

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1083

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-3-84
DATE FOR REVIEW 10-12-84
DATE DUE 10-17-84

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved _____ Disapproved 10-17-84/mjc Returned to Agency _____

Resubmitted 12-13-84 Due 12-23-84
Approved 12-19-84 Disapproved _____ Returned to Agency 12/17/84

Date filed w/Secretary of State 12-19-84 Revisor approved 10/15/84 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed 12. 10 84

✓ Order Adopting 9. 10. 84 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 4.23.84

_____ Order for rulemaking
_____ date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
_____ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
7. 16. 84 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificates

✓ Publication in State Register
7. 16. 84 At least 30/20 days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ SONR - Revised
Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

~~Memo to M. Casserly~~

✓ 12/2 Memo to M Casserly from Richard Hodson

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL/CORRECTIONS

Office Memorandum

TO: MARTHA CASSERLY
Department of Administration

DATE: December 12, 1984

FROM: RICHARD D. HODSDON RDH
Special Assistant
Attorney General

PHONE:

SUBJECT: Group Foster Homes

I submit for your review proposed amendments to the rules governing group foster homes as modified by the Department of Corrections pursuant to your earlier review of the rules. I would note the following special points for your consideration.

Your memorandum of October 17, 1984, required that Minn. R. Part 2925.0600 Subpart 2(c) be amended to limit the discretion of the Commissioner of Corrections, an amendment to that extent has been made. The amendment is relatively minor and does not appear to constitute a substantial change as best as I am able to determine.

The new rule as adopted also is a change from the earlier review in Minnesota Rule Part 2925.0100, Subpart 22(a) and in the remainder of the text. The rule as first submitted defined the term "treatment group" as opposed to "institutional group", this change did not constitute a material change. It was discovered during final review of the rule that the two terms had been used interchangeably in some areas of the rule. Therefore, in order to make the rule consistent and use a universal term, the decision was made to use the term "institutional group", rather than "treatment group".

In your earlier review of the rules you also indicated a concern with the statement of need and reasonableness and the fact that it did not adequately demonstrate the need for and reasonableness of each of the proposed amendments. In response to your concern, the Department of Corrections prepared an amended statement of need and reasonableness which is submitted herewith to you. Many of these changes and amendments are based upon the fact that after years of actual experience working under the prior rules, it was determined that a more efficient and less cumbersome method could be employed. Therefore, you will find that several of the reasons for amendment to the rule are based upon the expertise and experience of the staff of the Department of Corrections. These rules were promulgated after review by all levels of the Minnesota Department of Corrections and input from all levels and forms of experience. The combined

expertise of these individuals resulted in the conclusion that a more practical, effective and workable licensing system would be effected by modification of the rule in the nature as proposed. I believe that defference should be paid to the finding of these individuals and where it is so noted that expertise provides a sufficient statement of need and reasonableness for the amendment.

I trust you will contact me if you have any further questions or concerns.

RDH:kkw

To: Larry.
Date: 10/16/84
Re: Corrections - Group Foster Homes.

Rules as Adopted

p. 2, line 34 . 0600
"facilities" is incorrect.
"facility's" would be correct

p. 12, line 1 . 4100
The sentence does not make good sense. It would be preferable for it to read "consequences of violation of these Rules."

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT of Corrections

Office Memorandum

TO: Martha Casserly
Office of Attorney General
204 Administration Building
50 Sherburne, St. Paul

DATE: October 5, 1984

FROM: John McLagan, Director
Standards Development Unit

PHONE: 296-1312

SUBJECT: Rules (Amended) Governing Adult Halfway Houses and Rules (Amended) Governing Group Foster Homes

in File # 1084

Included please find a copy of the "Adopted Rules Governing Adult Halfway Houses" and a copy of the Rules as Proposed Governing Group Foster Homes. Richard Hodsdon called and indicated you needed these.

I was advised by Robert Kittel of the Revisor's Office that the Rules as Proposed should be submitted to you since there are no changes to be made for "as adopted" purposes.

