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SEAL OF THE STATE OF MINNESOTA

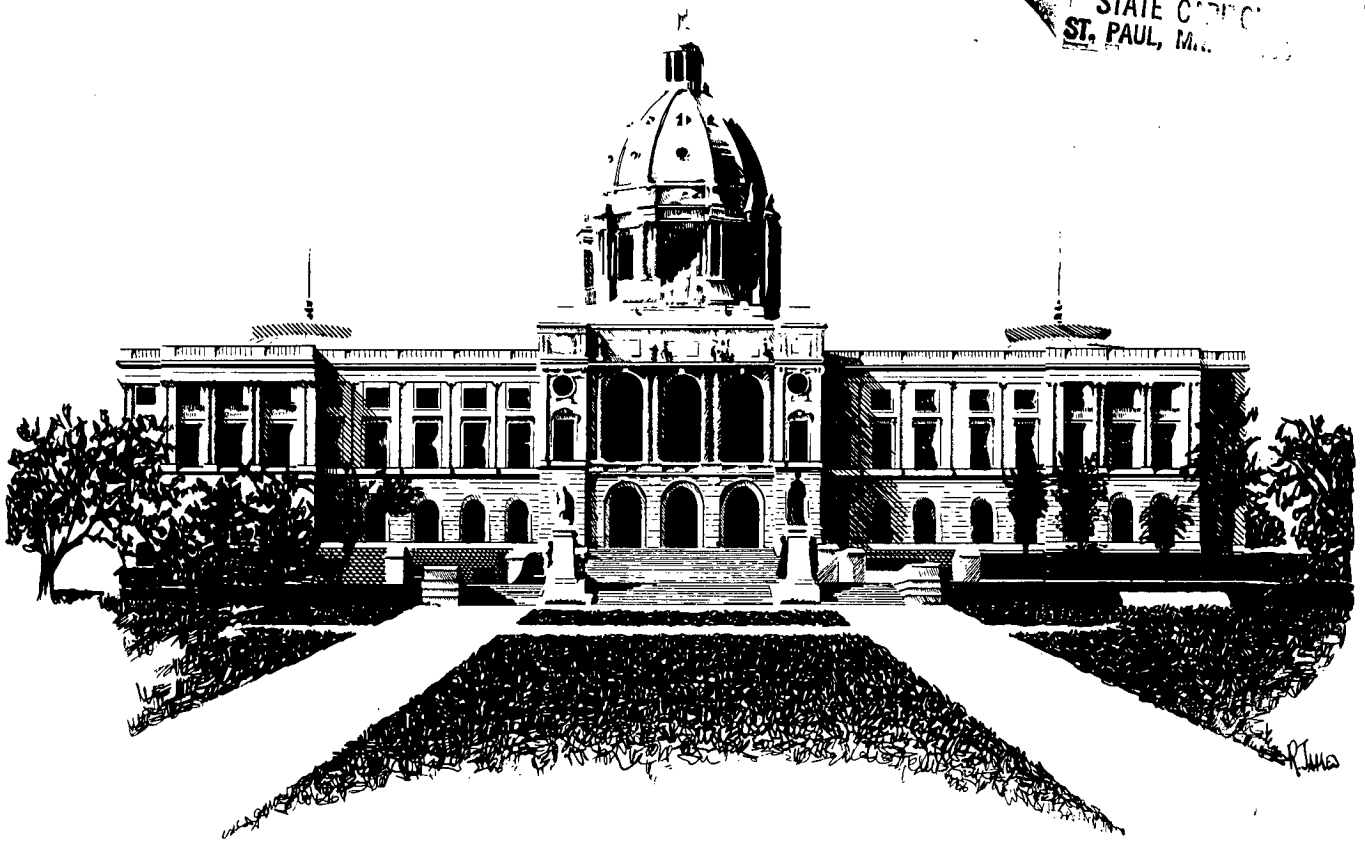
# STATE RECORDER

STATE OF MINNESOTA

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**VOLUME 5, NUMBER 9**

September 1, 1980

Pages 303-350



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### Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 5			
10	Monday Aug 25	Friday Aug 29	Monday Sept 8
11	Friday Aug 29	Monday Sept 8	Monday Sept 15
12	Monday Sept 8	Monday Sept 15	Monday Sept 22
13	Monday Sept 15	Monday Sept 22	Monday Sept 29

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

\*\*Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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The *State Register* is published by the State of Minnesota, Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in August. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$120.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$2.25 per copy.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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## NOTICE

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

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

#### The **PROPOSED RULES** section contains:

- Proposed new rules (including Notice of Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

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

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

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

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
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# PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Corrections

### Proposed Rules Governing Secure Juvenile Detention Facilities

#### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the State Office Building, 435 Park Street, Room 57, St. Paul, Minnesota, 55155, on October 8, 1980 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All representatives of associations or other interested groups and all interested or affected persons will have an opportunity to be heard concerning the adoption of the proposed rules, captioned above, by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted by mail without personally appearing at the hearing to Peter Erickson, Examiner at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8118. It is requested that at least three (3) copies be furnished. In addition, it is suggested to save time and avoid duplication, that those persons, organizations or associations having common viewpoint or interest in these proceedings join together where possible and present a single statement on behalf of such interests. All such statements will be entered with and become a part of the record. The conduct of the hearing will be governed by the rules of the Office of Hearing Examiners.

Written material may be submitted and recorded in the hearing record for five (5) working days after the public hearing ends, or for a longer period not to exceed twenty (20) calendar days if ordered by the hearing examiner.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notifications by sending a written request to the hearing examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Notice is hereby given that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Minn. Stat. § 241.021 (1976), as amended by Laws of 1978, ch. 778, effective September 1, 1979, provides that the Commissioner of Corrections shall promulgate rules establishing minimum standards for all correctional facilities throughout the State whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to the law except to the extent that they are inspected or licensed by other State regulating agencies. The rules which follow are intended to fulfill that requirement for all secure juvenile detention facilities. The purpose of these standards is to facilitate the implementation of rules in accordance with Minn. Stat. § 241.021, and to provide a framework for inspection and licensing of secure juvenile detention facilities.

Under Minn. Stat. § 10A.01, subd. 11, as amended by Laws of Minnesota, 1978, ch. 463, § 11, a lobbyist must register with the State Ethical Practices Board within five (5) days after he commences lobbying. According to the statute:

"Lobbyist" means any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

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attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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

“Lobbyist” does not include any:

(a) Public official or employee of the State or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a State board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in § 500.24, subdivision 1, who does not spend over \$250, excluding *his own* travel expenses in any year in communicating with public officials.

Questions regarding only lobbying should be directed to the State Ethical Practices Board, Room 41, State Office Building, 435 Park Street, St. Paul, Minnesota, 55155, telephone 612/296-5615.

August 18, 1980

Jack C. Young

Commissioner of Corrections

### Rules as Proposed (all new material)

#### Secure Juvenile Detention Facilities

(11 MCAR §§ 2.501-2.542)

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## 11 MCAR § 2.501 Introduction.

A. Section 1, Minn. Stat. § 241.021, subd. 1, as amended by Laws of 1978, ch. 778, provides that the Commissioner of Corrections shall promulgate rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are intended to fulfill that requirement for secure juvenile detention facilities.

B. The purpose of these standards is to facilitate the implementation of rules in accordance with Minn. Stat. § 241.021, subd. 1, and to provide a framework for inspection and licensing of secure juvenile detention facilities.

## 11 MCAR § 2.505 Definitions. For the purpose of these rules:

- A. "Department of Corrections" or "department" shall mean Minnesota State Department of Corrections.
- B. "Commissioner" shall mean Commissioner of the Minnesota Department of Corrections or his designee.
- C. "Local facility" shall mean any public or privately operated secure juvenile detention facility.
- D. "Secure juvenile detention facility" shall mean a physically restricting facility, including a detention home and county home school.
- E. "Facility administrator" unless expressly stated otherwise, shall mean administrator, superintendent, director or other individual who has been assigned, designated or delegated responsibility and authority for the administration and operation of a local facility.

F. "Child care worker" shall mean those staff with titles such as correctional officer, counselor, child care supervisor, or equivalent, whose primary duties are the day-to-day or ongoing supervision of juvenile residents of a local facility.

G. "Absconder" shall mean any person who departs from the custody of a secure detention facility or the grounds thereof, without lawful authority, and includes the failure to return to custody following temporary leave granted for a specific purpose or limited period.

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

I. "Approved capacity" shall mean the number of residents or occupants for which any room, unit, building, facility or combination thereof was planned, designed and approved for in compliance with the rules herein contained.

J. "Average daily population" shall mean the average number of residents (juveniles) residing daily during the last calendar year. Unless expressly stated otherwise, the term "average daily population" as used in these rules shall not include juveniles who are not housed in the facility for at least a portion of the day for which such "average daily population" is computed. As examples, juveniles on temporary release status or hospitalized need not be considered in such computation.

K. "Administrative segregation" shall mean the physical separation of those juveniles who are determined to be prone to escape, prone to assault staff or other juveniles or likely to need protection from other juveniles.

L. "Disciplinary segregation" shall mean that status assigned a juvenile as a consequence of or means of control resulting from a violation of facility rules or statute which consists of confinement in a room, or housing unit separate from the general population of the facility.

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

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

O. "Inspection" shall mean an on-site viewing and assessment of existing conditions and their relationship to minimum standards.

P. "Existing facility" shall mean any facility in existence and being used for the secure detention of juveniles prior to the effective date of these rules.

Q. "Resident" shall mean any juvenile detained and residing in any local detention facility governed by these rules.

R. "Variance" shall mean the waiver of one or more of the standards prescribed by the Commissioner of Corrections for a specified period of time.

S. "Holding area" shall mean a cell or room in the facility used to hold one or more persons temporarily while they are awaiting such things as release, booking, court appearance, transportation, interrogation, or other similar temporary holds.

T. "Legend drug" shall mean a drug which is required by federal law to bear the following statement: 'Caution' Federal law prohibits dispensing without prescription.

U. "Medicine" shall mean any remedial agent that has the property of curing, preventing, treating or mitigating diseases, or that is used for that purpose. For the purpose of these rules, medicine shall include legend and non-legend drugs.

V. "Controlled substance" shall mean a drug, substance or immediate precursor in Schedules I through V of Minn. Stat. ch. 152. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquor or tobacco.

W. "Substantially conform" as used in 11 MCAR § 2.509 C. shall mean compliance with 70 percent or more of all rules applicable to a facility's classification as stated herein and, additionally, shall mean compliance with 70 percent or more of all rules applicable to a facility's classification in each section of these rules. 'Section' as used in this definition means the entire area or subject matter under a given rule, e.g., 11 MCAR § 2.501, or § 2.505.

#### **11 MCAR § 2.509 Inspections, intended use and non-conformance with rules.**

A. Annual inspections. Each juvenile correctional facility required to be licensed by Minn. Stat. § 241.021 will be inspected at least once annually. Each facility and its books and records pertaining to its operation and the care, custody and protection of its residents shall be accessible at all times for inspection by the commissioner or his designee. All reports relating to the condition of the facility and its conformity with the standards established by the commissioner will be made in accordance with these rules.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

## PROPOSED RULES

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B. Intended use. No secure juvenile detention facility organized and established for the detention care and treatment of children and youth adjudicated to be delinquent shall be used for the temporary detention of children and youth alleged to be delinquent and awaiting the judicial process until licensed to do so by the commissioner.

C. Revocation of license for non-conformance. Revocation of license proceedings shall be commenced when conditions in the facility are likely to endanger the health, welfare or safety of the residents or staff. After revocation of its license, the facility shall not be used for the detention care and training of children and youth, unless otherwise provided by order of the District Court, or unless relicensed.

D. Issuance of license. Where the facility substantially conforms to rules stated herein or is making satisfactory progress toward substantial conformance and that the interests and wellbeing of the children and youth received therein are protected, a license to a county, municipality or agency thereof operating such facility shall be granted. The license shall remain in force one year unless sooner revoked.

E. Separate license. If a facility offers both secure detention and rehabilitation programs, it will need to meet the licensing standards for both secure detention and residential facilities.

F. Posted license. The license(s) of each secure juvenile detention facility shall be conspicuously posted in an area where residents are admitted to the facility.

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

### 11 MCAR § 2.512 Variances.

A. Variances. The granting of a variance under this section shall not constitute a precedent for any other juvenile detention facility. The commissioner shall grant a variance if, in the licensing procedure or enforcement of the standards, the commissioner finds that:

1. To require a particular juvenile detention facility to comply strictly with one or more of the provisions will result in undue hardship;
2. The juvenile detention facility is otherwise in compliance with said standards and their general purpose and intent.

