

State Register

STATE OF
MINNESOTA



HIGHLIGHTS:

- Prevailing Wage Rates Paid to Workers on State Projects
 - Adopted Rules from the Department of Labor and Industry
- Operation and Management of Holding Facilities, Lockups, Jails and Adult Corrections Facilities
 - Proposed Rules from the Department of Corrections
- Crow Wing River to be Included in the Wild and Scenic River System
 - Proposed Rules from the Department of Natural Resources
- Licensing of Family Foster Care Services and Qualifications for Group Day Care Personnel
 - Proposed Rules from the Department of Public Welfare
- Water Haulers
 - Public Opinion Sought by Department of Health
- State Transportation Plan
 - Notice of Public Meeting from the Department of Transportation
- Railroad Changes in East Grand Forks, Le Center, and Henning
 - Notice from the Department of Transportation
- EQC Monitor:
 - Army Corp of Engineers Flood Control Project for Roseau River
 - Receipt of Petition for EIS by Environmental Quality Council
- Effluent Limitations for South Fork of Zumbro River
 - Public Opinion Sought by Pollution Control Agency

VOLUME 1, NUMBER 38

MARCH 28, 1977

Subscribers Hotline

Phone inquiries regarding subscriptions should be directed to Marjorie Borchard at (612) 296-8239.

How to Cite

Cite all material in the *State Register* by Volume number and page number.
Example: Volume 2, *State Register*, page 94 (short form: 2 S.R. 94).



Individual copies of the *State Register* may be purchased at either the Office of the State Register or the Documents Section, for \$2.25.

Change of address notices, subscription or single-copy orders and undelivered copies should be sent to:

THE OFFICE OF THE STATE REGISTER
95 Sherburne, Suite 203
St. Paul, Minnesota 55103
296-8239

Materials published in the *State Register* are public records under Minn. Stat. § 15.17. Individual documents may be freely copied from the *State Register*. However, the State of Minnesota has reserved a copyright to cross reference tables, tables of contents, indices, numerical lists and codification guides, as provided in RGSTR 7 of the rules of the Office of the State Register.

The *State Register* is the official publication of the State of Minnesota. It contains all executive orders, rules and notices filed with the Office of the State Register as of noon of the second Thursday preceding the Monday of publication. The text of documents published in the *State Register* is to be accorded the following presumptions:

- (1) The rule or order was duly adopted, issued or promulgated;
- (2) The rule or order was duly filed with the Secretary of State and available for public inspection at the day and hour endorsed thereon; and
- (3) The copy of the rule or order published in the *State Register* is a true copy of the original.

Judicial notice shall be taken of material published in the *State Register*.

The *State Register* is published weekly, on Monday, by the State of Minnesota, Department of Administration, Office of the State Register, Suite 203, 95 Sherburne Avenue, St. Paul, Minnesota 55103, pursuant to Minn. Stat. § 15.0411. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for second and additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota.

Copyright © 1977 State of Minnesota

Rudy Perpich
Governor

Richard L. Brubacher,
Commissioner,
Department of Administration

George T. Morrow, II,
Director,
Office of the State Register

Contents

RULES

Department of Labor and Industry
Prevailing Wage Division
 Adopted Rules Governing Prevailing Wage Rates
 Paid to Workers on State Projects 1364

PROPOSED RULES

Department of Corrections
 Proposed Rules Regarding the Operation and
 Management of Holding Facilities, Lockups,
 Jails and Adult Correction Facilities 1375

Department of Natural Resources
 Proposed Rules Including the Crow Wing River
 in the Wild and Scenic River System 1404

Department of Public Welfare
 Proposed Rules Regarding Licensing of Family
 Foster Care Services and Qualifications for
 Group Day Care Personnel 1413

OFFICIAL NOTICES

Department of Health
State Board of Health
 Notice of Public Opinion Sought on Proposed
 Rules Governing Water Haulers 1437

Department of Transportation
 Notice of Public Meetings on State Trans-
 portation Plan 1437
 Notice of Oral Arguments Permitted Regarding
 Railroad Changes in East Grand Forks,
 Le Center, and Henning 1438

State Planning Agency
Governor's Planning Council on
Developmental Disabilities
 Notice of Public Information Campaign Grants 1439
Teachers Retirement Association
 Notice of Board of Trustees Meeting 1439

EQC MONITOR
Environmental Quality Council
 Receipt of EISs on: U.S. 2 at Bemidji, and U.S. 169
 and T.H. 95 in Mille Lacs and Sherburne
 Counties 1441
 Receipt of Petition for EIS on Proposed Army
 Corp of Engineers Flood Control Project for
 the Roseau River 1441

Pollution Control Agency
 Notice of Public Opinion Sought on Federal
 Construction Grants and State Construction
 Grant and Loan Programs 1441
 Notice of Public Opinion Sought on Effluent
 Limitations for the South Fork of the Zumbro
 River 1442

List of MSAR Rules Affected*

List of rules within the Manual of State Agency
 Rules affected by documents published in the
 State Register during the current quarter beginning
 January 1, 1977:

Board of Accountancy
 Accy 5, 8, 12, 18-19, 30, 40, 43-46, 50, 60, 63,
 70-74, 80-84, 110-112, 120-121, 140-141,
 150-151, 220-429 (proposed) 1236

Department of Agriculture
 Agr 543-547 1055

Department of Commerce
 Abs 2 1268

Department of Education
 EDU 120-123 1163

Environmental Quality Council
 MEQC 21-41 1093

Department of Health
 MHD 200, 201, 203-251 1162

Housing Finance Agency
 MHFA 1-11, 14-16, 31-36, 61, 62, 65
 (proposed) 1315

Department of Labor and Industry
 MOSHC 1 (proposed) 1285

Livestock Sanitary Board
 LSB 32 (proposed) 1129

Board of Pharmacy
 Pharm 1-4, 6-13, 21, 23, 25-28, 31, 33, 36,

37, 40, 41, 43-46, 51, 61, 101-106, 111-118
 (proposed) 1137

Pollution Control Agency
 APC 4, 11 1111

Board of Psychology
 Psych 2, 7 1118

Department of Public Safety
 Liq 1-36, 38, 39, 56, 67, 71, 73, 75,
 83, 84, 92, 95, 98, 100, 123 (proposed) 1071
 SafAd 96-105 1057
 MoVeh 58 (proposed) 1136
 DES 90, 91, 94 1179

Department of Public Service
 PSC 2, 5, 106, 120, 122-124, 128, 179-183,
 212, 215, 219, 280-282, 284, 286, 287,
 295, 296, 298-303, 311, 313-315,
 317-326, 328-335, 410-418, 420-423
 (proposed) 968

Department of Public Welfare
 DPW 1, 3 1413
 DPW 52 (proposed) 1001
 DPW 90, 91, 94, 104, 125-128 1180

Department of Transportation
 Hwy 32 1057

*New rules, both proposed and adopted, and which have never been disseminated or published, are not included in the List of MSAR Rules Affected. Rules which are listed as "uncodified" have been disseminated, but have never been published in the MSAR.

RULES

Department of Labor and Industry Prevailing Wage Division Prevailing Wage Rates Paid to Workers on State Projects

These rules are printed here in their adopted form without indications of changes from their proposed form. Readers are directed to consult State Register, Volume 1, Number 13, page 530 for the proposed form of the rules.

PWD 1 Authority, scope and purpose.

A. These rules are promulgated pursuant to the authority provided to the Minnesota Department of Labor and Industry by the provisions of Minn. Stat. § 175.171, subd. 2 (1974) and the requisites of Minn. Stat. § 15.0412, subd. 3 (Supp. 1975).

B. Minn. Stat. § 177.43 (Supp. 1975) requires the Department of Labor and Industry to ascertain the prevailing wage rates for all trades and occupations required in any contemplated state project. Thereafter, the state agency contemplating the project must include those rates in their proposed contracts.

Minn. Stat. § 177.44 (1974) requires the Department of Labor and Industry to conduct investigations and hold public hearings necessary to define classes of laborers and mechanics, and to inform itself as to the wage rates prevailing in all areas of the state for all classes of laborers, workmen and mechanics commonly employed in highway construction. The Commissioner must determine and certify these prevailing wage rates at least once a year and those rates must be contained in all highway construction contracts to which the state is a party. These rules and regulations apply to all wage rate determinations made pursuant to Minn. Stat. §§ 177.43 and 177.44. Laws of 1976, ch. 331, §§ 37 and 38 (1976) provide that an aggrieved party may request a reconsideration of any wage rate determination. These rules are intended to implement those provisions and shall apply to all future requests for wage rate considerations.

C. These rules implement and make specific the procedures to be utilized in determining prevailing wage rates for each "area" as that term is defined in Minn. Stat. § 177.42 (1974). Their purpose is to provide consistent guidelines in making those determinations and to assure that the wages of laborers, workmen and mechanics engaged in state projects are comparable to wages paid for similar work in the community as a whole, consistent with the purpose and intent of the prevailing wage law.

D. These rules may be cited as the Rules and Regulations of the Prevailing Wage Division, PWD 1 through PWD 16.

PWD 2 Definitions. For purposes of all wage rate determinations, the following definition shall apply;

A. Area means the county or other locality from which labor for any project would normally be secured. (Minn. Stat. § 177.42, subd. 3 (1974).

B. Wage rate means the basic hourly rate of pay plus any contribution for health and welfare benefits, vacation benefits, pension benefits or any other economic benefit paid for work done.

C. Prevailing wage rate means the wage rates paid to the largest number of workmen within a given class of labor.

D. Largest number of workmen means the largest number of workmen engaged in the same class of labor within the area considered as determined in accordance with these rules.

E. Project means erection, construction, remodeling or repairing of any public building or other public work financed in whole or part by state funds.

PWD 3 Classes of labor.

A. In each area to be considered, a prevailing wage rate shall be determined for each individual class of labor within the following general classifications.

1. Laborers: each class of labor customarily used on highway and other construction projects within this general classification shall constitute a separate class of labor.

2. Power equipment operators: each class of power equipment operators customarily used on highway and other construction projects within this general classification shall constitute a separate class of labor.

3. Truck drivers: each class of driver based upon the nature of the vehicle driven shall constitute a separate class of labor.

4. Special crafts: the following crafts shall constitute separate classes of labor; Bricklayers, Carpenters, Cement Masons, Linemen, Electricians, Iron Workers, Painters, Pipefitters, Plumbers, Plasterers, Roofers, Sheet Metal Workers, and other labor or work which is customarily considered as an individual trade or craft based upon its character and skills required.

B. The classifications and classes of labor described herein are for illustrative and guidance purposes only and

RULES

are not intended to limit or extend the number of classes requiring wage rates in a particular area.

PWD 4 General guidelines for all determinations.

A. Each prevailing wage rate shall be determined at least once a year and shall be based upon work performed within the preceding one year period. If in the opinion of the commissioner, a change in the certified prevailing wage rate is required, the commissioner may at any time certify that change in accordance with the requisites of these rules.

B. For purposes of determining individual prevailing wage rates, each county shall comprise a separate "area" and each prevailing wage rate shall be based solely upon work done in that county except as provided under subpart 1. and 2. herein.

1. Where the work done or wage rates paid in a given county are insufficient to determine the prevailing wage rate or where an individual classification is insufficient, the prevailing wage rate(s) for that county shall be based upon wage rates paid within the adjacent counties.

2. Data shall be considered insufficient where the work done in a county for the prior year consists of less than \$25,000 in total project cost.

C. All individual prevailing wage rates shall be based solely upon work performed within the corresponding class of labor.

D. All prevailing wage rates for each class of labor shall reflect the wage rate paid to the largest number of workers.

1. The largest number of workers shall be determined for each class of labor within each county or area under consideration. Thus where the same worker performs work on more than one project or in more than one classification within the area, he shall be counted only once.

2. Where a project involves work in more than one county, the county where the greater part of the work was performed shall be determined. The project shall only be utilized in determining wage rates for the county where the greatest part of the work was performed.

E. All initial determinations made in accordance with these rules shall be based upon a physical survey of the county or area under consideration except for those determinations which may be made in accordance with PWD 8. Thereafter, additional wage determinations may be made in accordance with PWD 8.

PWD 5 Determinations based upon physical surveys. Where the prevailing wage rates are based upon a physical survey of the county, that survey shall include the following procedures:

A. Contacting county, state district, and city engineers for information pertaining to projects upon which work was performed in the county and the names of contractors who performed work on those projects.

B. Contacting each accessible contractor who performed work in the county and auditing his payroll records relating to that work.

C. Collecting and retaining verified "Project Worksheets" for each project.

PWD 6 Specific procedures for survey determinations.

A. The labor investigator shall contact each contractor believed to have performed work within the county and shall request identification of all projects on which work was performed and the payroll records relating thereto.

1. Where a particular contractor having worked in the county during the applicable time period cannot be located or where his records are not available for inspection, a certified form approved by the department shall be left at his main office or shall be sent by certified mail. The form shall contain appropriate instructions to be completed by the contractor or his representative and returned to the department via certified mail.

2. Where forms so left by the department are not returned within 30 days, the work or projects for which they were intended to document wage rates shall not be considered in that current determination for that area.

B. A "Project Worksheet" shall be compiled for each project upon which work was performed.

1. The worksheet shall identify the contractor and the project, its location, the dates of the project and its total dollar cost.

2. Based on the payroll records for the project, the worksheet shall list each class of labor within which work was performed, the names of all workers who worked on that project within that class of labor and the wage rates paid to those workers.

3. On each project, the department shall determine the number of workers who were subject to collective bargain-

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

RULES

ing agreements and so designate on its worksheet for that project.

4. The worksheet shall contain appropriate language for the contractor or its representative to sign and acknowledge indicating that he has reviewed the contents of the worksheet and that to the best of his knowledge and belief, its contents are true and correct. The project worksheet shall be signed by the contractor and a copy left with him.

5. All completed worksheets shall be separated into two categories one representing work performed on high-way and heavy construction and one representing work performed on other projects. Wage determinations for one category shall not be based upon projects performed within the other category.

C. The number of workers in each class of labor and their respective wage rates shall be determined from all project worksheets and reflected on a "County Survey Report".

D. Except as provided in F. through G. herein, the prevailing wage rate shall be based upon the wage rate paid to the largest number of workers in each class of labor.

E. Where an equal number of workers worked at different wage rates, the prevailing wage rate shall be based upon the highest wage rate paid.

F. In each survey conducted pursuant to PWD 5, where it appears that the largest number of workers in a given class of labor are subject to a collective bargaining agreement which provides for a different rate of pay than that required to be paid under the previously determined prevailing wage rate, and which would have been paid in the absence of the previously determined wage rate, the new prevailing wage rate determined for that county or area under these rules shall be based upon their agreed to collective bargaining rates. Collective bargaining agreements or written understandings between employers and bona fide organizations of labor currently in force may be utilized in determining the hourly rates of pay.

G. In each survey conducted pursuant to PWD 5, where it appears that the largest number of workers in a given class of labor are non-union employees not subject to collective bargaining agreements whose wages would have been at a different rate in the absence of the previously determined prevailing wage rate, the new prevailing wage rate determined for that county or area under these rules shall be determined based upon the most current rate paid to those workers. In addition where the largest number of workers within a given class of labor are non-union workers, the prevailing wage rate shall be based upon the highest wage rate paid to those non-union workers.

PWD 7 Contractor's duties.

A. Each contractor contacted in the course of a survey, shall be prepared to present copies of all payroll records representing work done on projects in the county or area for the preceding twelve months.

B. For each worker, the contractor shall document for the investigator, his name, class of labor and rate of pay.

1. Contractors must utilize the Master Job Classifications specified in PWD 14 in documenting classes of labor;

2. The contractor shall document the employee's basic hourly wage rate and where fringe benefits are paid, the amount of each such fringe benefit payment and the name and address of the fund, plan or program to which each such payment was made;

3. The contractor shall document each employee's daily and weekly hours worked in each classification and net wages paid;

4. Where the investigator is unable to determine the class of labor for a particular employee, he is authorized to determine from the information available, an appropriate classification for that employee.

5. Where a payroll record describes a particular worker as performing work within several different classes of labor and the contractor does not indicate a specific class of labor for that worker, the investigator may classify him in the class of labor which he deems appropriate.

PWD 8 Determination without survey.

A. Where it appears to the Department, based upon the information compiled under this rule and the information compiled under PWD 11, that in a given county or area the number of AFL-CIO represented workers or the number of independent union represented workers comprised more than 50% of the total number of workers in that county or area, the prevailing wage rates for all classification of laborers in that county need not be based upon a physical survey but may be based upon the rates contained in the applicable current collective bargaining agreement, provided that:

1. Nothing contained herein shall preclude an aggrieved person from petitioning for a redetermination under Minn. Stat. §§ 177.43-177.44;

2. In any case where an employer operating under a collective bargaining agreement or written understanding with a bona fide organization of labor is paying his employees at a rate less than that called for in the collective bargaining agreement or written understanding, the wage

RULES

rate to be utilized for the purpose of calculating the prevailing wage rate for those employees shall be the wage rate set forth in the collective bargaining agreement or written understanding.

B. For purposes of this rule, it shall be the duty of every contractor performing work within the State of Minnesota to furnish the department upon its request, with copies of all payroll records relating to each project. Records so requested shall contain the information listed under PWD 7.

1. All payroll records shall be signed by the contractor or his representative and shall certify that the contractor has reviewed their contents and that they are accurate and correct.

2. All payroll records submitted to the Department shall be date-stamped on the day of their receipt and filed in accordance with the county within which the work was performed.

C. The Department shall periodically request from the Minnesota Department of Transportation all data indicating state projects let by that department, the counties in which work will be performed, the contractors awarded the contracts and their costs. This data shall be kept on file and may be utilized in making wage determinations under this rule.

PWD 9 Multi-County projects. Where a state project will extend into more than one county, the prevailing wage rate to be certified and utilized on that project shall be based upon the prevailing wage rate for the county within which the greatest volume of work will be performed.

PWD 10 Notice of wage determinations.

A. Upon certification of wage rates for a given county, the department shall publish notice of such certification in the *State Register* but need not publish the individual rates so certified.

B. The notice published in the *State Register* shall indicate where copies of the determined rates may be obtained upon request.

C. The Department shall maintain a list of all persons who request that copies of wage rate determinations be sent to them.

D. Copies of wage rate determinations shall be mailed within 5 days of their certification to those persons who have requested such notice and whose names appear on the

list maintained by the department. The department may charge a reasonable fee for the copying and mailing of these notices as allowed under Minn. Stat. § 15.17, subd. 4 (1974).

PWD 11 Utilization of additional information.

A. In addition to such information requested by the department under PWD 8, voluntary information received by the Prevailing Wage Division from contractors or their representatives, contractors associations, labor organizations, public officials, individual laborers and other interested parties shall be kept on file by the department and may be utilized in making wage determinations under PWD 8.

B. Illustrative of the type of information which will be kept on file if submitted are:

1. Notarized statements showing wage rates and hours worked on projects (such statements should indicate the names and addresses of contractors, including subcontractors, the locations, approximate cost, dates of construction and types of projects, the number of workers employed in each class of labor on each project, and the respective wage rates paid to each worker.

2. Signed collective bargaining agreements or understandings between an employer or a group of employers and bona fide organizations of labor.

3. Wage rate determinations and other information furnished by federal agencies.

4. Contract and bidding information submitted by the Department of Transportation or other state agencies.

5. Reports or records of county or city engineering offices.

6. Other information pertinent to the determination of prevailing wage rates.

PWD 12 Apprentices and trainees.

A. Apprentices, under programs approved by the U.S. Department of Labor, will be permitted to work as such only when they are registered, with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, United States Department of Labor. The allowa-

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

RULES

ble ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subparagraph b of this paragraph or is not registered as above, shall be paid the wage rate determined by the Commissioner of the Department of Labor and Industry, State of Minnesota, for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the Department of Labor and Industry written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work. The term "apprentice" means (1) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or (2) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training, or a State Apprenticeship Council (where appropriate) to be eligible for probationary employment as an apprentice.

B. Trainees: Trainees will be permitted to work as such if they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor Manpower Administration, Bureau of Apprenticeship and Training.

C. Apprentices and Trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal employment opportunity in connection with Federal-aid highway construction programs are not subject to the wage determinations made herein. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs.

PWD 13 Petition for reconsideration of prevailing wage rates.

A. Any person including contractor associations or labor organizations aggrieved by a final determination of a prevailing wage rate may petition the Commissioner for reconsideration of that wage rate within 30 days following its certification. The petitioner shall indicate the county and class(es) of labor contested, the reason the petitioner believes the rate to be inaccurate, and the rate the petitioner believes to be correct.

B. Within 10 days following receipt of a Petition for Reconsideration, the Department shall informally meet with the Petitioner and any other interested person, associations

or labor organizations, to review the contested wage determination(s).

1. The petitioner shall be prepared to support his contentions with any documents or data he deems necessary.

2. The department shall be prepared to produce and review the data, summary sheets and other documents upon which its determinations were based, and shall produce for the petitioner's inspection, all such documents.

C. Following the informal conference, the Department shall, within 10 days, notify the petitioner of any decision modifying, changing, or reaffirming the contested wage rate or indicate to the petitioner that a survey will be necessary to resolve the contested wage rate(s).

1. Where the department determines that a new survey is necessary, such survey shall be conducted within 30 days. Thereafter, the department shall inform the petitioner by certified mail of its final decision based on that survey.

D. No prevailing wage rate will be deemed to be vacated or suspended pending the resolution of a Petition for Reconsideration nor will the department request any state agency contemplating a state project to suspend, delay or otherwise change its contract and bidding schedules due to any pending procedures resulting from a Petition for Reconsideration.

E. Any person aggrieved by a final decision following reconsideration of a prevailing wage rate may, within 20 days after the decision, petition the Commissioner for a public hearing in the manner of a contested case under the administrative procedures act, Minn. Stat. §§ 15.0418 to 15.0421.

1. Upon receipt of a petition for a public hearing the commissioner shall order the initiation of a contested case in accordance with Minn. Stat. § 15.052.

2. All contested case hearings initiated herein shall be conducted in accordance with the rules of Operation of the Office of Hearing Examiners.

PWD 14 Application. These rules shall apply to all prevailing wage determinations certified subsequent to the effective date of these rules.

PWD 15 Master job classifications. For purposes of these rules, the following code numbers shall be utilized to describe the applicable classes of labor.

RULES

Highway Laborers (In Mpls.-St. Paul Metropolitan Wage Areas)

Highway Laborers (con't)

| Code No. | Position Title | Code No. | Position Title |
|----------|--|----------|---|
| | | 192 | Hydrant and valve setter |
| 103 | Bituminous batcherman (Stationary plant) | 194 | Jackhammer man and paving buster |
| 105 | Bituminous raker, floater and utility man | 196 | Joint filler (concrete pavement) |
| 107 | Bituminous tamper | 203 | Kettleman (bituminous or lead) |
| 113 | Blacksmith helper | 207 | Mortar mixers |
| 116 | Bottom man (sewer, water or gas trench) | 213 | Pipe derrickman (tripod, manual) |
| 117 | Bottom man (sewer, water or gas trench) (More than 8' below starting level of manual work) | 215 | Pipe handler (water, gas, cast iron) |
| 123 | Brick or block paving setter | 217 | Pipe layer (sewer, water or gas) |
| 125 | Bricklayer tender | 223 | Powderman |
| 132 | Cement coverman (batch trucks) | 224 | Powder monkey |
| 134 | Cement gun operator (1½" and over) | 225 | Power buggy operator |
| 136 | Cement handler (bulk or bag) | 227 | Pump Operator (3" and under, semi-skilled) |
| 138 | Chain Saw Operator | 233 | Reinforced steel labor |
| 140 | Chipping hammer operator | 235 | Reinforced steel setter (pavement) |
| 141 | Concrete batcherman (proportioning plant) | 241 | Sand cushion and bed maker |
| 143 | Concrete longitudinal floatman (manual bullfloat on paving) | 243 | Service connection maker (water or gas) |
| 145 | Concrete mixer operator (1 bag capacity) | 245 | Squeegee man (bituminous brick or block pavement) |
| 147 | Concrete shoveler, tamper and puddler (paving) | 247 | Stabilizing batcherman (Stationary plant) |
| 149 | Concrete vibrator operator | 249 | Stone mason tender |
| 153 | Conduit layers (without wiring) | 253 | Tunnel laborer (atmospheric pressure) |
| 156 | Curb setter (stone or precast concrete) | 255 | Tunnel men (air pressure) |
| 163 | Dumper (wagon, truck, etc.) | 257 | Tunnel miner |
| 165 | Dumpman | 263 | Unskilled laborers |
| 167 | Dumpman (paver) (dumper batch trucks at mixer) | 265 | Watchmen |
| 173 | Drill runner (blasting) | 267 | Winch handler (manual) |
| 175 | Drill runner (heavy, including churn drill) | 273 | Caisson work |
| 181 | Flagman | 275 | Cofferdam work |
| 185 | Formsetter (municipal type curb and sidewalk) | 277 | Open ditch work |
| 186 | Formsetter (pavement) | 279 | Tunnel work |
| | | 281 | Underground laborers |

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

RULES

Highway Laborers (con't)

| Code No. | Position Title |
|----------|---|
| 283 | Underpinning work |
| 285 | Other work more than 8' below starting level of manual work |
| 286 | Water well driller helper |
| 287 | Nozzelman (gunite) |
| 288 | Joint sawer |
| 289 | Carpenter tender |
| 290 | Wrecking and demolition |

Highway Laborers (Rural Wage Areas)

| Code No. | Position Title |
|----------|--|
| | Classification: |
| 463 | Laborer, highway & heavy, unskilled |
| | Pavement: |
| 336 | Cement handler |
| 367 | Dumper |
| 353 | Conduit layer |
| 347 | Concrete shoveler, tamper and puddler |
| 384 | Formsetter, curb, walk and pavement |
| 394 | Jackhammer |
| 338 | Chain saw operator |
| 397 | Joint sawer |
| 349 | Concrete vibrator operator |
| 423 | Powderman |
| 435 | Reinforced steel setter (pavement) |
| 334 | Cement coverman |
| 335 | Sack Shaker |
| | Blacktop: |
| 305 | Bituminous, raker, floater and utility man |
| 363 | Dumper |
| 308 | Tamper operator |
| 381 | Flagman |
| 465 | Watchman |

