules as Proposed (all new material)

1300.0940 AUTHORITY; PURPOSE.

Parts 1300.0940 to 1300.0948 are adopted by the commissioner of administration pursuant to Minnesota Statutes, section 16B.65, subdivision 7, to set continuing education standards for certified building officials.

1300.0942 DEFINITIONS.

Subpart 1. **Applicability.** When used in parts 1300.0940 to 1300.0948, the terms defined in this part have the meanings given them.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of administration.

Subp. 3. **Continuing education unit.** "Continuing education unit" means ten hours of educational instruction.

Subp. 4. **State building inspector.** "State building inspector" means the director of the Building Codes and Standards Division of the Department of Administration.

Subp. 5. **Unit of instruction.** "Unit of instruction" means three hours of structured educational participation in a program listed in part 1300.0946.

1300.0944 UNITS OF INSTRUCTION REQUIRED.

This part establishes the number of units of instruction required within a three-year period to maintain certification.

A. A Class I certified building official must receive credit for 18 units of instruction through any of the programs described in part 1300.0946, subpart 1 or 2.

B. A Class II certified building official must receive credit for 24 units of instruction through any of the programs described in part 1300.0946, subpart 1 or 2.

1300.0946 CREDIT FOR INSTRUCTION.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY: Craig E. Lindeke

Subpart 1. **Approved programs.** The following programs are approved for the indicated number of units of instruction:

A. annual Building Official Institute of Minnesota, 2 units per day of attendance;

B. State Building Codes and Standards Division seminars, 2.5 units per day of attendance;

C. International Conference of Building Officials seminars, 3 units per continuing education unit earned;

D. International Conference of Building Officials Annual Education and Code Development Conference, 2 units per day;

E. State International Conference of Building Officials chapter meetings, 1 unit per meeting with a minimum three-hour educational program;

F. regional building official meetings, 1 unit per meeting with a minimum three-hour educational program;

G. area building official luncheon meetings, 0.25 unit per meeting;

H. community college building inspection technology and related courses, 3 units per credit earned;

I. area vocational technical training institute courses in construction, management, or supervision, 1 unit per three hours' instruction or related shop work;

J. certification in an International Conference of Building Officials certificate program taken after January 1, 1985, 4 units per certificate;

K. certification as a "Certified Building Official" by the Council of American Building Officials, after January 1, 1985, 6 units; and

L. teaching a course at the community college level in the building inspection technology program or a course at an area vocational technical institute, 1 unit per three hours of instruction.

Subp. 2. **Other courses.** Courses offered by other states, correspondence schools, universities, or other institutes of learning which offer building code administration and

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

enforcement-related courses must be considered on an individual basis. Each building official must prearrange for unit approval with the state building inspector in order to receive credit. Units must be approved on the basis of comparison with the items identified in subpart 1.

Subp. 3. **Mandatory courses.** The state building inspector may mandate specific courses and required minimum hours in selected subject areas to ensure continuing education in relevant code application and enforcement practices. Parts 1300.0940 to 1300.0948 do not limit the state building inspector from requiring or furnishing more than the number of hours of continuing education required by part 1300.0944.

Subp. 4. **Credit for repeat of courses.** Credit for an educational offering will be allowed only once during a three-year cycle.

Subp. 5. **Review of courses.** All continuing education courses are subject to periodic review and evaluation by the commissioner or the commissioner's designee.

1300.0948 REQUIREMENTS FOR RECERTIFICATION.

Subpart 1. **Submission of information.** Each certified building official must provide evidence to the state building inspector on forms approved by the state building inspector and provided by the Building Codes and Standards Division of attendance or participation in an educational offering and indicate the number of units of instruction earned. The information must be submitted to the state building inspector within 60 days of the last day of the third calendar year following the date of the last certification issued. For persons certified prior to January 1, 1985, the last day of the third calendar year is December 31, 1987.

Subp. 2. **Certificate of renewal.** The commissioner shall issue a certificate of renewal, which is valid for three years, to each applicant who has provided the evidence of units of instruction earned and has submitted the fee within the time indicated in subpart 1. The fee is $20.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 3. **Extension of time for compliance.** The state building inspector may grant an extension of time for compliance with parts 1300.0940 to 1300.0948 if the person requesting the extension of time show cause for the extension. The extension does not relieve the building official from complying with the continuing education requirements for the immediate subsequent three-year period.

Subp. 4. **Reinstatement of certificate.** A building official who has let certification lapse because of unemployment, retirement, or any other reason may be reinstated upon approval of the state building inspector. The reinstatement may be based upon proof of earning continuing educational units, as required, if no more than three years has passed since the certification has lapsed, or taking the test provided for certification as a building official. In either case the appropriate fee must be submitted with the application.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD823

Agency: Department of Administration

Division:

Agency Contact: Al Kleinbeck

Minnesota Rules: Parts 1300.0940; 1300.0942; 1300.0944; 1300.0946; and 1300.0948

Title: Proposed Rules Relating to Certification Maintenance

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Craig E. Lindeke
Senior Assistant Revisor
Phone: 296-0946

Date: February 20, 1986

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

BUILDING CODES & STANDARDS

In the Matter of the Proposed Adoption of Rules for Maintenance of Certification of Class I and Class II Building Official of the State of Minnesota

NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING

NOTICE OF HEARING

Notice is given that a public hearing will be held pursuant to Minnesota Statutue Section 14.14, subdivision 1, in the above entitled matter in the Conference Room of the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101, on September 24, 1986 at 1:00 p.m. and continuing until all interested persons have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements, or arguments. Statements, briefs or written materials may be submitted within the comment period described in this notice without appearing at the hearing by sending them to the administrative law judge assigned to conduct the hearing, Administrative Law Judge Peter C. Erickson, Office of Administrative Hearings, 400 Summit Bank, 310 4th Avenue South, Minneapolis, Minnesota 55415, (612) 341-7606. The rule hearing procedure is governed by Minnesota Statutes, sections 14.14 - 14.20 and by Minnesota Rules, parts 1400.0200 - .1200. Questions regarding procedures may be directed to the Administrative Law Judge at the above listed address and phone number.

PLEASE NOTE, HOWEVER, THAT THIS HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A HEARING PUBLISHED IN THE SAME STATE REGISTER AND MAILED THE SAME DAY AS THIS NOTICE.

To verify whether a public hearing will be held, please call the Building Codes and Standards Division after September 12, 1986 at (612) 296-4639.

The Commissioner of Administration (hereinafter "Commissioner") has determined that the proposed adoption of these rules are necessary to provide a vehicle for the requirements of the continuing education needs of Building Officials that have been or will be certified by the Department of Administration.

Authority for the adoption of these rules is contained in Minnesota Statutes Section 16B.65 Subd. 7. Additionally a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available for review at the Building Codes and Standards Division office and at the Office of Administrative Hearings. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Adminstrative Hearings at the cost of reproduction. You are advised, pursuant to Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rules will not have an impact on small businesses in Minnesota. Also, pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed $200.00 in either of the two years following the adoption of these rules, within the meaning of that law.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives and persons making oral statements will be permitted for purposes material to the evaluation or formulation of the proposed rules. As a result of the hearing process, the proposed rule may be modified.

Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during the comment period will be available for review at the Office of Administrative Hearings. Following the five to twenty day comment period, there will be a three day period in which the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three day period. The written responses will be added to the record of the proceeding.

Notice: Any person may request notification of the date which the Administrative Law Judge's report will be available, after which date the Building Codes and Standards may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Building Codes and Standards Division at any time prior to the filing of the rules with the Secretary of State.

Minnesota Statutes, Chapter 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 Minnesota Statutes, section 10A.01, subidivision 11 as an 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 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 $350, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 No. Robert Street, St. Paul, Minnesota 55101 telephone (612) 296-5148.

One free copy of this notice and the proposed rule may be obtained by contacting Margaret Opalinski, Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

Date: July 31, 1986

Sandra J. Hale

SANDRA J. HALE, COMMISSIONER
DEPT. OF ADMINISTRATION

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Commissioner of Administration proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Administration has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

The Commissioner proposes to adopt rules governing the guidelines providing for continuing education units to be earned by Class I and Class II Certified Building Officials.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Building Codes and Standards Division and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to provisions of Minnesota Statutes, section 14.13 to 14.18.

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

Margaret Opalinski

Building Codes and Standards Division

408 Metro Square Building

7th and Robert Streets

St. Paul, Minnesota 55101

Comments or requests for a public hearing must be received by the Building Codes and Standards Division by 4:30 p.m., September 16, 1986.

Authority for the adoption of these rules is contained in Minnesota Statutes, section 16B.58 through 16B.73. Additionally a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available for review at the Building Codes and Standards Division.

You are advised, pursuant to Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed $200.00 in either of the two years following the adoption of these rules, within the meaning of that law.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written

comments received, and the final Rules as Adopted, will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Building Codes and Standards Division.

A copy of this Notice and the proposed rules are available and may be obtained by request from the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

Date: July 31, 1986

Sandra J. Hale

SANDRA J. HALE, COMMISSIONER
DEPT. OF ADMINISTRATION

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS DIVISION

In the Matter of Proposed Adoption
of Rules for the Maintenance of Certification
of Class I and Class II Building
Officials of the State of Minnesota

STATEMENT OF NEED
AND REASONABLENESS

The proposed rules and amendments to the existing Minnesota State Building Code are made pursuant to MN Stat. Section 16B.59.

Pursuant to MN Stat. Section 16B.59 to 16B.73, the Commissioner of Administration is charged with the responsibility of promulgating the Minnesota State Building Code. It is the duty of the Commissioner to amend the Minnesota State Building Code to maintain the most modern code standards regarding minimum safeguards of life, limb, health, property, and public welfare as well as regulating and controlling the design, construction, quality of materals, use and maintenance of buildings and structures.

The implementation of these rules will not require the expenditure of public money by local bodies of greater than $200.00 in either of the two years following adoption. The small business considerations in rulemaking do not apply to these amendments pursuant to Minnesota Statutes, Section 14.115, subd. (8c) (1984). Most local governments establish a budget line for training of its employees where there is need for upgrading of standards or changes in requirements of areas regulated by local governments. To help defray some of the expense involved in continuing education of certified employees, a portion of the surcharge rebate authorized by MN Stats. 16B.70, refunded to the municipalities on a biennium basis, could be earmarked to that purpose, thereby reducing or eliminating any additional public monies to carry out the program of these rules. Therefore in the implementation of these

rules it is estimated that these rules should not require an additional expenditure of public monies by local governments of more than $200.00 in each of the two years following adoption of these rules.

A number of building officials sought guidelines concerning a requirement for continuing education and recertification in the early 1980's. It had been determined that a statutory amendment was necessary so that the Department of Administration, Building Codes and Standards Division could establish by rule the requirements to satisfy that need.

The Session Laws of 1984, Chapter 578, amended Minnesota Statutes 1982, Section 16.861, by adding subdivison 3a, authorizing the Commissioner of Administration to establish or authorize by rule continuing education programs for municipal building officials dealing with matters of building code administration, inspection and enforcement.

The law established a three year time frame for building officials to satisfactorily complete educational programs established or approved by the commissioner, in order to retain certification. The law also requires that such certified individuals must submit evidence of completing the minimum requirements established and payment of a renewal fee. For those people certified prior to January 1, 1985, their three year cycle begins as of January 1, 1985. All subsequent new certifications will begin their three year cycle as of the date of their certification.

The proposed rules present the guidelines by which certified building officials have an obligation and opportunity to be involved in an educational process to keep abreast with changes in code administration, laws, and technologies which comprise the basis for assuring that the current minimum standards are maintained and enforced.

Continuing education is essential for practicing building officials and other certified building officials to remain current regarding changes in the codes, new methods of construction, new materials used in constuction and to keep informed of constantly changing state and federal regulations pertaining to codes administration and application.

Training and administration, regulatory writing, budget preparation, building code techniques and procedures are essential. The continuing training programs and building official chapter activities are currently available, reasonably obtainable and minimal in scope.

The renewal of certification every three calendar years is predicated on a minimum of continuing education and professional activities which will provide for a more informed building official. The informed building official would be a greater asset to the municipality that employs such an individual and should more uniformly carry out the responsibilities of providing for safe, healthful structures for the citizens of the community as well as the State of Minnesota through proper code application, enforcement and administration.

Elroy Berdahl, Section Chief, and Alvin Kleinbeck, Code Administrator, of the Building Codes and Standards Division will appear in behalf of the proposed rules if a public hearing is required. They will testify regarding the need for and reasonableness of the proposed rules. The substance of the testimony is set forth herein.

The following is the evidence and argument which supports the need for and reasonableness of the proposed rules:

1300.0940 This part establishes the authority and purpose of the proposed rules.

1300.0942 This part contains the definitions of terms used in the proposed rules. In determining the values assigned to the "continuing education unit", subp. 3, and the "unit of instruction" subp. 5, a comparison was made to the C.E.U. criteria recognized nationally as a value point for the hours of time given to education offerings usually offered to post secondary school aged persons. (i.e. one C.E.U. credit is equal to 10 hours of classroom instruction.) We are proposing to establish by rule that a unit of instruction is equal to three hours of programmed instruction. If a person receives 1 C.E.U. from a study program then we would consider it to have a value of 3 units of instruction.

1300.0944 This part establishes the number of continuing education units of instruction required within the three year period for each class of certified building official.

1300.0946 This part assigns the unit of instruction values to each subject used for continuing education courses suitable to building inspection

1300.0946 cont. services. General time involvement through experience is used to determine a reasonable time credit assignment to the various types of potential activities or studies as listed in items A to I of this part. The credit assigned to the earning of certificates listed in items J and K is based upon the time frame alloted to write the examination together with the expertise demonstrated in successfully receiving a certificate.

1300.0948 This part establishes the process that building officials must follow in submitting evidence to the commissioner. It will identify their participation in and receiving credit toward their re-certification. It states the dollar amount of the fee. It provides the vehicle for an extention of time in order to comply with the requirements of the rules if needed. The fee assessed for recertification has been considered to assist in underwriting the cost of supplying and issuing a recertification card valid for the three year period designated.

July 31, 1986
Date

Sandra J. Hale
Sandra J. Hale, Commissioner
Department of Administration

In the Matter of the Proposed Adoption
of Rules for Maintenance of Certification
of Class I and Class II Building
Official of the State of Minnesota

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Gloria Safford, being first duly sworn deposes and says:

That on the 21st day of August, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules with a Public Hearing/Notice of Intent to Adopt Rules Without a Public 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 21st day of August, 1986.

Janice G. Johnson
Janice G. Johnson

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

STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION



Monday 18 August 1986

VOLUME 11, NUMBER 7

Pages 241-320

STATE REGISTER

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, official notices to the public, state and non-state public contracts, grants, and supreme court and tax court decisions. Judicial notice shall be taken of material published in the *State Register*.

Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
7	Monday 4 August	Monday 11 August	Monday 18 August
8	Monday 11 August	Monday 18 August	Monday 25 August
9	Monday 18 August	Monday 25 August	Monday 1 September
10	Monday 25 August	Friday 29 August	Monday 8 September

*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 editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. 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 $3.50 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.

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 111 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

The PROPOSED RULES section contains:

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

The ADOPTED RULES section contains:

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

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

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

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before April 8, 1985 are published in the *Minnesota Rules 1985*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 are included in a supplement published in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

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

MINNESOTA RULES AMENDMENTS AND ADDITIONS

NOTE: This listing includes all proposed and adopted rules printed in this issue except emergency rules and errata for this issue. Please see those sections for the appropriate rule numbers.

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PROPOSED RULES

Pursuant to Minn. Stat. of 1984, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

Department of Administration Building Codes & Standards

Notice of Intent to Adopt Rules with a Public Hearing

Notice is given that a public hearing will be held pursuant to Minnesota Statute Section 14.14, subdivision 1, in the above entitled matter in the Conference Room of the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101, on September 24, 1986 at 1:00 p.m. and continuing until all interested persons have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements, or arguments. Statements, briefs or written materials may be submitted within the comment period described in this notice without appearing at the hearing by sending them to the administrative law judge assigned to conduct the hearing, Administrative Law Judge Peter C. Erickson, Office of Administrative Hearings, 400 Summit Bank, 310 4th Avenue South, Minneapolis, Minnesota 55415, (612) 341-7606. The rule hearing procedure is governed by Minnesota Statutes, sections 14.14-14.20 and by Minnesota Rules, parts 1400.0200-.1200. Questions regarding procedures may be directed to the Administrative Law Judge at the above listed address and phone number.

PLEASE NOTE, HOWEVER, THAT THIS HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A HEARING PUBLISHED IN THE SAME *STATE REGISTER* AND MAILED THE SAME DAY AS THIS NOTICE.

To verify whether a public hearing will be held, please call the Building Codes and Standards Division after September 12, 1986 at (612) 296-4639.

The Commissioner of Administration (hereinafter "Commissioner") has determined that the proposed adoption of these rules are necessary to provide a vehicle for the requirements of the continuing education needs of Building Officials that have been or will be certified by the Department of Administration.

Authority for the adoption of these rules is contained in Minnesota Statutes Section 16B.65 Subd. 7. Additionally a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available for review at the Building Codes and Standards Division office and at the Office of Administrative Hearings. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at the cost of reproduction. You are advised, pursuant to Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rules will not have an impact on small businesses in Minnesota. Also, pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed $200.00 in either of the two years following the adoption of these rules, within the meaning of that law.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives and persons making oral statements will be permitted for purposes material to the evaluation or formulation of the proposed rules. As a result of the hearing process, the proposed rule may be modified. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during the comment period will be available for review at the Office of Administrative Hearings. Following the five to twenty day comment period, there will be a three day period in which

the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three day period. The written responses will be added to the record of the proceeding.

Notice: Any person may request notification of the date which the Administrative Law Judge's report will be available, after which date the Building Codes and Standards may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Building Codes and Standards Division at any time prior to the filing of the rules with the Secretary of State.

Minnesota Statutes, Chapter 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 Minnesota Statutes, section 10A.01, subdivision 11 as an 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 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 $350, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 No. Robert Street, St. Paul, Minnesota 55101 telephone (612) 296-5148.

One free copy of this notice and the proposed rule may be obtained by contacting Margaret Opalinski, Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

Dated: 31 July 1986

Sandra J. Hale, Commissioner
Dept. of Administration

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Commissioner of Administration proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Administration has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

The Commissioner proposes to adopt rules governing the guidelines providing for continuing education units to be earned by Class I and Class II Certified Building Officials.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Building Codes and Standards Division and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to provisions of Minnesota Statutes, section 14.13 to 14.18.

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

Margaret Opalinski
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

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.

Comments or requests for a public hearing must be received by the Building Codes and Standards Division by 4:30 p.m., September 16, 1986.

Authority for the adoption of these rules is contained in Minnesota Statutes, section 16B.58 through 16B.73. Additionally a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available for review at the Building Codes and Standards Division.

You are advised, pursuant to Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed $200.00 in either of the two years following the adoption of these rules, within the meaning of that law.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted, will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Building Codes and Standards Division.

A copy of this Notice and the proposed rules are available and may be obtained by request from the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

Dated: 31 July 1986

Sandra J. Hale, Commissioner
Dept. of Administration

Statement of Need and Reasonableness

The proposed rules and amendments to the existing Minnesota State Building Code are made pursuant to MN Stat. Section 16B.59.

Pursuant to MN Stat. Section 16B.59 to 16B.73, the Commissioner of Administration is charged with the responsibility of promulgating the Minnesota State Building Code. It is the duty of the Commissioner to amend the Minnesota State Building Code to maintain the most modern code standards regarding minimum safeguards of life, limb, health, property, and public welfare as well as regulating and controlling the design, construction, quality of materials, use and maintenance of buildings and structures.

The implementation of these rules will not require the expenditure of public money by local bodies of greater than $200.00 in either of the two years following adoption. The small business considerations in rulemaking do not apply to these amendments pursuant to Minnesota Statutes, Section 14.115, subd. (8c) (1984). Most local governments establish a budget line for training of its employees where there is need for upgrading of standards or changes in requirements of areas regulated by local governments. To help defray some of the expense involved in continuing education of certified employees, a portion of the surcharge rebate authorized by MN Stats. 16B.70, refunded to the municipalities on a biennium basis, could be earmarked to that purpose, thereby reducing or eliminating any additional public monies to carry out the program of these rules. Therefore in the implementation of these rules it is estimated that these rules should not require an additional expenditure of public monies by local governments of more than $200.00 in each of the two years following adoption of these rules.

A number of building officials sought guidelines concerning a requirement for continuing education and recertification in the early 1980's. It had been determined that a statutory amendment was necessary so that the Department of Administration, Building Codes and Standards Division could establish by rule the requirements to satisfy that need.

The Session Laws of 1984, Chapter 578, amended Minnesota Statutes 1982, Section 16.861, by adding subdivision 3a, authorizing the Commissioner of Administration to establish or authorize by rule continuing education programs for municipal building officials dealing with matters of building code administration, inspection and enforcement.

The law established a three year time frame for building officials to satisfactorily complete educational programs established or approved by the commissioner, in order to retain certification. The law also requires that such certified individuals must submit evidence of completing the minimum requirements established and payment of a renewal fee. For those people certified prior to January 1, 1985, their three year cycle begins as of January 1, 1985. All subsequent new certifications will begin their three year cycle as of the date of their certification.

The proposed rules present the guidelines by which certified building officials have an obligation and opportunity to be involved in an educational process to keep abreast with changes in code administration, laws, and technologies which comprise the basis for assuring that the current minimum standards are maintained and enforced.

Continuing education is essential for practicing building officials and other certified building officials to remain current regarding

changes in the codes, new methods of construction, new materials used in construction and to keep informed of constantly changing state and federal regulations pertaining to codes administration and application.

Training and administration, regulatory writing, budget preparation, building code techniques and procedures are essential. The continuing training programs and building official chapter activities are currently available, reasonably obtainable and minimal in scope.

The renewal of certification every three calendar years is predicated on a minimum of continuing education and professional activities which will provide for a more informed building official. The informed building official would be a greater asset to the municipality that employs such an individual and should more uniformly carry out the responsibilities of providing for safe, healthful structures for the citizens of the community as well as the State of Minnesota through proper code application, enforcement and administration.

Elroy Berdahl, Section Chief, and Alvin Kleinbeck, Code Administrator, of the Building Codes and Standards Division will appear in behalf of the proposed rules if a public hearing is required. They will testify regarding the need for and reasonableness of the proposed rules. The substance of the testimony is set forth herein.

The following is the evidence and argument which supports the need for and reasonableness of the proposed rules:

1300.0940

This part establishes the authority and purpose of the proposed rules.

1300.0942

This part contains the definitions of terms used in the proposed rules. In determining the values assigned to the "continuing education unit", subp. 3, and the "unit of instruction" subp. 5, a comparison was made to the C.E.U. criteria recognized nationally as a value point for the hours of time given to education offerings usually offered to post secondary school aged persons. (i.e. one C.E.U. credit is equal to 10 hours of classroom instruction.) We are proposing to establish by rule that a unit of instruction is equal to three hours of programmed instruction. If a person receives 1 C.E.U. from a study program then we would consider it to have a value of 3 units of instruction.

1300.0944

This part establishes the number of continuing education units of instruction required within the three year period for each class of certified building official.

1300.0946

This part assigns the unit of instruction values to each subject used for continuing education courses suitable to building inspection services. General time involvement through experience is used to determine a reasonable time credit assignment to the various types of potential activities or studies as listed in items A to I of this part. The credit assigned to the earning of certificates listed in items J and K is based upon the time frame alloted to write the examination together with the expertise demonstrated in successfully receiving a certificate.

1300.0948

This part establishes the process that building officials must follow in submitting evidence to the commissioner. It will identify their participation in and receiving credit toward their re-certification. It states the dollar amount of the fee. It provides the vehicle for an extention of time in order to comply with the requirements of the rules if needed. The fee assessed for recertification has been considered to assist in underwriting the cost of supplying and issuing a recertification card valid for the three year period designated.

Dated: 31 July 1986

Sandra J. Hale, Commissioner
Department of Administration

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.

Department of Administration

Proposed Rules Relating to Certification Maintenance

Rules as Proposed (all new material)

1300.0940 AUTHORITY; PURPOSE.

Parts 1300.0940 to 1300.0948 are adopted by the commissioner of administration pursuant to Minnesota Statutes, section 16B.65, subdivision 7, to set continuing education standards for certified building officials.

1300.0942 DEFINITIONS.

Subpart 1. **Applicability.** When used in parts 1300.0940 to 1300.0948, the terms defined in this part have the meanings given them.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of administration.

Subp. 3. **Continuing education unit.** "Continuing education unit" means ten hours of educational instruction.

Subp. 4. **State building inspector.** "State building inspector" means the director of the Building Codes and Standards Division of the Department of Administration.

Subp. 5. **Unit of instruction.** "Unit of instruction" means three hours of structured educational participation in a program listed in part 1300.0946.

1300.0944 UNITS OF INSTRUCTION REQUIRED.

This part establishes the number of units of instruction required within a three-year period to maintain certification.

A. A Class I certified building official must receive credit for 18 units of instruction through any of the programs described in part 1300.0946, subpart 1 or 2.

B. A Class II certified building official must receive credit for 24 units of instruction through any of the programs described in part 1300.0946, subpart 1 or 2.

1300.0946 CREDIT FOR INSTRUCTION.

Subpart 1. **Approved programs.** The following programs are approved for the indicated number of units of instruction:

A. annual Building Official Institute of Minnesota, 2 units per day of attendance;

B. State Building Codes and Standards Division seminars, 2.5 units per day of attendance;

C. International Conference of Building Officials seminars, 3 units per continuing education unit earned;

D. International Conference of Building Officials Annual Education and Code Development Conference, 2 units per day;

E. State International Conference of Building Officials chapter meetings, 1 unit per meeting with a minimum three-hour educational program;

F. regional building official meetings, 1 unit per meeting with a minimum three-hour educational program;

G. area building official luncheon meetings, 0.25 unit per meeting;

H. community college building inspection technology and related courses, 3 units per credit earned;

I. area vocational technical training institute courses in construction, management, or supervision, 1 unit per three hours' instruction or related shop work;

J. certification in an International Conference of Building Officials certificate program taken after January 1, 1985, 4 units per certificate;

K. certification as a "Certified Building Official" by the Council of American Building Officials, after January 1, 1985, 6 units; and

L. teaching a course at the community college level in the building inspection technology program or a course at an area vocational technical institute, 1 unit per three hours of instruction.

Subp. 2. **Other courses.** Courses offered by other states, correspondence schools, universities, or other institutes of learning which offer building code administration and enforcement-related courses must be considered on an individual basis. Each building official must prearrange for unit approval with the state building inspector in order to receive credit. Units must be approved on the basis of comparison with the items identified in subpart 1.

Subp. 3. **Mandatory courses.** The state building inspector may mandate specific courses and required minimum hours in

selected subject areas to ensure continuing education in relevant code application and enforcement practices. Parts 1300.0940 to 1300.0948 do not limit the state building inspector from requiring or furnishing more than the number of hours of continuing education required by part 1300.0944.

Subp. 4. **Credit for repeat of courses.** Credit for an educational offering will be allowed only once during a three-year cycle.