B. Emergency suspensions of rules. Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any rule herein prescribed in the event of any emergency.

1. Only rules directly affected by the emergency may be suspended.
2. The facility administrator shall notify the Department of Corrections in writing within seventy-two (72) hours of a suspension of any rule.
3. No suspension shall exceed seven days without the approval of the Commissioner of Corrections.

### 11 MCAR § 2.515 Personnel standards.

#### A. Staff health.

1. All employees shall, prior to employment and annually thereafter, show freedom from tuberculosis by a report of either a standard Mantoux tuberculin test or chest X ray.
2. If the Mantoux test is positive or contra-indicated, a chest X ray shall be taken. The results of these tests shall be reported in writing and made a part of the staff member's personnel record.
3. Any staff member with a communicable disease shall not be permitted to work in the facility until such time that a physician certifies that the staff member's condition will permit his return to work without endangering the health of other staff and residents.
4. The facility administrator shall require that a staff member have a medical examination when there is reason to believe a communicable disease exists.

#### B. Recruitment.

1. The selection, appointment and promotion of facility personnel shall be made on the basis of assessed ability.
2. All employees who have direct client contact and responsibility, and are employed after the effective date of these rules, shall be at least eighteen (18) years of age.
3. Other employees or volunteers under eighteen (18) years of age shall be under direct supervision.
4. Service personnel other than facility staff, including offenders from adult correctional institutions, may perform work in the facility only under direct and continuous supervision of facility staff when such personnel are in areas permitting contact with juveniles.

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

6. Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience, physical condition and character.

7. A criminal record check shall be conducted on all new employees to ascertain whether there are criminal acts which have a specific relationship to job performance.

C. Employee evaluation.

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

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

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

D. Extra duty. No employee shall be assigned to duty for two (2) consecutive work periods except in a documented emergency, or where unusual circumstances require reasonable and prudent exception.

E. Staffing requirements.

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

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

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

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

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

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

c. Sex of staff. Staff members shall not be placed in positions of responsibility for the supervision and welfare of residents of the opposite sex in circumstances that can be described as invasion of privacy, degrading or humiliating to the resident. Where staff of one sex are used as program resource personnel with residents of the opposite sex, backup staff of the residents' sex must be on duty, awake and alert in the facility to provide assistance as needed without delay.

d. Relief staff. Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to insure that security, supervision of residents, the administration of program activities, and the efficient operation of the facility are not reduced or jeopardized by such activities. Part-time and relief staff shall complete orientation training appropriate to their assigned responsibilities.

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

f. There is a staffing plan which provides increased youth care staffing during program periods; there are a minimum of two youth care workers on duty at all times in the facility, one of whom is female when females are housed in the facility.

g. Educational/vocational staff shall be provided consistent with 5 MCAR § 1.0122.

h. Recreation staff. Each facility with an approved bed capacity of fifty (50) or more shall have a minimum of one (1) staff person designated to develop, implement and coordinate recreational programs for the residents. Such person shall have training and/or experience appropriate to required responsibilities. Facilities with approved bed capacities of less than fifty (50) shall designate a staff person to act as a liaison between the facility and existing community recreational resource agencies or individuals. Such staff person in consultation with such resource agencies or individuals shall develop, implement and coordinate the facilities' recreation programs. Such staff person may serve full or part-time in this capacity at the discretion of the facility administrator.

i. Volunteer coordinator. Where the facility utilizes the service of volunteers:

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(1) The facility administrator shall designate a staff person to coordinate and be responsible for volunteer services utilized by the facility.

(2) There shall be a system for official registration and identification of volunteers.

(3) Volunteers shall agree in writing to abide by all facility policies, particularly those relating to confidentiality.

(4) Written policies shall specify that volunteers perform professional services only when certified or licensed to do so.

(5) Written policies and procedures shall provide that the administrator curtails, postpones or discontinues the services of a volunteer or volunteer organization when there are substantial reasons for doing so.

j. There is a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to all supervisory personnel, who are required to familiarize themselves with it.

### **11 MCAR § 2.518 Staff training.**

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

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

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

B. Orientation training. Written policy and procedures shall provide that full-time staff or volunteers who work in direct and continuing contact with residents receive forty (40) hours of training. Such training shall be satisfactorily completed prior to regular shift assignment and shall include, at a minimum:

1. Human relations and communication skills;
2. Crisis intervention;
3. Special needs of youth;
4. Problem-solving and guidance;
5. Facility's philosophy for handling troubled youth;
6. Residents' rules and regulations;
7. Rights and responsibilities of residents;
8. Grievance and disciplinary procedures;
9. Security procedures;
10. Physical restraint procedures;
11. Supervision of residents;
12. Report writing;
13. Significant legal issues;
14. Interaction of elements of the juvenile justice system;
15. Relationships with other agencies;
16. Fire emergency procedures; and
17. First aid and life-sustaining functions.

C. In-service training. All child care workers, management and professional personnel shall complete a minimum of forty (40) hours of in-service training per year.

D. Management training. All management personnel and facility administrators who have not completed comparable training or who have not had two (2) or more years administrative experience shall complete at least the orientation training appropriate to the facility's classification and an additional forty (40) hours of facility management training within the first year in their position.

E. Space and equipment required for the training and staff development program shall be provided.

### **11 MCAR § 2.521 Staff deployment, job descriptions, work assignments, post orders, policies and procedures.**

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



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1. These shall be readily available to all employees with copies on file in the administrator's office.
2. Each employee shall be thoroughly familiar with his duties and responsibilities.

B. Work assignments. Work assignments shall be consistent with qualifications as stated in job descriptions and the approved staffing plan of the facility.

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

1. Availability of written personnel policies to employees;
2. Regularly scheduled meetings of supervisory personnel;
3. Regularly scheduled meetings between supervisors and subordinates;
4. Probationary and annual employee evaluations;

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

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

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

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

1. All personnel shall be instructed in the requirements of the law and rules pertaining to their respective duties.
2. Such instruction shall be documented and on file.

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

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

I. Merit system and collective bargaining. Nothing in this rule shall be construed so as to prevent the establishment of job descriptions, work assignments, channels of communications, or personnel policies by, through or in cooperation with the appropriate merit system or collective bargaining agreement.

### 11 MCAR § 2.524 Records and reports.

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

1. Admission and release records;
2. Resident personal property records;
3. Records of reports submitted to the department;
4. Clothing, linen and laundry records;
5. Records of budget requests and work orders;
6. Unusual occurrence records;
7. Records of policies and procedures;
8. Records of correspondence with the department;

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9. Employee personnel records;
10. Records of staff training;
11. Accounting records;
12. Food service records;
13. Daily log;
14. Medical and dental records;
15. Programming records;
16. Disciplinary records.

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

1. Records shall be filed so as to be organized and readily retrievable.
2. All resident records shall be preserved as required by law.

C. Filing and disposition of records. Resident records shall be readily retrievable. The records of released residents shall be promptly completed and filed in the facility.

D. Confidentiality of and access to resident records. Confidentiality of resident records and resident access to factual (non-confidential) data in their personal files shall be kept and provided in conformity with state law.

### **11 MCAR § 2.527 Resident welfare.**

A. Separation. A combination of separate living spaces, sanitation facilities, activity spaces and detention rooms shall be provided to properly segregate juvenile males from juvenile females.

1. Separation of male and female juveniles shall provide complete separation of their living and sanitation facilities to the extent necessary to insure their privacy from residents of the opposite sex.

2. Facility administrators of juvenile detention facilities that house both male and female juveniles shall develop and schedule coeducational activities and programs and provide selected coeducational services that are in the best interest of the children. Such coeducational activities, programs, and/or services shall be supervised by trained staff at all times, consistent with personnel rules stated herein.

B. Classification.

1. Juvenile detention facilities shall screen all admissions at intake for the purpose of determining the classification of the new resident which will dictate the living unit assignment and the activities and programs he/she will be permitted to participate in.

2. Such criteria as sex, age, delinquent sophistication, assaultiveness, degree of security or escape risk, and other criteria designed to provide for the protection and safety of the residents, staff, and the community will be used at the discretion of the facility administrator. The established criteria used will be in writing and available for review at the time of annual inspection.

C. Information to residents.

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

- a. Rules and regulations governing conduct and disciplinary consequences;
- b. Procedures for obtaining personal hygiene and canteen items;
- c. Policies governing visiting, correspondence, bathing, laundry, and clothing and bedding exchange.

2. Each resident, within twenty-four (24) hours of admission, shall either be provided with a copy of the program options and activities provided in the facility as well as the outside resources available, or interviewed and advised of same by program staff.

3. Each of the above shall be explained to those residents who are unable to read or have any questions regarding same.

4. Legal rights. Residents shall be advised of their legal rights with respect to detention or confinement by facility personnel. Every resident admitted to any facility shall be advised of the official charge or legal basis for detention.

D. Administrative segregation.

1. Each facility administrator shall develop and implement policies and procedures for the use of administrative segregation.

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2. Administrative segregation shall consist of separate and secure housing, but shall not involve any deprivation of amenities or privileges, normally afforded other residents except to the extent that the protection of the resident, staff or public justify the necessity of such deprivation.

3. Any resident placed on administrative segregation shall be reviewed by the facility administrator or his designee within eight (8) hours or whenever the original circumstances that placed him/her in such a status have been altered. Continuation of such status shall require documented approval of the facility administrator or his designee.

### E. Discipline plan.

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

2. The facility administrator shall include in the disciplinary plan a system of due process which has been reviewed and approved by the appropriate legal advisor for the detention centers' governing body.

### F. Disciplinary segregation (room restriction).

1. Disciplinary segregation shall be used only after and in accordance with due process procedures.

2. The status of any resident placed in disciplinary segregation subsequent to a due process hearing shall be reviewed by the facility administrator or his designee at least once every twenty-four (24) hours. If continued disciplinary segregation is deemed necessary, this decision shall be documented, as shall each subsequent review every twenty-four (24) hours.

3. Any resident placed in disciplinary segregation prior to a due process hearing shall have a due process hearing within twenty-four (24) hours of such segregation (exclusive of holidays and weekends) unless cause can be shown for delays, which shall be documented. As examples:

- a. Resident requests for delay;
- b. Logistically impossible as in the case of mass disturbances.

### G. Disciplinary isolation.

1. Such resident shall be placed in isolation only with the approval of the facility administrator or the designated person in charge—shift supervisor.

2. A medical opinion on placement and retention shall be secured within twenty-four (24) hours of placement.

3. Intermittent visual supervision shall be provided at least every half-hour.

4. No resident shall be held in disciplinary isolation for a period longer than twenty-four (24) hours without on-site review by the facility administrator or his designee. If continued isolation is deemed necessary, the reason(s), therefore, shall be documented, as shall each subsequent on-site review every twenty-four (24) hours.

### H. Other limitations on disciplinary actions.

1. The disciplinary rooms shall have minimum furnishings and space specified in these standards.

2. Residents shall be issued clothing and bedding as specified in these standards excepting that those residents who persist in the destruction of bedding, clothing or self with same may be deprived of such articles. The decision to deprive residents of such articles of clothing and bedding shall be reviewed by the shift supervisor during each eight (8) hour period, unless specified orders to the contrary have been issued by the facility administrator or his designee or on the advice of a licensed physician or psychologist.

3. The delegation of authority to any resident or group of residents to exercise the right of punishment over any other resident or group of residents is expressly prohibited.

4. No resident shall be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene.

I. Instruments of restraint. Instruments of restraint, such as handcuffs, chains, irons and straitjacket, shall never be applied as punishment.

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

- a. As a precaution against escape during a transfer;

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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, if other methods of control fail, in order to prevent a resident from injuring himself or others or from damaging property.

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

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

4. Each incident involving the use of restraints consistent with I.1.b. or I.1.c. shall be documented and retained on file.

5. Any detention personnel authorized to utilize restraints shall receive appropriate training in the usage of such restraints. Such training shall be documented and on file.

J. Disciplinary records. The keeping of a record of all disciplinary infractions and punishment administered therefore is mandatory. This requirement shall be satisfied by retaining copies of rule violation reports and reports of the disposition of each.

### K. Activities.

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

a. The plan shall be consistent with established legal rights of residents.

b. Such a plan shall include consideration of the following:

(1) The facility's rated capacity;

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

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

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

b. Residents requesting private interviews or counseling (not capable of being audio monitored), regarding religious, personal or family problems with accredited clergy, nuns, seminarians and laypersons active in community church affairs, shall be afforded this opportunity within such regulations as are reasonable and necessary to protect the facility's security.