JMcL:jml
cc: Richard Hodsdon
File (2)

RECEIVED
OCT 08 1984
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT OF Corrections

Office Memorandum

TO: DOC Regional Directors, District Supervisors and Directors of Community Corrections Regions

DATE: July 13, 1984

FROM: John R. McLagan, Director
Standards Development Unit

PHONE: 296-1312

SUBJECT: RULES GOVERNING ADULT HALFWAY HOUSES
RULES GOVERNING GROUP FOSTER HOMES

Amendments to the above rules are being proposed. The promulgation process is started. Included please find copies of both the Notice of Intent to Adopt Rules Without a Public Hearing and the proposed amendments.

Within the last year the Revisor of Statutes abandoned the MCAR system and replaced it with a different numbering system. Therefore, the copy of the rules you likely have will not correspond to the copy for proposed amendments. Please refer to the topic titles and it should be easy to follow. For example: On the group home rules, 11 MCAR § 2.444 INTRODUCTION is the same as 2925.00 INTRODUCTION.

Copies of notice and the proposed amendments are being sent to all vendors, group home parents or halfway house directors, the groups receiving this memo, and persons who are on the official notice list and registered with the Department of Corrections. If you know of anyone else who should receive this notice, please either share your material with them or contact me and additional copies will be sent out.

If there are any questions, feel free to contact me.

JRMcL:jml
Enclosure

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: Orville B. Pung
Commissioner of Corrections

DATE: 12-19-84

ATTN: Richard D. Hodsdon
Special Assistant Attorney General

FROM: Martha J. Casserly MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Amendments to Rules Governing Group Foster Homes

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

MJC:sz

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Corrections

Adopted Rules Governing Group Foster Homes

Rules as Adopted

2925.0100 DEFINITIONS.

Subpart 1. to 7. [Unchanged.]

Subp. 8. **Group foster parents.** "Group foster parents" means the person(s) who carry(ies) out the continuing daily living program in a group foster home and provide(s) care to the youths. The group foster parents may be a married couple or a single adult who is 21 years of age or older or employed staff.

Subp. 9. to 12. [Unchanged.]

Subp. 13. [See Repealer.]

Subp. 14. [Unchanged.]

Subp. 15. [See Repealer.]

Subp. 16. to 22. [Unchanged.]

Subp. 22a. **~~Treatment~~ Institutional group homes.** "~~Treatment~~ Institutional group homes" means group homes designed to care for more than eight children. These group homes have staff in addition to or rather than group home parents.

Subp. 23. **Variance.** "Variance" means a written permission from the commissioner to disregard a particular part of a licensing rule.

Subp. 24. [Unchanged.]

2925.0200 INTRODUCTION.

Minnesota Statutes, section 241.021, provides that the commissioner of corrections adopt rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined 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 minimum standards for all correctional

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Robert K. Kittel

group foster homes including ~~treatment~~ institutional group homes.

Subp. 2. [See Repealer.]

Subp. 3. [See Repealer.]

Subp. 4. [See Repealer.]

2925.0500 ORIGINAL APPLICATION FOR LICENSE.

Subpart 1. **General.** New applicants shall file applications with the commissioner of corrections 30 days before the date the facility expects to operate.

Subp. 2. **Materials filed with application.** The materials to be filed with group foster home license application are:

A. a completed application for license on the form issued by the commissioner;

B. three letters of reference for the group foster parent(s) and for any employee involved in child care; the references may not be from department employees nor relatives of the persons referred;

C. evidence that sometime during the 12 months prior to initial licensure, each person living in or working in the home has had a mantoux test or chest X ray;

D. a floor plan of the group foster home with designated room dimensions;

E. a list of other facilities which the operator has operated or is currently operating (either in or out-of-state); and

F. written documentation that all fire, safety, health rules, and zoning ordinances are met.

Subp. 3. **Preliminary home study.** As part of the application, the group foster parents shall assist the sponsoring agency in making a preliminary home study. This study must include an inspection of the facility and an investigation into the family's background and references.