Subp. 5. **Review of courses.** All continuing education courses are subject to periodic review and evaluation by the commissioner or the commissioner's designee.

1300.0948 REQUIREMENTS FOR RECERTIFICATION.

Subpart 1. **Submission of information.** Each certified building official must provide evidence to the state building inspector on forms approved by the state building inspector and provided by the Building Codes and Standards Division of attendance or participation in an educational offering and indicate the number of units of instruction earned. The information must be submitted to the state building inspector within 60 days of the last day of the third calendar year following the date of the last certification issued. For persons certified prior to January 1, 1985, the last day of the third calendar year is December 31, 1987.

Subp. 2. **Certificate of renewal.** The commissioner shall issue a certificate of renewal, which is valid for three years, to each applicant who has provided the evidence of units of instruction earned and has submitted the fee within the time indicated in subpart 1. The fee is $20.

Subp. 3. **Extension of time for compliance.** The state building inspector may grant an extension of time for compliance with parts 1300.0940 to 1300.0948 if the person requesting the extension of time show cause for the extension. The extension does not relieve the building official from complying with the continuing education requirements for the immediate subsequent three-year period.

Subp. 4. **Reinstatement of certificate.** A building official who has let certification lapse because of unemployment, retirement, or any other reason may be reinstated upon approval of the state building inspector. The reinstatement may be based upon proof of earning continuing educational units, as required, if no more than three years has passed since the certification has lapsed, or taking the test provided for certification as a building official. In either case the appropriate fee must be submitted with the application.

Department of Administration

Proposed Rules Relating to Minnesota State Building Code

Notice of Intent to Adopt Rule with a Public Hearing

Notice is given that a public hearing will be held pursuant to Minnesota Statute Section 14.14, subdivision 1, in the above entitled matter in the Conference Room of the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101, on September 24, 1986 at 1:00 p.m. and continuing until all interested persons have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements, or arguments. Statements, briefs or written materials may be submitted within the comment period described in this notice without appearing at the hearing by sending them to the administrative law judge assigned to conduct the hearing, Administrative Law Judge Peter C. Erickson, Office of Administrative Hearings, 400 Summit Bank, 310 4th Avenue South, Minneapolis, Minnesota 55415, (612) 341-7606. The rule hearing procedure is governed by Minnesota Statutes, sections 14.14-14.20 and by Minnesota Rules, parts 1400.0200-.1200. Questions regarding procedures may be directed to the Administrative Law Judge at the above listed address and phone number.

PLEASE NOTE, HOWEVER, THAT THIS HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A HEARING PUBLISHED IN THE SAME *STATE REGISTER* AND MAILED THE SAME DAY AS THIS NOTICE.

To verify whether a public hearing will be held, please call the Building Codes and Standards Division after September 12, 1986 at (612) 296-4639.

The Commissioner of Administration (hereinafter "Commissioner") has determined that the proposed adoption of these rules is necessary to update the current rules by incorporating the adoption of the 1985 Edition of the Uniform Building Code with amendments as necessary.

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 State Building Code Rules, 1985 Edition (Minnesota Rule 1300.0100 to 1365.0800) adopted the 1982 Edition of the Uniform Building Code and certain amendments thereto by reference as a portion of the Minnesota State Building Code. The proposed amendments to the 1985 Rules update the Minnesota State Building Code by incorporating the 1985 Edition of the Uniform Building Code, International Conference of Building Officials, Whittier, California. These amendments also amend the 1985 State Building Code in such a manner as, and only where necessary, to correlate section numbers and subject terminology appearing in the 1985 Edition of the Uniform Building Code.

Additionally, the amendments correct printing errors in the 1985 Edition of the State Building Code as well as revising and recommending changes to Rules 1300-State Building Code; 1315-Electrical Code; 1320-Elevator Code; 1340-Handicapped Provisions; 1355-Plumbing Code; which also includes amendments to Rule 4715 coordinated with the Minnesota Department of Health; 1360-Manufactured Structures, which provides clarification by substituting different wording for existing terminology and reflect language changes requested by the Office of the Minnesota Revisor of Statutes designed to eliminate redundant wording and use of archaic language.

Authority for the adoption of these rules is contained in Minnesota Statutes section 16B.58 through 16B.73. Additionally a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available for review at the Building Codes and Standards Division and at the Office of Administrative Hearings. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at the cost of reproduction. You are advised, pursuant to Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rules will not have an impact on small businesses in Minnesota. Also, pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed $200.00 in either of the two years following the adoption of these rules, within the meaning of that law.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives and persons making oral statements will be permitted for purposes material to the evaluation or formulation of the proposed rules. As a result of the hearing process, the proposed rule may be modified. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during the comment period will be available for review at the Office of Administrative Hearings. Following the five to twenty day comment period, there will be a three day period in which the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three day period. The written responses will be added to the record of the proceeding.

Notice: Any person may request notification of the date which the Administrative Law Judge's report will be available, after which date the Building Codes and Standards Division may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Building Codes and Standards Division at any time prior to the filing of the rules with the Secretary of State.

Minnesota Statutes, Chapter 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 Minnesota Statutes, section 10A.01, subdivision 11 as an 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 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 $350, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 No. Robert Street, St. Paul, Minnesota 55101 telephone (612) 296-5148.

One free copy of this notice and the proposed rule may be obtained by contacting Margaret Opalinski, Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

Dated: 31 July 1986

Sandra J. Hale, Commissioner
Dept. of Administration

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Commissioner of Administration proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Administration has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

The State Building Code Rules, 1985 Edition (Minnesota Rule 1300.0100 to 1365.0800) adopted the 1982 Edition of the Uniform Building Code and certain amendments thereto by reference as a portion of the Minnesota State Building Code. The proposed amendments to the 1985 Rules update the Minnesota State Building Code by incorporating the 1985 Edition of the Uniform Building Code, International Conference of Building Officials, Whittier, California. There amendments also amend the 1985 State Building Code in such manner as, and only where necessary, to correlate section numbers and subject terminology appearing in the 1985 Edition of the Uniform Building Code.

Additionally, the amendments correct printing errors in the 1985 Edition of the State Building Code as well as revising and recommending changes to Rules 1300-State Building Code; 1315-Electrical Code; 1320-Elevator Code; 1340-Handicapped Provisions; 1355-Plumbing Code; which also includes amendments to Rule 4715 coordinated with the Minnesota Department of Health; 1360-Manufactured Structures, which provides clarification by substituting different wording for existing terminology and reflect language changes requested by the Office of the Minnesota Revisor of Statutes designed to eliminate redundant wording and use of archaic language. Persons interested in these rules shall have 30 days to submit comments on the proposed rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Building Codes and Standards Division and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to provisions of Minnesota Statutes, section 14.13 to 14.18.

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

Margaret Opalinski
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

Comments or requests for a public hearing must be received by the Building Codes and Standards Division by 4:30 p.m., September 16, 1986.

Authority for the adoption of these rules is contained in Minnesota Statutes, section 16B.58 through 16B.73. Additionally a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available for review at the Building Codes and Standards Division.

You are advised, pursuant to Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed $200.00 in either of the two years following the adoption of these rules, within the meaning of that law.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted, will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Building Codes and Standards Division.

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.

A copy of this Notice and the proposed rules are available and may be obtained by request from the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

Dated: 31 July 1986

Sandra J. Hale, Commissioner
Dept. of Administration

Statement of Need and Reasonableness

The above-captioned proposed rules are amendments to the existing Minnesota State Building Code.

Pursuant to MN Stat. Section 16B.59 to 16B.73, the Commissioner of Administration is charged with the responsibility of promulgating the Minnesota State Building Code. It is the duty of the commissioner to amend the Minnesota State Building Code to maintain the most modern code standards regarding minimum safeguards of life, limb, health, property and public welfare together with regulating and controlling the design, construction, quality of materials, use and maintenance of buildings and structures.

The Minnesota State Building Code Rules, 1985 printing, effective January 7, 1985, Minnesota Rules 1300.0100 to 1300.0200, 1305.0100 to 1305.7100, 1310.0100 to 1310.9300, 1315.0200 to 1315.0400, 1320.0100 to 1320.2700, 1325.1000 to 1325.9500, 1330.0100 to 1330.2100, 1335.0200 to 1335.3000, 1340.0200 to 1340.9900, 1345.0010 to 1345.3300, 1350.0100 to 1350.9200, 1355.0100, 1360.0100 to 1360.3700, 1365.0200 to 1365.0800, 4215.0100 to 4215.6100 and 4715.0100 to 4715.0100 to 4715.6000, adopted the 1982 Edition of the Uniform Building Code by reference with certain amendments as a portion of the Minnesota State Building Code. The amendments to the 1985 publication of the rules updates the Minnesota State Building Code to incorporate the adoption of the 1985 Edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, Whittier, California.

The proposed rules contain certain amendments to the Minnesota State Building Code, including Chapter 1305 which adopts and includes amendments to the 1985 Edition of the Uniform Building Code; Chapter 1315, the Electrical Code; Chapter 1320, the Elevator and Related Machines Code; Chapter 1340, Facilities for the Handicapped; Chapter 1355, the Minnesota Plumbing Code; Chapter 1360, Prefabricated Structures Code.

The proposed rules conform as far as practicable to model building codes. They reflect amendments for regional utilization in keeping with the legislative intent of MN Stat. Section 16B.61. The amendments provide for a reorganization of certain sections to place them within respective subject matter, change wording to clarify the intent where there has been confusion in application of certain sections, adopt and update to current national model code standards, and language changes requested by the Office of the Minnesota Revisor of Statutes designed to eliminate redundant wording and the use of archaic language.

Any business entity which constructs, expands or remodels buildings is required to comply with the Minnesota State Building Code. When adopted, these proposed rules become part of the Minnesota State Building Code and will be applicable to all future construction. The rules are not applicable to existing structures unless they are declared unsafe (hazardous and substandard buildings, MN Stat. Section 463.15 to 463.26) or as otherwise modified by Section 104 of the Uniform Building Code, 1985 Edition.

The Building Codes and Standards Division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods prescribed by MN Stat. Section 14.115, subd. 2, for reducing the impact of the rules on small businesses. The proposed rules do not require businesses to make reports so the requirements for reporting identified in items (a), (b) and (c) are not applicable.

Compliance requirements of items (a), (b), (c) and (e) are not appropriate because the purpose of these rules is to establish a minimum uniform standard for construction of all public, private, commercial, industrial or residential structures within the State of Minnesota to protect life, limb, health, property, and public welfare of the residents of the state at the least possible cost consistent with recognized standards. MN Stat. Section 16B.59 (1984). To exempt small busineses from any or all requirements of the rules would be contrary to the statutory objectives that are the basis of the proposed rulemaking, MN Stat. Section 16B.59, 16B.61 and 16B.64. The legislature has specifically mandated that the uniformity of building standards is in the public interest. MN Stat. Section 16B.85 states in part:

> The (building) code and any amendments thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States.

Minnesota Statute Section 14.115, subd. 2(d) calls for the establishment of performance standards for small businesses as one method of reducing the adverse impact of rules upon them. The code and its amendments are based on the application of scientific principles, approved tests and professional judgement; and to the extent practicable, are in terms or results rather than requiring specific methods or materials. The Building Code uses performance standards wherever possible. Since the performance standards apply across the board to all entities subject to the Building Code, the methods of reducing the impact of the rules provided by Subdivision 2(d) has been utilized. No special changes are necessary for small businesses.

The Building Codes and Standards Division has evaluated the effects of MN Stats. 3.981 to 3.983 and 14.131 and believe that the promulgation of these proposed rules will not result in the expenditure of additional monies by local public bodies nor have an impact on agricultural land and meets the test of the exceptions to fiscal notes as provided by MN Stat. 3.983.

Elroy Berdahl, Supervisor, and Alvin Kleinbeck, Code Administrator, of the Building Codes and Standards Division will appear on behalf of the proposed rules at the hearing if a hearing is required. They will testify regarding the need for and reasonableness of the proposed rules. The substance of the testimony is set forth herein.

The following is the evidence and argument which supports the need for and reasonableness of the proposed rules.

General

The name "Minnesota" has been added to preface all references to "State Building Code". Specific locations will not be further identified in this supporting section. Other wording has been changed or deleted in keeping with the language changes suggested by the Office of the Minnesota Revisor of Statutes designed to eliminate redundant wording and the use of archaic language.

1300.0300 Subp. 6

Deleted addresses because it is superfluous.

1300.0400

The last portion of the first sentence has been deleted because the committee requirement has been eliminated from the law.

1300.0500 Subp. 1

Language added for clarity, intent and meaning remains the same.

Subp. 2.a.

Item added for clarity of function, intent and meaning remains the same.

1300.0600

Language added to identify that the reports and remittances required to be filed with the commissioner should be directed to the state building inspector.

1300.0700

See "general statement" at the beginning of the statement information.

1300.1100 Subps. 2 & 3

Wording changes reflect the proposed changes in Chapter 1360 and contain change recommended by the Office of the Minnesota Revisor of Statutes guidelines.

1300.1100 Subp. 4

Deleted address because of superfluity. Changes in identity from manufactured to prefabricated buildings to be consistent with changes in Chapter 1360.

1300.1150

This section is being relocated in its entirety to Chapter 38 of the Uniform Building Code adding a new section 3808.

1300.1300

Language changed to follow the Office of the Minnesota Revisor of Statutes guidelines.

1300.1400 Subp. 8

This item changes the Edition date of code being adopted.

1300.1500

Deleted paragraph to be consistent with national model code language, UBC Section 104(b).

1300.1900

This section has been changed to improve clarity of the various chapters of the Minnesota State Building Code which are required to be adopted and administered and those which are optional for the local government to adopt and administer.

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Chapter 1305

1305.0100 Adoption of 1985 UBC

This item is changed to reflect the Edition date of the code being adopted and the name of the State of Minnesota added. (See General Statement at the beginning of the evidence and argument for support of the need for and reasonableness of the proposed rules.)

1305.0150 Appendix Administration Requirements

New section to identify which appendix provision of the 1985 Uniform Building Code are declared mandatory and which are optional for the local government to adopt and administer.

1305.0500 UBC Section 204 Board of Appeals

Item reworded to follow national model code language and added language of the existing state amendment.

1305.0800 UBC Section 304 Permit Fees

The language contained in UBC is the preferred format and adjustments have been made to include Revisor's Office language clarification. UBC 304(b) is revised to identify national model code language and added language to clarify that each local government must establish by ordinance its own fee schedule for permit fees.

1305.0900 UBC Section 305(e)1, 2 Inspection Requirements

Item awarded to maintain national model code language. This item includes the inspection needs for wood foundation systems, and retains the state amendment for the inspection of insulation installations and manufactured homes (mobile homes).

1305.1355 UBC Section 417 Pedestrian Definition

Deleted because definition is in 1985 UBC is the acceptable terminology.

1305.1400 UBC Section 420 Change of Agency Name

Language changed to reflect new identity of a state agency (see general statement).

1305.1590 UBC Section 509 Pedestrian Way

This is all new language with some amendments to reflect national model code language together with amended portions which are contained in the present state amendment. This is all new language in the 1985 Edition of the Uniform Building Code and the proposed amendments reflect those items in the state amendment that is necessary to be continued in the 1985 UBC language.

1305.1795 Table 5-E Required Sanitation Fixtures Table

This item is relocated from existing part 1305.4300 to 1305.1795 in order to locate it at a more appropriate location in the context of the code. The table is identified as Table 5-E which was not included in the previous format and amended to include an item that was unintentionally deleted in the republishing of the table. This proposal also places a title header on the second page chart and amends the column under "Water Closets" Sales, offices, etc. by adding the statement previously omitted.

1305.1800 UBC Section 605

The requirements for exit lighting and ventilation of stage and backstage application is found in UBC Section 3312(b) and 3903(d) respectively and are deleted from this section.

1305.2400 UBC Section 905 Group H Occupancies

This item is amended to be consistent with national model code language and further amended to maintain previously adopted CFM exhaust requirements for the occupancy.

1305.3900 UBC Section 1217 Dead Bolt Lock Amendment

Renumbered to 1214 to maintain sequential numbering of the code.

1305.3970 UBC Section 1706 Shaft Enclosures

This item is deleted because it is a part of the 1985 UBC.

1305.4300 Table 5-E Required Sanitation Fixtures Based on Occupancy Load (1) (2)

This item is to be relocated to part 1305.1795.

1305.4500 UBC Section 1807(M)(1) Hi-Rise Sprinkler Alternates

Added sentence to maintain national model code language.

1305.4500 UBC Section 1807(m)(7) Hi-Rise Sprinkler Alternates

Item #7 is amended to include the fire dampers needed to protect corridors as a requirement that cannot be eliminated by the

introduction of sprinkler systems. To delete the requirements for protection on an exit system is not in keeping with reasonable life safety provisions of the codes.

1305.4850 UBC Section 2311(h) Importance Factor of Bldg.

The deletion of this item was inadvertently dropped in the state code amendments and is returned to the schedule with this adoption.

1305.5000 UBC Section 2403 Concrete Masonry Unit

This item is deleted because Chapter 24 of the UBC is a total rewrite of the masonry chapter and the intent of the amendment is included in the 1985 UBC and the standard.

1305.5100 UBC Section 2416(n) Alternate Design

This item is deleted because of the information stated in part 1305.5000 and UBC Section 105 always permits the proponent to submit an alternate design if it is equal to or better than the stated requirements.

1305.5300 UBC Section 2510(h) Truss Plate Institute Inc. 1985 Edition

The current edition of the Design Specifications for Metal Plate Connected Wood Trusses, 1985 as promulgated by the Truss Plate Institute, Inc., is proposed to maintain national standards and the state of the art currently used by the industry. Previous amendments have been maintained and the new TPI 1985 edition includes reference for parallel cord truss design.

1305.a5320 UBC Section 2517(h)6 Rafter Blocking

Editorial change to maintain national model code language.

1305.5700 UBC Section 3207(c) Roof Drainage

This item is deleted to maintain national model code language.

1305.5750 UBC Section 3301(e) Building Accessibility

This item is deleted from the 1985 UBC because the determination of accessibility of buildings is given in MSBC Chapter 1340.

1305.5910 UBC Section 3306(j) Exception: 1., Handrails

This item is deleted from the MSBC because it is now a part of the 1985 UBC.

1305.6200 UBC Table 33-A

The deletion and changes of the footnotes identified are editorial for the 1985 UBC. Item #23 is amended by adding a footnote #12 in order to retain special provisions for retail stores secured by a pedestrian walkway (skyway system) that exists in the present amendments.

1305.6260 UBC Section 3707 Clearance to Combustibles

This item is deleted from the MSBC amendments because the language is now appropriate in the 1985 UBC.

1305.6270 Table 37-B

This item is deleted from the MSBC amendments because the language is now appropriate in the 1985 UBC.

1305.6430 UBC Table 38-A Standpipe Requirements

This item is returned to the amendments because it was inadvertently omitted from the previous publication of the State Building Code. Footnote #7 has been added to eliminate the standpipe in a 3 story structure if an automatic sprinkler system is installed under the requirements of 1305.6525.

1305.6425 UBC Section 3805(a) Standpipe Reports

This item was inadvertently omitted in the MSBC amendments and is returned by the amendments by this action. This item also adds a footnote indicating that the amendment is not applicable if a community has adopted the Special Fire Suppression System amendment.

1305.6525 UBC Section 3808 Special Fire Suppression Systems

This amendment is creating a new section to the UBC as Section 3808. It is relocating the Special Fire Suppression System criteria from part 1300.1150 to new part 1305.6525 and 1305.6905 which places it in a more appropriate section of the code.

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1305.6900 UBC Section 6001 Building Standards

This item is amended to reflect the language of the 1985 UBC Standards and to include the information involved with the adoption of part 1305.5300.

1305.6905 UBC Appendix Chapt. 38

The fire suppression systems option which is referenced in UBC Section 3808 will be located in the Appendix Chapter 38 as Section 3808. This referenced section is also addressed in part 1305.6525.

1305.6920 UBC Standard 3802 Required Water Supply

This item was inadvertently omitted in the MSBC amendments and is being returned to the amendments by this action.

1305.7100 Special Provisions for the City of Rochester

This item is amended to reflect the translation of previous UBC references to that of the 1985 edition of the UBC. (See City of Rochester letter.)

Chapter 1310 Building Security

1310.0400 Definitions, 1310.0500 Swinging Doors, 1310.0600 Horizontal Sliding Doors

The changes in these parts are editorial in nature. The original referenced standards were changed to part numbers and the correction in the publication were not made. The change corrects that problem.

Chapter 1315 Electrical Code

1315.0200, Subpart 1

Added name of "Minnesota" to the State Building Code identified for consistency with Chapter 1300 and 1305.

Subp. 2.B

Revised date of Edition of UBC to the edition being adopted.

Subp. C

Relocates items (1) and (2) to their proper sequence in the listing.

Subp. D.

Changes chapter numbers to reflect the proper chapter of the rules addressing the Model Energy Code amendments.

Subp. J

This amendment changes the title of the "Prefabricated and Manufactured Structures Code" to the proposed "Prefabricated Building Code".

1320.0100 Subp. 1 General Application

Editorial changes. Deleted language has been relocated to 1320.0200. New language has been relocated from 1320.0200. New language is expanded to also include " . . . temporary hoists, stage and orchestra lifts, and wheelchair elevating lifts . . . " which have been and are presently included in the rules.

Subparts 2 & 3 (Repealer)

Editorial change. Definitions for "existing installation" and "new installation" have been relocated to 1320.0200.

1320.0200 Definitions

Editorial changes. Deleted language has been relocated to 1320.0100.

Subpart 1

New language has been from 1320.0200

Subparts 2 & 3

Definitions for "existing installation" and "new installation" has been revised to correspond to ANSI definitions.

1320.0300 Subp. 1, Existing Applications

Editorial change. Repealed language ". . . amendment to 1978 code. Existing installations is amended to read as follows . . ." Is unnecessary and was inadvertently retained in present rule.

1320.0400 Subp. 3 Inspection Tests and Approvals

Requirement has been added that the installer must notify the administrative authority "in writing". Presently written notification

is not required, which has resulted in problems with scheduling of inspections and minimizes the integrity of job records. Update to current national model code standard.

1320.0600 Subp. 2 Incorporation of ANSI Stds. by Reference

Updating to current nationally recognized model code standards as presently accepted and in use by the elevator industry and as provided for in MN Stat. 16B.61.

1320.0605 Construction of Hoistway

Necessitated by change in ANSI A17.1-1984 which references fire resistive construction to be as required in UBC, SBCC, or BOCA. This amendment specifies the UBC which is the model code adopted in Minnesota.

1320.0610 Multiple Hoistways

This item is added to identify the number of elevator cars that are permitted in a hoistway enclosure.

1320.0615

(Refer to statement for 1320.0605)

1320.0615 Smoke Control

Amendment also includes expanded language contained in the 1985 Uniform Building Code.

1320.0625 Pressurization of Hoistway

Amendment is identical to new language in ANSI A17.1-1984. It is being included to coordinate the requirements for "control of smoke and hot gases".

1320.0650 Emergency Signs

This item is added in this section because of the elimination of ICBO Chapter 51 and retains a previous amendment but relocates it to this section.

1320.0675 Switches

Editorial change. Language has been relocated from 1320.1800. The ANSI rule number has been changed to coincide with the rule number change in ANSI A17.1-1984.

1320.2001 Inclined and Vertical Wheelchair Lifts

ANSI A17.1-1984 contains the newly promulgated requirements for vertical wheelchair lifts (rule 2000) and inclined wheelchair lifts (rule 2001). These rules are being proposed for adoption to replace the present state requirements for wheelchair lifts (1320.2500 to 1320.2700).

1320.2001

The adoption of their rules will result in consistency with nationally recognized model code standards as presently accepted and in use by the elevator industry and as provided for in MN Stat. 16B.6. Their adoption will provide for both vertical and inclined wheelchair lifts. Present rules address only vertical lifts. The new rules will permit a maximum vertical travel of twelve feet while the present rules permit a maximum vertical travel of 54 inches. The adoption of these rules will serve to provide handicap accessibility to many more existing buildings than permitted by present rule. The scope and application of the present rules are retained in this proposal as are certain requirements which are deemed necessary because of climatic conditions in Minnesota.

"The devices must not be exposed to outside elements". This amendment is necessary to assure that safe accessibility will be provided to the handicapped in all weather conditions. It also serves to lessen the potential for personal injury which could result under conditions of rain, snow and ice.

The reference to 1320.0400 is necessary to establish standards for testing and inspections. Such standards are necessary to assure that the devices are properly installed and maintained in safe operating condition.

1320.2015 Egress Maintained

The solid guardrail is necessary to assure safety to both the persons using the inclined lift and the occupants of the stair or ramp. If no guardrail were provided a high potential for personal injury would exist.

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1320.2020

The amendment provides for 6 inch high guards on the sides of the platform not used for access. This added language is consistent with the ANSI committees change which was effective on April 15, 1986 (issued October 15, 1985, ANSI A17.16-1985).

1320.2025 Platform Illumination

The amendment is necessary to provide for illumination of the platform of inclined lifts. The absence of a requirement for illumination in the ANSI standard is an obvious oversight as it does require illumination for vertical lifts.

1320.2030 Brake Requirements

This amendment is consistent with the ANSI committees change which was effective on April 15, 1986 (issued October 15, 1985, ANSI A17.1.b-1985).

1320.2035

Rule 2002, inclined stairway chairlifts is not being considered for adoption. A chairlift provides only limited access to a select few. A chairlift will not provide access for persons in a wheelchair or for those individuals needing assistance when utilizing the access device. Chairlifts do not meet the needs of providing barrier free access to handicapped individuals.

Repealer

1320.0710

Language has been relocated to rule 1320.0605 and reflects rule renumbering that occured in ANSI A17.1-1984.

1320.0720

Language has been relocated to rule 1320.0610.

1320.0800

Language has been relocated to rule 1320.0620

1320.1500

Amendment is no longer necessary. ANSI A17.1.b-1985 rule 204.2(a) now contains language consistent with the amendment.

1320.1800

Language has been relocated to rule 1320.0675.

1320.2500

The present standards, Standards for Wheelchair Elevating Devices are deleted and replaced with rule 1320.2001 to 1320.0235 which contain the provisions for vertical and inclined wheelchair lifts of ANSI A17.1-1984 and supplement A17.1.b-1985. The new rules provided for an update to current national model code standards.

1320.2600

(Refer to rule 1320.2500.)

1320.2700

(Refer to rule 1320.2500.)

Chapter 1340 Facilities for the Handicapped

1340.0200 Subp. 1

The amendment to this part adds language to identify the specific section of the UBC that contains requirements to be followed in design, construction and inspection of sanitation facilities.

Subp. 2 Exempt Buildings

Item C is deleted because it's redundant. The subsequent items are relettered to reflect the omission of item "C".

1340.0300 Subp. 4 Access

The word "levels" is added to the title to correspond to the language in the body of the subpart. The subpart is rewritten so that the major emphasis is stated and the two exceptions follow to further define the application and clarify the language of the code.

1340.0400 Subp. 2 Sanitation Facilities

This item rewritten in order to improve clarity in the application of the requirements when this occupancy group is required to provide one or more complete units.

Chapter 1355 Plumbing

1355.0100 General

Added name of "Minnesota" to the State Building Code identifier for consistency with the preceding chapters.