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

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

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

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

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

b. Textbooks necessary to complete a course of study and legal books and references requested by residents shall be provided upon request to the extent resources permit. The facility's governing body shall not be responsible for purchasing legal books and references.

4. Education program. Education programs shall be consistent with State Department of Education rules and regulations and statutory requirements governing juvenile education.

5. Work assignments—juveniles.

a. It is appropriate for juveniles to be required to perform such duties as making beds, cleaning own rooms, cleaning group living areas and cleaning activity areas.

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

c. Care shall be taken not to require any juvenile to do work they cannot perform for physical reasons.

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

7. Exercise and recreation. Each facility administrator shall develop and implement a plan providing for opportunities for physical exercise and recreational activities for all residents. At a minimum, such a plan shall include the following:

- a. Such regulations as are reasonable and necessary to protect the facility's security and the residents' welfare;
- b. Provisions for a minimum of two (2) hours daily of organized and supervised physical exercise and recreational activities for all residents. Organized and supervised means preplanned exercise or activities supervised by staff qualified to direct same;
- c. Provisions for indoor space and equipment for active recreation;
- d. Provisions for outdoor recreational space, equipment and supportive staff for outdoor recreational programming.

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

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

(1) The facility's rated capacity;

(2) The security needs of residents detained. Amenities shall be consistent with resident needs and may be in accordance with established reasonable and necessary facility regulations to protect the facility's security and the welfare of residents.

b. The facility administrator shall develop and implement in-room programs for those residents confined to their rooms as a result of disciplinary action.

F. Visiting.

1. Visiting plan. Each facility administrator shall develop and implement a resident visiting plan. Such plan shall be in writing and shall include the following:

a. Security provisions consistent with security rules stated herein;

b. Provisions for resident consultation with their attorneys at the place of confinement at reasonable times and for such periods as are reasonable. Attorney visits shall not be monitored.

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

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

(2) Juvenile detention facilities shall provide at least three opportunities each week for parental visits, in addition to the initial visit.

(3) Visiting hours shall be regularly scheduled and offer both evening and daytime hours on weekdays and at least one (1) time on weekends.

(4) Provisions in the plan shall allow for exceptions to the regularly scheduled hours to accommodate for parents work schedules or business, illnesses or emergencies within the family, or special family functions.

(5) Child-parent visits arranged with attorneys in preparation of a legal case, or by the court, probation officer, caseworker, or other bonafide professional, in the development of a plan for treatment or placement of the child, shall be in addition to the number of required visiting opportunities.

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

e. The administrator may deny a visit to a resident when he has reasonable grounds to believe that the visit might endanger the security of the facility. Reasons for denial of a visit shall be in writing with a copy being issued to the resident, the person attempting to visit and the file within the facility.

f. Visitors shall register, giving names, addresses and relationship to resident.

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- g. Any area used for resident visiting with audio monitoring capabilities shall be posted with a written notice of same.
- h. Visits conducted in resident's living areas shall not conflict with the normal activities of residents not receiving visitors.

G. Correspondence and telephone. Each facility administrator shall develop and implement a plan for the handling of resident mail and resident telephone usage consistent with established legal rights of juveniles and reasonable and necessary facility regulations to protect the facility's security.

H. Juvenile clothing, bedding and laundry services.

### 1. Clothing.

a. Each resident shall have neat, clean clothing appropriate for the season. Such clothing shall be provided by the agency if the youth does not have it.

b. Clothing used to supplement resident's personal clothing shall be of a non-jail/non-uniform type. Facility clothing should not be used on an ongoing basis. Residents shall be allowed to wear personal clothing to the extent reasonable and necessary regulations of the facility permit.

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

(1) Their personal clothing shall be returned after laundering.

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

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

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

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

f. Residents' excess personal clothing shall be returned to designated family members or stored in a manner which prevents mildew and other damage and properly identified, inventoried and secured. Residents possessing excess personal property shall sign and receive a copy of the inventory record for such property and indicate their agreement or disagreement with such records.

### 2. Linens and bedding.

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

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

(2) One (1) clean, firm, fire-retardant mattress;

(3) Polyurethane foam mattresses shall not be used in the facility;

(4) Two (2) sheets or one (1) sheet and a clean mattress cover;

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

(6) One (1) pillow and one (1) pillow case, anti-allergenic if required or requested.

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

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

d. Residents not admitted to living units who are detained in holding rooms utilized solely for the purpose of intake and release processing need not be issued linens and bedding.

### 3. Removal of clothing and bedding.

a. It may be deemed necessary by the facility administrator or person in charge to remove clothing and/or bedding from a resident if the behavior of the resident threatens the safety and/or security of the individual, others, or the facility.

b. As such action implies that all reasonable steps have been taken without success to insure the safety and well being of the resident as well as the security of the facility, an unusual occurrence report shall be completed and filed.

### 4. Laundry services.

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

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

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

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

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

### I. Emergencies and unusual occurrences.

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

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

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

c. Copies of the disaster plan containing basic emergency procedures shall be available at a secure central security station to all staff within the facility.

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

2. There shall be an automatic fire alarm and heat and smoke detection system approved by the state fire marshal or recognized state authority and tested on a regular basis.

3. Security policies and procedures. Emergency planning shall be sufficient to provide immediate and effective action in the event of an emergency. All such planning shall be inclusive of policies and procedures designed to protect the public by securely detaining residents who present a danger to the community or to themselves.

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

5. If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

6. Plans shall be developed and maintained sufficient to maintain the health, safety and security of residents and facility during brief or extended losses of light, heat or communications.

7. Emergency procedures meeting. There shall be a meeting of all employees on each shift at least once every three (3) months to discuss and review emergency procedures used in the facility. The agenda of the meeting shall cover:

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

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

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

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

e. Specification of evacuation routes and procedures. Such routes shall be distinctly marked, continuously illuminated and kept clear and in usable condition.

8. Unusual occurrences. All incidents or attempted incidents of an unusual or serious nature which involve or endanger the lives or physical welfare of facility staff or residents shall be reported to the department within ten (10) days in writing.

a. Such report shall include the name(s) of person(s) involved (staff and residents), nature of unusual occurrence, actions taken, and the time of occurrence.

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b. Unusual occurrences shall include:

- (1) Suicide;
- (2) Homicide;
- (3) Death (other than suicide or homicide);
- (4) Serious injury or illness (accidental, self or other inflicted, incurred subsequent to detention);
- (5) Escape;
- (6) Fire;
- (7) Riot;
- (8) Assaults on staff or residents;
- (9) Other serious disturbances;
- (10) Occurrences of infectious diseases and disposition.

c. Unusual occurrences shall be reported to the Minnesota Department of Corrections. The form for reporting shall be obtained from the Department of Corrections.

d. Written plans govern space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the juvenile detention facility shall be developed; these plans are to be reviewed at least annually and updated if necessary.

e. In the event of an emergency such as serious illness, accident, imminent death or death, the resident's parents, guardians or other significant others who maintain a close relationship with him shall be notified.

9. Resident death. When a resident's death occurs:

- a. The date, time and circumstances of the resident's death shall be recorded in the resident's record.
- b. If the resident dies in the facility, the coroner's office shall be notified.
- c. Personal belongings shall be handled in a responsible and legal manner.

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

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

### 11 MCAR § 2.530 Food service.

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

B. Food handling practices.

1. Any food service provided in a correctional facility shall be in accordance with the provisions of the Minnesota Department of Health Regulations (7 MCAR §§ 1.161-1.165) governing food service and beverage service establishments.

2. Wherever the food service in a facility is limited to serving ten residents or less, variances from the requirements include substitution of certain domestic type equipment for commercial type.

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

C. Dietary service. The food and nutritional needs of residents shall be met in accordance with their needs and shall meet the dietary allowances as stated in the *Recommended Dietary Allowances, Food and Nutrition Research Council, National Academy of Sciences*, 9th Edition, 1980. Providing each resident the specific serving per day from each of the following four food groups will satisfy this requirement.

1. The food service plan is reviewed and approved by a physician or certified dietician.
2. All facilities shall have menu planning sufficient to provide each resident the following specified food servings per day:
  - a. Meat or protein group. Two (2) or more servings per day. A serving of meat or protein is defined as:
    - (1) 2-3 ounces cooked, lean, edible meat
    - (2) 2 medium eggs



- (3) 4 tablespoons peanut butter
- (4) 1 cup dry beans
- b. Milk group. Two (2) or more servings per day. A serving is defined as:
  - (1) 1 cup of milk
  - (2) 1 ounce of cheese
  - (3) ½ cup cottage cheese
- c. Cereal and bread group. Four or more servings per day. A serving is defined as:
  - (1) ½ to 1 slice of bread
  - (2) ½ to ¾ cup cereal
  - (3) ½ to ¾ cup rice
  - (4) ½ to ¾ cup of pasta
- d. Fruit and vegetable group. Four or more servings per day. A serving is defined as:
  - (1) ½ cup potatoes
  - (2) ½ cup cooked vegetables
  - (3) 4 pieces raw vegetables
  - (4) ½ cup fruit
  - (5) 1 cup juice (citrus)

D. Frequency of meals. There shall not be more than fourteen (14) hours between a substantial evening meal and breakfast. At least three (3) meals shall be made available at regular times during each twenty-four (24) hour period.

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

F. Where juveniles' religious beliefs require their adherence to dietary laws, efforts shall be made to provide such special diets.

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

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

I. The designated food service supervisor shall receive training in food service operations prior to assuming this responsibility.

J. Menu records. Menus shall be posted a week in advance. Records of food purchased and menus shall be filed for one (1) year.

K. Hot meal minimum. A minimum of one (1) hot meal shall be provided for each twenty-four (24) hours of confinement.

L. Canteen.

1. All facilities with approved capacities of twenty-five (25) or less shall provide residents with a printed list of approved canteen items to be purchased by a facility staff member at local stores if the facility does not operate a canteen in the facility.

2. All facilities with approved capacities over twenty-five (25) shall establish, maintain and operate a canteen in the facility.

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

M. Budgeting, purchasing and accounting.

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

2. Such policies and procedures shall include:

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

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

c. Consideration of resident eating habits and food waste.

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

e. Such other items as the administrator deems appropriate.

### N. Containers and food storage.

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

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

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

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

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

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

O. Transport of food. Food shall be covered during transport through non-dietary areas, but need not be covered when served in a contiguous dining area. The food service system shall be capable of maintaining hot foods at one-hundred-fifty (150) degrees Fahrenheit or higher; cold food at forty (40) degrees or lower. A dumbwaiter or conveyor, which cab or carrier is used for the transport of soiled linen or soiled dishes, shall not be used for the transport of food.

### 11 MCAR § 2.533 Security.

A. Policies and procedures. Security policies and procedures shall be developed by the administrator to cover the following:

1. Control and recovery of contraband;
2. Delivery and service procedure;
3. Prohibition on firearms and other weapons in resident areas;
4. Search procedures;
5. Escort of residents outside security area;
6. One-half (½) hour interval security inspection routines when residents are not under direct supervision.

### B. Admissions.

1. The intake procedure conducted by the admitting officer for all admissions shall provide for a thorough search of the resident and belongings. In the event of all new admissions, a shower (delousing if indicated), an assessment of health status and physical needs, an inventory of resident's property, properly recorded and signed by the owner as correct, and completion of an admission form shall be completed.

2. No juvenile shall be received by the staff of a facility until the arresting or escorting officer has produced proper credentials and/or until the proper documents have been completed identifying the purpose for detention.

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

### C. Releases.

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

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

3. Residents shall be permitted to make arrangements for transportation prior to their release.

**D. Contraband control searches.**

1. Visitors who seek to enter the security area of the facility shall not be permitted admission whenever they refuse to submit to a requested search conducted by a staff member of the same sex.
2. The facility shall be regularly inspected for contraband; evidence of breaches in security; inoperable security equipment.
3. All materials delivered to or transported from the facility shall be inspected for contraband prior to distribution.

**E. Locks and keys.**

1. When not in use, all keys to security locks shall be properly tagged and stored in a secure cabinet within a secure area, out of reach from the residents or the public. At least one new complete set of facility keys shall be kept on hand for replacement purposes.
  - a. 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 in accordance with established procedure.
  - b. No security keys shall be made available to residents.
2. All locks to security doors or gates shall be inspected regularly to insure their efficient operation.
  - a. No lock to a security door or gate shall be permitted to be broken, inoperable, or left in an unsuitable condition for any unnecessary period of time.
  - b. No resident shall be placed in a room or area which has inoperable locks.