2925.0600 RENEWAL LICENSE.

Subpart 1. **General.** Application for relicensing must be submitted to the commissioner 30 days prior to the expiration date of the facilities current license. Any materials submitted

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in a previous license application which are not replaced by new submissions are presumed to be current.

Subp. 2. **Materials filed with application.** The materials to be filed with group foster home license renewal application are:

A. a record of major changes in the program or facility during the year or contemplated for the coming year;

B. building plans for any contemplated construction giving room dimensions and specifications and use; and

C. written documentation that the fire, safety, and health rules are met. Fire inspections are required at the time of initial licensing and every three years after that. The commissioner ~~has the right to~~ may require a new fire inspection at anytime it is determined ~~appropriate~~ that there may be unsafe practices in the facility which may threaten the life safety of residents.

2925.0800 CONDITIONS OF LICENSE.

Subpart 1. **General.** A license applies only to the organization or person(s) to whom it is issued and to the buildings approved. The license expires automatically if there is a change in location, organization, or a structural modification or addition to the physical facility, which would affect either the terms of the license or the continuing eligibility for a license. In such cases, a new license must be filed. An application for a new license must include:

A. an outline of any proposed changes in the group foster home's program (ex: philosophy, purpose, and function of the program); and

B. a new floor plan of the group foster home with designated room dimensions.

Subp. 2. [See Repealer.]

Subp. 3. **Restrictions on capacity.** Every license must be restricted to a specified maximum capacity. No regular group foster home may be licensed with a maximum capacity so high as to allow more than ten youths, including both foster youths and the youths in the group foster parents' natural family, to live

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in the group foster home.

Subp. 4. [Unchanged.]

Subp. 5. **No occupancy before licensing.** No persons may be placed in a group foster home prior to its being licensed.

Subp. 6. **License issued for specific number of residents.** Group foster home licenses will be issued by the Department of Corrections for a specific number of foster children, not exceeding eight.

Subp. 7. **Issuance of licenses.** A license shall be issued when the applicant is in substantial compliance with the rules.

2925.1000 VARIANCE OF SPECIFIC RULE.

The granting of a variance under this part does not constitute a precedent for any other group foster home. The commissioner shall grant a variance of a specific rule, if in the licensing procedure of enforcement of the standards, the commissioner finds that:

A. and B. [Unchanged.]

C. the group foster home complies with such specific condition(s) as the commissioner shall deem necessary for the protection of the health, safety, and welfare of the foster children.

2925.1200 NOTICE TO APPLICANT OF COMMISSIONER'S ACTION.

After the application for license is approved by the commissioner, the applicant will receive by mail a license which, as provided by Minnesota Statutes, section 241.021, must set forth the conditions under which the group foster home may operate. The terms of the license must include the operating name of the group foster home, the maximum number and sex of the foster children to be served, and the period of time for which the license is effective, and must include other conditions which the commissioner may prescribe.

2925.1400 RESTRICTION OF USE OF GROUP FOSTER HOME.

The commissioner shall by written order restrict the use of any group foster home which does not substantially conform to the minimum standards, or, where specific conditions exist which

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endanger the health, welfare, or safety of foster children or staff, prohibit the detention of persons therein for more than 72 hours.

2925.1800 GROUP FOSTER PARENT QUALIFICATIONS.

Subpart 1. [See Repealer.]

Subp. 2. **License not allowed.** A group foster home license may not be issued or renewed where any person, except foster youth, living in the household has any of the following characteristics:

A. A conviction for, or admission of, or substantial evidence of an act of child battering, child abuse, child molesting, child neglect, or incest within the previous five years.

B. [Unchanged.]

C. Residence of the family's own children in foster care, correctional facility, or residential treatment for emotional disturbance within the previous 12 months.

D. and E. [Unchanged.]

Subp. 3. [Unchanged.]

Subp. 4. **Physical handicap.** Physical handicap of group foster parents may be a consideration only as it affects their ability to provide adequate care to foster youths.

Subp. 5. [Unchanged.]