Highway Laborers (con't)

| Code No. | Position Title |
|----------|--|
| | Sewer, Water and Tunnel: |
| 417 | Pipelayer |
| 403 | Kettleman, bituminous or lead |
| 453 | Tunnel laborer — atmospheric pressure |
| 452 | Tunnel laborer — air pressure |
| 456 | Tunnel miner — atmospheric pressure |
| 454 | Tunnel miner — air pressure |
| 315 | Bottom man or ditchman |
| 418 | Pipe handler |
| | Miscellaneous: |
| 372 | Drill runner |
| 374 | Drill runner wagon drill or churn drill |
| 376 | Drill runner helper |
| 475 | Cofferdam work |
| 473 | Caisson work |
| 345 | Concrete mixer operator (1 bag capacity) |
| 346 | Nozzelman (gunite) |
| 427 | Pump operator — 3 inches and under |
| 486 | Work 8 feet or more below adjoining ground where excavation is not more than 8 feet wide |
| 426 | Power Buggy Operator |
| 430 | Bricklayer tender |
| 431 | Carpenter tender |
| 432 | Mortar mixer |
| 433 | Stone mason tender |
| 464 | Wrecking and demolition laborer |

Power Equipment Operators (Statewide)

| Code No. | Position Title |
|----------|---|
| 501 | Air compressor operator |
| 502 | |
| 503 | Asphalt, bituminous stabilizer plant operator |
| 504 | |

RULES

Power Equipment Operators (con't)

Power Equipment Operators (con't)

| Code No. | Position Title | Code No. | Position Title |
|----------|---|----------|--|
| 505 | Backfiller operator | 532 | |
| 506 | Batch Plant (concrete) | 533 | Fireman or tank car heater operator |
| 507 | Bituminous spreader & finishing operator (power) (Adnum or Jaeger) | 534 | Fork lift or lumber stacker (for construction job site) |
| 508 | Bituminous spreader & bituminous finishing machine operator (helper) (power) (Adnum or Jaeger) | 535 | Fork lift or straddle carrier operator |
| 509 | Brakeman or switchman | 536 | Form trench digger (power) |
| 510 | Boom Truck (power operated boom) | 537 | |
| 511 | Cableway operator | 538 | Front end loader operator (under 30 h.p. rubber tired) |
| 512 | Conveyor operator | 539 | Front end loader operator, all types 30 h.p. and over |
| 513 | Concrete distributor & spreader operator, finishing machine, longitudinal float operator, joint machine operator & spray operator | 540 | |
| 514 | Concrete mixer operator, on job site over 14S | 541 | Grader or motor patrol, finishing, earthwork and bituminous |
| 515 | Concrete mixer operator, on job site 14S and under | 542 | Grader operator (motor patrol) |
| 516 | Concrete mixer, stationary plant operator, over 34E | 543 | Power Actuated Horizontal boring machine over 6" |
| 517 | | 544 | Gravel screening plant operator (portable not crushing or washing) |
| 518 | Concrete saw operator (multiple blade) (power operated) | 545 | Lead greaser on grease truck (where no mechanic is employed) |
| 519 | Crushing plant operator (gravel & stone) or gravel washing, crushing & screening plant operator | 546 | Greaser (truck and tractor) |
| 520 | Curb Machine | 547 | Guniting operator gunall |
| 521 | Derrick (Guy or stiffleg) (power) (skids or stationary) | 548 | Hoist engineer (power) |
| 522 | Dope Machine (pipeline) | 549 | Self-propelled chip spreader (Flaherty or similar) |
| 523 | Dredge deck hand | 550 | Self-propelled soil stabilizer |
| 524 | Dredge operator or engineer, dredge operator (power) & engineer | 551 | Launchman (tankerman or pilot license) |
| 525 | Elevating Grader Operator | 552 | Leverman |
| 526 | Drill rigs, heavy duty rotary or churn drill | 553 | Loader Operator (Barber Green or similar type) |
| 527 | Drilling machine | 554 | Locomotive, all types |
| 528 | Euclid loader operator | 555 | Locomotive crane operator |
| 529 | Engineer in charge of plant requiring first class license | 556 | Master Mechanic |
| 530 | | 557 | Mechanic or Welder |
| 531 | Fine grade operator | 558 | Mechanical space heater (temporary heat) |
| | | 559 | Mixer (paving) Concrete Paving Operator, road |
| | | 560 | Pipeline Wrapping Cleaning or Bending Machine |

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while ~~[[double brackets]]~~ indicate matter stricken from proposed rules. Existing material is printed in standard type face.

RULES

Power Equipment Operators (con't)

| Code No. | Position Title |
|----------|---|
| 561 | Oilers (power shovel, crane, dragline) |
| 562 | Paving breaker or tampering machine operator (power driven) (Mighty-Mite or similar type) |
| 563 | Pick-up Sweeper (not including Tennant or similar types) |
| 564 | Power shovels and/or other equipment with shovel type controls, 3½ cu. yds. & over |
| 565 | Power shovels and/or other equipment with shovel type controls, up to 3½ cu. yds. |
| 566 | Power plant engineer, 100 K.W.H. and over |
| 567 | Pugmill operator |
| 568 | Pump operator |
| 569 | Pumpcrete operator |
| 570 | Mucking machine |
| 571 | Refrigeration plant engineer |
| 572 | Mole operator including power supply |
| 573 | Roller operator, self-propelled roller for compaction, including stabilized base |
| 574 | Roller operator, self-propelled, rubber-tired for compaction including stabilized base |
| 575 | Roller operator, up to & including 6 tons for bituminous finishing and/or wearing courses |
| 576 | Roller operator, over 6 tons for bituminous finishing and/or wearing courses |
| 577 | Scraper, 32 cu. yds. and over |
| 578 | Self-propelled vibrating packing operator (pad type) |
| 579 | Rubber-tired farm tractor, back hoe attachment |
| 580 | Sheet foot roller (self-propelled) (3 drum and over) |
| 581 | Shouldering machine operator (power) (Apsco or similar type) |
| 582 | Slip Form (power-driven) (paving) |
| 583 | Tie tamper & ballast machine operator |
| 584 | Stump chipper |
| 585 | Turnapull operator (or similar type) |
| 586 | Tandem scraper |
| 587 | Tractor operator — boom type |
| 588 | Tractor operator, D2, TD6 or similar h.p. with power take-off |

Power Equipment Operators (con't)

| Code No. | Position Title |
|----------|---|
| 589 | Tractor operator, over D2, TD6, or similar h.p. with power take-off |
| 590 | Tractor operator, 50 h.p. or less without power take-off |
| 591 | Tractor operator, over 50 h.p. without power take-off |
| 592 | Trenching machine operator (sewer, water, gas) |
| 593 | Power Actuated Augers & Boring Machine |
| 594 | Truck crane operator |
| 595 | Truck crane oiler |
| 596 | Tugboat (100 h.p. and over) |
| 597 | Well point installation, dismantling or repair mechanic |
| 598 | Two or more pumps, compressors or welding machines |
| 599 | Power Actuated Jacks |

Truck Drivers (Statewide)

| Code No. | Position Title |
|----------|--|
| 601 | Bituminous Distributor Driver |
| 602 | Bituminous Distributor Spray Operator (Rear end oiler) |
| 603 | Bituminous Distributor Driver (one man operation) |
| 605 | Boom and "A" frame driver |
| 606 | Dumpman |
| 608 | Dumpster Operator (no h.p. limit) |
| 611 | Greaser and truck serviceman |
| 615 | Mechanical Broom Driver |
| 617 | Pilot Car Driver |
| 621 | Ready-Mix Driver (mixer capacity up to and including 4 cu. yds.) |
| 622 | Ready-Mix Driver (Mixer capacity over 4 cu. yds. up to and including 6 cu. yds.) |
| 623 | Ready-Mix Driver (Mixer capacity over 6 cu. yds.) |
| 626 | Self-propelled Packer Operator |
| 629 | Tank truck helper (gas, oil, road oil and water) |
| 631 | Tearaster or stableman |
| 633 | Tractor Operator (wheel type used for any purpose) |
| 641 | Truck Driver (up to and including 6 cu. yds. box water level) |

RULES

Truck Drivers (con't)

| Code No. | Position Title |
|----------|--|
| 642 | Truck Driver (over 6 cu. yds. up to and including 8 cu. yds. box water level) |
| 643 | Truck Driver (over 8 cu. yds. up to and including 12 cu. yds. box water level) |
| 644 | Truck Driver (over 12 cu. yds. up to and including 16 cu. yds. box water level) |
| 645 | Truck Driver (over 16 cu. yds. box water level) |
| 648 | Truck Driver (hauling machinery for contractors own use including operation of hand or power operated winches) |
| 650 | Truck Mechanic (in cases where an operating engineer mechanic is not employed) |
| 651 | Truck Welder |
| | Truck Driver: |
| 662 | Single axle or 2 axle unit |
| 663 | Tandem axle or 3 axle unit |
| 664 | Four axle unit |
| 665 | Five axle unit For each additional axle, 10¢ additional per hour |
| 666 | Slurry Driver |
| 667 | Slurry operator |

Special Crafts (Statewide)

| Code No. | Position Title |
|----------|---|
| 711 | Bricklayers |
| 712 | Bricklayers Apprentice (6 mos. interval) |
| 721 | Carpenters |
| 722 | Carpenters apprentice (1000 hr. interval) |
| 731 | Cement Masons |
| 732 | Cement Masons (6 mos. interval) |
| 733 | Cement Masons (1 year intervals) |
| 740 | Cable Splicer |
| 741 | Electricians |

Special Crafts (con't)

| Code No. | Position Title |
|----------|---|
| 742 | Electricians Apprentice |
| 743 | Electricians (on work up to \$4,000) |
| 744 | Electricians on work over \$4,000 |
| 745 | Electricians Apprentice (3 mos. interval) |
| 746 | Electricians Apprentice (6 mos. interval) |
| 747 | Electricians Apprentice (year intervals) |
| 748 | Lineman |
| 749 | Groundman (1st year, 2nd year, 3rd year) |
| 751 | Ironworkers, ornamental |
| 752 | Ironworkers, reinforcing |
| 753 | Ironworkers, structural |
| 754 | Ironworkers Apprentice (1000 hrs. interval) |
| 755 | Ironworkers (6 mos. intervals) |
| 761 | Painters |
| 762 | Painters; brush |
| 763 | Painters, structural steel and bridge |
| 764 | Painters Apprentice (1000 hrs. interval) |
| 765 | Painters (6 mos. intervals) |
| 766 | Painters, spray |
| 771 | Piledriverman |
| 773 | Plumbers |
| 775 | Plumbers Apprentice (928 hours) |
| 781 | Stone Masons |
| 791 | Sheet metal workers |
| 784 | Stone Masons (6 mos. interval) |

PWD 16 Posting of wage rates.

Each contractor and subcontractor performing work on a public project shall post on the project the applicable pre-

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

RULES

vailing wage rates and hourly basic rates of pay for the county or area within which the project is being performed, including the effective date of any changes thereof, in at least one conspicuous place for the information of the employees working on the project. (Minn. Stat. § 177.43,

subd. 4 and Minn. Stat. § 177.44, subd. 5 1974). The information so posted shall include a breakdown of contributions for health and welfare benefits, vacation benefits, pension benefits and any other economic benefit required to be paid.

PROPOSED RULES

Department of Corrections Operation and Management of Holding Facilities, Lockups, Jails and Adult Corrections Facilities

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Veterans' Service Building, Room D, 5th Floor, 20 W. 12th St., St. Paul, on May 10, 1977 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Steve Mihalchick, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, will provide a framework within which holding facilities, lockups, jails and adult corrections facilities will be classified, inspected, evaluated and approved for usage. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Information Officer, Department of Corrections, Suite 430, Metro Square Building, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 241.021 subd. 1. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250

per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Thomas J. Foley,
Deputy Commissioner

Table of Contents

| | |
|-----------|--|
| Corr. 100 | Introduction |
| Corr. 101 | Definitions |
| Corr. 102 | Inspections, Intended Use and Non-Conformance with Rules |
| | A. Inspections |
| | B. Intended Use |
| | C. Non-conformance, Unsafe, Unsanitary or Illegal Conditions |
| | D. Severability |
| Corr. 103 | Variances |
| | A. Variances |
| | B. Emergency Suspensions of Standards |
| | C. Huber Sentences |
| Corr. 104 | Personnel Standards |
| | A. Staff Health |
| | B. Recruitment |
| | C. Employee Evaluation |
| | D. Extra Duty |
| | E. Staffing Requirements |
| Corr. 105 | Staff Training |
| | A. Training Plan |
| | B. Orientation Training |
| | C. Probationary Period Training |
| | D. In-Service Training |
| | E. Management Training |
| Corr. 106 | Staff Deployment, Job Descriptions, Work Assignments, Post Orders, Policies and Procedures |
| | A. Job Descriptions |
| | B. Work Assignments |
| | C. Channels of Communication |
| | D. Staff Policies and Procedures |
| | E. Policy and Procedure Manuals |

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

- F. Personnel Policies
 - G. Availability of Standards
 - H. Public Information Plan
- Corr. 107 Records and Reports
- A. Maintenance of Records and Reports
 - B. Storage and Preservation of Records
 - C. Filing and Disposition of Records
 - D. Confidentiality of Records
- Corr. 108 Prisoner Welfare
- A. Separation
 - B. Classification
 - C. Prisoner Rules and Regulations
 - D. Prisoner Discipline
 - E. Activities
 - F. Visiting
 - G. Correspondence
 - H. Clothing, Bedding and Laundry
 - M Services
 - I. Emergencies and Unusual Occurrences
- Corr. 109 Food Service
- A. General Requirements
 - B. Food Handling Practices
 - C. Dietary Allowances
 - D. Holding Facilities
 - E. Frequency of Meals
 - F. Therapeutic Diets
 - G. Use of Food in Discipline
 - H. Supervision of Meal Serving
 - I. Menu Records
 - J. Hot Meal Minimum
 - K. Canteen
 - L. Budgeting, Purchasing and Accounting
 - M. Containers and Food Storage
 - N. Transport of Food
- Corr. 110 Security
- A. Policies and Procedures
 - B. Admissions
 - C. Releases
 - D. Search and Shakedowns
 - E. Locks and Keys
 - F. Weapons, Tools, Equipment, Medications, Hazardous Substance
 - G. Count Procedure
- Corr. 111 Environmental-Personal Health and Sanitation
- A. Availability of Medical and Dental Resources

- B. Posting of Available Resources
- C. Hospitalization of a Prisoner
- D. First Aid
- E. Medical and Dental Records
- F. Preventive Health Services
- G. Administration of Medications
- H. Reporting Suspected Communicable Disease
- I. Isolation for Communicable Disease
- J. Mentally Ill Prisoners
- K. Housekeeping, Sanitation and Plant Maintenance

- Corr. 112 New Construction
- A. Construction Principles
 - B. General Conditions
 - C. Administrative and Public Areas
 - D. Receiving Area
 - E. Living Area
 - F. Construction Standards

Rules as Proposed

Corr. 100 Introduction.

A. Minn. Stat. § 241.021 subd. 1 (1974), as amended by Laws of 1976, ch. 299, to be effective July 1, 1976, provides that the Commissioner of Corrections promulgate rules establishing minimum standards for all correctional facilities throughout the State whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other State regulating agencies. The rules which follow are intended to fulfill that requirement for holding facilities, lockups, jails and adult corrections facilities.

B. The Commissioner of Corrections has, pursuant to Minn. Stat. § 241.021, subd. 1, appointed a citizens' advisory task force to assist in the development of rules contained herein.

C. The purpose of these standards is to facilitate the implementation of rules in accordance with Minn. Stat. § 241.021, subd. 1, and to provide a framework for inspection, restriction of usage and condemnation of holding facilities, lockups, jails and adult corrections facilities.

Corr. 101 Definitions.

- A. For the purpose of these rules:**

PROPOSED RULES

1. "Department of Corrections" or "Department" shall mean Minnesota State Department of Corrections.

2. "Commissioner" shall mean Commissioner of the Minnesota State Department of Corrections or his designee.

3. "Local Facility" shall mean any city, county, city and county, or multiple county adult or juvenile correctional facility.

4. "Holding Facility" shall mean a secure detention facility used to confine prisoners prior to appearance in court for periods of time not to exceed 72 hours excluding holidays or weekends.

5. "Lockup Facility" shall mean a secure detention facility used to confine prisoners prior to appearance in court and sentenced prisoners for periods of time not to exceed 30 days.

6. "Jail" shall mean a secure detention facility used to confine prisoners prior to appearance in court and sentenced prisoners for periods of time not to exceed one full year.

7. "Adult Corrections Facility" shall mean a secure detention facility used to confine sentenced prisoners for periods of time not to exceed one full year.

8. "Facility Administrator" shall mean sheriff, chief of police, administrator, superintendent, director or other individual who has been assigned, designated or delegated full-time responsibility and authority for the administration and operation of a local facility.

9. "Custodial Personnel" shall mean those staff with titles such as jailer, deputy, counselor, correctional officer, or equivalent, whose primary duties are the day-to-day or ongoing supervision of prisoners of a local facility.

10. "Emergency" shall mean any significant incident or disruption of normal facility procedures, policies, routines or activities such as fire, riot, natural disaster, suicide, escape, assault on staff, medical emergency, etc.

11. "Approved Capacity" shall mean the number of prisoners for which any cell, room, unit, building, facility or combination thereof was planned, designed and approved for in compliance with the standards herein contained.

12. "Average Daily Population" shall mean the average number of prisoners residing daily during the last calendar year.

13. "Disciplinary Isolation" shall mean that status assigned a prisoner as a consequence or means of control resulting from a serious violation of facility rules or statute which consists of confinement in a cell, room or housing unit separate from other prisoners of the facility.

14. "Administrative Segregation" shall mean the physical separation of different types of prisoners from each other, designed to provide that level of control and security necessary for responsible management and to maintain the health, security and protection of the prisoners and staff.

15. "Policy" shall mean a statement declaring mission, purpose, and ideological position.

16. "Procedure" shall mean a statement establishing the action plan to accomplish policy.

17. "Inspection" shall mean an on-site assessment of existing conditions and their relationship to meeting standards.

18. "Existing Facility" shall mean any facility used for the detention and confinement of prisoners prior to the effective date of these standards.

19. "Prisoner" shall mean any individual, adult or juvenile, detained or confined, residing in any local detention or treatment facility governed by these rules.

20. "Variance" shall mean the waiver of a specific standard by the Commissioner of Corrections for a specified period of time.

21. "Holding Cell" shall mean a cell or room used to hold one or more persons temporarily while they are awaiting such things as release, booking, court appearance, transportation, interrogation, etc.

22. "Maximum Security Areas" shall mean areas that provide the greatest degree of physical security for the control and separation of prisoners.

23. "Maximum Security Prisoners" shall mean prisoners who have established themselves as "dangerous to self or others," or behaviorally uncontrollable

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

through previous behavior, or who are so unfamiliar that no reasonable assessment of their character can be made.

24. "Medium Security Areas" shall mean areas that provide moderate, but considerable physical security for the control and separation of prisoners.

25. "Medium Security Prisoners" shall mean prisoners who have not performed bizarre behaviors within the past five years, and who are sufficiently familiar to the staff of a facility to warrant general reliability for their expected responsible behavior.

26. "Minimum Security Areas" shall mean areas that provide functional living accommodations with a nominal reliance on physical security for the control and separation of prisoners.

27. "Minimum Security Prisoners" shall mean prisoners who have established themselves as reliably responsible (with the exception of their offense patterns) under conditions provided by the staff and other resources of the facility and the community.

Corr. 102 Inspections, intended use and non-conformance with rules.

A. Inspections. Each facility shall be inspected pursuant to Minnesota statutory authority Minn. Stat. § 241.021 subd. 1.

1. All inspections of jails, lockups, holding facilities and adult corrections facilities made by the Department of Corrections pursuant to Minn. Stat. § 241.021 subd. 1 shall be according to the standards set forth herein.

B. Intended use. Any facility disapproved for detention or treatment purposes of one or more kinds as indicated by its classification and standards contained herein shall not be used for such disapproved purpose until such time as they are deemed in substantial compliance with the standards contained herein for the proposed reclassification and a reclassification review has been conducted by the department authorizing such reclassification.

C. Nonconformance, Unsafe, Unsanitary or Illegal Conditions. When conditions do not substantially conform to the standards stated herein or where specific conditions are such as to endanger the health, welfare or safety of prisoners and/or staff, the facility's use shall be restricted pursuant to Minn. Stat. § 241.021 subd. 1 or legal proceedings to condemn the facility will be initiated pursuant to Minn. Stat. § 641.26 Condemnation of Jails, or Minn. Stat. § 642.10 Condemnation of Lockup.

D. Severability. If any article, section, subsection, sentence, clause or phrase of these standards is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Department of Corrections, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these standards.

Corr. 103 Variances.

A. Variances. A local facility may request in writing a variance of a specific standard.

1. The request for a variance shall cite the standard in question, reasons for requesting the variance, the period of time the governing body wishes to have the standard waived, and the equivalent measures planned for protecting the health and safety of prisoners and staff.

2. The request shall state the justification for the requested exception and document the claim that the exception meets the intent of the standard and will not jeopardize the supervision of prisoners, established programs, security or the safe, healthful or efficient operation of the facility.

B. Emergency suspensions of standards. Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any standard herein prescribed in the event of any emergency which threatens the safety of the local facility, of any of its prisoners or staff, or the public.

1. Only such standards as are directly affected by the emergency may be suspended.

2. The facility administrator shall notify the Department of Corrections in writing within 72 hours of a suspension of any standard.

3. No suspension shall exceed seven days without the approval of the Commissioner of Corrections for a time specified by him.

C. Huber sentences (including educational release sentences) shall be exempt from the 30 day confinement limitation in lockups and may be exempted from the 72 hour confinement limitation in holding facilities by approval of the Commissioner of Corrections.

Corr. 104 Personnel standards.

A. Staff health.

1. All employees shall, prior to employment and

PROPOSED RULES

annually thereafter, show freedom from tuberculosis by a report of either a standard Mantoux tuberculin test or a chest X-ray.

a. If the Mantoux test is positive or contraindicated, a chest X-ray shall be taken. The results of these tests shall be reported in writing and made a part of the staff member's personnel record.

2. Any staff member with a communicable disease shall not be permitted to work in the facility until such time that a physician certifies that the staff member's condition will permit his return to work without endangering the health of other staff and prisoners.

3. The facility administrator shall require that a staff member have a medical examination when there is reason to believe a communicable disease exists.

B. Recruitment.

1. The selection, appointment and promotion of facility personnel shall be made on the basis of assessed ability.

2. There shall be no discrimination with respect to employment on the grounds of race, color, religion, sex or national origin.

3. All custodial personnel employed after the effective date of these standards shall be at least 18 years of age.

a. Non-custodial employees or volunteers under 18 years of age shall be under direct supervision.

4. Recruitment standards shall be reasonable and geared to reach the widest possible work force.

a. Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience, physical condition and character. They shall also set forth those qualities which may disqualify, such as drug or alcohol abuse, sexual deviance, criminal record or poor past work record.

C. Employee evaluation.

1. Every employee shall satisfactorily complete a probationary period on the job before appointment is made permanent.

2. Each employee shall be evaluated at least once during their probationary period — twice is recommended — and annually thereafter.

3. Evaluations shall be in writing and made a part of the employee's personnel record.

D. Extra duty.

1. No employee shall be assigned to duty for two consecutive work periods except in a documented emergency, or where unusual circumstances require reasonable and prudent exception.

E. Staffing requirements.

1. Staffing plan. The facility administrator shall prepare and retain a staffing plan indicating the personnel assigned to the facility and their duties.

2. Minimum staff requirements. The following are minimal staff requirements for each facility:

a. Facility administrator. There shall be a single administrator or chief executive of each facility. Where the average daily population of prisoners exceeds 50, the administrator shall have an assistant.

(1) Person in charge. In the absence of the facility administrator, a staff person shall be designated as person in charge. The facility shall not be left without such on-site supervision.

(2) Persons in charge shall be certified in writing by the facility administrator as physically able, competent, capable and prepared by training to act in an emergency.

b. Staff presence. No person shall be detained without a staff person on duty, present in the facility, awake and alert at all times, capable of responding to reasonable needs of the prisoner.

c. Sex of staff. Staff members shall not be placed in positions of responsibility for the supervision and welfare of prisoners of the opposite sex in circumstances that can be described as invasion of privacy, degrading or humiliating to the prisoners.

(1) Where staff of one sex are used as program resource personnel with prisoners of the opposite sex, backup staff of the prisoners' sex must be on duty,

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

awake and alert in the facility to provide assistance as needed without delay.

d. Relief staff. Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to insure that security, supervision of prisoners, the administration of program activities, and the efficient operation of the facility are not reduced or jeopardized by such activities.

(1) Part-time and relief staff shall complete orientation training appropriate to the facility's classification.

e. Maintenance personnel. Maintenance personnel shall be employed to perform preventive, routine and emergency maintenance functions.

(1) Custodial staff shall not be given physical plant maintenance duties which are incompatible with or detract from their primary responsibility for ongoing supervision of prisoners.

f. Dispatcher/custodial person. No staff person shall be assigned as a combination dispatcher/custodial person when such assignment is incompatible with or detracts from the responsibilities of custodial functions as required by these rules.

c. Custodial staff. The ratio of custodial staff to prisoners shall be not less than one staff person to 25 prisoners at any time of the day or night.

h. Program staff requirements. Program staff requirements as applicable to a facility's classification are as follows:

(1) Holding facility. No on-site program staff required.

(2) Lockups, program and resource coordinator. The facility administrator shall designate a staff person to coordinate community services and volunteers utilized by the facility. Such staff person need not be full-time in this capacity.

(3) Jails.

(a) Less than 25 average daily population. Jails with an average daily population of 25 or less shall have one staff person designated as program and resource coordinator of educational, vocational, social, volunteer and community services. Such staff person shall in consultation with the facility administrator, develop and implement on-site educational/vocational, social service and volunteer programs consistent with the needs of prisoners and available community resources.

Such staff person may serve full or part-time in this capacity at the discretion of the facility administrator and governing body.