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

1. Firearms or other dangerous weapons, regardless of condition, shall not be located within the resident areas of the facility.
2. Materials which can be deleterious to security, safety and health shall be properly secured, inventoried and dispensed.
3. When not in use, all tools shall be kept in locked storage areas. Security precautions shall be developed and implemented on any tools entering and/or leaving the facility.
4. Hazardous substances shall be stored outside the resident's living areas. Cleaning substances which can be so described shall be handled only by staff or residents under direct staff supervision.

**G. Count procedure.** Each facility shall have a written statement specifying the system to be used for regularly counting the number of residents under its jurisdiction.

1. Systems for counting shall include a master count board indicating the total number at all times and immediately report changes as they occur.
2. A separate log book shall be kept to serve as a check and validation to the count board.
3. Formal counts shall be completed with an official entry made in the daily log after each mass movement or change in areas and/or at least once each eight (8) hours.

**11 MCAR § 2.536 Environmental-personal health and sanitation.****A. Availability of medical and dental resources.**

1. Each facility shall have a licensed physician(s) or medical resources such as a hospital or clinic designated for the medical supervision, care and treatment of residents. The facility shall insure twenty-four (24) hour a day availability of consultation, advice and emergency service response. Such resource(s) shall be located in the same or a nearby community.
2. The local health department or a designated physician shall, not less than annually, inspect the facility with respect to sanitation and health conditions.
3. Each facility shall have emergency dental care available to residents. Such dental care shall be available in the same or nearby community.
4. Ambulance services shall be available on a twenty-four hour a day basis.

**B. Receiving.** Health screening shall be performed on all residents upon admission to the facility and before placed in the general population, and recorded on a printed screening form approved by the responsible physician which includes inquiry into:

1. Possibility of pregnancy;
2. Possibility of venereal disease;

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3. Current illnesses and health problems including those specific to females;
4. Medications taken and special health requirement;
5. Status of immunizations;
6. Screening of other health problems designated by the responsible physician;
7. Behavioral observation, including state of consciousness and mental status;
8. Notation of body deformities, trauma markings, bruises, lesions, ease of movement, or jaundice;
9. Condition of skin and body orifices, including rashes and infestations; and
10. Disposition/referral of residents to qualified medical personnel on an emergency basis.

### C. Sick call.

1. Each facility shall provide space, staff, and a procedure for daily sick call for the purpose of insuring residents the opportunity to report and receive appropriate medical services for illness or injury.

2. Juveniles' medical complaints are monitored and responded to daily by medically trained personnel.

3. A resident shall be examined by trained medical personnel within a reasonable period of time if the resident is visibly ill, chronically ill, or whenever it is suspected that medical attention is necessary.

4. If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

D. Posting of available resources. A listing of the medical, dental and ambulance resources designated for use by the facility and the telephone numbers of same shall be posted at each staff station in the facility. Such list shall clearly indicate what resource(s) is (are) available at any time of the day or night.

### E. Hospitalization of a resident.

1. Each facility administrator shall insure the availability of hospital services in the same or nearby community permitting admission of a resident without delay on the recommendation of the attending physician.

2. When a resident requires hospitalization, he shall be guarded on a twenty-four (24) hour per day basis unless the following conditions have been satisfied:

a. The resident has been deemed not in need of custody supervision, or

b. The resident has been medically incapacitated in the opinion of the attending physician, or

c. The facility administrator has retained legal responsibility for the custody of the resident, or

d. The hospital administrator and facility administrator mutually agree that a guard is unnecessary to the reasonable assurance of the resident's custody.

### F. Written standard operating procedures approved by the responsible physician shall exist for the following:

1. Obtaining medical consent;
2. Receiving screening;
3. Health appraisal data collection;
4. Nonemergency medical services;
5. Obtaining dental services;
6. Emergency medical and dental services;
7. Deciding the emergency nature of illness or injury;
8. Dental screening, prevention, examination and treatment;
9. Provision of medical and dental prosthetics;
10. Rendering first aid;
11. Notification of next of kin or legal guardian in case of serious illness, injury or death;
12. Providing chronic care;
13. Providing convalescent care;
14. Providing medical preventive maintenance;
15. Screening, referral and care of mentally ill and retarded residents;
16. Making staff aware of special medical problems;

17. Implementing the special medical program;
18. Immunization, where necessary;
19. Delousing procedures;
20. Detoxification procedures; and
21. Pharmaceuticals.

G. First aid.

1. All child care workers responsible for the supervision, safety and well-being of residents shall be trained in emergency first aid procedures.

2. At least one person per shift shall have training in receiving, screening, basic life support, cardiopulmonary resuscitation (CPR), and recognition of symptoms of the illnesses most common to the facility.

3. All facilities shall have a minimum of one (1) first aid kit located at the facility's control center or primary staff station.

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

H. Medical and dental records.

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

2. Medical or dental records shall be maintained on any resident under medical or dental supervision, care or treatment while confined. Minimally, such records shall include appropriate information with respect to resident limitations or disabilities, instructions relative to resident care, written orders for all medications with stop dates, treatment, therapeutic diets, extent or restriction of activity, and the time, date, and medical or dental person involved in any examination, treatment or consultation with respect to the resident.

3. Medical and dental directives related to resident care shall be available to staff on duty for consultation in case of illness and for recording administration of medication.

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

I. Preventive health services.

1. The facility administrator shall develop and implement a written plan for attainment of personal hygiene practices of all residents with special assistance for those residents who are unable to care for themselves.

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

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

4. Each resident shall be permitted daily bathing or showering.

5. Residents shall be provided personal hygiene items at facility expense.

J. Delivery, supervision and control of medicines.

1. Delivery of medicine shall be conducted only by licensed medical or nursing personnel or by facility staff members who have successfully completed a Minnesota Department of Corrections approved training program on the "Delivery of Medicine by Unlicensed Personnel."

2. The delivery of legend drugs by unlicensed staff shall be under the ultimate supervision of a consulting physician.

3. The facility administrator, in consultation with the licensed physician, shall develop plans, establish procedures and accessories for the secure storage, delivery, supervision and control of medicine. Such plans, procedures, space and accessories shall include the following:

a. Storage.

(1) All medicines shall be kept in a locked medicine cabinet or locked medicine room. The storage facility shall be kept locked at all times when not in use.

(2) Medicine requiring refrigeration shall be stored in a secure manner in a refrigerator.

(3) Residents shall not be allowed in any room used for the storage of medicine without direct staff supervision.

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- (4) Only staff authorized to deliver medicine shall have access to keys for medicine storage areas.
  - (5) Stock supplies of legend (prescription-type) drugs shall not be maintained.
  - (6) All prescribed medicine shall be stored in its original container, bearing the original label.
  - (7) All poisons and medicine intended for external use shall be clearly so marked and shall be stored separate from medicine intended for internal use.
- b. Delivery control. The following shall be established in written policy form:
- (1) Diabetics with permission of the attending physician may self-administer insulin injections under staff supervision.
  - (2) All other medicine administered by injection may be given only by a physician, registered nurse, or licensed practical nurse.
  - (3) Unless ordered otherwise by the attending physician, all other medicine delivered to residents shall be self-administered under staff supervision.
  - (4) Means for the positive identification of the recipient of all medicine.
  - (5) Procedures for assuring that prescribed medicine will be delivered in accordance with physician instructions at the correct time and in the prescribed dose.
  - (6) No resident while receiving legend drugs shall receive any non-legend drugs without the approval of the attending physician.
  - (7) Procedures for confirming that medicine delivered for oral ingestion has been ingested.
  - (8) Procedures for recording the fact that the prescribed dose has been delivered and by whom.
  - (9) Procedures whereby adverse reactions to drugs are reported at once to the attending physician and an explanation made in the resident's record.
  - (10) Procedures whereby resident refusal of prescribed medicine is reported to the attending physician and an explanation made in the resident's record.
  - (11) Procedures for insuring that no resident is deprived of medicine as prescribed because of penalty or staff retaliation.
  - (12) Procedures which prohibit the delivery of medicine by residents.
  - (13) Procedures whereby a physician is contacted prior to the next prescribed medicine dosage time for instructions on all newly admitted residents who are either in possession of prescribed medicine or indicate a need for such.
- c. Recording of legend drugs entering the facility. Records of receipt, the quantity of such drugs, and of the disposition of all legend drugs shall be maintained in sufficient detail to enable an accurate accounting at any time.
4. If authorized by the attending physician, prescribed medicine belonging to resident shall be given to them when released or to appropriate authorities when transferred. This shall be recorded in the resident's record.
  5. Unused portions of prescribed medicine shall be destroyed by incineration or by flushing into the sewer system.
    - a. Such destruction shall be performed by the facility administrator or his designee and witnessed by a staff member.
    - b. A notation of the destruction shall be made in the resident's record and shall include the name and quantity of the drug destroyed and shall be signed by the facility administrator or his designee and staff witness.
  6. Unused portions of controlled substances shall be handled by contacting the Minnesota Board of Pharmacy.
  7. Methadone programs shall not be made available unless in compliance with all existing laws and regulations governing such programs.
  8. Written policy prohibits the facility from conducting medical or pharmaceutical testing for experimental or research purposes.
- K. Reporting suspected communicable disease. When no physician is in attendance, it shall be the duty of the facility administrator, or other person in charge of any institution or any other person having knowledge of any individual believed to have or suspected of having any disease, presumably communicable, to report immediately the name and address of any such person to the local health officer. Until official action on such has been taken, strict isolation shall be maintained.
- L. Isolation for communicable disease.
1. Residents who are suspected of having a communicable disease shall be detained in isolation for only that period of time necessary to obtain advice and consultation from a physician concerning the resident's status and recommendations for care. Continuation of such isolation shall be determined by the attending physician.

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

M. Mentally ill residents.

1. Screening and referral for care shall be provided to mentally ill or retarded juveniles. The responsible physician shall provide a written list of symptoms or behavior indicative of mental illness and retardation for staff training and shall designate, in advance, specific referral sources.

2. If the facility administrator or his designee determines a resident to be mentally ill, a certified consulting psychologist or a licensed physician's opinion (preferably a psychiatrist) shall be secured as soon as possible, but not more than eight (8) hours after such segregation.

3. If a certified consulting psychologist or licensed physician's opinion is supportive of the facility administrator or his designee, and if practical and feasible, such resident shall be transferred to a medical facility designated by the county and approved by the State Department of Health for diagnosis, treatment, and evaluation of such suspected mental illness pursuant to Minn. Stat. § 253A.04, Emergency Hospitalization of Mentally Ill and Mentally Deficient Persons.

N. Housekeeping, sanitation and plant maintenance.

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

2. Established plan. The person (facility administrator, building superintendent, or county maintenance engineer) responsible for plant maintenance, housekeeping and sanitation shall develop and implement a written plan with identified policies and procedures for same.

3. Inspections. The facility administrator shall develop and implement a written plan for the daily inspection of the facility with respect to housekeeping, sanitation, and plant maintenance. Such inspections shall be recorded.

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

5. Work requests.

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

b. Such policies and procedures shall include:

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

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

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

6. Insect and rodent control. Any condition on the site or in the facility conducive to harborage or breeding of insects, rodents, or other vermin shall be eliminated immediately. Cleaning, renovation, or fumigation by licensed pest control operators for the elimination of such pests shall be used when necessary.

**11 MCAR § 2.539 Juvenile detention programs.**

A. Statement of program objectives. Each facility administrator shall prepare in written form a statement of program objectives and goals. Such objectives and goals shall be developed with the input of local juvenile justice personnel including judges, probation officers and others as deemed appropriate by the facilities governing body and administrator. A copy of the statement of program objectives shall be retained on file in the facility.

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B. Program plan. Each facility administrator shall develop and implement a plan for programming and service consistent with its stated program objectives.

C. Program space, equipment and materials. Provisions for program space, equipment and materials shall be consistent with the facility's statement of program objectives, program plan and applicable rules stated herein.

D. Intake policies and procedures.

1. Each juvenile is assigned a counselor or probation officer at intake.

2. Each facility administrator shall develop in written form intake policies and procedures that clearly indicate the facility's goals and objectives, programs and services offered and resident eligibility requirements for admission to the facility. This will be done in a form suitable for distribution to staff, residents, referral sources, funding agencies and the general public. Such policies and procedures shall include the following:

a. Clearly defined age limits for admittance to the facility.

b. Regular meetings and case conferences between the staff of probation agencies, shelter facilities, the court, the local law enforcement agency, and the detention facility staff to develop and maintain sound interagency policies and procedures.

c. Statutory provisions for admission to the secure juvenile detention facilities must be adhered to.

d. Referral sources must be informed of reasons for ineligibility and, where possible, should be referred to other agencies for services.

e. The administrator, in consultation with the referral agency, shall be responsible for exercising discretion within his legal authority, in the type of resident admitted to the facility in accordance with the admission policies of the facility.

