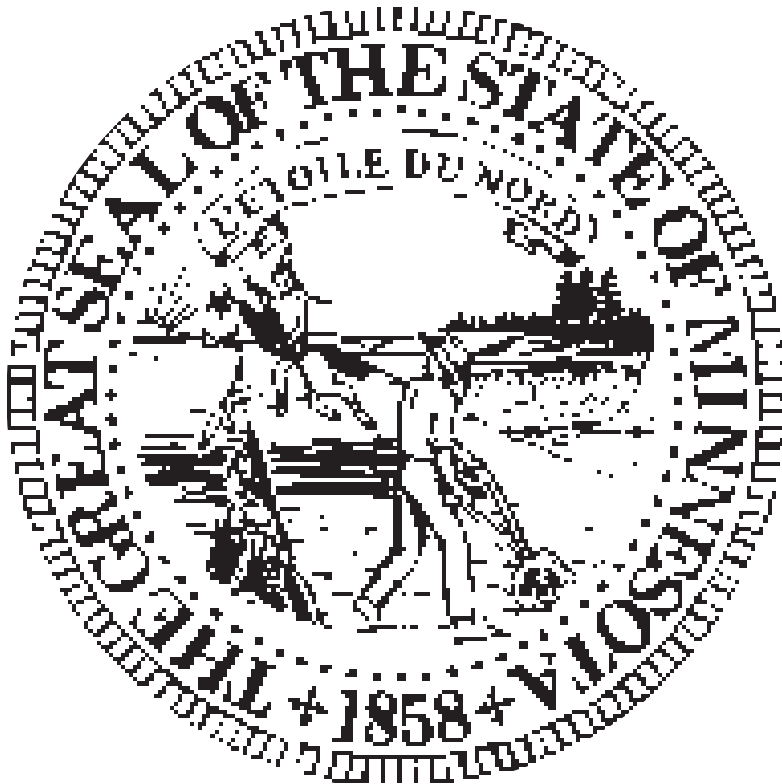


The Minnesota

# State Register

**Rules and Official Notices Edition**



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**Monday 20 July 1998**  
**Volume 23, Number 3**  
**Pages 107-224**

# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

### Printing Schedule and Submission Deadlines

Vol. 23 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 2	Monday 13 July	Noon Wednesday 1 July	Noon Tuesday 7 July
# 3	Monday 20 July	Noon Wednesday 8 July	Noon Tuesday 14 July
# 4	Monday 27 July	Noon Wednesday 15 July	Noon Tuesday 21 July
# 5	Monday 3 August	Noon Wednesday 22 July	Noon Tuesday 28 July

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Joanne E. Benson, Lt. Governor 651/296-3391	Judi Dutcher, State Auditor 651/297-3670	Michael A. McGrath, State Treasurer 651/296-7091
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Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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Contact: House Information Office (651) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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# Minnesota Rules: Amendments and Additions

**NOTICE: How to Follow State Agency Rulemaking in the State Register**

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

## Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

## Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

## Department of Corrections

### Proposed Permanent Rules Governing Jail Facilities

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request A Hearing, and Notice of Hearing If 25 or More Requests for Hearing are Received**

**Proposed Repeal of Rule 2910 Governing Local Adult Detention Facilities and Reenactment of it as Rule 2911 Governing Local Adult Detention Facilities.**

**Introduction.** The Department of Corrections intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on August 28 1998, a public hearing will be held in Room Pung I&II, MN Department of Corrections, Suite 200, 1450 Energy Park Drive, Minnesota 55108, starting at 9:00 am on Tuesday, September 22, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after August 28, 1998 and before September 22, 1998.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Uday Lohani at Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108, (612) 643-3693. TTY users may call the Department of Corrections at (612) 643-3589.

**Subject of Rules and Statutory Authority.** The proposed rules govern the establishment and operation of local adult detention facilities. Under the rules, the facilities are required to comply with the minimum standards outlined related to conditions of confinement. The statutory authority to adopt the rules is provided by *Minnesota Statutes*, section 241.021. A copy of the proposed rules is published in the *State Register*. A free copy of the entire rule is available upon request. The Department's objectives in amending the rules are to bring new facility types such as Adult Detention Centers and Jail Annexes under the purview of the rules; to ensure the rules reflect the evolution in case law related to detention facilities; to remove duplicative language and requirements; and make the rules reflect changes in technology.

**Comments.** You have until 4:30 p.m. on Friday, August 28, 1998, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Friday, August 28, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for September 22, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (612) 643-3693 after Friday, August 28, 1998 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Bruce H. Johnson is assigned to conduct the hearing. Judge Bruce H. Johnson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7666, and fax 612/349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Other notices required by law or chosen to be inserted in this notice.**

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the State Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612/296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 30 June 1998

Gothriel J. La Fleur, Commissioner  
Department of Corrections

### **DEFINITIONS; CAPACITY; VARIANCES**

#### **2911.0100 INTRODUCTION.**

Minnesota Statutes, section 241.021, subdivision 1, provides that the commissioner of corrections adopt 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 according to law except to the extent that they are inspected or licensed by other state regulating agencies. This chapter provides minimum standards for Class I to Class VI facilities in Minnesota.

#### **2911.0200 DEFINITIONS.**

Subpart 1. Scope. For the purpose of this chapter, the following terms have the meanings given them.

Subp. 2. Administrative segregation. "Administrative segregation" means the physical separation of an inmate prone to escape, prone to assault staff or other inmates, or likely to need protection from other inmates or self, an inmate determined to be mentally deficient who is in need of special care, or an inmate on medical isolation or infirmary status.

Subp. 3. Administrative staff assistant. "Administrative staff assistant" means an administrative officer appointed by the governing authority or designee to assist the facility administrator responsible for managing and operating the facility.

Subp. 4. Admission or intake. "Admission" or "intake" means the processing of an inmate upon entry into a facility.

Subp. 5. Alternative sentence. "Alternative sentence" includes, but is not limited to, a sentence including court ordered sanctions which allow one or more of the following:

- A. work release;
- B. intermittent sentences;
- C. community service;
- D. sentencing to service requirements;
- E. home detention;
- F. educational release; or
- G. electronic monitoring.

Subp. 6. Average daily population. "Average daily population" means the average number of inmates residing daily during the last calendar year. An inmate on furlough or hospitalized is excluded. Average daily population is calculated by dividing the total number of inmate days served in the facility by the number of days in the calendar year.

The total number of inmate days includes computation of any time an inmate spends in the community on alternative sentence when the inmate's primary residence for that day is the correctional facility governed by this chapter.

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## Proposed Rules

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An offender on home detention, electronic monitoring, or other sentencing sanction who reports to a sanction such as community or sentencing to service programs from a residence is not to be considered in average daily population computation.

**Subp. 7. Booking.** “Booking” in a detention facility, is a procedure for the admission of a person charged with or convicted of an offense, and includes searching, fingerprinting, photographing, medical screening, and collecting personal history data. Booking also includes the inventory and storage of the individual’s personal property.

**Subp. 8. Building code.** “Building code” means federal, state, or local regulations that dictate the construction of a facility.

**Subp. 9. Cell or detention room.** “Cell” or “detention room” means a housing unit in a detention facility for the confinement of not more than two inmates. A cell or detention room shall be designed or used for single occupancy purposes unless designed or approved for double occupancy purposes by the Department of Corrections according to chapter 2900, requirements.

**Subp. 10. Cellblock or detention room cluster.** “Cellblock” or “detention room cluster” means a group or cluster of single or multiple occupancy cells or detention rooms immediately adjacent and directly accessible to a dayroom. In some facilities the cellblock consists of a row of cells fronted by a dayroom of corridor-like proportions.

**Subp. 11. Class I facility.** “Class I facility” means a secure adult detention facility used to confine inmates for a time not to exceed 72 hours excluding holidays or weekends. A Class I facility shall also be known as a holding facility.

**Subp. 12. Class II facility.** “Class II facility” means a secure adult detention facility used to confine inmates prior to their appearance in court and sentenced inmates for a time not to exceed 90 days. A Class II facility shall also be known as a lockup facility.

**Subp. 13. Class III facility.** “Class III facility” means a secure detention facility used to confine sentenced inmates for a time not to exceed any limits set by *Minnesota Statutes*, adult pretrial and presentenced detainees indefinitely, and juveniles up to the limits prescribed by *Minnesota statute* and commissioner approval. A Class III facility shall also be known as a jail facility.

**Subp. 14. Class IV facility.** “Class IV facility” means a minimum security adult detention facility used to confine sentenced inmates for a time not to exceed any limits set by *Minnesota Statutes* or adult pretrial or presentenced detainees indefinitely. A Class IV facility shall also be known as a jail annex.

**Subp. 15. Class V facility.** “Class V facility” means a secure adult detention facility used to detain adult pretrial and presentenced detainees indefinitely. A Class V facility shall also be known as an adult detention center.

**Subp. 16. Class VI facility.** “Class VI facility” means a facility used to confine sentenced inmates for periods of time not to exceed any limits set by *Minnesota Statutes*. A Class VI facility shall also be known as an adult corrections facility.

**Subp. 17. Classification.** “Classification” means a process for determining the needs and security requirements of those for whom confinement has been ordered and for assigning them to housing units and programs according to their needs and existing resources.

**Subp. 18. Classroom.** “Classroom” means an area specifically designed and equipped for education or vocational programming.

**Subp. 19. Commissioner.** “Commissioner” means the commissioner of the Minnesota Department of Corrections.

**Subp. 20. Contraband.** “Contraband” means an item possessed by an inmate or found within the facility that is prohibited by statute or expressly prohibited by those lawfully charged with the administration and operation of the facility.

**Subp. 21. Contractor.** “Contractor” means a person or organization that agrees to furnish materials or to perform services for the facility or jurisdiction at a specified price.

**Subp. 22. Control center.** “Control center” means the central point within a facility where security activities are monitored and controlled.

**Subp. 23. Controlled substance.** “Controlled substance” means a drug, substance, or immediate precursor in Schedules I to V of *Minnesota Statutes*, section 152.02. Controlled substance does not include distilled spirits, wine, malt beverages, intoxicating liquor, or tobacco.

**Subp. 24. Crowded facility.** “Crowded facility” means a facility when its operational capacity is exceeded.

**Subp. 25. Overcrowded facility.** “Overcrowded facility” means a facility when its approved bed capacity is exceeded.

**Subp. 26. Custody personnel.** “Custody personnel” means those staff whose primary duty is supervision of inmates.

**Subp. 27. Dayroom.** “Dayroom” means a room which is adjacent to a cell or detention room or cell or detention room cluster, and which is used as a dining, exercise, or other activity room for inmates.

**Subp. 28. Department of Corrections or department.** “Department of Corrections” or “department” means the Minnesota Department of Corrections.



Subp. 29. **Disciplinary segregation.** “Disciplinary segregation” means that status assigned an inmate following a hearing in which the inmate was found guilty of violating a facility rule or state or federal law or the status assigned an inmate before a hearing when segregating the inmate is determined to be necessary in order to reasonably assure the security of the facility. The status results in separating the inmate from the general population.

Subp. 30. **Dormitory.** “Dormitory” means a housing unit designed to house no fewer than three nor more than 48 inmates. Dormitory includes sleeping and dayroom areas.

Subp. 31. **Emergency.** “Emergency” means a significant incident or disruption of normal facility procedures, policies, routines, or activities.

Subp. 32. **Emergency care.** “Emergency care” means medical or dental or mental health care of an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call.

Subp. 33. **Essential rules.** “Essential rules” means rules not classified as mandatory.

Subp. 34. **Existing facility.** “Existing facility” means a facility used for detention and confinement of inmates prior to May 15, 1978.

Subp. 35. **Facility.** “Facility” means a city, county, city and county, multiple county, or private facility of a Class I to Class VI type as defined in subparts 11 to 16.

Subp. 36. **Facility administrator.** “Facility administrator” means the individual who has been delegated the responsibility and authority for the administration and operation of a facility.

Subp. 37. **Fire code.** “Fire code” means federal, state, or local regulations governing fire safety.

Subp. 38. **First aid.** “First aid” means emergency treatment administered to injured or sick persons before professional medical care is available.

Subp. 39. **Health authority.** “Health authority” means the physician, health administrator, or agency responsible for the provision of health care services at the facility. The responsible physician may be the health authority.

Subp. 40. **Health care personnel.** “Health care personnel” is an individual whose primary duty is to provide health services to inmates in keeping with the individuals respective levels of education, training, and experience. The individual is likely to be a RN, LPN, nurse practitioner, physician, or physician assistant.

Subp. 41. **Health-trained staff person.** “Health-trained staff person” is a person who provides assistance to the responsible physician or health care personnel in keeping with their respective levels of education, training, and experience.

Subp. 42. **Holding cell.** “Holding cell” means a cell or room used to hold one or more persons temporarily while awaiting release, booking, court appearance, transportation, interview, or assignment to a housing unit.

Subp. 43. **Housing unit.** “Housing unit” means a group or cluster of single or multiple occupancy cells or detention rooms that houses inmates and is immediately adjacent and directly accessible to a dayroom.

Subp. 44. **Indigent.** “Indigent” means an inmate with no funds or source of income.

Subp. 45. **Individual with a disability.** “Individual with a disability” is a person who has a physical or mental impairment that substantially limits one or more major life activities, a record of an impairment, or is regarded as having an impairment.

Subp. 46. **Inmate.** “Inmate” means an individual, adult, or juvenile, detained or confined in a Class I to Class VI facility as defined in this chapter.

Subp. 47. **Inmate - intermittent sentence.** “Inmate - intermittent sentence” means an inmate, who under a court ordered sanction, reports to a jail type facility on an intermittent basis. For example, intermittent basis such as Friday evenings through Sunday evenings to serve a sentence.

Subp. 48. **Informed consent.** “Informed consent” means the agreement by an inmate to a treatment, examination, or procedure after the inmate receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination, or procedure.

Subp. 49. **Inspection.** “Inspection” means an on-site assessment of existing conditions made to determine the facility’s compliance with this chapter.

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Subp. 50. **Legend drug.** “Legend drug” means a drug which is required by federal law to bear the following statement: “Caution: Federal law prohibits dispensing without prescription.”

Subp. 51. **Life safety code.** “Life safety code” means a manual published and updated by the National Fire Protection Association specifying minimum standards for fire safety necessary in the public interest.

Subp. 52. **Limited use agreement.** “Limited use agreement” means a written agreement between the Department of Corrections and local officials which restricts a facility’s operation and establishes timelines for facility improvements.

Subp. 53. **Mandatory.** “Mandatory” means a rule which must either be met by the facility or waived by the commissioner in order for the facility to be approved for continued operation.

Subp. 54. **Maximum security area.** “Maximum security area” means an area that provides the greatest degree of physical security for the control and separation of inmates.

Subp. 55. **Medicine.** “Medicine” means any remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purposes of this chapter, medicine shall include legend and nonlegend drugs.

Subp. 56. **Minimum security area.** “Minimum security area” means an area that provides functional living accommodations with a nominal reliance on physical security for the control and management of inmates.

Subp. 57. **Perimeter security.** “Perimeter security” means a system that controls ingress and egress to the interior of a facility. The term may also include electronic devices, walls, fences, sally ports, and patrols.

Subp. 58. **Policy.** “Policy” means a statement declaring mission, purpose, and ideological position.

Subp. 59. **Procedure.** “Procedure” means a written statement establishing the action plan to implement policy.

Subp. 60. **Responsible physician.** “Responsible physician” means an individual licensed to practice medicine and provide health services to the inmate population of the facility or the physician at an institution with final responsibility for decisions related to medical judgments.

Subp. 61. **Sally port.** “Sally port” means an enclosure situated in the perimeter wall or fence of the facility containing gates or doors at both ends, only one of which opens at a time, ensuring there will be no breach in the perimeter security of the facility.

Subp. 62. **Secure facility.** “Secure facility” means a facility that is designed and operated to ensure that all entrances and exits are under the exclusive control of the facility’s staff.

Subp. 63. **Security devices.** “Security devices” means locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control inmates. The term also includes electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain facility security.

Subp. 64. **Security perimeter.** “Security perimeter” means the outer portions of a facility that provide for secure confinement of facility inmates.

Subp. 65. **Single occupancy cell or detention room.** “Single occupancy cell” or “detention room” means an area designed to house one inmate.

Subp. 66. **Special management inmate.** “Special management inmate” means an inmate who presents a serious threat to safety or security of the facility, staff, general inmate population, or self.

Subp. 67. **Special needs inmate.** “Special needs inmate” means an inmate whose mental or physical condition requires special handling and treatment by staff.

Subp. 68. **Square footage or square feet.** “Square footage” or “square feet” means the floor space area as measured by multiplying the length and width of the cell or room.

Subp. 69. **Substantially conform.** “Substantially conform” means a compliance rating of 100 percent on rules labeled mandatory and 90 percent compliance on all other items in this chapter labeled essential.

Subp. 70. **Undue hardship.** “Undue hardship” means the financial costs are not warranted when weighed against the benefits derived.

Subp. 71. **Variance.** “Variance” means the waiver of a specific rule for a specified period of time.

Subp. 72. **Year.** “Year” means a calendar year unless expressly stated otherwise.

**2911.0300 INTENDED USE AND NONCONFORMANCE WITH RULES.**

Subpart 1. Intended use. A facility shall be used only in accordance with the classification, Class I to Class VI, for which it has been approved by the Department of Corrections. A Class I facility may be approved by the commissioner to house inmates serving alternative sentences for a time not to exceed one full year per conviction. A Class II facility may house inmates serving an alternative sentence for a time not to exceed one full year per conviction. A facility must be in full compliance of a rule part or subpart designated as mandatory under this chapter in order to meet approval requirements for continued operation unless the commissioner waives the part or subpart. Each rule part or subpart designated as mandatory shall be identified by placing the term mandatory adjacent to the rule part, subpart, item, or sentence in parenthesis. Approval shall be based on compliance with rules applicable to the facility's classification at the time of the facility's last inspection. (Mandatory)

Subp. 2. Nonconformance, unsafe, unsanitary, or illegal conditions. When conditions do not substantially conform or where specific conditions endanger the health, welfare, or safety of inmates or staff, the facility's use is restricted pursuant to *Minnesota Statutes*, section 241.021, subdivision 1, or legal proceedings to condemn the facility will be initiated pursuant to *Minnesota Statutes*, section 641.26 or 642.10. (Mandatory)

Subp. 3. Comparable care. A facility that houses males and females shall provide comparable care for each group. (Mandatory)

Subp. 4. Correction of deficiencies. Sanctions for violation of mandatory rules are:

A. For a level one sanction, the facility inspector shall issue a written compliance order to the facility administrator and governing body for correction of deficiencies within a specified time up to 180 days.

B. For a level two sanction, the facility inspector shall issue a written compliance order to the facility administrator and governing body which requires submission of a written plan of action inclusive of time lines for correction of any deficiency allowed more than 180 days for correction. The department shall grant or deny approval of the action plan in writing within 30 days of receiving the action plan.

C. For a level three sanction, when compliance is not achieved within time lines ordered or action plans are not implemented as approved by the department, the facility inspector shall submit to the facility administrator and governing body a limited use agreement for review, signature, and return within a specified time.

D. For a level four sanction, when level one to level three sanctions have not resulted in correction of deficiencies, the commissioner shall exercise restricted use or condemnation authority under subpart 2.

Subp. 5. Essential rule deficiencies. When essential rule deficiencies are greater than ten percent of the applicable rules, a correction of the cited deficiencies will be required so that a 90 percent compliance rating with the essential rules is achieved. This shall occur within a specified time as determined by the facility inspector, not to exceed one year.

Subp. 6. Appeals. The facility administrator or governing body may appeal the time line for correction of a standard deficiency by submitting an appeal in writing within 30 days of receiving the compliance order to the Commissioner of Corrections, Minnesota Department of Corrections.

**2911.0320 MANUAL OF CORRECTIONAL STANDARDS.**

Each facility shall develop a manual containing the correctional standards required under parts 2911.0100 to 2911.7600. The manual must include written policies, procedures, and plans and encompass the elements prescribed under parts 2911.0100 to 2911.7600.

**2911.0330 APPROVED CAPACITY.**

Subpart 1. Capacity requirements. For the purpose of this chapter, six capacity definitions have been established under parts 2911.0330 to 2911.0370.

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**Subp. 2. Approved capacity.** “Approved capacity” means the number of beds determined by exclusion of holding cells and beds designed for disciplinary segregation or administrative segregation purposes. Approved bed capacity shall be based on the following criteria:

A. Single occupancy cells or detention rooms built or let for bids after May 15, 1978, shall provide a minimum of 70 square feet of floor space per inmate.

B. Single occupancy cells or detention rooms in facilities used for detention or confinement of inmates prior to May 15, 1978, shall provide a minimum of 50 square feet of floor space per inmate.

C. Dormitories shall provide a minimum of 60 square feet of floor space per inmate.

D. Double occupancy cells shall provide a minimum of 70 square feet of floor space.

E. No beds in facilities condemned shall be considered as approved.

### **2911.0340 DESIGN CAPACITY.**

Subpart 1. Category I. “Design capacity category I” means the number of beds in a facility built or let for bids after May 15, 1978, calculated in the same manner noted for approved bed capacity with the addition of holding cells and those beds designed for disciplinary or administrative segregation purposes.

Subp. 2. Category II. “Design capacity category II” means the number of beds in an existing facility calculated in the same manner noted for existing bed capacity with the addition of holding cells and those beds designed for disciplinary or administrative segregation purposes.

### **2911.0350 EXISTING BED CAPACITY.**

“Existing bed capacity” means the total number of beds within the existing facility exclusive of holding cells and those designed for disciplinary or administrative segregation. Existing bed capacity is determined without regard to square footage allowances per inmate, double or multiple occupancy cell conditions, and new construction requirements.

As an example, if an existing facility has a 64-square-foot cell originally designed and currently used to house four inmates, all four beds shall be counted in arriving at the existing bed capacity number.

### **2911.0360 OPERATIONAL BED CAPACITY.**

“Operational bed capacity” means the percentage of the approved bed capacity level which the facility should not exceed to accommodate peak population demands and separation requirements, and partial closing for maintenance and housekeeping.

### **2911.0370 VARIANCE BED CAPACITY.**

“Variance bed capacity” means the bed capacity level authorized by the Department of Corrections pursuant to part 2911.0400, subpart 1, items A to E.

### **2911.0400 VARIANCES.**

Subpart 1. Variances, generally. The granting of a variance under this part shall not constitute a precedent for any other facility. The granting and denial of variances shall be in writing and made within 30 days of the request for a variance. The variance will be granted by the commissioner if, in the licensing procedure or enforcement of the rules in this chapter, all of the following are present:

A. requiring a particular facility to strictly comply with one or more of the provisions will result in undue hardship or jeopardize the health, safety, security, detention, or well-being of the inmates or facility staff;

B. the facility is otherwise in substantial conformity with this chapter or is making satisfactory progress toward substantial conformity;

C. granting of the variance will not preclude the facility from making satisfactory progress toward substantial conformity with the rules;

D. the granting of the variance will not leave the interests and well-being of the inmates or facility staff unprotected; and

E. the facility will take substitute action as is necessary or available to comply with the general purpose of the rules to the fullest extent possible.

Subp. 2. Emergencies. When a facility administrator declares an emergency as defined in part 2911.0200, subpart 31, the applicable rules may be suspended during the duration of the emergency.

Subp. 3. Notification. The facility administrator shall notify the Department of Corrections in writing within 72 hours of an emergency that resulted in the suspension of any rule. (Mandatory)

**Subp. 4. Suspension limit.** No suspension of rules because of an emergency declared by a facility administrator may exceed seven days unless the administrator obtains the approval of the commissioner of corrections for a variance to the rules and the variance is necessary for the protection of the health, security, safety, detention, or well-being of the staff or the inmates detained or confined in the institution where the emergency exists. (Mandatory)

**Subp. 5. Work stoppage.** A facility shall have a written plan that provides for continuing operations in the event of a work stoppage or other job action. A copy of the plan must be available to all supervisory personnel who are required to familiarize themselves with it.

**Subp. 6. Mass arrest.** A facility shall have a written plan that governs space arrangements and procedures to be followed in the event of a mass arrest that exceeds the approved capacity of the facility established under parts 2911.0330 to 2911.0370.

**Subp. 7. Notification.** The facility administrator or a designee shall notify the Department of Corrections in writing of each instance of failure to maintain population at or below the facility approved bed capacity for more than seven consecutive days or within 15 days of any month in which the facility has had an average daily population greater than its approved bed capacity.

**Subp. 8. Overcrowded facility plan.** Whenever an overcrowded facility condition occurs and the conditions in subpart 7 exist, a facility shall develop a written plan that requires the use of available contract per diem bed space in department approved facilities within a 125-mile radius. The plan shall require that:

A. The facility administrator may exceed approved capacity established under parts 2911.0330 to 2911.0370 only when no space is available for contract per diem usage within 125 miles.

B. The unavailability of space shall be documented at least once each day for continuing authority to exceed capacity.

C. Documentation shall set forth persons contacted, identification of the facility they represent, the date and time of contact, and a statement that the person advised that contract per diem space was not available.

**Subp. 9. Intermittent sentence contingency plans.** A facility shall develop a written plan that governs space arrangements and procedures to be followed in the event the number of inmates in the facility at 8:00 a.m. on any day and the number of inmates serving intermittent sentences scheduled for admission into the facility that day will exceed the facility's approved bed capacity.

#### **PERSONNEL STANDARDS**

##### **2911.0600 STAFF RECRUITMENT.**

The selection, appointment, and promotion of facility personnel shall be based on assessed ability. There shall be no discrimination on the grounds of race, color, religion, sex, or national origin. (Mandatory) Custody personnel shall be a minimum of 18 years of age. Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience, physical condition, and character. They shall also set forth factors which may disqualify an applicant.

##### **2911.0700 EMPLOYEE EVALUATION.**

An employee shall complete a probationary period and be evaluated during the probationary period before being permanently appointed. The evaluation shall be in writing, discussed with the employee, and made a part of the employee's personnel record.

##### **2911.0800 EXTRA DUTY.**

No employee shall be scheduled for more than 12 hours consecutive work in any 24 hours except where unusual circumstances require reasonable and prudent exception.

Coverage for vacations, military leave, jury duty, scheduled training, and similar activities are not to be considered as unusual circumstances requiring reasonable and prudent exception. Each of these coverage needs are known to the facility administration with sufficient lead time to allow proactive scheduling to maintain compliance with the 12-hour standard requirements. (Mandatory)

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### **2911.0900 STAFFING REQUIREMENTS.**

Subpart 1. Staffing plan. The facility administrator shall prepare and retain a staffing plan. (Mandatory)

The staffing plan shall identify jail personnel assignments, the days of the week that the assignments are filled, the hours of the day that the assignments are covered, and any deviations from the plan with respect to weekends, holidays, or other atypical situations.

The facility administrator or designee shall review the facilities' staffing plan at least once each year. The review shall be documented in written form sufficient to indicate that staffing plans have been reviewed and revised as appropriate to the facility's needs or referred to the facility's governing body for funding consideration.

Subp. 2. Administrator. There shall be a single administrator of each facility. (Mandatory)

Subp. 3. Class I and Class II facilities. In Class I and Class II facilities with average daily inmate populations of less than 30, the administrator may be a designated staff person with primary responsibility other than administration of the facility.

Subp. 4. Class III facilities. Class III facilities with average daily inmate populations under 30 shall have a full-time staff person employed as facility administrator/program coordinator. The administrator/program coordinator of a Class III facility with an average daily population under 30 shall not be classified as a custody person whose primary duty is supervision of inmates.

Subp. 5. Class I to Class VI facilities. Class I to Class VI facilities with average daily inmate populations exceeding 30 shall have a single administrator of the facility whose duties are solely related to administration of the facility.

Subp. 6. Centralized administration. In Class I to Class VI facilities where multiple facilities are under a centralized administration, the total average daily inmate population of facilities involved shall determine the level of facility administration required. Where multiple facilities are under a centralized administration, the most stringent facility classification requirement with respect to facility administration shall be met.

Subp. 7. Administrative staff assistant. Where the average daily population of inmates exceeds 60, an administrative staff assistant shall be required. Administrative assistant staff are not to be classified as custody persons whose primary duties are supervision of inmates.

Subp. 8. Staff person in charge. The staff person in the facility must be designated in charge at all times in the absence of administrative staff from the facility. (Mandatory)

Subp. 9. Condition of custody staff person on duty. No inmate shall be detained without custody staff on duty, present in the facility, awake and alert at all times, and capable of responding to emergencies or the reasonable needs of inmates. (Mandatory)

Subp. 10. Supervision of inmates of opposite sex. Staff members shall not be placed in positions of responsibility for the supervision and welfare of inmates of the opposite sex in circumstances that can be described as invasion of privacy, degrading, or humiliating to the inmates. When staff of one sex are used as program resource personnel with inmates of the opposite sex, staff of the inmates' sex must be on duty and in the facility. (Mandatory)

Subp. 11. Maintenance personnel and custody staff; separation of duties. Maintenance personnel shall be employed to perform preventive, routine, and emergency maintenance functions. Custody staff shall not be given physical plant maintenance duties which detract from their primary responsibilities for ongoing supervision of inmates. (Mandatory)

Subp. 12. Assistance for dispatcher or custody staff person. In a facility that uses the dispatcher or custody position as sole supervision, the dispatcher or custody staff person must be assisted on duty by another custody staff person when the facility's inmate population exceeds 15. (Mandatory)

Subp. 13. Sleeping hours. During normal sleeping hours, when inmates are secured in cells, detention rooms, or dormitories, a dispatcher or custody staff person must be assisted on duty by another custody staff person when the facility's inmate population exceeds 25.

Subp. 14. Backup resource assistance. In facilities which use the dispatcher or custody position as sole supervision, policy and procedures shall be implemented which assure a reasonable level of security and backup resource assistance for the dispatcher or custody person in circumstances which require emergency response assistance. The Department of Corrections shall review and approve the policy and procedures.

Subp. 15. Ratio of custody staff to inmates, reporting incidents, and responding to emergencies. A facility with a design capacity of 60 or fewer beds shall meet the following staffing ratios in this subpart:

For inmate supervision, the overall facility-wide minimum ratio of custody staff to inmates shall not be less than one custody officer to 25 inmates. These staff must be in the facility and on duty at all times and not involved in temporary duties outside of the facility. Included in this ratio are all staff who are assigned and trained in the custody and supervision of inmates as their primary duty. Staff not directly responsible for custody and supervision of inmates such as administrative, supervisory, program, bailiff, or support staff shall not be included in this ratio.

A facility administrator may apply for a specific variance from the staffing requirements in this item from the manager of the inspection and enforcement unit of the department. Consideration of this variance shall require that supervision of inmates is accomplished in an appropriate manner and that the safety and security of the facility, staff, and inmates is not compromised.

Subp. 16. **Staffing plan.** A facility with a design capacity of more than 60 beds shall be required to have a staffing analysis and staffing plan approved by the commissioner of corrections. This staffing plan shall include all posts and functions, a calculated shift relief factor as appropriate to each post, and total number of employees to fill the identified posts and functions. At a minimum, the staffing plan shall include:

- A. facility administration and supervision;
- B. facility programs including exercise and recreation;
- C. inmate supervision and custody;
- D. support services including medical, food service, maintenance, and clerical; and
- E. other jail-relevant functions such as escort and transportation of inmates.

Subp. 17. **Escort, movement, or booking staff.** Class I to Class VI facilities' staff must be provided as follows:

A. Internal escort, rover, or movement officers shall be provided in sufficient numbers to ensure that inmates have access to staff, programs, activities, and services, and that the safety and security of the facility is not compromised.

B. Sufficient staff must be present to provide for the booking of offenders without a reduction in the safety or security of the facility and inmates.

C. In multifloor jails, custody staff must be posted on each floor occupied by inmates.

D. Class I to Class VI facility staff shall not be used for the external transportation of inmates if the level of inmate supervision, inmate admission, programs, or internal inmate movement would be reduced below minimums afforded under the facility's staffing plan.

Subp. 18. **Program staff requirements for Class II.** In a Class II facility a staff person shall be designated to coordinate community services and volunteer programming. (Mandatory)

Subp. 19. **Class I exemptions.** Class I facilities are exempt from this requirement with the exception of those approved by the commissioner to house inmates serving alternative sentences for a time not to exceed one full year per conviction.

Subp. 20. **Coordination of programs.** In a Class III and Class VI facility, a staff person shall be designated to coordinate educational and vocational programs, social service programs, work release, and volunteer services programs. The following minimum inmate to program staff ratio shall apply for the average daily population:

- A. 30 or under, see subpart 4;
- B. 31 to 60, one full-time program staff person; and
- C. over 60, program staffing needs shall be addressed as part of the overall facility staffing plan. See subpart 16, requirements.

Subp. 21. **Class IV facilities.** Class IV facilities shall meet the same requirements as Class III facilities unless 75 percent or greater of the inmates served are on a work release, educational release, community service, or sentencing to service status. When such is the case the program staff requirements may be reduced by 50 percent for the Class IV facility. When Class III and Class IV facility program staff requirements are met from a central source, rather than at each facility independently, the total program staff must be representative of the requirements applicable to each facility.

Subp. 22. **Class V facilities.** Class V facilities with 60 or fewer inmates shall provide program staff at one-half the ratio required for Class III facilities. If over 60 inmates, a staffing plan is required for assessment.

Subp. 23. **Custody staff override.** The ratio of custody staff to inmates may be reduced proportionate to the facilities population decrease during those hours that inmates are released from the facility for work release, educational release, community service, or sentencing to service activities.

No override reduction is allowed in any facility using a custody staff person or dispatcher as sole supervision or facilities using staffing patterns which employ one dispatcher and one custody staff person.

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Facilities using the override allowed in this subpart must document the number of inmates in the facility on an hourly basis and those under the facilities' jurisdiction that are temporarily released from the facility for work, education, community service, or sentencing to service programs. The facility shall also document the number of available custody staff for the population housed in the facility on an hourly basis.

**Subp. 24. Program staff increase override.** The number of program staff required shall be increased in facilities which provide program oversight and supervision of alternative to incarceration programs such as home detention, electronic monitoring, or sentencing to service involving offenders who are not incarcerated or detained in the facility a portion of each day.

**Subp. 25. Support staff requirements.** Support staff requirements are as follows: clerical, maintenance, and food service staff shall be provided to meet operational requirements applicable to the facility. (Mandatory)

**Subp. 26. Ancillary functions.** Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to ensure that security, supervision of inmates, the administration of program activities, and the efficient operation of the facility are not reduced or jeopardized by such activities. (Mandatory)

### STAFF TRAINING

#### **2911.1000 TRAINING PLAN.**

A facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provide for continuing in-service training programs for all employees and volunteers. Training plans shall be documented, describe curriculum, methods of instruction, and objectives. In-service training plans shall be prepared annually and shall provide documentation indicating that training for individual employees has taken into consideration their length of service, position within the organization, and previous training completed.

#### **2911.1100 CLERICAL AND SUPPORT EMPLOYEES WITH MINIMAL INMATE CONTACT.**

A facility shall have a written policy and procedure that provides that all new clerical and support employees that have minimal inmate contact receive 24 hours of orientation and training during their first year of employment. Sixteen of these hours are completed prior to being independently assigned to a particular job. Persons in this category are given an additional 16 hours of training each subsequent year of employment.

#### **2911.1200 SUPPORT EMPLOYEES WITH REGULAR OR DAILY INMATE CONTACT.**

A facility shall have a written policy and procedure that provides that all new support employees who have regular or daily inmate contact receive 40 hours of orientation and training during their first year of employment. These hours are to be completed prior to being independently assigned to a particular job. They are given an additional 16 hours of training each subsequent year of employment. At a minimum, this training covers the following areas:

- A. security procedures and regulations;
- B. rights and responsibilities of inmates;
- C. all emergency procedures;
- D. interpersonal relations;
- E. communication skills; and
- F. first aid.