1355.0200 Mandatory Provisions

This item is relocated from part 1300.1900, Subp. 1, item D and placed in this chapter to keep the appropriate requirements with the subject chapter.

1355.0300 Optional Provisions

This item is relocated from part 1300.1900, subp. 2, item C and placed in this chapter to keep the appropriate requirements with the subject chapter.

Chapter 1360.0100 through 1360.3600. General Revisions throughout the chapter.

Throughout the chapter wording has been changed from "Prefabricated Structures and Manufactured Buildings" to "Prefabricated Buildings" or from "manufactured buildings" to "prefabricated buildings". The change is needed to clearly differentiate between structures constructed in accordance with the Minnesota State Building Code, authorized by Statute 16B.58 through 16B.73 and structures constructed in accordance with the Federal Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards. The HUD standard was formerly titled "Mobile Home Construction and Safety Standard". The change in the HUD standard has made it difficult to clearly differentiate between the two types of structures. The Federal act required corresponding changes in Minnesota regulations.

Minnesota Statute Chapter 327 was revised in accordance with Chapter 365 of the Laws of Minnesota for 1981 to substitute the term "manufactured home" for the term "mobile home" throughout the chapter.

Throughout the chapter the word "shall" has been changed to "must" in accordance with standards adopted by the Revisor of Statutes.

1360.0100 Subpart 2 Purpose

The present generally accepted definition of component differs from the definition in 1360.0200 Subp. 3. Initially it was to describe a section of a building, such as a motel unit, or bathroom/kitchen unit that would become a part of a structure. Current usage is to describe a building element such as a manufactured truss, laminated beam, or wall panel. Such elements can be procured that are manufactured to industry standards and certified under inspection programs conducted by approved inspection agencies. The removal of the word component will clarify the intent of the code.

1360.0200 Subpart 1 Definitions

Removal of the last sentence is proposed because the definitions promulgated by the Model Code Standardization Council are not readily available and are not on file at the Division of Building Codes and Standards.

1360.0200 Subpart 2 Definitions

The definition of approved in general means approved by the building official of a municipality. Under these rules the State Building Inspector is in effect the building official for all communities, but only for the work done in a manufacturing facility. It was not intended that the state building official have over all approval authority. The addition of the proposed limitation will implement the original intent.

1360.0200 Subpart 3 Definitions

The deletion of the word component and the revision of the definition is to indicate that the rules apply to a complete structure or a useable part of a structure.

1360.0200 Subpart 4 Definitions

The proposed revision is intended to define a systematic approach used to produce an individual design for a structure that complies with the requirements of the code by utilizing individual components, subassemblies, and construction methods that have been approved for use within established limits. The present definition can be applied to either the design methodology or the actual construction phase.

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1360.0200 Subpart 5 Definitions

The proposed deletion of the words component, assembly, or system is to remove excess verbage. This is made possible by the revision to the definition of building.

1360.0200 Subpart 7 Definitions

The proposed revision uses the current title and source of the document supplied by the state building inspector to the manufacturer. The documents are supplied with the state seal and permit the inclusion of specific information pertinent to the unit produced.

1360.0200 Subpart 9 Definitions

Revision proposed to specify that the Minnesota State Building Code is the only basis for control. Other associations and agencies have regulations that may not meet the state code. Deletion of "an approved" in the first sentence removes confusion as to whether prior approval by some agency is required before an application can be submitted.

1360.0200 Subpart 11 Definitions

See Subpart 9 re: "an approved". Change from "labels" to seals is to differentiate the Minnesota Seal from labels affixed by inspection agencies to structures produced in accordance with the procedures of the inspection agency.

1360.0200 Subpart 15 Definitions

The deletion of the option allowing manufacturers of structures of open construction to obtain Minnesota Seals is proposed to provide control at the point of use. The requirements for common elements of open construction vary with the end use and location, and can best be evaluated by the municipality. The current option would result in dual approval for the builder and consequently has been avoided. The exclusion construction shacks is to document what has been the practice. The structures used by contractors during the construction phase of a building have historically been controlled by the agencies issuing the permit for the new building and controlling the work site.

1360.0200 Subpart 18 Definitions

Proposed revision is for clarification only.

1360.0200 Subpart 19 Definitions

Revision proposed to more clearly indicate that the manufacturer is responsible for code compliance and is a companion change with the revisions proposed to 1360.0500.

1360.0300 Subpart 2 Approvals

Subpart added to permit a small manufacturer to construct a one or two family detached dwelling for installation in the local community under the control of the local officials.

1360.0500 Certification

Proposed revision transfers responsibility for code compliance certification from the state building inspector to the manufacturer. This is the philosophy in the HUD Manufactured Home program and programs of other states. The manufacturer is the only one involved in all facets of design, fabrication and inspection and the only person that can or should accept responsibility for the structure. The state building inspector will be responsible to verify that the manufacturers design, production and quality control functions are conducted in accordance with the code.

1360.0600 Reciprocity

The proposed limitation of reciprocal agreements to one and two family dwellings is intended to eliminate conflicts with other states that have dual standards for multi-family and commercial structures, and to permit agreements with those states that have separate agencies regulating the different types of structures.

1360.0800 Testing

Revision allows use of any testing agency having the equipment and experience to conduct a test. Requirement for pre-approval is unnecessarily restrictive for simple procedures. The addition to the last sentence is to place responsibility for acceptance on the proper agency, and requires that the test results must assure compliance with the code.

1360.0900 Subpart 1 Inspections

Change from words "building system" to documents clarifies that inspection will be made to assure compliance with the approval granted and does not require that a system be in place. Recognizes one-of-a-kind structures that are currently being produced, and individually inspected.

1360.0900 Subpart 4 Inspections

Change is to reflect actual conditions and imposes the responsibility for notification on the organization or person most likely

to be aware of any damage. The state building inspector does not issue permits and the administrative authority that does issue the permit, issues it before the structure is built, to signify acceptance of the proposed project. As written the current rule requires that the extent of damage initiates the inspection process that determines the extent of damage. The proposed language establishes a logical sequence.

1360.1000 Local On-Site Inspections

Change of word "authorized" to "require" in first sentence is to implement the requirements of UBC Section 305(e) as amended by Chapter 1305.0900 Section 305 of these rules, to all on-site work.

1360.1100 Local Zoning

Removes redundancy.

1360.1200 Standard Requirements

Specifies that current state code is the Minnesota State Building Code.

1360.1900 Seals

Seals Section.

Deletes requirement for marking or labeling each section of a structure. Compliance is difficult to enforce and failure to comply has not caused any problems.

1360.2500 Plans Approvals

Deletion of optional approval of structures of open construction is required to implement proposed change to Chapter 1360.0200 Subpart 15.

General requirements. 18 × 34 inch plan size requirement is deleted. This would require changes by most manufacturers and is not justified.

1360.2900 Sec. A 11 Required Construction Details

Energy Code citation revised to reference current code.

Sec. C.4

Removes requirement for roof truss stress diagrams. Computer generated truss drawings provide the same information in tabular format. Current requirement is unnecessarily restrictive.

C.8

Limited schedule changed to header schedule to conform to regional term usage. No change in meaning.

D

No change in intent. Change is for clarification only.

1360.2910 Plan Review by Manufacturers

Plan Review by Manufacturer. New section to require that manufacturer submit results of their in-house plan review in standardized format. The design cannot be prepared without considering code requirements. The submittal will permit an evaluation of the code considerations and design intent.

1360.3700

Deleted in its entirety. Section was originally included to permit manufacturers to continue operation until the review of the quality control programs could be completed. This was needed at the inception of the State Building Code, program for prefabricated buildings. This provision is no longer needed.

The following is the Statement of Need and Reasonableness supporting the Plumbing Code Amendments and a letter from the City of Rochester supporting the editorial revision of the special revisions for the City of Rochester.

4715.0100 is amended to provide a definition for the word "must". Recent changes to the Code have used the word "must" as a mandatory term in lieu of the word "shall", which was used previously throughout the Code. It is now necessary to define "must" as also being a mandatory term.

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4715.0420 (DRAIN, WASTE AND VENT) is amended to permit the use of foam core ABC pipe complying with ASTM F628 for drain, waste and vent pipe. The product has 20% to 25% less weight than ABS complying with ASTM D2661, which is already approved for DWV piping, while maintaining physical dimensions as far as outside diameter, inside diameter and wall thickness. The basic raw material that goes into the pipe conforms with ASTM D1788, the same material that goes into solid ABS pipe which complies with ASTM D2661. This pipe is approved by every major model plumbing code in the United States.

4715.0420 (BUILDING SEWER) is amended to permit the use of polyvinyl chloride pipe (PVC) complying with ASTM F789 for building sewers. The product is tested on pipe stiffness and other performance characteristics rather than wall thickness, and it meets or exceeds all the performance characteristics of PVC pipe complying with ASTM D3034, which is now approved for building sewer. The product is from 4- to 15-inch size, and allows for the use of PVC for some large diameter sewers where pipe complying with ASTM D3034 is not available. It is approved by the International Association of Plumbing and Mechanical Officials for use in building sewers.

4715.0420 (WATER SERVICE) is amended to permit the use of polyethelyne (PE) water tubing which complies with ASTM D2737 for water service. This permits the use of tubing size PE in addition to the pipe size PE which is already included in the Code for water service use. The material is the same as that which is already approved, however it is manufactured to different sizing criteria.

4715.0510 is amended to delete lead pipe as an acceptable material for water service. Minnesota Statute § 326.371 (1985) bans the use of lead in plumbing which conveys potable water, including lead pipe specifically. This amendment is necessary for the Code to be consistent with state law.

4715.0520 is amended to delete lead pipe as an acceptable material for water distribution. Minnesota Statute § 326.371 (1985) bans the use of lead in plumbing which conveys potable water, including lead pipe specifically. This amendment is necessary for the Code to be consistent with state law.

4715.0810 is amended to permit the use of additional types of joints in plastic piping. The permitted use of approved crimp rings with insert fittings and special IAPMO listed fittings of other types is added to this part to be consistent with recent amendments to the Code which permit the use of polybutylene (PB) tubing for water distribution when installed in accordance with IAPMO Installation Standards. This part will now be consistent with the types of fittings permitted by the IAPMO Installation Standards. This part is also amended to permit the use of approved elastomeric-gasket push-on type joints with large diameter water service pipe to be consistent with the types of joints which are permitted in the watermain construction. Large diameter water services should be able to be constructed in the same as watermains which convey the water to the services.

4715.0820 is amended to eliminate the use of lead solder and flux containing more than .2 percent lead in piping installations which convey potable water. This amendment is necessary for the Code to be consistent with state law. Minnesota Statute § 326.371 (1985) bans the use of lead in plumbing which conveys potable water, including lead solder and lead bearing flux specifically. This part is further amended to permit the use of 96-4 tin-silver solder which complies with ASTM B32, and to update the ASTM standard referenced for solder from the 1960 to the more current 1976 edition. The tin-silver solder is another acceptable material which has standards to limit lead and other impurities to an acceptable level, and presents an alternative material for use in portable water systems.

4715.1215 is amended to correct an error in the Code. The tables in the Code which indicate the number of sanitation fixtures required based on occupancy were reprints of the tables in the State Building Code, Part 1305.4300. This amendment will make the Plumbing Code requirement consistent with the Building Code requirement.

4715.1420 is amended in response to a problem which has developed since handicapped accessibility requirements have been enforced. In order to have the top of the water closet seat high enough for wheelchair users, some people have used an extended or raised seat on a standard height (14-inch) water closet in lieu of using an 18-inch-high water closet. In such installations, the inner part of the raised seats become grossly soiled during use. In an 18-inch-high water closet with a standard height seat, the soiled area would be within the water closet bowl, and would be rinsed to waste after use. To control this problem, the use of raised seats is being prohibited by this amendment.

4715.2560 is being amended to clarify the requirement, and to permit stack venting on a lower floor provided no other fixtures are connected to that stack at a higher level. Stack venting has been permitted only on the upper floor, however the same reasons for allowing it on the upper floor would apply to allowing it on a lower floor provided no other fixtures drain into the stack at a higher level.

4715.1510 is amended to permit the use of smaller diameter waste lines from the appliances and equipment which have an indirect waste, and discharge through an air gap. This amendment is permissive in nature, and allows the use of drains down to ¾ inch size, where the previous requirement was 1¼ inch minimum. Equipment or appliances with small diameter outlets, down to ¾-inch size, can now be plumbed to waste without a needless increase in the size of the drain.

4715.1570 is amended to delete the recommendation that only clear water wastes should be discharged to a floor drain. This

amendment is permissive in nature, and is intended to remove any doubt as to whether wastes other than clear water wastes can appropriately be discharged to a floor drain. Some types of food, beverage, and kitchen equipment do not have clear water wastes, but can discharge to a floor drain without problem.

Dated: 31 July 1986

Sandra J. Hale, Commissioner
Department of Administration

Rules as Proposed

CHAPTER 1300
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
CODE ADMINISTRATION

1300.0200 PURPOSE.

Parts 1300.0100 to 1300.1100 govern responsibilities undertaken pursuant to Minnesota Statutes, sections 16B.59 to 16B.73. They relate to administration and enforcement of the Minnesota State Building Code and the requirements for certification.

1300.0300 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Code.** "Code" means the Minnesota State Building Code pursuant to Minnesota Statutes, section 16B.60, subdivision 4.

Subp. 4. and 5. [Unchanged.]

Subp. 6. **State building inspector.** "State building inspector" means the person who, under the direction and supervision of the commissioner, administers the Minnesota State Building Code~~, State Building Codes and Standards Division, 408 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota 55101~~.

1300.0400 CODE ADOPTION AND AMENDMENTS.

Pursuant to Minnesota Statutes, section 16B.61, the code is adopted and periodically updated to include current editions of national model codes in general use and existing statewide specialty codes and amendments thereto.

Pursuant to Minnesota Statutes, section 16B.84, subdivision 6, amendments to the code may be proposed and initiated by any interested person~~, by the Building Code Standards Committee, or by subcommittees thereof~~. Proposed amendments shall be submitted in writing on a form provided by the commissioner.

1300.0500 APPLICATION FOR APPEAL.

Subpart 1. **Form of request.** Pursuant to Minnesota Statutes, section 16B.67, any person aggrieved by the final determination of any municipality as to the application of the code may, within 30 working days of said decision, appeal to the commissioner. The request for appeal shall be accompanied by a cashiers check, certified check, money order, or equivalent, payable in the amount of $20 to "Commissioner of Administration."

Subp. 2. [Unchanged.]

Subp. 2a. **Review de novo.** The final decision of the involved municipality is subject to review de novo by the commissioner or the commissioner's designee.

Subp. 3. and 4. [Unchanged.]

1300.0600 STATE SURCHARGE FEES.

All municipal permits issued for work pursuant to the Minnesota State Building Code shall be subject to a surcharge fee. ~~Said~~ The fees are established by Minnesota Statutes, section 16B.70. Reports and remittances by municipalities shall be filed with the commissioner, directed to the attention of the state building inspector.

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All surcharge fees imposed by the state shall be in addition to municipal permit fees. Surcharge report forms and information may be obtained by writing the commissioner to the attention of the state building inspector.

1300.0700 MINNESOTA STATE BUILDING CODE INFORMATION AND ASSISTANCE.

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

1300.1100 PLAN REVIEW FUNCTION

Subpart 1. [Unchanged.]

Subp. 2. **Types of review.** Types of plan review include:

A. plans of buildings required to be submitted to any state agency including, but not limited to, state-owned buildings, buildings licensed by state agencies, and buildings financed in whole or in part by state funds;

B. ~~manufactured~~ prefabricated buildings in which all elements of the total assembly cannot be visually inspected on site; and

C. plans submitted by municipal inspection departments for review.

Subp. 3. **Content of plan review.** The plan review function, for structures in subpart 2, items A and C, applies to nonstructural code requirements. The structural portion of a plan ~~shall~~ must be reviewed to determine that the professional engineer has considered the minimum loading requirements of the code, but ~~shall~~ must not include review for accuracy of structural design and calculations.

The plan review function for subpart 2, item B structures applies to all aspects of code application and ~~shall~~ must be marked approved by the state building inspector as indicated in part 1360.2500.

Subp. 4. **Materials to be submitted.** For plan review the following material shall be submitted:

One set of plans, specifications, and other relevant documents necessary to evidence code compliance, together with a transmittal letter shall be sent to~~:~~ the state building inspector~~, State Building Codes and Standards Division, 408 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota 55101~~. ~~Manufactured~~ Prefabricated building plans submittals ~~shall include two sets of plans, specifications, and other relevant documents~~ must be in accordance with part 1360.2500.

Subp. 5. to 7. [Unchanged.]

1300.1300 PURPOSE AND APPLICATION.

The purpose of ~~this~~ the code is to provide uniform standards to safeguard life or limb, health, property, and public welfare by regulating and controlling design, construction, quality of materials, use, and occupancy of all buildings and structures.

The ~~State Building~~ code shall apply statewide and supersede the building code of any municipality. The ~~State Building~~ code shall not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized.

1300.1400 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Code.** "Code" means the Minnesota State Building Code or any amendments thereof.

Subp. 5. to 7. [Unchanged.]

Subp. 8. **UBC.** "UBC" means the Uniform Building Code, as promulgated by the International Conference of Building Officials, Whittier, California, ~~1982~~ 1985 edition.

1300.1500 SCOPE.

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

~~Additions, alterations, repairs, and changes of use or occupancy in all buildings and structures must comply with the provisions for new buildings and structures except as otherwise provided in UBC Sections 104, 306, 307, and 502 of this code.~~ Where, in any specific case, different sections of ~~this~~ the code specify different materials, methods of construction, or other requirements, the most restrictive governs. Where there is a conflict between a general requirement and a specific requirement, the specific requirement is applicable.

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

1300.1900 APPENDIXES.

Subpart 1. ~~**Enforcement**~~ **Administration required.** The following ~~appendixes, annexes, and supplemental material listed in this code~~ chapters of the code must be ~~enforced~~ administered by any municipality:

A. chapter ~~1330, technical requirements for fallout shelters~~ 1315, Electrical Code;

B. chapter ~~1365, variation in snow loads~~ 1320, Elevators and Related Machines;

C. ~~1982 UBC Appendix,~~ chapter ~~35~~ 1330, Technical Requirements for Fallout Shelters;

D. ~~Minnesota Plumbing Code, appendix B in parts 4715.3900 to 4715.4100~~ chapter 1340, Facilities for the Handicapped;

E. chapter 1355, Plumbing Code;

F. chapter 1360, Prefabricated Structures; and

G. chapter 1365, Variation on Snow Loads.

Subp. 2. **~~Enforcement~~ Administration optional.** The following ~~appendixes, annexes, and supplemental material listed in this code~~ chapters of the code are not mandatory but may be adopted without change ~~at the discretion of~~ by any municipality~~, except UBC appendix chapter 70 may be adopted with revised fee and bond requirements.~~:

A. ~~Part 1300.2000, abbreviations and addresses of Technical Organizations.~~ chapter 1310, Building Security;

B. ~~1982 UBC Appendix, Chapters 1, 7, 38, 55, and 70. UBC appendices not listed as mandatory or optional are not incorporated in the State Building Code~~ chapter 1335, Floodproofing Regulations, parts 1335.0300 to 1335.1200, sections 200.2 to 205.3.

~~C. Minnesota Plumbing Code in parts 4715.3500 to 4715.3800.~~

~~D. Parts 1335.0300 to 1335.1200, flood proofing regulations, sections 201.2 to 208.2.~~

~~E. Chapter 1310, building security.~~

~~F. Minnesota State Building Code appendix E, optional automatic fire suppression systems, part 1300.1150.~~

CHAPTER 1305

DEPARTMENT OF ADMINISTRATION

MINNESOTA STATE BUILDING CODE

AMENDMENTS TO THE UNIFORM BUILDING CODE

1305.0100 ADOPTION OF THE UNIFORM BUILDING CODE BY REFERENCE.

Chapters 1 to 60 and appendixes of the ~~1982~~ 1985 edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, Whittier, California, are incorporated by reference and hereby made part of the Minnesota State Building Code except as qualified by ~~part~~ parts 1300.1900 and 1305.0150 and except as amended in parts 1305.0200 to 1305.6900.

1305.0150 REQUIRED AND OPTIONAL PROVISIONS.

Subpart 1. **Required provisions.** UBC Appendix Chapter 35 must be administered by any municipality.

Subp. 2. **Optional provisions.** The following provisions of the Uniform Building Code are not mandatory but must be adopted without change at the discretion of any municipality, except UBC Appendix Chapter 70 may be adopted with a revised fee schedule and bonding requirements.

A. UBC Appendix Chapters 1, 7, 38, 55, and 70.

B. Special Fire Suppression Systems, Optional, UBC Section 3808.

1305.0500 SECTION 204.

UBC Section 204 is amended by amending the last sentence as follows: The board shall adopt ~~reasonable~~ rules ~~and regulations~~ of procedures for conducting its ~~investigations~~ business and shall render all decisions and findings in writing to the ~~building official~~ appellant with a duplicate copy to the ~~appellant~~ building official and to the state building inspector within 15 days of ~~such~~ the decision.

1305.0800 SECTION 304.

Section 304, subsections (a) and (b) of the UBC ~~is~~ are amended to read as follows:

UBC Section 304. (a) ~~Permit Fees. Each municipality must adopt its own schedule of permit fees. The fee schedule of Table No.~~

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~~3-A is optional for use by the local authority and is a recommended schedule.~~ General. Fees must be assessed in accordance with the provisions of this section or must be as set forth in the fee schedule adopted by the jurisdiction.

(b) All permit fees must be established by the local authority except in areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of $100 or .005 times the value of the structure, addition, or alteration. (Minnesota Statutes, section 16B.62.)

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

1305.0900 SECTION 305.

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

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

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

1. Foundation inspection: To be made after ~~trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not~~ excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms must be in place prior to inspection. All materials for the foundation must be on the job, except where concrete is ready mixed in accordance with UBC Standard No. 26-13, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

2. Concrete slab or under-floor inspection: To be made after all in-slab or under-floor building service equipment, conduit, piping accessories, and other ancillary equipment items are in place but before any concrete is ~~poured~~ placed or floor sheathing installed, including the subfloor.

3. Frame inspection: To be made after the roof, all framing, fire blocking, and bracing are in place and all pipes, chimneys, and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.

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

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

6. Final inspection: To be made after finish grading and the building is completed and ready for occupancy.

7. Installation of manufactured homes (mobile homes): To be made after the installation of the support system and all utility service connections are in place, but before any covering material or skirting is in place. Evaluation of an approved anchoring system, when installed, is part of the installation inspection.

1305.1355 SECTION 417.

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

~~"Pedestrian way" is an open, covered, or enclosed walkway connecting buildings and used exclusively for pedestrian passage~~ deleted in its entirety.

1305.1400 SECTION 420.

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

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

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

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

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

"Class B supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

1305.1590 SECTION 509.

UBC Section 509(e) is amended to read as follows:

~~Section 509 Pedestrian Way. (a) General. Pedestrian ways connecting buildings are not to be considered as adjacent buildings for the provisions of this chapter when they comply with the provisions of this section. Pedestrian ways may be constructed only when openings in the exterior walls of the connected buildings are permitted by section 504. Design loads must be as required in chapter 23. Walking surfaces must be a minimum 100 pounds per square foot live load design.~~

~~Pedestrian ways are not to be identified as exits.~~

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

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

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

~~For roof construction and coverings, refer to chapter 32.~~

~~(c) Size and Minimum Open Space Between Pedestrian Ways. The width of pedestrian ways must be not less than 44 inches nor more than 16 feet. The length of a pedestrian way is the distance between connected buildings measured within the pedestrian way.~~

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

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

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

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

(e) Maximum Length. The distance between connected buildings measured within a pedestrian walkway must not exceed 300 feet.

Exceptions: 1. Pedestrian walkways that are fully sprinklered may be 400 feet in length.

2. Unenclosed walkways at grade.

UBC Section 509 is amended by adding (i) as follows:

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

1305.1800 SECTION 605.

UBC Section 605 is amended to read as follows:

Section 605. All enclosed portions of Group A occupancies customarily used by human beings and all dressing rooms must be provided with natural light by means of exterior glazed openings with an area not less than one-tenth of the total floor area, and natural ventilation by means of openable exterior openings with an area of not less than one-twentieth of the total floor area or must be

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provided with artificial light and a mechanically operated ventilating system. The mechanically operated ventilating systems must be capable of supplying a minimum of five cubic feet per minute of outside air with a total circulated of not less than 15 cubic feet per minute per occupant in all portions of the building during the time the building is occupied. If the velocity of the air at the register exceeds ten feet per second, the register must be placed more than eight feet above the floor directly beneath.

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

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

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

For other requirements on water closets, see Section 511(a) as amended in part 1305.1700.

For additional sanitation facilities requirements, see section 510(c) as specified in part 1305.1600.

1305.2400 SECTION 905.

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

UBC Section 905. ~~All portions of~~ In Group H ~~occupancies~~ Occupancy buildings, all enclosed portions customarily occupied by human beings, other than rooms and areas for which requirements are specified elsewhere in this section must be provided with natural light by means of exterior glazed openings with an area equal to one-tenth of the total floor area of those portions, and natural ventilation by means of exterior openings with an openable area not less than 1/20 of the total floor area of those portions, or must be provided with artificial light and a mechanically operated ventilating system ~~as specified in Section 605 and the applicable sections of the mechanical code~~.

The mechanically operated ventilation system must be capable of supplying a minimum of five cubic feet per minute of outside air with a total circulated of not less than 15 cubic feet per minute per occupant in all occupied portions of the building.

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

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

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

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

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

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

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

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

1305.3900 NEW SECTION ~~1217~~ 1214.

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

Section ~~1217~~ 1214. Deadbolt Locks Required. All doors leading to public or shared areas from all apartment dwelling units and hotel units must be provided with deadbolt locks, at least one of which must be capable of being locked with a key from the exterior of each unit. For the purpose of this section a "deadbolt lock" is a locking bolt, which, when in the locked position, can only be moved positively by turning a knob, key, or sliding bolt, and which must be independent of other latching devices.

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

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

1305.4500 SECTION 1807.

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

Section 1807(h) Elevators. Elevators and elevator lobbies must comply with the provisions of Minnesota Rules, parts 1320.0100 to 1320.2000, and the following:

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

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

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

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

2. Each elevator lobby shall be provided with an approved smoke detector located on the lobby ceiling. When the detector is activated, elevator doors shall not open and all cars serving that lobby are to return to the main floor and be under manual control only. If the main floor detector or a transfer floor detector is activated, all cars serving the main floor or transfer floor shall return to a location approved by the fire department and building official and be under manual control only. The smoke detector is to operate before the optical density reaches 0.03 per foot. The detector may serve to close the lobby doors.

3. Elevator hoistways shall not be vented through an elevator machine room. Cable slots entering the machine room shall be sleeved beneath the machine room floor and extend to not less than 12 inches below the shaft vent to inhibit the passage of smoke into the machine room.