E. An admittance form is completed for every juvenile admitted to the facility and contains the following information:

1. Court case number (if any) and detention facility admission number;

2. Date and time of admission and release;

3. Name and nicknames;

4. Last known address;

5. Legal status (authority for detention);

6. Name of attorney, if any;

7. Name, title and signature of delivering officer;

8. Specific charge(s);

9. Sex;

10. Date of birth;

11. Place of birth;

12. Race or nationality;

13. Education and school attended;

14. Employment, if any;

15. Religion;

16. Health status;

17. Medical consent forms;

18. Name, relationship, address and phone number of parent(s)/guardian(s)/person(s) juvenile resides with at time of admission;

19. Drivers license number, social security number and medicaid number;

20. Date of petition;

21. Court and disposition if any;

22. Space for remarks (to include notation of any open wounds or sores requiring treatment, evidence of disease or body vermin, or tattoos); and

23. Person recording data.



**F. Case records.**

1. Case records shall be safeguarded from unauthorized and improper disclosure.
2. The contents of case records shall be identified and separated according to an established format. The case record includes the following information:
  - a. Initial intake information form;
  - b. Documented legal authority to accept juvenile;
  - c. Information on referral source;
  - d. Record of court appearances;
  - e. Medical record;
  - f. Signed release of information forms;
  - g. A record of cash and valuables held;
  - h. Notations of temporary absences from the facility;
  - i. Visitors' names and dates of visits;
  - j. A record of telephone calls;
  - k. Probation officer or caseworker assigned;
  - l. Progress reports on program involvement;
  - m. Program rules and disciplinary policy signed by juvenile;
  - n. Grievance and disciplinary record;
  - o. Referrals to other agencies; and
  - p. Final discharge or transfer report.

**G. Program resource identification.** Each facility administrator shall develop an inventory of on-site and community resources that are essential to the successful accomplishment of the facility's program objectives. Such inventory shall be descriptive of community resource agency services, eligibility requirements and other information considered appropriate to potential users of same. The inventory shall be reviewed at least once annually and revised as appropriate.

**H. Crisis intervention.** Each facility administrator shall develop and implement a plan for crisis intervention and utilization of professionally qualified facility staff or community resource personnel appropriate to resident needs.

**I. Citizens advisory committee.** Written policy and procedure shall provide for a citizens advisory committee representing appropriate elements of the community such as civic leaders, businessmen, professionals and at least one member from the local governing body.

**J. Program evaluation.** Written policy and procedure shall provide for periodic evaluations of facility programs and services to determine their contribution to the objectives and goals of the facility.

**K. Biennial report.** The facility shall furnish an information statement to the parent agency at least biennially which is used to report on the systems objectives, programs, resident population, budget, major developments, problems, and future plans.

**11 MCAR § 2.542 Administration.**

**A. Facility's governing body.** The facility's governing body, county board, city council, or other such governmental unit legally responsible for the facility shall be responsible for its management, control and operation.

**B. Multi-county or regional facilities.** The governing body of any multi-county, regional facility or similar such facility operating under a joint powers agreement, regional development plan, community corrections act or similar provision shall develop written bylaws. The bylaws shall provide for and clearly state the following:

1. Membership in the agency, including the types of membership, and the rights and duties of the members.
2. Provisions for a governing body.

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3. Number of members in the governing body.
  4. Method of selecting members of the governing body.
  5. Terms of office for members of the governing body.
  6. Provisions for officers of the governing body.
  7. Method of selection of officers.
  8. Term of office for the officers.
  9. Specification of duties of officers and members.
  10. Provisions for standing committees.
  11. Provisions for regular and special meetings.
  12. Establishment of a quorum for meetings of the governing body. (In no case may the agency bylaws allow for less than one-third (1/3) of the members then in office to constitute a quorum.)
  13. Responsibilities of the governing body.
  14. Use of parliamentary procedures.
  15. Provisions for recording minutes of meetings of the governing body.
  16. Methods of amending the bylaws.
  17. Provisions against conflict of interest of members of the governing body and the agency.
  18. Specification of the relationship of the facility administrator to the governing body.
- C. The facility administration has available to it the services of a qualified fire and safety officer who reviews all policies and procedures related to safety and fire prevention.
- D. Written policy and procedure govern inventory control of property, stores and other assets.
- E. There is a procedure to provide insurance coverage for the facility, which includes coverage for the physical plant, equipment, and personal and property injury to employees, volunteers, residents, and third parties.
- F. Private facilities only.
1. The facility must operate under a constitution or articles of incorporation which meets all of the legal requirements of the governmental jurisdiction in which the facility is located.
  2. The facility must have a local governing authority or advisory board which is representative of the community in which the facility is located.
  3. The facility or its parent agency must identify, document and publicize its tax status with the internal revenue service.
  4. The facility must have bylaws, approved by the governing authority, which shall be filed with the appropriate local, state and/or federal body.
  5. At a minimum, the facility bylaws must include for the governing authority: Membership (types, qualifications, community representation, rights, duties); size of the governing body; method of selection; terms of office; duties and responsibilities of officers; times authority will meet; committees; quorums; parliamentary procedures; recording of minutes; method of amending the bylaws; conflict of interest provisions; and specification of the relationship of the chief executive to the governing body.
  6. The governing authority of the facility must hold meetings as prescribed in the bylaws.
  7. A permanent record shall be kept of meetings of the governing authority.

# ADOPTED RULES

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

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

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

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

## Department of Administration Building Code Division

### Adopted Amendments to the State Building Code

The Rules published at *State Register*, Volume 4, Number 9, pp. 233-284, September 3, 1979 (4 S.R. 233) and *State Register*, Volume 4, Number 29, pp. 1149-1164 (4 S.R. 1149) are now adopted with the following amendments:

#### Amendments as Adopted

##### Section I The composition and Use of the Minnesota State Building Code

Add section 2.(f) as follows:

2.(f) One and Two Family Dwelling Code, 1975 Edition

#### 2 MCAR § 1.10109 Appendices.

A.3. 1979 UBC Appendix Chapter ~~23~~, 35.

B.2. 1979 UBC Appendix, Chapters ~~45~~, 12, 38, 48, 49 and 70.

B.4 Flood Proofing Regulations, Sections 201.2 through 208.2

#### 2 MCAR § 1.10110 Reserved for future use.

#### 2 MCAR § 1.10111 Adoption of the Uniform Building Code by reference.

UBC Section 414 Mechanical Code is the ~~Uniform Mechanical Code, 1979 Edition~~ Minnesota Heating, Ventilating, Air Conditioning and Refrigeration Code.

**UBC Section 420.** DWELLING is any building or portion thereof which is not an "Apartment House," "Lodging House" or a "Hotel" as defined in this code, which contains one or two "Dwelling Units" or "Guest Rooms," used, intended or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes and shall include Class A-1 Supervised Living Facilities as defined in Section 420. ~~this code.~~

#### UBC Section 420

[As proposed by the Division.]

#### ~~UBC Section 420 Definitions~~

##### ~~Supervised Living Facilities~~

~~Class A Supervised Living Facilities shall include homes providing boarding and lodging for ambulatory and mobile disabled persons who are capable of semi-independent living with minimum supervision and who are mentally and physically capable of self-preservation under emergency conditions. Physically handicapped persons shall be housed at street level. See UBC 1201 amended.~~

~~Class B Supervised Living Facilities shall include homes providing boarding and lodging for:~~

~~1. Mobile disabled persons who are capable of semi-independent living with minimum supervision, but who are not physically capable of self-preservation;~~

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## **ADOPTED RULES**

2. ~~Persons with diverse dependencies who require various degrees of supervised guidance and assistance, and who are not mentally or physically capable of self-preservation under emergency conditions. See UBC 4004 as amended.~~

### **[As proposed by Legal Advocacy for Developmentally Disabled]**

Section 420 of the UBC shall be amended by adding:

~~Class A-1 supervised living facilities shall include homes providing boarding and lodging for 6 or fewer ambulatory or mobile disabled persons - - - at street level.~~

and by adding

~~Class A-2 supervised living facilities shall include homes providing boarding and lodging for more than 6 ambulatory or mobile disabled persons - - - at street level.~~

### **[UBC Section 420 as adopted]**

“Supervised Living Facility” means a facility in which there is provided supervision, lodging, meals, and, in accordance with the provisions of rules of the Department of Public Welfare, counseling and developmental habilitative or rehabilitative services to five or more persons who are mentally retarded, chemically dependent, adult mentally ill or physically handicapped.

“Class A Supervised Living Facility” means a Supervised Living Facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class A-1 supervised living facilities shall include homes providing boarding and lodging for 6 or fewer ambulatory or mobile disabled persons.

Class A-2 supervised living facilities shall include homes providing boarding and lodging for more than 6 ambulatory or mobile disabled persons.

“Class B Supervised Living Facility” means a Supervised Living Facility for ambulatory, non-ambulatory, mobile or non-mobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

### **[UBC Section 501 Table 5-A as proposed by the Division]**

#### **UBC Section 501 Table 5-A**

~~1.1—Nurseries for full-time care of children under the age of six (each accommodating more than five four persons). Hospitals, sanitariums, nursing home with nonambulatory patients and similar buildings (each accommodating more than five four persons).~~

~~1.2—Nursing homes for ambulatory patients, boarding care homes, detoxification center, homes for children six years of age or over, supervised living facilities Class B as defined in UBC 420 (each accommodating more than five four persons).~~

~~R.1—Hotels and apartment houses, convents and monasteries (each accommodating more than 10 persons). Supervised living facilities Class A as defined in UBC 420 (accommodating more than four persons).~~

### **[As proposed by Legal Advocacy for Developmentally Disabled.]**

UBC Table 5-A is amended to read as follows:

~~R.1—Hotels and apartment houses, convents, monasteries (each accommodating more than ten persons.) Supervised living facilities Class A-2 (each accommodating more than six persons).~~

~~R.3—Dwellings and lodging houses. Supervised living facilities Class A-1 (each accommodating six or fewer persons).~~

### **[As Adopted]**

#### **UBC Section 501 Table 5-A**

1.1—Nurseries for full-time care of children under the age of six (each accommodating more than four persons). Hospitals, sanitariums, nursing homes and similar buildings (each accommodating more than four persons).

1.2—Detoxification centers, homes for children six years of age or over, supervised living facilities Class B as defined in UBC 420, for the mentally retarded, mentally ill or the physically handicapped (each accommodating more than four persons).

R.1—Hotels and apartment houses, convents and monasteries (each accommodating more than 10 persons). Supervised living facilities Class A2 as defined in UBC 420 (accommodating more than six persons).

R.3—Dwellings and lodging houses. Supervised living facilities Class A-1 as defined in UBC 420 (each accommodating six or fewer persons).

**[Section 503(d) exception 4 of the UBC is amended to read as follows:]**

Exception 4. In the one-hour occupancy separation between a Group R, Division 3 and M occupancy, the separation may be limited to the installation of one half inch thick gypsum board, or equivalent, materials approved for one hour fire resistive construction on the garage side and a ~~self-closing~~ tight-fitting solid wood door 1 3/8 inches in thickness will be permitted in lieu of a one-hour fire assembly. Fire dampers shall not be required in ducts piercing this separation for ducts constructed of not less than No. 26 gauge galvanized steel.

UBC Section 709(m) Every parking ramp or other parking facility shall include spaces for the parking of motor vehicles having a capacity of seven (7) to sixteen (16) persons. Such vehicles shall be classified as commuter vehicles for the transportation of employees to and from their place of employment or to or from a transit stop authorized by a local transit authority. The number of required spaces shall be determined by 2% of the gross designed parking area with a minimum of two spaces. Such spaces to accommodate commuter vehicles shall be at least 10 feet in width, 20 feet in length and a height clearance of 10'-6" in the entry level and shall not apply to other levels of a ramp.

**UBC Section 802(c) Special Provisions.** Rooms in Divisions 1 and 2 Occupancies used for day-care purposes, kindergarten pupils and Division 3 Occupancies shall not be located above the first story, nor shall they be located in a basement unless there is provided at least one exit without intervening stairs directly on grade from the occupied space. Storage and janitor closets shall be of one-hour fire-resistive construction. Stages and enclosed platforms shall be constructed in accordance with chapter 39. For attic space partitions and draft stops, see section 3205.