#### **2911.1300 CUSTODY STAFF TRAINING.**

A facility shall have a written policy and procedure that provides that all custody staff receive 120 hours of orientation and training during their first year of employment. Forty of these hours are completed prior to being independently assigned to a particular post. All persons in this category are given an additional 16 hours of training each subsequent year. At a minimum, training completed before independent assignment to a particular post shall include:

- A. security procedures;
- B. supervision of inmates;
- C. signs of suicide risk;
- D. suicide precautions;
- E. use of force regulations and tactics;
- F. report writing;
- G. inmate rules and regulations;



- H. rights and responsibilities of inmates;
- I. fire and emergency procedures;
- J. key control;
- K. interpersonal relations;
- L. social and cultural lifestyles of the inmate population;
- M. communication skills; and
- N. first aid.

**2911.1400 ADMINISTRATIVE AND MANAGERIAL STAFF TRAINING.**

A facility shall develop a written policy and procedure that provides that the facility's administrative and managerial staff receive at least 16 hours of orientation and at least 16 hours of training each year thereafter. This training covers, at a minimum, general management and related subjects, decision-making processes, labor law, employee-management relations, the interaction of elements of the criminal justice system, and relationships with other service agencies.

**2911.1500 PROGRAM STAFF.**

A facility shall develop a written policy and procedure that provides that the facility's program personnel receive at least 40 hours of orientation and training in the first year of employment, and at least 16 hours of training each year thereafter. This training must cover, at a minimum:

- A. security procedures and regulations;
- B. planning;
- C. development and implementation of treatment and recreational programs;
- D. inmate and staff rules and regulations;
- E. rights and responsibilities of inmates;
- F. emergency procedures;
- G. interpersonal relations; and
- H. interaction of elements of the criminal justice system.

**2911.1600 DESIGNATED TRAINING OFFICER.**

A facility shall have a designated training officer responsible for:

- A. maintenance of training plans as required in part 2911.1000;
- B. maintenance of training records in sufficient detail to allow inspector assessment of compliance with parts 2911.1100 to 2911.1700; and
- C. documentation of waivers of training requirements based on equivalent training received before employment or demonstrated competency through proficiency testing.

**2911.1700 WAIVERS OF TRAINING REQUIREMENTS.**

Training requirements may be waived by the facility administrator or a designated training officer:

- A. when it has been determined that an individual has received equivalent training within an appropriate time before employment such as completion of first aid training with current certification of the training; or
- B. when the training officer or designee has tested the employee for proficiency and competency to demonstrate skills or knowledge required and the employee has met the required proficiency and competency level for certification of the training.

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### STAFF DEPLOYMENT, JOB DESCRIPTIONS, WORK ASSIGNMENTS, POST ORDERS, POLICIES AND PROCEDURES

#### **2911.1800 JOB DESCRIPTIONS.**

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

#### **2911.1900 POLICY AND PROCEDURE MANUALS.**

A facility shall have a written policy and procedure manual which defines the philosophy and method for operating and maintaining the facility. This manual shall be made available to all employees, reviewed annually, updated as needed, and staff trained accordingly. The manual shall include, at a minimum, the following chapters:

- A. administration and organization;
- B. fiscal management;
- C. personnel;
- D. training;
- E. inmate records;
- F. safety and emergency;
- G. security and control;
- H. sanitation and hygiene;
- I. food service;
- J. medical and health care services;
- K. inmate rules and discipline;
- L. communication, mail, and visiting;
- M. admissions, orientation, classification, property control, and release; and
- N. inmate activities, programs, and services.

The facility administrator or designee shall review policy and procedure manuals at least once each year. The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to facility changes.

#### **2911.2000 MERIT SYSTEM AND COLLECTIVE BARGAINING.**

Nothing in this chapter shall be construed to prevent the establishment of job descriptions, work assignments, channels of communication, or personnel policies with merit systems or collective bargaining agreements. (Mandatory)

### **RECORDS AND REPORTS**

#### **2911.2100 STORAGE AND PRESERVATION OF RECORDS.**

Space shall be provided for the safe storage of records. (Mandatory)

#### **2911.2200 FILING AND DISPOSITION OF INMATE RECORDS.**

Inmate records shall be incorporated into individual folders and filed or maintained through advanced technology such as microfiche or computerized record systems which permit an inmate's record to be readily accessed at one source.

#### **2911.2300 CONFIDENTIALITY OF AND ACCESS TO INMATE RECORDS.**

Confidentiality of inmate records and inmate access to factual, nonconfidential data in the inmate's personal files shall be provided in conformity with state law. (Mandatory)

**2911.2400 DETENTION INFORMATION SYSTEM REQUIREMENTS.**

The facility administrator shall designate a staff person responsible for reporting of information on persons detained or incarcerated to the Department of Corrections in a manner consistent with requirements in the Department of Correction's Detention Information System Manual. Detention information system reporting requirements shall be met in a timely and accurate manner.

**INMATE WELFARE**

**2911.2500 SEPARATION OF INMATES.**

Subpart 1. **General.** A combination of separate housing units inclusive of maximum and minimum security areas and cells, detention rooms, dormitories, and dayroom spaces shall be provided to properly segregate inmates pursuant to *Minnesota Statutes*, section 641.14. (Mandatory)

The facility shall provide for the separate housing of the following categories of inmates:

- A. female and male inmates;
- B. community custody inmates (work releasees or sentencing to service offenders);
- C. inmates requiring disciplinary segregation;
- D. inmates requiring administrative segregation;
- E. juveniles who do not meet Minnesota statutory requirements for placement with adults;
- F. maximum security, medium security, and minimum security inmates as deemed appropriate to the facilities design intent and classification system; and
- G. inmates classified as mentally ill in a manner consistent with *Minnesota Statutes*, section 253B.05.

Subp. 2. **Supervision of coeducational activities.** Supervision of coeducational activities shall be provided at all times. (Mandatory)

**2911.2600 CLASSIFICATION OF INMATES.**

Subpart 1. **Policy and procedure.** A facility shall have a written policy and procedure that provides for inmate classification in terms of level of custody required, housing assignment, and participation in facility programs. The facility's policy and procedure on classification shall include consideration of the following:

- A. inmate gender;
- B. juvenile or adult status;
- C. category of offense;
- D. degree of escape risk;
- E. potential risk of safety to others and self;
- F. special needs assessment, inclusive of vulnerable adults, which includes a determination of how medical needs, mental health needs, mental retardation, other behavioral or physical limitations or disabilities may impact on the classification of an inmate and appropriate housing of same; and
- G. special management inmate status. (Mandatory)

Subp. 2. **Status change.** The inmate classification plan shall specify criteria and procedures for determining and changing the status of an inmate, including custody, transfers, and major changes in programs. The plan shall include an appeal process for classification decisions.

Subp. 3. **Requirement for a Class IV facility.** No inmate shall be detained or incarcerated in a Class IV facility without having completed a classification review by the facility administrator or designee of the Class IV facility's parent facility resulting in a determination that the inmate is appropriate for minimum security housing.

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## Proposed Rules

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### **2911.2700 INFORMATION TO INMATES.**

Subpart 1. Information made available to inmates. Copies of policies and rules governing conduct and disciplinary consequences; procedures for obtaining personal hygiene and canteen items; and policies governing visiting, correspondence, bathing, laundry, and clothing and bedding exchange shall be made available to all inmates.

Information will be made available to disabled inmates including those that are hearing impaired, visually impaired, or unable to speak in a form that is accessible to them.

Information required under this subpart shall be available in English and Spanish.

Policy and procedures shall ensure, to the extent practical, that inmates who are unable to speak English or Spanish are provided with the information outlined in this part within 24 hours of their admission to the facility in a form that is accessible to them.

Subp. 2. Program options and activities. An inmate shall be provided written information on program options and activities within 24 hours of admission, excluding weekends and holidays. A facility staff member shall review program options and activities with inmates who are unable to read, within 24 hours, excluding weekends and holidays, of their admission.

A Class I facility is exempt from this requirement with the exception of those approved by the commissioner to house inmates serving alternative sentences for a time not to exceed one full year per conviction.

Subp. 3. Official charge, legal basis for detention. An inmate admitted to a facility shall be advised of the official charge or legal basis for detention and confinement. (Mandatory)

Subp. 4. Data privacy. An inmate admitted to a facility shall be advised of rights under Minnesota data privacy statutes with respect to information gathered by the facility and to whom the information will be disseminated. (Mandatory)

### **2911.2800 ADMINISTRATIVE SEGREGATION AND INMATE DISCIPLINE.**

Subpart 1. Administrative segregation. Each facility administrator shall develop and implement policies and procedures for administrative segregation.

Subp. 2. Separate and secure housing. Administrative segregation shall consist of separate and secure housing, but shall not involve any more deprivation of privileges than is necessary to obtain the objective of protecting the inmate, staff, or public.

Subp. 3. Immediate segregation. The facility administrator or designee can order immediate segregation when it is necessary to protect the inmate or others. This action is reviewed within three working days by the facility administrator or designee as established through policy and procedure.

Subp. 4. Policy. Written policy and procedure shall provide that the status of inmates in administrative segregation is reviewed every seven days. These policies shall provide:

A. that review is documented and placed in the inmate's file; and

B. that the inmate in administrative segregation receive visits from the facility administrator or designee a minimum of once every seven days as a part of the administrative review process.

Subp. 5. Review. Written policy and procedure shall specify the review process that is used to release an inmate from administrative segregation.

Subp. 6. Protective custody. Written policy and procedure shall provide that an inmate is admitted to the segregation unit for purposes of protective custody only when there is documentation that protective custody is warranted and segregation is the least restrictive alternative available.

Subp. 7. Deprivation report. Written policy and procedure shall provide that whenever an inmate in administrative segregation is deprived of any usually authorized item or activity, a report of the action is made and forwarded to the facility administrator or designee.

### **2911.2850 DISCIPLINE PLAN.**

Subpart 1. Plan. A facility shall have an inmate discipline plan that explains the administrative sanctions for specific behaviors, omissions, the administrative process for handling major and minor violations, the right to internal review, and the review process. (Mandatory)

Subp. 2. Disciplinary segregation. A facility administrator shall develop and implement policies and procedures for disciplinary segregation.

Subp. 3. **Due process.** Disciplinary segregation shall be used only in accordance with due process to include at a minimum:

A. published rules of conduct and penalties for violation of rules;

B. written notice of alleged violation of a rule;

C. the right to be heard by an impartial hearing officer and to present evidence in defense:

(1) the inmate may waive the hearing in writing; and

(2) a written record is made of the disciplinary hearing and sanctions or other actions taken as a result of the hearing;

D. the right to appeal;

E. the status of an inmate placed on disciplinary segregation subsequent to a due process hearing shall be reviewed by the facility administrator or designee at least once every 30 days, and the facility shall develop written policy, procedure, and practice which provides that inmates in disciplinary segregation receive visits from the facility administrator or designee at least once every seven days as a part of the disciplinary segregation review process;

F. continuous confinement for over 30 days requires the review and approval of the facility administrator;

G. an inmate placed in disciplinary segregation prior to a due process hearing shall have a due process hearing within 72 hours of segregation, exclusive of holidays and weekends, unless documented cause can be shown for delays. Examples of causes for delay are inmate requests for delay, or logistical impossibility, as in the case of mass disturbances; and

H. the facility administrator or designee can order immediate segregation when it is necessary to protect the inmate or others. This action is reviewed within three working days by the disciplinary authority.

Subp. 4. **Other limitations on disciplinary actions.** A facility shall develop written policy, procedure, and practice which provides that whenever an inmate in segregation is deprived of any usually authorized item or activity, a report of the action is made and forwarded to the facility administrator.

Subp. 5. **Delegation.** Delegation of authority to any inmate or group of inmates to exercise the right of punishment over any other inmate or group of inmates is prohibited.

Subp. 6. **Removing clothing and bedding.** The facility administrator shall develop a policy and procedure for removing clothing and bedding from an inmate. The following shall be included:

A. clothing and bedding shall be removed from an inmate only when the inmate's behavior threatens the health, safety, or security of self, other persons, or property;

B. clothing and bedding shall be returned to the inmate as soon as it is reasonable to believe the behavior which caused the action will not continue;

C. the decision to deprive an inmate of articles of clothing or bedding shall be reviewed by the officer in charge during each eight-hour period; and

D. the review shall be documented.

Subp. 7. **Disciplinary records.** A facility shall develop written policy and procedure, which provides that, when rule violations require formal resolution, staff members prepare a disciplinary report and forward it to the designated supervisor. Disciplinary reports prepared by staff members shall include, but are not limited to, the following information:

A. specific rules violated;

B. a formal statement of the charge;

C. an explanation of the event, which should include who was involved, what transpired, and the time and location of the occurrence;

D. unusual inmate behavior;

E. staff and inmate witnesses;

F. disposition of any physical evidence;

G. any immediate action taken, including the use of force; and

H. reporting staff members signature, and date and time report is made.

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### **2911.2900 GRIEVANCE PROCEDURE.**

A written grievance procedure shall be made available to all inmates and includes at least one level of appeal.

### **2911.3000 USE OF FORCE.**

**Subpart 1. Instruments of restraint; prohibited.** Instruments of restraint, such as handcuffs, chains, irons, and straight jackets shall not be used as punishment. The facility's written policy and procedure shall require that personnel discharging firearms, using chemical agents, or any other weapon, or using physical force or instruments of restraint to control inmates, submit written reports to the facility administrator or designee no later than the conclusion of the tour of duty. (Mandatory)

**Subp. 2. Use of instruments of restraint.** Instruments of restraint shall not be used except in the following circumstances:

- A. as a precaution against escape during a transfer;
- B. on medical grounds by direction of a consulting or attending physician or psychologist;
- C. by order of the facility administrator or person in charge in order to prevent an inmate from injuring self or others or from damaging property; or
- D. by order of the facility administrator or designee for other reasons.

**Subp. 3. Policies and procedures.** The facility administrator shall develop written policies and procedures to govern the use of restraints.

**Subp. 4. Instruments of restraint.** Instruments of restraint shall not be applied for any longer time than is strictly necessary.

**Subp. 5. Incident.** Each incident involving the use of restraints consistent with subpart 2, item B, C, or D, shall be documented and kept on file.

### **2911.3100 INMATE ACTIVITIES.**

**Subpart 1. Written plan.** A facility administrator shall develop and implement a written plan for the constructive scheduling of inmate time. The plan shall include the following:

- A. Identification of programs offered in the facility and when the programs are offered.
- B. Identification of persons conducting the program and whether or not the persons are facility staff, external community resources under contract, or volunteers.
- C. The activity plan shall reflect consistency with established legal rights of inmates, type and status of inmates detained in the facility, and rule requirements associated with the facilities classification.
- D. A facility shall develop written policy, procedure, and practice which provides inmates with the option to refuse to participate in facility programs, except work assignments and programs required by statute or court order.
- E. When males and females are housed in the same facility, equal opportunities shall be provided for participation in programs and services.
- F. Programs offered and inmates participating in programs shall be documented.

**Subp. 2. Arrangements for religious services and counseling.** A facility shall have written policy and procedures which grant inmates the right to practice their religion, subject only to limitations necessary to maintain institutional order and security. (Mandatory)

A facility shall have either a chaplain with the minimum qualifications of clinical pastoral education or equivalent specialized training and endorsement by the appropriate religious certifying body or a community clergy consultant meeting such qualifications to assist the facility administrator in arranging for religious services and counseling as requested.

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

Attendance or lack of attendance at religious services shall not be considered a criterion for any rights or privileges within the facility.

The chaplain or community religious consultant in cooperation with the facility administrator, plans, directs, and advises on aspects of the religious program, including approval and training of both lay and clergy volunteers from faiths represented by the inmate population.

When a religious leader of an inmate's faith is not represented through chaplaincy staff, community religious consultants, or volunteers, the chaplains or community religious consultant shall assist the inmate in contacting such a person. That person shall have the appropriate credentials from that faith judicatory and may minister to the inmate with the approval of the chaplain or community religious consultant.

An inmate requesting private interviews or counseling in a setting not capable of being audio monitored with chaplaincy staff, community religious consultants, or volunteers, or persons with the approval of the chaplain or community religious consultant shall be afforded the opportunity within the policies as are reasonable and necessary to protect the facility's security.

An inmate desiring to read the Bible or sacred book of another religion shall be provided a copy at the expense of the facility. Bibles or sacred books of another religion may be made available to inmates through local library or other community resources and limited to the inmates period of confinement.

**Subp. 3. Library service.** The facility administrator shall develop a library service including access to current leisure reading material such as books, magazines, and newspapers.

Legal books and references requested by inmates shall be made available to the extent resources permit. The facility shall not be responsible for the purchase of legal books and references used by inmates.

The facility has a designated staff person who coordinates and supervises library services.

**Subp. 4. Education.** A facility shall develop written policy and procedure which provide for inmate access to educational programs, vocational counseling, and when available, vocational training. When possible, a facility shall arrange to have these educational programs delivered in a classroom.

Class I facilities are exempt from this requirement with the exception of those approved by the commissioner to house inmates serving alternative sentences for a time not to exceed one full year per conviction.

Text books necessary to complete a course of study, to the extent that local resources permit, shall be made available to inmates. The facility shall not be responsible for the purchase of text books to complete a course of study.

**Subp. 5. Substance abuse programs.** A facility shall have a written plan for addressing inmate chemical dependency issues.

**Subp. 6. Work assignments for adults.** Class II to Class VI facilities shall develop a written inmate work assignment plan that provides for inmate work, subject to the number of work opportunities available and the maintenance of facility security. Work assignments will provide for:

A. adults not under sentence may volunteer to work but shall not be compelled to participate in work beyond maintaining the immediate living area;

B. eligibility criteria for work activities;

C. a statement that sentenced inmates shall not be compelled to work more than ten hours per day;

D. a statement that work shall not be required which cannot be done due to physical limitations;

E. the inmate work plan provides work opportunities for disabled inmates; and

F. inmate working conditions that comply with all applicable federal, state, or local work safety laws, rules, and regulations.

**Subp. 7. Recreation plan.** The facility administrator shall develop a plan providing opportunities for physical exercise and recreational activities for all inmates consistent with the facility's classification.

The plan shall include policies and procedures necessary to protect the facility's security and the welfare of inmates.

Policy and procedure shall provide inmates with access to recreational opportunities and equipment, including seven hours of physical exercise or recreation outside the cell and adjacent dayroom areas per week:

A. recreational opportunities must be afforded a minimum of five days per week; and

B. Class I facilities are exempt from this requirement.

Indoor space and equipment shall be provided for active recreational activities in all Class II to Class VI facilities.

Outdoor recreational space and equipment shall be provided for outdoor recreational programming in all Class VI facilities. The space and equipment shall be provided in a manner consistent with the facility's security classification.

The facility's recreation plan shall provide for passive and active recreation needs and equipment for a variety of inmates consistent with the facility's classification and offenders served. As examples, passive or active recreational needs of older and handicapped offenders shall be addressed.

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Policy and procedure shall provide that inmates in segregation receive a minimum of one hour a day, five days a week, of exercise outside their cells, unless security or safety considerations dictate otherwise.

Inmates on segregation status shall have access to the same recreational facilities as other inmates unless security or safety considerations dictate otherwise.

When inmates on segregation status are excluded from use of regular recreation facilities, the alternative area for exercise used shall be documented.

### **2911.3200 INMATE VISITATION.**

The facility administrator shall develop and implement an inmate visiting policy. The policy shall be in writing and shall include:

- A. a space for nonmonitored visits between the inmate and the inmates attorney; (Mandatory)
- B. a schedule of visiting hours that includes the days and times for visits and that includes visiting during the normal business day, and evenings or weekends;
- C. establishment of a uniform number of permissible visits and the number of visitors permitted per visit;
- D. an adult inmate be permitted an initial visit with a member or members of the inmate's immediate family at the next regularly scheduled visiting period;
- E. that all facilities schedule a minimum of eight visiting hours per week:
  - (1) the facility shall schedule a minimum of three separate and distinct visiting times per week; and
  - (2) visits shall be of 20 minutes duration minimum unless the number of persons attempting to visit exceeds the facilities ability to meet this requirement, or the inmates behavior dictates a need to terminate a visit earlier;
- F. allowed visits for identified members of an inmate's immediate family;
- G. when a visit to an inmate is denied for reasonable grounds on the belief that the visit might endanger the security of the facility, the action and reasons for denial shall be documented;
- H. that visitors register, giving names, addresses, and relationship to inmate;
- I. any area used for inmate visiting not be subject to audio monitoring;
- J. policies for parents, guardians, and attorneys visiting juveniles be as unrestrictive as administratively possible and the initial visit of a juvenile by parents, guardians, and attorneys be permitted at any time, (Mandatory);
- K. picture identification of visitors be required for identification purposes;
- L. that children be allowed to visit parents, regardless of their age, as deemed appropriate by the parent or guardian accompanying the child and when a dispute over children visiting occurs between the inmate and the parent or legal guardian, the inmate be referred to the court for resolution of same; and
- M. facility policy and procedures setting forth criteria for authorized friend visiting.

### **2911.3300 CORRESPONDENCE.**

Subpart 1. Policy and procedure. A facility shall develop a written policy and procedure which governs inmate correspondence. Policies are available to all staff and inmates and are reviewed annually, and updated as needed.

Subp. 2. Unrestricted volume of mail. The volume of written mail to or from an inmate shall not be restricted.

Subp. 3. Inspection and censorship. A facility must have a written policy and procedure which requires that:

- A. Inmate letters, both incoming and outgoing, may be opened and inspected for contraband.
- B. Inmates are notified when incoming or outgoing letters are rejected.
- C. Letters shall not be read or censored if they are between an inmate and an elected official, officials of the Department of Corrections, the ombudsman for corrections, attorneys, or other officers of the court, but inspection of incoming mail from the specified class of persons noted may be opened only to inspect for contraband and only in the presence of the inmate. (Mandatory)

Subp. 4. Money. Cash, checks, or money orders shall be removed from incoming mail and credited to the inmates' accounts.

Subp. 5. Postage allowance for indigent inmates. Indigent inmates shall receive a postage allowance sufficient to maintain communications with the persons listed in subpart 3, item C. Written policy, procedure, and practice provide that indigent inmates are provided with a system enabling them to send a minimum of two letters per week to individuals not defined in subpart 3, item C. (Mandatory)

Subp. 6. Material detrimental to security. A facility shall develop a written policy that restricts inmate access to materials and information that is deemed detrimental to the security and orderly function of the facility.



**2911.3400 TELEPHONE ACCESS.**

A facility shall develop a written policy and procedure that provides for inmate access to a telephone.

Newly admitted inmates shall be permitted local or collect long-distance telephone calls during the admission process.

Inmates shall be allowed telephone access to maintain contact with family members or significant others. The calls may be made through collect call telephone access systems. The minimum time allowed per call shall be ten minutes except where there are substantial reasons to justify such limitation.

Reasons for denial of telephone access shall be documented.

**2911.3500 CITIZEN INVOLVEMENT AND VOLUNTEERS.**

When citizens or volunteers are used in facility programs, a written policy and procedure shall provide that a staff member is responsible for coordinating the volunteer service program. The policy includes the following elements:

A. lines of authority, responsibility, and accountability for the volunteer services;

B. a procedure for the screening and selection of volunteers;

C. an orientation training program appropriate to the nature of the assignment;

D. a requirement that volunteers agree in writing to abide by all facility rules and policies, particularly relating to security and confidentiality of information; and

E. a statement that the administrator may discontinue a volunteer activity at any time by written notice.

**2911.3600 CLOTHING, BEDDING, AND LAUNDRY SERVICES.**

Subpart 1. **Clothing.** An inmate admitted to a facility for 72 hours or more and assigned to a living unit shall be issued a set of facility clothing.

Subp. 2. **Change of clothing.** An inmate issued a change of clothing upon admission into the facility may have personal clothing returned after laundering at the discretion of the facility administrator.

Subp. 3. **Issue.** The clothing issue shall consist of clean socks, suitable outer, and undergarments. (Mandatory)

Subp. 4. **Exchanged.** Clothing shall be exchanged twice each week, at a minimum. Clothing exchange shall be documented.

Subp. 5. **Quantity of clothing.** The facility shall have available sufficient clothing to ensure each inmate neat, clean clothing appropriate to the season.

Subp. 6. **Excess personal clothing.** An inmate's 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.

Subp. 7. **Personal property.** An inmate possessing personal property shall sign and receive a copy of the inventory record.

Subp. 8. **Protective clothing.** A facility shall develop written policy, procedure, and practice which provides for the issue of special and, where appropriate, protective clothing and equipment to inmates participating in special work assignments. The clothing is available in quantities that permit exchange as frequently as the work assignment requires.

**2911.3650 LINENS AND BEDDING.**

An inmate admitted to the facility shall be issued one bath towel; one hand towel; one washcloth; one clean, firm fire-retardant mattress; two sheets or one sheet and a clean mattress cover; blankets sufficient to provide comfort under existing temperature conditions; one pillow; and one pillow case.

Clean linens shall be furnished once each week, at a minimum. Linen exchange shall be documented. Inmates detained in admission or release processing areas for periods of time not exceeding eight hours need not be issued linens and bedding.

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### **2911.3675 LAUNDRY SERVICES.**

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

The department has adopted by reference Nursing and Boarding Care Home, operational rules regarding laundry as follows:

- A. parts 4655.2200 and 4655.8300, subpart 2, complete separation;
- B. part 4655.8300, subpart 2, clean linen;
- C. part 4655.8300, subpart 3, soiled linen;
- D. part 4655.8300, subpart 4, laundering of linen; and
- E. part 4655.8300, subpart 6, laundering of personal clothing.

Items A to E are set forth in the discussion document accompanying this chapter.

### **2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES.**

Subpart 1. **Emergency plan.** The facility administrator shall develop a written disaster plan. The plan shall include policies and procedures designed to protect the public by securely detaining inmates who represent a danger to the community or to themselves when the facility must be evacuated in total. The plan shall also include: (Mandatory)

- A. location of alarms and fire fighting equipment;
- B. an emergency drill policy as follows:
  - (1) at least annual drills at all facility locations; and
  - (2) staff drills even when evacuation of extremely dangerous inmates may not be included;
- C. specific assignments and tasks for personnel;
- D. persons and emergency department to be notified;
- E. procedure for evacuation of inmates; and
- F. arrangements for temporary confinement of inmates.

Subp. 2. **Review of emergency procedures.** There shall be a review of emergency procedures once every three months. The review shall include: (Mandatory)

- A. assignment of persons to specific tasks in case of emergency situations;
- B. instructions in 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; and
- F. that the review be documented and require signature or initialing by all staff.

Subp. 3. **Prompt release of inmates.** A facility shall develop a written policy and procedure that specifies the means for the prompt release of inmates from an area of emergency. (Mandatory)

Subp. 4. **Reporting of unusual occurrences.** Incidents of an unusual or serious nature shall be reported in writing to the Department of Corrections within ten days. The reports shall include the names of persons involved, staff and inmates, nature of the unusual occurrence, actions taken, and the date and time of the occurrence. Unusual occurrences requiring reporting to the department shall include:

- A. attempted suicide;
- B. suicide;
- C. homicide;
- D. death, by means other than suicide or homicide;
- E. serious injury or illness incurred subsequent to detention including incidents resulting in hospitalization for medical care or hospitalization associated with mental health needs;
- F. attempted escape or escape;
- G. incidents of fire requiring medical treatment of staff or inmates or a response by a local fire authority;
- H. riot;

I. assaults of one inmate by another;

J. assaults of staff by inmates;

K. injury to inmates through the use of force by staff controlling inmate behavior;

L. occurrences of infectious diseases and action taken relative to same when a medical authority has determined that the inmate must be isolated from other inmates; and

M. reporting of all incidences of notice of intent to file litigation against the facility resulting from matters related to the detention or incarceration of an inmate.

Unusual occurrences shall be reported on forms provided by the Department of Corrections. In the event of an emergency such as serious illness, accident, or imminent death, individuals so designated by the inmate shall be notified. Permission for notification is to be obtained from the inmate prior to need, if possible.

Subp. 5. **Inmate death.** A facility shall develop a written policy and procedure to specify actions to be taken in the event of an inmate death. When an inmate death occurs: (Mandatory)

A. the date, time, and circumstances of the inmate's death shall be recorded in the inmate's record;

B. if the inmate dies in the facility, the coroner or medical examiner's office shall be notified;

C. personal belongings shall be handled in a responsible and legal manner;

D. records of a deceased inmate shall be retained for a period of time according to law;

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

F. in the event the death involves a "vulnerable adult" notification procedures shall be followed in a manner consistent with statutory requirements.

#### **FOOD SERVICE**

#### **2911.3800 FOOD HANDLING PRACTICES.**

Food service shall be provided according to Minnesota Department of Health, parts 4625.2401 to 4625.4701. (Mandatory)

#### **2911.3900 DIETARY ALLOWANCES.**

Subpart 1. **Generally.** Nutritional needs of inmates shall be met in accordance with their needs or physician's orders, and meet the dietary allowances contained in this part. A facility governed by this chapter shall have menu planning sufficient to provide each inmate the specified food servings per day contained in subparts 2 to 9. (Mandatory)

Subp. 2. **Meat or protein.** Two or more services per day of meat or protein shall be provided. A serving of meat or protein is defined as:

A. two to three ounces cooked (equivalent to three to four ounces raw) of any meat without bone, such as beef, pork, lamb, poultry, and variety meats such as liver, heart, and kidney;

B. two slices prepared luncheon meat;

C. two eggs;

D. two to three ounces of fresh or frozen cooked fish or shellfish, or one-half cup canned fish;

E. one-half cup cooked navy beans plus one ounce of animal protein; or

F. three ounces of natural or processed cheese or three-fourths cup of cottage cheese, not to exceed six ounces per week as a meat alternate.

Subp. 3. **Milk.** Two or more servings per day of milk shall be provided. A serving is defined as eight ounces (one cup) of milk. A portion of this amount may be served in cooked form, such as cream soups or desserts. The following substitutes may be used:

A. one ounce of American cheese for three-fourths cup milk;

B. one-half cup creamed cottage cheese for one-third cup milk; or

C. one-half cup ice cream for one-fourth cup milk.

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**Subp. 4. Vegetables.** Two or more servings per day of vegetables shall be provided. One serving of a vitamin A source must be served four times per week. A serving is defined as one-half cup. Potatoes may be included once daily as a vegetable.

Vitamin A sources include: apricots, cantaloupe, carrots, mixed vegetables with carrots, winter or yellow squash, sweet potatoes or yams, spinach, greens (collard, kale, chard, mustard, beet or turnip), liver (counted under meat), or broccoli.

**Subp. 5. Fruit.** Two or more servings per day of fruit, one of which is citrus, for example, orange, grapefruit, or tomato, or other good source of vitamin C shall be provided. A serving of citrus fruit or tomato is defined as:

- A. one medium orange or four ounces of orange juice;
- B. one-half grapefruit or four ounces of grapefruit juice; or
- C. one large tomato or eight ounces of tomato juice.

**Subp. 6. Bread or cereal.** Five or more servings per day of whole grain or enriched cereal and bread products shall be provided. A serving is defined as:

- A. one slice of bread;
- B. one-half cup cooked cereal;
- C. three-fourths cup dry cereal; or
- D. one-half cup macaroni, rice, noodles, and spaghetti.

**Subp. 7. Dairy.** Servings of butter, fortified margarine, cream, or salad oil in moderate amounts shall be used to make food palatable.

**Subp. 8. Additional servings.** Additional servings of the foods in subparts 2 to 7 may be used, or the following foods added, to meet caloric needs: soups; sweets, such as desserts, sugar, and jellies; or other fats, such as bacon, cream, and salad dressings.

**Subp. 9. Substitutes.** Substitutes to accommodate religious diets may include, but need not be limited to beef, turkey, cheese, tuna, or peanut butter.

### **2911.4000 ANNUAL FOOD SERVICE REVIEW.**

A facility's menu content and cycle shall be reviewed at least once annually by a registered dietitian or nutritionist to ensure compliance with part 2911.3900. (Mandatory)

The review and findings shall be documented and on file.

### **2911.4100 FREQUENCY OF MEALS.**

**Subpart 1. Evening meal.** There shall not be more than 14 hours between a substantial evening meal and breakfast. A substantial evening meal is classified as a serving of three or more menu items at one time to include a high quality protein such as meat, fish, eggs, or cheese. The meal shall represent no less than 20 percent of the days total nutrition requirements. (Mandatory)

**Subp. 2. Snack.** If a nourishing snack is provided at bedtime, up to 16 hours may elapse between the substantial evening meal and breakfast. A nourishing snack is classified as a combination of two or more food items from two of the four food groups, such as cheese and crackers, or fresh fruit and cottage cheese.

**Subp. 3. Three meals.** Where inmates 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. Variations may be allowed based on weekend and holiday food service demands provided basic nutritional goals are met. As an example, a facility may provide a brunch on Saturdays, Sundays, or holidays in lieu of separate breakfast and lunch meals.

### **2911.4200 THERAPEUTIC DIETS.**

A facility housing inmates in need of medically prescribed therapeutic diets shall have documentary evidence that the diets are provided as ordered by the attending physician. (Mandatory)

### **2911.4300 RELIGIOUS DIETS.**

A facility shall develop a written policy and procedure that provides for special diets for inmates whose religious beliefs require adherence to religious dietary laws.

### **2911.4400 USE OF FOOD IN DISCIPLINE.**

Food shall not be withheld as punishment. (Mandatory)

### **2911.4500 SUPERVISION OF MEAL SERVING.**

Meals shall be served under the direct supervision of staff. (Mandatory)

**2911.4600 MENU RECORDS.**

Records of menus and of foods purchased shall be filed for one year. All menus are planned, dated, and available for review at least one week in advance. Notations are made of any substitutions in the meals actually served, and substitutions shall be of equal nutritional value. (Mandatory)

**2911.4700 HOT MEAL MINIMUM.**

One of the three meals served daily shall be a hot meal.

**2911.4800 CANTEEN.**

Subpart 1. List of approved canteen items to be purchased by staff member at local staff store. Class II to Class VI facilities with approved capacities of 50 or less, shall provide inmates 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.

Subp. 2. Facilities that must operate canteen in facility. A facility with approved capacities over 50, shall establish, maintain, and operate a canteen in the facility.

Subp. 3. Class I facilities exempted. Class I facilities are not required to provide canteen services.

Subp. 4. Canteen. A written policy and procedure shall provide for inmate purchase of approved items not furnished by the facility.

**SECURITY**

**2911.4900 SECURITY POLICIES AND PROCEDURES, GENERAL.**

A facility shall develop a written policy and procedure for security and control, including procedures for emergencies that are contained in a manual which is available to all staff and is reviewed annually and updated as needed.

**2911.5000 POST ORDERS.**

Subpart 1. Post orders. There shall be written orders for every security post that are reviewed annually and updated if necessary.

Subp. 2. Accountability. A written policy and procedure shall require that personnel read, sign, and date the appropriate post orders at the time they assume a new post.

Subp. 3. Security post records. Custodial staff members shall maintain a permanent record and prepare shift reports that document routine and emergency situations and unusual incidents.