4. For car size requirements, see ANSI 17.1-Rule 211.3, as amended in Minnesota Rules, part 1320.0600, subpart 6.

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

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

1. The fire-resistive time periods in Table No. 17-A may be reduced by one hour for interior bearing walls, exterior bearing and nonbearing walls, roofs, and the beams supporting roofs, provided they do not frame into columns. Vertical shafts other than stairway enclosures and elevator shafts may be reduced to one hour when sprinklers are installed within the shafts at alternate floors. The fire-resistive time period reduction specified in this paragraph does not apply to exterior bearing and nonbearing walls whose fire-resistive rating has already been reduced under the exceptions contained within Section 1803(a) or 1903(a).

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

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

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

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

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

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7. Fire dampers, other than those needed to protect corridors and floor-ceiling assemblies to maintain the fire resistance of the assembly, are not required except for those which may be necessary to bypass smoke to the outside, those provided to convert from recirculated air to 100 percent outside air, and those which may be required to protect the fresh air supply intake against smoke which may be outside the building.

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

1305.4850 SECTION 2311.

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

1305.5000 SECTION 2403.

Section 2403(e) is ~~amended to read as follows:~~

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

~~Concrete masonry units used for walls below grade or for other uses as determined by the designer are not subject to the moisture control provisions of Table No. 24-4-A of UBC Standard No. 24-4~~ deleted in its entirety.

1305.5100 SECTION 2416.

Section 2416 is ~~amended by the addition of paragraph (n):~~

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

~~1. The permit applicant must inform the building official, in writing, that the masonry design is based on the requirements of this subsection prior to granting of a building permit.~~

~~2. An outline of testing and field inspection schedules and design calculations signed by the responsible design professional shall be submitted to the building official prior to granting of a building permit.~~

~~3. Prior to occupancy, the permit applicant shall submit to the building official written evidence from a registered professional engineer certifying compliance with all requirements of this subsection~~ deleted in its entirety.

1305.5300 SECTION 2510.

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

UBC Section 2510(h) Metal Plate Connectors. Metal plate connectors employed as joint connectors in light wood trusses, and the design and testing of such trusses, shall conform to the Design Specification for Metal Plate Connected Wood Trusses, ~~1978~~ 1985 edition published by the Truss Plate Institute Inc., ~~TPI-78~~ TPI-85 and the following amendments, thereto.

~~Section 102(e) 5~~ Part I Item 1.2.1(c)5 of ~~TPI-78~~ TPI-85 shall be amended to read as follows: Concentrated loads, and their points and method of application.

~~Section 310 of TPI-78~~ Part III Item 3.4.16 shall be added to TPI-85 and reads as follows: ~~310 Cross Grain Stress.~~ Part III, Item 3.4.16, Cross Grain Stress. Where design loads or their method of application induce cross-grain tension or bending stress, such cross-grain stress shall be considered in the design.

Snow loads shall be determined in accordance with the requirements of part 1305.4700, UBC Section 2305(d). Wind loads shall be determined in accordance with the requirements of UBC Section 2311.

Other loads shall be determined in accordance with the design requirements of UBC Chapter 23.

Each truss manufacturer shall retain an approved agency having no financial interest in the plant being inspected to make nonscheduled inspections of truss fabrication and delivery and operations.

The inspection shall cover all phases of truss operation, including lumber storage, handling, cutting, fixtures, presses or rollers, fabrication, bundling and banding, handling, and delivery.

1305.5320 SECTION 2517.

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

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

1305.5700 SECTION 3207.

UBC Section 3207(c) ~~of the UBC is amended to read as follows:~~

~~UBC Section 3207(c). Where roof drains are required, overflow drains having the same size as roof drains shall be installed with the inlet flow line located two inches above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in adjacent parapet walls with the inlet flow line located two inches above the low point of the adjacent roof and having a minimum opening height of four inches. Overflow drains shall be connected to drain lines independent from the roof drains, and shall discharge above grade~~ is deleted in its entirety.

1305.5750 SECTION 3301.

UBC Section 3301(e) is deleted in its entirety.

1305.5910 SECTION 3306.

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

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

1305.6200 TABLE NO. ~~33A~~ 33-A.

UBC Table ~~33A~~ No. 33-A is amended as follows:

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

Also delete footnotes ~~2,~~ 3, 4, 5, 6, 7, 8, 9, and 10, and ~~11.~~ add the following as footnote 12:

12. Individual stores with less than 1,000 square feet of gross floor area which are located on upper floors may be provided with only one exit when approved by the building official.

~~Amend use item 20 to read as follows:~~

~~20. Stores-Retail sales rooms~~

~~Basement~~	~~See Note 7~~	~~20~~
~~Ground Floor~~	~~50~~	~~30~~
~~Upper Floors~~	~~20~~	~~50~~

~~Amend use item 22 to read as follows:~~

~~22. Warehouses~~	~~30~~	~~500~~

~~Renumber use items 23. to 25. as 24. to 26. and insert a new use item 23 to read as follows:~~

~~23. Manufacturing Areas~~	~~30~~	~~200~~

Amend use item 23 by adding "See Note 12" after "Stores-Retail Sales Rooms".

1305.6260 SECTION 3707.

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

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

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

1305.6270 TABLE NO. 37-B.

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

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1305.6425 SECTION 3805.

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

UBC Section 3805(a). General. Standpipes must comply with the requirements of this section and UBC Standard No. 38.2, Section 38.207(a) as amended.

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

Section 3805(b) Where required. Standpipe systems must be provided as set forth in Table No. 38-A as amended.

1305.6430 TABLE NO. 38-A.

UBC Table No. 38-A is amended as follows:

Item No. 2 under the occupancy column of Table 38-A is amended to read as follows:

Occupancies 3 stories or more but less than 150 feet in height, except Group R Division 3 or 4, Class II standpipes are not required in Group E or Group R-1 occupancies.

Table No. 38-A is amended by adding a footnote No. 7 to item No. 2 to read as follows:

7. In municipalities which have adopted the Special Fire Suppression System criteria specified in part 1305.6525 (UBC Section 3808), the number of stories must be 4 or more.

1305.6525 SECTION 3808.

UBC Chapter 38 is amended by adding a new section 3808 as follows:

SPECIAL FIRE SUPPRESSION SYSTEMS (OPTIONAL)

UBC Section 3808. For special fire suppression systems requirements, see part 1305.6905 (UBC Appendix Section 3808).

1305.6900 SECTION 6001.

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

UBC Section 6001. The UBC Standards which are referred to in various parts of this code are the Uniform Building Code Standards, ~~1982~~ 1985 edition, and are a part of this code with the following amendment:

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

Chapter 25, 25-17, 2504(c)3, 2510(a), 2510(b), 2510(c), 2510(d), 2510(e), 2510(h), ~~2514(b)1, 2514(b)2~~ 2513(b) 1&2, 2516(j)1, 3203(c)4, Tables Nos. 25-F, 25-G, 25-H and 47-H Timber Connector Joints, Bolted Joints, Drift Bolts and Wood Screws, Lag Screws. National Design Specification for Wood Construction (1977), National Forest Products Association. Design specification for Light Metal Plate Connected Wood Trusses ~~TPI-78~~ TPI-85, Truss Plate Institute~~. Nails and Staples~~, and Federal Specification No. FF-N-105B (March 17, 1971).

1305.6905 APPENDIX CHAPTER 38.

UBC Appendix Chapter 38 is amended by adding a new section as follows:

SPECIAL FIRE SUPPRESSION SYSTEMS. (OPTIONAL)

Section 3808. (a) General. This section authorizes optional provisions for the installation of on-premises fire suppression systems in new buildings, buildings increased in floor area, and buildings which have the occupancy classification changed.

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

(c) Requirements. Automatic sprinkler systems must be installed and maintained in operable condition in buildings in the occupancy classifications listed in items 1 through 13. The square footage requirements stated in the following items establish the threshold where the provisions apply; in the case of mixed occupancies the threshold number of the most restrictive occupancy applies to the entire building:

1. Group A-1 occupancies.

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

3. Group A-2.1 occupancies.

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

5. Group B-1 service stations with 3,000 or more gross square feet of floor area, not including canopies.

6. Group B-1 parking garages with 5,000 or more gross square feet of floor area.

7. Group B-2 offices and postsecondary classrooms with 8,500 or more gross feet of floor area or three or more stories in height.

8. Group B-2 retail, warehouse, or manufacturing areas with 2,000 or more gross square feet of floor area or three or more stories in height.

8a. Group B-2 retail, warehouse, or manufacturing areas with 5,000 or more gross square feet of floor area or three or more stories in height.

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

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

11. Group H-4 occupancies with 3,000 or more gross square feet of floor area.

12. Group R-1 apartment houses with 8,500 or more gross square feet of floor area or with dwelling units on three or more floors. The building official, in consultation with the fire chief, may approve alternate designs which have fire protection capabilities equivalent to systems complying with UBC Standard 38-1.

That portion of the automatic sprinkler system within dwelling units in apartment occupancies may be considered complete when protection is provided in all habitable rooms.

13. Group R-1 hotels and motels with 8,500 or more gross square feet of floor area or with guest rooms on three or more floors.

(d) Where automatic sprinkler systems are required by the Minnesota State Building Code regardless of Section 3808, then a complete automatic sprinkler system must be installed in compliance with UBC Standard 38-1.

1305.6920 STANDARD 38-2.

Subpart 1. and 2. [Unchanged.]

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

Required Water Supplies

Section 38.207. (a) General. Class I, Class II, and Class III and combined systems must be provided with an approved water supply. With prior approval of the fire chief, Class I standpipe systems may be supplied only through a fire department inlet connection.

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

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

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

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

(d) Minimum Water Supply for Combined Systems. For a combined system the water supply must be as required by section 38.207(b) and the sprinkler demand need not be added.

Where the sprinkler system demand, including hose stream allowance as determined by UBC Standard No. 38-1 as amended in Minnesota Rules, part 1305.6910 exceeds the supply required by section 38.207(b), the larger supply must be provided.

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

Subp. 4. to 8. [Unchanged.]

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.

1305.7100 SPECIAL PROVISIONS FOR THE CITY OF ROCHESTER.

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

UBC ~~3802(b)6 In Group H, Divisions 1 and 2 occupancies having an area of more than 1,500 square feet; in Group H, Division 3 occupancies having an area of more than 3,000 square feet; and~~ Section 3802(f)4 An automatic fire-extinguishing system must be installed in Group H, Division 4 occupancies more than one story in height, or exceeding 8,400 square feet in floor area located in Zone No. 1 or No. 2, or exceeding 20,200 square feet in floor area located in Zone No. 3. ~~The area and height increases specified in Section No. 506 and No. 507 shall be permitted.~~

~~In rooms where flammable or combustible liquids are stored or handled in excess of the quantities set forth in Table No. 10-A, or any combination of flammable liquids totaling 240 gallons, is defined in the Fire Code.~~

~~For special provisions on hazardous chemicals and magnesium, and calcium carbide, see Fire Code.~~

UBC ~~3802(b)8 In retail sales rooms, classed as Group B, Division 2 occupancies where the floor area exceeds 12,000 square feet on any floor or 24,000 square feet on all floors; however, the area and height increases specified in Sections 506(c) and 507 shall be permitted.~~ Section 3802(d)2 An automatic fire-extinguishing system must be installed in Group B occupancies exceeding 13,500 square feet in floor area located in Zone No. 1 or No. 2, or when of Type V construction exceeding 10,500 square feet of floor area located in Zone No. 1 or No. 2, or exceeding 20,200 square feet in floor area located in Zone No. 3. ~~The area and height increases specified in Section No. 506 and No. 507 shall be permitted.~~

Exception: Open parking garages.

UBC ~~3802(b)12~~ Section 3802(h) An automatic fire-extinguishing system must be installed in Group R1 occupancies exceeding 20,200 square feet in floor area or four stories in height located in Zone No. 1 or No. 2, or exceeding 30,000 square feet in floor area located in Zone No. 3. ~~The area and height increases specified in Section No. 506 and No. 507 shall be permitted.~~

CHAPTER 1310

1310.0400 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Window assembly.** "Window assembly" is a unit composed of a group of parts or components that make up a closure for an opening in a wall to control light, air, and other elements, and which normally includes: glazed sash, hinges or pivots, sash lock, sash operator, window frame, miscellaneous hardware, and the anchorage between the window and the wall.

For additional definitions, see ~~UBC Standards No. 41-1 and No. 41-2~~ parts 1310.1800 to 1310.9300.

1310.0500 SWINGING DOORS.

Subpart 1. **General.** All accessible prime swinging door assemblies shall be designed, constructed, and installed so that, when in the locked position they shall not permit entry when subjected to the forces shown in parts 1310.9000 and tested in accordance with ~~UBC Standard No. 41-1 Part A~~ parts 1310.1800 to 1310.2000.

Subp. 2. to 8. [Unchanged.]

Subp. 9. **Door panels and glazing.** Door panels or glazing materials located within 36 inches (900 mm) of the inside lock activating device of an accessible swinging door assembly shall withstand the required impacts in accordance with the appropriate provisions of ~~UBC Standard No. 41-1 Part A, Sec. 41.1007(h)~~ part 1310.1800, subpart 8.

Exceptions: Openings in doors, when such openings do not exceed two inches (50 mm) in the smaller dimension.

When the glazing material is UL-listed burglary-resisting glazing material (UL Standard 972) installed in an approved manner according to manufacturer's specifications.

When the opening is protected by approved metal bars or grilles having a pattern such that the minimum dimension of any opening on the bars or grilles does not exceed two inches (50 mm).

1310.0600 HORIZONTAL SLIDING DOORS.

All accessible prime horizontal sliding doors shall be designed, constructed, and installed so that, when in the locked position, they shall not permit entry when tested in accordance with ~~UBC Standard No. 41-1 Part B~~ parts 1310.2100 to 1310.2800.

1310.0700 WINDOWS.

All accessible prime windows assemblies shall be designed, constructed, and installed so that, when in the locked position, they shall not permit entry when tested in accordance with ~~UBC Standard No. 41-2~~ parts 1310.2900 to 1310.9300.

Exceptions: Fixed windows which are not designed to open; the glazing material of which may be installed in a sash, or may be installed directly into a window frame. Windows located more than 36 inches (900 mm) from the inside lock activating device of a

swinging door assembly when such windows have a clear cross section of 96 inches^2 (600 cm^2) or less and have as their smallest dimension a span of less than six inches (150 mm). Windows that are not emergency egress as regulated by UBC Sections 1304 and 1404, may be protected by approved metal bars or grilles having a pattern such that the minimum dimension of any opening in the bars or grilles shall not exceed two inches. The windows shall be equipped with a quick-acting release requiring no special knowledge or skill to operate.

CHAPTER 1315
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
ELECTRICAL CODE

1315.0200 SCOPE.

Subpart 1. **Documents contained in electrical code.** All new electrical wiring, apparatus, and equipment for electric light, heat, and power must comply with the regulations contained in the 1984 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute (ANSI /NFPA 70-1984), with tentative interim amendment 70-84-2, Minnesota Statutes, section 326.243, and the Minnesota State Building Code as promulgated by the commissioner of administration.

Subp. 2. **Electrical sections of state and uniform codes.** A synopsis follows.

A. [Unchanged.]

B. Chapter 1305, adoption of the ~~1982~~ 1985 Uniform Building Code by reference.

(1) to (19) [Unchanged.]

(20) Part 1305.3850, amended UBC ~~1216~~ section 1214, sound transmission control Group R occupancies.

(21) to (32) [Unchanged.]

C. Chapter 1320, elevators, dumbwaiters, escalators, manlifts, moving walks, hoists, lifts, and wheelchair-elevating devices.

(1) Part 1320.0900, amended Rule 101.5a, machine room lighting and outlet.

(2) Part 1320.1000, amended Rule 106.1e, pit lighting and outlet.

D. Chapter ~~1325~~ 4215, energy code.

E. to I. [Unchanged.]

J. Parts 1360.0200 to 1360.3600, prefabricated ~~and manufactured structures~~ building code.

UBC - Uniform Building Code

SBC - Minnesota Heating, Ventilating, Air Conditioning, and Refrigeration Code

CHAPTER 1320
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
ELEVATORS, DUMBWAITERS, ESCALATORS, MANLIFTS, MOVING WALKS, TEMPORARY HOISTS, AND ~~RELATED MACHINES~~ WHEELCHAIR LIFTS

1320.0100 ~~DEFINITIONS~~ GENERAL.

Subpart 1. **Scope.** ~~For the purpose of this chapter, the terms or words listed below shall have the meaning indicated~~ Elevators, dumbwaiters, escalators, manlifts, moving walks, temporary hoists, stage and orchestra lifts, and wheelchair elevating lifts must be designed, constructed, installed, and maintained so as to be reasonably safe to life, limb, and adjoining property.

Subp. 2. and 3. [See Repealer.]

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.

1320.0200 ~~GENERAL~~ DEFINITIONS.

~~Elevators, dumbwaiters, escalators, manlifts, moving walks, hoists, and lifts shall be designed, constructed, installed, and maintained so as to be reasonably safe to life, limb, and adjoining property.~~

Subpart 1. **Scope.** For the purpose of this chapter, the terms or words listed in this part have the meaning indicated.

Subp. 2. **Existing installation.** "Existing installation" means one for which, prior to the effective date of this code:

A. all work of installation was completed; or

B. the plans and specifications were filed with the enforcing authority and work was begun not later than 12 months after the approval of such plans and specifications.

Subp. 3. **New installation.** "New installation" means any installation which is not an existing installation.

1320.0300 EXISTING INSTALLATIONS.

Subpart 1. [See Repealer.]

Subp. 2. to 4. [Unchanged.]

1320.0400 INSPECTION, TESTS AND APPROVAL.

Subp. 2. [Unchanged.]

Subp. 3. **Inspections and tests.** It is unlawful for any person, firm, or corporation to put into service any installation covered by this chapter whether the installation is newly installed, relocated, or altered materially without the installation being inspected and approved by the administrative authority. The installer of any equipment included in this chapter must notify in writing the administrative authority seven days prior to completion of the installation for inspection. The administrative authority may require tests provided in ANSI ~~A17.1-1981~~ A17.1-1984 Edition and Supplement ANSI ~~A17.1a-1982~~ A17.1a-1985 which he considers necessary to prove the safe operation of any installation.

Subp. 4. and 5. [Unchanged.]

1320.0600 ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS.

Subp. 2. **Incorporations by reference.** The American National Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI ~~A17.1-1981~~ A17.1-1984 including supplement ANSI ~~A17.1a-1982~~ A17.1a-1985, is incorporated by reference and made a part of this code. All references in ANSI ~~A17.1-1981~~ A17.1-1984 and supplements, to the National Electrical Code are changed to read: "National Electrical Code" ANSI/NFPA 70-1984.

Subp. 3. to 9. [Unchanged.]

1320.0605 ANSI A17.1A, RULE 100.1A FIRE-RESISTIVE CONSTRUCTION.

ANSI A17.1, Rule 100.1a is amended to read as follows:

100.1a Fire-Resistive Construction.

(1) Hoistways must be enclosed throughout their height with fire-resistive enclosures as required by Part IV of the Uniform Building Code.

(2) Partitions between fire-resistive hoistways and machine rooms having fire-resistive enclosures and which are located at a side of or beneath the hoistway may be of unperforated noncombustible material at least equal to 0.0598 in. (1.519 mm) thick sheet steel in strength and stiffness with openings essential for ropes, drums, sheaves, and other elevator equipment.

(3) All hoistway openings must be provided with fire-resistive protective assemblies. The fire resistance rating must not be less than 1-1/2 hours when installed in two hour fire-resistance-rated construction. Protective assemblies installed in fire-resistance-rated construction of less than two hours must have ratings as required by the Uniform Building Code. The fire-resistance rating must be determined by the test specified in Section 1102.

1320.0610 ANSI A17.1, RULE 100.1D.

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

100.1d Multiple Hoistways.

If there are three or fewer elevator cars in a building, they may be located within the same hoistway enclosure. If there are four elevator cars, they must be divided so that at least two separate hoistway enclosures are provided. If there are more than four elevators, not more than four elevator cars may be located within a single hoistway enclosure.

1320.0615 ANSI A17.1, RULE 100.4A.

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

100.4a Control of smoke and hot gases.

Hoistways of elevators must be provided with means to prevent the accumulation of smoke and hot gases in case of fire. Hoistways housing elevators extending through more than two floor levels must be vented to the outside. The area of the vent must be not less than 3-1/2 percent of the area of the elevator shaft, as long as a minimum of three square feet per elevator is provided.

The venting of each individual hoistway must be independent from any other hoistway venting, and the interconnection of separate hoistways for the purpose of venting is prohibited.

Vents must be manually openable or remote control automatic vents. Location of operating devices is subject to approval of the fire chief.

1320.0620 ANSI A17.1, RULE 100.4B.

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

100.4b Location of vents.

Vents must be located:

1. in the side of the hoistway enclosure directly below the floor or floors at the top of the hoistway, and must open either directly to the outer air or through noncombustible ducts to the outer air; or

2. in the wall or roof of the penthouse or overhead machinery space above the roof, if the openings have a total area not less than the minimum specified in rule 100.4c. Vents passing through machine rooms must be in noncombustible ducts. When a vent is installed in the roof of a hoistway, a protective grille must be provided to prevent persons from falling into the hoistway.

1320.0625 ANSI A17.1, RULE 100.4C.

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

100.4c Pressurization of hoistway.

If air pressurization of a hoistway is used as a means of smoke and hot gas control, the air must not be introduced into the hoistway in such a manner as to cause erratic operation by impingement of traveling cables, selector tapes, governor ropes, compensating ropes, and other components sensitive to excessive movement or deflection.

1320.0650 ANSI A17.1, Rule 100.7.

ANSI A17.1, Rule 100.7 is amended to read as follows:

100.7 Emergency signs.

Except at the main entrance level, an approved pictorial sign of a standardized design must be posted adjacent to each elevator call station to indicate that, in case of fire, the elevator will not operate and exit stairways should be used.

1320.0675 ANSI A17.1, RULE 211.3D.

ANSI A17.1, Rule 211.3d is amended by adding the following:

The switches required by 211.3d must conform to the following:

Emergency elevators. All keyed switches installed to operate elevators on emergency service must be keyed alike to a pattern approved by the administrative authority. In lieu of the above, keys for emergency elevator service may be in a metal box placed in a location approved by the administrative authority, if the box is locked with a five-pin tumbler core lock or equivalent which is keyed to the same pattern.

1320.2001 ANSI A17.1, RULE 2000.

ANSI A17.1, Rule 2000 is amended by adding the following language:

INCLINED AND VERTICAL WHEELCHAIR LIFTS.

Scope. This part applies to vertical wheelchair lifts (ANSI Section 2000), and inclined wheelchair lifts (ANSI Section 2001), installed in existing buildings other than in or at a private residence for use by the physically handicapped.

Note: See ANSI A17.1, Part XXI for the requirements for this equipment installed in or at a private residence.

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Protection from weather. Devices must not be exposed to the outside elements.

Testing, tests, and inspections must be made in accordance with the applicable provisions of part 1320.0400 of this code.

1320.2005 ANSI A17.1, RULE 2000.6D

ANSI A17.1, Rule 2000.6D is amended to read as follows:

Rule 2000.6d Car and platform illumination lighting must comply with rule 204.7.

1320.2010 ANSI A17.1B-1985, RULE 2000.10H.

ANSI A17.1, Rule 2000.10h is added to rule 2000 as follows:

Rule 2000.10h Release and application of driving-machine brake. Driving-machine brakes must not be electrically released until power has been applied to the driving machine motor. All power feed lines to the brake must be opened and the brake must apply automatically when:

(1) any operating device in Rule 2000.10a or 2000.10b is in the stop position; or

(2) any electrical protective device functions.

1320.2015 ANSI A17.1, RULE 2001.1A.

ANSI A17.1, Rule 2001.1a is amended to read as follows:

Rule 2001.1a Means of egress. Lifts must be installed so that the means of egress is maintained as required by the authority having jurisdiction.

When installed on ramps or stairs, the lift must be separated from the ramp or stair by a solid guard rail not less than 42 inches in height. Handrails complying with the requirements of the UBC Section 3306(j) must be provided on the ramp or stairway side of the guardrail.

1320.2020 ANSI A17.1, RULE 2001.6C.

ANSI A17.1, Rule 2001.6c,(2) is amended to read as follows:

Rule 2001.6c,(2). Guards of at least 6 inches (153 mm) high must be provided on the sides of the platform not used for access. A retractable metal guard at least 6 inches (153 mm) high must be provided on the lower access end side of the platform to prevent the wheelchair from rolling off that end of the platform. The guard must be automatically activated by the movement from the lower landing or manually activated and must remain in its elevated position until the platform returns to the lower landing. It must be provided with an electric contact which will stop the movement of the platform within 6 inches (153 mm) of travel away from the lower landing if the guard has failed to rise to its guarding position.

Means must be provided to prevent a wheelchair from rolling off the platform at the upper access end. When in use, the incline of the ramp must not be greater than:

(a) 1 in 6 for heights up to 2-1/2 inches (64 mm).

(b) 1 in 8 for heights greater than 2-1/2 inches (64 mm) and less than 3 inches (76 mm).

(c) 1 in 12 for heights 3 inches (76 mm) or greater. A hand grip must be provided at a height of not less than 36 inches (914 mm) from the platform.

1320.2025 ANSI A17.1, RULE 2001.6F.

Rule 2001.6f is amended to read as follows:

Rule 2001.6f Platform illumination. Lighting must comply with Rule 204.7.

1320.2030 ANSI A17.1, RULE 2001.10H.

Rule 2001.10h is added to Rule 2001 as follows:

Rule 2001.10h Release and application of driving-machine brake. Driving-machine brakes must not be electrically released until power has been applied to the driving machine motor. All power feed lines to the brake must be opened and the brake must apply automatically when:

(a) any operating device in Rule 2001.10a or 2001.10b is in the stop position; or

(b) any electrical protective device functions.

1320.2035 ANSI A17.1, RULE 2002.

Rule 2002 is deleted in its entirety.

CHAPTER 1340
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
FACILITIES FOR THE HANDICAPPED
SPECIAL FACILITIES

1340.0200 WHERE REQUIRED.

Subpart 1. **General.** In addition to other provisions in this code, facilities for the handicapped must be provided in accordance with parts 1340.0200 to 1340.0900 and 1340.9000 to 1340.9900. See UBC ~~chapter 5~~ Sections 510 and 511 as amended for additional requirements.

Subp. 2. **Scope.** Parts 1340.0200 to 1340.0900 and 1340.9000 to 1340.9900 apply to all buildings except the following:

A. and B. [Unchanged.]

C. ~~attached R-3 and R-4 occupancies;~~

~~D.~~ one-story buildings not exceeding 2,000 square feet in floor area with an occupant load of ten or less and not primarily for the use of the general public;

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

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

1340.0300 BUILDING ACCESSIBILITY.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Access to other stories or levels.** Access for the handicapped to other stories or levels of the building used by the general public or employees must be by elevator or ramp~~, except the following:~~.

Exception: 1. Group ~~R-1~~ R Division 1 occupancies not exceeding three stories in height~~; and~~.

2. Other buildings two stories or less in height which have an occupant load of less than 100 persons on floors, levels, and mezzanines other than the floor of building access.