2925.1900 HEALTH OF PERSONS LIVING IN GROUP FOSTER HOMES.

Subpart 1. **Mantoux test or chest X ray.** A requirement for licensing is evidence that sometime during the 12 months prior to initial licensure, each person living in the home has had a mantoux test or chest X ray.

Subp. 2. **Other health problems.** When in the judgment of the licensing authority, any person in the home exhibits a health problem, an evaluation may be requested of the person as a requirement for licensing.

2925.2000 TRAINING FOR GROUP FOSTER PARENTS.

Subpart 1. **General.** Group foster parents shall participate in a minimum of 18 hours annually of training

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related to foster care. The 18 hours may be shared between the group foster parents in the home. When the group foster parents have not completed the required annual training at the time of relicensure, no further placements may be made in that group foster home until the group foster parents have complied with the training requirements.

Subp. 2. **First aid training.** First aid training is mandatory for all group foster parents. Certificates or statements of training must document that first aid training is updated every three years.

Subp. 3. [See Repealer.]

2925.2100 VACATIONS FOR GROUP FOSTER PARENTS.

Subpart 1. [See Repealer.]

Subp. 2. **Vacations.** The group foster parents shall make suitable arrangements for the care of foster youths for any periods of vacation or emergency. The supervising agent or coordinator shall approve the arrangements. Substitute group foster parents must have the same qualifications as the regular group foster parents (see group foster parent qualifications, part 2925.1800), and must have access to group foster parents' training opportunities (see training for group foster parents, parts 2925.2000 and 2925.2100).

2925.2200 PROGRAM FOR GROUP FOSTER PARENTS.

Subpart 1. **Orientation.** At the time of intake, group foster parents shall discuss program goals, service(s) available, rules governing conduct, program rules, and possible disciplinary actions with the foster child. This must be documented.

Subp. 2. **Service plan.** A service plan must be developed and must be implemented based on the special needs of each child.

Subp. 3. **Progress review.** The group foster parents shall continuously review each child's progress in relation to the service plan, and a record of the review shall be maintained.

Subp. 4. **Other considerations.** The group foster home's plan must make provisions for the following:

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A. contact with child's family and significant others;

B. visitation policies; and

C. involvement in the community.

2925.2300 HOUSE RULES.

Subpart 1. [See Repealer.]

Subp. 2. **Written grievance procedure.** The group foster parents shall supply to each foster child the rules of the home, the foster child's rights, and the grievance procedure.

2925.2400 EMERGENCY PLANS.

Written emergency fire, medical, and accident plans must be posted in the home.

2925.2500 DISCIPLINE.

Subpart 1. [See Repealer.]

Subp. 2. **Types of discipline prohibited.** Foster youths may not be subjected to denial of food, medication, mail, or sleep as punishment.

Subp. 3. **Physical force.** Physical force may be used only for self-protection, prevention of property damage, protection of others, and only to the degree necessary and in accordance with appropriate statutory authority; such action must be documented and placed on file in the group foster home. Violation of statutory authority with respect to physical abuse is grounds for loss of the group foster home's license.

Subp. 4. **Room restriction, facility restriction, and privilege suspension.** Room restriction may not exceed eight hours. The foster youth must be observed by a group foster parent or staff person at least hourly.

Prior to room restriction, facility restriction, or privilege suspension the foster youth must have the reasons for the restriction or suspension explained and have an opportunity to explain the behavior leading to the restriction or suspension.

All instances of room restriction, privilege suspension, and facility restriction must be logged, dated, and signed by the group foster parent(s) implementing the disciplinary procedure; the log must be reviewed by the supervising agent or

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coordinator.

2925.2600 SECURITY PROCEDURES.

Subpart 1. **Accountability for whereabouts and conduct of foster youths.** Group foster parents are accountable for the whereabouts and conduct of foster youths who have been referred by a court or the Department of Corrections. The group foster parents shall notify appropriate probation officers, parole officers, or relevant officials as soon as it has been determined that a foster youth is missing.

Subp. 2. **Weapons.** Weapons in the group foster home must be securely stored and are the responsibility of the group foster parents.