**2911.5100 ADMISSIONS.**

Subpart 1. Policies and procedures. A facility shall develop written policies and procedures for admitting new inmates to the facility to include, at a minimum, the following: (Mandatory)

A. verification of court commitment papers or other legal documentation of detention;

B. a search of the inmate and the inmate's possessions;

C. inventory and storage of the inmate's personal property;

D. initial medical screening to include an assessment of the inmate's health status, including any medical or mental health needs;

E. telephone calls made by the inmate during the booking and admission process and prior to assignment to other housing areas;

F. shower and hair cleansing;

G. issue of bedding, clothing, and personal hygiene items according to the rule requirements applicable to the anticipated length of stay of the inmate;

H. photographing and fingerprinting including notation of identifying marks or unusual characteristics such as birthmarks or tattoos;

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- I. interviewing to obtain the following identifying data:
  - (1) name and aliases of person;
  - (2) current address, or last known address;
  - (3) date of admission and duration of confinement;
  - (4) health insurance information;
  - (5) specific charges;
  - (6) gender;
  - (7) age;
  - (8) date of birth;
  - (9) place of birth;
  - (10) race;
  - (11) present or last place of employment;
  - (12) emergency contact (name, relation, address, and telephone number);
  - (13) driver's license or state identification number; and
  - (14) additional information concerning special custody requirements or special needs;
- J. initial classification of the inmate and assignment to a housing unit;
- K. an assigned booking number; and
- L. social security number.

Subp. 2. **Privacy.** Intake procedures dealing with information protected by the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, shall be conducted in a manner and location that assures the personal privacy of the inmate and the confidentiality of the transaction from unauthorized personnel. (Mandatory)

Subp. 3. **Orientation to rules and services.** A facility shall develop a written policy and procedure that provides:

- A. all newly admitted inmates receive orientation information in a language they can understand; and
- B. completion of orientation is documented by a statement that is signed and dated by the inmate.

Subp. 4. **Inmate personal property.** A facility shall develop a written policy and procedure that provides for the written, itemized inventory of all personal property of newly admitted inmates and secure storage of inmate property, including money and other valuables.

The inmate shall receive a receipt for all property held until release.

A facility shall develop a written policy and procedure that specifies the personal property inmates can retain in their possession.

### **2910.5200 RELEASES.**

Subpart 1. **Release procedures.** A facility shall develop written procedures for releasing inmates that include, but is not limited to, the following: (Mandatory)

- A. verification of identity;
- B. verification of authority to release;
- C. upon release of an inmate, the property shall be returned to the inmate with a receipt for the inmate to sign, unless the property is held for authorized investigation or litigation; and
- D. arrangements shall be made for completion of any pending action, such as grievances, or claims for damaged or lost possessions.

Subp. 2. **Transportation.** An inmate shall be permitted to make arrangements for transportation prior to release.

Subp. 3. **Release in severe weather.** No inmate shall be released in severe weather in such a manner as to endanger the inmate's health, safety, or well-being.

**2911.5300 SEARCHES, SHAKEDOWNS, AND CONTRABAND CONTROL.**

Subpart 1. **Contraband control.** The facility administrator shall develop a written policy and procedure which provides for searches of facilities and inmates to control contraband and provide for its disposition. (Mandatory)

Subp. 2. **Body searches.** A facility shall develop a written policy and procedure which provides for strip, pat, body cavity, and inmate property searches in accordance with law. (Mandatory)

Subp. 3. **Visitors.** A facility shall develop a written policy and procedure which will specify the circumstances under which visitors are searched. Visitors who seek to enter the security perimeter of the facility shall not be permitted admission if they refuse to submit to a requested search. (Mandatory)

Subp. 4. **Daily inspections.** The facility shall be inspected at least daily for contraband, evidence of breeches in security, and inoperable security equipment. (Mandatory)

Subp. 5. **Delivery inspection.** Materials delivered to or transported from the facility's security perimeter shall be inspected for contraband prior to distribution. (Mandatory)

**2911.5400 LOCKS AND KEYS.**

Subpart 1. **General.** Keys to security locks shall be properly tagged and stored in a secure cabinet within a secure area, and out of reach of the inmates or the public. (Mandatory)

At least one complete functional set of facility keys shall be kept on hand for replacement or emergency purposes.

Keys that serve a critical security purpose shall be easily identifiable and never issued except upon order of the facility administrator or person in charge, and according to established procedure

No security keys shall be made available to inmates regardless of status.

Subp. 2. **Lock policy.** A facility shall develop a written policy and procedure which requires that all security perimeter entrances, control center doors, and cell block doors are kept locked, except when used for admission or exit of employees, inmates, or visitors, and in an emergency. A facility equipped with a sally port shall ensure that only one of the doors of a sally port is opened at any point in time for entry or exit purposes. (Mandatory)

Subp. 3. **Regular testing.** Locks to security doors or gates shall be tested for proper function at least weekly to ensure proper operation. (Mandatory)

Subp. 4. **Inoperable locks.** No lock to a security door or gate shall be permitted to be inoperable or left in an unsuitable condition. (Mandatory)

No inmate shall be secured in a cell, detention room, or area which has inoperable locks. (Mandatory)

Subp. 5. **Keys.** A facility shall develop a written policy and procedure which governs the control and use of keys. (Mandatory)

**2911.5500 DANGEROUS MATERIALS.**

A facility shall develop a written policy and procedure which ensures that materials dangerous to either security or safety shall be properly secured. (Mandatory)

Storage and use of flammable, toxic, and caustic materials shall be in accordance with all applicable laws and regulations of governing jurisdictions.

The policy will cover control and use of tools, and culinary and medical equipment.

**2911.5600 SECURITY EQUIPMENT.**

Subpart 1. **Equipment.** The issue, storage, and use of security equipment shall be governed by written policy and procedure to include the following: (Mandatory)

A. availability, control, and use of firearms, ammunition, chemical agents, and related security devices; and

B. that firearms, ammunition, chemical agents, and related security equipment are stored in a secure readily accessible depository located outside inmate housing and activity areas, and inventoried at least monthly to determine their condition and expiration date.

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**Subp. 2. Weapons.** A facility shall develop a policy and procedure governing the use of firearms and include the following requirements:

A. weapons must be subjected to stringent safety regulations and inspection;

B. there shall be a secure weapons locker located outside the security perimeter of the facility; and

C. except in an emergency situation, firearms and weapons such as night sticks are permitted only in designated areas to which inmates have no access.

**Subp. 3. Training.** A facility policy shall ensure that all personnel authorized to use firearms, chemical agents, or other weaponry are trained in their use on a continuing, in-service basis.

**Subp. 4. Record.** The facility shall maintain a written record of emergency distribution of security equipment.

**Subp. 5. Reports.** A facility policy and procedure shall be developed which requires personnel discharging firearms, using chemical agents, or any other weapon, or using force to control inmates; to submit written reports to the facility administrator or designee, no later than conclusion of the tour of duty.

**Subp. 6. Security inspection.** The facility shall develop a written policy and procedure to require the facility administrator or designee to inspect all areas within the security perimeter, security devices, and equipment at least monthly and initiate corrective action if needed.

### **2911.5700 COUNT PROCEDURE CHECK.**

**Subpart 1. Counting.** A facility shall have a written policy describing the system of counting inmates. (Mandatory)

Formal counts shall be completed with an official entry made in the daily log at least once each eight hours.

The facility shall maintain a system which identifies the whereabouts of all inmates in custody and includes a system of accountability for inmates approved for temporary absences from their assigned housing units.

A written policy and procedure shall provide that staff regulate inmate movement.

**Subp. 2. Well-being.** A facility shall have a system providing for well-being checks of inmates. (Mandatory)

A written policy and procedure shall provide that all inmates are personally observed by a custody staff person at least once every 30 minutes. Thirty-minute checks should be staggered.

More frequent observation is required for those inmates of a special need classification who may be harmful to themselves. As examples, those classified as potentially suicidal, those classified as mentally ill, or those experiencing withdrawal from drugs or alcohol.

### **ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION**

### **2911.5800 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES.**

**Subpart 1. Availability of resources, general.** Under the direction of a health authority, a facility shall develop a written policy and procedure which provides for the delivery of health care services, including medical, dental, and mental health services.

**Subp. 2. Health care.** Medical, dental, and mental health matters involving clinical judgments are the sole province of the responsible physician, dentist, and psychiatrist or qualified psychologist respectively; however, security regulations applicable to facility personnel also apply to health personnel. (Mandatory)

**Subp. 3. Health care policy review.** Facility policy shall ensure that each policy, procedure, and program in the health care delivery program is reviewed at least annually under the direction of the health authority and revised as necessary. Review and revision of each policy, procedure, and program shall be documented.

**Subp. 4. Emergency health care.** A facility shall develop a written policy and procedure which requires that the facility provide 24-hour emergency care availability as outlined in a written plan, which includes provisions for the following arrangements: (Mandatory)

A. emergency evacuation of the inmate from within the facility;

B. use of an emergency medical vehicle;

C. use of one or more designated hospital emergency rooms or other appropriate health facilities;

D. emergency on-call physician and dental services when the emergency health facility is not located in a nearby community; and

E. security procedures that provide for the immediate transfer of inmates when appropriate.

**Subp. 5. Health care liaison.** In a facility without full-time qualified health care personnel, a designated staff member may act as liaison to coordinate the health care delivery in the facility under the direction of the health authority.



Subp. 6. **Medical screening.** A facility shall develop a written policy and procedure which requires that medical screening is performed by trained staff on all inmates on admission to the facility. The findings are to be recorded in a manner approved by the responsible physician. The screening process shall include procedures relating to: (Mandatory)

A. Inquiry into:

- (1) current illness and health problems, including dental problems, sexually transmitted diseases, and other infectious diseases;
- (2) medication taken and special health requirements;
- (3) use of alcohol and other drugs which include types of drugs used, mode of use, amounts used, frequency used, date or time of last use, and history of problems that may have occurred after ceasing use, for example, convulsions;
- (4) past and present treatment or hospitalization for mental illness or attempted suicide; and
- (5) other health problems designated by the responsible physician.

B. Observations of:

- (1) behavior which includes state of consciousness, mental status, appearance, conduct, tremor, and sweating; and
- (2) body deformities, trauma markings, bruises, lesions, and jaundice.

C. Disposition to:

- (1) general population;
- (2) general population and referral to appropriate health care service;
- (3) referral to appropriate health care service on an emergency basis; and
- (4) other.

Subp. 7. **Health appraisal.** A facility shall develop a written policy and procedure which requires that a health appraisal for each inmate is provided within 14 days of admission. The health appraisal includes the following:

- A. review of the receiving screening in subpart 6;
- B. collection of additional data to complete the medical, dental, psychiatric, and immunization histories;
- C. recording of height, weight, pulse, blood pressure, and temperature;
- D. administration of other tests and examinations as appropriate; and
- E. initiation of treatment when appropriate.

Subp. 8. **Health complaints.** A facility shall develop a written policy and procedure which requires that inmates' health complaints are acted upon daily by health-trained staff, followed by triage and treatment by health care personnel if indicated. (Mandatory)

Subp. 9. **Sick call.** A facility shall develop a written policy and procedure which requires that there is a continuous response to health care requests and that sick call, conducted by a physician or other health care personnel is available to each inmate as follows:

- A. in small facilities of less than 50 inmates, sick call is held once per week at a minimum;
- B. in medium sized facilities of 50 to 200 inmates, sick call is held at least three days per week;
- C. in facilities of over 200 inmates, sick call is held a minimum of five days per week; and
- D. if an inmate's custody status precludes attendance at sick call, arrangements are made to provide sick call services in the place of the inmates detention.

Subp. 10. **Infirmary.** Operation of an infirmary within a facility: male and female inmates may be housed in separate rooms in a common infirmary area. Direct staff supervision of the infirmary must be provided at all times when male and female inmates reside in the infirmary.

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Subp. 11. Examinations. Examinations, treatments, and procedures affected by informed consent standards governed by state or federal law shall be observed for inmate care. (Mandatory)

The informed consent of the parent, guardian, or legal custodian must be obtained when required by law.

Where health care treatment must be provided against an inmate's will, it must be provided according to law.

Subp. 12. Ambulance services. Ambulance services shall be available on a 24-hour-a-day basis. (Mandatory)

### **2911.5900 POSTING OF AVAILABLE RESOURCES.**

A listing of telephone numbers of the medical, dental, mental health, and ambulance services available shall be posted at the facility's primary staff control station along with a schedule of availability. (Mandatory)

### **2911.6000 FIRST AID.**

Subpart 1. Training of personnel. Custody personnel responsible for the supervision, safety, and well-being of prisoners shall be trained in emergency first aid.

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

Subp. 3. Medical and dental records. A facility shall record all complaints of illness or injury and actions taken. Medical or dental records shall be maintained on prisoners under medical or dental care. Included in the records shall be (mandatory):

- A. the limitations and disabilities of the prisoner;
- B. instructions for prisoner care;
- C. orders for medication including stop date;
- D. any special treatment or diet;
- E. activity restriction; and
- F. times and dates when the prisoner was seen by medical personnel.

Medical and dental records shall be available to staff for consultation in case of illness and for recording administration of medications.

### **2911.6100 TRAINING.**

Subpart 1. Training of personnel. By policy and procedure a training program will be established by the facility administrator in cooperation with the responsible physician, that provides instruction in the following areas: (Mandatory)

- A. recognition of signs and symptoms of illness and knowledge of action required in potential emergency situations;
- B. administration of first aid and cardiopulmonary resuscitation (CPR). Recertification training shall occur as required with respect to first aid and CPR. The training shall be documented;
- C. methods of obtaining assistance;
- D. recognition of signs and symptoms of mental illness, retardation, emotional disturbance, and chemical dependency; and
- E. Procedures for inmate transfers to appropriate medical facilities or other health care providers.

Subp. 2. First aid kit. Facility policy shall indicate that first aid kits are available in designated areas of the facility as approved by the responsible physician. (Mandatory)

### **2911.6200 MEDICAL AND DENTAL RECORDS.**

Subpart 1. Release of information consent forms. Release of information consent forms must comply with applicable federal and state regulations. (Mandatory)

Subp. 2. Data practices. The medical record file shall be maintained according to the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13. (Mandatory)

Subp. 3. Available information. Medical record file information available to health-trained staff and custody personnel shall minimally include summary medical information provided by the responsible physician or health care personnel which ensures sufficient detail to allow health-trained staff persons or other custody personnel to ensure medical care of inmates in their custody in a manner consistent with that prescribed by the responsible physician or health care personnel.

Subp. 4. Information accuracy. The facility administrator and responsible physician shall establish a policy and procedure which ensures that information required in subpart 3, is accurate, current, and provided in a manner which minimizes the possibility of error in implementation of medical orders.

Subp 5. **Sharing information.** The responsible physician or health care personnel shares with the facility administrator information regarding an inmate's medical management, security, and ability to participate in programs.

Subp. 6. **Transfer of records.** A facility shall develop a written policy and procedure regarding the transfer of health records and information that establishes the following requirements: (Mandatory)

A. Summaries or copies of the health record must be sent to the facility to which the inmate is transferred. Upon the request and written authorization of the inmate, physicians or medical facilities in the community shall be provided health record information.

B. The facility administrator or designee, which may include the responsible physician, health care personnel, or health-trained staff of the facility from which the inmate is being transferred, shall minimally share with the facility administrator of the facility designated to receive the inmate, information regarding the inmate's medical management, security, and ability to participate in programs. In the absence of informed consent forms signed by the inmate involved, the information may be provided in summary manner to ensure a level of medical care consistent with the inmate's needs.

#### **2911.6300 PREVENTIVE HEALTH SERVICES.**

Subpart 1. **Written plan for personal hygiene.** The facility administrator shall develop and implement a written plan for personal hygiene practices of all inmates with special assistance for those inmates who are unable to care for themselves. A written policy and procedure shall require that articles needed for personal hygiene are available to all inmates, and include at a minimum, the following:

- A. soap;
- B. toothbrush;
- C. toothpaste or powder;
- D. shampoo;
- E. shaving equipment on request;
- F. materials as appropriate to the special hygiene needs of women;
- G. comb; and
- H. toilet paper. (Mandatory)

Subp. 2. **Delousing materials.** Delousing materials and procedures shall be approved through consultation with the responsible physician or health care personnel. (Mandatory)

Subp. 3. **Bathing or showering.** Each inmate shall be permitted daily bathing or showering. (Mandatory)

Subp. 4. **Indigent inmates.** An indigent inmate shall receive personal hygiene items in subpart 1 at facility expense. (Mandatory)

#### **2911.6400 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.**

Subpart 1. **Plan for storage, delivery, administration, and control of medicine.** A facility administrator shall, in consultation with the responsible physician, develop a written policy and procedure for the secure storage, delivery, administration, and control of medicine.

#### **2911.6500 STORAGE.**

Subpart 1. **Locked area.** Medicine shall be stored in a locked area. The storage area shall be kept locked when not in use by authorized staff. (Mandatory)

Subp. 2. **Refrigeration.** Medicine requiring refrigeration shall be refrigerated and secured. (Mandatory)

Subp. 3. **Access.** Inmates shall not be permitted access to medicine storage. Only health-trained staff or health care personnel shall have access to keys for the medicine storage area. (Mandatory)

Subp. 4. **Drugs.** Stock supplies of legend (prescription-type) drugs shall not be maintained. Prescription medicine shall be kept in its original container, bearing the original label. Poisons, and medicine intended for external use, shall be clearly marked. (Mandatory)

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## Proposed Rules

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Subp. 5. **Controlled substances.** There shall be a procedure for maximum security storage of and accountability for controlled substances. (Mandatory)

Subp. 6. **Needles.** Needles, syringes, lancets, and other sharp equipment and supplies shall be accounted for and secured in a locked area. (Mandatory)

### **2911.6600 DELIVERY.**

Subpart 1. **Delivering medication.** A person delivering medication must do so under the direction of the responsible physician or health care personnel. (Mandatory)

Subp. 2. **Training.** Only persons who have received training appropriate to this assignment may deliver medication. (Mandatory)

Subp. 3. **Refresher training.** A person delivering medication shall receive refresher training a minimum of once every three years. (Mandatory)

Subp. 4. **Documentation.** Initial and refresher training must be documented. (Mandatory)

Subp. 5. **Recording deliveries.** A person responsible for delivering medications shall do so according to orders, and record the delivery of medications in a manner and on a form approved by the health care authority. (Mandatory)

Subp. 6. **Deliveries by health-trained staff.** Medicine shall be delivered to inmates by health-trained staff. The inmate will administer the inmates medication under staff supervision. (Mandatory)

Subp. 7. **Identification procedures.** There shall be a written procedure for the identification of the recipient of the medicine. (Mandatory)

Subp. 8. **Oral ingestion procedures.** There shall be procedures for confirming that medicine delivered for oral ingestion has been ingested. (Mandatory)

Subp. 9. **Adverse reaction reports.** There shall be procedures for health-trained staff to report to the responsible physician, prescribing physician, or health care personnel any adverse reactions to drugs. The adverse reaction to a drug shall be documented. (Mandatory)

Subp. 10. **Refusal of prescribed drugs.** There shall be procedures for reporting an inmate's refusal of prescribed medicine to the attending physician, responsible physician, or health care personnel on the first occasion of such medication refusal. The refusal and directives by the attending physician, responsible physician, or health care personnel shall be documented. (Mandatory)

Subp. 11. **No drug deprivation punishment.** There shall be procedures for ensuring that no inmate shall be deprived of prescribed medicine as a means of punishment. (Mandatory)

Subp. 12. **Inmate medicine delivery prohibited.** There shall be procedures which prohibit the delivery of medicine by inmates. (Mandatory)

Subp. 13. **Dosage procedures.** There shall be procedures requiring that the attending physician, responsible physician, or health care personnel be contacted for instructions prior to the next prescribed medicine dosage time for all newly admitted inmates who are either in possession of prescribed medicine or indicate a need for prescribed medicine. (Mandatory)

Subp. 14. **Expiration of drug order.** There shall be a procedure for notifying the attending physician, responsible physician, or health care personnel of the impending expiration of a drug order so that it can be determined whether the drug should be continued or altered. (Mandatory)

Subp. 15. **Nonlegend medicine.** Nonlegend (nonprescription) medicine available to inmates will be approved by the responsible physician or health care personnel. Delivery of nonlegend (nonprescription) medicine by custody staff shall be documented. (Mandatory)

### **2911.6700 ADMINISTRATION.**

Subpart 1. **Injection.** Medication administered by injection shall be given by a physician or health care personnel. (Mandatory)

Subp. 2. **Insulin.** Under physician or health care personnel order, insulin-dependent diabetic inmates shall be permitted to self-administer insulin under direct health-trained staff supervision. (Mandatory)

Subp. 3. **Topical medication.** Topical medications, as well as eye or ear drops, may be permitted for inmate self-administration as directed by health-trained staff. (Mandatory)

**2911.6800 CONTROL.**

Subpart 1. **Records.** Records of receipt, the quantity of such drugs, and the disposition of all legend drugs shall be maintained in sufficient detail to enable an accurate accounting. (Mandatory)

Subp. 2. **Verifying legend drugs.** There shall be procedures for verifying legend drugs not prescribed by the facility physician. (Mandatory)

Subp. 3. **Prescribed medication.** Prescribed medication shall be given to an inmate or to the appropriate authority upon transfer or release, unless the attending physician decides that in the medical interest of the inmate the drugs should not be released with the inmate. The action taken shall be documented. (Mandatory)

Subp. 4. **Destruction of medication.** There shall be written procedures for the destruction of medication on expiration dates or when retention is no longer necessary or suitable, consistent with Minnesota Board of Pharmacy requirements. (Mandatory)

**2911.6900 MEDICAL RESEARCH.**

The use of inmates for medical, pharmaceutical, or cosmetic experiments is prohibited. (Mandatory)

**2911.7000 TUBERCULOSIS SCREENING; SEPARATION OF INMATES WITH INFECTIOUS DISEASE.**

Subpart 1. **Separation.** A facility shall develop a written policy and procedure which will address the management of serious and infectious diseases. This policy and procedure shall be updated as new information becomes available. (Mandatory)

Subp. 2. **Screening.** Employees and inmates shall be screened for tuberculosis according to *Minnesota Statutes*, section 144.445. The Department of Corrections adopts by reference Minnesota Department of Health requirements for tuberculosis screening of employees and inmates in facilities governed by this chapter. (Mandatory)

**2911.7100 INMATES WITH SPECIAL NEEDS.**

Subpart 1. **Postadmission screening.** The facility written policy and procedure shall require postadmission screening and referral for care of inmates with special needs, whose adaptation to the correctional environment is significantly impaired. (Mandatory)

Subp. 2. **Inmates with special needs.** For the purposes of this part, an inmate with special needs shall include, but need not be limited to, those with functional impairments, those defined as mentally ill, those defined as mentally retarded, those defined as chemically dependent, those defined as mentally ill and dangerous to the public, and those defined as individuals with disabilities.

Subp. 3. **Special needs inmate.** A policy and procedure shall be developed for the management of inmates with special needs and shall include: (Mandatory)

A. Procedures which require referral for emergency admission under *Minnesota Statutes*, chapter 253B, of persons considered to be mentally ill or mentally retarded, and in imminent danger of injuring self or others if not immediately restrained.

B. Procedures for accessing and using emergency services according to *Minnesota Statutes*, chapter 253B, for adults who are experiencing an emotional crisis or mental illness.

C. The facility shall have a written suicide prevention and intervention plan.

**2911.7200 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.**

Subpart 1. **General.** A facility shall develop a policy and procedure which indicates that the facility shall be kept in good repair to protect the health, comfort, safety, and well-being of inmates and staff. (Mandatory)

Subp. 2. **Maintenance plan.** A written housekeeping plan for all areas of the physical plant provides for daily housekeeping and regular maintenance by assigning specific duties and responsibilities. Facility floors are kept clean, dry, and free of hazardous substances. A written policy and procedure shall establish the following requirements:

A. weekly sanitation inspections of all institution areas by a designated staff member;

B. there is documentation that deficiencies, if any, have been corrected; and

C. compliance with applicable laws and regulations of the governing jurisdiction as documented by an annual health inspection. (Mandatory)

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## Proposed Rules

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Subp. 3. Department rules. Plumbing, sewage disposal, solid waste disposal, and plant maintenance conditions must comply with rules required by the Minnesota State Building Code, the Minnesota Fire Marshal's Office, the Minnesota Department of Health, the Minnesota Department of Labor and Industry (O.S.H.A.), and other departmental rules having the force of law. (Mandatory)

Subp. 4. Plan. A facility shall establish a plan for the daily inspection of housekeeping, sanitation, and plant maintenance. (Mandatory)

Subp. 5. Cost list of needed supplies and repairs. The facility administrator shall submit to the governing body a list of repairs and supplies needed in order to maintain the facility. This shall be done on a monthly basis or as part of the annual budget. (Mandatory)

### **2911.7300 FIRE INSPECTION.**

Subpart 1. Annual inspection. Each facility shall by policy require that a fire inspection of the facility must be conducted in accordance with the applicable fire code on an annual basis by a state fire marshal or local fire official. (Mandatory)

Subp. 2. Documentation. Documentation of the inspection and any orders resulting from the inspection must be maintained and available to the department.

Subp. 3. Sanction. Failure to comply with the applicable fire code and safety requirements will result in the commissioner's denial of approval to continue facility operation.

Subp. 4. Weekly inspection. There shall be an applicable fire code and safety inspection of the institution at least weekly by a designated staff member.

Subp. 5. Fire alarm requirements. There shall be a fire alarm and automatic detection system required, as approved by the authority having jurisdiction, or a plan for addressing these or other deficiencies within a reasonable time. The authority may approve any variances, exceptions, or equivalencies.

### **2911.7400 POLICIES AND PROCEDURES TO DETECT DETERIORATION OF BUILDING AND EQUIPMENT.**

The facility administrator shall develop policies and procedures designed to detect building and equipment deterioration, safety hazards, and unsanitary conditions. Policies and procedures shall include requirements that facility staff report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs; and documentation that appropriate work orders or requests for budget resources to affect needed repair, replacement, or corrections have been made.

### **2911.7500 ELIMINATION OF CONDITIONS CONDUCTIVE TO VERMIN AND PESTS.**

Facility policy shall ensure that there is a written plan for the control and elimination of vermin and pests. (Mandatory)

### **2911.7600 WASTE DISPOSAL.**

Facility policy shall ensure that the facility provides for a waste disposal system, according to an approved plan by the appropriate regulatory agency. (Mandatory)

**REPEALER.** Minnesota Rules, parts 2910.0100; 2910.0200; 2910.0300; 2910.0400; 2910.0500; 2910.0600; 2910.0700; 2910.0800; 2910.0900; 2910.1000; 2910.1100; 2910.1200; 2910.1300; 2910.1400; 2910.1500; 2910.1600; 2910.1700; 2910.1800; 2910.1900; 2910.2000; 2910.2100; 2910.2200; 2910.2300; 2910.2400; 2910.2500; 2910.2600; 2910.2700; 2910.2800; 2910.2900; 2910.3000; 2910.3100; 2910.3200; 2910.3300; 2910.3400; 2910.3500; 2910.3600; 2910.3700; 2910.3800; 2910.3900; 2910.4000; 2910.4100; 2910.4200; 2910.4300; 2910.4400; 2910.4500; 2910.4600; 2910.4700; 2910.4800; 2910.4900; 2910.5000; 2910.5100; 2910.5200; 2910.5300; 2910.5400; 2910.5500; 2910.5600; 2910.5700; 2910.5800; 2910.5900; 2910.6000; 2910.6100; 2910.6200; and 2910.6300, are repealed.

## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

### Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

### Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## Minnesota Pollution Control Agency

### Air Quality Division

#### Adopted Permanent Rules Relating to Air Quality; Standards of Performance for Stationary Sources

The rules proposed and published at *State Register*, Volume 22, Number 42, pages 1861-1876, April 20, 1998 (22 SR 1861), are adopted as proposed.

## Department of Public Service

#### Adopted Permanent Rules Relating to the Energy Code

The rules proposed and published at *State Register*, Volume 22, Number 20, pages 771-880, November 17, 1997 (22 SR 771); and Volume 22, Number 29, page 1259, January 20, 1998 (22 SR 1259), are adopted with the following modifications:

**7670.0100 AUTHORITY; SCOPE; APPLICABILITY.** [Withdrawn at 23 S.R. 145]

**7670.0325 DEFINITIONS.** [Withdrawn at 23 S.R. 145]

**7670.0610 BUILDING MECHANICAL SYSTEMS.** [Withdrawn at 23 S.R. 145]

**7670.0800 ELECTRICAL POWER AND LIGHTING.** [Withdrawn at 23 S.R. 145]

**7670.1115 EFFECTIVE DATES.** [Withdrawn at 23 S.R. 145]

**7672.0300 MATERIALS AND EQUIPMENT.**

Subp. 2. **Plans and specifications.** Plans, specifications, and either calculations or compliance forms must demonstrate compliance with all requirements of this chapter including; ~~but not limited to:~~

**7672.0400 INCORPORATIONS BY REFERENCE.**

Subpart 1. **Incorporated items.** The following standards and references are incorporated by reference:

E. ASTM E1677-95, Standard Specification for an Air Retarder (AR) Material or System for Low-Rise Framed Building Walls;

E. CAN/CSA-439-88, Standard Methods of Test for Rating the Performance of Heat Recovery Ventilators, Canadian Standards Association;

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## Adopted Rules

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~~F. G.~~ CGSB Standard 51.71, The Spillage Test, Canadian General Standards Board;

~~H.~~ Children, Families, and Learning Worst Case Draft Test, as published in the State of Minnesota Plan for Weatherization Assistance for Low-Income Persons, March 10, 1997;

~~G. I.~~ HVI Standard 915-10/95, Procedure for Loudness Rating of Residential Fan Products, Home Ventilating Institute;

~~H. J.~~ HVI Standard 916 (April 1995), Airflow Test Standard, Home Ventilating Institute;

~~I. K.~~ Manual J, Load Calculation for Residential Winter and Summer Air Conditioning, 7th ed., Air Conditioning Contractors of America;

~~J. L.~~ The Model Energy Code, 1995 Edition, Chapter 4, as published by the Council of American Building Officials, Falls Church, Virginia;

~~K. M.~~ MNcheck, residential energy code compliance personal computer program published by the Minnesota Department of Public Service;

~~L. N.~~ NFRC 100-91, Procedure for Determining Fenestration Product Thermal Properties (Currently Limited to U-values), and NFRC 100, 1997 ed., Procedure for Determining Fenestration Product U-factors, National Fenestration Rating Council; ~~and~~

~~M. O.~~ UL181A, Duct Sealing for Flexible Ducts, and UL181B, Duct Sealing for Fiberglass Ducts, Underwriters Laboratories, Inc.;

~~P.~~ UL1812, Ducted Heat Recovery Ventilators, Underwriters Laboratories, Inc.; and

~~Q.~~ UL2034, Single and Multiple Station Carbon Monoxide Detectors, Underwriters Laboratories, Inc.

### 7672.0500 DEFINITIONS.

Subp. 2. **Accessible.** "Accessible" means ~~admitting close approach not guarded by locked doors, elevation, or other effective means having access to but which first may require the removal of an access panel, door, or similar obstruction covering the item described.~~

Subp. 4. **Attic bypass.** "Attic bypass" means a passageway where air may pass from a conditioned space to the unconditioned side of a roof or attic. Attic bypasses include; ~~but are not limited to;~~ utility penetrations, interior soffits, openings in top plates, fan penetrations, and light fixture penetrations.

Subp. 7. **Conditioned space.** "~~Conditioned space" means space within a building which is conditioned either directly or indirectly by an energy-using system and is capable of maintaining at least 65 degrees Fahrenheit at winter design conditions or less than 78 degrees Fahrenheit at summer design conditions identified in part 7672.0900, subpart 1.~~

~~Subp. 8.~~ **Efficiency, thermal.** "Efficiency, thermal" means the results of a thermal efficiency test referenced in *Code of Federal Regulations*, title 10, part 430 or 435.

Subp. ~~9.~~ **8. Energy.** "Energy" means the capacity for doing work, taking a number of forms which may be transformed from one into another such as thermal (heat), mechanical (work), electrical, and chemical, in customary units measured in kilowatt-hours (kWh) or British thermal units (Btu).

Subp. ~~10.~~ **9. Fenestration (window, door, or skylight) area.** "Fenestration (window, door, or skylight) area" means the area of a window, door, or skylight equal to the rough opening of the window, door, or skylight, respectively, less installation clearances.

Subp. ~~11.~~ **10. Gross wall area.** "Gross wall area" means the building envelope wall area bounding interior space from grade to the roof/ceiling assembly enclosing conditioned or semiconditioned space, including opaque wall, window, and door area.

For basement walls with an average below-grade area less than 50 percent of the total wall area, including openings, all walls, including the below-grade portion, are included as part of the gross wall area. Windows and doors in basement walls are also included in the gross wall area.

Subp. ~~12.~~ **11. Heat trap.** "Heat trap" means a device for preventing convection in supply and return pipes serving service water heaters and tanks. It includes pipe loop configurations to prevent convection. For water heaters, it does not include mechanical heat traps that are not included as part of the manufacturer's testing and performance rating of the appliance.

Subp. ~~13.~~ **12. Heated slab.** "Heated slab" means slab-on-grade construction in which the heating elements or hot air distribution system is in contact with or placed within the slab or below the slab.

Subp. ~~14.~~ **13. HVAC.** "HVAC" means heating, ventilating, and air conditioning.

Subp. ~~15.~~ **14. HVAC system.** "HVAC system" means a system that provides either collectively or individually the processes of comfort heating, ventilating, or air conditioning within or associated with a building.

Subp. ~~16.~~ **15. Infiltration.** "Infiltration" means the uncontrolled air leakage through cracks and interstices in any building element and around windows and doors of a building caused by the pressure effects of wind or the effect of differences in the indoor and outdoor air density.



Subp. ~~47-~~ 16. **Interior air barrier.** “Interior air barrier” means a material or combination of materials which are durable and installed at the warm side of the building envelope and continuously sealed to resist the passage of air and airborne moisture from a conditioned or semiconditioned space into the building envelope. Acceptable air barrier materials include; ~~but are not limited to;~~ supported four mil polyethylene, gypsum board, wood products, rigid insulation, plastic, metal, sealed concrete products, and any air impermeable material that qualifies as a draft stop, fire stop, or fire block.

Subp. ~~48-~~ 17. **Manual.** “Manual” means capable of being operated by personal intervention.

Subp. ~~49-~~ 18. **Power vented appliance.** ~~“Power vented appliance” means that the combustion air comes from inside the building and combustion products are positively conveyed to the outside by means of a dedicated sealed vent.~~

Subp. ~~20-~~ 18. **Readily accessible.** “Readily accessible” means capable of being reached safely and quickly for operation, ~~renewal repair, or inspections~~ inspection, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to ~~the use of portable ladders, chairs, or similar aids~~ access equipment.

Subp. ~~21-~~ 19. **Renewable energy sources.** “Renewable energy sources” means sources of energy, excluding minerals, derived from incoming solar radiation, including natural daylighting and photosynthetic processes, including biomass, from resulting phenomena including wind, waves and tides, and lake or pond thermal differences, and energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

Subp. ~~22-~~ 20. **Roof/ceiling assembly.** “Roof/ceiling assembly” means all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where the assembly is exposed to outdoor air and encloses a conditioned or semiconditioned space.

The gross area of a roof/ceiling assembly consists of the total interior surface of the assembly, including skylights exposed to the conditioned or semiconditioned space.

Subp. ~~23-~~ 21. **Seal.** “Seal” means to secure at all edges, joints, openings, and penetrations of barrier materials in a permanent manner to resist the passage of air and airborne moisture.

Subp. ~~24-~~ 22. **Sealed appliance.** ~~“Sealed appliance” means that the combustion air comes directly from the outdoors via a sealed passageway and combustion products are expelled to the outdoors through an independent sealed vent.~~

Subp. ~~25-~~ 22. **Service water heating.** “Service water heating” means the supply of hot water for domestic or commercial purposes other than space heating.