(b) Over 25 average daily population. Jails with average daily populations exceeding 25 shall have full-time program and resource coordinators of educational, vocational, social and volunteer services as follows:

Average Daily Population:

25-50 One staff person required.

51-100 Two staff persons required.

Over 100 To be determined by mutual agreement of the county and Department of Corrections.

(c) Jails with average daily populations exceeding 50 shall have a minimum of one full-time staff person assigned to recreational programming.

(4) Adult corrections facilities.

(a) Educational/vocational and social service staff. One educational/vocational staff person and one social service staff person shall be employed full-time for every 30 prisoners of the facility's average daily population. For the purpose of this standard, the superintendent, director, program director, treatment supervisor, educational/vocational supervisor or other such professional staff shall not be used in computation of this ratio unless there is documented evidence indicating that a substantial portion of their work time is spent in direct service to prisoners.

(b) Recreation staff. Adult corrections facilities with approved capacities exceeding 50 shall have a minimum of one staff person assigned to recreational programming.

(c) Volunteer services. All adult corrections facilities shall have a staff person designated to develop, implement and coordinate volunteer services. Facilities having approved capacities of 100 or more shall have a volunteer services coordinator.

Corr. 105 Staff training.

A. Training plan. Each facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provisions for continuing in-service training programs for all employees and volunteers.

PROPOSED RULES

1. The training plan shall be documented and be descriptive of course curriculum, methods of instruction and objectives of instruction.

2. In-service training plans shall be prepared annually and orientation training plans reviewed and revised as necessary to changing conditions.

B. Orientation training. All custodial personnel shall complete a minimum of 24 hours of orientation training to their duties and responsibilities.

1. Such training shall be satisfactorily completed as soon as practical, but not more than 90 days from the time of employment.

C. Probationary period training. All custodial personnel of holding facilities, lockups, jails and adult corrections centers shall satisfactorily complete a Department of Corrections approved facility operations programmed instruction course or equivalent training prior to completion of a probationary period.

D. In-service training. All custodial personnel and all middle management and non-management professional personnel except those employed in holding facilities shall complete a minimum of 24 hours of in-service training per year.

E. Management training. All management personnel and facility administrators employed in jails and adult corrections facilities who have not completed comparable training or who have not had two or more years administrative experience shall complete at least the orientation training appropriate to the facility's classification.

Corr. 106 Staff deployment, job descriptions, work assignments, post orders, policies and procedures.

A. Job descriptions. Each facility administrator shall develop written job descriptions for all position classifications and post assignments which define responsibilities, duties and qualifications.

1. These shall be readily available to all employees with copies on file in the administrator's office.

2. Each employee shall be thoroughly familiar with his duties and responsibilities.

B. Work assignments. Work assignments shall be

consistent with qualifications as stated in job descriptions and the approved staffing plan of the facility.

C. Channels of communication. The facility administrator shall develop and maintain channels of communication with employees which include:

1. Distribution of written personnel policies to employees.

2. Regularly scheduled meetings of supervisory personnel.

3. Regularly scheduled meetings between supervisors and subordinates.

4. Probationary and annual employee evaluations.

D. Staff policies and procedures. The facility administrator shall develop written policies and procedures to cover emergency situations, such as escape, fire, medical emergencies, etc.; procedural statements concerning admission and release of prisoners, schedules for laundry, feeding, canteen, visiting, security checks and other events of significant bearing on the consistency of operations.

E. Policy and procedure manuals. All policies and procedures concerning the facility's operation shall be made available to all employees at the time of employment and as revised thereafter in policy and procedure manuals.

1. Such manuals shall also be available at post assignments.

F. Personnel policies. Written personnel policies shall be developed by the facility administrator and governing body which specify hours of work, vacations, illness, sick leave, holidays, retirement, employee health services, group insurance, evaluation procedures, promotions, personal hygiene practices, attire, conduct, disciplinary actions and other items which will enable employees to perform their duties properly.

G. Availability of standards. Copies of all standards relating to the facility and its operation shall be made available to all personnel of the facility.

1. All personnel shall be instructed in the requirements of the law and standards pertaining to their respective duties.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

2. Such instruction shall be documented and on file.

3. Assistance with respect to developing conditions necessary to comply with standards shall be provided by the Commissioner of Corrections when requested.

H. Public information plan. Each facility administrator shall develop a written plan for dissemination of information to the public, to other government agencies, and to the news media.

Corr. 107 Records and reports.

A. Maintenance of records and reports. Each facility shall maintain accurate and complete records, reports and statistics necessary for the conduct of its operation.

1. The following records, reports and statistics shall be maintained:

- a. Admission and release records.
- b. Prisoner personal property records.
- c. Records of reports submitted to the Department.
- d. Clothing, linen and laundry records.
- e. Records of budget requests and work orders.
- f. Unusual occurrence records.
- g. Records of policies and procedures.
- h. Records of correspondence with the Department.
- i. Employee personnel records.
- j. Records of staff training.
- k. Accounting records.
- l. Registers.
- m. Food service records.
- n. Daily logs.
- o. Medical and dental records.
- p. Programming records (holding facilities exempted).
- q. Disciplinary records.

r. Good time records (holding facilities exempted).

2. The Department of Corrections shall make available sample approved forms upon request on items A. 1. a.-r.

B. Storage and preservation of records. Space shall be provided for the safe storage of records at the facility's record keeping or control center and in general storage.

1. Records shall be filed so as to be organized and readily retrievable.

2. All prisoner records shall be preserved as required by law and in accordance with requirements established by the State Records Center.

C. Filing and disposition of records. Prisoner records shall be incorporated into individual folders and filed at the facility's record keeping or control center.

1. The records of released prisoners shall be promptly completed and filed in the facility.

D. Confidentiality of records. Prisoner records shall be kept in conformity with State law.

Corr. 108 Prisoner welfare.

A. Separation. A combination of separate living spaces, sanitation facilities, activity spaces, cell units and detention rooms shall be provided to properly segregate prisoners pursuant to Minn. Stat. §§ 641.14, 641.15 and 636.07.

1. Whenever possible within the limitations of the existing facility and staff, witnesses, first offenders, traffic offenders, non-support and contempt cases shall be housed separate from those charged and/or sentenced for criminal offenses.

2. Facility administrators of lockups, jails and adult corrections centers may at their discretion provide supervised activities and programs of a coeducational nature for adult male and adult female prisoners.

a. Supervision of coeducational activities and programs shall be provided by a staff person at all times, and a staff person of the opposite sex shall be in the immediate area in the event their services are required.

B. Classification.

1. Holding facilities. Shall comply with the separation standards herein contained.

PROPOSED RULES

2. Lockup facilities. Shall screen all admissions at the time of booking for the purpose of determining prisoner classification by sex, age, category of offense (felon, misdemeanor), degree of escape risk, assaultive/non-assaultive, and other criteria designed to provide for the safety of prisoners, staff and the community.

3. Jail facilities and adult corrections facilities. In addition to the classification requirements for lockups, these facilities shall develop and implement a written classification plan or system which includes specific criteria by which prisoners are assigned to housing units.

a. The decision on which housing unit a prisoner will be assigned to initially shall be made by the intake staff using the above mentioned criteria.

C. Prisoner rules and regulations.

1. Copies of rules and regulations shall be made available to all prisoners throughout their confinement concerning the following:

a. Rules and regulations governing conduct and disciplinary consequences.

b. Procedures for obtaining personal hygiene and canteen items.

c. Policies governing visiting, correspondence, bathing, laundry and clothing and bedding exchange.

d. Legal rights. Prisoners shall be advised of their legal rights with respect to detention or confinement by facility personnel to the extent requested and facility staff feel qualified to advise.

e. Official charge or legal basis for detention and confinement. Every prisoner admitted to any facility shall be advised of the official charge or legal basis for detention and confinement.

2. Each of the above shall be explained to those prisoners who are unable to read rules and regulations or have any questions regarding same.

3. Each prisoner, except those detained in holding facilities, within 24 hours of admission, shall be provided with a copy of the program options and activities provided in the facility as well as the outside resources available.

D. Prisoner discipline.

1. Discipline plan. All facilities shall have a prisoner discipline plan, which explains clearly and precisely the consequences or administrative sanctions for specific behaviors, omissions, the administrative process for handling major and minor violations, the right to internal review and the review process.

a. The facility administrator shall include in the disciplinary plan a system of due process which has the approval of the court and the county attorney.

2. Limitations on disciplinary actions.

a. No prisoner shall be held in disciplinary isolation for a period longer than 24 hours without on-site review by the facility administrator or his assistant.

(1) If continued isolation is deemed necessary by the facility administrator, this decision shall be documented, as shall each subsequent on-site review every 24 hours.

b. The disciplinary isolation cell shall have the minimum furnishings and space specified in these standards.

(1) Prisoners shall be issued clothing and bedding as specified in these standards excepting that those prisoners who persist in the destruction of bedding, clothing or self with same, may be deprived of such articles.

(2) The decision to deprive prisoners of such articles of clothing and bedding shall be reviewed during each eight hour period.

c. The delegation of authority to any prisoner or group of prisoners to exercise the right of punishment over any other prisoner or group of prisoners is expressly prohibited.

d. No prisoner shall be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene under supervision.

3. Disciplinary records. The keeping of a record of all disciplinary infractions and punishment administered therefor is mandatory.

a. This requirement shall be satisfied by retain-

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

ing copies of rule violation reports and reports of the disposition of each.

4. Segregation. Each facility administrator shall develop and implement policies and procedures for the use of segregation.

a. Such a plan shall include, but need not be limited to the following:

(1) Administrative segregation. Each facility administrator shall provide for the administrative segregation of prisoners who are determined to be mentally deficient, prone to escape, prone to assault staff or other prisoners or likely to need protection from other prisoners where such administrative segregation is determined to be necessary in order to achieve the objective of protecting the welfare of prisoners and staff.

(a) Administrative segregation shall consist of separate and secure housing, but shall not involve any other deprivation of privileges than are necessary to obtain the objective of protecting the prisoner, staff or public.

(2) Use of isolation cell/room. The disciplinary isolation cell/room shall be used for the housing of only those prisoners who display bizarre behavior which results in the destruction of facility furnishings or reveal an intent to cause physical harm to self or others.

(a) Such prisoner shall be placed in isolation only with the approval of the facility administrator or the designated person in charge — shift supervisor — and continued retention in such a room shall be reviewed a minimum of every 24 hours.

(b) A medical opinion on placement and retention shall be secured within 24 hours of placement with continued retention to be re-evaluated every 24 hours thereafter.

(c) Intermittent visual supervision shall be provided at least every half hour.

5. Instruments of restraint. Instruments of restraint, such as handcuffs, chains, irons and straightjackets shall never be applied as a punishment.

a. Instruments of restraint shall not be used except in the following circumstances:

(1) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority.

(2) On medical grounds by direction of a consulting or attending physician.

(3) By order of the facility administrator or person in charge, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property.

b. The facility administrator shall develop written policies and procedures to govern the use of restraints.

c. Such instruments shall not be applied for any longer time than is strictly necessary.

d. Each incident involving the use of restraints consistent with D. 5. a. (2) or D. 5. a. (3) shall be documented and on file.

E. Activities.

1. Activities plan. Each facility administrator shall develop and implement a plan for the constructive scheduling of prisoner time.

a. The plan shall be consistent with established legal rights of prisoners, the type and status of prisoners detained and the facility's classification.

b. Such a plan shall include consideration of, but not be limited to the following:

(1) The facility's rated capacity.

(2) The security classification of prisoners confined. Activities and amenities shall be consistent with the classification and behavior of prisoners and may be in accordance with established reasonable and necessary facility regulations to protect the facility's security and the prisoners' welfare.

(3) The variety of activities and leisure services shall be proportionate to the prisoner's length of confinement.

2. Provisions for religious services and counseling. Prisoners shall be afforded an opportunity to participate in religious services and counseling on a voluntary basis.

a. The facility administrator shall arrange with the clergy within the area to conduct religious services and provide counseling if requested.

b. Prisoners requesting private interviews and counseling regarding religious, personal or family problems with accredited clergy, nuns, seminarians and lay persons active in community church affairs, shall be af-

PROPOSED RULES

fording this opportunity within such regulations as are reasonable and necessary to protect the facility's security.

c. No prisoner shall be required to attend religious services and religious services shall be held in such a location that the prisoners who do not wish to participate are not exposed to the service.

d. Any prisoner desiring to read the Bible will be provided with a copy of same.

e. Attendance or lack of attendance at religious services shall not be considered as a basis for any right or privilege within the facility.

3. Library service. The facility administrator of each facility shall develop and implement a plan for library service including provisions for:

a. Access to current leisure reading material such as books, magazines and newspapers.

(1) Such materials shall be subject to the approval of the facility administrator.

b. Textbooks necessary to complete a course of study and legal books and references requested by prisoners shall be provided upon request to the extent resources permit.

(1) The facility's governing body shall not be responsible for purchasing such materials.

4. Work assignments.

a. Work assignments — juveniles.

(1) Juveniles may be required to perform such duties as making beds, cleaning own rooms, cleaning group living and activity areas.

(2) They shall not be required to perform such duties as personal services to staff, cleaning or maintaining areas away from the facility, replacing employed staff.

(3) Reasonable criteria for eligibility shall be established and any juvenile may be excluded or removed from any type of work assignment for failure to abide by facility rules and regulations.

(4) Care shall be taken not to require any

juvenile to do work they cannot perform for physical reasons.

b. Work assignments — adult prisoners. Applies to lockups, jails and adult corrections facilities.

(1) Adults held in custody awaiting court appearances shall not be compelled to participate in any program of work, treatment or rehabilitation. (Requiring an adult to maintain cleanliness of his person and immediate living area does not violate this principle.)

(2) The facility administrator shall develop and implement an adult work assignment plan. Within the limitations of the number of available work opportunities, such a plan shall provide opportunities for the utilization of both sentenced and unsentenced adults; however, unsentenced adults shall not be compelled to participate in such programs, but shall be given the opportunity to do so. Reasonable criteria for eligibility shall be established, and any adult may be excluded or removed from any type of work assignment for failure to abide by facility rules and regulations.

(3) No adult under sentence shall be required to work more than 10 hours per day.

(4) Care shall be taken not to require adults to do work they cannot perform for physical reasons.

(5) All adults under sentence may be required to work, subject to their physical and mental fitness as determined by trained medical personnel.

(6) Within the limits compatible with proper vocational selection and the requirements of facility administration and discipline, consideration shall be given to adults with regard for their work preference and previous training.

5. Canteen. See the Food Service section of these standards.

6. Exercise and recreation. Each facility administrator shall develop and implement a plan providing for opportunities for physical exercise and recreational activities for all prisoners consistent with the facility's classification. Such a plan shall include but is not limited to the following:

a. Such regulations as are reasonable and necessary to protect the facility's security and the prisoners' welfare.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

b. Lockups and jails shall develop provisions for a minimum of one hour of such activity during each day.

c. Adult corrections facilities shall develop a plan with provisions for a minimum of two hours daily of organized and supervised physical exercise and recreational activities for all prisoners. Organized and supervised means pre-planned exercise or activities supervised by staff qualified to direct same.

d. Lockups, jails and adult corrections facilities shall have provisions for indoor space and equipment for active recreation consistent with the following criteria:

- (1) The facility's rated capacity.
- (2) Age, type and length of confinement of prisoners.
- (3) Amount of space and equipment provided.

e. Adult corrections facilities shall provide suitable outdoor recreational space, equipment and support staff for outdoor recreational programming.

7. Leisure services. Each facility administrator shall develop and implement a plan and provisions for leisure time activities, equipment and materials consistent with the following:

a. Holding facilities need not develop such a plan due to the short period of confinement of prisoners.

b. All facilities except holding facilities shall have provisions for leisure time activities that may include television, radio, table games, hobby craft items and library materials. Provisions shall be provided consistent with:

- (1) The facility's rated capacity.
- (2) The security classification of prisoners confined. Amenities shall be consistent with the classification of prisoners and may be in accordance with established reasonable and necessary facility regulations to protect the facility's security and the prisoners' welfare.
- (3) The variety of leisure services provided shall be proportionate to the length of confinement.

c. The facility administrator of each lockup, jail and adult corrections facility shall develop and implement in-cell programs for those prisoners who are considered too dangerous to be released from their cells except within the exercise areas provided, as well as

those times when it is necessary to confine prisoners to their cells.

F. Visiting.

1. Visiting plan. Each facility administrator shall develop and implement a prisoner visiting plan. Such plan shall be in writing and shall include, but not be limited to the following:

a. Security provisions consistent with security standards stated herein.

b. Provisions for prisoner consultation with their attorneys at the place of confinement as many times and for such period each time as is reasonable. Attorney visits shall not be monitored.

c. The administrator shall uniformly set the numbers of permissible visits for each prisoner and the number of visitors permitted for each visit.

(1) Although visits must be governed by administrative constraints and space availability, parents' or guardians' visiting policies shall be as unrestrictive as practical with respect to juveniles. The child's parent, guardian or custodian and attorney shall be permitted to make an initial visit to the facility at any time.

(2) Adult prisoners shall be permitted an initial visit within 24 hours with a member or members of their immediate family.

(3) Holding facilities shall meet requirements of (1) and (2) above.

(4) Lockups shall meet requirements of (1) and (2) above and shall provide for a minimum of 10 regularly scheduled visiting hours weekly.

(5) Jails shall meet requirements of (1) and (2) above and shall provide for a minimum of 14 regularly scheduled visiting hours weekly.

(6) Adult corrections facilities shall meet requirements of (2) above and shall provide for a minimum of 14 regularly scheduled visiting hours weekly.

d. Visits shall be allowed for identified members of a prisoner's immediate family, his counsel, clergyman, and friends as deemed appropriate by the facility administrator or his designee.

e. The administrator may deny a visit to a prisoner when he has reasonable grounds to believe that the visit might endanger the security of the facility.

PROPOSED RULES

(1) Reasons for denial of a visit shall be in writing and on file in the facility.

f. Visitors shall register, giving names, addresses, relationship to prisoner and nature of business.

G. Correspondence.

1. Each facility administrator shall develop and implement a plan for the handling of prisoner mail consistent with established legal rights of prisoners and reasonable and necessary facility regulations to protect the facility's security. Such a plan shall include provisions for the following:

a. The volume of written mail to or from a prisoner shall not be restricted.

b. Facility staff shall have the right to inspect incoming and outgoing mail, but neither incoming mail or outgoing mail shall be read or censored without documented justification.

(1) Cash, checks or money orders shall be removed from incoming mail and credited to the prisoners' accounts.

(2) If contraband is discovered in either incoming or outgoing mail, it shall be removed.

c. Prisoners shall receive a postage allowance to maintain community ties.

H. Clothing, bedding and laundry services.

1. Clothing.

a. Each prisoner shall have neat, clean clothing appropriate for the season.

b. The use of facility clothing on an ongoing basis shall be at the discretion of the facility administrator.

c. All prisoners admitted to the facility who are assigned to living units shall be issued a set of facility clothing.

(1) Their personal clothing may be returned after laundering at the discretion of the facility administrator.

(2) The clothing issue shall consist of clean socks, and suitable outer and undergarments.

(3) Prisoners not admitted to living units who are detained in holding rooms or cells utilized solely for the purpose of intake and release processing need not be issued clothing. Such rooms or cells shall be kept in sanitary condition.

d. Clothing shall be exchanged at least twice each week or more often as necessary.

e. The facility shall have available a sufficient quantity and variety of clothing to insure each prisoner has neat, clean clothing appropriate to the season.

f. Prisoners' excess personal clothing shall be either mailed to, picked up by, or transported to designated family members or stored in ventilated lockers or boxes designed for this purpose and properly identified, inventoried and secured.

2. Linens and bedding.

a. Each prisoner admitted to the facility shall have made available the following:

(1) One bath towel, one hand towel, one washcloth.

(2) One clean, firm, fire-retardant mattress.

(3) Two sheets or one sheet and a clean mattress cover.

(4) Sufficient clean blankets to provide comfort under existing temperature conditions.

(5) One pillow and one pillow case.

b. Clean linens shall be furnished at least once each week, or more frequently to maintain cleanliness.

c. Bedding and linens which are worn out or unfit for further use shall not be used.

3. Removal of clothing or bedding.

a. Under extreme circumstances, it may be deemed necessary by the facility administrator or person in charge to remove clothing and/or bedding from a prisoner.

b. As such action implies that all reasonable steps have been taken without success to insure the safety and

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

well-being of the prisoner as well as the security of the facility, an unusual occurrence report shall be completed and filed.

4. Laundry services.

a. Laundry services shall be managed so that daily clothing, linen and bedding needs are met.

b. The collection, storage and transfer of clean and soiled clothing, bedding and linen shall be accomplished in a manner which will minimize the danger of disease transmission.

(1) Care shall be taken to maintain separation of clean and soiled linens and clothing.

c. Where laundry service is obtained from an outside agency or establishment, such service shall be provided under a written agreement which shall specify that the service meets standards required by the State Department of Health.

d. Prisoners' personal clothing, where allowed, and other non-linen items shall be laundered in accordance with appropriate washing procedures for the various fabrics.

e. Blankets shall not be issued to another prisoner without first being laundered.

I. Emergencies and unusual occurrences.

1. Emergency plan. The facility administrator shall develop a written disaster plan with procedures for the protection and evacuation of all persons in the case of fire, explosion, flood, tornado or other emergencies.

a. The plan shall be developed for each facility and its type of occupancy with the assistance and advice of at least the local fire and/or rescue authority (Civil Defense).

b. The plan shall include information and procedures relative to: locations of alarm signals and fire fighting equipment, frequency of drills, assignment of specific tasks and responsibilities of the personnel on each shift, persons and local emergency department to be notified, precautions and safety measures during tornado alerts, procedures for evacuation of prisoners during emergencies when necessary, and arrangements for temporary emergency confinement and care in the community in the event of a total evacuation.

c. Copies of the disaster plan containing basic emergency procedures shall be posted at all staff stations.

d. Copies of a detailed disaster plan shall be available to all supervisory personnel.

2. Security policies and procedures. Emergency planning shall be sufficient to provide immediate and effective action in the event of any emergency.

a. All such planning shall be inclusive of policies and procedures designed to protect the public by securely detaining prisoners who present a danger to the community or to themselves.

3. Other emergency planning. In addition to development of a disaster plan as outlined in I. 1., emergency planning shall be sufficient to provide immediate and effective action in the event of hostage incidents, escape and escape attempts, suicide and attempted suicide, any illness or accident deemed a medical emergency, power failure, major prisoner disturbances such as riots or rebellions, assaults and outbreaks of contagious disease or epidemic.

4. Auxilliary source of power. Each facility shall have an auxilliary source of power which is capable of providing light, heat and communication during a power failure.

5. Emergency procedures meeting. There shall be a meeting of all employees on each shift at least once every three months to discuss and review emergency procedures used in the facility. Business of the meeting shall cover:

a. Assignment of persons to specific tasks and responsibilities in case of emergency situations.

b. Instructions relating to the use of alarm systems and signals.

c. Systems for notification of appropriate persons outside the facility.

d. Information on the location and use of emergency equipment in the facility.

e. Specification of evacuation routes and procedures.

6. Unusual occurrences.

a. All incidents or attempted incidents of an unusual or serious nature which involve, or endanger the lives or physical welfare of facility staff or prisoners shall be reported to the Department within 72 hours in writing.

(1) Such report shall include the name(s) of

PROPOSED RULES

person(s) involved (staff and prisoners), nature of unusual occurrence, actions taken, and the date and time of occurrence.

(2) Unusual occurrences shall include, but need not be limited to the following:

(a) Suicide.

(b) Homicide.

(c) Death (other than suicide or homicide).

(d) Serious injury or illness (accidental, self or other inflicted, incurred subsequent to detention).

(e) Escape, runaway or work release absconders.

(f) Fire.

(g) Riot.

(h) Assaults on staff or prisoners.

(i) Other serious disturbances.

(j) Occurrences of infectious diseases and disposition.

(3) Unusual occurrences shall be reported on Minnesota Department of Corrections Form Corr. 390, "Special Incident Reporting Form for Local Detention Facilities." Copies of the form may be obtained by contacting the Director of Inspection and Enforcement.

(4) In the event of an emergency or unusual occurrence such as hospitalization, serious illness, accident, imminent death or death, the prisoner's family or others who maintain a close relationship with him shall be notified.

7. Prisoner death. When a prisoner's death occurs:

a. The date, time and circumstances of the prisoner's death shall be recorded in the prisoner's record.

b. If the prisoner dies in the facility, the coroner's office shall be notified.

c. Personal belongings shall be handled in a responsible and legal manner.

d. Records of a deceased prisoner shall be retained for a period of time in accordance with law and the requirements of the State Records Center.

e. The facility administrator shall observe all pertinent laws and allow appropriate investigating authorities full access to all facts surrounding the death.

Corr. 109 Food service.

A. General requirements. The goals of food service in each facility shall be to provide food and beverages to prisoners that are nutritionally adequate, that are palatable, that are produced in a manner to prevent food-borne illness, are of adequate quantity and variety, are served at appropriate temperatures and are prepared by methods which conserve nutritional value.

B. Food handling practices.

1. Any food service provided in a correctional facility shall be in accordance with the provisions of the Minnesota State Board of Health Regulations MHD 161-170 governing food service and beverage service establishments.

2. Wherever the food service in a facility is limited to serving ten prisoners or less, then variances from the requirements may be granted by the Department of Corrections after consultation with the State Department of Health.

a. These variances may include, but not be limited to, substitution of certain domestic type equipment for commercial type.

3. When food is catered into the facility, it shall be obtained from a source acceptable to the Minnesota State Board of Health and transported, handled and served in accordance with provisions of applicable regulations of the Board.

C. Dietary allowances. The food and nutritional needs of prisoners shall be met in accordance with their needs, physician's orders and shall to the extent medically possible, meet the dietary allowances contained in Corr. 109 C. 1. for all prisoners detained or confined in lockups, jails and adult corrections facilities. Food service requirements for holding facilities are contained in Corr. 109 D.

1. Lockups, jails and adult corrections facilities.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

All lockups, jails and adult corrections facilities shall have menu planning sufficient to provide each prisoner the following specified food servings per day:

a. Meat or protein group. Two or more servings per day. A serving of meat or protein is defined as:

2-3 ounces cooked (equivalent to 3-4 ounces raw) of any meat without bone, such as beef, pork, lamb, poultry, or variety meats such as liver, heart and kidney.