A ramp must have a slip-resistant surface. It must have a slope not to exceed one foot vertical to 12 feet horizontal and a landing at top and bottom, and where the rise exceeds three feet vertically, it must have an intermediate landing located not to exceed two feet six inches vertically. The bottom landing must have a minimum dimension of six feet measured in the direction of the ramp, and top and intermediate landings must have a minimum dimension of five feet measured in the direction of the ramp. Handrails and guardrails must be provided as required for stairs.

Subp. 5. to 8. [Unchanged.]

1340.0400 SANITATION FACILITIES.

Subpart 1. [Unchanged.]

Subp. 2. **Requirement for multiple dwellings.** ~~In~~ Group ~~R-1~~ R Division 1 occupancies having ~~eight or~~ more than seven dwelling units or guest rooms~~, sanitation facilities shall~~ in a single building must be provided with sanitation facilities in accordance with part 1340.9100. In a multiple-building development, the dwelling units or guest rooms containing sanitation facilities ~~shall~~ must not be located solely in one building.

Subp. 3. and 4. [Unchanged.]

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CHAPTER 1355
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
PLUMBING

1355.0100 PLUMBING.

All plumbing in buildings and structures as defined in the Minnesota State Building Code must comply with the provisions of parts 4715.0200 to 4715.2860 and 4715.3900 to 4715.4100, and may comply with parts 4715.3500 to 4715.3800.

CHAPTER 1360
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
PREFABRICATED ~~STRUCTURES~~ BUILDINGS

1360.0100 TITLE AND SCOPE.

Subpart 1. **Identification and title.** Parts 1360.0100 to ~~1360.3700 shall be~~ 1360.3600 are known as the "Minnesota Prefabricated ~~Structures and Manufactured Buildings~~ Building Code." Unless otherwise specified, subsequent reference in this chapter to "the code" ~~shall mean~~ means the Minnesota Prefabricated ~~Structures and Manufactured Buildings~~ Building Code.

Subp. 2. **Purpose.** The purpose of this chapter is to govern the construction of, and provide for the certification ~~for~~ of, prefabricated ~~structures and manufactured~~ buildings ~~and components~~.

1360.0200 DEFINITIONS.

Subpart 1. **Scope.** Unless otherwise expressly stated, the following terms ~~shall~~, for the purpose of this code, have the meaning indicated in this part. ~~The definitions promulgated by the Model Code Standardization Council shall apply to terms included within this code but which are not herein defined.~~

Subp. 2. **Approved.** "Approved" as it applies to factory or off-site construction of prefabricated buildings means approved by the state building inspector.

Subp. 3. **Building ~~component~~.** "Building ~~component~~" means any ~~subsystem, subassembly, or other system designed for use in, or as a part of, a structure, including but not limited to structural, electrical, mechanical, fire protection, and plumbing systems, and other systems affecting health and safety~~ structure used or intended for supporting or sheltering any use or occupancy.

Subp. 4. **Building system.** "Building system" means ~~plans, specifications, and documentation for a system of manufactured building or for a type or a system of building components, including but not limited to structural, electrical, mechanical, fire protection and plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof~~ the process of preparing plans, specifications, and other documents describing one of a series of prefabricated buildings employing approved methods of fabrication within established limits; and includes, but is not limited to, the structural, electrical, mechanical, fire protection, and plumbing design.

Subp. 5. **Closed construction.** "Closed construction" means any building ~~component, assembly, or system~~ manufactured in such a manner that all portions cannot be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

Subp. 6. [Unchanged.]

Subp. 7. **~~Code~~ Compliance certificate and data plate.** "Code Compliance certificate and data plate" means the certificate provided by the ~~manufacturer~~ state building inspector to the ~~state building inspector~~ manufacturer which when signed by the manufacturer warrants that the ~~manufactured~~ prefabricated building ~~or building component~~ complies with the code.

Subp. 8. [Unchanged.]

Subp. 9. **Evaluation agency.** "Evaluation agency" means an approved person or organization, private or public, determined by the state building inspector to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and independence of judgment, to investigate, evaluate, and approve ~~manufactured~~ prefabricated buildings ~~or building components~~, building systems, or compliance assurance programs in accordance with the requirements of the code.

Subp. 10. **Independence of judgment.** "Independence of judgment" means not being affiliated with, ~~or~~ influenced, or controlled by building manufacturers or producers, suppliers, or vendors of products or equipment used in ~~manufactured~~ prefabricated buildings ~~and building components~~ in any manner which is likely to affect ~~their~~ the capacity to render reports and findings objectively and without bias.

Subp. 11. **Inspection agency.** "Inspection agency" means ~~an approved~~ a person or organization, private or public, determined by

the state building inspector to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and independence of judgment, to conduct or supervise compliance assurance programs relating to the manufacture, handling, storage, and transportation of ~~manufactured~~ prefabricated buildings ~~or building components,~~ and attach ~~labels~~ seals to prefabricated buildings, evidencing compliance with the code.

Subp. 12. **Installation.** "Installation" means the process of affixing, or assembling and affixing, ~~manufactured~~ prefabricated buildings ~~or building components~~ on the building site, or to an existing building.

Subp. 13. [See Repealer.]

Subp. 14. [Unchanged.]

Subp. 15. **~~Manufactured~~ Prefabricated building.** "~~Manufactured~~ Prefabricated building" means any building or building module which is of closed construction and which is made, constructed, or assembled in manufacturing facilities, on or off the building site, for installation, or assembly and installation, on the building site. ~~"Manufactured building" may also mean, at the option of the manufacturer, any building of open construction, made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site,~~ but does not include relocatable contractors offices or storage buildings that are 1,500 square feet or less in floor area, that are designed for temporary use by a contractor at a construction site, that are not to be used by the general public or as a sales office, and that will be removed prior to or upon completion of the construction project.

Subp. 16. **Open construction.** "Open construction" means any building~~, component, assembly, or system~~ manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to, or destruction ~~thereof~~ of the building.

Subp. 17. [Unchanged.]

Subp. 18. **Compliance assurance program.** "Compliance assurance program" means the system documentation and methods of assuring that ~~manufactured~~ prefabricated buildings ~~and building components~~, including their manufacture, storage, transportation, assembly, handling, and installation, conform with ~~these parts~~ the code.

Subp. 19. **Seal.** "Seal" means a device or insignia issued to the manufacturer by the state building inspector evidencing ~~compliance~~ the manufacturer's certification that the prefabricated building or module bearing the seal was produced in accordance with the code.

1360.0300 APPROVAL.

Subpart 1. **Responsibility; plan review.** The state building inspector ~~reserves to himself~~ has the responsibility for approving ~~manufactured~~ prefabricated buildings~~,~~ and building systems~~, and components~~ for compliance with the code. ~~Such~~ This responsibility may be delegated ~~by him~~ to approved evaluation agencies.

Manufacturers ~~shall~~ must submit plans biannually for reevaluation and approval.

Approvals ~~shall~~ expire when there are revisions to the code under which the approval was granted. At ~~such~~ that time the manufacturer ~~shall~~ must submit entire new documentation for evaluation and approval~~;~~, or submit evidence that the plans as approved are in compliance with the code as revised.

Subp. 2. **Dwellings manufactured for use in specific municipality.** A local unit of government may authorize the construction of a one-family or two-family detached dwelling manufactured at a location in the municipality other than the site of installation in the same municipality, if:

A. the manufacturer applies to the state building inspector, on a form specified by the commissioner, to construct a dwelling in the municipality;

B. the building official endorses the application and agrees to provide the same plan review and inspection services that would be provided if the home were built on site;

C. the manufacturer agrees not to apply for a Minnesota prefabricated building seal at a future date;

D. the completed form and a copy of the local building permit application must be forwarded to the Division of Building Codes and Standards for acceptance; and

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E. the Division of Building Codes and Standards accepts the proposal and notifies the manufacturer and the building official in writing.

1360.0500 CERTIFICATION.

~~Manufactured~~ Prefabricated buildings ~~and building components~~ which are sold, offered for sale, or installed in the state ~~shall~~ must bear a seal or seals and a compliance certificate and data plate evidencing the ~~state building inspector's~~ manufacturer's certification of code compliance. ~~Such~~ That certification ~~shall be~~ is conclusive on all agencies, instrumentalities, and municipalities of the state.

1360.0600 RECIPROCITY.

Upon a showing that another state provides for certification of ~~manufactured~~ detached one-family and two-family dwelling prefabricated buildings ~~and components~~ upon compliance with standards that are at least equal to those provided in the code, the commissioner may provide that ~~such~~ certification granted by ~~such~~ that state ~~have~~ has the same force and effect as certification ~~by the state building inspector~~ under this code. The commissioner may make ~~such~~ reciprocity contingent upon ~~such~~ the other state granting reciprocal ~~effect to~~ certification ~~by the state building inspector~~ in accordance with this code.

Pursuant to the provisions of this part the commissioner has established reciprocity with the following states which have granted reciprocity to the state of Minnesota: state of Indiana.

1360.0700 MODIFICATION.

~~Manufactured~~ Prefabricated buildings ~~or components~~ bearing a state seal ~~shall~~ must not in any way be modified unless a written request is made and written approval obtained from the state building inspector or municipal building official.

1360.0800 TESTING.

The state building inspector or the evaluation agency may require that specific components, systems, ~~etc.~~ or processes be tested. Tests ~~shall~~ must be performed by ~~an approved~~ a qualified testing agency. ~~Such~~ The tests and procedures ~~shall~~ must be reviewed by the evaluation agency or the state building inspector to assure compliance with the code.

1360.0900 INSPECTION.

Subpart 1. **General.** The state building inspector shall make, or cause to be made, ~~such~~ inspections of the entire process of manufacturing, certifying, handling, storing, and transporting of ~~manufactured~~ prefabricated buildings ~~and building components~~ produced pursuant to approved ~~building systems as he~~ documents which the state building inspector deems necessary.

Subp. 2. **Manufacturing facilities.** As part of the approval process of evaluating building systems and compliance assurance programs, the state building inspector or an evaluation agency shall inspect the manufacturing facilities in which the buildings ~~or building components~~ are to be manufactured.

Subp. 3. **Production process.** The state building inspector or an inspection agency shall make such inspections as may be required by an approved compliance assurance program, or as may be deemed necessary by the state building inspector.

Subp. 4. **Damaged prefabricated buildings ~~or components.~~** Prior to the ~~issuance~~ installation of a ~~building permit,~~ damaged prefabricated building, the manufacturer shall notify the state building inspector ~~or an inspection agency shall~~ who shall inspect, or cause to be inspected, certified ~~manufactured~~ prefabricated buildings ~~or building components~~ which ~~it determines to~~ have been ~~sufficiently~~ damaged after certification ~~to warrant such inspection~~ and take ~~such~~ action with regard to ~~such~~ those buildings ~~or building components as~~ which is authorized under part ~~1360.1800~~ 1360.3100, subpart 3, or ~~as~~ which is otherwise necessary to eliminate dangerous conditions.

The state building inspector shall require ~~manufactured~~ prefabricated buildings ~~or building components~~ which are so damaged as no longer to comply with ~~the act and these parts~~ the code to be brought into compliance promptly. If ~~such~~ those buildings ~~or building components~~ are not brought into compliance with ~~the act and these parts~~ the code within a reasonable time, or if they are so damaged that they cannot be brought into compliance, the state building inspector shall order that the ~~labels~~ seals be removed from ~~such~~ the buildings ~~or building components~~. Irreparably damaged buildings ~~or building components shall~~ must be disposed of in accordance with applicable law.

Subp. 5. **Inspection agency review.** The state building inspector ~~shall have the right to~~ may examine each approved inspection agency, at any reasonable time, and without prior announcement, in order to monitor the reliability of each agency and of its monitoring of each compliance assurance program. Each such examination ~~shall~~ must investigate the adequacy of all procedures used by the agency in monitoring compliance assurance programs including inspection, tests, production methods, process controls, operator performance, materials receipt, storage and handling, workmanship standards, records, and all other activities which implement the compliance assurance program in the manufacturing facility, during transport, on site, and at critical subcontractors' facilities. The results of ~~such~~ these examinations ~~shall~~ must be kept on file at the offices of the state building inspector. Copies of ~~such reports shall~~ the results must be sent to the inspection agency. Inspection agencies ~~shall~~ must be specifically notified of any deficiencies and of the manner in and time by which ~~such~~ the deficiencies must be eliminated. If deemed necessary by the state

building inspector, an agency's approval may be suspended or revoked as provided in part 1360.3500. ~~Such~~ Inspections ~~shall~~ must take place at the manufacturing facility, and may also take place at the inspection ~~agencies~~ agency's office~~,~~ or at the site of installation of the prefabricated building.

Subp. 6. **Evaluation agency review.** The state building inspector ~~shall have the right to~~ may examine each approved evaluation agency, at any reasonable time, and without prior announcement, in order to monitor the reliability of each agency. Each such examination ~~shall~~ must investigate the adequacy of all evaluative procedures including engineering evaluation of plans, specifications and test results, testing, and analysis of compliance assurance programs. The results of ~~such examination shall~~ these examinations must be kept on file at the offices of the state building inspector. Copies of ~~such reports shall~~ the results must be sent to the evaluation agency. Agencies ~~shall~~ must be specifically notified of any deficiencies and of the manner and time by which ~~such~~ the deficiencies must be eliminated. If deemed necessary by the state building inspector, approval of an evaluation agency may be suspended or revoked as provided in part 1360.3500.

1360.1000 ON-SITE INSPECTION BY LOCAL CODE ENFORCEMENT AGENCY.

Local code enforcement agencies are ~~authorized~~ required to inspect the installation of ~~manufactured~~ prefabricated buildings~~, components, and systems,~~ and are responsible for determining that ~~such~~ each installation is completed in accordance with its certification. The local enforcement agency may inspect, to the maximum extent possible without causing undue delay, ~~manufactured~~ prefabricated buildings~~, components, or systems~~ at the installation site for compliance with the code. ~~Such~~ This inspection ~~shall~~ must not require the removal of permanent parts of the structure. Evidence of noncompliance with the certification ~~shall~~ must be reported to the state building inspector.

1360.1100 LOCAL ZONING.

~~Local~~ Enforcement of land use zone requirements, building setback, side and rear yard requirements, site development, and property line requirements are specifically and entirely reserved to local municipalities.

1360.1200 STANDARDS AND REQUIREMENTS.

The standards and requirements for manufacture and installation of ~~manufactured~~ prefabricated buildings~~, systems, and components~~ ~~shall~~ must be the current Minnesota State Building Code.

1360.1300 BUILDING PERMITS.

Subpart 1. **Application for permit.** An application for a building permit to a local building official for the installation of ~~manufactured~~ prefabricated buildings ~~or systems~~ pursuant to this code ~~shall,~~ must in addition to any other requirements~~,~~ contain:

A. a statement that ~~such~~ application is made for permission to install ~~manufactured~~ prefabricated buildings ~~or systems~~ in accordance with the provisions of the code, signed by the applicant or his agent with the appropriate address;

B. and C. [Unchanged.]

Subp. 2. **Issuance.** The local building official ~~shall~~ must issue a permit, license, certificate, authorization, or other required document, as the case may be, for the installation of the ~~manufactured~~ prefabricated building ~~or system~~ if the application is ~~compiled~~ submitted in accordance with this code. The manufacturer shall submit evidence to assure that the design loads are in accordance with the apropriate provisions of the code. Foundation plans, all utility installations and connections, and all provisions of part 1360.1100 are subject to local approval.

1360.1400 CERTIFICATE OF OCCUPANCY.

Upon completion of the installation of any ~~manufactured~~ prefabricated building ~~or system~~ the owner, manufacturer, builder, architect, lessee, tenant of their agent, or other interested person ~~shall be entitled~~ may, upon showing of compliance with the code, ~~to~~ demand and obtain, upon proper payment being made ~~thereof~~ for it in appropriate cases, any permit, license, certificate, authorization, or other required document the issuance of which is authorized pursuant to any state or local building regulation.

1360.1500 CHANGES TO APPROVED PLANS.

~~Where the~~ A manufacturer who proposes or is required to change ~~the approval~~ approved plans or installation instructions ~~such~~ shall request ~~shall be~~ approval of the changes in writing and work ~~shall~~ may not commence until ~~such~~ written approval is received. ~~Such~~ The changes ~~shall~~ must be incorporated in the inspection procedures manual.

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1360.1800 NONCOMPLIANCE.

Noncompliance with the provisions of the code or unauthorized deviation from the approved plans or production ~~shall~~ procedures may be cause for revocation of the plan approval and authorization to obtain seals.

1360.1900 SEALS.

Subpart 1. **R-3 and R-4 Occupancies.** For R-3 and R-4 occupancies, each ~~manufactured~~ prefabricated building manufactured pursuant to the code ~~shall~~ must have permanently attached ~~thereto,~~ in a location shown on the approved plans~~,~~ a state seal evidencing ~~the state building inspector's approval of such building. When a manufactured building consists of one or more sections that may be transported or stored individually, each section must be marked or labeled to indicate that the section is a part of a manufactured structure and shall bear the number of the state of Minnesota seal assigned to the building.~~

~~The marking or label shall also indicate the name of the manufacturer, the address of the manufacturing facility, and the manufacturer's serial number or other designator assigned to the building. All labels shall be visible from the exterior, shall be legible, and shall remain on the structure until the building is complete~~ certification of compliance with the code by the manufacturer.

Subp. 2. [Unchanged.]

1360.2000 ISSUANCE.

A seal ~~shall~~ must be issued by the state building inspector to the manufacturer upon application and after plan approval has been issued, and ~~shall~~ must be issued in accordance with the following:

A. If the state building inspector delegates the issuance of seals to an evaluation or inspection agency, the agency shall ~~be required to~~ obtain approval from the state building inspector for the manner in which they are handled.

B. Seals must be serially numbered.

C. A manufacturer's compliance assurance program, submitted in accordance with part 1360.3100, item A ~~shall~~ must include requirements for issuance, possession of, attachment of, and accounting for all seals to assure that seals are attached only to buildings ~~or building components~~ manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program.

D. If the state building inspector or an inspection agency determines that the manufacturer's record of compliance is such that the state building inspector or inspection agency need not maintain an inspector in a given plant at all times, the state building inspector or inspection agency may entrust seals to the custody of one or more employees of the manufacturer, who shall ~~be charged with controlling~~ control the use of ~~such~~ the seals. ~~Such~~ These employees ~~shall~~ must not be given custody of more seals than are necessary to accommodate the manufacturer's anticipated production for one month. If the conditions of custody are violated, the state building inspector or an inspection agency shall immediately regain possession of all seals that have not been applied to the ~~manufactured~~ prefabricated buildings ~~or building components~~ and shall take ~~such~~ further action with respect to buildings ~~or components~~ already sealed, and with respect to future seals, ~~as~~ which it may deem necessary to assure compliance with ~~the act and these parts~~ the code.

1360.2100 REPORTING.

Approved inspection agencies shall maintain a record of inspections ~~and such records shall~~ which must be made available to the state building inspector annually or upon request. Manufacturers shall report monthly the disposition of seals~~. Such report shall identify,~~ identifying by manufacturer's serial number~~,~~ the ~~manufactured~~ prefabricated building ~~or component~~ to which ~~such~~ each seal was affixed.

1360.2200 RETURN OF SEALS.

The manufacturer shall return all seals allocated for ~~a manufactured building or system~~ prefabricated buildings to the state building inspector ~~where~~ if the manufacturer, for any reason, determines that ~~such~~ the seals ~~shall~~ will no longer be needed.

1360.2300 REVOCATION.

Upon revocation of plan approval, all seals not affixed to a ~~manufactured~~ prefabricated building ~~or system shall~~ must be returned. All seals ~~which have been~~ affixed after the date of revocation ~~shall be~~ are void.

1360.2400 MANUFACTURER'S ~~DATA PLATE~~ COMPLIANCE CERTIFICATE.

The ~~data plate~~ compliance certificate form furnished by the state building inspector ~~shall~~ must contain but is not ~~be~~ limited to the following information, and ~~shall~~ must be placed by the manufacturer in the vicinity of the electrical distribution panel or in some other approved designated location that is readily accessible for inspection:

A. to J. [Unchanged.]

1360.2500 PLAN APPROVAL PROCEDURES.

~~A~~ Plan approval ~~shall~~ must be obtained from the state building inspector or the evaluation agency for ~~manufactured~~ all prefabricated buildings and systems. ~~Such approvals are mandatory for all closed construction. Approval for open construction is optional to the manufacturer.~~

~~General requirements:~~ Applications, plans, specifications and other documentation ~~shall~~ must be submitted in sufficient copies as required. ~~Plan size shall not exceed 18 inches by 24 inches.~~ Applications ~~shall~~ must be made in letter form. All documentations and plans ~~shall~~ must indicate the manufacturer's name, office address, and address of manufacturing facility.

A quality control manual prepared by the manufacturer ~~shall~~ must be submitted. ~~Where~~ If the manufacturer elects to have each building or system produced individually inspected, a quality control manual need not be submitted.

Manufacturers shall submit plans showing all elements relating to specific systems on ~~sheet(s)~~ properly identifiable sheets. Each plan ~~shall~~ must bear the signature and seal of an approved registered architect or professional engineer where required. The plan ~~shall~~ must indicate the method of evaluation and inspection for all required on-site testing of the systems. Plans ~~shall~~ must designate all work to be performed on site, including connections of all systems, equipment, and appliances and all work performed in the plant. A three-inch by four-inch clear rectangular space ~~shall~~ must be provided on all sheets of plans near the title box for the stamp of approval.

The design of plumbing, electrical, heating, and mechanical systems or any structural design or method of construction and data ~~shall~~ must be in accordance with the Minnesota State Building Code. Grade, quality, and identification of all materials ~~shall~~ must be specified. Design calculations and test reports ~~shall~~ must be submitted when required. Plans ~~shall~~ must be drawn to scale~~. Plans shall~~ and indicate the location of the approved seal and data plate.

1360.2700 NONCONFORMING APPLICATION AND PLANS.

In the event that ~~the~~ an application is determined to be unsuitable for processing prior to plan check, the applicant ~~shall~~ must be notified in writing of ~~such~~ the unsuitability and the ~~basis thereof~~ reason for the unsuitability within 30 days of the date the application is received by the state building inspector or evaluation agency.

1360.2800 EVIDENCE OF PLAN APPROVAL.

Plan approvals ~~shall~~ must be evidenced by the stamp of approval of the state building inspector or evaluation agency. One copy of all approved documentation ~~shall~~ must be returned to the manufacturer.

1360.2900 REQUIRED CONSTRUCTION DETAILS.

Plans ~~shall~~ must provide or show, but are not ~~be~~ limited to, the following details:

A. General.

(1) Details and method of installation of ~~manufactured~~ prefabricated buildings ~~or components~~ to foundations or to each other.

(2) [Unchanged.]

(3) Cross-sections as necessary to identify major building ~~components~~ elements.

(4) to (6) [Unchanged.]

(7) Interior wall and ceiling finish material, and required protection.

(8) to (10) [Unchanged.]

(11) Evidence of compliance with the ~~design and evaluation criteria for energy conservation in new buildings, additions, remodeled elements of buildings, and standards for certain existing public buildings, 1978 edition~~ Model Energy Code Amendments, parts ~~1325.0200 to 1325.0700~~ 4215.0100 to 4215.6100.

B. Plumbing detail requirements.

(1) Plan or schematic drawing of the plumbing layout including, but not limited to, size of piping, fittings, traps ~~and~~, vents, cleanouts, and valves~~,~~ for gas, water, and drainage systems.

(2) to (6) [Unchanged.]

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C. Structural.

(1) [Unchanged.]

(2) Allowable soil bearing value ~~and ground water table~~.

(3) [Unchanged.]

(4) Details and layout of roof trusses ~~and stress diagrams~~.

(5) to (7) [Unchanged.]

(8) ~~Lintel~~ Header schedule.

(9) to (11) [Unchanged.]

(12) Complete details of all structural connections including, but not limited to, chord splices, corner and wall intersection details, post and beam connections, beam splices and column splices. Both in-plant and on-site connections ~~shall~~ must be shown.

D. Space and fire safety.

(1) ~~Detail of~~ Design and tested time period ~~of fire resistance~~ reference for all fire-resistive construction including stairways and their enclosures, ~~doors~~ shaft enclosures, door and window assemblies, walls, ~~floors, ceilings,~~ partitions, columns, ~~roof~~ and ~~shaft enclosures~~ floor-ceiling and roof-ceiling assemblies.

(2) [Unchanged.]

E. Building classification.

(1) to (3) [Unchanged.]

(4) Fire ~~hazard~~ resistance designation.

F. Mechanical detail requirements.

(1) Location of all equipment and appliances. Indicate ~~equipment~~ listed or labeled ~~by approved agencies~~ equipment and listing agency.

(2) Heat loss calculations. Heating appliance sizing calculations.

(3) to (5) [Unchanged.]

(6) Method of providing required combustion air and ~~return~~ make-up air.

(7) to (11) [Unchanged.]

G. Electrical detail requirements.

(1) to (6) [Unchanged.]

(7) Method of interconnection between ~~manufactured~~ prefabricated buildings or ~~components~~ building modules and location of connections.

(8) and (9) [Unchanged.]

1360.2910 PLAN REVIEW BY MANUFACTURER.

Each submittal must be accompanied by a plan review form indicating the building code sections checked for compliance and the result of the checking process. For one and two family detached dwellings a review form must be submitted for the model in each series that exceeds the code minimum by the least margin. For other structures that require individual approval (all units other than one and two family detached dwellings) a review form must accompany each submittal. Plan review forms must be as specified by the state building inspector.

1360.3000 GENERAL.

Parts 1360.3000 to 1360.3700 outline the requirements for a comprehensive program of quality control. It ~~shall be~~ is the manufacturer's responsibility to execute every aspect of this program. The manufacturer shall continue to be responsible for all corrective actions required, and the contractual relationship with an approved inspection agency ~~shall~~ must not diminish ~~such~~ that responsibility.

1360.3100 REQUIREMENTS FOR MANUFACTURER.

Subpart 1. **Manual.** The manufacturer shall provide a quality control manual with index including but not limited to the following:

A. to C. [Unchanged.]

D. the means of identification and segregation to prevent unauthorized use and to control disposition of items that do not conform to drawings or specification requirements;

E. to I. [Unchanged.]

J. the maintenance of adequate records of inspections and tests performed during manufacturing and site operations and assurance that ~~such~~ the records are complete and reliable (copies of forms to be utilized ~~shall~~ must be included);

K. to N. [Unchanged.]

O. procedures for final inspection ~~on~~ of all ~~manufactured~~ prefabricated buildings or systems before shipment to the site or storage point including identification and seal application;

P. [Unchanged.]

Q. procedures for handling and storing all finished ~~manufactured~~ prefabricated buildings ~~or components~~; and

R. installation procedures with appropriate inspection procedures (utility hook-up procedures ~~shall~~ must contain appropriate inspection criteria and test description).

Subp. 2. **Identifications.** The manufacturer shall identify the inspection agency.

The manufacturer shall identify the manufacturer's representative who will be assigned the responsibility for implementing the quality control program and define his functional obligation, responsibility, and authority. The state building inspector or the evaluation agency ~~shall~~ must be advised of any subsequent change.

Subp. 3. **Service and repair.** The manufacturer or his agent ~~shall be~~ is responsible for timely and effective performance of service and repairs related to code compliance.