Subp. ~~26-~~ 23. **Semiconditioned space.** ~~“Semiconditioned space” means space within a building which is conditioned either directly or indirectly by an energy using system to have limited capability of maintaining less than 65 degrees Fahrenheit at winter design conditions or greater than 78 degrees Fahrenheit at summer design conditions, as identified in part 7672.0900, subpart 4.~~

Subp. ~~27-~~ 23. **Thermal resistance or R.** “Thermal resistance” or “R” means the reciprocal of thermal conductance ( $h\text{ ft}^2\text{ }^\circ\text{F/Btu}$ ).

Subp. ~~28-~~ 24. **Thermal transmittance, overall or U<sub>o</sub>.** “Thermal transmittance, overall” or “U<sub>o</sub>” means the overall thermal transmittance of an exterior building envelope component, such as a wall, floor, or roof/ceiling. The value of U<sub>o</sub> is calculated by the parallel path heat flow method using the areas and thermal transmittance values of the various elements, such as windows, doors, and opaque surfaces that comprise the gross area of the building component.

Subp. ~~29-~~ 25. **Unconditioned space.** “Unconditioned space” means space within a building which is neither conditioned nor semiconditioned, including outdoor space and spaces within a building with uncontrolled ventilation to outdoors.

Subp. ~~30-~~ 26. **UL181 or equivalent.** “UL181 or equivalent” means a duct sealing product that meets standards UL181A, UL181B, or the UL standard for metal duct sealant. It also means a duct tape with metal foil backing and acrylic or silicone adhesive. It does not mean cloth-backed tape with rubber adhesive.

Subp. ~~31-~~ 27. **Vapor retarder.** “Vapor retarder” means a material or assembly to impede water vapor passage designed to meet a maximum permeability rating of 1.0 grain per hour per square foot per inch Hg pressure differential. Polyethylene material which is used to meet the requirements of this subpart must either be designed to have a minimum thickness of four mils, be cross laminated, or be shown to have the strength and puncture resistance of not less than cross laminated polyethylene.

Subp. ~~32-~~ 28. **Warm side.** “Warm side” means the location within a building envelope element between the interior surface and the winter design condition dew point.

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## Adopted Rules

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Subp. ~~33-29~~. **Wind wash barrier.** "Wind wash barrier" means a material or combination of materials, rigid or flexible, to resist the passage of unconditioned air into the building envelope. ~~Acceptable Wind wash barrier materials must be suitable for exterior conditions; and include exterior sheathing and other approved air barrier materials; and exterior wrap materials. Sealed exterior wrap materials must have a water vapor permeability of not less than five perms. Flexible wind wash barrier materials must meet ASTM E1677.~~

### 7672.0600 MINIMUM ENVELOPE CRITERIA.

Subp. 3. **Wood framed components.** All buildings must be constructed in a manner that provides a continuous, durable interior air barrier on the warm side of the building envelope.

A. Insulated ceilings must have a vertical clearance of not less than ~~7-1/4~~ six inches from the outside edge of the exterior wall top plate to the roof sheathing, and not less than R-19 insulation at the inside edge of the top plate.

Subp. 4. **Interior air barrier.** A sealed, continuous interior air barrier must be installed on the warm side of the building envelope to resist air leakage and movement of moisture into the building envelope at ceilings, walls, and floor rim joist areas.

B. An interior air barrier must be installed at floor rim joist areas.

~~EXCEPTION: An interior air barrier is not required at floor rim joist areas if all HVAC supply and return ducts in the building are sealed according to the installation instructions of a product meeting UL181 or equivalent and penetrations in floor cavities are sealed according to subpart 5.~~

Subp. 5. **Interior air barrier penetrations.**

A. All penetrations installed through an interior air barrier must be sealed ~~at the time of product installation~~ so that a continuous interior air barrier is maintained. All penetrations made prior to framing inspection must be sealed prior to framing inspection, and no work may be covered or made inaccessible without sealing all penetrations.

B. Penetrations that must be sealed include; ~~but are not limited to;~~ piping and ducts, wires and equipment, and flue and chimney penetrations.

Subp. 6. **Vapor retarder requirements.** A vapor retarder must be installed on the warm side of all walls, ceilings, floor rim joist areas, and earth floors of unvented crawl spaces.

~~EXCEPTION: A vapor retarder is not required at floor rim joist areas if all HVAC supply and return ducts in the building are sealed according to the installation instructions of a product meeting UL181 or equivalent and penetrations in floor cavities are sealed according to subpart 5.~~

Subp. 7. **Exterior wind wash barrier.** A barrier must be provided to resist wind wash. Where sealing is required, the wind wash barrier must be caulked, be gasketed, have sealed exterior wrap, or be otherwise sealed in an approved manner to provide a permanent air seal and to prevent entry of wind and wind-driven rain. In wood framing construction, wind wash barrier penetrations must occur through rigid material or approved hardware to enable effective sealing. Penetrations in the wind wash barrier must be sealed prior to covering or making inaccessible so that a continuous wind wash barrier is maintained.

A. A rigid wind wash barrier must be tightly installed at the exterior edge of the exterior wall top plate, extending vertically ~~not less than three inches above the top plate and not less than~~ to the bottom underside of the truss top chord, or for nontruss wood framing to within 3-1/2 inches of the roof deck, or to the top of the required ceiling insulation.

E. A sealed wind wash barrier must be installed ~~to prevent air leakage from garages into~~ between an attached garage and interior conditioned spaces.

### 7672.0700 FENESTRATION PRODUCTS (WINDOWS, DOORS, AND SKYLIGHTS).

Subpart 1. **Thermal performance of windows, doors, and skylights.** All windows must be labeled with their ~~rated infiltration and~~ overall assembly U-value according to this part.

Subp. 2. **Air infiltration.** Fenestration products (windows, doors, and skylights) must have air infiltration rates not exceeding those shown in this subpart. The manufacturer must test ~~door~~ infiltration rates according to ASTM ~~E283-94~~ E283 and window infiltration rates according to applicable industry standards. ~~Infiltration rates for all fenestration products must be disclosed in product literature. A manufacturer's certification that products comply with the infiltration~~ A labeled statement from the manufacturer that the product meets or exceeds the requirements of the 1995 Model Energy Code shall be deemed to comply with these requirements:

A. windows, 0.37 cfm per lineal foot of operable sash crack;

Subp. 3. **Thermal transmittance.** Thermal transmittance of fenestration products (doors, windows, and skylights) must be determined in accordance with item A or B.

A. Thermal performance (U-values) of windows, doors, and skylights must be determined according to the National Fenestration Rating Council Standard 100-91 or 100 (1997 ed.), or equivalent, by an accredited, independent laboratory, and labeled and certified by the manufacturer.

## Adopted Rules

Such certified and labeled values shall be site verifiable and used for purposes of determining compliance with the building envelope requirements of this chapter.

B. If a manufacturer has not determined product U-value according to NFRC standards for a particular product line, compliance with the building envelope requirements of this chapter must be determined by assigning products a default U-value from the U-value default table. Product features must be verifiable for the product to qualify for the default value associated with those features. If the existence of a particular feature cannot be determined with reasonable certainty, the product must not receive credit for that feature. If a composite of materials from two different product types is used, the product U-value must be the higher U-value.

(1) U-value default table for windows, glass doors, and skylights:

Frame/Glazing Features	Double Pane	Double Pane With Low-E Permanent Label on Glass	Triple Pane
	U-value	U-value	U-value
<b>Metal with Thermal Break</b>			
Operable	0.67	0.62	0.54
Fixed	0.63	0.57	0.47
Glass door	0.66	0.60	0.50
Skylight	1.13	1.06	0.93
<b>Metal-clad Wood</b>			
Operable	0.60	<del>0.52</del> <u>0.56</u>	0.46
Fixed	0.58	0.52	0.41
Glass door	0.57	<del>0.54</del> <u>0.52</u>	0.43
Skylight	0.88	<del>0.79</del> <u>0.82</u>	0.71
<b>Wood/vinyl</b>			
Operable	0.56	<del>0.56</del> <u>0.52</u>	0.43
Fixed	0.57	0.52	0.41
Glass door	0.56	<del>0.52</del> <u>0.51</u>	0.42
Skylight	0.85	<del>0.82</del> <u>0.79</u>	0.67
<b>Glass Block Assemblies</b>			
	0.60		

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## Adopted Rules

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### 7672.0800 METHODS FOR COMPLIANCE.

#### Subp. 9. Enclosed three-season porches method.

A. This subpart may be applied to an enclosed three-season porch when heating or cooling systems for the space are either separate or separately zoned from other conditioned spaces ~~with capability to and have separate controls capable of complete and independent shut-off of heating and cooling systems.~~

### 7672.0900 MECHANICAL SYSTEMS.

Subp. 3. **Duct construction.** Ductwork installation requirements are provided in the Minnesota State Mechanical Code, chapter 1346, adopted by the Department of Administration. Ducts outside of the interior air barrier must be sealed with a product meeting UL181 or equivalent.

~~A. When sealing is required, ducts must be sealed in accordance with this subpart and in accordance with the installation instructions of a product meeting UL181 or equivalent. When sealing is not required, ducts must be made substantially airtight and permanent, including elbows, end caps, and any penetrations. Cloth-backed duct tape with rubber adhesive shall not be used to satisfy sealing requirements. Transition from rigid to flex duct must be in a permanent and substantially airtight manner with strapping.~~

~~B. According to the Minnesota State Mechanical Code, chapter 1346, return air ducts conducting air into a furnace through the same space as the furnace must be sealed. Spaces that are not separated by walls or doors must be considered the same space. Pan under floor joist spaces must be permitted to serve as return ductwork if they are sealed, including end caps and any penetrations.~~

~~C. All ducts and building cavities used as ducts with one or more surfaces adjacent to the exterior of the air barrier or vapor retarder must be sealed, including end caps and any penetrations.~~

~~D. In buildings where floor rim joist areas are not protected with air barrier and vapor retarder according to part 7672.0600, subpart 4, all HVAC supply and return ducts must be sealed, including end caps and any penetrations.~~

#### Subp. 4. Duct insulation.

B. Ducts running outside the thermal envelope, including ducts in attics and ceilings, must be a minimum of ~~R-16~~ R-8 between the duct and unconditioned space.

Subp. 5. **Pipe insulation.** HVAC pipe insulation must be according to part ~~7676.1000~~ 7676.1100, subpart 17.

Subp. 6. **Testing and balancing.** All controls must be tested to ensure that control elements are calibrated, adjusted, and in proper working condition.

Subp. 7. **Operation and maintenance manual.** ~~An operation and maintenance manual must be provided. The manual must include basic data relating to the operation and maintenance of HVAC systems and equipment. Required routine maintenance actions must be clearly identified. Where applicable, HVAC controls information such as diagrams, schematics, control sequence descriptions, and maintenance and calibration information must be included.~~

~~Subp. 8. Equipment efficiency.~~ HVAC equipment must meet minimum requirements of chapter 7678 and the National Appliance Energy Conservation Act of 1987. Gas-fired and oil-fired furnaces, boilers, and duct furnaces must meet the requirements of this subpart.

Equipment Category	Rating Condition	Efficiency
Gas-fired furnaces	Seasonal rating	78% AFUE
Gas-fired duct furnaces	Maximum rated capacity	78% Et*
Oil-fired furnaces	Seasonal rating	78% AFUE
Gas-fired boilers	Seasonal rating	80% AFUE
Oil-fired boilers	Seasonal rating	80% AFUE

\*Et = Thermal efficiency

Subp. 9-8. **Protection against depressurization.** Provision must be made to limit excessive depressurization in buildings with fuel burning appliances.

A. The definitions in this item apply to this subpart.

(1) "Atmospherically vented gas or oil appliance" means an appliance that is required to be vented through a chimney or vertical vent and that is ~~not~~ neither direct nor power vented.

(2) "Closed controlled combustion wood-burning appliance" means a wood stove, pellet stove, or fireplace capable of efficient heating and controlled combustion. The appliance must include ~~either~~ doors with gaskets or flanges that permit tight closure, ~~or~~ and glass or ceramic panels which ~~are~~ must be tightly sealed or gasketed at their frames. ~~This definition includes appliances which are Environmental Protection Agency (EPA) Phase II rated, and EPA exempt appliances, with tight fitting doors.~~

(3) "Decorative wood-burning appliance" means an appliance, usually a fireplace, intended primarily for viewing of the fire and which may or may not incorporate doors that substantially close off the firebox opening when the appliance is in operation.

(4) "Direct vented appliance" means an appliance constructed so that combustion air comes directly from the outdoors via a sealed passageway and combustion products are expelled to the outdoors through an independent, sealed vent.

~~(4)~~ (5) "Mechanical exhausting devices" means exhausting devices including, ~~but not limited to,~~ kitchen range fan, bath fan, spa and pool fans, clothes dryer, central vacuum, and radon mitigation system; ~~and power vented combustion appliances.~~

~~(5)~~ (6) "Power vented appliance" means an appliance where combustion air comes from inside the building and combustion products are positively conveyed, through the use of a fan or other mechanical means, to the outside by means of a dedicated, sealed vent.

~~(6)~~ (7) "Powered make-up air" means ~~that~~ air that must be brought in from outdoors to replace the air expelled by mechanical exhausting devices so that excessive depressurization of the house is prevented. The make-up air must be powered by means of a supply fan capable of introducing outdoor air at a rate of no less than the required amount. Powered make-up air supply fans must be wired so as to activate whenever the associated exhausting device is activated.

B. ~~In a dwelling unit where all vented combustion appliances are direct vented, protection against excessive depressurization must be provided by powered make-up air for total exhaust capacity for all mechanical exhausting devices in excess of 650 efm. One of the four paths identified in this item must be followed to provide protection against excessive depressurization.~~

C. ~~In a dwelling unit where vented combustion appliances are either power vented only or power and direct vented, protection against excessive depressurization must be provided by powered make-up air for total exhaust capacity for all mechanical exhausting devices in excess of 425 efm.~~

D. ~~In a dwelling unit in which an atmospherically vented gas or oil fueled appliance is installed, protection against excessive depressurization must be provided according to item F or G.~~

E. ~~In a dwelling unit with a wood stove, fireplace, or other solid fuel appliance which is neither direct nor power vented:~~

~~(1) The wood stove, fireplace, or other solid fuel appliance must be capable of efficient heating and controlled closed combustion. The appliance must include either doors with gaskets or flanges that permit tight closure, or glass or ceramic panels which are tightly sealed or gasketed at their frames. Appliances which are Environmental Protection Agency (EPA) Phase II rated, and "EPA exempt" appliances with tight fitting doors meet this requirement.~~

~~(2) Protection against depressurization must be provided in accordance with either item F or G.~~

F. ~~Unless the alternative in item G is used, protection against excessive depressurization for appliances specified in items D and E must be provided by:~~

~~(1) powered make-up air for total exhaust capacity for all mechanical exhausting devices in excess of 150 efm; and~~

~~(2) the permanent installation, according to manufacturer's instructions, of a carbon monoxide detector which conforms to the UL2034 standard.~~

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### OPTION FOR COMPLIANCE - PATH 1

#### PRESCRIPTIVE PATH 1

<u>Combustion Equipment</u> <u>Space Heating</u> <sup>1</sup> <u>Gas/oil</u>	<u>Direct or power vented</u>
<u>Water Heating</u> <sup>1</sup> <u>Gas/oil</u>	<u>Direct or power vented</u>
<u>Hearth</u> <sup>1</sup> <u>Gas</u> <u>Wood</u>	<u>Direct or power vented</u> <u>None</u>
<u>CO Detector Required</u>	<u>No</u>
<u>Ventilation Type</u> <u>People ventilation (Pv)</u> <u>Supplemental ventilation (Sv)</u>	<u>Balanced</u> <u>Balanced or exhaust</u> <sup>2</sup>
<u>Ventilation Amount</u> <u>People ventilation (Pv)</u> <u>Supplemental ventilation (Sv)</u>	<u>15 cfm/bedroom plus 15 cfm</u> <u>0.05 cfm/sf minus Pv</u>
<u>Make-Up Air Requirements</u> <u>Clothes dryer (1 up to 160 cfm)</u>	<u>Passive infiltration</u>
<u>Kitchen Exhaust</u> <u>Less than or equal to 250 cfm</u> <u>More than 250 cfm</u>	<u>Passive opening</u> <sup>5</sup> <u>Powered over 250 cfm</u>
<u>Other Exhaust</u> <u>Less than or equal to 100 cfm</u> <u>More than 100 cfm</u>	<u>Passive opening</u> <sup>5</sup> <u>Powered over 100 cfm</u>

### OPTION FOR COMPLIANCE - PATH 2

#### PRESCRIPTIVE PATH 2

<u>Combustion Equipment</u> <u>Space Heating</u> <sup>1</sup> <u>Gas/oil</u>	<u>Atmospherically vented</u> <sup>3</sup>
<u>Water Heating</u> <sup>1</sup> <u>Gas/oil</u>	<u>Direct or power vented</u>
<u>Hearth</u> <sup>1</sup> <u>Gas</u> <u>Wood</u>	<u>Atmospherically vented</u> <sup>3</sup> <u>Closed controlled or</u> <u>decorative</u>
<u>CO Detector Required</u>	<u>Yes</u>
<u>Ventilation Type</u> <u>People ventilation (Pv)</u> <u>Supplemental ventilation (Sv)</u>	<u>Balanced</u> <u>Balanced or exhaust</u> <sup>4</sup>

<u>Ventilation Amount</u>	
<u>People ventilation (Pv)</u>	<u>15 cfm/bedroom plus 15 cfm</u>
<u>Supplemental ventilation (Sv)</u>	<u>0.05 cfm/sf minus Pv</u>
<u>Make-Up Air Requirements</u>	
<u>Clothes dryer (1 up to 160 cfm)</u>	<u>Passive opening<sup>s</sup></u>
<u>Kitchen Exhaust</u>	
<u>Less than or equal to 250 cfm</u>	<u>Powered to match flow</u>
<u>More than 250 cfm</u>	<u>Powered to match flow</u>
<u>Other Exhaust</u>	
<u>Less than or equal to 100 cfm</u>	<u>Powered to match flow</u>
<u>More than 100 cfm</u>	<u>Powered to match flow</u>

**OPTION FOR COMPLIANCE - PATH 3**

**PRESCRIPTIVE PATH 3**

<u>Combustion Equipment</u>	
<u>Space Heating<sup>t</sup></u>	
<u>Gas/oil</u>	<u>Atmospherically vented<sup>s</sup></u>
<u>Water Heating<sup>t</sup></u>	
<u>Gas/oil</u>	<u>Atmospherically vented<sup>s</sup></u>
<u>Hearth<sup>t</sup></u>	
<u>Gas</u>	<u>Direct vent or none</u>
<u>Wood</u>	<u>None</u>
<u>CO Detector Required</u>	<u>Yes</u>
<u>Ventilation Type</u>	
<u>People ventilation (Pv)</u>	<u>Balanced</u>
<u>Supplemental ventilation (Sv)</u>	<u>Balanced</u>
<u>Ventilation Amount</u>	
<u>People ventilation (Pv)</u>	<u>15 cfm/bedroom plus 15 cfm</u>
<u>Supplemental ventilation (Sv)</u>	<u>0.05 cfm/sf minus Pv</u>
<u>Make-Up Air Requirements</u>	
<u>Clothes dryer (1 up to 160 cfm)</u>	<u>Powered to match flow</u>
<u>Kitchen Exhaust</u>	
<u>Less than or equal to 250 cfm</u>	<u>Powered to match flow</u>
<u>More than 250 cfm</u>	<u>Powered to match flow</u>
<u>Other Exhaust</u>	
<u>Less than or equal to 100 cfm</u>	<u>Powered to match flow</u>
<u>More than 100 cfm</u>	<u>Powered to match flow</u>

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## OPTION FOR COMPLIANCE

### PERFORMANCE PATH

<u>Combustion Equipment</u>	
<u>Space Heating<sup>1</sup></u>	
<u>Gas/oil</u>	<u>Any vented appliance</u>
<u>Water Heating<sup>1</sup></u>	
<u>Gas/oil</u>	<u>Any vented appliance</u>
<u>Hearth<sup>1</sup></u>	
<u>Gas</u>	<u>Any vented appliance</u>
<u>Wood</u>	<u>Any vented appliance</u>
<u>CO Detector Required</u>	<u>Yes</u>
<u>Ventilation Type</u>	
<u>People ventilation (Pv)</u>	<u>Performance</u>
<u>Supplemental ventilation (Sv)</u>	<u>Performance</u>
<u>Ventilation Amount</u>	
<u>People ventilation (Pv)</u>	<u>15 cfm/bedroom plus 15 cfm</u>
<u>Supplemental ventilation (Sv)</u>	<u>0.05 cfm/sf minus Pv</u>
<u>Make-Up Air Requirements</u>	
<u>Clothes dryer (1 up to 160 cfm)</u>	<u>Performance</u>
<u>Kitchen Exhaust</u>	
<u>Less than or equal to 250 cfm</u>	<u>Performance</u>
<u>More than 250 cfm</u>	<u>Performance</u>
<u>Other Exhaust</u>	
<u>Less than or equal to 100 cfm</u>	<u>Performance</u>
<u>More than 100 cfm</u>	<u>Performance</u>

<sup>1</sup>Requirements for combustion and dilution air for vented combustion equipment are provided in chapter 1305.

<sup>2</sup>Supplemental ventilation greater than 0.05 cfm/sf requires a passive opening<sup>4</sup>.

<sup>3</sup>If any solid fuel fired appliance or atmospherically vented fireplace (not both) is used, then space heat must be direct or power vented.

<sup>4</sup>Supplemental ventilation greater than 0.05 cfm/sf requires powered air supply.

**<sup>5</sup>Table to Size Passive Make-Up Air Openings  
Make-Up Air - CFM Provided by Smooth Ductwork<sup>a</sup>**

<u>Duct Diameter<sup>b,c,d</sup></u>	<u>Prescriptive Path 2 (5 Pascals)</u>	<u>Prescriptive Path 1 (25 Pascals)</u>
<u>3 inches</u>	<u>15</u>	<u>35</u>
<u>4 inches</u>	<u>30</u>	<u>60</u>
<u>5 inches</u>	<u>45</u>	<u>100</u>
<u>6 inches</u>	<u>65</u>	<u>140</u>
<u>7 inches</u>	<u>85</u>	<u>190</u>
<u>8 inches</u>	<u>110</u>	<u>250</u>
<u>9 inches</u>	<u>140</u>	<u>320</u>
<u>10 inches</u>	<u>175</u>	<u>390</u>



<sup>a</sup> Assumes 20 feet of smooth duct with three 90-degree elbows and a screened hood. 156

<sup>b</sup> Assumes a round duct. (An equivalent rectangular duct is acceptable.)

<sup>c</sup> If a make-up air opening is used with no duct or elbows, the diameter can be decreased by one inch.

<sup>d</sup> If flex duct is used, increase diameter by one inch. Flex duct must be stretched with minimal sags.

**G. C.** Protection against depressurization may be demonstrated for any vented combustion appliance according to the performance method of this item or CGSB Standard 51.71. When tested according to the requirements of subitem (1), the pressure within the dwelling unit must not decrease from atmospheric pressure by more than the values in subitem (2).

(1) The ~~relationship between the air leakage rate of the house envelope and the pressure difference across it~~ measurement of pressure decrease must be determined with the building components configured according to units (a) and (b), and conducted according to unit (c).

(b) The house set-up and system configuration shall be as given in the house set-up and system configuration table.

**House Set-up and System Configuration Table**

Component	Conditions During Measurement of Minimum Ventilation Capacity
Windows and exterior doors	Close
Interior doors	Open
Attic hatch	Close
Fireplace flue damper	Close
<del>Fireplace</del>	<del>Seal*</del>
Fireplace combustion air intake damper	Close
Doors on enclosed furnace rooms	Close
Vented fuel-fired appliances	Off
<del>Fuel-fired furnace and/or stove flues</del>	<del>Seal*</del>
<del>Fuel-fired hot water system flues</del>	<del>Seal*</del>
Furnace combustion air intake	Seal
Air intake and exhaust vents for make-up air or pressure relief	Normal operating mode
Floor drains	Fill
Plumbing traps	Fill

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Clothes dryer	Off
Other exhaust fans not part of ventilation system	Off
Ventilation system supply and exhaust fans, including exhaust air heat recovery devices that are part of the minimum ventilation capacity system	Normal operating mode
Air intake and exhaust openings that are part of the minimum ventilation capacity system	No preparation
Ventilation system exhaust fans designed to operate intermittently, and any associated supply fans	Off
Intake and exhaust openings for the above	No preparation
Furnace blower when part of the minimum ventilation capacity system	Operate in ventilation mode
Furnace blower when not part of the minimum ventilation capacity system	Off
Openings for future equipment	Seal

~~\*Sealing is not required for measurements under minimum ventilation capacity conditions if there is an excess of supply air over exhaust air (resulting in a house pressure increase).~~

(c) The pressure ~~difference across the house envelope~~ decrease from atmospheric pressure shall be measured. The apparatus shall be capable of measuring pressure differences within plus or minus two pascals or plus or minus 20 percent of the pressure limit, whichever is the larger. The pressure difference shall be measured first with the system off and then under the reference exhaust flow rate condition. The reference exhaust flow rate condition is met when the ventilation system, the clothes dryer, and the largest other exhausting device are operating in their normal mode. If a clothes dryer exhausting to outdoors or any other exhaust device that is part of the reference exhaust flow rate condition has not been installed, its effect shall be simulated by the use of alternate equipment exhausting air at 150 cfm for a clothes dryer, or at the rated capacity of other missing devices. The difference between the two sets of pressure measurements shall be taken as the increase or decrease in pressure difference across the house envelope due to operation under the reference exhaust flow rate condition.

(2) Maximum depressurization with conditions of subitem (1) for various appliances:

Appliance	Maximum Depressurization
Appliances with manufacturer certified negative pressure tolerance rating	The manufacturer-certified negative pressure tolerance rating
Direct vented appliance*	<del>50</del> <u>25</u> Pascals ( <del>0.20-inch</del> <u>0.10-inch</u> water column)
Power vented appliance*	<del>15</del> <u>25</u> Pascals ( <del>0.06-inch</del> <u>0.10-inch</u> water column)
Thermal mass wood-burning appliance*	15 Pascals (0.06-inch water column)

Closed controlled combustion wood-burning appliances*	7 Pascals ( <del>0.28-inch</del> <u>0.028-inch</u> water column)
<u>Decorative wood-burning appliances</u>	5 Pascals ( <u>0.02-inch</u> <u>water column</u> )
Atmospherically vented oil and gas systems*	5 Pascals (0.02-inch water column)
Atmospherically vented water heater*	2 Pascals (0.008-inch water column)

\*Without manufacturer-certified negative pressure tolerance rating.

(3) A carbon monoxide detector which conforms to the UL2034 Standard must be permanently installed according to the manufacturer's instructions.

**7672.1000 RESIDENTIAL VENTILATION SYSTEM.**

Subpart 1. **General.** All new residential ventilation systems must meet the requirements of this chapter buildings covered by this chapter must be equipped with a residential ventilation system meeting the requirements of this part.

Subp. 2. **Definitions.** The definitions in this subpart apply to this chapter.

D. "Heat recovery ventilator" or "energy recovery ventilator" means a device or combination of devices applied to transfer energy from the exhaust air stream for use within the dwelling or an attached building.

F. "Supplemental ventilation" means the additional cfm of air flow needed for periods of peak occupant use. ~~The airflow rate depends upon the square footage of the house, and is approximately equal to 0.35 air changes per hour.~~

G. "Total ventilation" means the sum of the people ventilation and supplemental ventilation. The total ventilation rate is calculated at 0.05 cfm per square foot of the house, and is approximately equal to 0.35 air changes per hour.

H. "Ventilation design conditions" means outdoor conditions of minus 13 degrees Fahrenheit and indoor conditions of 72 degrees Fahrenheit and 40 percent relative humidity.

I. "Ventilation rate" means the average fan powered outdoor air ventilation rate for each one-hour time period.

~~H. J.~~ "Ventilation system, balanced" means a residential ventilation system where the design fan powered exhaust air is equal to the fan powered supply air.

~~I. K.~~ "Ventilation system, exhaust only" means a residential ventilation system where a fan provides exhaust air and supply air is not fan powered.

~~J. L.~~ "Ventilation system, residential" means the mechanical ventilation system, including fans, controls, and ducts, which replaces, by direct or indirect means, air from the habitable rooms with outdoor air.

Subp. 3. **Outdoor air requirements.** ~~A.~~ Residential ventilation systems must be installed as required by this subpart to provide not less outdoor air than the people ventilation and supplemental ventilation air ~~quantity~~ quantities together. ~~Required outdoor air quantities may be determined by either the performance option of subitem (1) or the prescriptive option of subitem (2): "Ventilation rate" means the average fan powered outdoor air ventilation rate for each one-hour time period. The total ventilation rate is the sum of the people ventilation and supplemental ventilation.~~

~~(1) The performance option has the following requirements:~~

~~(a) A.~~ The people ventilation rate is 15 cfm for each bedroom plus an additional 15 cfm. The minimum people ventilation rate is 45 cfm; and,

~~(b) B.~~ The supplemental ventilation rate is the conditioned floor area of the house divided by 20 (in cfm) less the people ventilation rate. For houses with basements, The conditioned floor area includes the ~~unfinished~~ basement.

~~(2) the prescriptive option is subject to the following limits:~~

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C. As an alternative to the calculated ventilation rates in items A and B, the ventilation rate may be determined by the table in this item.

Bedroom Count	House Size Range	People <del>Capacity</del> Ventilation	Supplemental <del>Capacity</del> Ventilation
1	600 - 1,200 sq. ft.	45 cfm	15 cfm
2	1,000 - 1,500 sq. ft.	45 cfm	30 cfm
3	1,200 - 2,000 sq. ft.	60 cfm	40 cfm
4	1,600 - 2,400 sq. ft.	75 cfm	45 cfm
5	2,000 - 3,000 sq. ft.	90 cfm	60 cfm

~~B. To avoid house pressurization, the residential ventilation system fan powered outdoor cfm must not exceed the residential ventilation system fan powered exhaust air flow.~~

### Subp. 4. Equipment requirements.

A. The residential ventilation system must be sized to provide no less air flow than the ~~house capacity~~ ventilation rate averaged for a one-hour period at ventilation design conditions. Fans and ducts must be sized according to subpart 5, item D.

B. Fans must be designed to deliver design air flow.

(1) Fans for the people ~~capacity~~ ventilation portion of the residential ventilation system must be designed and certified as capable of continuous operation.

(3) Single point exhaust and supply fans must be rated to provide design air flow at not less than 0.25 inch water column.

C. Heat recovery ventilator rated design flow rate must be the average flow rate for a one-hour period at the ventilation design conditions. The average hourly ventilation capacity must be determined in consideration of any reduction of exhaust or outdoor air intake, or both, for defrost or other equipment cycling.

(2) Heat recovery ventilators must meet UL1812 or equivalent.

(3) A label stating the manufacturer or provider of the equipment warranty, ventilation design condition average hourly ventilation capacity, and tested performance must be permanently affixed to the equipment.

~~(3)~~ (4) All ~~energy heat~~ recovery ventilation systems must be equipped with readily accessible air filters.

D. Residential ventilation system fans to provide the people capacity ventilation must have a maximum sound rating of ~~4-0~~ 1.5 sones. Testing must be in accordance with HVI Standard 915.

EXCEPTION: Fans which are not within the scope of HVI Standard 915 are exempt from sound testing or rating requirements.

~~E. Individual room outdoor air inlets must:~~

~~(1) have controllable and secure openings;~~

~~(2) be designed and installed to restrict condensation at ventilation design conditions; and~~

~~(3) provide not less than four square inches of net free area of opening for each habitable room. Any inlet or combination of inlets which provide ten cfm at ten pascals as determined by HVI Standard 916 are deemed equivalent to four square inches net free area.~~

~~F. Outdoor air inlets with net free area of opening greater than eight square inches or more than 20 cfm must be designed to temper outdoor air before entering the occupied space by either blending with house air or heating with a make-up air heater or energy recovery ventilator.~~

### Subp. 5. Distribution and installation requirements.

A. Residential ventilation systems must be installed according to ~~part 7672.0800~~ and the Minnesota State Mechanical Code, chapter 1346, and the manufacturer's installation instructions.

B. Outdoor air inlets in a habitable room or ~~providing provisions for air to a supply duct system and~~ with design flow greater than 20 cfm must be designed and installed to temper incoming air to ~~at least 58 degrees Fahrenheit to avoid occupant discomfort or damage to HVAC equipment.~~

C. Outdoor air must be delivered to each habitable room by individual inlets, separate duct systems, or a forced air system. Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means where permitted by the Minnesota State Building Code. ~~When undercut doors are relied upon for distribution, doors must be undercut to a minimum of one-half inch above the surface of the finished floor covering.~~

D. Fans and ducts must be sized and installed to provide design ventilation flow rate.

(1) All ducts outside the interior air barrier must be sealed with a product meeting UL181 or equivalent.

(2) Fans and ducts must be sized according to accepted duct design procedures. ~~Design conditions which must be considered include, but are not limited to, the effects of equivalent duct length, dampers, filters, grilles, and other restraints to air flow.~~

~~(3) Fan capacity, duct diameter, length, and number of elbows for exhaust fans must be as specified in the design. Exhaust fan duct system outlet openings must have at least the equivalent net free area of the ductwork. Exhaust outlet openings for systems with multiple ducts being supplied by the same exhaust opening must be the same size as the connecting ductwork or eight inches in diameter, whichever is greater.~~

Fan Tested CFM @ 0.25 W.G.	With Flex Duct		With Smooth Duct		
	Minimum Diameter	Maximum Length, Ft.	Minimum Diameter	Maximum Length, Ft.	Maximum Elbows*
50	4 inch	25	4 inch	70	3
50	5 inch	90	5 inch	100	3
50	6 inch	150	6 inch	150	3
80	4 inch <sup>3</sup>	NA	4 inch	20	3
80	5 inch	45	5 inch	100	3
80	6 inch	90	6 inch	150	3
100	5 inch <sup>3</sup>	NA	5 inch	50	3
100	6 inch	45	6 inch	150	3
125	6 inch	45	6 inch	150	3
125	7 inch	70	7 inch	150	3

\*For each additional elbow, subtract ten feet from length.

<sup>3</sup>Flex ducts of this diameter are not permitted with fans of this size.

~~(3)~~ (3) Adjustable dampers regulating flow must be adjustable without needing specialized tools and accessible for adjustment without requiring the removal of fans, motors, or insulating materials.

E. Heat recovery ventilators and condensate lines are subject to subitems (1) ~~to (3)~~ and (2).

~~(3) No make-up air, for defrost or other purposes, may be drawn for reintroduction into the house from HVAC equipment rooms, kitchen, bath, or laundry rooms.~~

H. Air ducts for the residential ventilation system that are connected directly to the duct system of a forced air system must be designed to circulate outdoor air to conditioned spaces.

(3) If the residential ventilation system is not designed to run whenever the forced air system is running, the residential ventilation system duct must incorporate a powered backflow damper to prevent flow when the residential ventilation system is off.

(4) An outdoor air connection must not be connected directly into or within ten feet of a furnace cabinet, ~~or in such a manner to cause thermal shock to the furnace heat exchanger~~ unless permitted by the manufacturer's installation instructions.

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## Adopted Rules

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I. Outdoor air intake and exhaust components must be designed to ensure effective operation.