2 slices prepared luncheon meat.

2 eggs.

2 ounces of fresh or frozen cooked fish or shellfish, or ½ cup canned fish.

1 cup cooked navy beans.

b. Milk group. Two or more servings per day. A serving is defined as eight (8) ounces (one cup) of milk. A portion of this amount may be served in cooked form, such as cream soups, desserts, etc.

1 ounce of cheese for ¾ cup milk.

¾ cup cottage cheese for ⅓ cup milk.

½ cup ice cream for ¼ cup milk.

c. Vegetable group. Two or more servings per day, one of which is deep green or yellow. A serving is defined as ½ cup.

d. Potato or potato substitute. One serving white or sweet potatoes; macaroni, spaghetti, noodles or rice.

e. Fruit group. Two or more servings per day, one of which is citrus (i.e., orange, grapefruit) or tomato. A serving of citrus fruit or tomato is defined as:

1 medium orange or 4 ounces of orange juice.

½ grapefruit or 4 ounces of grapefruit juice.

1 large tomato or 8 ounces of tomato juice.

f. Cereal and bread group. Three to four servings per day of whole grain or enriched products. A serving is defined as:

1 slice bread.

½ cup cooked cereal.

¾ cup dry cereal.

½ cup macaroni, rice or noodles.

g. Fats. Use butter, fortified margarine, cream or salad oil in moderate amounts to make food palatable.

h. Supplementing caloric needs. Additional servings of the above foods may be used or the following foods added to meet caloric needs: soups, sweets such as desserts, sugar, jellies, or other fats such as bacon, cream and salad dressings.

D. Holding facilities.

1. Holding facilities with a minimum number of prisoners at any one time, and not normally holding prisoners in excess of 72 hours, shall either contract with a State Department of Health approved local restaurant for catering of food services, or shall purchase food on a "when and as necessary" basis for prisoners being temporarily detained.

2. The following standards shall apply:

a. Food shall be of sufficient nutritional value.

b. Food shall be provided at reasonable and proper intervals, e.g., adhering to breakfast, lunch and dinner schedules.

c. Food shall be served promptly after being cooked.

d. Coffee, tea or milk shall be served with each meal.

e. Utensils shall be cleaned in conformity with State Department of Health standards insuring sanitary cleanliness.

f. A minimum of one hot meal shall be provided for each 24 hours of detention.

E. Frequency of meals. There shall not be more than 14 hours between a substantial evening meal and breakfast. Where prisoners are not routinely absent from the facility for work or other purposes, at least three meals shall be made available at regular times during each 24 hour period.

F. Therapeutic diets. Any facility housing prisoners in need of medically prescribed therapeutic diets shall have documentary evidence that such diets are provided for as ordered by the attending physician.

PROPOSED RULES

G. Use of food in discipline. Food shall not be withheld as a punishment for unacceptable behavior.

H. Supervision of meal serving. All meals shall be served under the direct supervision of staff.

I. Menu records. Records of menus and of foods purchased shall be filed for one year.

J. Hot meal minimum. A minimum of one hot meal shall be provided for each 24 hours of confinement.

K. Canteen.

1. All lockup, jail and adult corrections facilities with approved capacities of 50 or less shall provide prisoners with a printed list of approved canteen items to be purchased by a facility staff member at local stores if the facility does not operate a canteen in the facility.

2. All such facilities with approved capacities over 50 shall establish, maintain and operate a canteen in the facility.

3. Each prisoner shall have an opportunity to purchase from the canteen at least twice per week.

4. Holding facilities are not required to provide canteen services.

5. All vending machines used shall meet appropriate State Department of Health requirements.

L. Budgeting, purchasing and accounting.

1. Each facility administrator of lockups, jails and adult corrections facilities shall, in cooperation with the local unit of government or governing body and food service supervisor, establish policies and procedures for budgeting, purchasing and accounting.

2. Such policies and procedures shall include, but need not be limited to:

a. A food expenditure cost accounting system designed to isolate cost per meal per prisoner.

b. Policies and procedures for estimating food service requirements in advance of their need.

c. Consideration of prisoner eating habits and food waste.

d. Consideration of facilities for storage and refrigeration as well as accepted storage periods for dry, canned and perishable foods.

M. Containers and food storage.

1. Food containers. All food or food products, prepared or in bulk shall be stored in approved seamless containers after opening of the original container. Dry milk and milk products after opening shall be stored in seamless, air-tight containers.

2. Storage of non-perishable food. Non-perishable food, and single-service articles shall be stored off the floor on washable shelving in a ventilated room. It shall be protected from dust, flies, rodents, vermin, overhead leakage and other sources of contamination, and shall be placed away from areas with excessive heat.

3. Storage of perishable food. All perishable food shall be stored off the floor on washable, corrosion-resistant shelving under sanitary conditions, and at temperatures which will protect against spoilage. Meat and dairy products shall be stored at 40°F. or below, and fruit and vegetables at 50°F. or below. When stored together, the lower temperature shall apply. Temperatures shall be monitored by an accurate thermometer.

4. Prohibited storage. The storage of detergents, cleaners, pesticides and other non-food items, including employees' personal items, is prohibited in food storage areas.

5. Returned food. Returned portions of food and beverages from individual servings shall not be reused unless such food or beverage is served in a sealed wrapper or container which has not been unwrapped or opened.

6. Ice. Ice shall be stored and handled in a sanitary manner. Stored ice shall be kept in an enclosed container. If an ice scoop is used, the scoop shall be stored in a separate compartment to prevent the handle from contact with the ice.

N. Transport of food. Food shall be covered during transport through non-dietary areas, but need not be covered when served in a contiguous dining area. The food service system shall be capable of keeping food hot or cold until served. A dumbwaiter or conveyor, which cab or carrier is used for the transport of soiled linen or soiled dishes, shall not be used for the transport of food.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

Corr. 110 Security.

A. Policies and procedures. Security policies and procedures shall be developed to cover at least the following. Such policies and procedures shall recognize that the primary objective of each facility is to protect the public by securely detaining persons who present a danger to the community or to themselves.

1. Control and recovery of contraband.
2. Visitor and visit control.
3. Delivery and service procedure.
4. Equipment maintenance and efficiency.
5. Prohibition on firearms in prisoner areas.
6. Search and shakedown schedules and procedures.
7. Escort of prisoners outside security areas.
8. One-half hour interval inspection routines.
 - a. One-hour intervals are acceptable if proper auditory and visual supplements are provided.
9. Escape prevention and action plans.
10. Tool, medication, key and weapon control procedures.
11. Count procedure.
12. Classification of prisoners.
13. Lockup and disciplinary procedures.
14. Riot prevention and control procedures.

B. Admissions.

1. The intake procedure conducted by the admitting officer for all admissions, including prisoners on release status from the facility, upon their return, shall provide for a thorough search of the prisoner and belongings; in the event of all new admissions, a shower (delousing if indicated), an assessment of health status and physical needs, security classification, an inventory of prisoner's property, properly recorded and signified by the owner as correct, fingerprinting, photographing and completion of an admission form to include all information required in Minn. Stat. § 241.021.

2. No prisoner shall be received by the staff of a

facility until the arresting or escorting officer has produced proper credentials and/or until the proper documents have been completed, identifying the purpose for the apprehension or commitment.

3. All intake procedures shall be conducted in a manner and location that assures the personal privacy of the prisoner and the confidentiality of the transaction from unauthorized personnel.

C. Releases.

1. Upon release of a prisoner, the property of that prisoner, unless held for authorized investigation or litigation, shall be returned with a signed receipt acknowledging same.

2. No prisoner shall be released in intemperate weather without proper clothing to insure health and safekeeping.

3. Whenever possible, prisoners shall be permitted to make arrangements for transportation prior to their release.

D. Search and shakedowns.

1. Visitors who seek to enter the security area of the facility shall not be permitted admission whenever they refuse to submit to a requested search, either frisk or strip, conducted by a member of the same sex.

2. The facility shall be regularly inspected for contraband; evidence of breeches in security; inoperable security equipment.

3. All materials delivered to or transported from the facility shall be inspected for contraband prior to distribution.

E. Locks and keys.

1. All keys to security locks shall be properly tagged and stored in a secure cabinet within a secure area, out of reach from the prisoners or the public.

a. Keys that serve a critical security purpose shall be red-tagged for easy identification and never issued except upon order of the facility administrator or person in charge and in accordance with established procedure.

b. No security keys shall be made available to prisoners regardless of their status.

2. All locks to security doors or gates shall be inspected regularly to insure their efficient operation.

PROPOSED RULES

a. No lock to a security door or gate shall be permitted to be broken, inoperable, or left in an unsuitable condition for any unnecessary period of time.

b. No prisoner shall be imprisoned in a cell or area which has inoperable locks.

F. Weapons, tools, equipment, medications, hazardous substance.

1. Firearms or other dangerous weapons, regardless of condition, shall not be located within the prisoner areas of the facility.

a. A secure armory or other such resource shall be provided in an area protected from both the public and the facility's prisoners.

2. Materials which can be deliterious to security, safety and health shall be properly secured, inventoried and dispensed.

3. When not in use, all tools shall be kept in locked storage areas.

a. Each tool shall be numbered and hung on a corresponding numbered hook with a painted silhouette of the tool placed on the back or wall of the storage area for easy identification of tool absence.

b. Maintenance tools brought into the facility shall be inventoried upon entrance into and release from the facility.

4. Hazardous substances such as aerosol containers shall be stored outside the prisoners' living areas.

a. Cleaning substances which can be so described shall be handled only by staff and shall not be issued to prisoners to use regardless of status or trust level.

G. Count procedure.

1. Each facility shall have a written statement specifying the system to be used for regularly counting the number of prisoners under its jurisdiction.

a. Systems for counting shall include a master count board indicating the total number at all times and immediately report changes as they occur.

b. A separate log book shall be kept to serve as a check and validation to the count board.

c. Formal counts shall be completed with an official entry made in the daily log after each mass movement or change in areas and/or at least once each eight hours.

d. Informal counting shall be completed during each inspection made by staff and shall be conducted at least once within each one-half hour interval. One-hour intervals are acceptable if proper auditory and visual supplements are provided.

Corr. 111 Environmental-personal health and sanitation.

A. Availability of medical and dental resources.

1. Each facility shall have a licensed physician(s) or medical resources such as a hospital or clinic designated for the medical supervision, care and treatment of prisoners as deemed necessary and appropriate. Such physician(s) or resources shall insure 24 hour a day availability of consultation, advice and emergency service response and shall be located in the same or a nearby community.

2. Each facility shall have emergency dental care available to prisoners. Such dental care shall be available in the same or a nearby community. Such care need not be available on a 24 hour basis except to the extent an attending physician may deem necessary and appropriate.

3. Ambulance services shall be available on a 24 hour a day basis.

4. A prisoner shall be examined by trained medical personnel if the prisoner is visibly ill, chronically ill, or whenever it is suspected that medical attention is necessary.

B. Posting of available resources.

1. A listing of the medical, dental and ambulance resources designated for use by the facility and the telephone numbers of same shall be posted at each staff station in the facility.

a. Such list shall clearly indicate what resource(s) is/are available at any time of the day or night.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

C. Hospitalization of a prisoner.

1. Each facility shall have an agreement with a hospital in the same or nearby community permitting admission of a prisoner without delay on the recommendation of the attending physician.

2. When a prisoner requires hospitalization, he shall be guarded on a 24 hour per day basis except when the facility administrator and hospital administrator have mutually agreed that a guard is unnecessary.

D. First aid.

1. All custodial personnel responsible for the supervision, safety and well-being of prisoners shall be trained in emergency first aid procedures.

2. All facilities shall have a minimum of one first aid kit located at the facility's control center or primary staff station.

3. The first aid kit shall be inspected by a designated staff person at least once every three months to assess the need for replenishment of supplies.

E. Medical and dental records.

1. Each facility shall record all complaints of illness or injury with actions taken pursuant to same.

2. Medical or dental records shall be maintained on any prisoner under medical or dental supervision, care or treatment while confined.

a. Minimally, such records shall include appropriate information with respect to prisoner limitations or disabilities, instructions relative to prisoner care, written orders for all medications with stop dates, treatment, therapeutic diets, extent or restriction of activity, and the time, date and medical or dental person involved in any examination, treatment or consultation with respect to the prisoner.

3. Medical and dental records related to prisoner care shall be available to staff on duty for consultation in case of illness and for recording administration of medications.

4. A statement concerning the prisoner's medical or dental condition shall be obtained from the attending physician or dentist on any prisoner under medical or dental care.

F. Preventative health services.

1. The facility administrator shall develop and im-

plement a written plan for attainment of personal hygiene practices of all prisoners with special assistance for those prisoners who are unable to care for themselves.

2. All staff and volunteers shall adhere to established policies and procedures relating to personal hygiene practices including clean attire.

3. Delousing materials and procedures shall be approved through consultation with trained medical personnel.

4. Each prisoner shall be required to bathe or shower twice weekly and daily bathing or showering shall be permitted.

5. Haircuts shall be made available to prisoners at least once each month.

6. Prisoners are not responsible for furnishing personal hygiene items and indigent prisoners shall receive provisions for same at facility expense.

G. Administration of medications.

1. Medications shall be administered only by licensed medical, or nursing personnel or by facility staff members who have successfully completed a Minnesota Department of Health training program on the "Administration of Medications by Unlicensed Personnel."

a. This program is offered under the auspices of the Health Facilities Division of the State Department of Health.

2. The administration of medications by unlicensed staff shall be under the ultimate supervision of a consulting physician.

3. Every facility administrator, in consultation with a licensed physician, shall develop plans, establish procedures and accessories for the secure storage and the controlled administration of all legally obtained drugs. Such plans, procedures, space and accessories shall include, but need not be limited to the following:

a. Storage.

(1) All medications shall be kept in a locked medicine cabinet or locked medicine room. The storage facility shall be kept locked at all times when not in use. Drugs requiring refrigeration shall be stored in an attached, separately locked, compartment within the refrigerator, if said refrigerator is neither locked nor in a locked room.

PROPOSED RULES

(2) Stock supplies of legend (prescription-type) drugs shall not be maintained.

(3) All prescription medications shall be kept in their original container, bearing the original label with legible information stating the prescription number, name of drug, strength and quantity of drug, expiration date if applicable, directions for use, prisoner's name, physician's name, date of original issue (or in the case of a refill, the most recent date thereof), and the name and address of the licensed pharmacy issuing the medication.

(4) All poisons and medications intended for external use shall be clearly so marked and shall be stored separately from medications intended for internal use.

b. Administration of medicine. The following shall be established:

(1) Means for the positive identification of the recipient of the prescribed medication.

(2) Procedures for assuring that the legally obtained medications will be administered by the correct route at the correct time and in the prescribed dose.

(3) Procedures for confirming that orally administered medication has been ingested.

(4) Procedures for recording the fact that the prescribed dose has been administered and by whom.

(5) Procedures whereby adverse reactions to drugs are reported at once to the attending physician and an explanation made in the prisoner's record.

(6) Procedures whereby prisoner refusal of medications is reported to the attending physician and an explanation made in the prisoner's record.

(7) Procedures for insuring that no prisoner is deprived of medication as prescribed because of penalty or staff retaliation.

(8) Procedures which prohibit the administration of drugs by prisoners.

(9) Procedures whereby a physician is contacted prior to the next medication administration time for instructions on all newly admitted prisoners who are

either in possession of medications or who indicate a need for such.

c. Recording of controlled drugs entering the facility. Records of receipt and of the disposition of all controlled drugs shall be maintained in sufficient detail to enable an accurate reconciliation at any time.

4. If authorized by the attending physician, medications belonging to prisoners shall be given to them when released or to appropriate authorities when transferred.

a. This shall be recorded in the prisoner's record.

5. Unused portions of prescription drugs shall be destroyed by incineration or by flushing into the sewer system.

a. Such destruction shall be performed by the facility administrator and witnessed by a staff member.

b. A notation of this destruction shall be made in the prisoner's record and shall include the name and quantity of the drug destroyed and shall be signed by the facility administrator and staff witness.

6. Unused portions of controlled drugs shall be handled by contacting the Minnesota Pharmacy Board.

7. Methadone programs shall not be made available unless in compliance with all existing laws and regulations governing such programs.

H. Reporting suspected communicable disease.

1. When no physician is in attendance, it shall be the duty of the facility administrator, or other person in charge of any institution or any other person having knowledge of any individual believed to have or suspected of having any disease, presumably communicable, to report immediately the name and address of any such person to the local health officer. Until official action on such has been taken, strict isolation shall be maintained.

I. Isolation for communicable disease.

1. Prisoners who are suspected of having a communicable disease shall be detained in isolation for only that period of time necessary to obtain advice and con-

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

sultation from a physician concerning the prisoner's status and recommendations for care.

a. Continuation of such isolation shall be determined by the attending physician.

2. A prisoner placed in isolation for medical reasons shall not be deprived of any privileges, rights or amenities than consistent with his classification prior to such assignment except to the extent that such privileges, rights or amenities would endanger the health of staff, other prisoners, or the public.

J. Mentally ill prisoners.

1. Each facility administrator shall segregate all mentally ill prisoners.

a. If a physician's opinion is not readily available, a prisoner shall be considered mentally ill for the purpose of this section if he or she appears to be an imminent danger to himself or others.

2. A physician's opinion shall be secured as soon as possible, but not more than eight hours after such segregation.

3. If practical and feasible, such a mentally ill prisoner shall be transferred to a medical facility designated by the county and approved by the State Department of Health for diagnosis, treatment and evaluation of such suspected mental illness, according to Chapter 253 of Minnesota Statutes Hospitalization and Commitment Act.

K. Housekeeping, sanitation and plant maintenance.

1. General requirement. The entire facility inclusive of every building, structure or enclosure utilized by the facility — walls, floors, ceilings, registers, fixtures, equipment and furnishings shall be kept in good repair and so maintained as to protect the health, comfort, safety and well-being of prisoners and staff.

2. Established plan. Each facility administrator shall develop and implement a written plan with identified policies and procedures related to preventive maintenance, housekeeping and sanitation.

a. Such plan shall identify staff responsibility for same and be inclusive of housekeeping, sanitation and maintenance schedules and clearly indicate that staff, not prisoners, are ultimately responsible for housekeeping, sanitation and plant maintenance.

3. Compliance with existing regulations. Housekeeping, sanitation, water supplies, plumbing, sewage

disposal, solid waste disposal, and plant maintenance conditions must minimally comply with regulations required by the Uniform Building Code, the State Fire Marshal's Office, the Minnesota Department of Health, the Minnesota Department of Labor and Industry (O.S.H.A.) and whatever other departmental regulations that have the force of law.

4. Inspections.

a. The facility administrator shall establish a plan for the daily inspection of the facility with respect to housekeeping, sanitation and plant maintenance.

5. Budget. The facility administrator shall submit a list of probable repairs and expenditures for routine housekeeping supplies, repairs, and special requests related to physical plant maintenance, housekeeping and sanitation at the beginning of each month, or as a part of an annual budget request to the facility's governing body.

6. Work requests.

a. The facility administrator in cooperation with the facility's governing body shall develop policies and procedures designed to detect building and equipment deterioration, safety hazards and unsanitary conditions in the early stages of their development and provide for their repair, correction or modification so that such conditions are eliminated to the extent required by regulations contained herein.

b. Such policies and procedures shall include but are not limited to:

(1) Requiring facility staff to report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs as they are observed.

(2) A process whereby work requests are prioritized and filed with the governing body by the facility administrator in an expedient manner.

(3) A records system allowing review of budget and work requests, expenditures, dates and actions pursuant to detection of need, submission of work orders and completion of requests.

7. Insect and rodent control. Any condition on the site or in the facility conducive to harborage or breeding of insects, rodents, or other vermin shall be eliminated immediately.

a. Cleaning, renovation, or fumigation by

PROPOSED RULES

licensed pest control operators for the elimination of such pests shall be used when necessary.

Corr. 112 New construction.

A. Construction principles.

1. All rules contained herein, except to the extent exceptions are stated, shall apply to each holding facility, lockup, jail and adult corrections center.

2. All construction shall comply with regulations required by the Uniform Building Code, adopted by the State of Minnesota and standards stated herein applicable to the facility's classification and security classification of prisoners confined.

3. Wherever specific mention of a construction condition or specification is not made, the requirements of the Building Code, the Fire Marshal, the Minnesota Health Department, the Minnesota Department of Labor and Industry and any other federal or state regulating agency with lawful authority to define construction requirements shall apply.

4. Where mention is not made of measurements, gauges, quality, volume, intensity, or some other such characteristic with respect to security areas or products, such specifications shall be equal to or exceed those required by security product manufacturers who are recognized as creditable firms in the field of jail and prison hardware and equipment.

5. Where mention is made of measurements, gauges, quality, volume, intensity or some other such characteristic, gauges, quality, volume, intensity or whatever other characteristic equal to or exceeding the specifications presented herein shall be acceptable.

a. Where such equivalent products are to be used, a letter certifying that such products are equal to or exceed the specifications noted herein shall be provided to the Department of Corrections by an authorized accredited manufacturer of security products or authorized governmental regulating agency prior to Department approval of any new construction.

6. Lockups, jails and adult corrections centers shall be designed to accommodate maximum, medium and minimum security prisoners and shall provide maximum, medium and minimum security living accommodations.

a. Holding facilities shall minimally provide medium security living accommodations for prisoners. They are not required to provide maximum or minimum security accommodations.

b. Adult corrections facilities designed and approved by the Department to accept only one classification of prisoner (maximum, medium or minimum) may have the capability of providing security of that classification only.

B. General conditions.

1. The design shall not cause conflicts in the necessary functions of activities.

a. No activity shall be terminated or delayed by cause created because of another necessary activity.

2. Staff work stations and control rooms shall be situated to provide the greatest degree of observation of traffic flow and supervised internal activities as possible.

a. A staff work station or control room shall be located on the same floor of the building as prisoner living areas for usage by custodial staff whose primary duties are the day-to-day supervision of prisoners of a local facility.

b. Where staff are employed as combination jailer/dispatchers, such staff work station or control room shall be located on the same floor of the building as prisoner living areas.

c. Dispatcher work stations or control rooms need not be located on the same floor as prisoner living areas when such staff are not responsible for the supervision of prisoners.

3. Staff work stations shall be separated from the public and the prisoners by security barriers, and shall be protected from direct observation from the outside of the facility.

4. The design shall provide for separation of prisoners and the public; the prisoners and the staff; prisoners of one classification and another; prisoners and unauthorized areas of the facility.

5. There shall be provisions to conduct all maximum security prisoner functions within the security perimeter of the facility.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

6. There shall be provisions for a minimum of two barriers between prisoners in maximum security and freedom during unsupervised activities.

7. Storage areas shall be sufficient to provide adequate space for separation and security of keys, weapons, drugs and medications, tools, evidence, recovered stolen property, mattresses, linens and bedding, housekeeping equipment and supplies, clothing, prisoners' property, canteen and hygiene items and records.

a. Secure weapon depositories separate and distinct from armories shall be provided outside the security areas for the temporary safekeeping of officers' weapons.

8. The design shall provide for service deliveries to be accomplished without interfering or interacting with the security of the facility.

9. Electrical auditory two-way communications shall be provided between control stations and prisoner areas of the facility.

10. All hardware and fixtures shall be of the type manufactured by accredited manufacturers of jail and prison hardware and equipment.

11. Padlocks shall not be used in place of a security lock on any door, window or cabinet within the security perimeter of the facility.

12. No traffic corridor shall be less than five feet in width.

13. Illumination levels shall provide at least 30 foot candles of illumination in all living areas and 100 foot candles in all work or study areas of the facility.

14. The design of the facility shall provide for communication to be accomplished with the required levels of confidentiality.

15. Visiting provisions shall be designed to provide flexibility in the degree of security required to accommodate both non-contact visiting as well as privileged visiting in the situations that require and justify this level of interaction.

a. Visiting space shall be provided so that at least 1/10 of the facility's capacity can be accommodated at any time.

b. At least 25 square feet per prisoner visiting station shall be provided.

16. Each entrance of a facility shall be constructed

to permit the control room or secure reception area observation and identification of the person(s) seeking admission prior to their gaining access to a security area.

17. Noise attenuation shall be maximized in materials utilized to separate various classifications of prisoners and prisoner areas of the facility from administrative and public areas of the facility.

a. Attention shall be given to restrict noise levels in one area of the facility from interfering with activities in another area.

18. All exposed surfaces of the facility's physical plant, equipment or furnishings utilized therein shall be of materials and construction which provide for cleanliness of surfaces without unreasonable effort.

19. Each prisoner living area shall be provided with a minimum of six cubic feet of storage space for toiletries, etc.

20. All hot water to prisoner showers and washbasins shall be tempered to 110° to 120° Fahrenheit.

21. All facilities shall be designed and provided with necessary equipment to maintain temperatures in prisoner living areas between 65° and 71° Fahrenheit during winter months and between 66° and 85° Fahrenheit during summer months.

22. Non-skid, non-slip flooring shall be provided in all stairways and shower floors.

23. Smoke and heat detection equipment shall be provided in all facilities.

24. The use of closed-circuit television equipment shall be approved by the Department on an individual case basis upon review of the facility design concept and staffing plan.

a. Closed-circuit television equipment shall not be approved for usage in situations where the Department has determined that the usage of same is inconsistent with proper security practices, the legal rights of prisoners, or is being used in lieu of adequate staff resources.

25. All cells or detention rooms shall have a minimum ceiling height of eight feet.

26. All dormitories shall have a minimum ceiling height of ten feet.

27. All eating areas outside of cells or detention

PROPOSED RULES

rooms shall be sufficiently apart from toilet and shower facilities to provide palatable eating conditions.

28. Minimum security areas of the facility shall be adequately separated from other areas of the facility with more stringent security classifications.

29. Isolation areas shall be located so that all prisoners, regardless of classification or sex, may have access without violating privacy and security requirements.

30. Jails and adult corrections facilities shall provide space designed to conduct constructive programmed activities that can include outsiders in areas other than the living areas of the facility without compromising the security and control of the facility's operation.

31. Lockups shall provide at least one multipurpose room that may be used for such purposes as religious services, small group counseling, etc.