1360.3200 INSPECTION AGENCIES' PROCEDURES FOR COMPLIANCE ASSURANCE.

The inspection agency shall monitor the manufacturer's approved quality control program and inspect the ~~manufactured~~ prefabricated building or system to assure compliance with the approved plans and specifications and the quality control manual.

1360.3300 APPROVAL OF INSPECTION AND EVALUATION AGENCIES; REQUIREMENTS FOR SUBMISSION.

An inspection or evaluation agency seeking approval shall submit an application to the state building inspector which ~~shall~~ must include the items listed in this part:

A. to O. [Unchanged.]

P. list of states in which the agency is now approved to inspect or evaluate ~~manufactured~~ prefabricated buildings ~~or building components,~~ and a further listing of those states in which the agency intends to seek such approval within the next two years;

Q. certification that the agency is able to evaluate building systems for compliance with the codes, standards, specifications, and requirements adopted herein, or ~~manufactured~~ prefabricated buildings ~~or building components~~ for compliance with approved building systems; and

R. [Unchanged.]

1360.3400 PROCEDURES FOR APPROVING EVALUATION AGENCIES.

Subpart 1. [Unchanged.]

Subp. 2. **Determining completeness of application.** Prior to a full evaluation of an application for approval, the state building inspector shall determine whether ~~such~~ the application is complete and in accordance with part 1360.3300. In the event the application is found to be unsuitable for processing, the applicant ~~shall~~ must be notified in writing of ~~such~~ the unsuitability and the ~~basis thereof~~ reason for the unsuitability within 30 days of the date the application is received by the state building inspector. In ~~such~~ that event, all but $25 of the fee ~~will~~ must be returned~~, and the findings~~. A finding of unsuitability ~~shall be~~ is without prejudice. Any subsequent submission ~~shall~~ must be treated as a new application.

Subp. 3. [Unchanged.]

Subp. 4. **Reporting approval.** Approval of inspection or evaluation agencies ~~shall~~ must be evidenced by a letter to the applicant indicating ~~such~~ approval and stating specifically the functions which the applicant has been approved to perform. ~~Such~~ The letter of approval ~~shall~~ does not constitute the actual delegation of ~~such~~ those functions.

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1360.3500 SUSPENSION AND REVOCATION OF APPROVAL.

Subpart 1. **Grounds.** The state building inspector may suspend or revoke ~~its~~ the approval of any evaluation agency or inspection agency if the approval was issued in error, was issued on the basis of incorrect information, or was issued in violation of the act or ~~these parts~~ the code, or if the agency violates the act or ~~these parts~~ the code, if examination pursuant to 1360.0900, subparts 5 and 6 discloses that the agency has failed to perform properly, or for ~~such~~ any other cause ~~as may be~~ deemed sufficient by the state building inspector to warrant ~~such~~ that action. Appeals from suspensions or revocations ~~shall~~ must receive timely review.

Subp. 2. **Notice of suspension or revocation.** If the state building inspector suspends or revokes the approval of an evaluation or inspection agency, the evaluation or inspection agency ~~shall~~ must be given notice in writing of the suspension or revocation with the reasons ~~therefore~~ set forth ~~therein~~ in the notice. Manufacturers being evaluated or inspected by such agencies, and all local enforcement agencies within this state ~~shall~~ must also be notified in writing of ~~such~~ the suspensions or revocations. ~~Such~~ Notices ~~shall~~ must contain instructions to the local enforcement agencies as to ~~manufactured~~ prefabricated buildings ~~or building components~~ previously certified by an agency whose approval has been suspended or revoked.

Subp. 3. **Delivery of records.** An evaluation or inspection agency whose approval has been suspended or revoked ~~shall~~ must within 90 days of the suspension or revocation deliver to the custody of the state building inspector the originals of all records required by ~~these parts~~ the code to be made of, or in the course of, the agency's operations pursuant to ~~the act and these parts~~ the code.

Subp. 4. **Delivery of seals.** An evaluation or inspection agency for which approval has been suspended or revoked ~~shall~~ must, within 90 days of the suspension or revocation, deliver to the custody of the state building inspector all seals in the agency's possession, under its control, or for which it is responsible pursuant to ~~these parts~~ the code.

1360.3600 FEES.

Subpart 1. **Form and amount of payment.** All fees ~~shall~~ must be in the form of checks or money orders payable to "Minnesota State Treasurer," and addressed to: State of Minnesota Department of Administration, Building Codes and Standards Division, 408 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota 55101.

The seal fee is ~~$20~~ $30 per seal. The replacement seal fee for damaged or lost seals is ~~$5~~ $10 per seal. For all other work performed by the Building ~~Code~~ Codes and Standards Division such as, but not limited to, the review of plans, specifications, and independent agency reports, inspection, and quality control evaluation, a fee of ~~$20~~ $25 per ~~man-hour shall~~ person, per hour must be charged. Travel expense ~~shall~~ must be charged at the rates established for state employees by the commissioner of administration.

Subp. 2. **Inspection or evaluation agencies.** An initial fee of $150 ~~shall~~ must be submitted with the application for agency approval. The initial fee ~~shall~~ must be submitted prior to January 1, 1981, by all currently approved agencies and ~~shall~~ must include any additional data necessary to show compliance with parts 1360.0900, 1360.2000, and 1360.3300 to 1360.3500.

A registration fee of $75 is required annually, due January 1 of each year, to maintain state approval.

4715.0100 DEFINITIONS.

Subpart 1. to 73. [Unchanged.]

Subp. 73a. **Must.** The word "must" is a mandatory term.

Subp. 74. to 128. [Unchanged.]

4715.0420 STANDARDS FOR PLUMBING MATERIALS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Standards for plumbing materials.**

	DESCRIPTION	ANSI	ASTM	FS	OTHER
I. to V. [Unchanged.]					
VI.	PLASTIC PIPE AND FITTINGS				
	DRAIN, WASTE AND VENT				
6A	Acrylonitrile-Butadiene-Styrene (ABS) Type 1, Schedule 40		D2661	L-P-322a FHA-MPS	HSF14 CS270
	Foam core		F628		
6B	(1) Polyvinyl Chloride (pvc) Schedule 40 Unthreaded Schedule 80 can be threaded		D2665	L-P-320a FHA-MPS	NSF14 CS272
6B	(2) Polyvinyl Chloride (pvc) Schedule 30 (3 inch only)		D2949	L-P-001221	

	BUILDING SEWER				
6C	(1) Styrene—Rubber		D2852	(Filed 4-5-73)	CS228
6C	(2) Polyvinyl Chloride (pvc) (Amended 4-5-73)		D3033 D3034 F789	FHA-UM-26 ~~D3034~~ WW-P-00380a	~~WW-P-00380a~~
6C	(3) Acrylonitrile-Butadiene-Styrene (ABS)		D2751		

WATER SERVICE—Minimum working pressure rating shall be at least 150 psi for municipal water service and 100 psi for other service.

6D	Polyethylene (PE)	B72.1	D2239 D2737	LP-315a FHA-UM-31C	NSF14 CS255
6E	Acrylonitrile-Butadiene-Styrene (ABS)	B72.3	D2282		NSF14 CS254
6F	Polyvinyl Chloride (PVC)	B72.2	D2241	L-P-1036 FHA UM-41	NSF14 CS256
6G	Polybutylene		D2662 D2666	NSF14	
	SPECIAL WASTES (Amended 12-26-72)				
6H	Polyethylene		D2239	LP 315a	PS10-69 PS11-69 PS12-69
6J	Polypropylene (Type II 24308)			D2146	

WATER DISTRIBUTION - Polybutylene (PB) systems (PB tubing together with recommended fittings) and chlorinated polyvinyl chloride (cpvc) pipe together with fittings must be tested by the manufacturer at 150 psi and 210 degrees Fahrenheit for a period of not less than 48 hours by an independent testing laboratory acceptable to the administrative authority.

6K	Polybutylene		D3309		
6L	Chlorinated polyvinyl-chloride (CPVC)	119.1, 119.2	D2846		FHA Bulletin #76

4715.0510 WATER SERVICE PIPE.

The following materials may be used for water service pipe:

A. to D. [Unchanged.]

~~E. Lead pipe 4B with heavy duty bronze unions or wiped joints with the provision that each joint must be supported by a durable support without abrasive or cutting edge.~~

F. to H. [Reletter as E. to G.]

4715.0520 WATER DISTRIBUTION PIPE.

The following materials may be used for water distribution pipe:

A. to I. [Unchanged.]

~~J. Lead pipe 4B with heavy duty bronze fittings or wiped joints.~~

K. and L. [Reletter as J. and K.]

4715.0810 PLASTIC JOINTS.

Every joint in plastic piping ~~shall~~ must be made with approved fittings ~~by either~~ using solvent welded ~~or~~, fusion welded connections ~~or with approved~~, insert fittings ~~and~~ with metal clamps and screws of corrosion-resistant material or approved crimp rings, threaded joints according to accepted standards, or special IAPMO listed fittings of other types. Large diameter water service pipe may have approved elastomeric-gasket push-on type joints. All solvent materials must meet approved recognized standards.

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Expansion and contraction joint materials and dimensions ~~shall~~ must conform to ASTM D 2661 or ASTM D 2665 and shall be of an approved type.

4715.0820 SOLDERED OR BRAZED JOINTS.

Joints with copper tube with solder joint fittings ~~shall~~ must be soldered or brazed. Surfaces to be soldered or brazed ~~shall~~ must be thoroughly cleaned. Joints to be soldered ~~shall~~ must be properly fluxed with noncorrosive paste type flux. Flux used in potable water systems must not contain more than 0.2 percent lead. Solder used for joints ~~shall~~ must have a nominal composition of 50 percent tin and 50 percent lead, ~~or~~ 95 percent tin and five percent antimony, or 96 percent tin and four percent silver, conforming to ASTM Standard Specification for soft solder metal ~~B32-60T~~ B32-76, except that 50 percent tin and 50 percent lead solder must not be used in potable water systems. Joints to be brazed ~~shall~~ must be properly fluxed with a flux suitable for the brazing material which is used. Brazing material ~~shall~~ must conform to ASTM Standard Specification for Brazing Filler Metal B260-52T.

4715.1215 TABLE OF REQUIRED SANITATION FIXTURES.

REQUIRED SANITATION FIXTURES BASED ON OCCUPANCY AND OCCUPANT LOAD

OCCUPANCY	USE	S.F. per Occ.	WATER CLOSETS	URINALS	LAVATORIES	DRINKING FOUNTAINS	BATHTUBS OR SHOWERS	KITCHEN SINKS	SERVICE SINKS
Group A Occupancies	Auditoriums Bowling Alleys Churches Conference Rooms Dance Floors Dining, Drinking Exhibit Rooms Gymnasiums Libraries Lodge Rooms Lounges Rinks Stadiums, Grandstands Theaters Waiting Rooms	30 30 60 80 30 30 80 30 100 80 80 30 80 30 80	Churches 1/ea. ~~100~~ 300 Men 1/ea. 300 Women Other Occupants — Fixtures: 1-100 — 1 101-200 — 2 201-400 — 3 Over 400 — 1 add'l/ea. 500	Churches (3) (3)	Churches 1 for each 300 Other Occupants — Fixtures: 1-200 — 1 201-400 — 2 401-750 — 3 Over 750 — 1 add'l for each 500	1 for ea. 300	—	—	1
Group E Occupancies (6)	Elementary Secondary	85 130	Boys 1/ea. 100 / 1/ea. 100 Girls 1/ea. 30 / 1/ea. 25	1/ea. 30	1 for each 100 1 for each 100	1 for each 75	—	—	1 per floor
Group I Occupancies	Prisons, Jails	100	1/ea. cell 1/ea. exercise rm.		1 in each cell 1 ea. exercise rm.		1 at ea. cell block floor		
	Hospitals, Nursing Homes	100	1/ea. 8 patients 1 in ea. waiting rm. Other 1/ea. 25 men 1/ea. 20 women	Other 1/ea. 50	1 for ea. 10 patients Other 1 for ea. 10	1 for each 100	1 for ea. 20 Other 1 for ea. 10	—	1 per floor
Group H Occupancies			Factories, Warehouses Occupants — Fixtures: 1-10 — 1 11-25 — 2 36-50 — 3 51-75 — 4 76-100 — 5 Over 100 — 1 add'l for 30	Factories, Warehouses Occupants — Fixtures: (3)	Factories, Warehouses Occupants — Fixtures: 1-100 — for ea. 1-10 Over 100 — 1-15	Factories, Warehouses 1 for ea. 75	—	—	1 per floor
Group B Occupancies	Aircraft Hangars Factories Municipal Buildings Office Buildings Sales Service Stations Storage Garages Warehouses	500 200 80 200 200 500 500 500							
Group B-4 Occupancies	Factories Sales Warehouses	200 200 500	Sales, Office, etc. Occupants — Fixtures: 1-15 — 1 16-35 — 2 36-55 — 3 56-80 — 4 81-110 — 5 111-150 — 6 Over 150 — 1 add'l for ea. 50	Sales, Offices (3)	Sales, Offices Occupants — Fixtures: 1-15 — 1 16-35 — 2 36-60 — 3 61-90 — 4 91-125 — 5 Over 125 — 1 to 45	Sales, Offices 1 for ea. 150			
Group R-1 Occupancies	Dwelling Units, Apt. Motel, Hotel Units Rooming Houses Dormitories	— — 200 200	1 1/ea. 10 1/ea. 10 1/ea. 10	—	1 1 for ea. 10 1 for ea. 10 1 for ea. 10	— —	1 1 for ea. 10 1 for ea. 10 1 for ea. 10	1 —	1 laundry tray for ea. 10 dwelling units or guest rooms
Groups R-3 and R-4 Occupancies	1 and 2 Family	—	1	—	1	—	1	1	—
Group M Occupancies	—	—	—	—	—	—	—	—	—
TEMPORARY FACILITIES	—	—	1/ea. 30	1/ea. 30	—	1 for ea. 100	—	—	—

Footnotes:
(1) Occupant load is computed using the equation: $\frac{A^*}{S.F.\ per\ Occ.}$ = Occupant Load.
(2) Square feet per occupant is only for computing the occupant load to determine the plumbing fixtures required.
(3) Urinals may be furnished in of water closets at the rate of one urinal for one water closet, but not to exceed one-third of the required water closets.
(4) 1 fixture for each 10 occupants.
(5) 1 fixture for each 15 occupants.
(6) For waterclosets, and lavatories, these numbers are minimum and equal number for each sex is required.

*A—Area of building occupancy classification served.
S.F.—per Occ.—from Column 3 of this table.

4715.1420 WATER CLOSETS.

Subpart 1. [Unchanged.]

Subp. 2. **Water closet bowls.** All water closet bowls ~~shall~~ must be of the elongated type, except that regular type round bowls may be used in residential or dwelling type occupancy.

Subp. 3. **Water closet seats.** Water closets ~~shall~~ must be equipped with seats of smooth nonabsorbent material. All seats of water closets, or elongated type provided for public use ~~shall~~ must be of the open-front type. Integral water closet seats ~~shall~~ must be of the same material as the fixture. The top of the seat must not be over two inches above the rim of the fixture; seat lifts may not be used.

4715.1510 INDIRECT WASTE PIPING.

Except as otherwise herein provided, the size and construction of indirect waste piping ~~shall~~ must be in accordance with parts 4715.2300 to 4715.2660, regulating the installation of waste and vent piping.

Indirect waste pipes from appliances, devices, or other equipment not regularly classed as plumbing fixtures, but which are equipped with drainage outlets, ~~shall~~ must be trapped, but ~~such~~ the traps need not be vented and the waste pipe ~~need be no larger in~~ must be a minimum of three-fourths inch size, but not less than the size ~~than~~ of the outlet or tail piece of the fixture, appliance or equipment served~~; but, in no case shall it be less than 1-1/4 inch in size~~. However, overflow pans and drip outlets need not be trapped and may be the same size as the outlet.

4715.1570 METHOD OF PROVIDING AN AIR GAP.

The air gap between the indirect waste pipe and the building drainage system ~~shall~~ must be at least twice the effective diameter of the drain served and ~~shall~~ must be provided by one of the following methods:

A. To a receptor. Extend an indirect waste pipe to an open, accessible, individual waste sink, floor drain, or other suitable fixture which is properly trapped and vented.

The indirect waste pipe ~~shall~~ must terminate a sufficient distance above the flood level rim of the receiving fixture to provide the required air gap. ~~Only clear water wastes should be discharged to a floor drain.~~

B. [Unchanged.]

4715.2560 STACK VENTING.

A group of fixtures consisting of one bathroom group and a kitchen sink or combination fixture may be installed without individual fixture vents ~~in a one-story building or on the top floor of a building~~ at the uppermost branch interval of a stack, ~~provided~~ if each fixture drain connects independently to a stack at least three inches in diameter extended full size through the roof, and bathtub or shower stall drain enters the stack at or above the same level as the water closet drain, and in accordance with requirements in part 4715.2620, subpart 4. Where the trap arm distances are exceeded the fixtures ~~shall~~ must be revented.

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Rule as Proposed (all new material)

1305.1795 Table 5-E. REQUIRED SANITATION FIXTURED BASED ON OCCUPANT LOAD (1) (2); TABLE 5-E.

UBC chapter 5 is amended by adding the following Table No. 5-E.

REQUIRED SANITATION FIXTURES BASED ON OCCUPANT LOAD

OCCUPANCY	USE	S.F. per Occ.	WATER CLOSETS	URINALS	LAVATORIES	DRINKING FOUNTAINS	BATHTUBS OR SHOWERS	KITCHEN SINKS	SERVICE SINKS
Group A Occupancies	Auditoriums Bowling Alleys Churches Conference Rooms Dance Floors Dining, Drinking Exhibit Rooms Gymnasiums Libraries Lodge Rooms Lounges Rinks Stadiums, Grandstands Theaters Waiting Rooms	30 30 60 80 30 30 80 30 100 80 80 30 80 30 80	Churches 1 for each 300 men 1 for each 300 women Other Occupants / Fixtures 1-100 / 1 101-200 / 2 201-400 / 3 Over 400 / 1 addt'nl each 500	Churches (3) (3)	Churches 1 for each 300 Other Occupants / Fixtures 1-200 / 1 201-400 / 2 401-750 / 3 Over 750 / 1 addt'nl for each 500	1 for each 300	—	—	1
Group E Occupancies (6)	Elementary Secondary	85 130	Boys / Girls 1/ea. 100 / 1/ea. 30 1/ea. 100 / 1/ea. 25	1/ea. 30	1 for each 100 1 for each 100	1 for each 75	—	—	1 per floor
Group I Occupancies	Prisons, Jails	100	1/ea. cell 1/ea. exercise room		1 in each cell 1 ea. exercise room	1 for each 100	1 at each cell block floor	—	1 per floor
	Hospitals, Nursing Homes	100	1/ea. 8 patients 1/ea. waiting room Other 1/ea. 25 men 1/ea. 20 women	1/ea. 50	1 for ea. 10 patients Other 1 for each 10	1 for each 100	1 for each 20 Other 1 for each 10		1 per floor
Group H Occupancies Group B Occupancies Group B-4 Occupancies	Aircraft Hangars Factories Municipal Buildings Office Buildings Sales Service Stations Storage Garages Warehouses Factories Sales Warehouses	500 200 80 200 200 200 500 500 200 200 500	Fact. Occ. / Wrhse. Fixt. 1-10 / 1 11-25 / 2 26-50 / 3 51-75 / 4 76-100 / 5 Over 100 / 1 addt'nl for 30 Sales, Office, etc. Occ. / Fixt. 1-15 / 1 16-35 / 2 36-55 / 3 56-80 / 4 81-110 / 5 111-150 / 6 Over 150 / 1 addt'nl for each 50	Fact. Occ. / Wrhse. Fixt. (3) Sales Office (3)	Fact. Occ. / Wrhse. Fixt. 1-100 / for each 1-10(4) Over 100 / 1-15(50 Sales Occ. / Offices Fixt. 1-15 / 1 16-35 / 2 36-60 / 3 61-90 / 4 91-125 / 5 Over 125 / 1 to 45	Factories Warehouses 1 for each 75 Sales, Offices 1 for each 150			1 per floor
Group R-1 Occupancies	Dwelling Units, Apt. Motel. Hotel Units Rooming Houses Dormitories	— — 200 200	1 1 for each 10 1 for each 10 1 for each 10	—	1 1 for each 10 1 for each 10 1 for each 10	—	1 1 for each 10 1 for each 10 1 for each 10	1	1 laundry tray for each 10 dwelling units or guest rooms
Group R-3 and R-4 Occupancies	1 and 2 Family	—	1	—	1	—	1	1	—
Group M Occupancies	—	—	—	—	—	—	—	—	—
TEMPORARY FACILITIES			1 for ea. 30	1 for each 30		1 for each 100			

Footnotes:
(1) Occupant load is computed using the equation: $\frac{A^*}{\text{S.F. per Occ.}}$ = Occupant Load.
(2) Square feet per occupant is only for computing the occupant load to determine the plumbing fixtures required.
(3) Urinals may be furnished in place of water closets at the rate of one urinal for one water closet, but not to exceed one-third of the required water closets.
(4) 1 fixture for each 10 occupants.
(5) 1 fixture for each 15 occupants.
(6) For waterclosets, and lavatories, these numbers are *minimum* & equal number for each sex is required.

*A—Area of building occupancy classification served.
S.F.—per Occ.—from Column 3 of this table.

RENUMBERING INSTRUCTION. Each Minnesota Rules part in column A shall be renumbered with the Minnesota Rules part set forth in column B.

RENUMBER

A	B
1320.0900	1320.0630
1320.1000	1320.0635
1320.1100	1320.0640
1320.1200	1320.0645
1320.1300	1320.0650
1320.1400	1320.0655
1320.1650	1320.0660
1320.1700	1320.0665
1320.1850	1320.0670
1320.1900	1320.0680
1320.2000	1320.0785

REPEALER. Minnesota Rules, parts 1300.1150; 1305.3500; 1305.3850; 1305.3970; 1305.4300; 1305.5910; 1305.6260; 1305.6270; 1320.0100, subparts 2 and 3; 1320.0300, subpart 1; 1320.0700; 1320.0710; 1320.0720; 1320.0800; 1320.1500; 1320.1800; 1320.2500; 1320.2600; 1320.2700; 1360.0200, subpart 13; and 1360.3700 are repealed.

Department of Administration

Proposed Permanent Rules Relating to Minnesota State Building Code

Notice of Intent to Adopt Rules with a Public Hearing

Notice is given that a public hearing will be held pursuant to Minnesota Statute Section 14.14, subdivision 1, in the above entitled matter in the Conference Room of the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101, on September 24, 1986 at 1:00 p.m. and continuing until all interested persons have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements, or arguments. Statements, briefs or written materials may be submitted within the comment period described in this notice without appearing at the hearing by sending them to the administrative law judge assigned to conduct the hearing, Administrative Law Judge Peter C. Erickson, Office of Administrative Hearings, 400 Summit Bank, 310 4th Avenue South, Minneapolis, Minnesota 55415, (612) 341-7606. The rule hearing procedure is governed by Minnesota Statutes, sections 14.14-14.20 and by Minnesota Rules, parts 1400.0200-.1200. Questions regarding procedures may be directed to the Administrative Law Judge at the above listed address and phone number.

PLEASE NOTE, HOWEVER, THAT THIS HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A HEARING PUBLISHED IN THE SAME *STATE REGISTER* AND MAILED THE SAME DAY AS THIS NOTICE.

To verify whether a public hearing will be held, please call the Building Codes and Standards Division after September 12, 1986 at (612) 296-4639.

The Commissioner of Administration (hereinafter "Commissioner") has determined that the proposed adoption of these rules are necessary to provide correlation of the direction of the Legislative Commissioner for the Review of Administrative Rules as they relate to the classification of child day care facilities for building code application.

Authority for the adoption of these rules is contained in Minnesota Statutes Section 16B.61 Subd. 1. Additionally a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available for review at the Building Codes and Standards Division office and at the Office of Administrative Hearings. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at the cost of reproduction. You are advised, pursuant to

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rules will not have an impact on small businesses in Minnesota. Also, pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed $200.00 in either of the two years following the adoption of these rules, within the meaning of that law.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives and persons making oral statements will be permitted for purposes material to the evaluation or formulation of the proposed rules. As a result of the hearing process, the proposed rule may be modified. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during the comment period will be available for review at the Office of Administrative Hearings. Following the five to twenty day comment period, there will be a three day period in which the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three day period. The written responses will be added to the record of the proceeding.

Notice: Any person may request notification of the date which the Administrative Law Judge's report will be available, after which date the Building Codes and Standards Division may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Building Codes and Standards Division at any time prior to the filing of the rules with the Secretary of State.

Minnesota Statutes, Chapter 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 Minnesota Statutes, section 10A.01, subdivision 11 as an 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 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 $350, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 No. Robert Street, St. Paul, Minnesota 55101 telephone (612) 296-5148.

One free copy of this notice and the proposed rule may be obtained by contacting Margaret Opalinski, Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

Dated: 31 July 1986

Sandra J. Hale, Commissioner
Dept. of Administration

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Commissioner of Administration proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Administration has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

The Commissioner proposes to adopt amendments to the State Building Code Rules, 1985 Edition (Minnesota Rule 1300.0100 to 1365.0800) which adopted the 1982 Edition of the Uniform Building Code, by reference, with certain amendments thereto. The proposed rule is the adoption of the 1985 Edition of the Uniform Building Code with amendments of this notice specifically directed to Chapter 8, section 801, Group E, Division 3 occupancies and certain sections of 802 and Table 33-A as they relate to child day care facilities.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Building Codes and Standards Division and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to provisions of Minnesota Statutes, section 14.13 to 14.18.

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

Margaret Opalinski
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

Comments or requests for a public hearing must be received by the Building Codes and Standards Division by 4:30 p.m., September 16, 1986.

Authority for the adoption of these rules is contained in Minnesota Statutes, section 16B.58 through 16B.73. Additionally a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available for review at the Building Codes and Standards Division.

You are advised, pursuant to Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public money exceed $200.00 in either of the two years following the adoption of these rules, within the meaning of that law.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted, will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Building Codes and Standards Division.

A copy of this Notice and the proposed rules are available and may be obtained by request from the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

Dated: 31 July 1986

Sandra J. Hale, Commissioner
Dept. of Administration

Statement of Need and Reasonableness

The above-captioned proposed rules are amendments to the existing Minnesota State Building Code as they relate to building code requirements for child day care facilities.

Pursuant to MN Stat. Section 16B.59 to 16B.73, the Commissioner of Administration is charged with the responsibility of promulgating the Minnesota State Building Code. It is the duty of the commissioner to amend the Minnesota State Building Code to maintain the most modern code standards regarding minimum safeguards of life, limb, health, property and public welfare together with regulating and controlling the design, construction, quality of materials, use and maintenance of buildings and structures.