~~(1) All ducts must terminate outside the building.~~

~~(2) Exterior air intakes and exhaust outlet openings must be separated by at least two feet to avoid contamination of the outdoor air by the exhaust air.~~

~~(3) Intake openings must be not less than ten feet from local sources such as automobile exhaust, exhaust from adjacent buildings, and intake from other building penetrations that are potential sources of contaminants, such as gas vents or oil fill pipes.~~

~~(4) Clearance from the bottom of an air intake opening to grade must be not less than 18 inches.~~

~~(5) Air intake openings must incorporate screens or grilles according to the Minnesota State Mechanical Code, chapter 1346.~~

~~(6) Exhaust ducts or outlets must incorporate for residential ventilation systems designed for continuous operation may be installed without backdraft dampers.~~

K. Labeling must be provided to notify occupants of purposes and precautions for residential ventilation system components.

(1) The outdoor air intake and exhaust air outlet must include a permanent, weather-resistant identification label which provides proper operation and maintenance instructions and a warning regarding potential problems if it becomes blocked, obstructed, or inoperative. Additional permanent labels must be affixed to all other elements of the residential ventilation system for identification for cleaning and maintenance.

~~(4) If the residential ventilation system fan powered exhaust exceeds the residential ventilation system fan powered outdoor air intake, then a label must be predominantly affixed to the residential ventilation system stating "THIS RESIDENTIAL VENTILATING SYSTEM REQUIRES THAT ALL VENTED COMBUSTION APPLIANCES MUST BE SEALED OR POWER VENTED APPLIANCES. THIS RESIDENTIAL VENTILATION SYSTEM MUST BE REPLACED WITH A BALANCED SYSTEM IF ANY NONSEALED OR NON-POWER VENTED APPLIANCES ARE INSTALLED."~~

L. The residential ventilation system fan powered outdoor air must not exceed the residential ventilation system fan powered exhaust air flow by more than ten percent. Air flow for balanced ventilation systems must be balanced within ten percent. Verification shall be performed by visual and physical examination of the system and must include measurement of the air flow at air intake and exhaust points with design air flow of 30 cfm and greater.

~~M. Written certification must be provided ensuring that all components of the residential ventilation system are functioning in the manner intended, including, but not limited to, fans, ducts, controls, dampers, grilles, and registers. Verification must be performed by visual and physical examination of the system and must include measurement of the air flow at air intake and exhaust points with design air flow of 30 cfm and greater. Air flow for balanced ventilation systems must be balanced within ten percent.~~

Subp. 6. **Requirements for systems.** The installation of balanced and exhaust only ventilation systems must be according to part 7672.0900, subpart 8.

~~A. If all vented combustion equipment is sealed or power vented, the residential ventilation system may be either balanced, exhaust only, or a combination.~~

~~B. If any furnace, water heater, fireplace, solid fuel burning appliance, or other vented combustion appliance is installed that is neither sealed nor power vented, the residential ventilation system must be balanced.~~

### Subp. 7. Performance path.

~~C. Controls must be installed to provide a minimum of three control to operational modes: no ventilation, people capacity requirement, and supplemental capacity requirement as designed. Required Controls must be readily accessible to building occupants and labeled to indicate their function.~~

D. Pressures must not be less than the negative pressure limit in subitem (1), nor greater than the positive pressure limit in subitem (2).

(1) ~~If When~~ the people ~~capacity ventilation~~ and supplemental ~~capacity~~ ventilation, clothes dryer (150 cfm default), and the next largest exhausting fan are all operating, no ~~ventilating vented~~ combustion appliance is permitted to spill combustion products into the conditioned space longer than three minutes after start-up at both winter design and summer design conditions.

(2) ~~If When~~ the people capacity is met, the positive pressure must not exceed five Pascals; ~~unless the air has been prevented from exiting the house to areas where condensation may cause deterioration or freeze movable elements.~~

~~E. A radon detector must be installed in the lowest conditioned space.~~

~~F. Systems must be tested and balanced. Balancing results shall be posted in an accessible location.~~

~~G. E. Systems must include a permanent identification label with proper operation and maintenance instructions and a warning regarding potential problems if it should become inoperative.~~

**7672.1100 SERVICE WATER HEATING.**

Subp. 3. **Automatic controls.** Service water heating systems must be equipped with automatic temperature controls capable of adjustment from the lowest to the highest ~~acceptable~~ temperature settings for the intended use.

Subp. 7. **Pipe insulation.**

A. Minimum pipe insulation for domestic and service water heating systems must comply with this subpart. Pipe insulation is assumed to have a k-value of 0.27. If the k-value of a product is less than 0.22, then the thickness must be adjusted to have an equivalent R-value.

(3) Pipes in contact with high conductivity material, including, ~~but not limited to,~~ concrete and earth, must have a one-inch minimum of insulation.

**7672.1200 ADDITIONS, ALTERATIONS, AND REPAIRS TO EXISTING RESIDENTIAL BUILDINGS.**

Subpart 1. **General.** ~~Except as provided in this part, alterations and repairs to the building must comply with the applicable requirements of this chapter for new buildings.~~ Additions, alterations, and repairs to existing buildings must comply with the requirements of this part only.

Subp. 2. **Affecting air leakage.** If an addition or alteration affects the air leakage characteristics or capacity of a building, and vented appliances are present that are not sealed or power vented and are without combustion air supply, then a combustion air supply must be provided according to the Minnesota State Building Code, chapter 1346. Alterations that will likely affect the air leakage characteristics or capacity of a building include attic insulation, wall insulation, applying siding underlayment, or the replacement of a majority of window or door units.

EXCEPTION: A combustion air supply need not be provided where a worst case draft test is performed according to Children, Families, and Learning Worst Case Draft Test and documentation is provided that the vented appliances continue to draft within established parameters of the worst case draft test procedure.

Subp. 5. **Penetrations.** All penetrations resulting as part of an alteration must be sealed in accordance with part 7672.0600, subpart 5, item D. This includes, ~~but is not limited to,~~ penetrations for telecommunication wires and equipment, electrical wires and equipment, electronic wires and equipment, fire sprinklers, plumbing and ducts, and penetrations in exterior walls and ceilings.

Subp. 6. **Roof/ceilings.**

C. A ceiling vapor retarder ~~is not required~~ may be omitted if the interior ceiling finish is not removed.

E. Alterations comprising the removal of at least 50 percent of an existing membrane or a built-up roof covering must comply with this ~~subpart item.~~

~~F.~~ Alterations to a built-up or membrane roof covering must provide for a maximum U-value of 0.033 Btu/°F h ft<sup>2</sup> (R-value of R-30 or greater).

Subp. 7. **Walls.**

B. ~~Glazing in existing sash may be replaced without meeting the additional requirements of this chapter, provided the area-weighted U-value of the glazing will be equal to or lower than before the glazing replacement. Reglazing and repairs to existing windows are not required to meet the additional requirements of this chapter.~~ Replaced windows must conform to parts 7672.0600 and, subpart 8, 7672.0700, subpart 2, and 7672.0800, subpart 3, item A.

C. Interior wall finish may not be replaced unless wall cavities have been insulated to full depth. This item shall apply whenever plaster is removed, even though lath may not have been removed.

EXCEPTIONS: Walls that are back-plastered, walls that are more than 50 percent filled with insulation, and walls without framing cavities. Also excepted are small openings for purposes including installing, altering, or repairing plumbing, electrical, and mechanical systems.

Subp. 8. **Heating, ventilation, and air conditioning; service water heating equipment.** All equipment installed in conjunction with the alteration must comply with the equipment efficiency requirements of part ~~7672.1000~~ 7672.0900, subpart 7, or chapter 7678.

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## Adopted Rules

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### 7672.1300 EFFECTIVE ~~DATES~~ DATE.

This chapter is effective ~~when either item A or B is effective, whichever is later.~~

~~A. six months after *Minnesota Rules* are adopted requiring protection against depressurization; or~~

~~B. one year following publication of the adopted rule in the *State Register*.~~

### 7674.0300 MATERIALS AND EQUIPMENT.

Subp. 2. **Plans and specifications.** Plans, specifications, and either calculations or compliance forms must demonstrate compliance with all requirements of this chapter. Energy details must show all pertinent data and features of the building, equipment, and systems including; but not limited to:

### 7674.0400 INCORPORATIONS BY REFERENCE.

Subpart 1. **Incorporated items.** The following standards and references are incorporated by reference:

~~C. ASTM E283-91, Standard Method of Test for Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors  
ASTM E1677-95 Standard Specification for an Air Retarder (AR) Material or System for Low-Rise Framed Building Walls;~~

~~D. Children, Families, and Learning Worst Case Draft Test, as published in the State of Minnesota Plan for Weatherization Assistance for Low-Income Persons, March 10, 1997;~~

~~E. Manual J: Load Calculation for Residential Winter and Summer Air Conditioning, 7th ed., Air Conditioning Contractors of America;~~

~~F. E. MNcheck, residential energy code compliance personal computer program published by the Minnesota Department of Public Service; and~~

~~F. G. The Model Energy Code, chapter 4, 1995 Edition, as published by the Council of American Building Officials (Falls Church, Virginia); and~~

~~G. NFRC 100-91: Procedure for Determining Fenestration Product Thermal Properties (Currently Limited to U-values); and  
NFRC 100-97: Procedure for Determining Fenestration Product U-factors; National Fenestration Rating Council.~~

### 7674.0500 DEFINITIONS.

Subp. 2. **Accessible.** “Accessible” means ~~admitting close approach not guarded by locked doors, elevation, or other effective means having access to but which first may require the removal of an access panel, door, or similar obstruction covering the item described.~~

Subp. 3. ~~**Annual fuel utilization efficiency or AFUE.** “Annual fuel utilization efficiency” or “AFUE” means the efficiency descriptor for furnaces and boilers determined using test procedures prescribed in *Code of Federal Regulations*, title 10, part 430.~~

~~Subp. 4. **Attic bypass.** “Attic bypass” means a passageway where air may pass from a conditioned space to the unconditioned side of a roof or attic. Attic bypasses include; but are not limited to, utility penetrations, interior soffits, openings in top plates, fan penetrations, and light fixture penetrations.~~

Subp. ~~5.~~ **4. Building envelope.** “Building envelope” means the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior or semiconditioned spaces.

~~Subp. 6. **Conditioned space.** “Conditioned space” means space within a building which is conditioned either directly or indirectly by an energy-using system and is capable of maintaining at least 65 degrees Fahrenheit at winter design conditions or less than 78 degrees Fahrenheit at summer design conditions; identified in part 7674.0800, subpart 1.~~

Subp. ~~7.~~ **5. Enclosed space.** “Enclosed space” means an area defined by ceiling height partitions when less than half the area of the common wall with the surrounding space is open or if the area of the opening is 25 square feet or less.

Subp. ~~8.~~ **6. Energy.** “Energy” means the capacity for doing work, taking a number of forms which may be transformed from one into another such as thermal (heat), mechanical (work), electrical, and chemical, in customary units measured in kilowatt-hour (kWh) or British thermal units (Btu).

Subp. ~~9.~~ **7. Fenestration (window, door, or skylight) area.** “Fenestration (window, door, or skylight) area” means the area of a window, door, or skylight equal to the rough opening of the window, door, or skylight, respectively, less installation clearances.

Subp. ~~10.~~ **8. Gross wall area.** “Gross wall area” means the building envelope wall area bounding interior space from grade to the roof/ceiling assembly enclosing conditioned or semiconditioned space, including opaque wall, window, and door area.

For basement walls with an average below-grade area less than 50 percent of the total wall area, including openings, all walls, including the below-grade portion, are included as part of the gross wall area. Windows and doors in basement walls are also included in the gross wall area.



Subp. ~~41~~ 9. **Heat trap.** “Heat trap” means a device for preventing convection in supply and return pipes serving service water heaters and tanks. It includes pipe loop configurations to prevent convection. For water heaters, it does not include mechanical heat traps that are not included as part of the manufacturer’s testing and performance rating of the appliance.

Subp. ~~42~~ 10. **Heated slab.** “Heated slab” means slab-on-grade construction in which the heating elements or hot air distribution system is in contact with or placed within the slab or below the slab.

Subp. ~~43~~ 11. **HVAC.** “HVAC” means heating, ventilating, and air conditioning.

Subp. ~~44~~ 12. **HVAC system.** “HVAC system” means a system that provides either collectively or individually the processes of comfort heating, ventilating, or air conditioning within or associated with a building.

Subp. ~~45~~ 13. **Infiltration.** “Infiltration” means the uncontrolled air leakage through cracks and interstices in any building element and around windows and doors of a building caused by the pressure effects of wind or the effect of differences in the indoor and outdoor air density.

Subp. ~~46~~ 14. **Interior air barrier.** “Interior air barrier” means a material or combination of materials which are durable and installed at the warm side of the building envelope ~~and continuously sealed~~ to resist the passage of air and airborne moisture from a conditioned or semiconditioned space into the building envelope. Acceptable air barrier materials include, ~~but are not limited to,~~ supported four mil polyethylene, gypsum board, wood products, rigid insulation, plastic, metal, sealed concrete products, and any air impermeable material that qualifies as a draft stop, fire stop, or fire block.

Subp. ~~47~~ 15. **Manual.** “Manual” means capable of being operated by personal intervention.

Subp. ~~48~~ 16. **Readily accessible.** “Readily accessible” means capable of being reached safely and quickly for operation, ~~renewal repair, or inspections~~ inspection, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to ~~the use of portable ladders, chairs, or similar aids~~ access equipment.

Subp. ~~49~~ 17. **Renewable energy sources.** “Renewable energy sources” means sources of energy, excluding minerals, derived from incoming solar radiation, including natural daylighting and photosynthetic processes, including biomass, from resulting phenomena including wind, waves and tides, and lake or pond thermal differences, and energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

Subp. ~~20~~ 18. **Roof/ceiling assembly.** “Roof/ceiling assembly” means all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed to outdoor air and encloses a conditioned or semiconditioned space.

The gross area of a roof/ceiling assembly consists of the total interior surface of the assembly, including skylights exposed to the conditioned or semiconditioned space.

Subp. ~~21~~ 19. **Seal.** “Seal” means to secure at all edges, joints, openings, and penetrations of barrier materials in a permanent manner to resist the passage of air and airborne moisture.

Subp. ~~22~~ 20. **Service water heating.** “Service water heating” means the supply of hot water for domestic or commercial purposes other than space heating.

~~Subp. 23. **Semiconditioned space.** “Semiconditioned space” means space within a building which is conditioned either directly or indirectly by an energy using system to have limited capability of maintaining less than 65 degrees Fahrenheit at winter design conditions or greater than 78 degrees Fahrenheit at summer design conditions, as identified in part 7674.0800, subpart 1.~~

Subp. ~~24~~ 21. **Thermal resistance or R.** “Thermal resistance” or “R” means the reciprocal of thermal conductance ( $h\text{ ft}^2\text{ }^\circ\text{F/Btu}$ ).

Subp. ~~25~~ 22. **Thermal transmittance, overall or U<sub>o</sub>.** “Thermal transmittance, overall” or “U<sub>o</sub>” means the overall thermal transmittance of an exterior building envelope component, such as a wall, floor, or roof/ceiling. The value of U<sub>o</sub> is calculated by the parallel path heat flow method using the areas and thermal transmittance values of the various elements, such as windows, doors, and opaque surfaces that comprise the gross area of the building component.

Subp. ~~26~~ 23. **UL181 or equivalent.** “UL181 or equivalent” means a duct sealing product that meets standards UL181A, U181B, or the UL standard for metal duct sealant. It also means a duct tape with metal foil backing and acrylic or silicone adhesive. It does not mean cloth-backed tape with rubber adhesive.

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## Adopted Rules

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Subp. ~~27.~~ 24. **Unconditioned space.** “Unconditioned space” means space within a building which is neither conditioned nor semiconditioned, including outdoor space and spaces within a building with uncontrolled ventilation to outdoors.

Subp. ~~28.~~ 25. **Vapor retarder.** “Vapor retarder” means a material or assembly to impede water vapor passage designed to meet a maximum permeability rating of 1.0 grain per hour per square foot per inch Hg pressure differential. Polyethylene material which is used to meet the requirements of this subpart must either be designed to have a minimum thickness of four mils, be cross laminated, or be shown to have the strength and puncture resistance of not less than cross laminated polyethylene.

Subp. ~~29.~~ 26. **Warm side.** “Warm side” means the location within a building envelope element between the interior surface and the winter design condition dew point.

Subp. ~~30.~~ 27. **Wind wash barrier.** “Wind wash barrier” means a material or combination of materials, rigid or flexible, to resist the passage of unconditioned air into the building envelope. ~~Acceptable Wind wash barrier materials must be suitable for exterior conditions and include exterior sheathing and other approved air barrier materials and exterior wrap materials. Sealed exterior wrap materials must have a water vapor permeability of not less than five perms. Flexible wind wash barrier materials must meet ASTM E1677.~~

### 7674.0600 MINIMUM ENVELOPE CRITERIA.

#### Subp. 3. Framed components.

A. Insulated ceilings must have a vertical clearance of not less than ~~7-1/4~~ six inches from the outside edge of the exterior wall top plate to the roof sheathing, and not less than R-19 insulation at the inside edge of the top plate.

~~H. Exterior wall plate penetrations must be sealed.~~

Subp. 4. **Interior air barrier.** ~~A sealed~~ An interior air barrier must be installed on the warm side of the building envelope to resist air leakage and movement of moisture in accordance with subpart 3, items E and F.

#### Subp. 5. Interior air barrier penetrations.

A. All penetrations installed through an interior air barrier material which are required to be sealed must be sealed ~~at the time of product installation~~ so that a continuous interior air barrier is maintained. All penetrations made prior to framing inspection must be sealed prior to framing inspection, and no work may be covered or made inaccessible without sealing all penetrations.

B. Penetrations that must be sealed ~~include, but are not limited to,~~ piping and ducts, wires and equipment, and flue and chimney penetrations.

Subp. 7. **Exterior wind wash barrier.** A barrier must be provided at the locations identified in this subpart to resist wind wash. ~~Where sealing is required, the wind wash barrier must be caulked, be gasketed, have sealed exterior wrap, or be otherwise sealed in an approved manner to provide a permanent air seal and to prevent entry of wind and wind-driven rain. In wood framing construction, wind wash barrier penetrations must occur through rigid material or approved hardware to achieve effective sealing. Penetrations in the wind wash barrier must be sealed at the time of product installation so that a continuous wind wash barrier is maintained.~~

A. A rigid wind wash barrier must be tightly installed at the exterior edge of the exterior wall top plate, extending vertically ~~at least three inches above the top plate, and not less than~~ to the bottom underside of the truss top chord, or for nontruss wood framing to within 3-1/2 inches of the roof deck, or to the top of the required ceiling insulation.

C. A sealed wind wash barrier must be installed ~~to prevent air leakage from garages into~~ between an attached garage and interior conditioned spaces.

~~D. All sheathing penetrations must be sealed.~~

~~E. Party walls constructed with an interior air space must have a sealed wind wash barrier at the intersection with the exterior wall.~~

### 7674.0700 METHODS FOR COMPLIANCE.

Subp. 3. **Minimum R-values, maximum U-values, and other minimum requirements.** The minimum criteria specified in this subpart must be met for new buildings in all cases, and must not be made less stringent by a trade off.

A. Fenestration products (windows, doors, and skylights) must have air infiltration rates not exceeding those listed in part 7678.0600. The average U-values for fenestration products as determined by part 7678.0600 used in the building must not exceed:

#### Subp. 8. Enclosed three-season porches method.

A. This subpart may be applied to an enclosed three-season porch when heating and cooling systems for the space are either separate or separately zoned from other conditioned spaces ~~with capability of complete shut-off~~ and have separate controls capable of complete and independent shut-off of heating and cooling systems.

B. Minimum requirements for the porch and wall separating the porch from conditioned spaces are contained in subitems (1) to (3).

(2) The thermal performance of the porch roofs, floors over unconditioned spaces, and fenestration products must be not less than required in subpart 3, 4, 5, or 6.

#### **7674.0800 BUILDING MECHANICAL SYSTEMS.**

Subp. 4. **Duct construction.** Ductwork installation requirements are provided in the Minnesota State Mechanical Code, chapter 1346. Ducts outside of the interior air barrier must be sealed with a product meeting UL181 or equivalent.

~~A. When sealing is required, ducts must be sealed according to this subpart and according to the installation instructions of a product meeting UL181 or equivalent. When sealing is not required, ducts must be made substantially airtight and permanent, including elbows, end caps, and any penetrations. Cloth-backed duct tape with rubber adhesive shall not be used to satisfy the requirements of this item. Transition from rigid to flex duct must be in a permanent and substantially airtight manner with strapping.~~

~~B. According to the Minnesota State Mechanical Code, chapter 1346, return air ducts conducting air into a furnace through the same space as the furnace must be sealed. Spaces that are not separated by walls or doors must be considered the same space. Pan under floor joist spaces must be permitted to serve as return ductwork, provided that they are sealed, including end caps and any penetrations.~~

~~C. All ducts and building cavities used as ducts with one or more surfaces adjacent to the exterior of the air barrier or vapor retarder must be sealed, including end caps and any penetrations.~~

Subp. 5. **Duct insulation.**

B. Ducts running outside the thermal envelope, including ducts in attics and ceilings, must be a minimum of ~~R-16~~ R-8 between the duct and unconditioned space.

Subp. 6. **Pipe insulation.** HVAC pipe insulation must be in accordance with part ~~7676.1000~~ 7676.1100, subpart 17.

Subp. 7. **Testing and balancing.** All controls must be tested to ensure that control elements are calibrated, adjusted, and in proper working condition.

~~Subp. 8. **Operation and maintenance manual.** An operation and maintenance manual must be provided. The manual must include basic data relating to the operation and maintenance of HVAC systems and equipment. Required routine maintenance actions must be clearly identified. Where applicable, HVAC controls information such as diagrams, schematics, control sequence descriptions, and maintenance and calibration information must be included.~~

~~Subp. 9. **Equipment efficiency.** HVAC equipment must meet the requirements of part 7678.0700.~~

#### **7674.0900 SERVICE WATER HEATING.**

Subp. 3. **Automatic controls.** Service water heating systems must be equipped with automatic temperature controls capable of adjustment from the lowest to the highest ~~acceptable~~ temperature settings for the intended use.

Subp. 7. **Pipe insulation.**

A. Minimum pipe insulation for domestic and service water heating systems must comply with this subpart. Pipe insulation is assumed to have a k-value of 0.27. If the k-value of a product is less than 0.22, then the thickness must be adjusted to have an equivalent R-value.

(3) Pipes in contact with high conductivity material, including, ~~but not limited to~~ concrete and earth, must have a one inch minimum of insulation.

#### **7674.1000 ELECTRICAL POWER AND LIGHTING.**

Subp. 6. **Interior lighting.** The total adjusted lighting power in a building must not exceed the sum of the interior lighting power allowances.

B. The area factor must be determined by the equation or table in this unit based on the floor area and ceiling height of the room. Rooms with identical ceiling height and activities, and with similar size, may be treated as a group. The area factor of such a group of rooms must be determined from the average area of the rooms.

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## Adopted Rules

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The equation for area factor (AF) is as follows:

$$AF = 0.2 + 0.8 \text{ EXP} - \left[ \frac{10.21 \times (CH - 2.5)}{\text{SQRT}(A_r) - 1} \right] \times 0.1054 \text{ Ln}(0.9)$$

**Where:**

CH = Ceiling height, feet

A<sub>r</sub> = Floor area of room, square feet calculated from the inside dimensions of the room

If AF < 1.0 then AF = 1.0

If AF > 1.8 then AF = 1.8

C. The base unit power density must be selected from the table in this item. For applications to areas or activities other than those given, select values for similar areas or activities.

**Performance Procedure Unit Power Density**

Common Activity Areas	UPD	Note or Area Factor (AF) Required
Corridor	0.8	AF = 1.0
Food Service		
Fast Food/Cafeteria	<del>1.3</del> <u>0.8</u>	
Leisure Dining	1.4	(+) (1)
Bar/Lounge	<del>2.5</del> <u>1.3</u>	(+)
Kitchen	1.4	(1)
Recreation/Lounge	<del>0.7</del> <u>0.5</u>	
Stairs		
Active Traffic	0.6	
Emergency Exit	0.4	
Toilet and Washroom	<del>0.8</del> <u>0.5</u>	
Garage		
Auto/Pedestrian Circulation	<del>0.3</del> <u>0.25</u>	(+)
Parking Area	0.2	(+) (2)
Lobby (General)		
Reception and Waiting	<del>1.0</del> <u>0.55</u>	
Elevator Lobbies	0.4	

Atrium (Multistory)		
First Three Floors	0.7	
	<u>0.4</u>	
Each Additional Floor	<u>0.2</u>	
	<u>0.15</u>	
Conference/Meeting Room	1.3	<del>(b)</del> (3)
Storage and Warehouse		
Inactive Storage	0.2	
Active Storage, Bulky	0.3	
Laundry		
Washing	<del>0.9</del>	
	<u>0.6</u>	
Ironing and Sorting	1.3	

(1) Base UPD includes lighting power required for cleanup purpose.

(2) Outdoor security lighting may be exempted, provided the lamp efficacy is not less than 55 lumens per watt.

(3) A 1.5 adjustment factor is applicable for multifunctional spaces.

D. Lighting for special places and activities must comply with this item.

(2) Indoor sports and recreation areas must comply with part ~~7676.0800~~ 7676.1300.

Subp. 7. **Internally illuminated exit signs.** New internally illuminated exit signs must not exceed ~~seven~~ five watts per ~~fixture~~ side.

**7674.1100 ADDITIONS, ALTERATIONS, AND REPAIRS TO EXISTING BUILDINGS.**

Subpart 1. **General.** ~~Except as provided in this part, alterations and repairs to the building must comply with the applicable requirements of this chapter for new multifamily residential buildings of three stories or less.~~ Additions, alterations, and repairs to existing buildings must comply with the requirements of this part only.

Subp. 2. **Affecting air leakage.** If an addition or alteration affects the air leakage characteristics or capacity of a building, and vented appliances are present that are not sealed or power vented and are without combustion air supply, then a combustion air supply must be provided according to the Minnesota State Mechanical Code, chapter 1346. Alterations that will likely affect the air leakage characteristics or capacity of a building include attic insulation, wall insulation, applying siding underlayment, or the replacement of a majority of window or door units.

EXCEPTION: A combustion air supply need not be provided where a worst case draft test is performed according to Children, Families, and Learning Worst Case Draft Test and documentation is provided that the vented appliances continue to draft within established parameters of the worst case draft test procedure.

Subp. 5. **Penetrations.** All penetrations resulting as part of an alteration must be sealed according to part 7674.0600, subpart 3. This includes, ~~but is not limited to,~~ penetrations for telecommunication wires and equipment, electrical wires and equipment, electronic wires and equipment, fire sprinklers, plumbing and ducts, and penetrations in exterior walls and ceilings.

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## Adopted Rules

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### Subp. 6. Roof/ceilings.

C. A ceiling vapor retarder ~~is not required~~ may be omitted if the interior ceiling finish is not removed.

E. Alterations comprising removal of at least 50 percent of existing membrane or built-up roof covering must comply with this ~~subpart~~ item.

~~F.~~ Alterations and repairs to a built-up or membrane roof covering of a residential building of three stories or less in height must provide for a maximum U-value of 0.033 ~~with or~~ an R-value of R-30 or greater.

### Subp. 7. Walls.

B. ~~Glazing in existing sash may be replaced without meeting the additional requirements of this chapter, provided the area-weighted U-value of the glazing will be equal to or lower than before the glazing replacement. Reglazing and repairs to existing windows are not required to meet the additional requirements of this chapter.~~ Replaced windows must conform to parts 7674.0600, subpart 8, and 7674.0700, subpart 3.

C. Interior wall finish may not be replaced unless wall cavities have been insulated to full depth. This item shall apply whenever plaster is removed, even though lath may not have been removed.

EXCEPTIONS: Walls that are back-plastered, walls that are more than 50 percent filled with insulation, and walls without framing cavities. Also excepted are small openings for purposes including installing, altering, or repairing plumbing, electrical, and mechanical systems.

Subp. 8. **Heating, ventilation, and air conditioning; service water heating; and electrical power equipment and controls.** All new equipment or control devices installed in conjunction with the alteration must comply with the specific requirements of this part and parts ~~7674.0900~~ 7674.0800, subpart 8, and 7674.1000 applicable to that equipment or control device.

### **7674.1200 EFFECTIVE ~~DATES~~ DATE.**

This chapter is effective one year following publication of the adopted rule in the *State Register*.

### **7676.0100 AUTHORITY AND PURPOSE.**

This chapter is adopted pursuant to *Minnesota Statutes*, section 216C.19, subdivision 8. The purpose of this chapter is to establish the minimum energy code criteria necessary to construct new and remodeled elements of all buildings except one- and two-family residential and multifamily buildings of three stories or less, as well as to provide alternatives for demonstrating compliance with those minimum criteria. The intent of these criteria is to provide a means for ~~furnishing quality indoor air~~, assuring building durability, and permitting energy efficient operation.

### **7676.0300 MATERIALS, EQUIPMENT, AND SPECIFICATION.**

Subp. 2. **Plans and specifications.** Plans, specifications, and either calculations or compliance forms must demonstrate compliance with all requirements of this chapter including, ~~but not limited to~~:

### **7676.0400 INCORPORATIONS BY REFERENCE.**

Subpart 1. **Incorporated items.** The following standards and references are incorporated by reference:

D. ~~ASTM C236-89 (1993)e1, Steady State Thermal Performance of Building Assemblies by Means of a Guarded Hot Box~~ ASTM E1677-95 Standard Specification for an Air Retarder (AR) Material or System for Low-Rise Framed Building Walls;

E. ~~ASTM E283-91, Standard Method of Test for Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors~~ Children, Families, and Learning Worst Case Draft Test, as published in the State of Minnesota Plan for Weatherization Assistance for Low-Income Persons, March 10, 1997;

F. ~~ASTM C976-90 (1996)e1, Thermal Performance of Building Assemblies by Means of a Calibrated Hot Box;~~

G. ~~ASTM E779-87 (1992)e1, Standard Test Method for Determining Air Leakage Rate by Fan Pressurization;~~

H. ~~Code of Federal Regulations, title 10, part 430, National Appliance Energy Conservation Act of 1987;~~

I. ~~Code of Federal Regulations, title 10, part 435, Energy Conservation Voluntary Performance Standards for New Commercial and Multi-Family High Rise Residential Buildings; Mandatory for New Federal Buildings;~~

~~J. E.~~ COMcheck-MN program, a computer program for energy analysis of medium to small nonresidential buildings developed by Battelle Pacific Northwest Laboratories;

~~K. G.~~ ENVSTD, Envelope System Performance Compliance Calculation program, a computer program developed by Battelle Pacific Northwest Laboratories;

~~L. H.~~ HVAC Air Duct Leakage Test Manual, Section 4, 1985 edition, as published by the Sheet Metal and Air Conditioning Contractors National Association, Inc., Vienna, Virginia;

~~M. LTGSTD, lighting prescriptive and system performance compliance calculation program, a computer program developed by Battelle Pacific Northwest Laboratories;~~

~~N. L. "Lighting Efficiency Program Input Wattage Guide," Northern States Power Company, Minneapolis, MN;~~

~~O. NFRC 100-91, Procedure for Determining Fenestration Product Thermal Properties (Currently Limited to U-values); and NFRC 100-97, Procedure for Determining Fenestration Product U-factors; National Fenestration Rating Council;~~

~~P. NFRC 200, Procedure for Determining Fenestration Product Solar Heat Gain Coefficients at Normal Incidence (1995); National Fenestration Council;~~

~~Q. J. Energy Policy Act of 1992, section 122(d), Nominal Full Load Efficiency Requirements for Motors;~~

~~R. K. National Electrical Manufacturers Association Standards Publication X TP 1-1996, Guide for Determining Energy Efficiency for Distribution Transformers; and~~

~~S. L. UL181A, Factory Made Air Ducts and Duct Connectors, Underwriters Laboratories, Inc.~~

#### **7676.0500 DEFINITIONS.**

Subpart 1. **Definitions.** The definitions in this part apply to this chapter. Additional terms relating to lighting requirements of this chapter are contained in part ~~7670.0800~~ 7676.1300, subpart 2.

Subp. 2. **Accessible.** "Accessible" means ~~admitting close approach not guarded by locked doors, elevation, or other effective means having access to but which first may require the removal of an access panel, door, or similar obstruction covering the item described.~~

Subp. 3. **Attic bypass.** "Attic bypass" means a passageway where air may pass from a conditioned space to the unconditioned side of a roof or attic. Attic bypasses include; ~~but are not limited to;~~ utility penetrations, interior soffits, openings in top plates, fan penetrations, and light fixture penetrations.

Subp. 7. **Conditioned space.** "Conditioned space" means space within a building which is conditioned either directly or indirectly by an energy-using system and is capable of maintaining at least 65 degrees Fahrenheit at winter design conditions or less than 78 degrees Fahrenheit at summer design conditions identified in part 7676.1100; ~~subpart 4.~~

Subp. 11. **Gross wall area.** "Gross wall area" means the building envelope wall area bounding interior space from grade to the roof/ceiling assembly enclosing conditioned or semiconditioned space, including opaque wall, window, and door area.

For basement walls with an average below-grade area less than 50 percent of the total wall area, including openings, all walls, including the below-grade portion, are included as part of the gross wall area. Windows and doors in basement walls are also included in the gross wall area.

Subp. 17. **Interior air barrier.** "Interior air barrier" means a material or combination of materials which are durable and installed at the warm side of the building envelope and continuously sealed to resist the passage of air and airborne moisture from a conditioned or semiconditioned space into the building envelope. Acceptable air barrier materials include; ~~but are not limited to;~~ supported four mil polyethylene, gypsum board, wood products, rigid insulation, plastic, metal, sealed concrete products, and any air impermeable material that qualifies as a draft stop, fire stop, or fire block.

Subp. 22. **Readily accessible.** "Readily accessible" means capable of being reached safely and quickly for operation, ~~renewal repair, or inspections inspection,~~ without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to the use of portable ladders, chairs, or similar aids access equipment.

Subp. 41. **Wind wash barrier.** "Wind wash barrier" means a material or combination of materials, rigid or flexible, to resist the passage of unconditioned air into the building envelope. ~~Acceptable Wind wash barrier materials must be suitable for exterior conditions; and include exterior sheathing, exterior wrap materials, and other approved air barrier materials. Sealed exterior wrap materials must have a water vapor permeability not less than five perms. Flexible wind wash barrier materials must meet ASTM E1677.~~

#### **7676.0600 MINIMUM ENVELOPE CRITERIA.**

Subpart 1. **General.**

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## Adopted Rules

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B. The minimum criteria specified in this part must be met for new buildings in all cases, and may not be made less stringent by a trade off.

~~EXCEPTION: Buildings meeting the criteria of part 7676.0800 for semiconditioned buildings or buildings with high internal heat gain, or part 7676.0900 for greenhouses, inflated structures, or processes requiring heat for cold weather protection, may be designed using trade off provisions.~~

C. Where sealed materials are required, sealants must be compatible with substrate and other materials being sealed. Consideration must be given to the installation conditions, temperature, moisture, gap width, and permanence of seal required when selecting appropriate material for sealing.

Subp. 3. **Framed components.** All buildings must be constructed in a manner that provides a continuous, durable interior air barrier on the warm side of the building envelope.

EXCEPTION: This subpart shall not apply to alterations and additions.

A. Insulated ceilings must have a vertical clearance of not less than ~~7-1/4~~ six inches from the outside edge of the exterior wall top plate to the roof sheathing, and not less than R-19 insulation at the inside edge of the top plate.

E. Whenever interior framing meets an insulated ceiling or exterior wall, a continuous interior air barrier must be installed on the ceiling or exterior wall prior to installation of interior framing to allow continuity with adjacent interior air barriers. This requirement applies to dropped ceilings, soffits, stairs, fire or draft stops, fireplace framing, and similar elements.

EXCEPTION: An interior air barrier need not be ~~insulated~~ installed above partition top plates if adjacent interior air barrier materials are sealed to the top plate, provided that penetrations in the top plate are sealed.