32. Maximum security cells are designed with the intended use being only for adult males classified as dangerous. However, justifiable exceptions will be accepted for all prisoners whose use of such a facility is necessary.

C. Administrative and public areas.

1. Administrative, clerical, maintenance and service personnel shall be provided with office and storage space to meet established and projected needs which shall be separate and apart from the inner security areas and prisoner-occupied areas of the facility.

2. Public areas of the facility shall provide a controlled access to the building and to all security areas of the building.

3. Public areas shall be situated so as not to interfere with all necessary functions of the facility and shall provide for the comfort and convenience of the public including sufficient seating, toilets, lavatories, drinking faucets and telephones.

D. Receiving area.

1. Intake and receiving areas shall be located in an area protected from the public, but separate from the areas occupied by the other prisoners of the facility.

2. Each receiving area of a facility shall provide for privacy of searching, showering and processing of an admission as well as a secure holding area properly equipped for the convenience of the detainee for up to six hours of detention. There shall be provisions for storage for clothing issued and property received.

E. Living area.

1. The design of the facility shall provide for proper segregation of prisoners.

2. Male and female areas shall be so situated as to preclude the need for staff and/or prisoners of the opposite sex from routinely trafficking in each others' areas.

3. Prisoners' rights to privacy from degrading, unauthorized observation shall be protected without compromising the security and control of the facility.

4. No living areas shall be permitted below ground level.

5. All ventilation and heating vents shall be located so as not to create an air flow directly on a bed or eating area.

6. Each living area shall be situated so as to have direct access to natural light.

7. Basic provisions for each cell or detention room shall include a toilet, sink, abuse-resistant mirror, drinking faucet, desk or table, seating bench or chair, wall closet or shelf, bed or bunk and light with abuse-resistant lens covering.

8. Each residential area shall provide a shower facility of a minimum of 36" x 36" for each 15 prisoners, adjacent to the living area. Shower facilities are prohibited in cells and detention rooms.

9. Each room or cell in lockups, jails and adult corrections centers shall be adjacent to an exercise area or connected by corridor having direct access which provides a minimum of 40 square feet per prisoner for numbers under four, an overall average of 36 square feet per prisoner for numbers over four, but in no event, an area less than 75 square feet.

a. Holding facilities are not required to provide such exercise areas.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

10. Each exercise area shall be equipped with a fixed table and benches providing a minimum of three square feet per prisoner for at least 50% of the prisoner capacity of the area served by such exercise area, a telephone jack, an audio sound monitor, at least one controlled electrical outlet, and if separate from direct access to rooms having toilets, a toilet, sink, drinking faucet and modesty panel.

11. Each lockup, jail and adult corrections center shall provide an area for the examination, treatment and convalescent care of prisoners, situated separate and apart from other living areas, but within the security perimeter of the facility.

a. Holding facilities are not required to provide such an area.

12. All living areas other than dormitories (three or more beds) shall be single occupancy. Dormitory capacity shall be limited to no more than 25% of the total capacity of the facility.

13. Adult corrections centers shall provide outdoor recreational space for prisoners compatible with the security classification of prisoners confined.

Corr. 112 Construction standards.

F. Construction standards.

1. Cell, room, dormitory sizes.

a. Each maximum security cell, medium security cell or detention room shall provide for at least 70 square feet of floor space within the cell or detention room.

b. Minimum security rooms shall provide a minimum of 50 square feet of floor space per prisoner when unrestricted access to exercise, dayroom or program areas is permitted. Seventy square feet of floor space is required when such access is not permitted.

c. Dormitories shall provide three or more beds and a minimum of 60 square feet of floor space per prisoner within the dormitory exclusive of toilet and shower areas.

(1) Dormitories shall not be used in maximum security areas.

2. Inspection corridors.

a. Each maximum security cell shall be located at least 42" away from an outside wall, separated from the wall with an inspection corridor.

b. A 42" inspection corridor providing visibility of medium security living areas shall be provided.

(1) Such corridor need not be between the exterior wall and prisoners.

3. Access to outside windows or doors.

a. No area occupied by a maximum security prisoner which is unsupervised directly by staff shall have direct access to an outside window or door.

b. No area occupied by medium or minimum security prisoners which is unsupervised directly by staff shall have direct access to an outside door.

4. Exterior and natural light orientation.

a. Maximum security cells or dayrooms and exercise areas shall have access to natural light through the 42" inspection corridor required under F. 2. a. of Construction Standards.

b. Medium security cells or detention rooms and minimum security rooms shall be located either on an outside wall which provides a window for natural lighting or on a dayroom area which provides this condition.

c. Medium and minimum security dormitories shall be located on an outside wall which provides windows for natural lighting.

5. Sally ports.

a. Each entrance to a maximum or medium security prisoner living area shall be provided with a sally port large enough to accommodate a stretcher with both gates or doors closed.

6. Maintenance access to plumbing, heating and light fixtures.

a. Maximum security cells shall be constructed to permit maintenance of plumbing, heating and light fixtures from outside the prisoner area.

7. Prisoner access to plumbing and heating fixtures.

a. Heat registers, thermostats, electrical outlets and plumbing pipes shall be located out of the reach of maximum security prisoners.

b. Heat registers may be located in medium and minimum security areas but shall be protected by security screen. Electrical outlets may be located in medium and minimum security areas but shall have a shutoff

PROPOSED RULES

switch outside the prisoner area. Thermostats shall be located outside of medium and minimum security areas with heat sensors provided in prisoner areas as necessary. Plumbing pipes shall not be exposed to medium security prisoners.

8. Sewer lines.

a. Each sewer line shall be equipped with a 2" cleanout plug located within 18" of each toilet and a shutoff valve on each water line located outside the prisoner area.

9. Plumbing fixtures.

a. Plumbing fixtures used in maximum or medium security areas shall be either aluminum or stainless steel security fixtures.

10. Abuse resistance.

a. All materials used in the construction of maximum security shall be certified in writing by the product's manufacturer as providing the capability of withstanding serious damage for a period of two hours, using that which is normally available within that area.

b. All materials used in the construction of medium security facilities shall be certified in writing by the product manufacturer as providing the capability of withstanding serious damage for a period of one hour, using that which is normally available within that area.

c. All materials used in the construction of minimum security facilities required of the Uniform Building Code for this type occupancy are acceptable providing they are congruent with the remainder of the building.

d. The design and furnishings of minimum security areas shall be developed with normalcy in mind, but in keeping with the design, purpose, classification and use of the remainder of the facility.

11. Locking devices.

a. Maximum security cell doors shall be equipped with locking devices that provide the capability to lock all doors either collectively or separately from outside the prisoner area.

b. Medium and minimum security cell, detention

room or dormitory doors may be equipped with locking devices that provide the capability to lock all doors either collectively or separately from outside the prisoner area.

12. Vent openings.

a. Vent openings shall be no larger than 7" of the diameter of a circle or 5½" of a side of a rectangular opening.

13. Grillage.

a. Grillage bars shall consist of tool resistant steel, a minimum of 7/8" in diameter, spaced no more than 6" on center vertically with lateral bar supports 3/16" thick at least every 16".

b. Grillage shall not be used in minimum security areas.

14. Glass.

a. All glass shall consist of polycarbonate and tempered glass combination materials, or bullet and heat resistant glass, which in either case shall be no less than 1/2" thick and greater as proportionately correlated in thickness with the overall size of the opening and the use.

15. All concrete walls, floors, ceilings shall be prepared in accordance with the Uniform Building Code's "Manual of Standard Practice" Concrete Reinforcing Steel Institute.

a. All concrete shall be reinforced with intermediate grade steel meeting requirements of "Deformed Billet-Steel Bars 3/8" in Diameter for Reinforced Concrete" ASTM A 615, Grade 60.

b. All materials shall include welded wire fabric reinforcing ASTM A 185 steel wire of size indicated and spot welded at intersections.

c. All placement of concrete in accordance with ACI 304.

d. All portland cement ASTM C 150 Type I for general concrete work.

e. Fire aggregate ASTM C 33 100% passing of no. 4 sieve course aggregate ASTM C 33 3/4".

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

f. Concrete mix, general use, 3500 psi., 3" maximum slump.

16. Wall construction.

a. Maximum security walls shall consist of one of the following:

- (1) Steel plate, 3/16" thick; riveted or welded.
- (2) Poured concrete 6" thick with vertical and horizontal steel rod reinforcement (vertical rods 6" on center, horizontal rods as per 15. a. and b. above).

(3) Concrete block 8" thick with poured centers; vertical steel rod reinforcement in each block cell; horizontal steel reinforcement between each course; with hardening compound used to treat joint mortar.

b. Medium security walls shall consist of one of the following:

(1) Poured concrete 6" thick with vertical and horizontal steel rod reinforcement (vertical rods 6" on center, horizontal rods as per 15. a. and b. above).

(2) Concrete block 8" thick with poured centers; vertical steel rod reinforcement in each block cell; horizontal steel reinforcement between each course; with hardening compound used to treat joint mortar.

(3) Poured concrete 4" thick with vertical and horizontal steel rod reinforcement (vertical rods 6" on center, horizontal rods as per 15. a. and b. above).

17. Ceiling construction.

a. Maximum security ceiling construction shall consist of one of the following:

- (1) Steel plate, 3/16" thick; riveted or welded.
- (2) Prestressed concrete planks laid side by side, minimum of 4" thick.

b. Medium security ceiling construction shall consist of one of the following:

(1) Prestressed concrete planks laid side by side, minimum of 4" thick.

(2) Same as above with secondary ceiling suspended to consist of no less than 9 gauge expanded metal covered with 2" of concrete and plaster treated with hardening compound.

18. Floor construction.

a. Maximum and medium security floors shall consist of one of the following:

(1) Poured, reinforced concrete, 6" thick, using minimum of 9 gauge expanded metal, or 3/8" steel rod 6" on center.

(2) Prestressed concrete beams laid side by side with minimum of 2½" concrete or terrazzo slab using 9 gauge expanded metal.

19. Door construction.

a. Maximum and medium security doors shall consist of one of the following:

(1) Grillage type, consisting of tool resistant steel bars, 7/8" diameter, spaced no more than 6" on center vertically with lateral bar supports at least every 16"; equipped with security hinges, food pass (5" × 12" minimum), a dead bolt security lock.

(2) Hollow metal door, 14 gauge steel minimum, equipped with security hinges, a lockable food pass (5" × 12" minimum), view panel and speak-through, a manual or electrical security dead lock.

(3) All doors shall be 6'8" minimum height; 30" minimum width.

20. Window construction.

a. Maximum and medium security window construction shall consist of one of the following:

(1) Solid frame windows no wider than 5½" (no movable parts) to be used only in conjunction with a mechanical air exchange and temperature control system.

(2) Louvered or awning type windows, encased in security frames not wider than 6" on center and covered on the inside by security screen (no less than 18 gauge or greater than ¼" mesh openings) and mosquito screen on the outside.

21. Hardware.

a. All hardware used in maximum security areas shall be designed for maximum security use.

b. All hardware in maximum and medium security areas shall be attached, using security type or tamper-proof fasteners that face away from the prisoner area.

PROPOSED RULES

c. All electrically operated hardware shall provide for manually operated key override in an emergency. Electric hinges shall be equipped with concealed wires so that electric parts are not exposed after hinge is installed.

d. All vent guards shall be constructed of tool resistant steel, or the opening guarded by observable tool resistant steel bars, meeting grillage specifications.

e. Pipe chase doors or access panels shall consist of not less than 1/8" steel plate, locked with a security dead lock or be of construction materials comparable to maximum security hollow metal steel doors.

f. All hardware used in medium security areas shall be designed for medium security use.

22. Medium security dormitories.

a. Medium security dormitories shall be equipped with one fixed bed per prisoner; one ceiling or wall light per two beds, covered with an abuse resistant lens; one toilet and modesty panel for each eight prisoners; one sink and stainless steel mirror for each eight prisoners; one shower (minimum 36" x 36") for each 15 prisoners; one stainless steel eating table with seating benches that provide a minimum of three square feet of space per prisoner with capacity for each prisoner up to six, but no less than six in dormitories larger than capacity for six and no less than 60% of the total capacity level, whichever is greater; one fixed dresser or wall locker per prisoner.

23. Minimum security rooms.

a. Minimum security rooms shall be equipped with a bed, desk or table, clothes closet, mirror, ceiling or wall light and chair.

b. Minimum security rooms shall be located separate and apart from other areas of the facility requiring higher degrees of security, but within the overall security perimeter of the facility.

c. Dayroom areas of at least 40 square feet per one-half of the total minimum security capacity, but no less than 120 square feet shall be provided adjacent to the sleeping area and shall be equipped for a T.V., and

with telephone jack, table, seating facilities, electrical outlets. All power supplies shall be controlled by staff from outside the prisoner area.

d. A toilet, lavatory and shower facility shall be provided for each ten prisoners, when not provided in the individual rooms.

e. Doors shall have an approved 1½ hour fire rating and be equipped with a security type snaplock.

24. Minimum security dormitories.

a. Minimum security dormitories shall be equipped with the following items per prisoner: bed or bunk, wall locker or wall shelf and clothes hooks, mirror, dresser, chair, eating tables and chairs shall be provided to accommodate one-half the total capacity of the dormitory. Additional furnishings may be permitted such as divider panels, T.V. set, radio, lounge chair, and any other article which is normally used in residential living, but would not constitute a disproportionate security threat to the remainder of the facility.

b. Minimum security dormitories shall be located separate and apart from other areas of the facility requiring higher degrees of security, but within the overall security perimeter of the facility.

c. A toilet, lavatory and shower facility shall be provided for each ten prisoners. Such facilities may be adjacent to or apart from the dormitory proper, but must be within the immediate vicinity. Facilities may be gang type or individual when more than one is required. All privacy requirements found elsewhere in these standards apply.

d. Visiting shall be provided outside and apart from the dormitory area. When dayrooms are not provided, a room shall be provided for the visiting of minimum security prisoners. Such room may be the same as that provided other prisoners for privileged visiting, i.e., with attorneys, clergy, etc., providing it does not cause serious conflict in the maintenance of security for the remainder of the facility.

e. Doors shall have an approved 1½ hour fire rating and be equipped with a security type snaplock.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

Department of Natural Resources

Inclusion of Crow Wing River in the Minnesota Wild, Scenic and Recreational River System

Notice of Hearing

Notice is hereby given that a public hearing will be held on the above-captioned matter, in the manner provided by Minn. Stat. §§ 15.0411 through 15.051, and § 15.052 at:

Wadena, Minnesota, on Saturday, June 11, 1977, in the Wadena Junior High School cafeteria, beginning at 1:30 p.m. Entrance on Dayton Avenue.

The hearing shall continue until all representatives of associations and other interested or affected persons or groups have had an opportunity to be heard concerning the above-mentioned matter by submitting oral or written data, statements, or arguments.

Under Minn. Sta. § 10A.01, subd. 11 (1974), any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

The hearing record will be kept open to receive written statements until 4:30 p.m. Friday, July 1, 1977.

The proposed Management Plan relates to the following matters:

Reasons for including the Crow Wing River in the Minnesota Wild, Scenic and Recreational Rivers System.

The proposed classification of the river or segments of the river.

The proposed land use district boundaries which shall not exceed 320 acres per each river mile on both sides (not each side) of the river.

The proposed methods for preserving the river and its adjacent lands, including the recommended land acquisition.

The proposed regulations for local land use control, including such matters as lot size and building height and setback requirements, vegetative cutting provisions, use within land use districts, and criteria for utility crossings, public roads and river crossings.

The proposed plan for recreational management within the land use district, including the location and design of campsites, rest areas, and accesses.

The proposed plan for administration of the management plan.

Copies of the Management Plan are available for inspection at: Office of Zoning and Parks, Wadena County Courthouse; Staples City Hall, Clerk's Office; Nimrod, DNR District Forestry Station; Legislative Library; and at the Department of Natural Resources, Division of Parks and Recreation, Centennial Building, St. Paul, Minnesota.

Copies of the Management Plan will be available at the public hearing. For those unable to attend the public hearing, copies are available for review at the above-captioned locations. In addition, a copy may be obtained at no charge by contacting the Rivers Section, Division of Parks and Recreation, B-95 Centennial Building, St. Paul, Minnesota 55155. Phone: 612-296-4780.

The proposed Management Plan for the Crow Wing River has been prepared in accordance with Minn. Stat. § 104.35 and the Statewide Rules and Regulations relating to the Wild, Scenic and Recreational Rivers System, NR 78-81.

C. B. Buckman
Special Assistant to the Commissioner

Rules as Proposed

Chapter Twenty-Eight: (Designation, Classification and Management of the Crow Wing River in Wadena County

NR 2800 Designation.

A. The river. That portion of the Crow Wing River from the Hubbard-Wadena county line to the County State Aid Highway (CSAH) 30 bridge at the Wadena-Cass county line is designated a component of the Minnesota Wild and Scenic Rivers System.

B. Authority. This designation is made by the commissioner of natural resources pursuant to the authority of the Minnesota Wild and Scenic Rivers Act, Minn. Stat. §§ 104.31-104.40.

C. Shoreland included. The designation and these regulations apply to the river and adjacent lands which lie in the land use district. The land use district is defined as:

PROPOSED RULES

1. In unincorporated areas, 700 feet from the normal high-water mark.

2. In incorporated areas, 300 feet from the normal high-water mark.

The land use district boundaries were delineated in accordance with Minnesota Regulations NR 78 (g) (2) (bb).

D. Stipulation. The commissioner of natural resources will not request the inclusion of the Crow Wing River into the Federal Wild and Scenic Rivers System without the consent of the Wadena County Board of Commissioners.

E. Severability. The provisions of these regulations shall be severable and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

NR 2810 Classification. That portion of the Crow Wing River and adjacent lands from the Hubbard-Wadena county line to the CSAH 15 (Mary Brown) bridge is classified as Wild.

That portion of the Crow Wing River and adjacent lands from the CSAH 15 bridge to the CSAH 30 bridge at the Wadena-Cass county line is classified as Scenic.

These classifications are made in accordance with the provisions of Minn. Stat. § 104.33, subd. 2; and Minnesota Regulations NR 78 (f).

NR 2820 Zoning.

A. Wadena County shall enact or amend such ordinances and maps as necessary to comply with Minnesota Regulations NR 2800-2850 and the following zoning ordinance for the Crow Wing River in Wadena County:

Wadena County Crow Wing River Ordinance

1.0 Statutory Authorization, Policy, Purpose.

1.1 Statutory Authorization. This Crow Wing River ordinance is adopted pursuant to the authorization contained in Minn. Stat. §§ 104.31-104.40, Minnesota Regulations NR 78-81 and the Management Plan for the Crow Wing River hereafter referred to as NR 2800-2850.

1.2 Policy. In the interest of present and future generations, Wadena County adopts this ordinance and the official zoning district map for the Crow Wing River and its adjacent lands within Wadena County.

1.3 Purpose. These provisions are adopted in order to:

(a) Preserve and protect the Crow Wing River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values.

(b) Reduce the effects of overcrowding and poorly planned developments of such adjacent lands.

(c) Prevent pollution of public waters.

(d) Provide ample space on lots for sanitary facilities.

(e) Preserve natural beauty and quietude.

(f) Maintain property values.

(g) Preserve agricultural land.

2.0 Jurisdiction. The jurisdiction of this ordinance shall include the Crow Wing River land use district in Wadena County as defined in NR 2800-2850.

2.2 Compliance. The use of any land within the land use district; the size and shape of lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, or dredging of any river area; the cutting of vegetation within the district; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable regulations. Construction of buildings, private water supply and sewage disposal systems and erection of signs shall require a permit unless otherwise expressly excluded by the requirements of this ordinance.

2.3 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate or impair any existing easement, covenants or deed restrictions. Where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail.

2.4 Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, and shall not be deemed a

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

limitation or repeal of any other powers or rights granted by Minnesota Statutes.

2.5 Severability. The provisions of this ordinance shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

2.6 Definitions. For the purpose of these regulations, certain words used herein shall be interpreted as follows ("shall" is mandatory, not permissive):

"Agricultural use" means the management of land for the production of food or fiber.

"Bluffline" means a line along the top of a slope connecting the points at which the slope becomes less than 13 percent. This applies to those slopes within the land use district which are beyond the setback provisions from the normal high-water mark.

"Building line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

"Campground" means an area accessible by vehicle and containing campsites or camping spurs for tents and trailer camping.

"Clear-cutting" means the removal of an entire stand of vegetation.

"Cluster development" means a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

"Commissioner" means the commissioner of natural resources.

"Conditional use" means a land use or development as defined by this ordinance that would not be appropriate generally but may be allowed with restrictions as provided by official controls upon finding that:

- (1) certain conditions as detailed in the zoning ordinance exist, and
- (2) the use or development conforms to the comprehensive land use plan of the county, and
- (3) the use or development is compatible with the existing neighborhood.

"Essential services" means underground or overhead gas, electrical, steam or water distribution systems;

collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.

"Forestry" means the management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings and fences.

"Mining operation" means the removal of stone, sand and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial or governmental purposes.

"Nonconforming use" means any use of land established before the effective date of a county or local ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

"Normal high-water mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. For reservoirs the normal high-water mark shall be considered to be the normal or average pool elevation established by the central structure. In areas where the normal high-water mark is not evident, setbacks shall be measured from the stream bank.

"Primitive campsites" means an area that consists of individual remote campsites accessible only by foot or water.

"Screened" means when a structure is built or placed on a lot or vegetation is planted such that when a structure is built it is visibly inconspicuous as viewed from the river during the summer months.

"Selective cutting" means the removal of single scattered trees.

"Setback" means the minimum horizontal distance between a structure and the normal high-water mark, bluffline or highway.

"Sewage disposal system" means any system for the collection, treatment and dispersion of sewage including, but not limited to, septic tanks, soil absorption systems and drain fields.

"Structure" means any building, slab, foundation, footing, patio, sidewalk, ramp, stairway, sign, or

PROPOSED RULES

appurtenances thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph or gas lines, including towers, poles and other supporting appurtenances; and fences used to control livestock or delineate boundaries.

“Subdivision” means the division or redivision of a lot, tract or parcel of land not exceeding 40 acres or not exceeding the original area of a government lot regardless of how it is to be used, into two or more lots either by plat or by metes and bounds description; or the division or redivision of land involving dedication of a new park, playground, street or other public right-of-way facility; or the vacation, realignment or any other change in existing streets, alleys, easements, recreation areas, water, or other public improvements or facilities provided.

“Substandard use” means any use within the land use district existing prior to the date of enactment of this ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of the ordinance.

“Variance”, means a modification of the provisions of the local ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the local ordinance would cause unnecessary hardship, or that strict conformity with the provisions of this ordinance would be unreasonable, impractical or not feasible under the circumstances. The proposed variance shall be evaluated according to the provisions contained in Section 9.4.

“Watershed management or flood control structure” means a dam, floodwall, wingdam, dike, diversion channel or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term “watershed management” or “flood control structure” does not include pilings, retaining walls, gabion baskets, rock riprap or other facilities intended primarily to prevent erosion and which must be authorized by permit from the commissioner of natural resources.

“Wetland” means land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh.

3.0 Land Use Provisions. In order to preserve and

protect those rivers and adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values, the Crow Wing River in Wadena County has been given the Wild and Scenic river classifications and the uses and classification of this river and its adjacent lands are hereby designated by land use zoning districts, based on NR 2800-2850.

3.1 Land Use Districts.

3.11 Wild River Land Use District. (Designated on official county zoning map)

3.12 Scenic River Land Use District. (Designated on official county zoning map)

3.2 Land Use within the Land Use District.

3.21 Nonconforming Uses. All uses existing in the district prior to the effective date of enactment of this ordinance which do not conform to the use restrictions of the newly established land use district, are nonconforming uses. Sanitary facilities inconsistent with Minnesota Regulations Cons 72 (b) (2), (b) (3) and (b) (5) shall be gradually eliminated over a period of time not to exceed five years from the date of enactment of this ordinance.

3.22 Substandard Uses. All uses in existence prior to the effective date of this ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

(a) Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed unless authorized by the county board of adjustment.

(b) Wadena County shall provide for the gradual amortization of substandard signs over a period of time not to exceed five years from the enactment of this ordinance.

3.23 Permitted and Conditional Uses.

In the following table of uses:

P means permitted use

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

C means conditional use

N means nonpermitted use

Certain of the following uses are subject to the Zoning Dimension Provisions and Sanitary Provisions of Section 4.0 and Section 5.0. All of the following uses are subject to the Vegetative Cutting Provisions of Section 6.0.

Land Use Districts.

- (a) Governmental campgrounds, subject to management plan specifications. C
- (b) Private campgrounds, subject to management plan specifications. C
- (c) Public accesses, road access-type with boat launching facilities. C
- (d) Public accesses, trail access-type. C
- (e) Temporary docks. N
- (f) Other governmental open space recreational uses, subject to management plan specifications. P
- (g) Other private open space recreational uses, subject to management plan specifications. C
- (h) Agricultural uses. P
- (i) Single family residential uses. C
- (j) Forestry uses. P
- (k) Essential services. P
- (l) Sewage disposal systems. P
- (m) Private roads and minor public streets. P
- (n) Signs approved by federal, state or local government which are necessary for public health and safety and signs indicating areas that are available, or not available, for public use. P
- (o) Signs not visible from the river that are not specified in (n). P
- (p) Governmental resource management for improving fish and wildlife habitat, wildlife management areas, nature areas, accessory roads. P

(q) Underground mining that does not involve surface excavation in the land use district. C

(r) Utility transmission power lines and pipelines, subject to the provisions of Section 8.0. C

(s) Public roads, subject to the provisions in Section 8.0. C

All uses not listed as permitted or conditional uses shall not be allowed within the applicable land use districts.

4.0 Zoning Dimension Provisions.

4.1 Lot Size.

(a) For lots described by metes and bounds description: One 2½ acre lot may be subdivided from a 40 acre tract or from a government lot. The lot width must be 300 feet at the waterline and 300 feet at the building line.

(b) For lots platted by registered survey:

(1) For Wild river land use district:

At least 5 acres and at least 300 feet in width at the waterline and at the building line.

(2) For Scenic river land use district:

At least 4 acres and 300 feet in width at the waterline and at the building line.

(c) Smaller lot sizes may be permitted for planned cluster development (see Section 7.2).