The Minnesota State Building Code Rules, 1985 printing, effective January 7, 1985, Minnesota Rules 1300.0100 to 1300.200, 1305.0100 to 1305.7100, 1310.0100 to 1310.9300, 1315.0200 to 1315.0400, 1320.0100 to 1320.2700, 1325.1000 to 1325.9500, 1330.0100 to 1330.2100, 1335.0200 to 1335.3000, 1340.0200 to 1340.9900, 1345.0010 to 1345.3300, 1350.0100 to 1350.9200, 1355.0100, 1360.0100 to 1360.3700, 1365.0200 to 1365.0800, 4215.0100 to 4215.6100 and 4715.0100 to 4715.0100 to 4715.6000, adopted the 1982 Edition of the Uniform Building Code by reference with certain amendments as a portion of the Minnesota State Building Code. The amendments to the 1985 publication of the rules updates the Minnesota State Building Code to incorporate the adoption of the 1985 Edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, Whittier, California.

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The proposed rules contain certain amendments to the Minnesota State Building Code, Chapter 1305 which adopts and includes amendments to the 1985 Edition of the Uniform Building Code.

The proposed rules reflect amendments for regional utilization in keeping with the legislative intent of MN Stat. Section 16B.61. The amendments provide for a modification of certain sections, change wording to clarify the intent, adopt and update to the recommendation of the Legislative Commission for the Review of Administrative Rules.

Any business entity which constructs, expands or remodels buildings is required to comply with the Minnesota State Building Code. When adopted, these proposed rules become part of the Minnesota State Building Code and will be applicable to all future construction. The rules are not applicable to existing structures unless they are declared unsafe (hazardous and substandard buildings, MN Stat. Section 463.15 to 463.26) or as otherwise modified by Section 104 of the Uniform Building Code, 1985 Edition.

The Building Codes and Standards Division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods prescribed by MN Stat. Section 14.115, subd. 2, for reducing the impact of the rules on small businesses. The proposed rules do not require businesses to make reports so the requirements for reporting identified in items (a), (b) and (c) are not applicable.

Compliance requirements of items (a), (b), (c) and (e) are not appropriate because the purpose of these rules is to establish a minimum uniform standard for construction of all public, private, commercial, industrial or residential structures within the State of Minnesota to protect life, limb, health, property, and public welfare of the residents of the state at the least possible cost consistent with recognized standards. MN Stat. Section 16B.59 (1984) To exempt small businesses from any or all requirements of the rules would be contrary to the statutory objectives that are the basis of the proposed rulemaking, MN Stat. Section 16B.59, 16B.61 and 16B.64. The legislature has specifically mandated that the uniformity of building standards is in the public interest. MN Stat. Section 16B.85 states in part:

The (building) code and any amendments thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States.

Minnesota Statute Section 14.115, subd. 2(d) calls for the establishment of performance standards for small businesses as one method of reducing the adverse impact of rules upon them. The code and its amendments are based on the application of scientific principles, approved tests and professional judgment; and to the extent practicable, are in terms or results rather than requiring specific methods or materials. The Building Code uses performance standards wherever possible. Since the performance standards apply across the board to all entities subject to the Building Code, the methods of reducing the impact of the rules provided by Subdivision 2(d) has been utilized. No special changes are necessary for small businesses.

The Building Codes and Standards Division has evaluated the effects of MN Stats. 3.981 to 3.983 and 14.131 and believe that the promulgation of these proposed rules will not result in the expenditure of additional monies by local public bodies nor have an impact on agricultural land and meets the test of the exceptions to fiscal notes as provided by MN Stat. 3.983.

Elroy Berdahl, Supervisor, and Alvin Kleinbeck, Code Administrator, of the Building Codes and Standards Division will appear on behalf of the proposed rules at the hearing if a hearing is required. They will testify regarding the need for and reasonableness of the proposed rules. The substance of the testimony is set forth herein.

The following is the evidence and argument which supports the need for and reasonableness of the proposed rules.

1305.2050 UBC Section 801 Occupancies Defined

The number of the children defined in the occupancy classification as a day care use is increased from 7 to 10 to reflect a correlation between code requirements and the direction given by the Legislative Committee for the Review of Administrative Rules in relation to day care provider provisions.

UBC Section 802(c) Special Provision Day Care and Others

This item is amended to be consistent with national model code language for day care application.

1305.6200 UBC Table 33-A

The deletion and changes of the footnotes identified are editorial for the 1985 UBC. Line item #18 changes the number of occupants from 7 to 10 to reflect the recommended change from L.C.R.A.R.

Dated: 31 July 1986

Sandra J. Hale, Commissioner
Department of Administration

Rules as Proposed

CHAPTER 1305
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
AMENDMENT TO THE UNIFORM BUILDING CODE

1305.2050 SECTION 801.

UBC Section 801 is amended to read as follows:

UBC Section 801. Group E Occupancies are:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building used for day-care purposes for more than ten children.

For occupancy separations, see Table No. 5-B.

1305.2100 SECTION 802.

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

Section 802(c) Special Provisions. Rooms in Divisions 1 and 2 occupancies used for day-care purposes, kindergarten, first grade, or second grade pupils, and Division 3 occupancies may ~~neither~~ not be located above the first story~~, nor be located~~ or in a basement unless at least one exit is provided directly to the outside.

EXCEPTION: In buildings equipped with an automatic sprinkler system throughout, rooms used for kindergarten, first- grade and second-grade children or for day-care purposes may be located on the second story, if there are at least two exits directly to the exterior for the exclusive use of those occupants.

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

1305.6200 TABLE NO. ~~33A~~ 33-A.

UBC Table ~~33A~~ No. 33-A is amended as follows:

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

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

Amend use item 18 to read as follows:

18. Nurseries for Children (Day-care)	10	135

Amend use item 20 to read as follows:

20. Stores-Retail sales rooms		
Basement	See Note 7	20
Ground Floor	50	30
Upper Floors	20	50

Amend use item 22 to read as follows:

22. Warehouses	30	500

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.

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

23. Manufacturing Areas	30	200

Department of Human Services

Proposed Permanent Rules Relating to Day Service Provider Billing

Notice of Proposed Adoption of a Rule without a Public Hearing

Notice is hereby given that the State Department of Human Services proposes to amend the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to amend the rule is Minnesota Statutes, section 256.B501, subdivision 10.

All persons have 30 days or until 4:30 p.m. on September 17, 1986 in which to submit comment in support of or in opposition to the proposed rule amendment or any part or subpart of the rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendment within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Lisa Rotegard
Mental Retardation Division
4th Floor, Centennial Building
St. Paul, Minnesota 55155
Telephone: 612/297-3829

The proposed rule amendment may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule amendment as noticed.

A copy of the proposed rule amendment is attached to this notice.

A free copy of the rule is available upon request from Lisa Rotegard. The rule is also available for viewing at each county welfare department in the state of Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Lisa Rotegard upon request.

The adoption of this rule amendment will not result in additional spending by local public bodies in either of the first two years following implementation of the rule.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Lisa Rotegard.

Dated: 1 August 1986

Leonard W. Levine, Commissioner
Department of Human Services

Rules as Proposed

9525.1290 DAY SERVICE PROVIDER BILLING.

Subpart 1. **Billing requirements.** The day service provider must comply with the requirements in items A to ~~C~~ E when submitting bills to the commissioner for reimbursement for the provision of day training and habilitation services.

A. to C. [Unchanged.]

D. Day service providers whose rates have been recommended under part 9525.1260, subpart 2 and approved under part 9525.1270, subpart 1, must submit bills to the commissioner using a procedural code available from the ~~Bureau of Income Maintenance~~ Health Care Programs Division.

E. Each bill from the day service provider must be verified by the ICF/MR where the client resides before the bill is submitted to the commissioner. A signature by authorized ICF/MR personnel constitutes verification by the ICF/MR that the services were provided on the days and for the charges specified.

Subp. 2. **Payment.** The commissioner shall pay the day service provider for bills submitted under subpart 1 using the payment procedures in Minnesota Statutes, sections 256B.041 and 256B.501, subdivision 5, paragraph (f). No payment will be made by the commissioner for day training and habilitation services not authorized under subpart 1, item E.

Subp. 3. [Unchanged.]

ADOPTED RULES

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

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

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

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

Pollution Control Agency

Adopted Rule Relating to Hazardous Waste Solvent Mixtures

The rule proposed and published at *State Register*, Volume 10, Number 39, pages 1975-1978, March 24, 1986 (10 S.R. 1975) is adopted as proposed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

EMERGENCY RULES

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

SUPREME COURT
8550.0001-0027 (emergency) 302

Supreme Court, Office of the State Court Administrator

Proposed Emergency Rules Relating to Farmer-Lender Mediation

Notice of Intent to Adopt an Emergency Rule

Notice is hereby given that the State Court Administrator's Office intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in 1986 Minnesota Laws 1st Sp. Chap. 2 Art. 2 § 10. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedures Act for adopting emergency rules, Minnesota Statutes, section 14.29 to 14.36.

All persons have 25 days after publication in the *State Register* on Monday, August 18, 1986, to submit data and views in writing on the proposed emergency rule or any part or subpart of the rule. Any comments must be submitted to Janet K. Marshall, 40 North Milton Street, Suite 201, St. Paul, MN 55104.

A copy of the proposed emergency rule is attached to this notice.

A free copy of the proposed emergency rule is available by contacting Janet K. Marshall, 40 North Milton Street, Suite 201, St. Paul, MN 55104, (612) 297-2153.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed emergency rule as noticed.

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Janet K. Marshall.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with the Minnesota Statutes, section 14.35.

Sue K. Dosal
State Court Administrator

Rules as Proposed (all new material)

8550.0001 [Emergency] SCOPE.

Parts 8550.0001 to 8550.0027 [Emergency] are adopted by the state court administrator pursuant to Laws 1986, First Special Session chapter 2, article 2, section 10, and govern the procedures to be followed in farmer-lender mediation held pursuant to the Farmer-Lender Mediation Act. Mediation concluded or commenced before the adoption of parts 8550.0001 to 8550.0027 [Emergency] is not void for lack of compliance.

8550.0002 [Emergency] APPLICABILITY.

Parts 8550.0001 to 8550.0027 [Emergency] apply to creditors and debtors as defined in Laws 1986, chapter 398, article 1, section 9, as amended by Laws 1986, First Special Session chapter 2, article 2, sections 5 and 6, but do not apply to financial institutions exempted from the program by the commissioner of the Department of Commerce pursuant to Laws 1986, First Special Session chapter 2, article 2, section 6.

8550.0003 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** As used in parts 8550.0001 to 8550.0027 [Emergency], the following terms have the meanings given them and terms used in parts 8550.0001 to 8550.0027 [Emergency] that are defined in Laws 1986, chapter 398, article 1, section 7, as amended by Laws 1986, First Special Session chapter 2, article 2, sections 1, 2, 3, 4, and 14, have the meanings given them in that section.

Subp. 2. **Farmer-Lender Mediation Act.** "Farmer-Lender Mediation Act" means Laws 1986, chapter 398, article 1, sections 5 to 17, as amended by Laws 1986, First Special Session chapters 2, article 2, and 3, article 2, section 13.

Subp. 3. **Initiation of mediation.** "Initiation of mediation" means the date on which the director or the director's designee sends the mediation meeting notice.

Subp. 4. **Parties.** "Parties" means the debtor and all creditors who are actively participating in the mediation process.

Subp. 5. **Proceeding.** "Proceeding" means the process required by law, security agreement, lease agreement, or contract for:

A. collecting a debt;

B. terminating an equipment lease with an option to buy that is not a true lease;

C. canceling a contract for deed;

D. foreclosing a mortgage; or

E. attaching on, executing on, levying on, or seizing agricultural property.

Subp. 6. **Send.** "Send" means to mail by first class mail.

8550.0004 [Emergency] ADMINISTRATION.

The director of Minnesota extension services shall administer the Farmer-Lender Mediation Act subject to the delegation power prescribed in Laws 1986, chapter 398, article 1, sections 7, subdivision 5, and 8, subdivision 3. Under the delegation power in Laws 1986, chapter 398, article 1, section 7, subdivision 5, the county extension agent in the county in which the property is located is the director's designee for purposes of service.

8550.0005 [Emergency] RESPONSIBILITIES.

The director's responsibilities under the Farmer-Lender Mediation Act include, but are not limited to, the following:

A. The director shall provide training in mediation techniques to mediators. The training shall include training on mediation process, skills, and farm finance issues in mediation.

B. The director shall provide support to mediators, including, but not limited to, technical assistance in complying with parts 8550.0001 to 8550.0027 [Emergency] and applicable statutes, clerical support, postage, and other necessary supplies.

C. The director shall provide training in FINPAC farm financial analysis computer software to credit analysts.

D. The director shall set the compensation of mediators and credit analysts and shall reimburse them upon submission of expense claims.

E. The director shall coordinate community legal education programs for farmers.

F. The director shall collect and maintain accurate statistical data on the program.

8550.0006 [Emergency] FORMS.

The director shall make forms available through each county extension agent and county recorder for use by debtors, creditors, and mediators under parts 8550.0001 to 8550.0027 [Emergency] and applicable statutes.

8550.0007 [Emergency] SUBSTANTIVE RIGHTS.

The fact that the director or a designee has in any way acted upon a request for mediation does not determine the substantive rights of the parties under the Farmer-Lender Mediation Act or parts 8550.0001 to 8550.0027 [Emergency].

8550.0008 [Emergency] MEDIATION NOTICE.

A person may not begin to enforce a debt of more than $5,000 by an action to acquire agricultural property under Minnesota Statutes, chapter 550, 580, or 581, or sections 336.9-501 to 336.9-508 or 559.21, including both personal and real property, whether the action is a real estate foreclosure, contract for deed termination, repossession, replevin, or levy of execution, unless a mediation notice is served on the debtor and county extension agent in the form prescribed in Minnesota Statutes, section 336.9-501, 550.365, 559.209, or 581.015 and mandatory mediation is completed. For foreclosure of real property under Minnesota Statutes, chapter 580, the mediation notice must be in the form prescribed in Minnesota Statutes, section 581.015.

The person who serves the mediation notice on the debtor and county extension agent shall also file proof of the debtor's receipt of the mediation notice with the county extension agent.

8550.0009 [Emergency] MEDIATION REQUEST.

Subpart 1. **Filing; contents.** Upon receipt of a mediation notice the debtor has 14 days to file a mediation request with the county extension agent. The mediation request must state all known creditors of outstanding debts of over $5,000 secured by agricultural property of the debtor.

Subp. 2. **Withdrawal; waiver of mediation.** A debtor may withdraw a mediation request at any time before the date on which the county extension agent sends the mediation meeting notice. Withdrawal of the mediation request constitutes a waiver of the debtor's right to mediate the debt that initiated the service of the mediation notice under the Farmer-Lender Mediation Act unless the debtor refiles the mediation request within the 14 days permitted to file the original mediation request. In case of a waiver, the county extension agent shall notify the creditor who started the proceedings under part 8550.0008 [Emergency], in writing, that the creditor may proceed against the agricultural property because the debtor has withdrawn the mediation request. This notice must be sent within 20 days of the service of the mediation notice. The county extension agent shall send a copy of the notice to the debtor.

8550.0010 [Emergency] FAILURE TO FILE TIMELY NOTICE.

A debtor who does not file a timely mediation request waives the right to mediate the debt that initiated the service of the mediation notice under the Farmer-Lender Mediation Act, in which case the county extension agent shall notify the creditor who started the proceedings under part 8550.0008 [Emergency], in writing, that the creditor may proceed against the agricultural property because the debtor has failed to file a mediation request. This notice must be sent within 20 days of the service of the mediation notice. The county extension agent shall send a copy of the notice to the debtor.

8550.0011 [Emergency] FAILURE TO RECEIVE MEDIATION NOTICE.

If a debtor has not received a mediation notice and the debtor is subject to a proceeding of a creditor enforcing a debt against agricultural property as provided in Laws 1986, chapter 398, article 1, section 11, subdivision 2, paragraph (c), the debtor may file a mediation request with the county extension agent. The request must state that the debtor has not received a mediation notice.

8550.0012 [Emergency] RETURN.

Subpart 1. **Proof of service.** Service of a mediation notice must be proved by the certificate of the sheriff making it, by the affidavit of another person making it, by the written admission of the party served, or by the certified mail receipt. Proof of service must state the date, place, and manner of service. Failure to make proof of service does not affect the validity of the service.

Subp. 2. **Proof of filing.** Filing of a mediation request must be proved by the certified mail receipt or by the written acknowledgment of the county extension agent.

8550.0013 [Emergency] CREDIT ANALYST AND FARM ADVOCATE.

Upon receipt of a mediation request, the county extension agent shall provide a credit analyst to meet with the debtor within the ten-day period before the scheduling of the first mediation meeting, and shall provide the debtor with information on obtaining, without charge, a Department of Agriculture farm advocate to assist the debtor and the credit analyst.

8550.0014 [Emergency] TIME.

In computing any period prescribed by parts 8550.0001 to 8550.0027 [Emergency], by court order, or by an applicable statute, the day of the last act, event, or default from which the designated period begins to run must not be included. The last day of the computed period must be included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. When the period prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays must be excluded in the computation.

8550.0015 [Emergency] NOTICE OF INITIAL MEETING.

Subpart 1. **Parties notified.** Within ten days after receiving a mediation request, the county extension agent shall:

A. send a mediation meeting notice to the debtor; and

B. send a mediation meeting notice and claim form to the creditors listed on the mediation request form.

Subp. 2. **Contents.** A mediation meeting notice must state a time for the initial meeting, the names of the creditors, and a list of three mediators. The list of mediators must state each person's experience in farm finance, agricultural law, and negotiation.

Subp. 3. **Time.** The initial meeting must be held within 20 days of sending the meeting notice.

8550.0016 [Emergency] SELECTION OF MEDIATOR.

Subpart 1. **Procedure.** Each creditor and the debtor may strike one name from the mediator list by sending the county extension agent a notice to that effect. The notice must be mailed within three days of the date the debtor or creditor received the mediation meeting notice.

Subp. 2. **All names stricken.** If no names remain on the list, the county extension agent shall appoint the mediator not excluded by the creditor owed the largest debt.

Subp. 3. **Two or more names remaining.** If more than one name remains on the list, the county extension agent shall appoint the mediator.

8550.0017 [Emergency] STAY OF COLLECTION PROCEEDINGS.

Subpart 1. **General.** If a creditor receives a mediation meeting notice under part 8550.0015 [Emergency], the creditor and the creditor's successors-in-interest may not continue proceedings to enforce a debt against agricultural property of the debtor in those circumstances delineated in Laws 1986, chapter 398, article 1, section 11, subdivision 5, paragraph (a), as amended by Laws 1986, First Special Session chapter 3, article 2, section 13. Time periods under and affecting those procedures stop running until 90 days after the initiation of mediation or until a mediation agreement is reached.

Subp. 2. **Agencies of the United States.** If the creditor is an agency of the United States, the creditor and the creditor's successors-in-interest may not continue proceedings to enforce a debt against agricultural property of the debtor in those circumstances delineated in Laws 1986, chapter 390, article 1, section 11, subdivision 5, paragraph (b), as amended by Laws 1986, First Special Session chapter 3, article 2, section 13. Time periods under and affecting those procedures stop running until 180 days after the initiation of mediation or until a mediation agreement is reached.

8550.0018 [Emergency] DUTIES OF MEDIATOR.

At the initial mediation meeting and subsequent meetings, the mediator shall:

A. perform the duties prescribed in Laws 1986, chapter 398, article 1, section 11, subdivision 6;

B. review the participants' rights and obligations in the mediation process;

C. have the persons present at the mediation session sign an agreement to begin mediation, specifying that the parties acknowledge the initiation of mediation, agree to follow rules of conduct for meetings, acknowledge the confidentiality of mediation, and understand that the mediators do not legally represent any of the parties; and

D. facilitate written agreement on (1) money to be released for necessary farm operating expenses, (2) money to be released for necessary living expenses, and (3) the creditors, if any, responsible for releasing the money.

8550.0019 [Emergency] MEDIATOR IMMUNITY.

A mediator has the immunity in Laws 1986, chapter 398, article 1, section 11, subdivision 7.

8550.0020 [Emergency] MEDIATION PROCESS.

Subpart 1. **Mediation period.** A mediation period may last up to 60 days after the initial mediation meeting.

Subp. 2. **Meeting place and time.** The mediator shall call mediation meetings during the mediation period. The meetings must be held at a convenient and neutral place and at times as convenient as possible for the parties, including nights and weekends.

Subp. 3. **No agreement.** If, at the end of the mediation period, no agreement is reached and no affidavit of lack of good faith has been filed, the mediator shall have all parties sign an acknowledgment that no agreement was reached. The mediator shall send a copy of the acknowledgment to all parties, the county extension agent, and all creditors who did not participate in mediation but are bound by it under part 8550.0027 [Emergency].

Subp. 4. **Record.** Upon completion of mediation the mediator shall forward all documents made or used in the course of or because of mediation to the county extension agent. The documents are subject to the confidentiality provisions of Laws 1986, chapter 398, article 1, section 14, as amended by Laws 1986, First Special Session chapter 2, article 2, section 11.

8550.0021 [Emergency] REMOVAL OF MEDIATOR.

Subpart 1. **Procedure.** The mediator may be removed at any time during the mediation period upon the written agreement of all parties. This agreement must be sent to the county extension agent who, upon receipt of the agreement, shall assign a replacement mediator to participate in the mediation.

Subp. 2. **Limitation.** The parties may remove only one mediator during the mediation period.

Subp. 3. **Time periods unaffected.** Time periods in the Farmer-Lender Mediation Act and parts 8550.0001 to 8550.0027 [Emergency] are not affected by the removal of a mediator.

8550.0022 [Emergency] MEDIATION AGREEMENT.

Subpart 1. **Contents.** If an agreement is reached among the debtor and creditors, the mediator shall draft a written mediation agreement summarizing the factual background and agreements reached and incorporating each party's plan for implementing the agreement. Each party or its representative shall write its specific plan for implementing the agreement and each of these must be attached to the mediation agreement. Each plan must be filed with the mediator within five days of the meeting at which the agreement was reached.

Subp. 2. **Copies to parties.** Copies of the mediation agreement and attachments must be delivered to the debtor and creditors within three days of the receipt of the parties' plans.

Subp. 3. **Final meeting.** The mediator shall hold one final meeting for the purpose of signing the mediation agreement.

Subp. 4. **Copies to other creditors.** Copies of the signed agreement must be sent to all creditors who have filed claim forms but who have not participated in mediation.

Subp. 5. **Legal effect of agreement.** The debtor and creditors who are parties to the approved mediation agreement and creditors who have filed claim forms and have not objected to the mediation agreement are bound by the terms of the agreement, may enforce the mediation agreement as a legal contract, and may use the mediation agreement as a defense against an action contrary to the mediation agreement.

8550.0023 [Emergency] OBLIGATION OF GOOD FAITH.

Subpart 1. **Definition.** The parties must engage in mediation in good faith. Not participating in good faith includes:

A. failure or refusal to attend and participate in mediation sessions without good cause;

B. failure on the part of the debtor to provide full information regarding financial assets and obligations;

C. failure on the part of the creditor to provide full information regarding the principal and interest due;

D. failure of the creditor to designate a representative to participate in the mediation with authority to make binding commitments within one business day to fully settle, compromise, or otherwise mediate the matter;

E. lack of a written statement of debt structuring alternatives and a written statement of reasons why alternatives are unacceptable to one of the parties;

F. failure of a creditor to release funds from the sale of farm products to the debtor for necessary living and farm operating expenses; or

G. other similar behavior that evidences lack of good faith by the party.

A failure to agree to reduce, restructure, refinance, or forgive debt does not, in itself, evidence lack of good faith by the creditor.

Subp. 2. **Statement of unacceptable alternatives.** A written statement of why alternatives are unacceptable must identify the particular items in each proposal that are unacceptable and state the specific reason for rejection of each item.

8550.0024 [Emergency] LACK OF GOOD FAITH AFFIDAVIT.

If the mediator determines that one of the parties is not participating in good faith, the mediator shall file an affidavit indicating the reasons for the finding with the county extension agent, the parties participating in the mediation, and creditors who did not participate in mediation but are bound by it under part 8550.0027 [Emergency].

8550.0025 [Emergency] CREDITOR'S LACK OF GOOD FAITH.

If the mediator finds the creditor has not participated in mediation in good faith, the debtor may require court-supervised mediation by:

A. filing the mediator's affidavit with the district court of the county where the property is located with a request for court supervision of mediation;

B. filing a copy of the request with each creditor participating in mediation; and

C. sending a copy of the affidavit to the county extension agent. The request must be filed with the court within two weeks of

receipt of the lack of good faith affidavit by the debtor or within the time period set forth in part 8550.0017 [Emergency], whichever comes first.

8550.0026 [Emergency] COURT-SUPERVISED MEDIATION.

Subpart 1. **Requirement.** Upon request of the debtor, the court shall require the parties to mediate under the supervision of the court in good faith for a period of not more than 60 days.

Subp. 2. **List of mediators.** If requested to do so by the court, the county extension agent shall provide the court with a list of mediators to be used in the selection of the mediator for court-supervised mediation.

Subp. 3. **Suspension of remedies.** The remedies of all creditors, including those who are parties to the mediation and those who are bound by mediation under Laws 1986, chapter 398, article 1, section 13, subdivision 1, as amended by Laws 1986, First Special Session chapter 2, article 2, section 9, are suspended during court-supervised mediation.

Subp. 4. **Court orders.** The court may issue orders necessary to effect good faith mediation.

8550.0027 [Emergency] CREDITOR NOT ATTENDING MEDIATION MEETING.

Subpart 1. **Agreement binding; claim form.** A creditor who is notified of the initial mediation meeting and does not attend is subject to Laws 1986, chapter 398, article 1, section 13, subdivision 1, as amended by Laws 1986, First Special Session chapter 2, article 2, section 9.

Subp. 2. **Written objection.** A creditor who files a claim form may serve a written objection to the terms of the agreement on the mediator and the debtor within ten days after receiving the mediation agreement. The written objection must identify the particular items in the agreement that are unacceptable and state the specific reason for rejection of each item.

Subp. 3. **Good faith.** Creditors who file claim forms are bound by the good faith requirements of part 8550.0023 [Emergency].

Subp. 4. **New mediation.** Upon the service of the objection, the mediator shall meet again with the debtor and creditors to mediate a new agreement. Mediation meetings must take place within ten days of the expiration of the deadline for serving a written objection to the terms of the agreement.

Subp. 5. **Required attendance.** Creditors who file objections shall attend and participate in any meeting held pursuant to this part, unless good cause is shown for their inability to attend.

Subp. 6. **Extension of period.** The 60-day mediation period prescribed by part 8550.0020 [Emergency] must be extended for up to ten days if necessary to meet the requirements of subpart 4.

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.

Minnesota State Agricultural Society Minnesota State Fair

Meeting notice

The first scheduled meeting of the Minnesota State Agricultural Society's board of managers during the 1986 State Fair, Aug. 21 through Sept. 1, will be at 10 a.m. Friday Aug. 22 in the Administration Building on the fairgrounds, St. Paul.

Subsequent meetings will be at the call of the society's president as necessary to conduct fair-related business. Dates and times will be available from the communications office in the Service Building on the fairgrounds.

Department of Energy and Economic Development Business Financial Management Division

Tax Exempt Financing Issuance Authority

Notice of Availability

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 22

The Department gives notice that the amounts of tax exempt financing issuance authority available to qualified issuers as of August 11, 1986, is as follows:

Competitive Pool (Existing Law)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 13

Total Pool Available (Priority to Manufacturing Projects)	$298,291,215.
For:	
Pollution Control/Waste Management Projects	$ 49,564,560.
Commercial Redevelopment Projects	$106,731,195.