Subp. 4. **Interior air barrier.** A sealed, continuous interior air barrier must be installed on the warm side of the building envelope to resist air leakage and movement of moisture into the building envelope at ceilings, walls, and floor rim joist areas.

B. An interior air barrier must be installed at floor rim joist areas.

~~EXCEPTION: An interior air barrier is not required at floor rim joist areas if all HVAC supply and return ducts in the building are sealed with and according to the installation instructions of a product meeting UL181 and penetrations in floor cavities are sealed according to subpart 5.~~

Subp. 5. **Interior air barrier penetrations.**

B. Penetrations that must be sealed include; ~~but are not limited to~~, piping and ducts, wires and equipment, and flue and chimney penetrations.

Subp. 6. **Vapor retarder requirements.** A vapor retarder must be installed on the warm side of all walls and on ceilings, floor rim joist areas, and earth floors of unvented crawl spaces.

~~EXCEPTIONS:~~

~~A. A vapor retarder is not required at floor rim joist areas if all HVAC supply and return ducts in the building are sealed with and in accordance with the installation instructions of a product meeting UL181 and penetrations in floor cavities are sealed according to subpart 5.~~

~~B.~~ For buildings meeting the criteria of part 7676.0800 for semiconditioned buildings or buildings with high internal heat gain, or part 7676.0900 for greenhouses, inflated structures, or processes requiring heat for cold weather protection, consideration must be given to the use of a vapor retarder on the warm side of building envelope components.

Subp. 7. **Exterior wind wash barrier.** A barrier must be provided to resist wind wash. Where sealing is required, the wind wash barrier must be caulked, be gasketed, have sealed exterior wrap, or be otherwise sealed in an approved manner to provide a permanent air seal and prevent entry of wind and wind-driven rain. In wood framing construction, wind wash barrier penetrations must occur through rigid material or approved hardware to enable effective sealing. Penetrations in the wind wash barrier must be sealed ~~at the time of product installation~~ so that a continuous wind wash barrier is maintained.

A. A rigid wind wash barrier must be tightly installed at the exterior edge of the exterior wall top plate, ~~and not less than extending vertically to the bottom underside~~ of the truss top chord, or for nontruss wood framing to within 3-1/2 inches of the roof deck, ~~or to the top of the required ceiling insulation.~~

EXCEPTION: A wind wash barrier is not required to extend greater than 24 inches above the top plate.

E. A sealed wind wash barrier must be installed ~~to prevent air leakage from garages into~~ between an attached garage and interior conditioned spaces.

Subp. 9. **Floors over unconditioned spaces.** Floors over unconditioned spaces must have a maximum overall thermal transmittance as required for the building types identified in this chapter. ~~While the U-value may be increased or decreased by trade off~~



ulations; in all cases it must have a maximum overall thermal transmittance of 0.033. Floor rim joist framing must have an interior air barrier on the warm side according to subpart 4 and a sealed wind wash barrier according to subpart 7.

**7676.0700 METHODS FOR COMPLIANCE.**

Subp. 3. **Minimum requirements.** ~~Minimum R-values, maximum U-values, and other minimum requirements are contained in items A to E.~~ Fenestration products (windows, doors, and skylights) must have air infiltration rates not exceeding those listed in part 7678.0600. Fenestration thermal performance must be determined according to part 7678.0600.

A. The average U-values for fenestration products as determined by part 7678.0600 used in the building must not exceed:

- (1) U-0.37 for windows and glass doors (except foundation windows 5-6 square feet and less);
- (2) U-0.55 for skylights;
- (3) U-0.51 for foundation windows 5-6 square feet and less.

B. Foundation wall insulation must be not less than R-5.

C. Slabs on grade insulation must not be less than R-5.

D. Floors over unconditioned spaces must have a maximum U<sub>e</sub>-value of 0.033.

E. All other minimum criteria specified in part 7678.0600 must be met.

Subp. 8. **Prescriptive method for small buildings.** Buildings of 30,000 square feet gross floor area and less shall be deemed to meet the requirements of this subpart if the thermal envelope meets the criteria of item A or B. The minimum criteria specified in part 7676.0600 must be met. "CMU" means concrete masonry unit and "PF" means the average projection factor for the building. "Cavity insulation" means insulation between framing members or furring strips and does not refer to integral insulation in CMUs. "Continuous insulation" means insulation which is installed continuously across structural members with its effectiveness undiminished by compression or bridging, except for fasteners.

A. Buildings located in Zone I, northern Minnesota, as defined in part 1305.5400, must comply with this item.

(1) Window area ten percent or less of above-grade wall area:

**Window Area 10% or Less of Above-Grade Wall Area**

Element	Conditions		
	No Framing	Metal Framing	Wood Framing
Above-Grade Walls			
Framed	NA	Cavity: R-13 Continuous: R-3	Cavity: R-13 Continuous: R-0
CMU, ≥8 in. with integral insulation	R-6 <u>Continuous</u>	Cavity: R-13 Continuous: R-0	Cavity: R-11 Continuous: R-0
Other masonry walls	R-6 <u>Continuous</u>	Cavity: R-13 Continuous: R-0	Cavity: R-11 Continuous: R-0
Window assemblies		PF<0.25      0.25≤PF<0.50	PF≥0.50
	SHGC	0.7      Any	Any

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## Adopted Rules

	U-value	0.5	0.5	0.5
	Skylights	U-value	0.6	
Roof Assemblies		Insulation Between Framing		Continuous Insulation
All-wood joist/truss		R-30		R-23
Nonwood joist/truss		R-30		R-24
Concrete slab or deck		NA		R-23
Metal purlin with thermal break <sup>1</sup>		X		R-24
Metal purlin without thermal break		X		R-24
Floor Assemblies		Insulation Between Framing		Continuous Insulation
All-wood joist/truss		R-25		R-22
Nonwood joist/truss		R-30		R-23
Concrete slab or deck		NA		R-22
Slab or below-grade wall			R-8	

(2) Window area over ten percent but not greater than 25 percent of above-grade wall area:

### Window Area Over 10% But Not Greater Than 25% Of Above-Grade Wall Area

Element	Conditions			
Above-Grade Walls	No Framing	Metal Framing	Wood Framing	
Framed	NA	Cavity: R-13 Continuous: R-3	Cavity: R-13 Continuous: R-0	
CMU, ≥8 in. with integral insulation	R-6 <u>Continuous</u>	Cavity: R-13 Continuous: R-0	Cavity: R-11 Continuous: R-0	
Other masonry walls	R-9 <u>Continuous</u>	Cavity: R-13 Continuous: R-3	Cavity: R-13 Continuous: R-0	
Window assemblies		PF<0.25	0.25≤PF<0.50	PF≥0.50

## Adopted Rules

	SHGC	0.7	Any	Any
	U-value	0.4	0.4	0.4
	Skylights	U-value	0.6	
Roof Assemblies		Insulation Between Framing		Continuous Insulation
	All-wood joist/truss	R-30		R-23
	Nonwood joist/truss	R-30		R-24
	Concrete slab or deck	NA		R-23
	Metal purlin with thermal break	X		R-24
	Metal purlin without thermal break	X		R-24
Floor Assemblies		Insulation Between Framing		Continuous Insulation
	All-wood joist/truss	R-25		R-22
	Nonwood joist/truss	R-30		R-23
	Concrete slab or deck	NA		R-22
Slab or below-grade wall			R-8	

(3) Window area over 25 percent but not greater than 40 percent above-grade wall area:

**Window Area Over 25% But Not Greater  
Than 40% Of Above-Grade Wall Area**

Element	Conditions		
Above-Grade Walls	No Framing	Metal Framing	Wood Framing
Framed	NA	Cavity: R-13 Continuous: R-4	Cavity: R-13 Continuous: R-3
CMU, ≥8 in. with integral insulation	R-10 <u>Continuous</u>	Cavity: R-13 Continuous: R-4	Cavity: R-11 Continuous: R-3

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## Adopted Rules

Other masonry walls	R-10 <u>Continuous</u>	Cavity: R-13 Continuous: R-4	Cavity: R-13 Continuous: R-3
Window assemblies	PF<0.25	0.25≤PF<0.50	PF≥0.50
	SHGC	0.7	Any
	U-value	0.4	0.4
Skylights	U-value		0.6
Roof Assemblies		Insulation Between Framing	Continuous Insulation
All-wood joist/truss		R-30	R-23
Nonwood joist/truss		R-30	R-24
Concrete slab or deck		NA	R-23
Metal purlin with thermal break		X	R-24
Metal purlin without thermal break		X	R-24
Floor Assemblies		Insulation Between Framing	Continuous Insulation
All-wood joist/truss		R-25	R-22
Nonwood joist/truss		R-30	R-23
Concrete slab or deck		NA	R-22
Slab or below-grade wall			R-8

B. Buildings located in Zone II, southern Minnesota, as defined in part 1305.5400, must comply with this item.

(1) Window area ten percent or less of above-grade wall area:

### Window Area 10% or Less of Above-Grade Wall Area

Element	Conditions		
Above-Grade Walls	No Framing	Metal Framing	Wood Framing
Framed	NA	Cavity: R-13 Continuous: R-3	Cavity: R-11 Continuous: R-0
CMU, ≥8 in. with	R-5	Cavity: R-11	Cavity: R-11

## Adopted Rules

integral insulation	<u>Continuous</u>	Continuous: R-0	Continuous: R-0
Other masonry walls	R-5 <u>Continuous</u>	Cavity: R-11 Continuous: R-0	Cavity: R-11 Continuous: R-0
Window assemblies		PF<0.25      0.25≤PF<0.50	PF≥0.50
	SHGC U-value	0.7 0.6	Any 0.6
Skylights	U-value		0.6
Roof Assemblies		Insulation Between Framing	Continuous Insulation
All-wood joist/truss		R-25	R-19
Nonwood joist/truss		R-25	R-20
Concrete slab or deck		NA	R-19
Metal purlin with thermal break		R-30	R-20
Metal purlin without thermal break		X	R-20
Floor Assemblies		Insulation Between Framing	Continuous Insulation
All-wood joist/truss		R-25	R-22
Nonwood joist/truss		R-30	R-23
Concrete slab or deck		NA	R-22
Slab or below-grade wall			R-8

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## Adopted Rules

(2) Window area over ten percent but not greater than 25 percent of above-grade wall area:

### Window Area Over 10% But Not Greater Than 25% Of Above-Grade Wall Area

Element	Conditions			
Above-Grade Walls	No Framing	Metal Framing	Wood Framing	
Framed	NA	Cavity: R-13 Continuous: R-3	Cavity: R-11 Continuous: R-0	
CMU, ≥8 in. with integral insulation	R-5 <u>Continuous</u>	Cavity: R-11 Continuous: R-0	Cavity: R-11 Continuous: R-0	
Other masonry walls	R-9 <u>Continuous</u>	Cavity: R-13 Continuous: R-3	Cavity: R-11 Continuous: R-0	
Window assemblies		PF<0.25	0.25≤PF<0.50	PF≥0.50
	SHGC U-value	0.7 0.5	Any 0.5	Any 0.5
Skylights	U-value	0.6		
Roof Assemblies		Insulation Between Framing	Continuous Insulation	
All-wood joist/truss		R-30	R-23	
Nonwood joist/truss		R-30	R-24	
Concrete slab or deck		NA	R-23	
Metal purlin with thermal break		X	R-24	
Metal purlin without thermal break		X	R-24	
Floor Assemblies		Insulation Between Framing	Continuous Insulation	
All-wood joist/truss		R-25	R-22	
Nonwood joist/truss		R-30	R-23	
Concrete slab or deck		NA	R-22	
Slab or below-grade wall		R-8		

(3) Window area over 25 percent but not greater than 40 percent of above-grade wall area:

**Window Area Over 25% But Not Greater Than 40% Of Above-Grade Wall Area**

Element	Conditions			
Above-Grade Walls	No Framing	Metal Framing	Wood Framing	
Framed	NA	Cavity: R-13 Continuous: R-3	Cavity: R-11 Continuous: R-0	
CMU, ≥8 in. with integral insulation	R-5 <u>Continuous</u>	Cavity: R-13 Continuous: R-0	Cavity: R-11 Continuous: R-0	
Other masonry walls	R-9 <u>Continuous</u>	Cavity: R-13 Continuous: R-3	Cavity: R-13 Continuous: R-0	
Window assemblies		PF<0.25	0.25≤PF<0.50	PF≥0.50
	SHGC	0.5	0.6	0.7
	U-value	0.4	0.4	0.4
Skylights	U-value	0.6		
Roof Assemblies		Insulation Between Framing	Continuous Insulation	
All-wood joist/truss		R-30	R-23	
Nonwood joist/truss		R-30	R-24	
Concrete slab or deck		NA	R-23	
Metal purlin with thermal break		X	R-24	
Metal purlin without thermal break		X	R-24	
Floor Assemblies		Insulation Between Framing	Continuous Insulation	

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## Adopted Rules

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All-wood joist/truss	R-25	R-22
Nonwood joist/truss	R-30	R-23
Concrete slab or deck	NA	R-22

Slab or below-grade wall

R-8

### 7676.0800 COMPLIANCE CRITERIA FOR SEMICONDITIONED BUILDINGS OR PORTIONS OF BUILDINGS.

Subp. 2. **Criteria.** The combined thermal transmittance  $U_o$ -values must not exceed:

D. slab on grade insulation to design frost depth of not less than R-5 ~~for an unheated slab and not less than R-10 for a heated slab~~; and

### 7676.0900 COMPLIANCE CRITERIA FOR GREENHOUSES, INFLATED STRUCTURES, AND PROCESSES REQUIRING HEAT FOR COLD WEATHER PROTECTION.

Subp. 2. **Processes requiring heat for cold weather protection.** Processes requiring heat for cold weather protection must be enclosed with thermal protection meeting the requirements of this part unless ~~the building official approves an analysis demonstrating it is demonstrated~~ that there would not be a ten-year simple payback considering the cost of enclosing the process with thermal protection and the resulting energy savings.

EXCEPTION: Industrial processes.

### 7676.1000 COMPLIANCE CRITERIA FOR METAL BUILDINGS.

Subp. 3. **Girts.** Girts must be separated from interior wall finish by a thermal break. The thermal break must be not less than one-inch foam block or compressed mineral fiber insulation. Foam blocks must be a minimum R-value of 5 (2 pound density).

### 7676.1100 BUILDING MECHANICAL SYSTEMS.

Subp. 5. **Alternate procedure for simple HVAC systems.**

H. HVAC equipment must meet the requirements of part 7678.0700.

Subp. 6. **Simultaneous heating and cooling.**

D. New energy may be used for temperature control if minimized in accordance with this item.

(1) Systems employing reheat and serving multiple zones, other than those employing variable air volume for temperature control, must be provided with a control that will automatically reset the system cold-air supply to the highest temperature level that will satisfy the zone requiring the ~~coolest air~~ highest cooling load.

(2) Single-zone reheat systems must be controlled to sequence reheat and cooling.

~~(3)~~ (3) Dual duct and multizone systems, other than those employing variable air volume for temperature control, must be provided with a control that will automatically reset:

(a) the cold-deck air supply to the highest temperature that will satisfy the zone requiring the ~~coolest air~~ highest cooling load; and

(b) the hot-deck air supply to the lowest temperature that will satisfy the zone requiring the ~~warmest air~~ highest heating load.

~~(4)~~ (4) Systems in which heated air is recooled, directly or indirectly, to maintain space temperature must be provided with a control that will automatically reset the temperature to which the supply air is heated to the lowest level that will satisfy the zone requiring the ~~warmest air~~ highest heating load.

~~(5)~~ (5) For systems with multiple zones, one or more zones may be chosen to represent a number of zones with similar heating and cooling characteristics. A multiple zone system that employs reheating or recooling for control of not more than 5,000 cfm, or 20 percent of the total supply air of the system, whichever is less, is exempt from the supply air temperature reset requirements in subitems (1) to ~~(3)~~ (4).

~~(6)~~ (6) Concurrent operation of independent heating and cooling systems serving common spaces and requiring the use of new energy for heating or cooling must be minimized by:

Subp. 8. **Mechanical ventilation.**

B. Both supply and exhaust ducts of mechanical ventilation systems must be equipped with ~~a means for controls that permit~~ shutoff or volume reduction and shutoff when ventilation is not required. Automatic or gravity dampers that close when the system



is not operating must be provided for outdoor air intakes and exhausts. Automatic or manual dampers installed for the purpose of shutting off ventilation systems must be designed with tight shutoff characteristics to minimize air leakage.

~~C. Exceptions to item B:~~

(+) EXCEPTIONS: Manual dampers for outdoor air intakes may be used ~~in the following cases:~~

(+) for multifamily residential buildings, and

(+) if the fan system capacity is less than 2,500 cfm.

(+) Dampers are not required when the ventilation system is designed for continuous operation.

Subp. 9. **Fan system design criteria.** Total fan power must be no greater than specified in this subpart.

~~A. EXCEPTIONS:~~

(+) HVAC systems where the total fan power is ten horsepower or less;

(+) unitary equipment for which the energy used by the fan is considered in the efficiency ratings of the equipment; or

(+) that portion of fan power required by air treatment and filtration systems which is in excess of one inch of water column.

~~B. A.~~ The power required by motors of constant air volume fan systems must not exceed 0.8 W/cfm of supply air at design conditions.

~~C. B.~~ The power required by motors of variable air volume fan systems must not exceed 1.25 W/cfm of supply air at design conditions.

~~D. C.~~ Variable air volume fans with motors 7-1/2 horsepower and larger must provide controls for the fan motor to demand no more than 50 percent of design wattage at 50 percent of design air volume, based on the manufacturer's test data.

Subp. 14. **Controls.**

A. Each system must be provided with at least one ~~adjustable thermostat for the regulation of temperature control system,~~ either an adjustable thermostat or control system output-space temperature sensor input.

(1) Each thermostat must be capable of being set by adjustment or selection of sensors as follows:

(c) when used to control both heating and cooling, it must be capable of being set from 55 to 85 degrees Fahrenheit and must be capable of operating the system heating and cooling in sequence. ~~The thermostat or temperature control system must have an adjustable deadband of at least ten degrees Fahrenheit.~~

(2) ~~Thermostats~~ The temperature control system must be capable of shutting off or reducing the energy use. Lowering thermostat set points to reduce energy consumption of heating systems must not cause energy to be expended to reach the reduced setting.

B. This item sets criteria for humidity control.

(1) ~~A humidistat~~ humidity control system must be provided if a system is equipped with a means for adding moisture to maintain specific selected relative humidities in spaces or zones.

(2) ~~A humidistat~~ humidity control system must be provided to control ventilating systems serving the pool and spa areas.

(3) ~~Humidistats~~ Humidity control systems must be capable of being set to prevent new energy from being used to produce space-relative humidity above 30 percent. If a humidistat is used in a system for controlling moisture removal to maintain specific selected relative humidities in spaces or zones, it must be capable of being set to prevent new energy from being used to produce a space-relative humidity of less than 60 percent.

EXCEPTION: Special occupancies requiring different relative humidities.

C. ~~Thermostats~~ Temperature control systems must be provided for each separate HVAC system or zone. For all buildings except low-rise residential, at least one ~~thermostat~~ temperature control system must be provided for each separate system and each separate zone. In a multistory building where the perimeter system offsets only the transmission losses of the exterior wall, an entire side of uniform exposure may be zoned separately.

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## Adopted Rules

Subp. 16. **Duct construction.** Ductwork installation requirements are provided in the Minnesota State Mechanical Code, chapter 1346. Ducts outside of the interior air barrier must be sealed with a product meeting UL181 or equivalent.

A. ~~Ducts must be sealed according to this subpart. When sealing is required, ducts must be sealed with and in accordance with the installation of a product meeting UL181. Cloth-backed duct tape with rubber adhesive shall not be used to satisfy the requirements of this part. Mastie must be used as the primary sealant for ducts designed to operate at static pressure of a one-inch water gauge or greater.~~

B. ~~According to the Minnesota State Mechanical Code, chapter 1346, return air ducts conducting air into a furnace through the same space as the furnace must be sealed. Spaces that are not separated by walls or doors must be considered the same space.~~

C. ~~Ducts for nonresidential buildings and residential buildings greater than three stories must be sealed in accordance with this item.~~

### Minimum Required Sealing

Location	Design Static Pressure	Sealing Required
All locations	Greater than 3.0 inches water gauge	Joints, seams, and all duct wall penetrations must be sealed. Ductwork must be equal to or less than leakage Class 6 as defined in section 4 of the HVAC Duct Leakage Test Manual.*
Outside conditioned space and outside air-vapor barrier	3.0 inches water gauge and less	All transverse joints and longitudinal seams must be sealed.
All locations	2.0 to 3.0 inches water gauge	All transverse joints must be sealed.
Ducts within return, relief, and exhaust plenums	0.25 to 3.0 inches water gauge	All transverse joints must be sealed.

\*Leakage testing may be limited to representative sections of the duct system, but in no case shall the tested sections include less than 25 percent of the total installed duct area for the design pressure class.

### 7676.1200 SERVICE WATER HEATING.

Subp. 3. **Automatic controls.** Service water heating systems must be equipped with automatic temperature controls capable of adjustment from the lowest to the highest ~~acceptable~~ temperature settings for the intended use.

#### Subp. 7. **Pipe insulation.**

A. Minimum pipe insulation for domestic and service water heating systems must comply with this subpart.

EXCEPTION: Piping insulation is not required when the heat loss of the pipeline, without insulation, does not increase the annual energy requirements of the building.

All service water heating pipe in contact with high conductivity material, including, ~~but not limited to,~~ concrete and earth, must have a one-inch minimum insulation. Pipe insulation is assumed to have a k-value of 0.27. If the k-value of a product is less than 0.22, then the thickness must be adjusted to have an equivalent R-value.

**Minimum Insulation Thickness for Pipe Sizes**

Design water temperature, °F

Pipe Sizes	less than 130°F	131°-160°F	above 160°F
Noncirculating runouts up to 1 inch	1/2 inch	1/2 inch	1/2 inch
Circulating mains and runouts up to 1-1/4 inches	1/2 inch	1/2 inch	1 inch
1-1/2 inches to 2 inches	1/2 inch	1 inch	1-1/2 inches
Over 2 inches	1 inch	1-1/2 inches	2 inches

E. For nonrecirculating water heater systems, both supply and return piping for water heaters must be insulated for a distance of ~~three~~ eight feet from the water heater.

**7676.1300 ELECTRICAL POWER AND LIGHTING.**

Subp. 2. **Lighting power budget.**

A. Lighting systems must meet the requirements of this item.

(2) Except for fluorescent lamp ballasts, which must meet the requirements of subitem (1), units (a) and (c), the following are exempt from the lighting power budget standards:

(1) lighting for ~~one- and two-family detached dwellings and~~ the dwelling portion of multifamily buildings;

(7) Trade offs between interior lighting power allowance and exterior lighting power allowance are not allowed. Trade offs of the interior lighting power budgets among interior spaces are allowed. Trade offs of exterior lighting power budgets among exterior areas are allowed as long as the total connected lighting power of exterior lighting does not exceed the exterior lighting power allowance and the allowance for the building exterior surfaces is not exceeded.

D. Interior lighting for the whole building procedure must be calculated according to this item.

(1) The definitions in this subitem apply to this item.

(g) "Schools" ~~subdivided by~~ include preschool/elementary, junior high/high school, and technical/vocational, ~~includes both~~ public and private educational institutions for children or adults, and may also include community centers, college and university buildings, and business educational centers.

(2) The connected lighting load must not exceed the product of the unit power density from this subitem and the gross floor area of the building.

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# Adopted Rules

## Whole Building Unit Lighting Power Allowance, W/Ft<sup>2</sup>

### Gross Lighted Area

Building Type/Area Function	0-2,000 ft <sup>2</sup>	2,001-10,000 ft <sup>2</sup>	10,001-25,000 ft <sup>2</sup>	25,001-50,000 ft <sup>2</sup>	50,001-250,000 ft <sup>2</sup>	>250,000 ft <sup>2</sup>
Food Service:						
Fast Food/ Cafeteria	<del>1.50</del>	<del>1.38</del>	<del>1.34</del>	<del>1.32</del>	<del>1.31</del>	<del>1.30</del>
	<u>0.92</u>	<u>0.85</u>	<u>0.82</u>	<u>0.81</u>	<u>0.81</u>	<u>0.80</u>
Leisure Dining/ Bar	<del>2.20</del>	<del>1.91</del>	<del>1.71</del>	<del>1.56</del>	<del>1.46</del>	1.40
	<u>1.60</u>	<u>1.56</u>	<u>1.52</u>	<u>1.48</u>	<u>1.44</u>	
Offices	<del>1.90</del>	<del>1.81</del>	<del>1.72</del>	<del>1.65</del>	<del>1.57</del>	<del>1.50</del>
	<u>1.40</u>	<u>1.34</u>	<u>1.27</u>	<u>1.22</u>	<u>1.16</u>	<u>1.11</u>
Retail*	<del>3.30</del>	<del>3.08</del>	<del>2.83</del>	<del>2.50</del>	<del>2.28</del>	<del>2.10</del>
	<u>2.70</u>	<u>2.52</u>	<u>2.32</u>	<u>2.05</u>	<u>1.87</u>	<u>1.72</u>
Mall Concourse/ Multi- store Service	<del>1.60</del>	<del>1.58</del>	<del>1.52</del>	<del>1.46</del>	<del>1.43</del>	<del>1.40</del>
	<u>0.69</u>	<u>0.68</u>	<u>0.65</u>	<u>0.63</u>	<u>0.61</u>	<u>0.60</u>
Service Estab- lishment	<del>2.70</del>	<del>2.37</del>	<del>2.08</del>	<del>1.92</del>	<del>1.80</del>	<del>1.70</del>
	<u>2.81</u>	<u>2.03</u>	<u>1.78</u>	<u>1.65</u>	<u>1.54</u>	<u>1.46</u>
Garages	<del>0.30</del>	<del>0.28</del>	<del>0.24</del>	0.22	0.21	0.20
	<u>0.25</u>	<u>0.24</u>	<u>0.23</u>			
Schools:	<u>1.77</u>	<u>1.72</u>	<u>1.60</u>	<u>1.49</u>	<u>1.36</u>	<u>1.26</u>
<del>Preschool/ Elementary</del>	<del>1.80</del>	<del>1.80</del>	<del>1.72</del>	<del>1.65</del>	<del>1.57</del>	<del>1.50</del>
<del>Jr. High/ High School</del>	<del>1.90</del>	<del>1.90</del>	<del>1.88</del>	<del>1.83</del>	<del>1.76</del>	<del>1.70</del>
<del>Technical/ Vocational</del>	<del>2.40</del>	<del>2.33</del>	<del>2.17</del>	<del>2.01</del>	<del>1.84</del>	<del>1.70</del>
Warehouse/ Storage	<del>0.80</del>	<del>0.66</del>	<del>0.56</del>	<del>0.48</del>	<del>0.43</del>	<del>0.40</del>
	<u>0.60</u>	<u>0.50</u>	<u>0.42</u>	<u>0.36</u>	<u>0.32</u>	<u>0.30</u>

\*Includes general, merchandising, and display lighting.

E. Interior lighting for the space-by-space procedure must be calculated according to this item.

(3) The lighting power budget of each interior space must be determined by:

$$LPB = A_{wp} \times UPD_b \times AF$$

Where:

$A_{wp}$  = Area of the room at the horizontal lighted working plane

$UPD_b$  = Base UPD

(a) The area factor must be determined based on the floor area and ceiling height of the room. Rooms with identical ceiling height and activities, and with similar size, may be treated as a group. The area factor of such a group of rooms must be determined from the average area of the rooms. The equation for area factor (AF) is:

$$AF = 0.2 + 0.8 \text{ EXP} - \left[ \left[ \frac{10.21 \times (CH - 2.5)}{\text{SQRT}(A_r) - 1} \right] \times 0.1054 \text{ Ln}(0.9) \right]$$

Where:

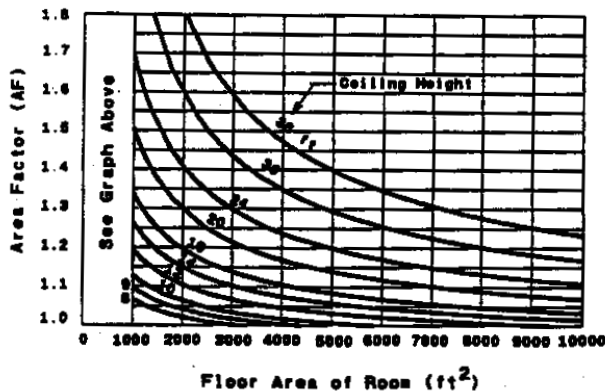
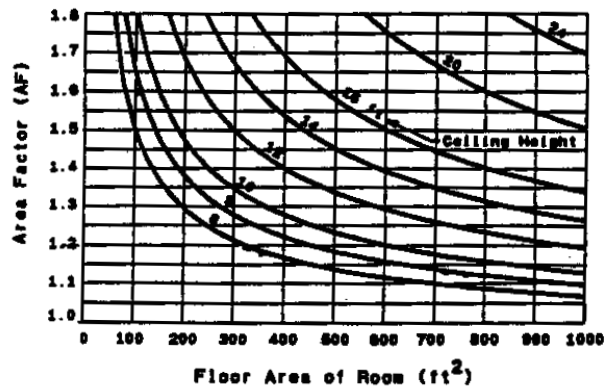
CH = Ceiling height, feet

$A_r$  = Floor area of the room, square feet calculated from the inside dimensions of the room

If  $AF < 1.0$  then  $AF = 1.0$

If  $AF > 1.8$  then  $AF = 1.8$

AREA FACTOR



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## Adopted Rules

(b) The unit power density must be selected from the table in this unit. For applications to areas or activities other than those given, select values for similar areas or activities.

### Performance Procedure Unit Power Density

Area/Activity	UPD	Note or Area Factor (AF) Required
Common Activity Areas		
Auditorium	1.4	(iv)
Corridor	0.8	AF = 1.0
Classroom/Lecture Hall	<del>2.0</del> 1.7	
Elec/Mech Equipment Room:		
General	0.7	AF = 1.0
Control Rooms	1.5	AF = 1.0
Food Service:		
Fast Food/Cafeteria	<del>1.3</del> 0.8	
Leisure Dining	1.4	(i)
Bar/Lounge	<del>2.5</del> 1.3	(i)
Kitchen	1.4	
Recreation/Lounge	<del>0.7</del> 0.5	
Stairs:		
Active Traffic	0.6	
Emergency Exit	0.4	
Toilets and Washing	<del>0.8</del> 0.5	
Garage:		
Auto/Pedestrian Circulation	<del>0.3</del> 0.25	(iv)
Parking Area	0.2	(iv)
Laboratory	2.2	
Library:		
Audio Visual	1.1	
Stack Visual	<del>1.1</del> 1.5	
Card File and Cataloging	<del>0.9</del> 0.8	
Reading Area	<del>1.1</del> 1.0	

Lobby (General)

Reception and Waiting	<del>1.0</del> <u>0.55</u>
Elevator Lobbies	0.4

Atrium (Multistory):

First Three Floors	<del>0.7</del> <u>0.4</u>
Each Additional Floor	<del>0.2</del> <u>0.15</u>

Locker Room and Shower	<del>0.8</del> <u>0.6</u>
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Office Category 1

Enclosed offices, of less than 900 ft<sup>2</sup> (⇌) (iii)

All open plan offices w/out partitions or w/partitions power plan 4.5 ft below the ceiling:

Reading, Typing, and Filing	<del>1.5</del> <u>1.3</u>	AF<1.55
Drafting	<del>1.9</del> <u>2.2</u>	AF<1.55
Accounting	<del>1.6</del> <u>1.8</u>	AF<1.55

Office Category 2

All open plan offices, 900 ft<sup>2</sup> or larger w/partitions 3.5 to 4.5 ft below the ceiling: (⇌) (iii)

Reading, Typing, and Filing	1.5	AF = 1.0
Drafting	<del>2.0</del> <u>2.6</u>	AF = 1.0
Accounting	<del>1.8</del> <u>2.1</u>	AF = 1.0

Office Category 3

Open plan offices, 900 ft<sup>2</sup> or larger w/partitions higher than 3.5 ft below the ceiling: (⇌) (iii)

Reading, Typing, and Filing	1.7	AF = 1.0
Drafting	<del>2.3</del> <u>3.0</u>	AF = 1.0
Accounting	<del>1.9</del> <u>2.4</u>	AF = 1.0

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## Adopted Rules

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### Common Activity Areas:

Conferences/Meeting Room	1.3	(b) (ii)
Computer/Office Equipment	<del>1.1</del> <u>2.1</u>	
Filing, Inactive	1.0	
Mail Room	1.8	

### Shop (Nonindustrial)

Machinery	2.5
Electrical/Electronic	2.5
Painting	1.6
Carpentry	2.3
Welding	1.2

### Storage and Warehouse:

Inactive Storage	0.2
Active Storage, Bulky	0.3
Active Storage, Fine	0.9
Material Handling	1.0

Unlisted Space 0.2

### Specific Building Area/Activity

(e) (v)

### Airport, Bus, and Rail Station:

Baggage Area	<del>0.8</del> <u>0.75</u>
Concourse/Main Throughway	<del>0.9</del> <u>0.45</u>
Ticket Counter	<del>2.0</del> <u>1.3</u>
Waiting and Lounge Area	<del>0.8</del> <u>0.6</u>

### Bank

Customer Area	<del>1.0</del> <u>0.8</u>
Banking Activity Area	2.2

Barber and Beauty Parlor 1.6

### Church, Synagogue, Chapel:

Worship/Congregational	<del>1.7</del> <u>1.3</u>
Preaching and Sermon/Choir	1.8

### Dormitory:

Bedroom	<del>1.0</del> <u>0.6</u>
Bedroom with Study	1.3
Study Hall	<del>1.2</del> <u>0.9</u>



Fire and Police Department:

Fire Engine Room	0.7	
Jail Cell	<del>0.8</del> <u>0.4</u>	

Hospital/Nursing Home:

Corridor	<del>1.3</del> <u>0.9</u>	AF<1.55
Dental Suite/Exam/Treatment	<del>1.6</del> <u>1.4</u>	
Emergency	2.0	
Laboratory	1.7	
Lounge/Waiting Room	<del>0.9</del> <u>0.6</u>	
Medical Supplies	2.4	
Nursery	1.6	
Nurse Station	1.8	
Occupational/Physical Therapy	1.4	
Patient Room	<del>1.2</del> <u>0.9</u>	
Pharmacy	1.5	
Radiology	1.8	
Surgery and OB Suites:	<del>1.8</del>	
General Area	<del>6.0</del> <u>1.8</u>	
Operating Room	<del>2.0</del> <u>6.0</u>	
Recovery Room	2.0	

Hotel/Conference Center:

Banquet Room/Multi- purpose	<del>1.7</del> <u>1.4</u>	(b) (ii)
Bathroom/Powder Room	<del>1.2</del> <u>0.6</u>	
Guest Room	<del>0.9</del> <u>0.7</u>	
Public Area	<del>1.0</del> <u>0.8</u>	
Exhibition Hall	<del>1.8</del> <u>1.3</u>	
Conference/Meeting	1.5	AF = 1.0
Lobby	<del>1.5</del> <u>1.3</u>	
Reception Desk	2.4	

Laundry:

Washing	<del>0.9</del> <u>0.6</u>	
Ironing and Sorting	1.3	

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## Adopted Rules

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### Museum and Gallery:

General Exhibition	<del>1.9</del> <u>1.2</u>
Inspection/Restoration	3.0
Storage (Artifacts):	
Inactive	<del>0.6</del> <u>0.25</u>
Active	<del>0.7</del> <u>0.5</u>

### Post Office:

Lobby	<del>1.1</del> <u>0.8</u>
Sorting and Mailing	2.1

### Service Station/Auto Repair

0.8

### Theater:

Performance Arts	<del>1.3</del> <u>1.1</u>
Motion Picture	<del>1.0</del> <u>0.75</u>
Lobby	<del>1.3</del> <u>1.0</u>

Retail Establishments: (Merchandising and circulation area applicable to all lighting, including accent and display lighting, installed in merchandising and circulation areas)

Type A: Jewelry merchandising, where the minute display and examination of merchandise is critical ~~5.6~~ 6.0

Type B: Fine merchandise includes fine apparel and accessories, china, crystal and silver, and art galleries, where the detailed display and examination of merchandise is important ~~2.0~~ 2.9

Type C: Mass merchandising, where focused display and detailed examination of merchandise is important 2.7

Type D: General merchandising includes general apparel, variety, stationery, books, sporting goods, hobby, cameras, gift and luggage, where general display and examination of merchandise are adequate ~~2.3~~ 2.5

Type E: Food and miscellaneous includes bakeries, hardware and housewares, grocery, appliances and furniture, where appetizing appearance is important	2.4	
Type F: Service establishments, where functional performance is important	2.6	
Mall Concourse	<del>1.4</del> <u>0.6</u>	
Retail Support Area:		
Tailoring	2.1	
Dressing/Fitting Room	1.1	
Indoor Athletic Area/Activity		(v) (vi)
Seating Area, All Sports	0.4	AF = 1.0
Badminton:		
Club	0.5	AF = 1.0
Tournament	0.8	AF = 1.0
Basketball/Volleyball:		
Intramural	0.8	AF = 1.0
	<del>1.3</del>	<del>AF = 1.0</del>
College/Professional	1.9	AF = 1.0
Bowling:		
Approach Area	0.5	AF = 1.0
Lanes	1.1	AF = 1.0
Boxing or Wrestling (platform)		
Amateur	2.4	AF = 1.0
Professional	4.8	AF = 1.0

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## Adopted Rules

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### Gymnasium:

General Exercising and Recreation Only	1.0	AF = 1.0
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### Handball/Racquetball/Squash:

Club	1.3	AF = 1.0
Tournament	2.6	AF = 1.0

### Hockey, Ice:

Amateur	1.3	AF = 1.0
College or Professional	2.6	AF = 1.0

### Skating Rink:

Recreational	0.6	AF = 1.0
Exhibition/Professional	2.6	AF = 1.0

### Swimming:

Recreational	0.9	AF = 1.0
Exhibition	1.5	AF = 1.0
Underwater	<del>1.9</del> 1.0	AF = 1.0

### Tennis:

Recreational (Class III)	1.3	AF = 1.0
Club/College (Class II)	1.9	AF = 1.0
Professional (Class I)	2.6	AF = 1.0

### Tennis, Table:

Club	1.0	AF = 1.0
Tournament	1.6	AF = 1.0

### NOTES:

iv. Outdoor security lighting may be ~~exempt when approved by the building official~~ exempted, provided the lamp efficacy is not less than 55 lumens per watt.