4.2 Density of Dwelling Units. The density of dwelling units shall not exceed one dwelling unit per lot.

4.22 Setback. Structures — except signs specified in Section 3.23 (n) (o), essential services, private roads and minor public streets — shall be placed so as to satisfy the following minimum setback requirements.

(a) From the normal high-water mark:

200 feet

(b) From a bluffline:

40 feet

4.23 Placement of Structure.

(a) Structures shall not be located on slopes

PROPOSED RULES

greater than 13 percent unless such structures can be screened and sewage disposal system facilities can be installed so as to comply with the Sanitary Provisions (Section 5.0).

(b) All structures in the land use districts shall conform to regulations set forth in the Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota, Minnesota Regulations NR 85-93.

4.24 Structure Height. Structure height shall not exceed 35 feet in the land use districts.

4.25 Substandard Lots.

(a) Lots of record in the office of the County Recorder on the effective date of this ordinance which do not meet the requirements of Section 4.1 of this ordinance shall be allowed as building sites provided: the proposed use is consistent with this local ordinance; and the Sanitary Provisions, Section 5.0 (d), and Zoning Dimension Provisions, Section 4.0 are complied with to the greatest extent practicable.

(b) If in a group of two or more contiguous lots under a single ownership any individual lot does not meet the width requirements of the local ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of the local ordinance, or to the greatest extent practicable.

5.0 Sanitary Provisions.

5.1 The sanitary standards set forth in Minnesota Regulations Cons 72-77 of the Statewide Standards and Criteria for Management of Shoreland Areas of Minnesota and the Wadena County zoning ordinance, Section 15 C., are hereby incorporated into this ordinance by reference, and shall be made as much a part of this ordinance as if the matter described were fully set forth herein, and shall apply within the Wild and Scenic river land use districts on the Crow Wing River.

6.0 Land Alterations.

6.1 Vegetative Cutting. Special vegetative cutting provisions (Section 6.12) shall apply to the following

areas (Section 6.11) within the Wild and Scenic river land use districts on the Crow Wing River.

6.11 Setbacks. Setbacks, measured landward from the river:

Setbacks from the normal high-water mark

200 feet

Bluffline

40 feet

6.12 Provisions within Setback Areas.

(a) Clear-cutting, except for any authorized public services such as roads and utilities, shall not be permitted.

(b) Selective cutting of trees in excess of four inches in diameter at breast height is permitted providing that cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings. In cases where the existing tree cover has been interrupted by large openings in the past, selective cutting should be performed so as to maintain a continuous tree cover in the remaining wooded areas.

(c) The cutting provisions, Section 6.12 (a) (b), will not be deemed to prevent:

(1) The removal of diseased or insectinfested trees, or of rotten or damaged trees that present safety hazards.

(2) Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four inches in diameter at breast height.

6.13 Clear-cutting. Clear-cutting anywhere in the Wild and Scenic river land use districts on the Crow Wing River is subject to the following standards and criteria:

(a) Clear-cutting shall not be used as a cutting method where soil, slope or other watershed conditions are fragile and subject to injury.

(b) Clear-cutting shall be conducted only

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.

(c) The size of clear-cut blocks, patches or strips shall be kept at the minimum necessary. Where feasible, all clear-cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear-cutting is conducted shall be replaced to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

6.2 Grading, Filling, Drainage. The following conditions shall apply to the Wild and Scenic river land use districts on the Crow Wing River.

(a) Grading and filling of the natural topography which is not accessory to a permitted to conditional use shall not be permitted in the land use district.

(b) Grading and filling of the natural topography which is accessory to a permitted or conditional use shall be limited to the greatest degree practicable and performed in a manner which minimizes erosion, tree clearing, and the destruction of natural amenities and shall be controlled by permit from Wadena County.

(c) Grading and filling in of the natural topography shall also meet the following standards:

(1) The smallest amount of bare ground is exposed for as short a time as feasible.

(2) Temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.

(3) Methods to prevent erosion and to trap sediment are employed.

(4) Fill is stabilized to accepted engineering standards.

(d) Excavation of material from, or filling in of the Crow Wing River, or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the commissioner pursuant to Minn. Stat. § 105.42.

(e) No state or local authority shall authorize the drainage or filling in of wetlands within the land use district.

7.0 Subdivision Provisions.

7.1 Land Suitability. No land may be subdivided

which is held unsuitable by the local authority, or the commissioner, for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community.

7.2 Subdivision Standards. The provisions otherwise set forth in this ordinance and Wadena County Ordinance No. 4, Subdivision Control Ordinance, shall apply to all plats except planned cluster developments.

7.3 Planned Cluster Developments. Cluster developments may be allowed when the proposed clustering provides a means for the preservation of agricultural land, open space, woods, scenic views and other features of the natural environment. Smaller lot sizes than those permitted in Section 4.1 may be allowed for planned cluster developments provided:

(a) Preliminary plans are approved by the commissioner prior to their enactment by Wadena County.

(b) Central sewage facilities are installed which meet the standards, criteria, rules or regulations of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

(c) Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements, or other methods.

8.0 Standards and Criteria for Utility and Public Road River Crossings. The provisions of Minnesota Regulations NR 79 (i) (Standards and Criteria for Utility Crossings) and Minnesota Regulations NR 79 (j) (Public Roads, River Crossings) are hereby incorporated into this ordinance by reference, and shall be made as much a part of this ordinance as if the matter described were fully set forth herein.

9.0 Administration of the Crow Wing River Ordinance.

9.1 The adoption and amending of this ordinance shall be carried out pursuant to the procedure described in Section 21 of the Wadena County Ordinance.

9.2 The provisions of this ordinance will be administered by the Wadena County zoning administrator.

PROPOSED RULES

9.3 The Board of Adjustment of Wadena County shall act upon all questions as they may arise in the administration of this ordinance; and hear and decide appeals from, and review any order, requirements, decisions or determination made by the county zoning administrator who is charged with enforcing this ordinance as provided by Minn. Stat. §§ 394.21-394.37.

9.4 The granting of a variance requires the presence of these conditions:

(a) The strict enforcement of the land use controls will result in unnecessary hardship. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use under the conditions allowed by the zoning provisions. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of the ordinance.

(b) Granting of the variance is not contrary to the purpose and intent of the zoning provisions herein established by these standards and criteria, and is consistent with the comprehensive management plan adopted by the commissioner.

(c) There are exceptional circumstances unique to the subject property which were not created by the landowners.

(d) Granting of the variance will not allow any use which is neither a permitted nor conditional use in the land use district in which the subject property is located.

(e) Granting of the variance will not alter the essential character of the locality as established by NR 2800-2850.

(f) Approval of a plat which is inconsistent with the local land use ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.

(g) On existing lots substandard as to the width requirements (Section 4.1), the building site setback may be allowed to conform to the setbacks established for the lots on either side.

9.5 Certifying Certain Actions.

9.51 Certain land use decisions which directly af-

fect the use of land within the Wild and Scenic river land use districts and involve any of the following actions must be certified by the commissioner (Section 9.52):

(a) Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of land.

(b) Granting a variance from a provision of the local land use ordinance which relates to the zoning dimension provisions of this ordinance.

(c) Approving a plat which is inconsistent with this ordinance.

9.52 Certification Procedure.

(a) A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances or inconsistent plats under local ordinance shall be sent so as to be received by the commissioner at least 30 days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinances or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.

(b) Wadena County shall notify the commissioner for certification of the final decision on the proposed action within 10 days of the decision.

(c) The action becomes effective only when either:

(1) The final decision taken by Wadena County has previously received certification of approval from the commissioner; or

(2) Wadena County receives certification of approval after its final decision; or

(3) Thirty days have elapsed from the day the commissioner received notice of the final decision, and Wadena County has received from the commissioner neither certification of approval nor notice of disapproval; or

(4) The commissioner certifies his approval within 30 days after a public hearing is conducted.

(d) If the commissioner gives notice of dis-

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

approval of an ordinance, variance or inconsistent plat, either the applicant or the chief executive officer of Wadena County may within 30 days of said notice, file with the commissioner a demand for hearing. If the demand for hearing is not made within 30 days, the notice of disapproval becomes final.

(1) The hearing will be held in an appropriate local community within 60 days of the demand and after at least two weeks published notice.

(2) The hearing will be conducted in accordance with Minn. Stat. § 105.44, subs. 5 and 6 as amended.

(3) The commissioner shall either certify his approval or disapproval of the proposed action within 30 days of the hearing.

9.53 Conditional Use Reviewal. A copy of all notices of any public hearing, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be sent so as to be received by the commissioner at least 30 days prior to such hearings or meetings to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the commissioner within 10 days of such action.

9.54 Plats. Copies of all plats within the boundaries of the Crow Wing River land use districts shall be forwarded to the commissioner within 10 days of approval by Wadena County.

B. The municipality of Nimrod shall enact or amend such ordinances and maps as necessary to:

1. Comply with Minnesota Regulations NR 2800-2810.

2. Conform to the Natural Environment use, dimensional and sanitary provisions of Minnesota Regulations NR 83, the provisions of Minnesota Regulations NR 79 (e-j), and Minnesota Regulations NR 80-81.

C. The manner in which an area of land is required to be zoned by this management plan, shall not be changed by transfer of the zoning authority over that land from one political subdivision to another occurring after the date of designation. If during such transfer, ordinances previously approved by the commissioner become inoperative as to that land, no permits shall thenceforth be issued for construction, grading, filling, vegetative cutting, or platting until approved ordinances become effective.

D. All ordinances and regulations which are more

protective than those required to be adopted by this management plan shall be continued.

NR 2830 Land acquisition. Lands or interests in land can be acquired when funds are available for such purchases from willing sellers, as provided for in Minn. Stat. § 104.37.

A. Lands may be acquired by purchase of title, scenic easements, or by grant, gift, devise, exchange or other lawful means.

B. Land exchange will be expedited whenever feasible to acquire lands within the land use district. These exchanges will be conducted in the manner prescribed by state law. However, land exchanges will not be recommended if such exchanges would adversely affect this or any other Department of Natural Resources (DNR) management program.

NR 2840 Recreation management.

A. Recreation management in the Wild and Scenic river land use districts shall conform to the policies and provisions of Minnesota Regulations NR 80.

B. Any recreational development in the land use district shall conform to the site typicals in this management plan.

C. No DNR public river-oriented camping facilities will be provided in close proximity to private river-oriented camping facilities which are designed to serve the same needs.

D. Snowmobile use in the Wild and Scenic river land use districts will be allowed:

1. On private lands only with permission from the appropriate landowner.

2. On trails specifically designated for snowmobile use.

E. The recreational use of the Crow Wing Wild and Scenic River and adjacent public lands will be regulated where necessary to insure that the use does not adversely affect the values for which the river qualified for designation.

F. The Division of Parks and Recreation shall allocate funds for the maintenance of DNR recreational facilities within the Crow Wing Wild and Scenic River land use districts from the department's river development and maintenance account.

G. The department's Enforcement Division shall

PROPOSED RULES

enter into discussions with the local units of government concerning the delineation of responsibilities for enforcement of applicable Wild and Scenic river regulations.

NR 2850 Interagency recommendations.

A. Federal-State Relations. It is recommended that the state of Minnesota, through the appropriate application process, apply for those islands presently administered by the Bureau of Land Management to be transferred to the DNR under the authority granted the commissioner of natural resources in Minn. Stat. § 104.35.

B. Other governmental units.

1. It is recommended that the Minnesota Pollution Control Agency (PCA) be appropriated sufficient funds to conduct ongoing analysis and monitoring of water quality information, and to allow for appropriate measures to insure that water quality regulations and standards be maintained for the Crow Wing River.

2. It is recommended that the PCA reevaluate its ranking system for distribution of funding used for upgrading municipal sewage treatment systems, giving a higher priority to the Crow Wing River because of its statewide significance and large amount of recreational water-contact activities.

3. To help insure that the outstanding heritage of the Crow Wing River is protected for future generations, it is recommended that the Minnesota Historical Society conduct an inventory of all historical and archaeological sites within the proposed Wild and Scenic river land use districts and recommend appropriate methods for the preservation of those sites having outstanding historical significance.

4. It is strongly urged that the environmental and sociological impacts of recreational use on the Crow Wing River be studied for the purpose of determining the river's carrying capacity.

5. It is strongly urged that an additional enforcement officer position be created for the specific purpose of enforcing the state's rules and regulations during high-use time periods to protect riparian landowner rites.

Site Typical. The site typical referred to in NR 2840 B. are found in 1 S.R. 365 and 366.

Department of Public Welfare

Licensing of Family Foster Care Services and Qualifications for Group Day Care Personnel

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Veterans Service Building, Room D, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, 55155, on May 2, 1977, commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Peter C. Erickson, Hearing Examiner, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8118, either before the hearing or within 20 days after the close of the hearing.

The proposed Rule 1, if adopted, would set minimum standards for the provision of twenty-four hour foster care services by families to protect foster children from harm to their health, safety, and well being. The proposed rule outlines a) the responsibilities of local agencies to their foster family homes; b) maximum number of children permitted under various conditions; c) qualifications and training of family foster care providers; and d) different types of foster care such as emergency homes, group family foster homes, and special service homes. The proposed amendment to Rule 3, if adopted, would make staff qualifications and training requirements less stringent, yet allow for a flexible plan for continuing staff development. Copies of the proposed rule are now available and one free copy may be obtained by writing to Sharon Helberg, Department of Public Welfare, Licensing Division, Fourth Floor, Centennial Office Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 245.802. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Fera J. Likins
Commissioner

Table of Contents

- A. Definitions
- B. Licensing Laws and Procedures
- C. Limitations of License
- D. Staff Qualifications and Training
- E. Health
- F. Physical Environment
- G. Nutrition
- H. Daily Activities
- I. Records
- J. Special Services Homes
- K. Group Family Foster Homes
- Appendix A
- Appendix B

Format of Rule

Rule: the entire document with the exception of those paragraphs listed under "REASON".

Reason: an explanation of the reason behind the rule; a guideline, not a regulation.

Satisfactory Compliance: method or methods which a Family Foster Home must follow in order to be in full compliance with the rule. Depending on the nature of the rule,

Satisfactory Compliance may include a single requirement, several requirements, or alternative requirement for satisfying the rule.

When the rule is self-explanatory, Reason and/or Satisfactory Compliance are not included.

Rules as Proposed

DPW 1 Family foster care, group family foster care.

A. Definitions.

1. Agency. Unless qualified, means the county social service agency, or human service board, or licensed voluntary child placing-child caring agency; the agency is the duly delegated representative of the Commissioner.

2. Agency requirement. Those portions of the rule binding upon the agency but not upon the provider, and so marked. Failure of the agency to meet one or more agency requirements is not a defense for the provider's failure to meet provider requirements.

3. Applicant. Individual(s) who have submitted a signed and dated application form (DPW-138) to an agency.

4. Child. Any person under the age of eighteen years.

5. Commissioner. Unless qualified, means the Commissioner of the Department of Public Welfare or any representative of the Commissioner.

6. Department. Unless qualified, means the Department of Public Welfare.

7. Foster family home (FFH). A family home licensed to provide one or more of the following types of care for children who are unrelated to the family and who are cared for twenty-four hours a day:

a. Interim home. An FFH caring for children expected to return home within one year or to be placed for adoption within two years.

b. Permanent home. An FFH caring for children (whether state wards or not) under written agreement for planned care until child reaches majority.

c. Emergency shelter home. An FFH designated primarily for time-limited emergency placements, usually lasting no longer than thirty days for any child.

PROPOSED RULES

d. Special services home. An FFH able to provide extraordinary care or services, by virtue of training, experience or special skills.

e. Restricted home. An FFH licensed for a specific child. An FFH licensed as a Restricted Home may not accept children other than the specifically named child(ren).

f. Group family foster home. An FFH providing care for no more than eight children, including the family's own children.

8. Handicap. Condition of mental retardation, mental illness, physical handicap, sight or hearing deficiency, or chemical dependency.

9. License. The document issued by the Commissioner and authorizing the applicant to provide foster care.

10. Licensed capacity. Maximum number of foster children who can live in a foster home at any given time.

11. Provider. Person(s) giving care to foster child(ren) in a licensed FFH. The provider is responsible for meeting and maintaining minimum licensing requirements in cooperation with the agency.

12. Related. Any of the following persons related to the child by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, niece, nephew, uncle, aunt. It also includes a legally appointed guardian.

13. Substitute caregiver. The person(s) providing temporary care for the foster child(ren) in the absence of the foster parent(s). Arrangements for substitute care must have the approval of the agency and the foster parent(s).

14. Waiver. Written permission from the Department to disregard a particular section of a licensing rule for no longer than twelve months.

B. Licensing laws and procedures.

1. A foster family home (FFH), must be licensed by the Department, with the following exclusions:

a. A home providing care and supervision only to children related to the FFH operator.

b. A home providing care and supervision for a total period of less than 30 days in any twelve-month period.

c. A home providing care and supervision only to child(ren) placed in that home by an agency for the purpose of legal adoption, unless the adoption has not been completed within two years of placement.

d. A home providing care and supervision only for one unrelated child of sixteen or seventeen years who has been independently placed by himself or his relative for purposes of education or work.

2. Application for a license shall be made to the agency on the form issued by the department. This form shall be obtained from the public agency in the county where the applicant resides or from a licensed voluntary child placing-child caring agency.

3. The signed and completed application form, including all supporting documentation, shall be evaluated within 60 days based upon these rules and regulations. A prospective FFH meeting these standards shall be recommended to the commissioner for issuance of an FFH license. (agency requirement)

a. An initial license shall be issued for a period of up to one year when, in the opinion of the agency and the Department, the FFH fully complies with licensing standards.

b. A renewal license may be issued for a period of up to two years when, in the opinion of the agency and the department, the FFH fully complies with licensing standards.

4. Every license shall specify the kind of license and the maximum number of foster children to be provided care at any one time.

5. No child shall be placed by an agency in an unlicensed home until that home has completed the required orientation. (agency requirement)

6. Every applicant for an FFH license shall be furnished by the agency with a copy of this rule and a copy of the form "Agreement between Foster Parents and Placement Agency". (agency requirement)

7. Notice of the closure of an FFH must be sent to the Department. (agency requirement)

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

8. The commissioner or agency shall have access to the FFH for evaluation at any time during normal working hours and at other times by mutual agreement. For the purpose of investigating complaints concerning the health and safety of the foster children, the commissioner or agency shall have access to the home at any time during the twenty-four hour day.

9. Any complaint concerning an FFH shall be investigated immediately. (agency requirement)

10. Any applicant whose application for a license is denied and any provider whose license is revoked or not renewed for cause may appeal to the commissioner in accordance with Minn. Stat. ch. 15. The agency shall notify by certified mail any FFH whose license is denied, revoked, or not renewed. This notification shall state the grounds for such action and shall inform the applicant or operator of his right to appeal the action. Appeals hearings shall be heard by the State Office of Hearing Examiners.

11. State law provides that any person without a license who operates an FFH required to be licensed, shall be guilty of a misdemeanor and subject to a fine of up to three hundred dollars. A home, not otherwise exempt from licensure, is required to apply for a license within 30 days of accepting an unrelated child if the child is expected to remain in the home for 30 days or longer.

12. Specific regulations may be waived with the approval of the Department according to the procedure established for such waiver, provided that the health and safety of the children is assured. The granting of a waiver shall not constitute a precedent for any other FFH. No waiver shall be valid for more than one year.

13. Foster children may be accepted into or removed from an FFH only under authorization of a county welfare department or a licensed agency or the court in the county where the child resides.

14. Failure, inability or refusal to comply with this rule shall be cause for denial or revocation of license.

15. An FFH may not concurrently hold a license for family day care, group family day care, or group day care without the prior approval of the agency.

16. An FFH shall not be licensed through more than one agency at a time.

C. Limitations of License.

1. A family foster home shall be limited to the following, including the home's own children: (See also Appendix B)

Reason: The abilities of parent(s) to provide care to foster children differ greatly. The maximum number of children allowed in foster homes must be flexible. But the maximums set must also allow foster family parents to devote sufficient time to each child.

a. Interim and permanent homes. Less than two years experience as a foster home: no more than three foster children; no more than five children, total.

b. Interim and permanent homes. Two or more years experience as a foster home: no more than five children, total.

c. Emergency shelter homes (designated). No more than seven children, total.

d. Special services homes (designated). No more than four foster children; no more than five children, total.

e. Where the foster care provider has not completed the required annual training at the time of relicensure, no further placements may be made in that home until the provider has complied with the training requirements. The license will be restricted to the children currently placed in that home. (agency requirement)

f. No FFH may care for more than two children under the age of two years, unrelated to the FFH provider(s).

2. Exceptions to the maximum number of foster children will be allowed when:

a. Siblings need placement together as determined by the agency. Maximum number: seven children.

b. The home has five or six children of its own under age 18. Maximum number: seven children.

c. A child needs to be placed again in the same home as determined by the agency. Maximum number: seven children.

3. All FFH providers must be at least 21 years of age at the time of licensure.

4. A license is not transferable to another provider or site.

5. The agency must be notified, in advance, of any changes that would affect the terms of the license, such as a change of address or additional persons in the home.

PROPOSED RULES

6. An FFH may not have adult roomers or boarders unrelated to the FFH provider without special permission of the agency. The FFH shall keep the agency informed about all persons living in the home and all regular visitors to the home.

D. FFH qualifications and training.

1. FFH applicants shall be kind, mature, and responsible people with a genuine liking for children. They shall possess consistent and healthy methods for handling the life-style unique to their own families. Evaluation of applicants shall consider cultural differences.

Reason. Children who must live apart from their own homes are uniquely in need of stable, understanding families. Many children needing placement are emotionally, mentally, or physically handicapped. These children need extra understanding and parenting to cope with their problems.

a. Satisfactory compliance: An FFH license shall not be issued or renewed where any person (except foster children) living in the household has any of the following characteristics:

(1) A conviction for, or admission of, or substantial evidence of an act of assault, or child battering, or child abuse, or child molesting, or child neglect.

(2) Use of alcohol or drugs such that destructive effects are apparent during the time children are in care.

(3) Residence of the family's own children in foster care, correctional facility, or residential treatment for emotional disturbance within the previous twelve months if, in the judgment of the agency, the functioning of the family has been impaired.

(4) A conviction for any offense involving moral turpitude within the previous five years, and at the discretion of the agency within the previous ten years.

(5) Felony conviction within the previous five years, and at the discretion of the agency within the previous ten years.

b. Satisfactory compliance: In order to protect children in foster care and assure them the maximum opportunities for growth and development, each family

caring for children shall be evaluated on the following essential elements:

(1) Have established and are comfortable with their own identity to the degree that meeting their own needs does not interfere with their meeting the needs of foster children.

(2) Have optimism, a sense of humor, resiliency, and ability to enjoy life.

(3) Be in touch with their own feelings, be able to express these feelings, and have a capacity to look at themselves realistically as to the kinds of children they can accept and work with.

(4) Have health and vigor to meet the needs of children placed with them.

(5) Have meaningful extended family, neighborhood, cultural and community ties.

(6) Have the ability to deal with anger, sorrow, frustration, conflict, and other emotions in a manner which will build positive interpersonal relationships rather than in a way that could be emotionally or physically destructive to other persons.

(7) Have the ability to give positive guidance, care and training to a child according to his stage of growth, special abilities and limitations.

(8) Have the ability to use discipline in a constructive rather than destructive way.

(9) Understand, accept and seek to nurture cultural, spiritual, racial, and affectional ties of the child.

(10) Have the ability and flexibility to accept a child in placement who has special needs, treat a foster child as a member of their family, recognizing that a foster child has other family ties.

(11) Have the ability to accept the foster child's own family and maintain an understanding relationship with them.

(12) Have the ability to work with the agency and other community resources.

(13) Have a capacity and willingness to involve

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

themselves in ongoing educational opportunities, as well as other learning experiences.

(14) Be able to constructively resolve problems when difficulties arise.

(15) Be comfortable in relating to professional treatment personnel of all kinds, including the ability to discuss differences of viewpoint, and to be an advocate for the foster child when indicated.

(16) Have an ability to openly discuss their attitudes about persons with differing life styles and philosophies and a capacity to accept people who are different from themselves.

2. FFH applicants and agencies must be able to work in partnership.

Reason: The agency has overall responsibility for planning with the child. The service of foster parents is an integral and important part of that plan. The relationship between the FFH and the agency must be one of mutual trust and respect.

Satisfactory Compliance:

a. The FFH applicant and agency must sign and abide by the terms of the Foster Parent Agreement.

b. An FFH shall be visited at least once a month by a representative of the agency for the first six months after the first placement. (agency requirement)

c. An evaluation visit shall be made by the agency at least once every twelve months for as long as the FFH provider maintains an FFH license. A copy of the written evaluation report shall be given to the FFH provider. (agency requirement)

d. The FFH has a right to know the policy, procedure, and intentions of the agency towards placement of children in that FFH. The FFH may request and receive such information from the agency at the time of licensure and at any time that FFH has been without a placement for a twelve-month period. (agency requirement)

e. Training opportunities shall be made available and accessible to all applicants and FFH providers. Substitute caregivers shall be eligible for the same training as the licensed FFH providers. (agency requirement)

f. There shall be a grievance mechanism for resolving differences between the agency and the FFH. The FFH provider shall be given a written statement of grievance procedures. (agency requirement)

3. Age or physical handicap of FFH providers shall be a consideration only as it affects their ability to provide adequate care to foster children or may affect an individual child's adjustment to the family.

4. The agency may request consultation from specialists in evaluating the abilities of prospective FFH providers, but must evaluate each applicant on an individual basis. (agency requirement)

5. When all adults in the FFH are employed or otherwise occupied for substantial amounts of time away from home, the plans for care and supervision of the foster children must be approved in advance by the agency.

6. The health of persons living in the FFH shall not be a hazard to the children.

Satisfactory Compliance:

a. The applicant shall supply evidence to the agency:

(1) Sometime during the twelve months prior to initial licensure, each person living in the home has had a negative Mantoux test or chest X-ray.

(2) A statement from the applicant's physician dated within the six months prior to licensure that either:

(a) Members of the family have received a physical examination and are physically able to provide care to children.

or

(b) Members of the family are receiving all necessary continuing medical care and are physically able to provide care to children.