Competitive Pool (Federal Volume Limitation Act)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19

Total Pool Available (Priority to a-General Obligation Projects, b-Manufacturing Projects)	$279,809,452.
For:	
Pollution Control/Waste Management Projects	$ 59,856,247.
Commercial Redevelopment/Multifamily Housing Projects	$ 97,276,647.

Qualified 501(c)(3) Bond Pool (Federal Volume Limitation Act)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 20

Total Pool Available	$ 31,865,000.

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 13, Subd. 2, Section 19, Subd. 2, Section 20, Subd. 3, and Section 21, Subd. 2, issuers requesting allocations of issuance authority must submit applications, any applicable deposit and any other supporting documents required. Application forms are available from the Department upon request.

Energy and Economic Development Authority

Proposed Rules Governing the Hazardous Waste Processing Facility Loan Program

Notice of Proposed Adoption of Rules Without a Public Hearing
Rules as Published August 4, 1986, 11 S.R. 125.

Notice is hereby given that the Minnesota Energy and Economic Development Authority proposes to adopt the above-entitled rules without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The specific statutory authority to adopt the rules is Minnesota Statutes, sections 116M.07, subdivision 9 and 116M.08, subdivision 4.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Martin B. English
Resource Development Finance Division
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
Telephone: 612-297-1945

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule.

These rules govern loan application and bond issuance procedures for the Minnesota Energy and Economic Development Authority's Hazardous Waste Processing Facility Loan Program. The rules may affect small businesses by making available the opportunity to obtain project financing for eligible costs at a favorable rate of interest through the issuance of industrial revenue bonds.

The rules describe the purpose of the program, definitions and the availability for businesses of eligible financial assistance. The rules also describe the contents of an application and the application procedures. Also, the criteria for approval of eligible financial assistance is outlined. The rules additionally describe principal and interest assistance through the program and bond issuance procedures.

(A copy of the rule is available for review from Martin English at the aforementioned address upon request.)

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

If no hearing is required, upon adoption of the noncontroversial rule, the rule and the required supporting noncontroversial rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, must submit the written request to Martin English at the aforementioned address.

Dated: 17 July 1986

Mark B. Dayton
Chairman, Minnesota Energy
and Economic Development
Authority

Department of Finance

Maximum Interest Rate for Municipal Obligations in August

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Jay Kiedrowski, announced today that the maximum interest rate for municipal obligations in the month of August would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Dated: 31 July 1986

Peter Sausen, Assistant Commissioner
Cash and Debt Management

Minnesota Historical Society

State Review Board Regular Meeting

A meeting of the State Review Board will be held on September 11, 1986, at 7:00 p.m. in the Auditorium, Fort Snelling History Center, Fort Snelling, Minnesota.

Department of Labor and Industry

Notice of Correction to Prevailing Wage Rates

The highway and heavy prevailing wage rates certified February 1, 1986 for labor classification 404 CARPENTERS in Cook, Lake and St. Louis counties were certified in error.

The correct rates may be obtained by contacting the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155.

Steve Keefe, Commissioner
Department of Labor and Industry

Department of Transportation

Meeting, State Aid Standard Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standard Variance Committee who will conduct a meeting on Wednesday, August 20, 1986 at 9:00 A.M. in room 410-A State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statutes § 47k.705.

The purpose of the open meeting is to investigate and determine recommendations for variances from minimum State Aid Roadway Standards and operating procedures as governed by Minnesota Rules for State Aid Operations § 8820.3400, Subd. 3 adopted pursuant to Minnesota Statutes 161 and 162.

The agenda will be limited to these questions.

1. Petition of the City of St. Cloud for a variance from minimum standards for street width on Municipal State Aid Street 128 (East St. Germain Street) from Riverside Drive Northeast to Riverside Drive Southeast.

2. Petition of the City of Austin for a variance from minimum standards for obstacle clear zone on Municipal State Aid Street 121 (4th Street Northeast) from Main Street to 15th Avenue Northeast.

3. Petition of the County of Fillmore for a variance from minimum standards for design speed on County State Aid Highway 15, 4 miles Southwest of Preston, Minnesota.

4. Petition of the City of Mendota Heights for a variance from eligibility requirements for the use of State Aid monies to finance a construction project on Municipal State Aid Street 103.

5. Petition of the County of Ottertail for a variance from eligibility requirements for the use of State Aid monies to finance a construction project on County State Aid Highway 135.

6. Petition of the County of Hennepin for a variance from minimum standards for street width on County State Aid Highway 52 (Hennepin Avenue) from Washington Avenue to High Street.

7. Petition of the City of Winona for a variance from minimum design standards for street width on Municipal State Aid Street 108 (Huff Street) from Sarnia Street to Broadway Street.

8. Petition of the County of Renville for a variance from minimum design standards for street width on County State Aid Highway 29 in the City of Franklin.

9. Petition of the city of Minneapolis for a variance from minimum standards for design speed on Municipal State Aid Street 370 (Vineland Place) from Kenwood Parkway to Lyndale Avenue South.

10. Petition of the City of Shoreview for a variance from eligibility requirements for the use of State Aid monies to finance a sidewalk construction project on County State Aid Highway 51 (Lexington Avenue) from County Road "D" to County Road "E"

11. Petition of the City of Savage for a variance from minimum design speed standards on a construction project on Municipal State Aid Street 106 (Natchez Avenue) from County Road 42 (142nd Avenue) to Ottowa Avenue.

12. Petition of the City of New Hope for a variance from minimum design standards for street width and design speed on a reconstruction project on Municipal State Aid Street 101 (Boone Avenue) from 27th Avenue North to 62nd Avenue North.

13. Petition of the City of New Hope for a variance from minimum design standards for street width and design speed on a reconstruction project on Municipal State Aid Street 103 (Quebec Avenue) from 42nd Avenue North to 49th Avenue North.

The cities listed above are requested to follow the following time schedule when appearing before the variance committee.

9:30 A.M. — City of Mendota Heights
9:45 A.M. — City of St. Cloud
10:15 A.M. — County of Hennepin
10:45 A.M. — County of Ottertail
11:00 A.M. — City of Austin
11:20 A.M. — County of Fillmore
1:00 P.M. — County of Renville

1:20 P.M. — City of Winona
1:40 P.M. — City of Minneapolis
2:00 P.M. — City of Shoreview
2:20 P.M. — City of Savage
2:40 P.M. — City of New Hope

Dated: 8 August 1986

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of New Hope for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of the City of New Hope has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on Municipal State Aid Street 101 (Boone Avenue) from 27th Avenue North to 62nd Ave. North.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a street width of 44 feet with parking instead of the required 48 feet with parking and a design speed of 25 miles per hour instead of the required design speed of 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 11 August 1986

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of New Hope for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of the City of New Hope has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on Municipal State Aid Street 103 (Quebec Avenue) from 42nd Avenue North to 49th Avenue North.

The request for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a street width of 40 feet with parking instead of the required 44 feet with parking and a design speed of 20 miles per hour instead of the required design speed of 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 11 August 1986

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Savage for a Variance from State Aid Standards for Design Speed

Notice is hereby given that the City Council of the City of Savage has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a construction project on Municipal State Aid Street 106 (Natchez Avenue) from County Road 42 (142nd Street) to Ottowa Avenue.

The request for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a design speed of 25 miles per hour instead of the required 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 11 August 1986

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Shoreview for a Variance from State Aid Requirements for Funding Requirements on Sidewalk Construction

Notice is hereby given that the City Council of the City of Shoreview has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from State Aid Requirements for a sidewalk construction project on County State Aid Highway 51 (Lexington Avenue) from County Road "D" to County Road "E".

The request for a variance from Minnesota Rules for State Aid Operations § 8820.3100 Subpart 7, adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit the expenditure of Municipal State Aid funds on a County State Aid Highway that is deficient in width and which presently has no sidewalk in place.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 11 August 1986

Richard P. Braun
Commissioner of Transportation

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 completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

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

Department of Administration—Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers.

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Expansion Units Rebid	August 18, 1986	Health	Minneapolis	12-400-95388
3M Tattle Tape System—Rebid	August 19, 1986	State University	Moorhead	26-072-09919
VHF Radio Communication Equip.	August 19, 1986	Corrections	Shakopee	02-310-14941

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Semi-Trailer	August 19, 1986	DOT Transportation	Detroit Lakes	79-382-01096
Overlay Blacktop Roadway	August 19, 1986	Community College	Inver Hills	27-000-47627
Floor Covering	August 19, 1986	Human Services	Fergus Falls	55-101-07114
One Ton Wagon	August 19, 1986	Community College	Inver Grove Heights	27-157-47642
Toner	August 19, 1986	Corrections	Lino Lakes	78-550-05470
Photocopy Machine	August 20, 1986	Transportation	Brainerd	79-300-03347
Photocopy Machine	August 20, 1986	Community College	Int'l Falls	27-155-49549
Traffic Monitors	August 20, 1986	Transportation	St. Paul	79-000-71702
Metal Privacy Stall	August 20, 1986	Human Services	Brainerd	55-304-07176
Menu Boards	August 20, 1986	Administration	St. Paul	02-307-51024
Augers, Gravity Type for Farm Wagons	August 20, 1986	Corrections	Stillwater	Price—Contract
Installation & Servicing of Telephone Deka sets	August 20, 1986	Various	Various	Price—Contract
Athlete & Sporting Supplies	August 20, 1986	State University	St. Cloud	26-073-19035
Anti-Freeze	August 20, 1986	Various	Various	Price—Contract
Genuine Kuhn Mower Repair Parts	August 20, 1986	Various	Various	Price—Contract
Microfilm Readers	August 20, 1986	Human Services	St. Paul	55-000-94070
Toner	August 21, 1986	Transportation	St. Paul	79-000-70820
Photocopy Machine Rental	August 21, 1986	State University	St. Cloud	26-073-19032
Toner	August 21, 1986	Community College	St. Paul	27-138-49410
Toner	August 21, 1986	Community College	Thief River Falls	27-149-48201
Computer Accessories Rebid	August 21, 1986	Community College	Viriginia	27-158-49195
Pump	August 21, 1986	Transportation	Oakdale	79-000-71778
Photocopy Machine Rental	August 22, 1986	Transportation	Bemidji	79-200-02763
Wireless Language Lab	August 22, 1986	Community College	Coon Rapids	27-152-46323
Giants Ridge Brochure	August 22, 1986	Iron Range Resources and Rehabilitation Board	Eveleth	43-000-07405-0847
Commerce Contact	August 22, 1986	Commerce	St. Paul	13-425-09262-9078
Zenith Computer	August 22, 1986	State University	Moorhead	26-072-09930
Kiln	August 22, 1986	State University	Bemidji	26-070-12058
Woodchips	August 22, 1986	Community College	Ely	27-147-48397
Classroom Furniture	August 22, 1986	State University	Mankato	26-071-16939
Computer Software Purchase	August 22, 1986	Community College Board	St. Paul	27-138-49412
Boat & Boat Trailer	August 25, 1986	Natural Resources	Hinckley	29-003-05070
Disposal of Contaminated Soil	August 25, 1986	Pollution Control Agency	MN PCA	32-300-15188
Fiber Fuel Pellets	August 25, 1986	Natural Resources	Various	Price—Contract
VDT	August 25, 1986	State University	Moorhead	26-072-09955
Lounge Area Furniture	August 25, 1986	Community College	Rochester	27-148-48154
VDT	August 25, 1986	Community College	Austin	27-139-49168
Rental of Photocopy Machine	August 25, 1986	Employee Relations	St. Paul	24-000-71143

Department of Health, Health Resources Division

Request for Proposals from Qualified Physicians to Act as Area Physician Consultants to the Quality Assurance and Review Program

The Minnesota Department of Health is seeking proposals from qualified physicians for the purpose of retaining seven to ten physicians to act as Area Physician Consultants to the Quality Assurance and Review Program for the period October 1, 1986 to September 30, 1987. Physician consultants will be responsible for matters relating to Case Mix classification and the inspection of care and services provided to residents of long-term care facilities participating in the Minnesota Medical Assistance Program.

Reimbursement for these services will be at an hourly rate of $40.00, plus reasonable travel and subsistence expenses in accordance with state travel regulations. The Department has estimated that the total cost of this project should not exceed $85,000.

Copies of the Request for Proposals and other information are available from:

Marian E. Lewis, Chief
Quality Assurance and Review Program
Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440
(612) 623-5292

Interested physicians must submit a formal proposal in accordance with procedures established by the Minnesota Department of Administration. The deadline for submission of proposals is 4:30 p.m., September 20, 1986.

Department of Health, Health Resources Division

Request for Proposals for Medical Director

The Minnesota Department of Health is requesting proposals from eligible physicians who would be able to serve as a consultant Medical Director for the Quality Assurance and Review Section for the period October 1, 1986-October 1, 1988.

Qualifications for the position are as follows: experience in the practice of geriatric medicine and long term care quality assurance; recognized standing in the professional community and relevant professional associations; and experience in working with governmental agencies and other relevant federal and state programs.

Minimum tasks include: 1) recruiting, training and supervising Area Physician Consultants; 2) assisting the Department in the development of rules, policies and procedures and other documents relating to the medical direction of the QA&R program; 3) participating in audit and reconsideration activities of the Section; 4) representing the Department at contested case hearings or rule making hearings, when necessary; 5) representing the Department in dealings with various professional, governmental and public entities; 6) providing technical assistance as needed to the Department; and 7) providing regular progress reports.

Interested physicians will be required to submit a formal proposal in accordance with procedures established by the Minnesota Department of Administration. Maximum reimbursement for a total of 800 hours will be $50,000, which includes travel and expenses. The deadline for proposals is 4:30 p.m., September 10, 1986.

Copies of the request for proposals and other information are available from:

Marian Lewis, Chief
Quality Assurance & Review Program
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440

Minnesota Historical Society

Availability of Contract for Graphic Design

The Minnesota Historical Society is seeking the services of a graphic designer to design a book-length exhibition catalog to be published by the Minnesota Historical Society Press.

These services, which be provided under contract, are outlined in detail in the Request for Proposal (RFP). The formal RFP may be requested and inquiries directed to: Mark Schwartz, Contract Officer, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-8378. The deadline for submitting completed proposals is the end of the business day (5:00 p.m.) September 2, 1986. Late proposals will not be accepted.

Iron Range Resources and Rehabilitation Board

Request for Proposals to Provide, Install, and Service Electronic and Manual Entertainment Machines and Equipment at Giants Ridge

The Iron Range Resources and Rehabilitation Board is seeking proposals from Minnesota electronic and manual entertainment machine and equipment vendors to provide, install, and service video games, pinball machines, pool table(s) and equipment, juke box(es), etc., for use within the chalet at the Giants Ridge Recreation Area, located in the Town of White, near Biwabik, Minnesota.

Cancellation of Solicitation

"THIS REQUEST FOR PROPOSAL DOES NOT OBLIGATE THE STATE OF MINNESOTA TO COMPLETE THE PROJECT, AND THE STATE RESERVES THE RIGHT TO CANCEL THIS SOLICITATION IF IT IS CONSIDERED TO BE IN THE STATE'S BEST INTEREST."

Tasks of the Contractor:

A. The contractor shall provide, transport, install, maintain, and service the games, equipment, and machines explained above for use within a designated gaming area within the Giants Ridge Chalet. (Formal RFP documents include a diagram of the chalet floor-plan). The gaming area will be approximately 24 feet wide and 9 feet deep, the entire 24 foot back wall will be available for video games and/or pinball machines and has been so designed as to provide electrical service at that location.

B. The contractor shall provide the same games, equipment, machines, and services for use at any additional location within the Giants Ridge Chalet in which the Giants Ridge management desires to locate such games, equipment, or machines. (Example: Lounge or booting area. If such locations are decided upon, proper electrical service, if needed, will be provided).

Tentative Proposal/Contract Timelines

Publication in *State Register*: Monday, August 18, 1986

Response Period: Tuesday, August 19, 1986—4:30 P.M., Monday, September 8, 1986.

Tentative Respondent Interviews: September 10-12, 1986.

Anticipated Date of Contract Award (Pending IRRRB Approval): October 15, 1986.

Effective Contract Date: On or near November 15, 1986.

Term of Contract: November 15, 1986-August 15, 1987.

Cost of Contract

This, of course, is a negotiable item. However, IRRRB suggests that respondents propose lease/rental arrangements as approximately 50% of gross equipment receipts. NOTE: 1985-86 gross equipment receipts totalled approximately $11,000.00.

Statutory Proposal Requirements

In accordance with the provisions of MN Statute 363.073, for state contracts in excess of $50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have a certificate of compliance issued by the Commissioner of Human Rights before a proposal may be accepted. The proposal will not be accepted unless it includes one of the following:

A. A copy of the firm's current certificate issued by the Commissioner of Human Rights; or

B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

C. A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the MN Department of Human Rights at (612) 296-5663.

Legislative Commission on Minnesota Resources

Request for Proposals for Consulting Services for a Study of the Department of Natural Resources Management and Organization

The Legislative Commission on Minnesota Resources (LCMR) is requesting proposals from consultants interested in working with LCMR in preparing a report to the Legislature that presents recommendations concerning the management, organization and cost effectiveness of the Department of Natural Resources.

Work by the consultant will include: (1) overall study coordination and administration of the project; (2) meet the requirements of ML 86 1st Special Session Ch. 1 Article 11 Sec. 1, Subd. 3 (not to include Subd. 1 and 2 thereof); (3) how to most efficiently organize and manage existing resource policy and programs; (4) present a range of organizational and management options with their associated implementation and operational costs and benefits.

Proposal Content

Proposals should be in the following format:

Section I	Statement of project scope and objectives.
Section II	Description of the work plan to accomplish the project objectives.
Section III	Description of the work products to be provided in each phase of the work.
Section IV	Identify the anticipated involvement of various state agencies including the Department of Natural Resources.
Section V	Description of qualifications and relevant experience of the firm and those specific consultants that will be assigned to the project. Resumes should also be furnished.
Section VI	Staffing plan for the completion of each phase of work, including the roles and time commitment of each participant. If a subcontractor is to be used to perform any portion of the work, a complete statement as to the role and qualifications of the subcontractor firm or individual must be included.
Section VII	A schedule of fees and reimbursement for expenses by key individuals assigned to each phase of the project (support staff may be grouped into classes) with a maximum total cost for each phase.

Evaluation Criteria

Proposals will be evaluated by the Legislative Commission on Minnesota Resources based on:

1) The degree of understanding of the projects objectives.

2) The experience and success that the consultant has demonstrated in developing similar management and organizational alternatives.

3) The consultant's understanding of, and experience with, Minnesota State Government.

4) The responsiveness of the consultant to the LCMR's timing needs, including the estimated completion dates for each phase of the project.

5) The total estimated cost for each phase of the project.

In the event there are numerous applicants for consideration for this project, there may be an initial reduction of contenders to approximately three. They may then be requested to submit additional data and be invited for an interview.

The Legislative Commission on Minnesota Resources reserves the right to reject any or all bids.

Date of Required Submission

A prebid conference will be held on September 2, 1986, 1:00 PM in Room 5, State Office Building.

Two copies of the proposals must be received by the Legislative Commission on Minnesota Resources prior to 4:30 PM Monday, September 15, 1986.

It is the intent of the LCMR to contract with one prime contractor. This would not preclude the subcontracting of certain portions of the project. However, the LCMR will hold the prime contractor responsible for performance of any and all work.

Inquiries and proposals should be directed to:

David G. Flipp, Program Analyst
Legislative Commission on Minnesota Resources
Room 65, State Office Building
St. Paul, Minnesota 55155
Phone: 612-296-2406

DOCUMENTS DIVISION

Publications, Services, Subscriptions

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NEW PUBLICATIONS:

Physicians Directory 1985. Names and addresses in alphabetical order of licensed chiropractors, doctors of medicine and osteopaths, optometrists, podiatrists and registered physical therapists. Code #1-1. $15.00.

Health Care Facilities Directory 1986. Contains a list of hospitals and related institutions licensed and/or certified in Minnesota. Alphabetical listing by county. Includes town and facility name, ownership, capacity, available services, address, phone number, and director's name. Code #1-89. $15.00.

OTHER PUBLICATIONS:

Legislative District Maps. A six-map set of Minnesota Legislative and U.S. Congressional Districts. Shows boundaries since redistricting. (3 maps 17″ × 22″, 1 map 25″ × 29″, 2 maps 28″ × 40″). Sent to you in a sturdy mailing tube. Code #7-7. $4.95.

MN Hazardous Waste Rules (as in effect 2-10-86). MN Rules Chapter 7045 and 7046. The rules governing the permits, storage, production and shipment of Hazardous Waste. Code #3-71. $13.50.

Occupational Safety and Health Rules (as in effect 1-6-86). Chapters 5205-5206, 5210, 5215. State standards for safe working conditions including: personal protective equipment, walking and working surfaces, illumination and ventilation. 84 pp. Code #3-18. $9.00.

The Medical Alley Directory. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations. Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. (Code #40-7. $109.00)

The following two publications are discounted more than 40%.

Education Laws 1984. A complete extract from the 1984 Minnesota Statutes of the empowering legislation relating to public schools. Code #2-83. ~~$16.00~~ reduced to $9.00.

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STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS DIVISION

In the Matter of Proposed
Adoption of Rules for the
Maintenance of Certification
of Class I and Class II Building
Officials for the State of Minnesota

FINDINGS OF FACT,
CONCLUSIONS, AND ORDER
ADOPTING RULE WITHOUT A
PUBLIC HEARING

Notice of the Commissioner of Administration's intent to adopt the above-entitled rule was published in the State Register on Monday, August 18, 1986 and was sent to all persons of the list maintained by the Building Codes and Standards Division pursuant to Minnesota Statutes, Sections 14.14, subdivision 1a and 14.22 on August 21, 1986. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing and was mailed to all persons on the rulemaking list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The Building Codes and Standards Division received 2 requests for a public hearing, of which none were subsequently withdrawn. Therefore the Building Codes and Standards Division did not receive request for a public hearing from 25 or more persons which were not withdrawn.

No requests for notice of submission to the attorney general were received by the Building Codes and Standards Division.

Based on the comments and evidence in the record before the Building Codes and Standards Division, I find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE AS ORDERED, that the rule identified as proposed is adopted this 8th day of December, 1986, pursuant to authority vested in me by Minnesota Statutes Section 16B.61.

STATE OF MINNESOTA

Sandra J. Hale

SANDRA J. HALE, COMMISSIONER
DEPARTMENT OF ADMINISTRATION

In the Matter of the Adoption
of the Rule of the State of
Minnesota Governing Certification
Maintenance for Building Officals
and UBC Chapter 8 Section 801
(Child Day Care)

DECLARATION OF COUNSEL

I, Gilbert S. Buffington, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0004.

GILBERT S. BUFFINGTON
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules for Maintenance of Certification
of Class I and Class II Building Official
of the State of Minnesota

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14, subd. 1a, 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 2:30 p.m., this 21st day of August, 1986

Margaret Ann Opalinski

Margaret Ann Opalinski

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

BUILDING CODES & STANDARDS DIVISION

In the Matter of Proposed Adoption of Rules for the Maintenance of Certification of Class I and Class II Building Officials of the State of Minnesota

ORDER FOR HEARING

IT IS ORDERED this 1st day of August, 1986, that a public hearing on the proposed rules captioned above be held in the State Building Codes and Standards Division Conference Room, Room 408 Metro Square Building, 7th & Robert Streets, St. Paul, Minnesota, on September 24, 1986, commencing at 1:00 p.m., and continuing until all representatfives 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

Sandra J. Hale

SANDRA J. HALE, COMMISSIONER
DEPARTMENT OF ADMINISTRATION

Office of the Revisor of Statutes
Administrative Rules

Craig E. Lindeke
Senior Assistant Revisor
296-0946

700 State Office Building
435 Park Street
St. Paul, MN 55155

August 22, 1986

RB	✓	✓	RH		
EB	✓		RK		
DG			MS		
TJ			SV		
AK	✓		DH		
JP			HO		
WS			JM		
AO			CL		
TV			GS		
Review & See Me					
Take Action					
File					

Al Kleinbeck
Department of Administration
Building Code and Standards Division
480 Metro Square Building

RE: AR0823 Relating to Certification Maintenance

Dear Mr. Kleinbeck:

Enclosed is a stripped copy of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your proposed emergency rules or proposed rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your proposed rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

Craig E. Lindeke
MK

Craig E. Lindeke

CEL/at
Encl.

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT of Administration
BUILDING CODES & STANDARDS

Office Memorandum

TO: Steve Buffington
Special Asst. Attorney General

DATE: 12/16/86

FROM: Elroy Berdahl
Supervisor, Code Consultants

PHONE: 6-9991

SUBJECT: REVIEW OF RULES ADOPTED WITHOUT A PUBLIC HEARING: CERTIFICATION MAINTENANCE FOR BUILDING OFFICIALS AND UBC CHAPTER 8 SECTION 801 (CHILD DAY CARE)

Enclosed for your review and approval for both sets of rules are:

1. State Register: 4/22/86 Notice of Solicitation
2. Proposed Rules
3. Notice of Intent to Adopt Rules With or Without Public Hearing and attached Order for Hearing
4. Statement of Need and Reasonableness
5. Affidavit of Mailing/Certificate of Mailing List Maintenance
6. State Register: 8/18/86 published Proposed Rules, Notice of Intent to Adopt Rules With or Without Public Hearing and the Statement of Need and Reasonableness
7. Four (4) Copies of the Adopted Rule with attached letter from Revisor of Statutes Office (Craig Lindeke)
8. Findings of Fact/Order Adopting Rules
9. Written comments received by the agency

p
enclosures

SF-00006-05 (4/86)

DEPARTMENT : of Finance

STATE OF MINNESOTA

Office Memorandum

DATE : February 6, 1987

TO : Richard A. Brooks, Director
Building Codes and Standards
Department of Administration

FROM : Jay Kiedrowski, Commissioner
Department of Finance

PHONE : 6-2438

SUBJECT : Rules Governing Recertification of Building Officials.

Your February 4 letter indicates that rules were proposed for the recertification of building officials without obtaining the approval of the Commissioner of Finance as required by M.S. 16A.128.

The requirement for approval of the Commissioner of Finance for all fees fixed by rule (except those specifically exempted by law) has been in effect for a number of years. Minnesota Statute 16A.128 should be followed in setting the fee for recertification of building officials.

ES/JK/BN/JMS/984T

cc: J. Michael Miles, Assistant Attorney General
Bruce Reddemann

RECEIVED
FEB 1987
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Notice of Intent

2 notices were mailed out at the same time

1. Notice of Intent to adopt rules with a Public Hearing.
2. Notice of Intent to adopt rules without a Public Hearing.

OK
- A) Rule description ✓
- OK B) Free copy avail ✓
- c) statutory authority ✓
- d) Place date time of hearing ✓

2 ~~requests~~ ~~Comments~~ were rec'd for a hearing therefore the hearing was cancelled & this is a noncontroversial rule

16B.59 to 16B.73
16B.59 - auth. to amend code
16B.61 - Code was established by rules.
16B.65 (7) - cont. educ studs. established by rules