**[UBC Section 1001 as proposed:]**

~~Section 1001 of the UBC is amended to read as follows:~~

~~UBC Section 1001. Group I Occupancies shall be:~~

~~Division 1. Nurseries for the full-time care of children under the age of six (each accommodating more than four persons). Hospitals, sanitariums, nursing homes with nonambulatory patients and similar buildings (each accommodating more than four persons).~~

~~Division 2. Nursing homes for ambulatory patients, boarding care homes, detoxification centers, homes for children six years of age or over, supervised living facilities. Class B as defined, for the mentally retarded, mentally ill, chemically dependent and the physically handicapped (each accommodating more than four persons).~~

~~Division 3. Mental hospitals, mental sanitariums, jails, prisons, reformatories and buildings where personal liberties of inmates are similarly restrained.~~

~~For occupancy separations, see Table No. 5-B.~~

~~For occupant load, see Section 3301.~~

~~Exception: Group I Occupancies shall not include buildings used only for private residential purposes for a family group.~~

**[As Adopted]****UBC Section 1001. Group I Occupancies shall be:**

Division 1. Nurseries for the full-time care of children under the age of six (each accommodating more than four persons). Hospitals, sanitariums, nursing homes and similar buildings (each accommodating more than four persons).

Division 2. Detoxification centers, homes for children six years of age or over, supervised living facilities Class B as defined for the mentally retarded, mentally ill or the physically handicapped (each accommodating more than four persons).

Division 3. Mental hospitals, mental sanitariums, jails, prisons, reformatories and buildings where personal liberties of inmates are similarly restrained.

For occupancy separations, see Table No. 5-B

For occupant load, see Section 3301

EXCEPTION: Group I Occupancies shall not include buildings used only for private residential purposes for a family group.

**UBC Section 1101****[As proposed:]**

[This proposal was changed to Section 1101 which is more appropriate]

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## ADOPTED RULES

UBC Section 1201 Group R Division 3 is amended to read as follows:

UBC Section 1201, Division 3. Dwellings and lodging houses.

For occupancy separations see Table No. 5-B. For purposes of occupancy separation, mobile homes shall be considered as Group R, Division 3 occupancies. For occupant load, see Section 3301.

[As Adopted:]

[UBC Section 1101 Group M, 6th line is amended to read as follows:]

For occupancy separations, see Table No. 5-B. For purposes of occupancy separation, mobile homes shall be considered as Group R, Division 3.

[As Proposed:]

[UBC Section 1201 Group R Division 1 Occupancy definition is changed to read as follows:]

~~Division 1. Hotels and apartment houses. Convents and monasteries (each accommodating more than 10 persons) Supervised living facilities, Class A as defined, for the mentally retarded, mentally ill, chemically dependent, and the physically handicapped (each accommodating more than four persons).~~

[As Adopted:]

Division 1. Hotels and apartment houses. Convents and monasteries (each accommodating more than 10 persons), Supervised living facilities Class A-2 as defined in Section 420 for the mentally retarded, mentally ill, chemically dependent, and the physically handicapped (each accommodating more than four persons). Physically handicapped persons shall be housed at street level.

[UBC Section 1807(h)1]

[As proposed:]

[UBC Section 1807(h)(1) is amended as follows:]

~~UBC Section 1807(h)1. Except for the main entrance level, all elevators on all floors shall open into elevator lobbies, which are separated from the remainder of the building as is required for corridor construction in Section 3304(g) and (h).~~

~~Exception: When a complete and approved automatic fire extinguishing system is installed in Group B Division 2 Office Buildings, separation of elevator lobbies is not required on any floor.~~

[As adopted:]

1. Except for the main entrance level, all elevators on all floors shall open into elevator lobbies which are separated from the remainder of the building as is required for corridor construction in Section 3304(g) and (h).

Exception: When a complete and approved automatic extinguishing system is installed in a Group B, Division 2, occupancy, the separation of elevator or elevator lobbies shall not be required on any floor when such floor is provided with an exit corridor conforming to the provision of Section 3304(g).

[As proposed:]

[UBC Section 1807(m)(1)(2) is amended as follows: Delete the following paragraph 1 in its entirety.]

~~UBC Section 1807(m)1. The fire resistive time periods set forth in Table No. 17-A may be reduced by one hour for interior bearing walls, exterior bearing and nonbearing walls, roofs and the beams supporting roofs, provided they do not frame into columns. Vertical shafts other than stairway enclosures and elevator shafts may be reduced to one hour when sprinklers are installed within the shafts at alternate floors.~~

Substitute with the following paragraph 1:

1. The fire resistive time periods set forth in Table 17-A may be reduced by one hour for interior bearing walls, exterior bearing and nonbearing walls, roofs and the beams supporting roofs, provided they do not frame into columns. All office building partitions required to be of one hour fire-resistive construction by Table No. 17-A and Section 3304(g) may be of noncombustible construction without a fire-resistive time period. Openings in corridor walls shall be protected by tight-fitting, self-closing doors that need not have a fire-resistive time period. In Group R, Division 1 Occupancies, corridor and dwelling unit or guest room separation may be reduced to one-half hour.

Delete the following paragraph 2:

~~UBC Section 1807(m)2. Except for corridors in Group B, Division 2 and Group R, Division 1 Occupancies and partitions separating dwelling units for guest rooms all interior nonbearing partitions required to be one hour fire-resistive construction by Table No. 17-A may be of noncombustible construction without a fire-resistive time period.~~

[As adopted: UBC Section 1807(m(1) and (2) were not amended.]

[UBC Section 3304(b) Add an exception 2:]

[As proposed:]

2. In Type I and II F.R. buildings housing Group B-2 Occupancies, corridor walls may be of approved wired glass set in metal frames. The glass height shall not exceed  $\frac{2}{3}$  of the width of the corridor. A draft curtain of at least one hour fire-resistive construction and not less than 24 inches in height shall be provided to protect the corridor from the Group B-2 Occupancy area (tenant space). The draft curtain shall be located above the glass and extend a minimum of 24 inches below any finished ceiling in the tenant space. If the finished ceiling is not a fire rated assembly, the draft curtain shall extend from the wire glass to a rated ceiling or floor assembly. When the B-2 Occupancy area (tenant space) is protected by an approved automatic fire extinguishing system for a distance of twelve (12) feet in depth adjoining the corridor, and the corridor is not less than twelve (12) feet in width, glass other than wired glass may be approved. Open grille type gates and similar enclosing or security devices may be used in corridor walls of corridors not less than twelve feet in width, when the entire story is protected by an approved fire extinguishing system.

In buildings of other than Type I or Type II F.R. construction this exception shall not be allowed, unless the entire building is provided with an approved automatic fire extinguishing system.

[As adopted:]

EXCEPTION:

2. In Type I and II-F.R. buildings housing Group B-2 Occupancies, corridor walls may be of approved wired glass set in metal frames. The glass height shall not exceed  $\frac{2}{3}$  of the width of the corridor. A draft curtain of at least one hour fire-resistive construction and not less than 24 inches in height shall be provided to protect the corridor from the Group B-2 Occupancy area (tenant space). The draft curtain shall be located above the glass and extend a minimum of 24 inches below any finished ceilings in the tenant space. If the finished ceiling is not a fire rated assembly, the draft curtain shall extend from the wire glass to a rated ceiling or floor assembly. When the B-2 Occupancy area (tenant space) is protected by an approved automatic fire-extinguishing system for a distance of twelve (12) feet in depth adjoining the corridor, and the corridor is not less than twelve (12) feet in width, glass other than wired glass may be approved. Open grille type gates and similar enclosing or security devices may be used in corridor walls of corridors not less than twelve feet in width, when the entire story is protected by an approved fire-extinguishing system.

In buildings of other than Type I or Type II F.R. construction, this exception shall not be allowed, unless the entire building is provided with an approved automatic fire-extinguishing system.

[UBC Section 3319(b) is amended to read as follows:]

(b) Minimum size of exits. Every exit opening through which patients are transported on stretchers or beds shall be of sufficient width to permit the ready passage of such equipment but shall have a clear width of not less than 44 inches, except as hereinafter provided. Exit openings in Division 2 occupancies shall have a clear width of not less than 34 inches. There shall be no projections within such clear widths.

[UBC Section 3319(c) is amended to read as follows:]

Corridors. The minimum clear width of a corridor shall be 44 inches except as follows:

Corridors serving any area Group I, Division 1 Occupancies shall be not less than eight feet in width; corridors serving any Group I, Division 2 Occupancies shall be not less than six feet in width.

There shall be no change of elevation in a corridor serving non-ambulatory persons unless ramps are used.

In Group I, Division 3 Occupancies such as jails, prisons, reformatories and similar buildings with open barred cells forming corridor walls, the corridor and cell doors need not be fire resistive.

[Section 3803(a) of the UBC is amended as follows:]

UBC Section 3803(a) General. Standpipes shall comply with the requirements of this section and in accordance with UBC Standard 38-3, amended as follows:

UBC Standard 38-3 Sec. 38.306(a) Assured Source Required. Class I, Class II and Class III standpipe systems shall be provided with

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## ADOPTED RULES

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an approved source of water supply. With prior approval of the Fire Chief, Class I standpipes systems may be supplied only through a fire department connection.

### Section III

[Proposed Amendments to 2 MCAR §§ 1.15501 through 1.15517 and Tables 55A through D are not adopted.]

### Section IV

2 MCAR § 1.18813 B. The rated capacity shall be not less than ~~420~~ 400 lbs. nor less than ~~35~~ 33 and 1/2 lbs. per square foot.

2 MCAR § 1.18813 J.5. The device shall conform to ~~Rule 501.11b for emergency stop switch in ear and~~ Rule 501.11c for control and operating circuit requirements.

### Section V

[2 MCAR § 1.18601 NEC Section 300-22(b) add exception:]

[As proposed:]

~~Exception: Circuits and equipment as set out in Section 800-1 when installed in return air handling plenums located above ceilings in new and existing buildings housing Group B2 occupancies, are not required to be installed in metallic tubing, metal conduit, or any other type of metallic raceway. All such communication wiring shall be grouped and shall be independently supported from the structure. All such communication wiring, when abandoned, shall be removed.~~

[As adopted:]

[NEC 300-22(b) is amended by adding an exception as follows:]

Exception: In Group B, Division 2, occupancies, communications circuits such as those set out in Section 800-1 may be installed in return air handling plenums located above ceilings without being installed in metallic tubing, metal conduit or other types of metallic raceways when the building housing such Group B Division 2, occupancies is provided with an approved, fully automatic sprinkler system or the main return and exhaust air plenum is provided with approved smoke detectors which, when activated, shall place into operation all equipment necessary to prevent the recirculation of smoke. All such communication wiring, when abandoned, shall be removed upon order from the building official.

### Section VI

2 MCAR § 1.18901

[As proposed:]

2 MCAR § 1.10110, Section 1.18901 Adoption of "Flood Proofing Regulations." Sections 100 through 1406 of the 1972 Edition of "Flood Proofing Regulations" (FPR) as promulgated by the Office of the Chief Engineers, U.S. Army, Washington, D.C. is incorporated by reference and hereby made a part of the State Building Code subject to the following amendments.

~~(FPR Sections 201.2 through 208.2 are placed in the appendix of this code.)~~

[As adopted:]

(FPR Sections 201.2 through 208.2 are placed in the appendix of this code.)

### Section VIII

2 MCAR § 1.10335 B.1. The State Building Inspector ~~may~~ shall approve inspection or evaluation agencies which meet the requirements of Section 1 of this Part and which the State Building Inspector finds otherwise qualified to perform the functions proposed to be delegated to them.

2 MCAR § 1.10335 B.2. Prior to a full evaluation of an application for approval, the State Building Inspector shall determine whether such application is complete and ~~suitable for processing~~ suitable for processing in accordance with Section 1.10334.

In the event the application is found to be unsuitable for processing, the applicant shall be notified in writing of such unsuitability and the basis thereof within thirty (30) days of the date the application is received by the State Building Inspector. In such event, all but \$25.00 of the fee will be returned, and the findings of unsuitability shall be without prejudice. Any subsequent submission shall be treated as a new application.

### Section IX

[Proposed amendments submitted by the Minnesota Energy Agency to ASHRAE 90-75 are not adopted.]