### ~~7676.1300~~ 7676.1400 ADDITIONS, ALTERATIONS, AND REPAIRS TO EXISTING BUILDINGS.

Subpart 1. **General.** ~~Except as provided in this part, alterations and repairs to the building must comply with the applicable requirements of this chapter.~~ Additions, alterations, and repairs to existing buildings must comply with the requirements of this part only.

Subp. 2. **Affecting air leakage.** If an addition or alteration affects the air leakage characteristics or capacity of a building, and vented appliances are present that are not sealed or power vented and are without combustion air supply, then a combustion air supply must be provided according to the Minnesota State Mechanical Code, chapter 1346. Alterations that will likely affect the air leakage characteristics or capacity of a building include attic insulation, wall insulation, applying siding underlayment, or the replacement of a majority of window or door units.

EXCEPTION: A combustion air supply need not be provided where a worst case draft test is performed according to Children, Families, and Learning Worst Case Draft Test and documentation is provided that the vented appliances continue to draft within established parameters of the worst case draft test procedure.

Subp. 5. **Penetrations.** All penetrations resulting as part of an alteration must be sealed in accordance with part 7676.0600, subpart 5. This includes; ~~but is not limited to;~~ penetrations for telecommunication wires and equipment, electrical wires and equipment, electronic wires and equipment, fire sprinklers, plumbing and ducts, and penetrations in exterior walls and ceilings.

Subp. 7. **All roof/ceilings.**

C. A ceiling vapor retarder ~~is not required~~ may be omitted if the interior ceiling finish is not removed.

Subp. 8. **Walls.**

B. ~~Glazing in existing sash may be replaced without meeting additional requirements of this chapter, provided the area-weighted U-value and area-weighted solar heat gain coefficient, or shading coefficient, of the glazing will be equal to or lower than before the glazing replacement. Reglazing and repairs to existing windows are not required to meet the additional requirements of this chapter.~~ Replaced windows must conform to parts 7676.0600, subpart 8, and 7676.0700, subpart 3.

C. Interior wall finish may not be replaced unless wall cavities have been insulated to full depth. This requirement must apply whenever plaster is removed, even though lath may not have been removed.

EXCEPTIONS: Walls that are back-plastered, walls that are more than 50 percent filled with insulation, walls without framing cavities, or where the building official determines that a new exterior weather barrier must be installed to prevent imminent damage to the wall cavity. Also excepted are small openings for purposes including installing, altering, or repairing plumbing, electrical, and mechanical systems.

Subp. 9. **Heating, ventilation, and air conditioning; service water heating; and electrical power equipment and controls.** All new equipment or control devices installed in conjunction with the alteration must comply with the specific requirements of this part and parts 7676.1100 ~~and~~, 7676.1200, and 7676.1300 applicable to that equipment or control device.

**~~7676.1400~~ 7676.1500 EFFECTIVE DATE.**

The effective date of this chapter is ~~July 1, 1998~~ one year following publication of the adopted rule in the State Register.

**7678.0300 INCORPORATIONS BY REFERENCE.**

Subpart 1. **Incorporated items.** The following standards and references are incorporated by reference:

A. ASHRAE, 1997 Handbook of Fundamentals, chapters ~~27 and~~ 25 to 28;

D. ASTM C236-89 (1993)e1, Steady-State Thermal Performance of Building Assemblies by Means of a Guarded Hot Box; ~~and~~

E. ASTM C976-90 (1996)e1, Thermal Performance of Building Assemblies by Means of a Calibrated Hot Box;

F. NFRC 100-91, Procedure for Determining Fenestration Product Thermal Properties (Currently Limited to U-values), and NFRC 100 (1997 ed.), Procedure for Determining Fenestration Product U-Factors, National Fenestration Rating Council;

G. NFRC 200, Procedure for Determining Fenestration Product Solar Heat Gain Coefficients at Normal Incidence (1995), National Fenestration Rating Council; and

H. ASTM E283-91, Standard Method of Test for Rate of Air Leakage through Exterior Windows, Curtain Walls, and Doors.

Subp. 2. **Availability.** All standards and documents incorporated by reference are available for public inspection at the Minnesota State Law Library and through the Minitex interlibrary loan system. ~~In addition:~~

A. ~~ASHRAE documents and standards are available from the American Society of Heating, Refrigerating and Air-Conditioning Engineers - Publication Sales, 1791 Tullie Circle NE, Atlanta, GA 30329; and~~

B. ~~ASTM standards are available from ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.~~

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## Adopted Rules

### 7678.0400 DEFINITIONS.

Subp. 4. **Efficiency, combustion or Ec.** "Efficiency, combustion" or "Ec" means 100 percent minus flue loss.

Subp. 5. **Efficiency, thermal or Et.** "Efficiency, thermal" or "Et" means the results of a thermal efficiency test referenced in *Code of Federal Regulations*, title 10, part 430 or 435.

### 7678.0500 ENVELOPE THERMAL TRANSMITTANCE CALCULATIONS.

Subp. 5. **Masonry block walls.** To determine the thermal transmittance of masonry block walls with insulation inserts or filled cores, the series-parallel method must be used. The series-parallel transmittance calculation shall be deemed in compliance with this subpart if the product is certified under the National Concrete Masonry Association's Certification of Thermal Performance of Integrally Insulated Concrete Masonry Walls.

A. The series-parallel heat flow method is a procedure that accounts for the fact that heat does not always flow straight through a wall.

The equations for series-parallel thermal transmittance are as follows:

$$U = 1/R_o$$

$$R_o = R_f + \frac{1}{\frac{A_w \times R_w}{R_w \times R_e} + (A_w \times R_e)} + R_{film}$$

$$R_o = \frac{1}{\frac{a_{11}}{R_{11}} \pm \frac{a_{12}}{R_{12}} \pm \frac{a_{1p}}{R_{1p}} \pm \frac{a_{n1}}{R_{n1}} \pm \frac{a_{n2}}{R_{n2}} \pm \frac{a_{np}}{R_{np}}} + R_{film}$$

Where:

$R_f$  = thermal resistance of faces

$R_w$  = thermal resistance of the web

$R_e$  = thermal resistance of the core

$A_w$  = fraction of the total area perpendicular to heat flow of the web (conductive)

$A_e$  = fraction of the total area perpendicular to heat flow of the core (insulated)

$R_o$  = total thermal resistance of the representative concrete masonry wall, including surface air film resistances.

$a_{11}$  = proportionate area of thermal path number 1 of thermal layer number 1.

$R_{11}$  = thermal resistance of thermal path number 1 of thermal layer number 1.

$a_{1p}$  = proportionate area of thermal path number "p" of thermal layer number 1.

$R_{1p}$  = thermal resistance of thermal path number "p" of thermal layer number 1.

$a_{np}$  = proportionate area of thermal path number "p" of thermal layer number "n".

$R_{np}$  = thermal resistance of thermal path number "p" of thermal layer number "n".

$R_{film}$  = thermal resistance of inside air film (0 mph) and outside air film (15 mph).

**7678.0600 FENESTRATION PRODUCTS.**

Subpart 1. **Labeling.** All windows must be labeled with their overall assembly U-value according to this part. Labels must not be removed until after inspection of installation.

Subp. 2. **Air infiltration.** Fenestration products must have air infiltration rates not exceeding those shown in this subpart. The manufacturer must test ~~door~~ for infiltration rates in accordance with ASTM E283-91, and window infiltration rates in accordance with applicable industry standards. ~~Infiltration rates for all fenestration products must be disclosed in product literature. A manufacturer's certification that products comply with the infiltration~~ A labeled statement from the manufacturer that the product meets or exceeds the requirements of the 1995 Model Energy Code shall be deemed to comply with these requirements.

**ALLOWABLE AIR INFILTRATION RATE**

Operable windows	0.34 cfm per <u>lineal</u> foot of operable sash crack <u>or 0.30 cfm per square foot of window area</u>
<u>Residential doors, swinging</u>	<u>0.5 cfm per square foot of door area</u>
<u>Residential doors, swinging</u>	<u>0.37 cfm per square foot of door area</u>
Nonresidential doors	1.25 cfm per square foot of door area

Subp. 2. **3. Thermal transmittance.** Thermal transmittance of windows, doors, and skylight elements must be determined in accordance with item A or B.

A. Thermal performance (U-values) of fenestration products (windows, doors, and skylights) must be determined in accordance with the National Fenestration Rating Council (NFRC) standard 100-91 ~~or~~, 100-97, or equivalent by an accredited, independent laboratory, and labeled and certified by the manufacturer.

B. When a manufacturer has not determined product U-value according to NFRC standards for a particular product line, the U-value shall be determined by assigning products a default U-value from the U-value default table. Product features must be verifiable for the product to qualify for the default value associated with those features. Where the existence of a particular feature cannot be determined with reasonable certainty, the product must not receive credit for that feature. Where a composite of materials from two different product types are used, the product U-value must be the high U-value.

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## Adopted Rules

(1) The U-value default table for windows, glass doors, and skylights is as follows:

Frame/Glazing Features	Double Pane	Double Pane w/ Low-E Permanent Label on Glass	Triple Pane
	U-value	U-value	U-value
<b>Metal With Thermal Break</b>			
Operable	0.67	0.62	0.54
Fixed	0.63	0.57	0.47
Glass door	0.66	0.60	0.50
Skylight	1.13	1.06	0.93
<b>Metal-Clad Wood</b>			
Operable	0.60	<del>0.52</del> 0.56	0.46
Fixed	0.58	0.52	0.41
Glass door	0.57	<del>0.51</del> 0.52	0.43
Skylight	0.88	<del>0.79</del> 0.82	0.71
<b>Wood/Vinyl</b>			
Operable	0.56	<del>0.56</del> 0.52	0.43
Fixed	0.57	0.52	0.41
Glass door	0.56	<del>0.52</del> 0.51	0.42
Skylight	0.85	<del>0.82</del> 0.79	0.67
<b>Glass Block Assemblies</b>			
	0.60		

Subp. ~~3~~ 4. **Solar heat gain coefficients.** Solar heat gain coefficients of windows, glazed doors, and skylight elements must be determined according to this subpart.

### 7678.0700 MECHANICAL EQUIPMENT EFFICIENCY REQUIREMENTS.

Subpart 1. **HVAC equipment performance requirements.** HVAC equipment must meet the minimum efficiency requirements specified in this part.

A. Standards and definitions for HVAC equipment ~~including, but not limited to,~~ include coefficient of performance; package terminal air conditioner; package terminal heat pump; room air conditioner; unitary cooling and heating equipment; unitary heat pump; water chilling package of absorption; water chilling package, centrifugal or rotary; and water chilling package, reciprocating, are located or referenced in *Code of Federal Regulations*, title 10, parts 430 and 435.



Subp. 2. **Air cooled, electrically operated equipment.** Unitary conditioners, heat pumps, and condensing units air cooled, electrically operated must meet the requirements of this subpart. Deduct 0.2 from required EER and IPLV for units that have a heating section. IPLV's are applicable to equipment with capacity modulation. Minimum efficiencies have not been determined for condensing only units less than 135,000 Btu/h.

**UNITARY AIR CONDITIONERS AND AIR-COOLED,  
ELECTRICALLY OPERATED HEAT PUMPS**

EQUIPMENT CATEGORY	EQUIPMENT SIZES AND MODE	RATING CONDITION	EFFICIENCY
Single Package	<65,000 Btu/h Cooling Capacity Cooling Mode	Seasonal Rating	9.7 SEER
Split System	<65,000 Btu/h Cooling Capacity Cooling Mode		10.0 SEER
Split System and Single Package	≥65,000 and <135,000 Btu/h Cooling Mode	Standard Rating (95°F db) Integrated Part Load Value (80°F db)	8.9 EER 8.3 IPLV
<del>Air Conditioners</del>	<del>135,000 Btu/h and &lt;760,000 Btu/h</del>		<del>8.9 EER 7.5 IPLV</del>
<del>Air Cooled Cooling</del>	<del>&gt;760,000 Btu/h</del>		<del>8.2 EER 7.5 IPLV</del>
<del>Heat Pumps</del>	<del>&gt;135,000 Btu/h</del>	<del>Entering Air (47°F)</del>	<del>2.9 COP</del>
<del>Air Cooled Heating</del>		<del>Entering Air (17°F)</del>	<del>2.0 COP</del>
<u>Heat Pumps - Cooling Mode</u>			
<u>Split System and Single Package</u>	<u>&gt;135,000 Btu/h and &lt;240,000 Btu/h</u>		<u>8.5 EER 7.5 IPLV</u>
<u>Phase Split System and Single Package</u>	<u>&gt;240,000 Btu/h and &lt;760,000 Btu/h</u>		<u>8.5 EER 7.5 IPLV</u>

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## Adopted Rules

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<u>Phase Split System and Single Package</u>	<u>&gt;760,000 Btu/h</u>		<u>8.2 EER</u> <u>7.5 IPLV</u>
 <u>Heat Pumps - Heating Mode</u>			
Split System	<65,000 Btu/h Cooling Capacity Heating Mode	Seasonal Rating	6.8 HSPF
Single Package			6.6 HSPF
<u>Split System and Single Package</u>	<u>&lt;65,000 Btu/h</u> <u>Cooling Capacity</u> <u>Heating Mode</u>	<u>High Temperature Rating (47°F db/ 43°F wb)</u>	<u>3.0 COP</u>
		<u>Low Temperature Rating (17°F db/ 15°F wb)</u>	<u>2.0 COP</u>
Split System and Single Package	≥65,000 and <135,000 Btu/h Cooling Capacity Heating Mode	High Temperature Rating (47°F db/ 43°F wb)	3.0 COP
		Low Temperature Rating (17°F db/ 15°F wb)	2.0 COP
Split System and Single Package	≥135,000 and <240,000 Btu/h Cooling Capacity Heating Mode	High Temperature Rating (47°F db/ 43°F wb)	2.9 COP
		Low Temperature Rating (17°F db/ 15°F wb)	2.0 COP
<u>Split System and Single Package</u>	<u>&gt;240,000 and &lt;760,000 Btu/h</u>	<u>High Temperature Rating (47°F db/ 43°F wb)</u>	<u>2.9 COP</u>
		<u>Low Temperature Rating (17°F db/ 15°F wb)</u>	<u>2.0 COP</u>
<u>Split System and Single Package</u>	<u>&gt;760,000 Btu/h</u>	<u>High Temperature Rating (47°F db/ 43°F wb)</u>	<u>2.9 COP</u>
		<u>Low Temperature Rating (17°F db/ 15°F wb)</u>	<u>2.0 COP</u>
Condensing Units	≥135,000 Btu/h ≥135,000 Btu/h		9.9 EER 11.0 IPLV

Subp. 3. **Electrically operated, water and evaporatively cooled equipment.** Unitary air conditioners, heat pumps, and condensing units electrically operated, evaporatively cooled must meet the requirements of this subpart. Deduct 0.2 from required EER and IPLV for units that have a heating section. IPLV's are applicable to equipment with capacity modulation. Minimum efficiencies have not been determined for condensing only units less than 135,000 Btu/h.

**ELECTRICALLY OPERATED, EVAPORATIVELY COOLED EQUIPMENT**

EQUIPMENT	EQUIPMENT SIZES AND MODE	RATING CONDITION	EFFICIENCY
All Equipment	<65,000 Btu/h Cooling Capacity	Indoor Temperature (80°F db/67°F wb) Outdoor Temperature (95°F db/75°F wb)	9.3 EER
		Integrated Part Load Value (80°F db/67°F wb)	8.5 IPLV
	≥65,000 and <135,000 Btu/h Cooling Capacity	Indoor Temperature (80°F db/67°F wb) Outdoor Temperature (95°F db/75°F wb)	10.5 EER
		Integrated Part Load Value (80°F db/67°F wb)	9.7 IPLV
Condensing Units	>135,000 Btu/h		9.6 EER 9.0 IPLV
			12.9 EER 12.9 IPLV
Split System and Single Package	All	For EER: Indoor Temperature (80°F db/67°F wb) Outdoor Temperature (95°F db/75°F wb) For IPLV: (80°F db/67°F wb)	
Split System and Single Package	<65,000 Btu/h Cooling Capacity		9.3 EER 8.4 IPLV
Split System and Single Package	<135,000 Btu/h Cooling Capacity		10.5 EER 9.7 IPLV
Split System and Single Package	≥135,000 and <240,000 Btu/h Cooling Capacity		9.6 EER 9.0 IPLV

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## Adopted Rules

<u>Split System and Single Package</u>	<u>≥240,000 and &lt;760,000 Btu/h Cooling Capacity</u>	<u>9.6 EER</u> <u>9.0 IPLV</u>
<u>Split System and Single Package</u>	<u>&gt;760,000 Btu/h</u>	<u>9.6 EER</u> <u>9.0 IPLV</u>
<u>Condensing Units</u>	<u>≥135,000 Btu/h</u>	<u>12.9 EER</u> <u>12.9 IPLV</u>

Subp. 4. **Water-cooled equipment.** Water-cooled air conditioners, heat pumps, and condensing units must meet the requirements of this subpart. *Minnesota Statutes*, section 103G.271, subdivision 5, prohibits once-through systems.

### WATER-COOLED EQUIPMENT

EQUIPMENT	EQUIPMENT SIZES AND MODE	RATING CONDITION	EFFICIENCY
Water Source Heat Pumps	<65,000 Btu/h Cooling Capacity	Standard Rating Indoor Air (80°F db/65°F wb) and Entering Water (85°F)	9.3 EER
		Low Temperature Rating Indoor Air (80°F db/67°F wb) and Entering Water (75°F)	10.2 EER
		Standard Rating Indoor Air (80°F db/67°F wb) and Entering Water (85°F)	10.5 EER
Groundwater Cooled Heat Pumps	<135,000 Btu/h Cooling Capacity	<u>Entering Water (75°F)</u>	<u>11.00 EER</u>
		Standard Rating Entering Water (70°F)	11.0 EER
Water-Cooled Unitary Air Conditioners	<65,000 Btu/h Cooling Capacity	Low Temperature Rating Entering Water (50°F)	11.5 EER
		Standard Rating Indoor Air (80°F db/67°F wb) and Entering Water (85°F)	9.3 EER

## Adopted Rules

	<u>Integrate 202d Part Load Value Entering Water (75°F)</u>	8.4 IPLV
≥65,000 and <135,000 Btu/h Cooling Capacity	Standard Rating Indoor Air (80°F db/67°F wb) and Entering Water (85°F)	10.5 EER 9.7
<135,000 Btu/h		9.6 EER 9.0 IPLV
Condensing >135,000 Btu/h		12.9 EER 12.9 IPLV

Subp. 5. **Packaged terminal equipment.** Packaged terminal air conditioners and heat pumps air cooled, electrically operated must meet the requirements of this subpart. Equipment must comply with all efficiencies when multiple efficiencies are indicated. “Cap” means the rated capacity in Btu/h. If the equipment capacity is less than 7,000 Btu/h, use 7,000 Btu/h in the calculation. If the equipment capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.

### PACKAGED TERMINAL EQUIPMENT

EQUIPMENT	EQUIPMENT SIZES AND MODE	RATING CONDITION	EFFICIENCY
PTAC AND PTAC Heat Pumps	All Capacities Cooling Mode	Standard Rating (95°F db)	10.0 - (0.16 x Cap./1,000) EER
		Low Temperature Rating (82°F db)	12.2 - (0.20 x Cap./1,000) EER
PTAC Heat Pumps	All Capacities Heating Mode	Standard Rating (47°F db/43°F wb)	2.9 - ( <del>0.26</del> 0.026 x Cap./1,000) COP

Subp. 6. **Room equipment.** Room air conditioners and room air conditioner heat pumps must meet the requirements of this subpart. Equipment must comply with all efficiencies when multiple efficiencies are indicated.

### ROOM EQUIPMENT

EQUIPMENT	EQUIPMENT SIZES & MODE	EFFICIENCY
Without Reverse Cycle and with Louvered Sides	<6,000 Btu/h	8.0 EER
	≥6,000 and <8,000 Btu/h	8.5 EER

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## Adopted Rules

	≥8,000 and <14,000 Btu/h	9.0 EER
	≥14,000 and <20,000 Btu/h	8.8 EER
	≥20,000 Btu/h	8.2 EER
Without Reverse Cycle and without Louvered Sides	<6,000 Btu/h	8.0 EER
	≥6,000 and <20,000 Btu/h	8.5 EER
	≥20,000 Btu/h	8.2 EER
With Reverse Cycle and With Louvered Sides - All Capacities		8.5 EER
With Reverse Cycle and Without Louvered Sides - All Capacities		8.0 EER

Subp. 7. **Water source equipment.** Water source, groundwater source, and ground source heat pumps electrically operated must meet the requirements of this subpart. *Minnesota Statutes*, section 103G.271, subdivision 5, prohibits once-through systems.

### WATER SOURCE EQUIPMENT

EQUIPMENT	EQUIPMENT SIZES AND MODE	RATING CONDITION	EFFICIENCY
Water Source	<135,000 Btu/h	Standard Rating Entering Water (70°F)	3.8 COP
		<u>Entering Water (75°F)</u>	<u>3.9 COP</u>
Groundwater Source Heat Pumps	<135,000 Btu/h	High Temperature Rating Entering Water (70°F)	3.4 COP
		Low Temperature Rating Entering Water (50°F)	3.0 COP
Ground Source Heat Pumps	<135,000 Btu/h	High Temperature Rating Entering Water (41°)	2.70 COP
		Low Temperature Rating Entering Water (32°)	2.50 COP

Subp. 8. **Gas-fired and oil-fired equipment.** Gas-fired and oil-fired boilers, furnaces, and unit heaters and combination furnace/air conditioner units must meet the requirements of this subpart. Minimum and maximum ratings must be as provided for and allowed by the equipment controls.

**GAS-FIRED AND OIL-FIRED EQUIPMENT**

EQUIPMENT	EQUIPMENT SIZES AND MODE	RATING CONDITION	MINIMUM EFFICIENCY
Gas-fired boilers	<300,000 Btu/h	Hot water	80% AFUE
		Steam	75% AFUE
Gas-fired furnaces	>300,000	Both maximum and minimum rated capacity	80% Ec* or 80% Et**
	<225,000 Btu/h	Seasonal rating	78% AFUE
	>225,000 Btu/h	Maximum rated capacity	80% Et**
Gas-fired duct furnaces	All sizes	Minimum rated capacity	78% Et
		Maximum rated capacity	75% Et
Gas-fired unit heaters	All sizes	Maximum rated capacity	78% Et
		Minimum rated capacity	74% Et
Oil-fired furnaces	<225,000 Btu/h	Seasonal rating	78% AFUE
	>225,000 Btu/h	Both maximum and minimum rated capacity	81% Et**
Oil-fired boilers	<300,000 Btu/h	Seasonal rating	80% AFUE
	>300,000 Btu/h	Both maximum and minimum rated capacity	83% Ec*
Oil-fired boilers (residual)	>300,000 Btu/h	Both maximum and minimum rated capacity	83% Ec
Oil-fired unit heaters	All sizes	Both maximum and minimum rated capacity	81% Et

\*Ec = Efficiency, combustion

\*\*Et = Efficiency, thermal

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## Exempt Rules

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### **7678.0800 EFFECTIVE DATE.**

This chapter is effective one year following publication of the adopted rule in the *State Register*.

**REPEALER.** *Minnesota Rules*, parts ~~7670.0495; 7670.0610, subparts 2, 5, 6, 9, 10, 11, and 13; 7670.0660; and 7670.0800, subpart 4; 7670.0100; 7670.0130; 7670.0260; 7670.0325; 7670.0400; 7670.0450; 7670.0460; 7670.0470; 7670.0475; 7670.0490; 7670.0495; 7670.0610; 7670.0660, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; 7670.0710; 7670.0800; and 7670.1115~~, are repealed effective one year following publication of this adopted rule in the *State Register*.

Proposed Revisions to the Occupational Safety and Health Standards and Request for Comments

## Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

## Department of Labor and Industry

### **Proposed Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference**

#### **Proposed Revisions to the Occupational Safety and Health Standards and Request for Comments**

**NOTICE IS HEREBY GIVEN** that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* § 182.655 (1996). This notice proposes the adoption by reference of corrections and amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.



Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307. A complete copy of the standards proposed for adoption is available by writing to this address, or by calling (612) 297-3254 or (612) 282-5806.

Gretchen B. Maglich  
Commissioner

## SUMMARY OF CHANGES

The following is a brief summary of the proposed amendments. Persons interested in reviewing the complete *Federal Register* notices referenced below may obtain copies from the above address.

(A) "Safety Standards for Scaffolds Used in the Construction Industry (Aerial Lifts); Effective Date and Office of Management and Budget (OMB) Control Numbers Under Paperwork Reduction Act; Final Rule, Amendment." On January 27, 1998, Federal OSHA announced in the *Federal Register* the effective date of a provision in OSHA's construction standard for scaffolds that addresses manufacturer certification of "field modified" aerial lifts. The document also adds an entry to display that the collection of information has been approved by the OMB under the Paperwork Reduction Act of 1995.

By this notice, Minnesota OSHA proposes to adopt the final rule and amendment as published in the *Federal Register* on January 27, 1998.

(B) "Office of Management and Budget (OMB) Control Numbers Under Paperwork Reduction Act for Miscellaneous General Industry, Shipyard Employment and Construction Industry Rules and Regulations; Final Rule; Amendments and Announcements of OMB Approval of Information Collection Requirements." On March 19, 1998, the *Federal Register* published a notice announcing that the OMB recently extended the approval for a number of information collection requirements in OSHA's rules and regulations. OSHA sought approval under the Paperwork Reduction Act of 1995 (PRA-95).

By this notice, Minnesota OSHA proposes to adopt the final rule, amendments and announcements of OMB approval of information collection requirements, as published in the *Federal Register* on March 19, 1998.

(C) "Office of Management and Budget (OMB) Control Numbers Under the Paperwork Reduction Act; Final Rule." On April 8, 1998, federal OSHA published in the *Federal Register* an announcement stating that the OMB has extended its approval for a number of information collection requirements in OSHA's health standards. OSHA sought approval under the Paperwork Reduction Act of 1995, and, as required by that Act, is announcing the approval numbers and expiration dates for those requirements. OSHA is also correcting the approval number for one collection and correcting the citation number for two collections.

By this notice, Minnesota OSHA proposes to adopt the final rule as published in the *Federal Register* on April 8, 1998.

(D) "Respiratory Protection; Final Rule; Correction." The Occupational Safety and Health Administration (OSHA) published in the *Federal Register* on April 23, 1998, corrections to errors in the regulatory text of the Respiratory Protection final rule that appeared in the *Federal Register* on January 8, 1998. The technical and typographical errors that were discovered were deemed "minor" amendments; therefore, corrections are being made without notice and opportunity for public comment.

By this notice, Minnesota OSHA proposes to adopt the final rule and correction, as published in the *Federal Register* on April 23, 1998.

(E) "Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule." On June 18, 1998, Federal OSHA published in the *Federal Register* an announcement that OSHA is removing or revising standards from the *Code of Federal Regulations* that are out of date, duplicative, unnecessary, or inconsistent.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Exempt Rules

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The new rule changes or removes certain medical tests required by the arsenic standard and the coke oven emissions standard to reflect current practice. It changes the emergency response provisions of the vinyl chloride standard to conform to requirements of the standard on hazardous waste operations and emergency response; changes the confined space entry provisions of the standard for pulp and paper mills to comply with the more performance-oriented requirements for attendants and lifelines in the permit-required confined space standard; eliminates public safety provisions of the temporary labor camp standard that do not fall within OSHA's jurisdiction; and eliminates unnecessary cross-references in the textile industry standards and other standards. It eliminates the requirements in OSHA's standards for first aid and medical services that employers must have certain first aid supplies approved by a consulting physician. The new final rule becomes effective at the federal level on August 17, 1998.

By this notice, Minnesota OSHA proposes to adopt the final rule as published in the *Federal Register* on June 18, 1998. This rule becomes effective in Minnesota upon publication of the adoption notice in the *State Register*.

### **5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.**

[For text of subpart 1, see M.R.]

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

[For text of items A to T, see M.R.]

#### U. *Federal Register*, Volume 63:

(1) *Federal Register*, Vol. 63, No. 5, page 1152, dated January 8, 1998: "Respiratory Protection; Final Rule; Request for Comment on Paperwork Requirements."

(2) *Federal Register*, Vol. 63, No. 53, page 13338, dated March 19, 1998: "Office of Management and Budget Control Numbers Under Paperwork Reduction Act for Miscellaneous General Industry, Shipyard Employment and Construction Industry Rules and Regulations; Final Rule; Amendments and Announcements of OMB Approval of Information Collection Requirements."

(3) *Federal Register*, Vol. 63, No. 67, page 17093, dated April 8, 1998: "Office of Management and Budget Control Numbers Under the Paperwork Reduction Act; Final Rule."

(4) *Federal Register*, Vol. 63, No. 78, page 20098, dated April 23, 1998: "Respiratory Protection; Correction; Final Rule; Correction."

(5) *Federal Register*, Vol. 63, No. 117, page 33449, dated June 18, 1998: "Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule."

Subp. 3. **Part 1915.** Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the *Federal Register* on April 20, 1982; all changes made prior to December 31, 1986, which consolidated Part 1915 and Part 1916; technical amendments and redesignations published in Volume 58, No. 125, of the *Federal Register* on July 1, 1993; and additional changes as follows:

[For text of items A to W, see M.R.]

X. *Federal Register*, Vol. 63, No. 53, page 13338, dated March 19, 1998: "Office of Management and Budget Control Numbers Under Paperwork Reduction Act for Miscellaneous General Industry, Shipyard Employment and Construction Industry Rules and Regulations; Final Rule; Amendments and Announcements of OMB Approval of Information Collection Requirements."

[For text of subs 4 and 5, see M.R.]

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

[For text of items A to M, see M.R.]

N. *Federal Register*, Volume 63:

(1) *Federal Register*, Vol. 63, No. 5, page 1152, dated January 8, 1998: “Respiratory Protection; Final Rule; Request for Comment on Paperwork Requirements.”

(2) *Federal Register*, Vol. 63, No. 17, page 3813, dated January 27, 1998: “Safety Standards for Scaffolds Used in the Construction Industry (Aerial Lifts); Effective Date and Office of Management and Budget Control Numbers Under Paperwork Reduction Act; Final Rule; Amendment; Announcement of Effective Date and OMB Approval of Information Collection Requirements.”

(3) *Federal Register*, Vol. 63, No. 53, page 13338, dated March 19, 1998: “Office of Management and Budget Control Numbers Under Paperwork Reduction Act for Miscellaneous General Industry, Shipyard Employment and Construction Industry Rules and Regulations; Final Rule; Amendments and Announcements of OMB Approval of Information Collection Requirements.”

(4) *Federal Register*, Vol. 63, No. 67, page 17093, dated April 8, 1998: “Office of Management and Budget Control Numbers Under the Paperwork Reduction Act; Final Rule.”

(5) *Federal Register*, Vol. 63, No. 78, page 20098, dated April 23, 1998: “Respiratory Protection; Correction; Final Rule; Correction.”

(6) *Federal Register*, Vol. 63, No. 117, page 33449, dated June 18, 1998: “Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule.”

[For text of subp 7, see M.R.]

## Minnesota State Lottery

### Adopted Exempt Permanent Rules Governing Commission Paid to Retailers

#### 7856.4030 COMPENSATION.

Subpart 1. **Commission.** Retailers shall receive a commission of five and one-half percent of the price of each ticket sold by that retailer. Retailers shall also receive a commission of one percent on the amount of each winning ticket cashed by that retailer.

[For text of subps 2 and 3, see M.R.]

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

# Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these Expedited emergency rules detail the agency's rulemaking authority.

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules; 1998 Elk Season Quotas and Dates

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the content of these rules is *Minnesota Statutes*, sections 97A.433 and 97B.515.

Dated: 7 July 1998

Rodney W. Sando  
Commissioner of Natural Resources  
Gail Lewellan, Assistant Commissioner of  
Human Resources and Legal Affairs

#### **6232.4300 SEASONS AND 1998 SEASON DATES AND QUOTAS FOR TAKING ELK.**

Subpart 1. Generally. Elk may be taken by a licensed hunter using a legal firearm or a legal bow and arrow during seasons authorized by the commissioner.

Subp. 2. Season dates. Elk may be taken by licensed hunters within the following seasons:

A. Season A, September 12 to 20;

B. Season B, October 10 to 18.

Subp. 3. Alternate season. If the commissioner determines that elk harvest during Season A is insufficient to meet management objectives, up to two parties shall be authorized to purchase licenses to take legal antlered bull elk during an October 10 to 18 alternate season.