(c) This statement may not be necessary for children who are members of the foster family if current school reports indicate good health.

b. The agency may, at its own discretion, require a physical examination of any person living in the home.

c. The FFH shall make the agency immediately aware of any communicable or infectious disease in the FFH.

7. Family foster care providers shall participate in training to develop and enhance their skills.

Reason: The vast majority of children needing

PROPOSED RULES

placement are children with problems. Many children are emotionally, mentally, or physically handicapped.

The intent of an ongoing training program is to build on the foster parents' initial interest in providing service and to maximize their ability to provide the highest quality services to children. The aim of this training is to transfer information about foster care and foster children.

Orientation and in-service training can, and should, take place in a variety of settings and through a variety of methods. For example: group sessions offered by local agencies or foster parent associations; regular courses offered by vocational schools, colleges, or universities; TV or correspondence courses; agricultural extension classes; organizational activities such as conferences, conventions, and seminars; special sessions offered by local school districts or mental health centers; Red Cross training; one-to-one "tutoring" by agency staff or experienced foster parents.

Satisfactory Compliance:

a. Every applicant for an FFH license shall have a minimum of six hours of orientation prior to receiving the first child in placement.

b. An FFH provider who wishes to take a "leave of absence" from foster care for up to twelve months, may have the annual training requirement waived for that twelve-month period.

c. Every FFH, except those providing exclusively Permanent Home care or Restricted Home care, shall participate in a minimum of twelve hours annual of training related to foster care. The twelve hours may be shared among the adult FFH providers in the home.

d. Training opportunities shall include, but not be limited to:

- (1) Child and adolescent development
- (2) Communication skills
- (3) Roles and relationships in foster care
- (4) Community services for children
- (5) Methods of discipline

- (6) Constructive problem solving
- (7) The meaning of a foster child's natural parents
- (8) Basic first aid
- (9) Home safety
- (10) Trauma of separation and skills for handling
- (11) Human sexuality

e. An FFH with five consecutive years of experience as an FFH may be exempted from mandatory annual training at the discretion of the agency.

f. In addition to regular training requirements, every FFH licensed as an Emergency — Shelter Home or a Special Services Home or a Group Family Foster Home shall participate in a minimum of six hours annually of additional training related to the special needs of these children.

8. No child shall be subjected to physical or psychological abuse.

Reason: Although families differ in their approach to discipline, harsh or threatening methods are particularly damaging to children in foster care. Discipline should be defined as an overall plan for teaching acceptable behavior; punishment is, more narrowly, negative reinforcement for unacceptable behavior.

Satisfactory Compliance:

a. Methods of discipline to be used in the FFH shall be discussed with the agency during the application process. Child training and discipline shall be handled with kindness and understanding.

b. No child in care shall be subjected to unusual, severe, or cruel punishment.

c. No child in care shall be subjected to verbal abuse, derogatory remarks about himself or members of his family, or to threats to expel the child from the foster home.

d. Isolation, when used as discipline, shall not

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

exceed ten minutes for any child under six years of age. Isolation shall not exceed one hour for a child six years of age or older. Isolation shall be in a light, well-ventilated room of at least 50 square feet, and within hearing of an adult. An adult shall periodically check, at least every 10 minutes, on a child in isolation. No child shall be isolated in a closet or a locked room.

e. No child shall be punished for bed-wetting or with regard to toilet training.

f. No child in care shall be deprived of meals, mail, or family visits as a method of discipline.

g. Punishment shall not be delegated to another child.

h. Methods of discipline shall be periodically evaluated by the FFH and the agency.

i. Corporal punishment is prohibited.

9. Private data about the child or his family shall be kept private.

E. Health.

1. The FFH provider shall be prepared to cope with health emergencies.

Satisfactory Compliance:

a. The FFH provider shall have a plan approved by the agency for meeting medical emergencies; this plan shall include the name and phone number of the child's physician, as provided by the agency.

b. The FFH provider shall have first-aid supplies readily available to treat minor injuries.

c. No foster child shall be given prescription medicine not specifically prescribed for him. Any medicine prescribed for a foster child shall be given exactly as prescribed and shall be given by an adult.

d. The FFH provider shall have written instructions from a licensed physician or dentist prior to the administration of any prescription medication. Medication with current prescription information on the label shall constitute such instructions.

2. FFH homes that have house pets shall ensure that such pets have had all necessary shots; FFH homes shall not have turtles, chickens, or ducks as house pets.

3. The FFH provider shall report immediately to the agency the occurrence of an unusual accident such as

the death or serious injury or serious illness of a foster child. A serious injury or illness shall be defined as one requiring professional medical attention.

4. The FFH provider shall be responsible for carrying out the agreed-upon plan for medical and dental care for the foster child(ren).

5. The FFH provider shall have a means for contacting the agency twenty-four hours per day, seven days per week. (agency requirement)

F. Physical environment.

1. Consideration shall be given to varying-life styles and different cultures when determining whether applicants meet the standards. If approval would require deviation from the regulation, the agency must request a waiver in writing from the department, taking into consideration the health and safety of child(ren) in placement. (agency requirement)

Reason: All children deserve a safe and healthy environment. But equally important is the preservation of cultural heritage. To promote the establishment of foster homes representing all cultures, the agency must consider the cultural standards.

2. There must be a safe water and milk supply.

3. The house and premises shall be reasonably clean, reasonably neat, and free from hazards that jeopardize health and safety.

Satisfactory Compliance:

a. FFH premises shall be inspected by the agency. (agency requirement)

b. House and premises shall be clean, reasonably neat, and free from accumulations of dirt, rubbish, or peeling paint.

c. All medicines, chemicals, cleaning supplies, and other toxic substances shall be stored out of the reach of children. They must not be stored with or immediately beside food products.

d. The use of potentially hazardous materials and tools shall be supervised.

e. Outdoor play space shall be enclosed, if necessary, to provide protection.

f. The FFH provider shall maintain personal cleanliness while preparing food.

PROPOSED RULES

g. Food and cooking utensils shall be stored to protect from dust, vermin, leakage from pipes, or other contamination.

h. Food needing refrigeration shall be stored at a temperature that will prevent spoilage and bacterial growth. (40° recommended.)

i. Appliances regularly used in the storage and preparation of food shall be safe and in good working order.

j. The use of homecanned fruits and vegetables is permitted.

k. Measures shall be taken to protect against the entrance into the home or breeding of vermin and insects.

4. The FFH provider is responsible for knowing where each foster child is at all times.

5. Children in care shall be adequately supervised at all times.

6. The FFH home shall be safe from fire and structural hazards.

Satisfactory Compliance:

a. An inspection for fire safety using the Fire Safety Check List shall be made jointly by the applicant and the agency before licensure and whenever a fire hazard appears to be present, in the estimation of the agency. The agency may request a fire marshal inspection of any FFH. (agency requirement)

b. An FFH to be located in a mobile home must be inspected by a fire marshal or codes officer.

c. Any bedroom for a foster child located in a room below ground level must be inspected by a fire marshal or codes officer. It must have two means of exit.

d. Unvented gas or oil heaters shall not be permitted.

e. No stove or heater shall be located where it would block escape in case of a fire.

f. A portable A-B-C fire extinguisher shall be provided for the kitchen and cooking areas.

g. Combustible items shall not be located near the furnace area or other sources of heat.

h. Fireplaces, space heaters, steam radiators, and hot surfaces, such as steam pipes, shall be shielded against accidental contact.

i. Every closet door latch shall be one that can be opened from the inside.

j. Any bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

k. A report shall be made to the agency after the occurrence of a fire that requires the services of a fire department.

l. Emergency procedures shall be planned, written, and posted. They shall include a plan for evacuation, temporary shelter, and meeting place to determine if anyone is missing. Emergency procedures shall be reviewed at least annually by the FFH provider and agency.

m. An UL listed products of combustion detection unit (smoke or ionization), either battery or electrically operated, shall be installed in the corridor or hallway leading to the sleeping area(s) of the FFH.

7. The FFH provider shall be prepared to cope with emergencies.

Satisfactory Compliance:

a. The FFH provider shall make arrangements, approved by the agency, for substitute care during emergencies.

b. A list of emergency telephone numbers shall be prominently posted, including police, fire, doctor, hospital, ambulance, and emergency social service.

c. The FFH provider shall notify the agency as soon as it has been determined that a foster child has run away or is missing.

G. Nutrition.

1. The FFH provider shall consult with a physician about the diet for children with special dietary needs, such as infants under one year of age, children with

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

allergies, children who are over or under weight, children who are hyperactive.

2. Well-balanced meals shall be served daily.

Reason: Balanced nutrition is basic to the attainment of good health. A child grows and develops rapidly. This growth and development is related to nutrition.

Satisfactory Compliance: Each day's menu shall include servings from each of the basic four food groups as indicated in the Daily Food Guide. (Appendix A)

H. Daily activities. Every foster child shall be treated as a member of the FFH. The foster child shall share in the privileges and responsibilities of the home as appropriate to the child's age and abilities. Activities shall foster optimum physical, social, mental, and emotional development of children. Activities that enhance the child's appreciation of his cultural heritage shall be supported and encouraged.

1. Infants.

a. Each infant must be held during bottle feedings until he is safely able to hold his own bottle.

Reason: An infant's first sense of security is closely related to his food. Being held during feeding helps him to develop a trust relationship with others. It is possible for a young infant to choke on milk or water from a propped bottle.

b. Each infant must be held, rocked, cuddled, and played with during each day of care.

Reason: Physical closeness to others is indispensable as a first step in social relationships.

c. Infant's attempts to communicate must be responded to.

Reason: Baby sounds are the beginning of speech and language development. Socialization is encouraged when the infant receives a response to his babbling.

d. The infant must have ample opportunities for freedom of movement every day.

Reason: The infant needs large-muscle activity in order to develop properly, physically and mentally. The infant learns by exploring his environment.

Satisfactory Compliance:

(1) The noncreeping infant shall spend part of each day outside of crib and playpen.

(2) The creeping infant shall have freedom to explore outside of crib or playpen. A crib or playpen shall be used only for sleeping or for short periods of time when needed for safety. During the infant's waking hours, a playpen shall be placed where the infant can see others.

e. The infant must be provided with an environment that stimulates all of his senses.

Reason: The infant develops in response to stimuli; normal development can be retarded by a lack of stimulation.

Satisfactory Compliance: Infants should be provided with (commercial, homemade, or natural):

(1) Things to look at (e.g., crib mobile).

(2) Things to listen to (e.g., rattle, FFH provider's voice).

(3) Things to feel (e.g., a soft ball).

(4) Things to smell (e.g., newly baked cookies).

(5) Things to taste (e.g., clean objects that are nontoxic and too large to swallow or choke him).

2. Toddlers, preschoolers, and school-age children.

a. Each child shall be allowed as much independence as he can safely handle.

Reason: The child needs to establish his own identity; children learn through exploring and manipulating their environment.

b. Each child shall be provided with limits consistent with his age and understanding.

Reason: The child needs to learn rules for his own and others' safety.

Satisfactory Compliance: Each child shall be taught to avoid behavior that would be dangerous to himself or to others.

c. Each child shall be encouraged to communicate verbally.

PROPOSED RULES

Reason: Speech and language development occurs through practice and encouragement. Socialization is encouraged when the child receives a response.

d. Each child shall be given physical signs of affection.

Reason: The child needs physical closeness although he may reject it at times because of his growing need for independence. This independence must be respected, but rocking, hugging, and other physical signs of affection must be offered.

e. Each child shall be provided with materials and equipment that will enhance his physical, mental, and emotional development.

Reason: Appropriate materials and equipment encourage activities among children.

Satisfactory Compliance: The FFH home shall provide commercial, homemade, or natural materials and equipment of sound construction and working, that encourage and stimulate:

(1) Large-muscle activities (e.g., large blocks, cardboard cartons).

(2) Small-muscle activities (e.g., manipulative toys, craft materials).

(3) Creative activities (e.g., dress-up clothes, art supplies).

(4) Cognitive activities (e.g., puzzles, books).

(5) Social activities (e.g., games).

f. Toilet training shall be undertaken only when appropriate to each child's age and stage of development.

Satisfactory Compliance:

(1) Toilet training by the FFH provider shall be within the limits of the licensing rules.

(2) No child shall be punished for accidents occurring during toilet training. (See also D.8.)

(3) The agency shall offer consultation and training to providers about toilet training.

g. Each child shall nap or rest as appropriate to his age and stage of development.

Reason: Children's needs for naps differ even at similar ages.

3. Adolescents.

Reason: The view of adolescence on which the following is based is that of adolescence being a segment of continuing human development. Adolescents are persons with specific qualities and characteristics who have a participatory and responsible role to play, tasks to perform, skills to develop at that particular time of life. The degree or extent to which an adolescent experiences such responsible participation will determine and maximize human development.

Conditions for healthy development should provide young people with opportunities:

a. To participate as citizens, as members of a household, as workers, as responsible members of society.

Reason: Adolescents are growing, developing persons in a particular age group — not pre-adults, pre-parents, or pre-workers, but human beings participating in the activities of the world around them.

Satisfactory Compliance: The agency and the foster child shall discuss house rules with the foster parent(s). The foster child(ren) are expected to live by these house rules.

b. To gain experience in decision-making.

Reason: In our complex society, youth must develop the capacity to make decisions in many areas: school interests, work interests, use of discretionary time, the kind of friends they want to cultivate, etc.

Satisfactory Compliance: Each child shall be provided practical learning opportunities.

c. To interact with peers and acquire a sense of belonging.

Reason: Adolescents are moving toward wider interdependence with their peers, need to have a sense of belonging to their own age groups, as well as to adults. They need to acquire the ability to handle their sexual-

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

ity, to develop and maintain friendship, to experience closeness.

Satisfactory Compliance: Each child shall have the opportunity to participate in a variety of activities.

d. To reflect on self in relation to others and to discover self by looking outward, as well as inward.

Reason: Adolescents encounter conflicting values in a rapidly changing world and should have the opportunity to thrash out their reactions, consider the pluses and minuses, and try to determine where they themselves stand.

Satisfactory Compliance: Each child shall be encouraged to participate in open discussion, with adults exposing, but not imposing, their value systems on the child.

e. To discuss conflicting values and formulate their own value system.

Reason: There is almost no increase in the level of moral maturity beyond that reached during adolescence.

Satisfactory Compliance: Each child shall be provided opportunity for significant experiences and careful examination and reflection of those experiences for their moral development.

f. To experiment with their own identity, with relationships to other people, with ideas: to try out various roles without having to commit themselves irrevocably.

Reason: Adolescents should be able to try out various roles without being obligated to pursue a given course.

Satisfactory Compliance: Each child shall be allowed opportunities to experiment, within the constraints of law, with his own identity in a nonjudgmental atmosphere.

g. To develop a feeling of accountability in the context of a relationship among equals.

Reason: Genuine participation and genuine responsibility go hand in hand. A basic tenet of our social system is: for every right, there is a corresponding responsibility, resulting in the commitment necessary in a mature society.

Satisfactory Compliance: Each child shall be

provided opportunities for participation and accountability in a family relationship.

h. To cultivate a capacity to enjoy life.

Reason: Maturity includes enjoyment, being creative, frivolous, doing things on one's own, learning to interact with all kinds of people.

Satisfactory Compliance: Each child should have a family accepting of other person's life styles and values, having flexibility and a sense of humor, and a sense of the joy of living.

4. Special activities related to a child's religious or cultural heritage shall be available to him.

5. Special activities related to a child's natural family shall be available to him, based on the agency's plan.

I. Records.

1. The agency shall establish and maintain an individual record for the foster family home. (agency requirement)

Reason: The foster home record serves as the basis of evaluation both of foster home quality and of agency practice. Recommendations to the Department about the foster home must be substantiated through the agency's records.

Satisfactory Compliance: The agency record shall contain:

a. A copy of the application for licensure signed by the applicant. (DPW-138)

b. A Foster Parent Agreement Form signed by both the applicant and the agency. (DPW-139)

c. A physician's statement concerning the physical health of persons in the FFH.

d. A completed Fire Safety Check List (DPW-644) plus a written report from the fire marshal on any special fire hazards (if required by agency).

e. The prelicensing home study.

f. References from persons who can evaluate the applicant(s) as potential foster care providers. If the applicant(s) have been licensed through another agency within the previous five years, the agency shall request a reference from that agency.

g. An annual evaluation of the FFH, done jointly

PROPOSED RULES

by provider and agency, covering services provided by both FFH and agency. It shall be based on a complete review of this rule and on the years placement experiences. Any disagreement about the evaluation between the FFH and the agency shall also be entered into the record.

2. Individual case records for children placed in foster care shall be kept separately from the licensing record. (agency requirement)

3. FFH data classified as private shall be maintained as private. FFH providers shall have access to private data concerning themselves. (agency requirement)

J. Special services home (additional requirements)

Reason: Children with special needs require a special understanding. FFH providers who undertake to care for these children must possess more than ordinary ability. Such children require extraordinary care.

Opportunities for achieving the special knowledge and skills can include observation of children with special needs, meeting with other foster parents who have cared for children with special needs, discussions with specialists and community resource people, and attending conferences.

1. Prior to licensure for special services, the FFH provider must have structured opportunities for achieving knowledge and skills necessary and pertinent to specific special need or handicap:

a. Three years' experience as a licensed FFH plus twelve hours of training related to children with special needs.

or

b. One year experience in working with children with special needs, which may include their own children, plus six hours of training related to children with special needs.

or

c. Twenty-five hours of training related to children with special needs.

2. Within thirty days after placement of a child

with special needs in an FFH, a written individualized program plan must be developed by the FFH provider, the agency and the responsible school district. This plan shall be evaluated and updated regularly, but no less often than every six months. (agency requirement)

Reason: The growth and development of children with special needs or handicaps must be planned and evaluated regularly.

Satisfactory Compliance:

a. At least the FFH provider, agency, and school district must participate in program planning.

b. Other agencies and community resources shall be called upon as indicated by the particular needs of the individual child.

c. The individual program plan must be available for use by the FFH provider, the agency, and the school district.

d. There shall be a regular evaluation of the child's progress at intervals mutually agreed upon by provider, agency, and school district. Progress shall be recorded by the agency.

e. The individualized program plan shall contain specific, objective, time-limited goals. These goals shall be dated. The goals shall be updated as needed at the time of evaluation.

3. Community resources and services must be made known to and utilized by the FFH, as indicated by the needs of the children.

4. A plan for regular time-off for providers shall be developed by the agency and the FFH provider. (agency requirement)

K. Group family foster homes (additional requirements).

Reason: Not all foster homes fit into neat categories. There are families with many children of their own. There is a need to develop innovative ways of caring for children away from their own families — such as emergency shelters and teen-age peer groups. It is both necessary and desirable to provide flexibility and room for innovation in the field of foster care, while still ensuring the basic needs of children.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

1. The group family foster home, in conjunction with the agency, shall define, in writing, a description of the ages and kinds of children to be served, as well as the scope of services to be provided by the group family foster home.

2. The group family foster home and agency shall have a written and signed agreement containing: (agency responsibility)

a. Admission and discharge policy for the children.

b. Individualized program plans for the children and designated responsibility for developing and implementing these plans.

c. The time limits of the agreement.

d. The responsibilities of the agency and the GFFH.

e. The rate to be paid the home for its services, including any special payments for clothing, medical expenses, and special services.

f. The responsibility for arranging for all necessary services and resources in the community.

g. The arrangements for substitute providers for emergency situations, vacations, illness, and regular time-off.

h. The arrangements for providing administrative, consultative, and social services for the GFFH.

3. There shall be a minimum of one adult in resi-

dence for every four children in the group family foster home.

4. The group family foster home shall care for no more than eight children, including their own children.

5. Physical facility.

a. There shall be thirty-five square feet of living space per child, excluding bathrooms, halls, bedrooms, kitchen, and laundry or furnace room.

b. The dining area must be able to comfortably accommodate, at one time, all the children plus the family.

c. Every sleeping room accommodating one foster child shall have at least eighty square feet of floor space.

d. Every sleeping room accommodating more than one foster child shall have at least sixty square feet of floor space per child.

e. No sleeping room shall accommodate more than four children.

f. Each child shall have adequate space for his clothing and personal possessions.

6. The application for licensure shall be signed by both the agency and the applicant.

7. A group family foster home may not care for more than two unrelated children with handicaps at one time.

PROPOSED RULES

APPENDIX A DAILY FOOD GUIDE

| FOOD | SERVING PER DAY | AVERAGE SIZE SERVING BY AGE* | | | | |
|---|-----------------|----------------------------------|--|---------------------------------|-----------------------|---------------------|
| | | 1-3 yrs | 3-6 yrs | 6-9 yrs | 9-12 yrs | 12-18 yrs |
| MILK GROUP: | | | | | | |
| Milk | 2-3 servings | 1/2-1 cup | 1/2-1 cup | 1 cup | 1 cup | 1 cup |
| Cheese and ice cream occasionally | | | | | | |
| MEAT GROUP: | | | | | | |
| Meat, poultry, fish, and, as alternatives, dried beans or peas or peanut butter | 1-2 servings | 1-3 oz. | 2-4 oz. | 4-5 oz. | 4-6 oz. | 4-6 oz. |
| Egg | 3-4/week | 1 | 1 | 1 | 1 | 1 |
| VEGETABLE & FRUIT GROUP: | | | | | | |
| Dark green vegetables and deep yellow vegetables and fruits for Vitamin A | 1 serving | 2-3 tblsp. | 2-4 tblsp. | 1/4 cup | 1/2 cup | 1/2 cup |
| Fruit for Vitamin C — citrus, tomato, cabbage | 1 serving | 1/3-2/3 cup | 1/3-2/3 cup | 1/2 cup | 1/2 cup | 1/2 cup |
| Other fruits and vegetables | 2 servings | 1/4-1/3 cup | 1/4-1/2 cup | 1/2 cup | 1/2 cup | 1/2 cup |
| BREAD AND CEREAL GROUP: | | | | | | |
| Bread and cereal, whole grain or enriched | 4 servings | 1/2-1 slice 1/4 cup cereal | 1/2-1 1/2 slices 1/2 cup cereal | 2-3 slices 1/2 cup cereal | 2-3 slices 3/4 cup | 2-3 slices 1 cup |
| OTHER | | | | | | |
| Butter or margarine | | as spread or seasoning | | | 2 tblsp. | 2-4 tblsp. |

*Size of serving will differ with individual children; some may want smaller amounts and some larger.

Source: USDA, Consumer & Food Economics Research Division — 1963 Minnesota Department of Health

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

APPENDIX B FOSTER CARE

| TYPE OF HOME | EXPERIENCE | ANNUAL TRAINING | NUMBER OF "OWN" CHILDREN | NUMBER OF FOSTER CHILDREN | TOTAL NUMBER of CHILDREN | |
|---|--|---------------------------------------|--------------------------|--|--------------------------|--|
| 1. Interim & permanent (3 foster — 5 total) | Licensed less than 2 years | 12 hours | 0-2 | 3 Absolute | 5 | |
| | | | 3 | 2 limit in | 5 | |
| | | | 4 | 1 this | 5 | |
| | | | 5 | 2 category | 7 | |
| Exclusively Permanent or Restricted | No Requirement | | 6 | 1 | 7 | |
| | | | <hr/> | | | |
| | | | 0 | 5 | 5 | |
| | | | 1 | 4 | 5 | |
| 2. Interim & Permanent (5 children total) | Licensed 2 or more years | 12 hours | 2 | 3 | 5 | |
| | | | 3 | 2 | 5 | |
| | | | 4 | 1 | 5 | |
| | | | 5 | 2 | 7 | |
| | | | 6 | 1 | 7 | |
| | | | <hr/> | | | |
| 3. Emergency Shelter (7 children total) | | 12 hours | | 7 | | |
| | | 6 hours (Special Needs) | | | | |
| 4. Special Services (Handicapped or Extraordinary Care) (4 foster — 5 total) | 1) Licensed 3 years + 12 hrs. related training OR b) Experience — 1 year with handicapped + 6 hours re- lated training OR c) 25 hrs. related training | 12 hours | 0 | 4 | 4 | |
| | | 6 hours (Special Needs) | 2 | 3 | 5 | |
| | | | 3 | 2 | 5 | |
| | | | 4 | 1 | 5 | |
| | | | 5 | - | - | |
| | | <hr/> | | | | |
| | | 5. Group Family (8 children today) | | 12 hours 6 hours (Special Needs) | | 8 (No more than 2 children with handicaps at one time) |

- EXCEPTIONS:**
- a) Siblings need placement together. Maximum Number: Seven children
 - b) Home has five or six children of its own under age 18. Maximum Number: Seven children
 - c) Child needs to be placed again in the same home. Maximum Number: Seven children

PROPOSED RULES

DPW 3 Standards for group day care of preschool and school-age children.

group-day-care center program that has received an exemption from program licensure from the commissioner of education must, in addition, possess a health and safety license from the Department of Public Welfare under DPW Rule #3. The following regulations shall be met:

(a) Definitions. Health and safety license. A.

| | Requirements | Exemptions |
|-----------------------------------|--|--|
| (a) Definitions | All | None |
| (b) Licensing laws and procedures | (1) through (16) | (17) |
| (c) Facility | (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (14) | (13) (15) |
| (d) Program | (4) (5) (6) | (1) (2) (3) (7) |
| (e) Health | (1) (2) (3) | None |
| (f) Admissions | (2) | (1) (3) |
| (g) Staff | (3) (4) (Staff: Child Ratio) | (1) (2) (5) (4) (Staff distribution and group size) |
| (H) Organization | (3) (5) | (1) (2) (4) (6) |
| (I) Handicapped children | (1), (2) ((bb) (cc) (33)), (3) | (2) ((aa) (dd)), (4) |
| Appendices | A (Minimum Equipment — Infants & Toddlers) B (Health Care Summary) C (Daily Food Guide) | A (Minimum Equipment — Preschoolers) (Minimum Equipment — School-Age) |

Accredited Course. A course that is offered by or through an institution with an accreditation. Courses need not be taken for credit, but must have an assigned credit value by the institution.

Intermediate school child. Child aged nine through twelve years.

Aide. See Staff — Child Care Assistant.

Child development training. Child development training may include, but is not limited to:

Affirmative Action Plan. Statement explaining how a center intends to recruit persons without discrimination.

Child growth and development
Family relationships

Examples
Child psychology
Parent effectiveness
training
Music, art

Age groupings:

Preschool methods and
curriculum development
Human relations

Infant. Child aged six weeks through 15 months.