## Housing Finance Agency

### Adopted Temporary Rules Governing the Energy Efficient Housing Demonstration Program

The temporary rules governing the Energy Efficient Housing Demonstration Program proposed and published at *State Register*, Volume 4, Number 47, p. 1847, May 26, 1980 (4 S.R. 1847) were adopted on July 15, 1980 with the following amendments:

**12 MCAR § 3.137 Eligible recipients of Energy Efficient Housing Demonstration Program Loans.** To qualify for ~~a~~ an Energy Efficient Housing Demonstration Program loan, a recipient must satisfy the requirements of 12 MCAR § 3.036 for a Limited-Unit Development Mortgage Loan. No recipient shall have held any ownership interest (either under fee title or by contract for deed) in any residential dwelling within two years prior to the date of the Energy Efficient Housing Demonstration Program loan.

**12 MCAR § ~~3.139~~ 3.138 Construction loans.** The agency may make loans for the construction of homes to be purchased by recipients of an Energy Efficient Housing Demonstration Program loan subject to the following terms:

A. A loan ~~may~~ shall be made to a builder upon a determination that such loan is necessary in order to permit the construction of a model home by a builder participating in the program.

B. The construction loan borrower need not be a person or family of low or moderate income.

C. The construction loan borrower shall agree to abide by the requirements of this chapter relating to the construction, specifications, sale, and mortgage of the home to be constructed with such loan.

D. The agency may withhold such part of the construction loan as is necessary to assure completion of the home.

## Board of Teaching

### Adopted Rule Governing Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped)

The Minnesota Board of Teaching proposed and published the following rule at *State Register*, Volume 4, Number 37, pp. 1491-1492, March 17, 1980, (4 S.R. 1491).

**Of these rules: 5 MCAR § 3.090 Special classes, handicapped children, E. Crippled children, G. Special learning disabilities-learning disabled and Special learning disabilities-emotionally disturbed is now adopted, with the following amendments:**

E.2.b. Completion of 15 quarter hours of course work or the equivalent in a program approved by the Minnesota Board of Teaching according to the provisions of 5 MCAR § 3.140 and 5 MCAR § 3.141 for teaching crippled children.

G.3.b. Completion of 15 quarter hours of course work or the equivalent in a program approved by the Minnesota Board of Teaching according to the provisions of 5 MCAR § 3.140 and 5 MCAR § 3.141 in S.L.D. (emotionally disturbed and socially maladjusted) or S.L.D. (learning disabled).

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# SUPREME COURT

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## Decisions Filed Friday, August 22, 1980

**49624/257 Rein Recreation, Inc., f.k.a. Watergate Marina, Inc., and Clayton G. Rein, individually, Appellants, vs. City of St. Paul. Ramsey County**

Appeal dismissed as moot. Otis, J. Took no part, Todd, J. and Amdahl, J.

**50266/257 City of St. Paul, petitioner, Appellant, vs. Rein Recreation, Inc., formerly Watergate Marina, Inc. Ramsey County.**

Evidence of the landowner's plans for and progress toward development was admissible as bearing on the highest and best use of the property where it appeared that such facts were likely to significantly affect the demand for and market value of the property.

The admission of expert testimony in condemnation proceedings, allegedly in contravention of Minn. Stat. § 117.165, subd. 3 (1978), was not prejudicial where the trial court provided appellant with an adequate opportunity to prepare for cross-examination.

Affirmed. Otis, J. Took no part, Todd, J. and Amdahl, J.

**50239/203 Joan I. Levienn and Jerome J. Levienn, wife and husband, Appellants, vs. Metropolitan Transit Commission. Ramsey County.**

A nominal award of general damages was insufficient where plaintiff proved substantial special damages resulting from pain.

The medical reports of the physician who has examined an injured party, but does not testify, are not admissible in evidence for purposes of cross-examining a treating physician, unless the physician who is being examined used such reports either for purposes of treatment or for arriving at an opinion regarding the nature and extent of the injured party's disability.

Affirmed in part; reversed and remanded in part. Otis, J. Took no part, Amdahl, J.

## Decision Filed Monday, August 18, 1980

**49526/335 (1979) International Society for Krishna Consciousness, Inc., et al., Appellants, vs. Michael Heffron, Secretary and Manager of the Minnesota State Agricultural Society Board of Managers, et al. Ramsey County.**

Minnesota State Fair Rule 6.05, which is interpreted by the Minnesota state agricultural society to restrict to fixed locations on the fairgrounds all sales and distributions of merchandise, is unconstitutional as applied to members of a religious society who wish to distribute and sell religious literature and solicit donations for religious purposes throughout the public areas of the fairgrounds.

Defendants are to be enjoined from enforcing Rule 6.05 against members of plaintiff International Society for Krishna Consciousness, Inc.

Reversed and remanded with directions. Peterson, J. Dissenting, Todd, J., Sheran, C. J., and Scott, J. Took no part, Amdahl, J.

# STATE CONTRACTS

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

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

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## Department of Economic Security Office of Statewide CETA Coordination

### Notice of Request for Proposals for Operation of CETA/Governors Coordination and Special Services Projects

The Minnesota Department of Economic Security, Office of Statewide CETA Coordination, is requesting proposals to operate CETA/Governors Co-ordination and Special Services Projects. Section 202(e) of the Comprehensive Employment and Training Act Amendments of 1978 (CETA) authorizes funds to be utilized "to conduct Governors co-ordination and special services within the State."

\$250,000 will be available to fund model projects to operate in FY '81. Project areas are Affirmative Action, Day Care/Private Sector Linkages and Apprenticeship.

Request for Proposal applications are available upon request. Inquiries and requests should be directed to:

Susan Erkel  
Office of Statewide CETA Coordination  
690 American Center Building  
St. Paul, Minnesota 55101  
(612) 297-6064

Request for Proposal applications will be accepted until 4:30 p.m., Friday, October 10, 1980.

## **Department of Economic Security Vocational Rehabilitation Division**

### **Notice of Proposed Contracts—Federal Fiscal Year 1981**

The Minnesota Department of Economic Security, Division of Vocational Rehabilitation is publishing notice that the contracts listed below are available and will be awarded for Federal Fiscal Year 1981 (October 1, 1980 to September 30, 1981):

#### **A. Medical, Psychiatric, and Psychological Services**

1. The Division of Vocational Rehabilitation is seeking an individual to function as the Chief Medical Consultant to provide services under contract as follows:

- a. Provide technical supervision and assistance and review the work of field office medical consultants;
- b. Analyze the medical service program of the Division and make recommendations for program modifications;
- c. Participate in the planning, development, and conduct of inservice training, for both medical consultants and DVR counseling supervisory staff, in the medical aspects of Vocational Rehabilitation.
- d. Assist the agency in the development of forms, procedures and other operational materials that relate to the medical program;
- e. Review individual case material in order to provide advice on diagnosis, prognosis, medical implications and functional limitations resulting from disability;
- f. Represent the agency at meetings of state and local medical societies;
- g. To review and comment on individual medical plans that exceed certain specific cost limitations;
- h. Assist in the recruitment and selection of field office medical consultants.

The medical consultant will be responsible to the Assistant Commissioner for Vocational Rehabilitation with primary administrative direction coming from the Director of Client Services.

The individual will be paid at a rate of \$40.00 to \$55.00 per hour.

The contract will require an average of 10 to 12 hours per week. Inquiries should be directed to:

William Niederloh  
Director of Client Services  
Division of Vocational Rehabilitation  
3rd Floor Space Center,  
444 Lafayette Road  
St. Paul, Minnesota 55101

2. The Client Services Section is seeking to employ individuals under contract who will meet with local staff of the section in order to provide them with advice, consultation, and training on medical and psychiatric or psychological aspects affecting the rehabilitation process for specific clients and for the agency, in general. This section will be seeking at least one medical and one psychiatric or psychological contractor in each of the following locations: Bemidji, Brainerd, Duluth, Fergus Falls, Mankato, Minneapolis, Rochester, St. Cloud, St. Paul, Virginia, Willmar and Worthington. All individuals will be paid at a rate of \$35.00 to \$55.00 per hour. Most contract work will require an average of two to four hours per week. Inquiries should be directed to:

William O. Niederloh, Director of Client Services  
Division of Vocational Rehabilitation  
3rd Floor, Space Center, 444 Lafayette Road  
St. Paul, MN 55101

## STATE CONTRACTS

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3. The Social Security Disability Determination Services Section is seeking to employ individuals under contract who will advise and consult with disability examiner staff and others about medical and psychological aspects of disability determination for specific claimants including the nature and severity of disease processes, appropriate medical development and case documentation, and assessment of the claimants residual level of functioning. The contractor will also be required to certify the determination of disability as required by the Social Security Administration. The section will be seeking one certified psychologist and eighteen medical contractors. All services will be utilized in St. Paul. All individuals will be paid at a rate of \$35.00 to \$50.00 per hour. Contracts will vary from four to twenty hours per week. Inquiries should be directed to:

Irene Suddard, Assistant Director for Medical Services  
Disability Determination Section, Division of Vocational Rehabilitation  
Suite 460, Metro Square, Seventh and Robert Streets  
St. Paul, MN 55101

### B. Psychometric Testing Services

1. The Client Services Section is seeking a contractor who would provide psychometric testing to about 4,500 disabled clients. The testing would be provided by the contractor in 85 testing locations located throughout the State of Minnesota. The contractor would be required to administer any of seven psychometric tests and provide test scores, together with an interpretation of the test results, within two weeks of the testing date. Inquiries should be directed to:

William O. Niederloh, Director of Client Services  
Division of Vocational Rehabilitation  
3rd Floor, Space Center, 444 Lafayette Road  
St. Paul, MN 55101

### C. Mobile Medical Examination Services

1. The Social Security Disability Determination Services Section is seeking the services of a contractor to provide qualified physicians in certain specialties (Psychiatry, neurology, orthopedics, and internal medicine) to travel to six (6) Minnesota cities (Brainerd, Bemidji, Crookston, Moorhead, Rochester, and St. Cloud) to perform consultative examinations and provide written results of these examinations. Compensation is based on a rate of \$280.00 for a four (4) hour block of time. Total contract is not expected to exceed \$60,000. Reimbursement for mileage according to State regulations is provided. Inquiries and formal expressions of interest should be directed to:

Irene Pierson, Assistant Director for Medical Services  
Disability Determination Section, Division Of Vocational Rehabilitation  
Suite 460, Metro Square, Seventh and Robert Streets  
St. Paul, MN 55101

### D. Medical Transcription Services

1. The Social Security Disability Determination Services Section is seeking the services of a contractor to receive by telephone, transcribe, and deliver medical reports dictated by consulting and treating physicians. A telephone line is to be used exclusively by this section. Dictation recording equipment is to be provided by the contractor. Compensation is based on a 10-12 word line. The contract is not expected to exceed 420,000 lines. Inquiries and formal expressions of interests should be directed to:

Irene Pierson, Assistant Director for Medical Services  
Disability Determination Section, Division of Vocational Rehabilitation  
Suite 460, Metro Square, Seventh and Robert Streets  
St. Paul, MN 55101

All expressions of interests must be submitted to the persons named above by September 18, 1980. Contractors will be selected from individuals expressing interest based on qualifications and appropriate experience. Documentation concerning these will be requested, if needed.

# OFFICIAL NOTICES

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

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

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## Department of Administration Cable Communications Board

### Invitation to Comment on Proposed Cable Service Territory for the Municipalities of Shorewood, Excelsior, Deephaven, Tonka Bay, Greenwood, and Woodland

On June 23, 1980 Mickelson Media, Inc., proposed a cable service territory (CST) consisting of the corporate limits of the cities of Shorewood, Excelsior, Deephaven, Tonka Bay, Greenwood, and Woodland.

On October 17, 1980, the board must make its decision to approve, reject or delay consideration of the proposed CST. Prior to that date, the board continues to seek written comments from parties interested in the proposed CST—not only from municipalities included in the original proposal and those who may wish to be, but also from other interested municipalities, organizations, agencies, school districts, units of government and individuals.

The board will set aside a portion of its September 12, 1980 meeting in order to hear public comments on the proposed cable service territory.

Comments may be addressed to the Minnesota Cable Communications Board at 500 Rice Street, Saint Paul, Minnesota 55103. (612) 296-2545

### Invitation to Comment on Proposed Cable Service Territory for the Municipalities of Northfield, Dundas, Part of the Townships of Bridgewater, Greenvale, Northfield, and Waterford

On July 9, 1980, the City of Northfield, a Minnesota municipality, proposed a cable service territory (CST) consisting of the corporate limits of the Cities of Northfield, Dundas and part of the Townships of Bridgewater, Greenvale, Northfield, and Waterford.

