

Minnesota Department of Labor and Industry

NOTICE OF INTENT TO ADOPT RULES UNDER THE GOOD CAUSE EXEMPTION

Proposed Adoption of Exempt Temporary Rules Modifying a Means of Egress Regulation Relating to Stairway Width in the International Residential Building Code, Minnesota Rules, Part 1309.0311

Introduction. The Minnesota Department of Labor and Industry intends to adopt rules under the good cause exemption located in Minnesota Statutes, section 14.388. This adoption will amend Minnesota Rules, part 1309.0311, subpart 2 (39 *State Register* 91, July 28, 2014), to reinstate the 2012 International Residential Code (“IRC”) Subsection R311.7.1, Stairway Width, which was inadvertently deleted by the recent amendment of Minnesota Rules, Chapter 1309, the Minnesota State Residential Building Code. A copy of the proposed good cause exempt rules is attached to this Notice and can also be found on the Department’s website at <http://www.dli.mn.gov/PDF/docket/1309-0311docket.pdf>.

Office of Administrative Hearings Contact Person. You must submit comments or questions on the proposed exempt rules to: Denise Collins, Office of Administrative Hearings, PO Box 64620, St. Paul, MN 55164-0620, FAX (651) 361-7936, and *email* at rulecomments@state.mn.us by 4:30 p.m. on Wednesday, December 3, 2014. The Department requests that comments also be sent to the Department’s contact person listed below.

Department Contact Person. You may submit questions about the proposed exempt rules to: Colleen Clayton, 443 Lafayette Road North, St. Paul, MN 55155, telephone (651) 284-5867, FAX (651) 284-5749, or *email* at colleen.clayton@state.mn.us.

Subject of Good Cause Exempt Rules and Statutory Authority. This proposed good cause exempt rulemaking is about amending Minnesota Rules, part 1309.0311, subpart 2 (39 *State Register* 91, July 28, 2014), to reinstate 2012 IRC Subsection R311.7.1, Stairway Width, which was inadvertently deleted by the recent amendment of Minnesota Rules, Chapter 1309, the Minnesota State Residential Building Code. Chapter 1309, including Minnesota Rules, part 1309.0311, subpart 2, was adopted on July 28, 2014, and its effective date is scheduled for January 24, 2015. *See State Register*, Volume 39, Number 4, pages 91-95, July 28, 2014 (39 *SR* 91). By adopting and modifying Subsection R311.7 of the 2012 IRC to include scoping provisions for stairway construction and design standards, the Department inadvertently deleted the existing stairway width requirements found in IRC Subsection R311.7.1. Uniform stairway width requirements for dwellings regulated by the IRC and State Building Code are essential for the orderly, safe, and unobstructed egress of occupants, firefighters and emergency response personnel to and from these dwelling structures during emergencies. Failure to amend Chapter 1309 to correct the inadvertent deletion of subsection R311.7.1’s uniform stairway width

requirements by its effective date of January 24, 2015, or as soon thereafter as possible, will seriously and negatively affect public safety, health and welfare. Accordingly, the Department proposes in this good cause exempt rulemaking to amend Minnesota Rules, part 1309.0311, subpart 2, to expediently reinstate the IRC's uniform stairway width requirements back into Minnesota's Residential Building Code.

The Commissioner's statutory authority to adopt these rules is found in Minnesota Statutes, sections 14.388, subdivision 1(1), 326B.02, subdivision 5, 326B.101, and 326B.106, subdivision 1.

Comments. You have until 4:30 p.m. on Wednesday, December 3, 2014, to submit written or electronic comment in support of or in opposition to the proposed exempt rules and any part or subpart of the rules. Your comments must be received by the Office of Administrative Hearings by the due date. The Department encourages comment. Your comments should identify the portion of the proposed exempt rules addressed and the reason for the comments. You must make any comments on the legality of the proposed exempt rules during this comment period as well.

Modifications. The Department may modify the proposed rules as a result of public comment. If you propose a modification, state any authority for the proposed modification to occur in this rulemaking. If the final rules are not substantially different than the rules as proposed in this notice, then the Department will publish a Notice of Adoption in the *State Register*. If the final rules are substantially different from the proposed rules or are disapproved, other procedures will apply. If the proposed exempt rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

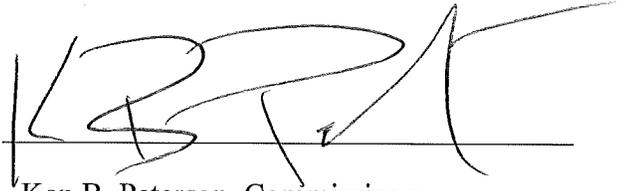
Lobbyist Registration. Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: 190 Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

Adoption and Review of Good Cause Exempt Rules. The rules may be adopted after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for review of their legality. The Department intends to submit the proposed rules to the Office of Administrative hearings immediately upon expiration of the comment period referenced above. You may ask to be notified of the date that the rules are submitted. If you want to receive this notice, then please submit your request to the Department contact person listed above before 4:30 p.m. on Wednesday, December 3, 2014. The proposed

effective date of the adopted rules is January 24, 2015, or upon publication of the Order of Adoption in the *State Register*, whichever is later. Pursuant to Minnesota Statutes, section 14.388, subdivision 1, these proposed good cause exempt rules are temporary in nature and are effective for a period of two years from the date of publication of the Order of Adoption in the *State Register*. The Department intends to follow-up this exempt good cause temporary rulemaking with permanent adoption of the amendments to Minnesota Rules, part 1309.0311, subpart 2, at a future date.

11-18-14

Date

A handwritten signature in black ink, appearing to read 'KBP', written over a horizontal line.

Ken B. Peterson, Commissioner

Minnesota Department of Labor and Industry