Toddler. Child aged 16 months through 30 months.

Preschool child. Child aged 31 months through five years.

Food and nutrition
Administration of programs

Sensitivity training,
study of ethnic
backgrounds
Menu planning
Budget, management

Primary school child. Child aged six through eight years.

[Training may be offered by day care centers, groups of centers, related organizations (including professional or-

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

ganization activities such as conventions and seminars), businesses, agencies, vocational schools, or colleges or universities.]

To be considered in **entry level** staff qualification, training must be **offered through an** accredited[, or approved by the Minnesota Child Care and Development Advisory Council] **body**. One [approved] child development training course equals approximately three university or college credits, or 30 clock hours in a vocational-technical institute. These child development training courses qualify staff for group-day-care centers but do not imply certification by the State Department of Education.

Child development assistant training program. Program offered by vocational-technical institutes, junior colleges, and the University Technical Institute, involving a minimum of 1,080 hours of activities and courses oriented to and focused on the practical application of child development.

Child development associate. Person meeting the skill and competency requirements by the Office of Child Development.

Commissioner. Commissioner of Public Welfare.

Day care. The care of children outside of their home for part of a 24-hour day by persons unrelated to them by blood or marriage. Day care includes group day care, family day care, and group-family day care (see also DPW Rule 2).

Drop-In care. There are two types of drop-in care:

1. Combined program. The acceptance of additional children into a licensed child care program on an irregular basis (not more than one-fifth of the center's week) but not to exceed the facility's licensed capacity during any part of the day. The percentage of drop-in children shall not exceed ten percent of the total attendance.

2. Total drop-in program. Center whose total licensed capacity is based primarily on children who attend on an irregular basis.

Facility. Physical environment in which a group-day-care program takes place.

Group-day-care center. Any program that, for compensation or otherwise, provides day or night care for six or more children at one time. The term includes, but is not limited to, programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers for school-age children, after-school programs, infant day care centers, cooperative day care centers, and Head Start programs.

[In-Service Training — Program of practical education, formal or informal, for individuals or groups working with young children for the purpose of job orientation, attitude development, learning or improving work techniques, and upgrading standards.]

Licensed capacity. Maximum number of children who can be in attendance at a center at a given time.

Persons (operating a group-day-care facility). Includes an individual, association, corporation, partnership, any political subdivision of the state, and any agency, board, or department of such a political subdivision.

Program. Combination of activities that, taken together, constitute the non-physical environment of a center. Materials and staff necessary to carry out the activities of the center are part of the program.

Department. Department of Public Welfare.

Staff:

Director. Person responsible for all aspects of the operation of the group-day-care center (e.g., administrative duties, staff supervision and training, record keeping, program planning, budgeting, liaison with state and local agencies, etc.).

Teacher. Person responsible for planning and implementing the program of the group-day-care center (e.g., plans and conducts daily program activities, prepares program materials, supervises and trains other staff, etc). Other titles used to designate persons with these responsibilities include teacher-director, head teacher, and lead teacher.

Assistant Teacher. Works with the guidance of the teacher and director to carry out the program of the center.

Child Care Assistant. Assists the teacher or assistant teacher with all aspects of the planned program (Other titles: aide, child-care aide).

Volunteers. Persons offering their services to a group-day-care facility without reimbursement other than for expenses.

Staff Development. Program of practical education, formal or informal, for individuals or groups working with young children for the purpose of job orientation, attitude development, learning or improving work techniques, and upgrading standards. Training may be offered by day care centers, groups of centers, related organizations (including professional organization activities such as conventions and seminars), businesses, agencies, vocational schools, or colleges or universities.

PROPOSED RULES

Waiver. Temporary permission to disregard a particular licensing requirement or rule.

Parent Cooperative. A nonprofit group-child-care program that is governed by a board of at least 70 percent parent-users of the group-child-care program. The board must meet at least every six weeks, and minutes of these board meetings shall be available for inspection by a representative of the Department. This board shall make all continuing operational decisions about staff, program, budget, and organization structure.

Parent cooperative shall be specifically exempt from regulations in the following sections:

- | | |
|-------------------------------------|--|
| (a) Definitions | no exemptions |
| (b) Licensing Laws and Procedures | no exemptions |
| (c) Facility | no exemptions |
| (d) Program | (1) (cc) (ee), (2) (4) (ee), (7) |
| (e) Health, Nutrition, and Safety | no exemptions |
| (f) Admissions | no exemptions |
| (g) Staff | (1), (2), (3) (aa) (bb) (dd), (4) staff distribution and group size), (5), (7) |
| (h) Organization and Administration | (2) (bb-ii), D (2) |

If a parent cooperative employs staff in the positions of director, teacher, and/or assistant teacher who are not parent members, hired staff shall not be exempt from:

(g) Staff

(1), (2), (3), (5)

Within the first year of licensure and annually thereafter, information on the exempted sections shall be submitted to the Department.

(g) Staff.

(1) Each staff person must be appropriately qualified through training, experience, and personal qualities for the age group and cultural background with which he works. (Note: For an explanation of the term "Child Development Training Course," used in this section, see "Definitions". The qualifications indicated for staff positions relate strictly to group-day-care positions and do not imply certification by the State Department of Education.)

Reason: The relationships that a child develops with important adults are considered as vital for his emotional security, intellectual development, and health psychological growth.

Satisfactory Compliance:

(aa) Director: (of all programs) Person or persons responsible for administration of a program must have administrative and supervisory experience or capability as well as knowledge of program, staff relationships, and day care operations. Administrators with teaching duties must also possess the qualifications of a teacher. The director shall be at least 18 years of age and shall be a mature responsible person.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

Satisfactory Compliance:

(bb) Teacher — Alternatives for Qualification

| | TRAINING | EXPERIENCE | NUMBER OF [APPROVED] ACCREDITED CHILD DEVELOPMENT TRAINING COURSES |
|----|--|--|--|
| | (i) Post-secondary certificate in Child Development Assistant Training Program (minimum of 1080 hours) | PLUS One year (1560 hours) Assistant Teacher** | PLUS 1 |
| OR | (ii) (no requirement) | PLUS Two years (3120 hours) as Assistant Teacher** | PLUS 3 |
| OR | (iii) BA or BS in any field from an accredited college or university | PLUS ** * | PLUS 6 (May be included as part of BA or BS degree) |
| OR | (iv) A degree in Child Development or Nursery Kindergarten Education from an accredited college or university | PLUS ** | (no requirement) |
| OR | (v) Certification by the State Department of Education for Nursery School | PLUS ** | (no requirement) |
| OR | (vi) Compliance with the competency level requirements of Child Development Associate | (no requirement) | (no requirement) |
| OR | (vii) INFANT-TODDLER ONLY (no requirement) | PLUS Three years (4680 hours) as a licensed Family Day Care Provider or Group Family Day Care Provider | PLUS 3 |
| OR | (viii) SCHOOL-AGE ONLY Certification by the State Department of Education for Elementary or Secondary Education | (no requirement) | (no requirement) |

**INFANT-TODDLER ONLY — Three months (480 hours) of required experience must be in an infant and/or toddler program.

* SCHOOL-AGE ONLY — Six months (600 hours) experience in a related field (e.g., playground leader, tutor, student teaching, teacher's aide).

PROPOSED RULES

Satisfactory Compliance:

(cc) Assistant Teacher — Alternatives for Qualification

| | TRAINING | EXPERIENCE | | NUMBER OF [APPROVED] ACCREDITED CHILD DEVELOPMENT TRAIN- ING COURSES |
|----|--|--|------|---|
| | (i) Post-secondary certificate in Child Development Assistant Training Program (minimum of 1080 hours) | PLUS ** | | (no requirement) |
| OR | (ii) (no requirement) | Six months (780 hours) as Child Care Assistant (Child Care Aide) or Student Teacher | PLUS | 3 |
| OR | (iii) Two years of post-secondary education | PLUS ** | PLUS | 3 |
| OR | (iv) INFANT-TODDLER ONLY | Six months (780 hours) with infants and/or toddlers as a licensed Family Day Care Provider or a Group-Family Day Care Provider | PLUS | 3 |
| OR | (v) SCHOOL-AGE ONLY | One year (1200 hours) in a related field (e.g., playground leader, tutor, student teaching, teacher's aide). | | (no requirement) |

**INFANT-TODDLER ONLY — 150 hours of experience in an infant and/or toddler program.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

(dd) Teachers and assistant teachers employed on the date of promulgation of these standards must comply with one of the alternatives for qualification within three years after that date.

[(ee) To maintain the position of teacher, three approved courses in child development training are required every two years.]

[(ff) To maintain the position of assistant teacher, one approved course in child development training is required every year.]

[(gg)] **(ee)** Child Care Assistant (Child Care Aide) for all age groupings:

(i) The following alternatives are available for qualification:

High school vocational child care training course

Orientation training course in the center

[(ii) To maintain the position, one approved Child Development Training Course is required every year.]

[(iii)] **(ii)** The Child Care Assistant must be at least 15 years of age.

[(hh)] **(ff)** Volunteers for all age groupings:

To be counted in the staff-to-child ratio, volunteers must:

(i) Be at least 15 years of age

(ii) Participate in an orientation to the program

(iii) Participate in any in-service training given to paid staff by the center.

(2) [In-service] **Staff development** training for all regular administrative, teaching, and support services staff members, including volunteers, must be a part of every center's educational program.

Reason: Proper preparation and continuous training of the total staff will better ensure development and maintenance of high-quality day care services.

Satisfactory Compliance:

[(aa) A center or a group of centers must plan and arrange a minimum of two percent of each staff member's working time to be spent in an in-service program.]

(aa) Each center shall be responsible for working out a plan for the equivalent of a minimum of three percent of each staff member's time to be spent in staff development.

(bb) This training can be provided by individual centers, a sponsoring agency, community sources, local school systems, professional groups, colleges, universities, or area vocational schools.

[(cc) This training may be used to satisfy

all or part of the qualifying and/or continuing requirements for teacher and assistant teacher. (see Section (g), (1) ((ee and ff)).]

(3) All personnel in regular contact with children, including volunteers and drivers, shall be physically, mentally, and emotionally competent to care for children and free from serious communicable disease.

Satisfactory Compliance:

(aa) References must be required by the director from all child care staff relating to their ability to care for young children.

(bb) Prior to employment, the paid employee must submit a statement signed by his source of medical care and based on a thorough examination within three months. Statements must be submitted every two years thereafter.

(cc) All staff must submit evidence of freedom from tuberculosis before employment and annually.

(dd) A probation period must be set for new employees, during which physical, mental, and emotional competence to care for children is evaluated and discussed with the employee by the employer.

(ee) Employees with communicable disease presenting an important health hazard to the group shall be excluded.

(ff) No person shall be hired or retained as a staff member, paid or volunteer, who has:

(i) Been convicted of or admitted to or been the subject of substantial evidence of an act of child battering, child abuse, or child molesting.

(ii) Used alcohol or drugs such that its effects are apparent during the hours that children are in care, or

(iii) Been convicted for or admitted to any felony or any offense involving moral turpitude.

(4) Staff ratio must be met and maintained by operators of all programs: appropriate distribution of staff shall include a team that has individuals with competences of a teacher, assistant teacher and child care assistant. Volunteers under supervision may be counted in the staff ratio. The staff member must be with the children to be included in the staff-to-child ratio. When there are children of different ages in same group, the ratio for the youngest age

PROPOSED RULES

group shall prevail. Janitors and bus drivers shall not be counted in the staff ratio when performing these duties.

Reason: The administering agency must ensure that capable staff in the recommended ratio is always present and is capable of providing for health and safety of each child and that each member of the staff has a clear understanding of his responsibility as explained in orientation sessions and provided in a written form.

Satisfactory Compliance:

(aa) Infants: six weeks through 15 months

Staff Ratio: one to four

Group Size: no more than eight in an activity group.

Staff Distribution: one teacher for every 16 children

+

one teacher or assistant teacher for every group.

+

child care assistants and volunteers as needed to meet staff ratio.

(bb) Toddlers: 16 months through 30 months.

Staff Ratio: one to seven.

Group Size: No more than 14 children in an activity group.

Staff Distribution: one teacher for every 28 children,

+

one teacher or assistant teacher for every group,

+

child care assistants and volunteers as needed to meet staff ratio.

(cc) Pre-School: 31 months through five years

Staff Ratio: one to ten

Group Size: No more than 20 children in an activity group

Staff Distribution: one teacher for every 40 children,

+

one teacher or assistant teacher for every group,

+

child care assistants and volunteers as needed to meet staff ratio.

Note: There shall be no more than ten-two and one-half year olds in any activity group of 20 children.

(dd) School-Age: six years through twelve years.

Staff Ratio: one to 15

Group Size: No more than 30 children in an activity group.

Staff Distribution: one teacher for every 60 children,

+

one teacher or assistant teacher for every group,

+

child care assistants and volunteers as needed to meet staff ratio.

(5) Each center with more than one staff member must set personnel policies relating to health, working conditions, in-service training, probation period, evaluation, sick leave, vacation, benefits, and salary increments. Policies shall comply with appropriate state and federal laws.

Reason: It is important that there be a clear understanding between administration and staff about the work situation and the responsibilities of both the administration and the staff member.

Satisfactory Compliance:

Each center with more than one staff member must have a written statement of personnel policies. This statement shall include:

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

(aa) Policies in accordance with Fair-Employment laws and regulations

(bb) Job description for all staff

(cc) Description of probation period and method of staff evaluation

(dd) A clearly defined in-service training program

(ee) Policies on hiring, firing, promotions, and salary increments

(6) In centers providing sleep care of four to five hours or more, staff ratios specified in (g) (4) shall be maintained until the children are settled for sleep. While children are sleeping, a minimum number of adults must remain awake and available to the children throughout the sleep period.

Satisfactory Compliance:

(aa) One adult for every four sleeping infants but no fewer than two adults for the center

(bb) One adult for every ten sleeping toddlers but no fewer than two adults for the center

(cc) One adult for every 20 sleeping preschoolers but no fewer than two adults for the center

(dd) One adult for every 25 sleeping school-age children but no fewer than two adults for the center

The director shall make arrangements in advance for substitute staff.

OFFICIAL NOTICES

Department of Health

State Board of Health Notice of Intent to Solicit Outside Opinion on Proposed Rules Governing Water Haulers

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (Supp. 1975) that the Minnesota State Board of Health will propose the adoption of new rules relating to water haulers.

All interested parties desiring to submit data or views relating to the proposed adoption of such rules should address their comments (either written or oral) to the Minnesota Department of Health, Division of Environmental Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, by writing or calling Gary Englund at 612-296-5330. Evidence submitted for consideration should be pertinent to the matter at hand. Any material received by the

Department of Health will become part of the hearing record.

Any materials submitted shall be reviewed and considered by the Department of Health during the preparation of the proposed rules. Notice of the public hearing on the proposed rules shall be published in the *State Register* and given to all interested parties who have registered with the Secretary of State's Office in accordance with the provisions of the Administrative Procedure Act.

Under the provisions of Minn. Stat. § 10A.01 subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at Room 401, State Office Building, St. Paul, Minnesota 55155.

Warren R. Lawson, M.D.
Secretary and Executive
Officer

Department of Transportation

Public Meetings on State Transportation Plan

Public information meetings on the State Transportation Plan have been scheduled by the Minnesota Department of Transportation (Mn/DOT). One meeting will be held in each Regional Development Commission District. The purpose of the meetings is to identify the transportation issues, concerns, and problems which the plan must address. The meeting schedule is:

| Region | Date | City | Time | Place |
|--------|----------|-----------------|---------|--|
| RDC 1* | March 29 | Warren | 7:00 pm | State Bank Building |
| RDC 2 | April 14 | Bemidji | 7:30 pm | J. W. Smith Elementary School 18th St. and America Ave. |
| RDC 3 | April 12 | Grand Rapids | 7:30 pm | Rainbow Inn Motel Gold Room |
| RDC 3 | April 13 | Duluth | 7:00 pm | First United Methodist Church Lakeview Room Skyline Parkway Central Entrance |
| RDC 4 | April 7 | Fergus Falls | 7:30 pm | Fergus Falls Community College Old Highway 210 West |
| RDC 5 | March 30 | Staples | 7:30 pm | North Campus of the Vocational School Airport Road |
| RDC 6E | April 26 | Willmar | 7:30 pm | Willmar Community College Rm. L-10 Library |

OFFICIAL NOTICES

| | | | | |
|--------|----------|-----------|---------|---|
| RDC 6W | April 27 | Appleton | 7:30 pm | Civic Center 323 West Schlieman Avenue |
| RDC 7E | March 31 | Mora | 7:30 pm | Kanabec County Court House 18 North Vine Street |
| RDC 7W | April 5 | St. Cloud | 7:30 pm | City Hall Annex 4th Avenue North |
| RDC 8 | April 19 | Slayton | 7:30 pm | Murray County Court House Annex |
| RDC 9 | April 28 | Mankato | 7:30 pm | Holiday Inn |
| RDC 10 | April 20 | Rochester | 7:30 pm | Holiday Inn Downtown |
| RDC 11 | April 21 | St. Paul | 7:30 pm | State Office Building Auditorium Wabasha St. (Between Aurora and Fuller) |

*Regional Development Commission

Questions should be directed to:

Peter Fausch
Director of Transportation Development
Minnesota Department of Transportation
St. Paul, Minnesota 55155

or call 612-296-3152

Petition of Burlington Northern Inc. to Close the Station of East Grand Forks, Minnesota, and to Rearrange Agency Service Thereat

PSC-77-008-BS
RRA-1-10

An opportunity for oral argument before the Assistant Commissioner, Public Transportation, of the Department of Transportation will be permitted all parties to the above matter on April 13, 1977, at 10:00 o'clock A.M. in Room 817 of the Transportation Building. The oral argument will be limited to a discussion of legal questions and a restatement of facts in evidence. No new evidence will be received and each party's presentation will be limited to 10 minutes.

Jim Harrington
Commissioner

Petition Filed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company for Authority to Discontinue Agency Service at Le Center, Minnesota Making Le Center a Prepay/Carload

Only Non-Agency Station, and to Retire and Remove the Depot Building

PSC-77-138-SF
RRA-2-10

An opportunity for oral argument before the Assistant Commissioner, Public Transportation, of the Department of Transportation will be permitted all parties to the above matter on April 13, 1977, at 3:00 o'clock P.M. in Room 817 of the Transportation Building. The oral argument will be limited to a discussion of legal questions and a restatement of facts in evidence. No new evidence will be received and each party's presentation will be limited to 10 minutes.

Jim Harrington
Commissioner

Resolutions Filed by the City of Henning and Otter Tail County Requesting the Public Service Commission for Authority to Install Flashing Light Signals where CSAH 67 Intersects the Right of Way and Track of the Soo

OFFICIAL NOTICES

Line Railroad Company in Henning, Minnesota

PSC-77-044-SF
R-3509, D-1883

An opportunity for oral argument before the Assistant Commissioner, Public Transportation, of the Department of Transportation will be permitted all parties to the above matter on April 13, 1977, at 1:00 o'clock P.M. in Room 817 of the Transportation Building. The oral argument will be limited to a discussion of legal questions and a restatement of facts in evidence. No new evidence will be received and each party's presentation will be limited to 10 minutes.

Jim Harrington
Commissioner

State Planning Agency Governor's Planning Council on Developmental Disabilities

Public Information Campaign Grants

The Minnesota Governor's Planning Council on Developmental Disabilities announces that it is seeking proposals from eligible public or private non-profit organizations

which will develop and demonstrate limited-scale public information campaigns emphasizing the needs and potential of persons having a developmental disability (mental retardation, cerebral palsy, epilepsy, autism). The Request for Proposal guidelines to be used in preparing an application are available upon written request from the address listed below. To be eligible for review, completed proposals that are mailed should be sent to the address listed below bearing a postmark no later than Tuesday, May 31, 1977; hand-carried materials should be delivered by 5:00 p.m. on the same date. To obtain a Request for Proposal packet, as well as general information, please write to:

Public Information RFP
Developmental Disabilities Planning Office
State Planning Agency
Room 562
Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

Teachers Retirement Association

Notice of Board of Trustees Meeting

The Board of Trustees, Minnesota Teachers Retirement Association, will hold a meeting on Friday, April 15, 1977, at 9 a.m. in the office of the Association, 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, to consider matters which may properly come before the Board.

EQC MONITOR

Environmental Quality Council

Receipt of EISs

The following Environmental Impact Statements have been submitted to the Environmental Quality Council (EQC):

Minnesota Department of Transportation

Final EIS on U.S. 2 Bypass of Bemidji in Beltrami County

The EQC received the Final EIS on March 16, 1977. The proposed action would involve construction of U.S. 2 on a new location from a junction with U.S. 71 about 1 mile west of Bemidji, around the west and south of Bemidji, to a junction with in-place U.S. 2, about 3 miles south of Bemidji. The proposed bypass would be about 9 miles long and would consist of a 4-lane divided highway with fully controlled access.

For additional information about this proposal and EIS, contact:

District Engineer
MN Dept. of Transportation
Box 727, Bemidji, MN 56601
218/755-3815

or
FHWA Division Administrator
Metro Square Bldg. Suite 490
St. Paul, MN 55101
612/725-7001

The Bemidji Bypass Final EIS will be discussed at the EQC Technical Committee meeting on March 23, 1977, and the EQC will make a determination whether to review the document for adequacy at its April 11, 1977 meeting.

If the Council decides to review a Final EIS, a determination on its adequacy will be made at the first EQC meeting held more than 45 days after review commences. A Council decision not to review a Final EIS would constitute acceptance of the EIS. No governmental approval of the action can be granted prior to EQC acceptance of the Final EISs.

Minnesota Department of Transportation

Final EIS on U.S. 169 and T.H. 95 in Mille Lacs and Sherburne Counties

The EQC received the Final EIS on March 16, 1977. The proposed action would involve the upgrading of U.S. 169

from Princeton to Onamia (approximately 35 miles) to expressway or freeway standards (4-lane, divided roadway) and would include bypassing the communities of Princeton and Milaca. Also, Trunk Highway 95 would be relocated for approximately 2 miles at Princeton and would be constructed to 2-lane rural highway standards.

For additional information about this proposal and EIS, contact:

District Engineer
Highways Division
MN Dept. of Transportation
Box H, Brainerd, MN 56401
218/829-3553

or
FHWA Division Engineer
Metro Square Building, Suite 490
St. Paul, MN 55101
612/725-7001

The Princeton Bypass Final EIS will be discussed at the EQC Technical Committee meeting on March 30, 1977, and the EQC will make a determination whether to review the document for adequacy at its April 11, 1977 meeting.

Receipt of Petition for EIS

Proposed Army Corps of Engineers Flood Control Project for Roseau River

The EQC received a petition from the Minnesota Conservation Federation on March 17, 1977 for a state EIS on the flood control project proposed by the U.S. Army Corps of Engineers, St. Paul District, for the Roseau River in Roseau and Kittson Counties, Minnesota.

The EQC Technical Committee will discuss this petition at its meeting on March 30, 1977 and the EQC will make a determination on the petition at its April 11, 1977 meeting.

Pollution Control Agency

Proposed Amendments to Rules Governing Federal Construction Grants and State Construction Grant and Loan Programs

Notice of Intent to Solicit Outside Opinion

Notice is hereby given that the Minnesota Pollution Control Agency is considering proposed amendments to Minnesota Regulations WPC 34 governing the administration of

the municipal facilities assistance program, the Minnesota state water pollution control fund and federal grant funds allotted to Minnesota. In order to adequately determine the nature and utility of such amendments, the Minnesota Pollution Control Agency hereby requests information and comments from all interested persons or groups concerning the subject matter of the proposed amendments.

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

Mr. Perry T. Beaton
Minnesota Pollution Control Agency
Division of Water Quality
1935 West County Road B2
Roseville, Minnesota 55113

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-7201, and in person at the above address.

All statements of information and comment must be received by May 15, 1977. Any written material received by the Agency shall become part of the hearing record.

Proposed Rules Establishing Effluent Limitations for the South Fork of the Zumbro River

Notice of Intent to Solicit Outside Opinion

Notice is hereby given that the Minnesota Pollution Control Agency is considering proposed rules establishing

effluent limitations for all of the intrastate waters of the South Fork of the Zumbro River from the dam at Silver Lake in Section 26, Township 107 North, Range 14 West, in the City of Rochester to the beginning of Lake Zumbro in Section 23, Township 108 North, Range 14 West, Olmsted County. The primary discharger into these waters at the present time is the City of Rochester. In order to adequately determine the nature and utility of such rules, the Minnesota Pollution Control Agency hereby requests information and comments from all interested persons or groups concerning the subject matter of the proposed rules.

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

Mr. Lanny R. Peissig
Minnesota Pollution Control Agency
Division of Water Quality
1935 West County Road B2
Roseville, Minnesota 55113

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-7250, and in person at the above address.

All statements of information and comment must be received by May 15, 1977. Any written material received by the Agency shall become part of the hearing record.

Erratum

1 S.R. 194: change "payments" to "overpayments" after "AFDC" and before "caused" at DPW 44 F.3.b.

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

95 Sherburne, Suite 203
St. Paul, Minnesota 55103
(612) 296-8239

ORDER FORM

Please send me:

_____ Annual subscription(s) to the *State Register* at \$110.00 (second and additional subscriptions are \$85.00 each).

_____ Single weekly copy(ies) of the *State Register* at \$2.25 each. Send me Issue(s) # _____ (please list).

_____ Annual subscription(s) to the *EQC Monitor* at \$50.00 (second and additional subscriptions are \$35.00 each). Contains all items of environmental concern.

NOTE: The above items are not subject to Minnesota sales tax. *State Register* binders, listed below, do require either sales tax or your tax exempt number.

_____ *State Register* binder(s) at \$5.00 + \$.20 sales tax,

for a total of \$5.20 per binder. Please fill in your tax exempt number, if necessary: # _____.

These are 3-½ inch durable plastic self-locking binders, imprinted with the *State Register* logo.

Please enclose full amount of items ordered with a check or money order made out to "Minnesota State Treasurer." Remember to include sales tax on binders only.

Name of Company or Organization _____

Attention to: _____

Street _____

City _____ State _____ Zip _____

Telephone _____ [S.R. 3/14/77]