On October 17, 1980, the board must make its decision to approve, reject or delay consideration of the proposed CST. Prior to that date, the Board continues to seek written comments from parties interested in original proposal and those who may wish to be, but also from other interested municipalities, organizations, agencies, school districts, units of government and individuals.

The board will set aside a portion of its September 12, 1980 meeting in order to hear public comments on the proposed cable service territory.

Comments may be addressed to the Minnesota Cable Communications Board at 500 Rice Street, Saint Paul, Minnesota 55103. (612) 296-2545

### Invitation to Comment on Proposed Cable Service Territory for the Municipalities of White Bear Lake, White Bear Township, Mahtomedi, Willernie, Birchwood, Maplewood, Vadnais Heights, Gem Lake, North Saint Paul, Oakdale, and Landfall

On July 10, 1980, Ramsey-Washington County Suburban Cable Commission, proposed a cable service territory (CST) consisting of the corporate limits of the cities of White Bear Lake, White Bear Township, Mahtomedi, Willernie, Birchwood, Maplewood, Vadnais Heights, Gem Lake, North Saint Paul, Oakdale, and Landfall.

On October 17, 1980, the board must make its decision to approve, reject or delay consideration of the proposed CST. Prior to that date, the board continues to seek written comments from parties interested in the proposed CST—not only from municipalities included in the original proposal and those who may wish to be, but also from other interested municipalities, organizations, agencies, school districts, units of government and individuals.

The board will set aside a portion of its September 12, 1980 meeting in order to hear public comments on the proposed cable service territory.

Comments may be addressed to the Minnesota Cable Communications Board at 500 Rice Street, Saint Paul, Minnesota 55103. (612) 296-2545.

The City of Dellwood has requested to join the Cable Service Territory.

## OFFICIAL NOTICES

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### Department of Commerce Banking Division

#### **Bulletin No. 2271: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of September, 1980**

Notice is hereby given that pursuant to § 47.20, subd. 4a, Minnesota Statutes, the maximum lawful rate of interest for conventional home mortgages for the month of September, 1980, is fourteen and one-quarter (14.25) percentage points.

Further, pursuant to Senate File No. 273, Chapter 373, 1980 Session Laws, as it amended § 47.20, Minnesota Statutes, the maximum lawful rate of interest for contracts for deed for the month of September, 1980, is fourteen and one-quarter (14.25) percentage points.

August 20, 1980

Michael J. Pint  
Commissioner of Banks

### Ethical Practices Board

#### **Advisory Opinion #63**

**Approved by the Ethical Practices Board on August 1, 1980**

##### **Issued to:**

Mr. Denis Wadley  
Vice President (State Board)  
Americans For Democratic Action  
Minnesota Chapter  
P. O. Box 19288  
Minneapolis, MN 55419

##### **RE: Sample Ballot**

##### **Summary**

#63. A candidate's appearance at a pre-endorsement interview, standing alone, should not be construed as a "request" or "suggestion" (Minn. Stat. § 10A.01, subd. 10) that Americans For Democratic Action (ADA) make an expenditure on behalf of the candidate, however, such appearance does set in motion the application of Minn. Stat. § 10A.17, subd. 2, when and if, the ADA decides to prepare and distribute a sample ballot on behalf of candidates.

ADA must request written authorization for expenditures over \$20 from appropriate treasurers before spending money to prepare and distribute sample ballots on behalf of candidates who have screened before ADA. Should written authorization be granted, then ADA reports the sample ballot expenditure as an approved expenditure on behalf of the candidate (Minn. Stat. § 10A.01, subd. 10). If written authorization is expressly denied, then the expenditure would be treated as an independent expenditure (Minn. Stat. § 10A.17, subd. 5).

**The full text of the opinion is available upon request from the office of the State Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, (612) 296-5148.**

#### **Advisory Opinion #69**

**Approved by the Ethical Practices Board on August 15, 1980**

##### **Issued to:**

Commissioner Richard E. Kremer  
Board of Hennepin County Commissioners  
2400 Government Center  
Minneapolis, MN 55487

##### **RE: Economic Interest Disclosure—Hennepin County Public Official**

#69. An individual who holds a lease, as a security interest with a value in excess of \$2,500 must disclose the interest on a statement of economic interest. The lessor is not disclosable. For purposes of Laws of 1980, ch. 362, § 13, subd. 2(b), a holder of securities is any

individual having an ownership interest in any security or who is the trustee or beneficiary of a trust. A trustee of an association organized exclusively for social, religious, educational, medical, benevolent, fraternal, charitable, reformatory, athletic, chamber of commerce, industrial development, trade or professional association purposes and not for pecuniary gain, no part of the net earnings of which inures to the benefit of any private stockholder or individual, does not have to report his trusteeship unless he receives compensation as a director, officer, member or employee in excess of \$50 in any month.

**The full text of the opinion is available upon request from the office of the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, (612) 296-5148.**

### **Advisory Opinion #70**

**Approved by the Ethical Practices Board on August 1, 1980**

**Issued to:**

Richard A. Hodges, President  
Joyce W. Lake, Executive Director  
Common Cause/Minnesota  
Room 307  
555 Wabasha Street  
St. Paul, MN 55102

**RE: Ballot Question Expenditures**

**Summary**

#70. The costs for newspaper "endorsement" advertisements and for public forums incurred by a political committee or fund organized *solely* to promote or defeat a ballot question are reported as ballot question expenditures, not as expenditures on behalf of candidates who permit their names to be used in advertisements, who attend forums, or who make a contribution (transfer) to a political committee or fund organized solely to promote or defeat a ballot question. If, however, the nomination or election of a candidate is expressly advocated in an advertisement or during a forum, costs may, at least in part, have to be allocated back to the candidate as campaign expenditures.

**The full text of the opinion is available upon request from the office of the State Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, (612) 296-5148.**

### **Advisory Opinion #72**

**Approved by the Ethical Practices Board on August 15, 1980**

**Issued to:**

John R. Stone, Editor  
Pope County *Tribune*  
Glenwood, MN 56334

**RE: Conflict of Interest—Cable Communications Board Member**

#72. The editor of a newspaper who is a member of the Minnesota Cable Communications Board has a potential conflict of interest in his public official capacity if the newspaper he edits intends to purchase, develop or operate a cable system after the Cable Communications Board repeals a rule prohibiting a newspaper from owning a cable system, therefore a statement of potential conflict of interest should be filed.

**The full text of the opinion is available upon request from the office of the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, (612) 296-5148.**

## **Department of Labor and Industry Labor Standards Division**

### **Notice of Prevailing Wage Rates for Highway and Heavy Construction**

Minn. Stat. § 177.44 requires the Commissioner of Labor and Industry to certify, at least once a year, the prevailing wage rates for highway and heavy construction under contracts based on bids as provided for in Minn. Stat. § 161.32, Title 8, and Minnesota Code of Agency Rules, § 1.8003 A. and § 1.8010 which require notice of those certifications to be published in the *State Register*.

## OFFICIAL NOTICES

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On September 1, 1980, the commissioner certified wage rates for highway and heavy construction for each of the 87 counties in Minnesota.

A copy of the determined wage rates for Minnesota counties may be obtained by writing to the *State Register* and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. For all 87 counties, the charge is \$25.00. Minnesota sales tax of 4% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Harry D. Peterson, Commissioner  
Department of Labor and Industry

## Metropolitan Council

### Notice of Intent to Create a Metropolitan Council Rulemaking Notification List

Notice is hereby given that, pursuant to Laws of 1980, ch. 615, §6, the Metropolitan Council shall use its weekly *Review* publication to give notice of rulemaking proceedings. Persons wishing to be added to the mailing list to receive the *Review* may do so by contacting the Metropolitan Council's Public Information Office, 300 Metro Square Bldg., St. Paul, Minnesota 55101, telephone: 291-6464. Persons should specify they are making the request for "rulemaking notification."

Charles Weaver, Chairman  
Metropolitan Council

## Minnesota Teachers Retirement Association

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, September 19, 1980, at 9 a.m. in the office of the association, 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, to consider matters which may properly come before the board.

## Office of the Secretary of State

### Notice of Vacancies in Multi-member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155; (612) 296-2805. **Application deadline is Tuesday, September 23, 1980.**

**Student Reporting Standards Advisory Task Force** has 4 positions open immediately for 1 representative of the ESV Regional Management Information Centers and 3 public school employees involved in student reporting, representing school districts of various sizes. The task force will make recommendations to the legislature on policy standards for school district reporting of student data. Members are appointed by the Board of Education. For specific information, call or write Ronald J. Laliberte, Assistant Commissioner, School Management Services Division, Dept. of Education, Capitol Square Building, 550 Cedar St., St. Paul 55101; (612) 296-8420.

**Personnel Reporting Standards Advisory Task Force** has 4 positions open immediately for 1 representative of the ESV Regional Management Information Centers and 3 public school employees involved in personnel/payroll reporting, representing school districts of various sizes. The task force will make recommendations to the legislature on policy standards for school district reporting of personnel data. Members are appointed by the Board of Education. For specific information, call or write Ronald J. Laliberte, Assistant Commissioner, School Management Services Division, Dept. of Education, Capitol Square Bldg., 550 Cedar St., St. Paul 55101; (612) 296-8420.

**Board of Architecture, Engineering, Land Surveying and Landscape Architecture** has one position open immediately for a licensed landscape architect, with at least 10 years experience (5 years experience in responsible charge of work). The board licenses and regulates architects, engineers, land surveyors and landscape architects. Members are appointed by the governor. Meetings twice a year; members receive \$35 per diem plus expenses. For specific information, call or write Board of Architecture, Engineering, Land Surveying and Landscape Architecture, 5th Floor, Metro Square Bldg., 7th and Robert Streets, St. Paul 55101; (612) 296-2388.

**Uniform Conveyancing Blanks Advisory Committee** has one position open immediately. The committee reviews uniform conveyancing blanks and recommends new or amended forms to the Commissioner of Securities. Members are appointed by the Commissioner of Securities, and receive no compensation. For specific information, call or write Daniel Hardy, Assistant to the Commissioner, Securities Division, Dept. of Commerce, 5th Floor, Metro Square Bldg., St. Paul 55101; (612) 296-5689.



## **Department of Transportation**

### **Notice of Intent to Solicit Outside Information and Opinion Regarding Designated Routes for Ten-Ton Vehicles for Calendar Year 1981**

Notice is hereby given that the Commissioner of Transportation is seeking information or opinions from sources outside the agency in preparing to propose the amendment and adoption of rules governing "Designated Routes for Ten-Ton Vehicles for Calendar Year 1981." These rules are being developed pursuant to Minn. Stat. § 169.832, subd. 11. Please be advised that current rules as amended for calendar year 1980, designating routes for ten-ton vehicles, appear in the *State Register* at 4 S.R. 775 as proposed and at 4 S.R. 1643 as adopted. Any interested person is invited to submit data or views on this subject in writing or orally to:

F. C. Marshall, Assistant Commissioner  
for Technical Support Services  
Minnesota Department of Transportation  
413 Transportation Building  
Saint Paul, Minnesota 55155  
Telephone: (612) 296-3420

Any written material received by the Department of Transportation shall become a part of the hearing record.

August 25th, 1980

Richard P. Braun  
Commissioner

## **Water Resources Board**

### **Order for Hearing and Notice Thereof**

A hearing on a Petition for a Change in the Boundary Line Common to the Buffalo Creek Watershed District and the High Island Watershed District will be held on September 23, 1980, at the McLeod County Courthouse in Glencoe, Minnesota, beginning at 9:30 a.m. in the Assembly Room.

A complete Notice of Hearing will be published in the following newspapers on the following days in September of 1980: *Arlington Enterprise* on the 2nd and 9th; *Lake Lillian Crier* on the 3rd and 10th; *Hector Mirror* on the 3rd and 10th, *Glencoe Enterprise* on the 4th and 11th; and *Norwood Times* on the 4th and 11th. Copies of the complete Notice of Hearing are also available from the Board's office at 555 Wabasha Street, St. Paul, Minnesota, 55102 (612-296-2840).

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building  
408 St. Peter Street  
St. Paul, Minnesota 55102  
(612) 296-8239

## ORDER FORM

**State Register.** Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

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## FOR LEGISLATIVE NEWS

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

**Briefly/Preview**—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

**Perspectives**—Publication about the Senate. Contact Senate Information Office.

**Weekly Wrap-Up**—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

**This Week**—weekly interim bulletin of the House. Contact House Information Office.

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Legislative Reference Library  
Room 111 Capitol

Interoffice