Subp. 4. Quotas. The number of available licenses for the 1998 elk hunting season is three and the licenses are distributed as follows:

A. Season A, two licenses valid for legal antlered bull elk; and

B. Season B, one license valid for legal antlered bull elk.

Subp. 5. Alternate season quotas. The number of available licenses for the 1998 elk hunting alternate season is up to two legal antlered bull elk.

Subp. 6. Open area. Licenses are valid for taking elk in the area described in materials and maps provided to licensees prior to the hunt.

**EFFECTIVE PERIOD.** *Minnesota Rules*, part 6232.4300, subparts 2 to 6, expire December 31, 1998. After the emergency amendments to *Minnesota Rules*, part 6232.4300, expire, the permanent rule as it read prior to those amendments again takes effect, except as it may be amended by permanent rule.

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

## Department of Revenue

### Revenue Notice #98-11: Sales and Use Tax - Written Notice to Obtain Required Exemption Certificates

#### In general:

*Minnesota Statutes*, § 297A.09 [Presumption of Tax; Burden of Proof], provides that all gross receipts are presumed subject to sales tax until the contrary is established. The seller has the burden of proving a transaction is not taxable. Sellers may accept valid exemption certificates in good faith from purchasers to show that certain sales are not subject to tax.

Effective for sales occurring after June 30, 1997, sellers who do not have the required exemption certificates in their possession to support that certain sales are exempt, must obtain the certificates within 60 days after receiving written notice from the commissioner that the certificates are required. If the certificates are not obtained within the 60-day period, the sales will be deemed taxable sales. The law prevents sellers from supplying proof of exemption at a later date. The time period cannot be extended.

#### Application of law during the audit process:

Form STA-63 "*Written Notice to Obtain Required Exemption Certificates*", will serve as the official notice to sellers that certain sales will be deemed taxable if missing exemption certificates are not provided within 60 days of the notice date. The department will request the required missing exemption certificates once in writing before issuing Form STA-63 to the seller.

The notice will be hand-delivered or mailed to the seller's last known address or faxed to the seller. If service is made by mail, the department will presume the notice is received by the seller three business days after it is mailed unless the seller can prove otherwise. The notice will identify which sales will be considered taxable if the required exemption certificates are not provided within the 60-day period.

The seller must hand-deliver, mail, fax, or transmit electronically the required exemption certificates to the address listed on the notice on or before the due date on the notice. If the 60th day falls on a weekend or holiday, the time allowed is extended to the next business day.

Like any other exemption certificate, certificates acquired during the 60-day period must be accepted in good faith.

Within the 60-day period, the department may accept written statements submitted in good faith in lieu of exemption certificates from purchasers who say they have paid use tax directly to the state of Minnesota. To be considered acceptable, a written statement must contain the following information: a description of the item(s) purchased, purchase date, purchase amount, tax amount, the period or audit period that the use tax was reported to the state, and the taxpayer's name and identification number under which the use tax was paid.

Dated: 13 July 1998

Jennifer L. Engh  
Assistant Commissioner for Tax Policy

# Official Notices

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Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

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## Department of Agriculture

### Minnesota Rural Finance Authority

#### **Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C for Purchase of 77 Acres of Bare Farmland in Enterprise Township, Jackson County**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on August 7, 1998, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 77 acres of bare farmland located in NE 1/4 Section 22, Enterprise Township, Jackson County, Minnesota on behalf of Scott R. Benda, a single man (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$250,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 July 1998

Jim Boerboom  
RFA Director

## Department of Agriculture

### Minnesota Rural Finance Authority

#### **Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C for Purchase of 77 Acres of Bare Farmland in Enterprise Township, Jackson County**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on August 7, 1998, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 77 acres of bare farmland located in NE 1/4 Section 22, Enterprise Township, Jackson County, Minnesota on behalf of Matthew D. Benda, a single man (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$250,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 July 1998

Jim Boerboom  
RFA Director

## **Department of Agriculture**

### **Minnesota Rural Finance Authority**

#### **Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C for Purchase of 230 Acres of Bare Farmland in Stoneham Township, Chippewa County**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on August 7, 1998, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 230 acres of bare farmland located in Section 21, Stoneham Township, Chippewa County, Minnesota on behalf Brian and Eva Priebe, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$250,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 July 1998

Jim Boerboom  
RFA Director

## **Department of Agriculture**

### **Rural Finance Authority**

#### **Notice of Change in Meeting Place**

The location of the August meeting of the Rural Finance Authority Board has been changed. This meeting will start at 1:00 P.M., August 5, 1998, in the Conference Room of the Melrose Credit Union located at 20 South 4th Avenue, Melrose, MN.

Jim Boerboom  
RFA Director

## **Department of Commerce**

### **Policy Analysis Division**

#### **Placement of Surplus Lines Insurance (Annual Homeowners Property Value)**

Pursuant to *Minnesota Statute* Chapter 60A.201, Placement of Surplus Lines Insurance, Subd. 2 Item C, please find the new Consumer Price Index for Minneapolis-St. Paul thirteen county area. For 1997 the index factor is 155.4. The percent change is 2.3 and the amount pursuant to statute is now \$984,791.00.

## Official Notices

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### Minnesota Comprehensive Health Association

#### Notice of the Board of Directors Strategic Planning Session

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Board of Directors Strategic Planning Work Group #2 (Prevention / Chronic Disease Management / Centers of Excellence) will be held at 8:00 a.m. on Wednesday, July 22, 1998. The meeting will take place at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (612) 593-9609.

### Minnesota Housing Finance Agency

#### Notice of Hearing on Bond Issue

The Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, August 4, 1998, at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public testimony regarding the issuance of its Rental Housing Bonds to finance the acquisition and rehabilitation of the residential rental facilities hereinafter identified in accordance with the Agency's Rental Housing Bond Resolution, to fund certain reserves and to fund certain bond issuance costs. The owner/operator and facilities proposed to be assisted are the following:

<b>Initial Owner/Operator</b>	<b>Facility</b>	<b>Address</b>
Bossen Park Limited Partnership or other partnership with Neil Esterkin as a general partner	Two buildings with 110 aggregate apartment units (55 in each facility)	5710 Bossen Terrace and 5717 31st Avenue South, both in Minneapolis, MN

The plan of financing contemplates that the Agency will issue its short-term Rental Housing Bonds in a principal amount not to exceed \$3,250,000 to provide temporary, interim financing for the assisted facilities and will, within one year of the date the short-term Rental Housing Bonds are issued, issue its long-term Rental Housing Bonds in a principal amount not to exceed \$3,250,000 to retire the short-term Rental Housing Bonds and provide permanent financing for the assisted facilities. However, the Agency reserves the right to proceed with the issuance of the long-term Rental Housing Bonds in a principal amount not to exceed \$3,250,000 if it determines temporary, interim financing is not necessary.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Sharon Strelow. Parties wishing to comment on above described plan of finance and the issuance of the Rental Housing Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Katherine Hadley  
Commissioner

### Judicial Branch

#### Law Library

#### Notice of Benton County Law Library Fees

Pursuant to *Minnesota Statutes* 134A.10, the following law library fees are effective July 1, 1998. Civil fees include probate, civil and family court matters. Criminal convictions include felonies, gross misdemeanors and misdemeanors.

<i>Civil</i>	<i>Conciliation</i>	<i>Criminal Conviction</i>	<i>Petty Misdemeanor</i>
\$10	\$10	\$10	\$10



## Minnesota State Law Library

### Joint Notice of County Law Library Filing Fees

Pursuant to *Minnesota Statutes* 134A.09 and 134A.10, the following law library fees are in effect as of July 1, 1998. Civil fees include probate matters except as noted. Criminal conviction includes felonies, gross misdemeanors, and misdemeanors except as noted.

COUNTY	CIVIL	CONCILIATION	CRIMINAL CONVICTION	PETTY MISDEMEANOR
Pope	13	10	13	13
Rice	10	10	—*	5

\*Rice assesses \$5.00 in criminal misdemeanors

(NOTE: Rice county law library fees were printed incorrectly in the June 15, 1998 *State Register*. The above fees are correct for Rice County).

## Environmental Quality Board

### Request for Comments on Planned Amendment to Rules Governing Environmental Review Relating to Animal Feedlots and “Connected Actions,” *Minnesota Rules*, parts 4410.0200, subpart 9b, 4410.1000, subpart 4, and 4410.4300, subpart 29.

**Subject of Rule Amendments.** The Minnesota Environmental Quality Board requests comments on its planned amendment to certain provisions of the rules governing the state environmental review program. The Board is required by *Minnesota Laws 1998 Regular Session*, chapter 401, section 54 to “study and adopt rules...to revise and clarify” how the concept of “connected actions” is applied to animal feedlots when determining which feedlot proposals require preparation of an Environmental Assessment Worksheet (EAW) pursuant to the mandatory EAW category for animal feedlots at *Minnesota Rules*, part 4410.4300, subpart 29. The Board must submit to the legislature by March 1, 1999 the proposed revised rules and a summary of public comments received. To meet this schedule, it is anticipated that public hearings on the proposed rule amendments will be held in December 1998 or January 1999.

**Background of Legislative Directive to Amend Rules.** Since 1988 the environmental review program rules have included a definition of “connected actions,” at part 4410.0200, subpart 9b, and a directive, at part 4410.1000, subpart 4, that any two or more proposals that are connected actions must be treated as one proposal when determining if an Environmental Assessment Worksheet must be prepared. Connected actions are two or more actions that are interdependent parts of a larger whole. Until recently, the connected actions rule provisions had been little used and had generated no controversy. However, the relatively recent advent of multi-site feedlots, particularly hog feedlots, has resulted in controversy over the application of the connected actions provisions.

Today many hog feedlot proposals divide the raising of the hogs among several sites. Typically, the hogs will be bred at a farrowing site, moved for a short time to a nursery site, and then later moved to one of several finishing sites to be grown to market size. The various sites are often owned by different farmers and may be located at considerable distances from each other. The Pollution Control Agency, the governmental unit assigned responsibility to prepare EAWs for animal feedlots, has determined that many such multi-site feedlots meet the definition of connected actions, and thus that the number of animal units at all the sites must be added together when determining if the mandatory EAW threshold of 2,000 animal units is exceeded.

Many livestock producers have questioned whether multi-site feedlots should be considered as one project for purposes of environmental review. Objections have been especially focused on the inclusion of sites located so far from the other sites that no overlap in environmental effects is possible. Many believe that it is neither logical nor fair to consider such remote sites as connected actions. However, since the definition of connected actions does not require geographic proximity, the Pollution Control Agency and the Environmental Quality Board believe that such sites must be considered as connected actions under the present rules. This controversy caused the 1998 legislature to pass the requirement that the Board study this matter and adopt rule amendments to resolve the dispute

**Persons Affected.** Amendment of the rules would likely affect some proposers of multi-site feedlots. The result would likely be that proposers who might have been required to participate in preparation of an EAW will not be required to do so. If the issue is resolved by a general revision to the connected action provisions as opposed to a revision affecting only animal feedlots, certain other project proposers may also not be required to undergo review who might otherwise have needed to. However, other than animal feedlots there have historically been very few examples of connected actions. Citizens, in particular neighbors of proposed multi-site feedlots, would likely be affected by the revision to the extent that they may need to ask for preparation of an EAW through the citizen petition process in cases where it would have been mandatory to prepare an EAW without the rule amendment.

## State Grants & Loans

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**Statutory Authority.** *Minnesota Statutes*, section 116D.04, authorizes the Board to adopt and amend rules for conduct of the environmental review program. *Minnesota Laws 1998 Regular Session*, chapter 401, section 54 requires the Board to study and adopt rules to revise and clarify the application of the connected actions provisions to animal feedlots.

**Public Comment.** Interested persons or groups may submit comments or information on how the rules could be amended to resolve this issue in writing until 4:30 p.m. on September 4, 1998. Among the topics commenters may wish to address are: should the amendment be directed exclusively at animal feedlots or at all connected actions, and should there be a specific distance stated in the rules that limits whether two proposals are connected actions?

**Rules Drafts.** The Board has not yet prepared a draft of the planned rule amendments, pending input from interested persons. It is anticipated that a proposed amendment will be prepared for consideration by the Board at its September meeting, which will likely occur on September 17 or September 24. The staff expects to seek authorization from the Board to hold rulemaking hearing on the proposed rule at that time.

**Agency Contact Person.** Written comments, questions and requests for more information on these planned rules should be addressed to: Gregg Downing, Environmental Quality Board, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155; telephone: 651-205-4660; e-mail: [env.review@mnplan.state.mn.us](mailto:env.review@mnplan.state.mn.us) TTY users may contact the Board through the Minnesota Relay Service at 800-627-3529.

**Alternative Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 10 July 1998

Michael Sullivan  
Executive Director  
Environmental Quality Board

## State Grants & Loans

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Agriculture

### Market Development and Promotion Division

#### Notice of Authority to Make Agricultural Market Development Grants

The Minnesota Department of Agriculture announces its authority for fiscal year 1999 to make agricultural market development grants to encourage and promote marketing of Minnesota agricultural products as provided for in *Minnesota Statutes*, sections 17.101, subd 2, and 17.102, and *Minnesota Rules*, chapter 1552.

Grant applications may be received throughout the fiscal year and awarded at such time as funds may become available. Publication of this notice does not obligate the Minnesota Department of Agriculture to award grant funds. Copies of the rules governing the program and other related application materials are available. The rules describe eligibility criteria, application content, application procedures. The grant award for any project may not exceed \$70,000, and the total of all grants to any grantee may not exceed \$70,000 for the biennium ending June 30, 1999.

Other information may be obtained by contacting:

Chris Canaday  
Market Development and Promotion Division  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
(612) 297-4648

## Council on Black Minnesotans

### Martin Luther King, Jr. Nonviolent Institutional Child Development Pilot Program

#### Notice of Request for Grant Proposals for Community-Based Youth Violence Prevention Programs and Intervention Services

**NOTICE IS HEREBY GIVEN** that the Council on Black Minnesotans is seeking grant proposals to provide violence prevention programs and violence intervention services to school-age children and youth, especially in communities of color in the Twin Cities metropolitan area.

Grants awarded will be for the period September 1, 1998 through June 30, 1999. The estimated amount of funds available is \$120,000. Individual awards are expected to range from \$2,000 to \$10,000.

An informational meeting for interested or potential applicants will take place on Wednesday, July 29, 1998, at 2:30-4:30 p.m., at the Hallie Q. Brown Community Center, Clubroom C, 270 Kent Street, St. Paul, Minnesota.

Responses to this Request for Proposal must be made by application. The full Request for Proposal and application materials may be obtained by calling or writing:

Brenda Bell Brown  
Council on Black Minnesotans  
426 Wright Building  
2233 University Avenue West  
St. Paul, Minnesota 55114  
Phone: (612) 649-5998 or (612) 642-0811

To be considered for funding, grant proposals must be postmarked or hand-delivered to the Council on Black Minnesotans no later than 4:15 p.m. Friday, August 21, 1998. The Council on Black Minnesotans reserves the right not to act on this Request for Proposals.

Dated: 9 July 1998

Lester R. Collins, Executive Director  
Council on Black Minnesotans

## Minnesota Planning

### Local Planning Assistance

#### Application Deadline Extended for Community-Based Planning and Related Technology Grants

Minnesota Planning has changed the deadline from August 7 to September 17, 1998, for applications for community-based planning and technology grants. All applications must now be postmarked by September 17, 1998.

For a grant application packet or additional information, contact Elizabeth Hallowell at 612-296-6550 or by e-mail at [elizabeth.hallowell@mnplan.state.mn.us](mailto:elizabeth.hallowell@mnplan.state.mn.us) or consult Minnesota Planning's web site at [www.mnplan.state.mn.us](http://www.mnplan.state.mn.us)

# Professional, Technical & Consulting Contracts

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

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

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## Department of Administration

### State Designer Selection Board

#### Request for Proposals for The Department of Public Safety/Bureau of Criminal Apprehension, Construction of a New Office and Forensic Science Laboratory Facility (Project 19-98)

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

#### To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, August 3, 1998, to:

**Sharon Schmidt, Acting Executive Secretary**

State Designer Selection Board  
Department of Administration  
50 Sherburne Avenue, **Room 200**  
St. Paul, Minnesota 55155-3000  
**(651) 297-5525**

Questions concerning the Board's procedures herein described or the schedule in Item 7.h may be referred to the Executive Secretary at (651) 297-5525. Questions relating to the project may be referred to the project contact(s) in Item 7.i.

**NOTE TO RESPONDERS: IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL:**

1. **Eight (8) copies** of the proposal shall be submitted plus one (1) additional unbound copy in black and white for micro fiche purposes only.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
  - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
  - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
  - c. Front and back covers of proposals shall not be counted as faces.
  - d. None of the statutory, mandatory, or optional information, except as requested in Item 3 below, shall appear on the dividers or covers.
3. **The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.**
4. Brief Proposal Summary:  
All proposals shall begin with a summary which includes only the following items:
  - a. Name of firm and its legal status;
  - b. Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, registered fire protection engineer, landscape architects, land surveyors, and geoscientist);

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## Professional, Technical & Consulting Contracts

- c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
- d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 4.b above, along with adequate staff to meet the requirements of work;
- e. A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

**NOTE:** Please call the Executive Secretary at 651.297.5525 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. **Minnesota Statutes, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:**
  - 1) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
  - 2) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
  - 3) A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or
  - 4) A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.
- 5. Additional Mandatory Proposal Contents:
  - a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
  - b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
  - c. A discussion of the firm's understanding of and approach to the project.
  - d. A listing of relevant past projects.
- 6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:
  - a. Enclose a **self-addressed, stamped** postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
  - b. Enclose a **self-addressed, stamped** mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

In accordance with existing statutes, the Board shall retain one copy of each proposal submitted.

## Professional, Technical & Consulting Contracts

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### 7. PROJECT 19-98

Department of Public Safety  
Bureau of Criminal Apprehension  
1246 University Avenue  
St. Paul, Minnesota

#### a. PROJECT DESCRIPTION:

The project consists of the construction of a 174,000 gross square foot facility to house the Bureau of Criminal Apprehension (BCA) offices and state of the art Forensic Science Laboratory as outlined in the pre-design document, at a site to be determined in St. Paul.

Copies of the pre-design document are available for review at the Department of Administration by contacting Bob Armbruster at 651.296.4647

#### b. REQUIRED CONSULTANT SERVICES:

The consultant shall:

- 1) Demonstrate experience in construction and design of facilities similar to that required for this facility;
- 2) Provide programming, schematic design, design development, construction documents, bidding, and construction administration services.
- 3) Provide architectural, interior design (space planning) structural, mechanical, electrical and registered fire protection engineering, landscape architecture, scheduling, and professional cost estimating services.
- 4) Coordinate consultant's design and construction documentation with the design and construction documentation provided by Department of Administration's consultant.

#### c. SERVICES PROVIDED BY OTHERS:

The Department of Administration shall:

- 1) Contract directly for site survey, geotechnical, environmental and materials testing programs.
- 2) Contract directly for project management services. Project management staff shall act as owner's representative during the project's design and construction phases.
- 3) Contract directly for civil engineering design services, interior modular office systems design services, forensic science laboratory (crime laboratory) design consultation, security design services, and technology/communications design services.

#### d. SPECIAL CONSIDERATIONS:

- 1) Prior experience with forensic science laboratory (crime laboratory) design construction preferred.
- 2) Project construction will not proceed unless funding is appropriated during the 1999 or 2000 legislative session.

#### e. PROJECT BUDGET/FEES:

Construction cost is estimated to be \$36 million. Architect/engineering fee shall be in the range of 6-8 percent.

#### f. PROJECT SCHEDULE:

The project construction schedule is defined by the following activities schedule:

Activity Description	Duration	Estimated Start	Estimated Finish
Site Selection	2 months	June 1, 1998	July 31, 1998
Schematic and Design Development	4 months	October 1, 1998	January 28, 1999
Legislative Approval	1 month	February 1, 1999	February 28, 1999
Construction Documents	7 months	March 1, 1999	September 30, 1999
Legislative Funding for Construction	4 months	January 1, 2000	April 30, 2000
Bids and Award	2 months	June 1, 2000	July 31, 2000
Construction	16 months	August 1, 2000	November 30, 2001
Occupancy	1 month	December 1, 2001	December 31, 2001

The schedule represents BCA's desire to have the new facility operational in 2001. The schedule is open to negotiation.

**g. PROJECT INFORMATIONAL MEETING(S)/SITE VISIT(S):**

An informational meeting will be held Tuesday, July 24, 1998, at 10 a.m. at the BCA building at 1246 University Avenue, St. Paul, Minnesota. To register for the meeting, contact Frank Dolejsi, Assistant Director, of BCA at (651) 642-0700.

**h. STATE DESIGNER SELECTION BOARD SCHEDULE:**

**Project Informational Meeting:** July 24, 1998, at 10 a.m.  
**Project Proposals Due:** August 3, 1998, by 4 p.m.  
**Project Short List:** August 18, 1998  
**Project Interviews & Award:** September 1, 1998

**i. PROJECT CONTACT(S):**

Questions concerning the project should be referred to:

Mr. Robert Armbruster A.I.A.  
Department of Administration  
50 Sherburne Avenue, Room G-10  
St. Paul, Minnesota 55155  
Phone: 651.296.4647  
Fax: 651.296.7650  
e-mail: [bob.armbruster@state.mn.us](mailto:bob.armbruster@state.mn.us)

Douglas Wolfangle, P.E., Chair  
State Designer Selection Board

## Office of Administrative Hearings

### Administrative Law Judge Position Available

The Minnesota Office of Administrative Hearings is hiring Administrative Law Judges for the child support section of the Office. These positions will conduct contested administrative child support hearings held under *Minnesota Statutes* 518.5511 and will assist in the functions and responsibilities of the Office of Administrative Hearings in the uncontested and contested administrative proceedings for child and medical support orders. This list will not be used for hiring administrative law judges for the administrative law section of the office. The annual salary is \$82,058. Minimum qualifications include admission to the bar and five years of legal experience.

The successful applicants will have significant experience in family law/child support within the last ten years (3 years total family law/child support law experience). Some travel will be required. An application can be obtained from:

Department of Employee Relations  
Second Floor, Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
Telephone (612) 296-2616; TTY (612) 2820-2699.

Applications will be accepted now through August 14, 1998, and must be submitted to the Department of Employee Relations.

## Department of Human Services

### Notice of Availability of Request for Proposals to Acquire and Implement an Integrated Fee for Service Billing System

#### Scope of Project

The purpose of this Request for Proposal (RFP) is to acquire and implement an Integrated Fee for Service Billing System for all state operated health care services for the State of Minnesota, Department of Human Services (DHS). DHS also reserves the right to acquire any other modules referenced in the RFP as part of this integrated Project.

## Professional, Technical & Consulting Contracts

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### Background

DHS provides an array of services and support to certain individuals with mental illness, chemical dependency, traumatic brain injuries, developmental disabilities, and in need of nursing facility level of care. These individuals are served through the State's owned and operated campuses, and through a network of community based facilities. A total of eight inpatient campus facilities with over 160 physicians and 2,000 utilized beds serve over 5,000 admissions annually. The dollar volume generated is currently in excess of \$145 million per year. In addition, another 5,000 clients receive outpatient, group home, day training and habilitation (DT&H), crisis, and other services provided by the network annually. Group homes, DT&H, and crisis services produce additional revenue in excess of \$34 million.

### Objective

DHS plans to enhance its billing practices by moving from an all inclusive per diem rate to an itemized fee for service billing system. The Project DHS intends to initiate and implement will lead to the generation of fee for service bills similar to those generated by most private sector providers. DHS is interested in software programs that can be merged with existing infrastructure to enhance receivable management and reportability, and that can better position the department for future managed health care trends.

It is expected that the fully integrated billing, receipting, and accounts receivable system for all state operated services be provided in a timely and cost effective manner, and will be compatible with the expanding service delivery networks.

The following two (2) software applications are required and must be capable of running as a stand alone system for a successful response to this RFP:

1. Billing
2. Accounts Receivable (AR)

Cost accounting and the general ledger are integral parts of the reporting and management needs for the overall health care billing and delivery system. These modules are desired, but not required, in order to respond to this RFP. DHS will evaluate these modules and reserve the right to enter into negotiations to acquire these modules from the vendor awarded a contract under this RFP:

3. Cost Accounting
4. General Ledger

### Inquiries

The complete Integrated Billing System RFP may be obtained by contacting Larry Houff at the address or telephone number below. Questions regarding this proposal may be addressed solely and only to:

Mr. Larry Houff  
Department of Human Services  
Reimbursement Division - 2nd Floor  
444 Lafayette Road  
St. Paul, MN 55155-3824  
(612) 296-4889

### Vendor Conference

DHS is holding an Integrated Billing System RFP Conference for vendors to attend and learn more about the Project and RFP. A panel of DHS staff will provide background information and hold a question and answer session. Additional requirements may be added at this time. Responder attendance is suggested and recommended, but not required. The conference date, time, and location is as follows:

Monday, August 3, 1998  
1:00 P.M. to 4:00 P.M.  
Conference Rooms 1A and 1B on the first floor  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3824

### Proposals

All proposals must be received no later than **2:00 P.M. on Monday, August 24, 1998**, in the manner specified in the RFP. Late proposals and faxed proposals will not be considered, and will be returned unopened to the submitter.



## Legislative Coordinating Commission

### Contract Available for Consultant Services and Preparation of Study on Business Taxation for the Minnesota Legislature

The Legislative Coordinating Commission (LCC) is soliciting proposals from qualified individuals and organizations interested in providing consultant services in connection with preparation of the study required by *Laws 1997*, chapter 231, article 5, section 18, subdivision 2. The purpose of the study is to evaluate alternative methods of taxing businesses in Minnesota. As part of these services, the consultant must enter a contract with the Minnesota Department of Revenue ("DOR") to prepare a data set on Minnesota businesses, using data from tax returns and other sources, for DOR's use. The consultant must have demonstrated experience and expertise in conducting sophisticated tax and economic analysis, especially analysis of state business taxation, and in presenting the analysis for an audience of policymakers. The deadline for completion of the study is March 15, 1999.

All proposals must satisfy the criteria as outlined in the full text of the Request For Proposals. The proposals must not exceed \$150,000.

For a copy of the full text of the Request For Proposal, please contact:

Chad Thuet, Assistant Director  
Legislative Coordinating Commission  
100 Constitution Avenue  
St. Paul, Minnesota 55155  
(651) 296-1121 (Voice)

**Proposals must be received by Friday, August 14, 1998, at 12:00 noon.** All expenses incurred in responding to this notice must be borne by the responder.

## Department of Natural Resources

### Division of Fish and Wildlife

#### Notice of Request for Proposals for Fish Tissue Analysis

**NOTICE IS HEREBY GIVEN** that the Department of Natural Resources (DNR), through its Division of Fish and Wildlife, requests proposals to provide chemical contaminant analyses in a variety of tissue types in fish from Minnesota's lakes, rivers, and streams.

It is the goal of this project to determine levels of persistent chemical contaminants in fish from Minnesota's lakes, rivers, and streams. This information is needed primarily to assess the potential health risks to persons who consume sport-caught fish, but is also useful as an indicator of potential pollution problems in these watersheds. Additionally, this data may be useful for evaluating the effectiveness of certain pollution control measures that are currently in place or are being considered.

The contractor will be required to analyze and report chemical residue levels in homogenized fish tissue samples. The principal chemical contaminants of concern are mercury and polychlorinated biphenyls (PCBs). All fish samples will be provided to the contractor by around December 1, 1998, and approximately 1,000 total mercury and 300 PCB/lipid analyses will need to be completed and have the results reported by May 1, 1999.

The DNR has estimated that the cost of this contract should not exceed \$115,000. This request for proposal does not obligate the agency to spend the estimated dollar amount.

The contract will begin December 1, 1998 and will be completed by May 1, 1999.

Call or write for the full Request for Proposal which will be sent free of charge to interested vendors. Please contact:

Mark A. Briggs  
Minnesota Department of Natural Resources  
Box 25, DNR Building  
500 Lafayette Road  
St Paul, MN 55155 - 4025  
Phone (612) 215-0316  
FAX (612) 296-1811

Other department personnel are **NOT** allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

## Professional, Technical & Consulting Contracts

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In accordance with *Minnesota Rules*, part 1230.1810, subpart B, and *Minnesota Rules*, part 1230.1830, certified targeted group businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Helpline at (612) 296-2600 TTY (612) 282-5799.

All proposals must be received or post-marked not later than 4:00 on Friday, August 14, 1998.

In Compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

Dated: 15 June 1998

Gail Lewellan  
Asst. Commissioner/Human  
Relations & Legal Affairs  
Department of Natural Resources

## Pollution Control Agency

### Corrected Deadline for Request for Proposals for Consultant/Contract Services for Independently Reviewing the Twin Cities Metropolitan Area Ground Water Model

The RFP appearing in the *State Register*, Vol. 23, #2, Monday 13 July 1998 (23 S.R. 102) contained the wrong deadline date. The correct deadline should be 4:00 p.m. CDT, August 13, 1998 for all proposals to be submitted to the 1st Floor Reception Desk, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN 55155-4194. Call (651) 296-0550 if you have questions.

## Department of Trade and Economic Development

### Notice of Request for Proposals for a Web-based Property Tracking System

The Department of Trade and Economic Development (DTED) is requesting proposals for a web-based Property Tracking system.

A detailed Request for Proposals has been prepared by DTED. It describes the purpose, background information, project goals and objectives, technology and system specifications, deadlines and desired proposal format.

Potential responders interested in submitting a proposal on this project should request the detailed Request for Proposals through the contact person listed below. A pre-proposal submission meeting will take place at the Department of Trade and Economic Development on July 29, 1998 at 9:00 A.M. Potential responders should have read the Request for Proposals in advance of that meeting. Proposals are to be submitted in accordance with the Request for Proposals **not later than 4:00 P.M. on August 11, 1998.**

Contact Person:

Mark Gustafson  
Minnesota Department of Trade and Economic Development  
Director, Business and Community Development Regional Initiatives  
500 Metro Square  
121 7th Place East  
St. Paul, MN 55101-2146  
Telephone: (612) 296-2169

In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employees along with other responses to the Request for Proposals.

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# Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

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## Metropolitan Council

### Environmental Services

#### Public Notice for Proposals for MWWTP WORKSPACE IMPROVEMENTS PROJECT DESIGN-BUILD SERVICES MCES PROJECT NUMBER 950500

**NOTICE IS HEREBY GIVEN** that the Environmental Services Division of the Metropolitan Council (Minneapolis-St. Paul, MN Metropolitan Area) is soliciting proposals from design-build services teams for the Metropolitan Wastewater Treatment Plant (MWWTP) Workspace Improvements Project. It is anticipated this project will be undertaken as a Design-Build project, with a single, negotiated, lump sum contract being awarded. The successful Proposer will perform and provide, as the single source of responsibility, all design and construction discipline, management, and administration services for an approximately 30,000 gross square foot Laboratory and Water Quality Workspace at MWWTP.

The tentative schedule for this procurement process is:

ACTIVITY	DATES
Receive Letters of Interest from Design-Build Teams	through August 7, 1998
Issue Request for Proposal (RFP)	August 6, 1998
Pre-Submittal Conference/General Information Meeting	August 18, 1998
Proposals Due	September 8, 1998
Proposal Presentations	September 24, 1998
Best and Final Offers Due	October 20, 1998
Environment Committee Acts on Contract Award	November 24, 1998
Council Acts on Contract Award	December 10, 1998
Issue Notice To Proceed	January 4, 1999

All Design-Build Teams interested in submitting a proposal for this project are invited to send a Letter of Interest requesting a copy of the RFP package. Letters of Interest should be mailed to: Contracts and Documents Unit, Attn: Administrative Assistant, Metropolitan Council, 230 East Fifth Street, St. Paul, MN 55101; or FAXed to (651) 602-1138; or may be requested by e-mail at: [jan.bevins@metc.state.mn.us](mailto:jan.bevins@metc.state.mn.us)

All other inquiries are to be addressed to Joseph Edwards at (651) 602-1300 or may be e-mailed to: [joe.edwards@metc.state.mn.us](mailto:joe.edwards@metc.state.mn.us)

*Minnesota Statutes*, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600, will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the Project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

The Council reserves the right to cancel this request for proposals at any time.

## University of Minnesota

### Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.

## Non-State Public Bids, Contracts & Grants

### University of Minnesota

#### Executive Manager, Construction and Renovation Capital Program Implementation in Support of Academic Programs in the 21st Century

The University of Minnesota is seeking the services of an individual or firm to function as its Executive Manager with regard to the implementation of its Capital Program in support of Academic Programs in the 21st Century.

The Executive Manager will work in a partnership with the Associate Vice President for Facilities Management. This partnership must insure complete coordination of activities by facilitating a process of inclusion with authority, and accountability through timely decision-making at the cross-functional program/design/construction (project) team level - some of which may need to be brought to closure with less than complete information.

The duration of this contract will be continuous as determined by performance and need.

To insure any avoidance of conflict of interest, the successful firm or individual shall perform no other role in the University implementation of its Construction and Renovation Capital program.

All interested parties are required to submit their qualifications in accordance with the University of Minnesota, Facilities Management, Executive Manager, Request for Proposal dated July 10, 1998.

Request the "Request for Proposal" package by calling Holly Schoonover at 624-5765 or e-mailing her at [PD\\_TEMP@FM.POI](mailto:PD_TEMP@FM.POI). The deadline for responses is August 7, 1998.

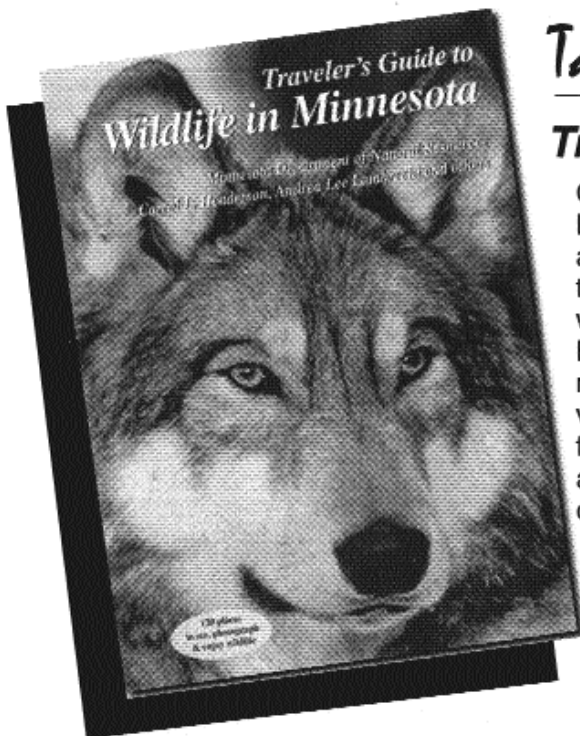
## Minnesota's Bookstore



117 University Ave. St. Paul, MN 55155  
E-mail: [mnbook.list@state.mn.us](mailto:mnbook.list@state.mn.us)  
Website: [www.comm.media.state.mn.us](http://www.comm.media.state.mn.us)

Store hours: Phone:  
8am-5pm 612/297-3000  
Mon-Fri 1-800/657-3757

Fax: TTY:  
612/297-8260 612/282-5077  
1-800/657-3706



## Take a Walk on the Wild Side

### Traveler's Guide to Wildlife in Minnesota

Carol Henderson and Andrea Lee Lambrecht, have produced an exciting guide to 120 sites to observe and photograph wildlife during all four seasons. Each site entry reports what makes the area special, provides maps and directions to find the site AND information about facilities and recreational opportunities for that area.

Follow this guide to find great spots for viewing everything from trumpeter swans to grouse, moose to frogs, blue herons to foxes, birds and mammals to reptiles. Spiral-bound with handy pull-out back cover which hosts a map legend and serves as a convenient flap to mark your spot. 326pp.

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