2925.2700 PERSONAL COMMUNICATION.

Subpart 1. **General.** To encourage foster youths to maintain or develop close relationships with members of their family, friends, and relatives, communication channels must be as open as possible.

Subp. 2. **Mail policy.** Foster children's mail may not be intercepted or read.

Subp. 3. **Use of telephone.** Written policy must provide that foster children have access to a telephone and shall contain any rules which regulate this activity.

2925.2800 PERSONAL POSSESSIONS.

Each foster child must be allowed to bring appropriate personal possessions to the group foster home and must be allowed to acquire possessions to the extent the group foster home is able to accommodate secure storage of them.

2925.2900 PUBLIC REPORTS, STATEMENTS, OR APPEARANCES.

Foster children may not be required to make public statements acknowledging their gratitude to the program and may not be required to perform or appear at public gatherings.

The group foster parents, supervising agent, or coordinator may not use reports or pictures from which a foster child can be identified without written consent from the foster child and

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parents or legal guardians. The signed consent forms must be on file before any reports or pictures from which foster children can be identified are used. The foster child must be informed that consent can be withdrawn at any time.

2925.3100 BEDROOMS.

Subpart 1. **Single bedrooms.** Single bedrooms must provide 70 square feet of useable floor space with a side dimension of not less than seven feet for ambulatory foster children. For nonambulatory foster children the requirements are 100 square feet of useable floor area with a side dimension of not less than nine feet.

Subp. 2. **Multi-bed bedrooms.** Multi-bed bedrooms must provide 60 square feet per person of useable floor space with three feet between beds placed side by side, and one foot between beds placed end to end for ambulatory foster children. For nonambulatory/nonmobile foster children, the multi-bed bedrooms must provide 80 square feet of useable floor area. Multi-bed bedrooms for active, nonambulatory, mobile foster children must be 100 square feet per foster child. Mobility space at the end and one side of each bed must be four feet per foster child.

Subp. 3. **Nonambulatory mobile foster children.** Bedrooms for nonambulatory mobile foster children must have adequate accessible space for storage of wheelchairs and other prosthetic or adaptive equipment for daily out of bed activity or acceptable similar storage spaces must be provided outside the bedroom readily and handily accessible to the foster child.

Subp. 4. **Capacity.** In new or remodeled buildings, bedrooms must accommodate no more than four foster children.

Subp. 5. **Furnishings.** Each foster child must be provided, at a minimum, with bed; mattress; supply of bed linen and towels; chair; adequate lighting; and closet/locker space.

Subp. 6. **Separate bedrooms.** Male and female foster children may not occupy the same bedrooms. Youth and adults may not share bedrooms.

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2925.3300 BATHROOM FACILITIES.

Every facility must be equipped with adequate and conveniently located toilet rooms for its foster children. Washbasins and toilets must be provided in the ratio of one toilet and one washbasin for every eight foster children. One bath or shower must be available for every eight foster children.

2925.3500 DINING ROOM.

The dining area must comfortably accommodate, at one time, all of the foster children plus the natural family living in the group foster home.

2925.3600 ENVIRONMENT; GENERAL.

Subpart 1. **Day care.** A group foster home may not concurrently hold a license for family day care or group day care without prior approval by the commissioner.

Subp. 2. **Approval to live in group foster home.** All persons living in the group foster home must first be approved by the coordinator or the sponsoring agency.

Subp. 3. [Unchanged.]

Subp. 4. **Evaluation and investigation.** The commissioner and any supervising agent must have access to the group foster home for evaluation at any time during normal working hours and at other times by mutual agreement. For the purpose of investigating complaints concerning the health and safety of the youths, the commissioner and any supervising agent must have access to the group foster home at any time.

2925.3700 HEALTH CARE AND MEDICAL SERVICES.

Subpart 1. **Arranging care.** Group foster parents are responsible for assisting in arranging for medical and dental care for each foster child.

Subp. 2. **Communicable disease.** If a foster child is suspected of having a communicable disease, the group foster parents shall see that the foster child is given a physical examination by a qualified physician and any necessary treatment.

Subp. 3. to 5. [Unchanged.]

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2925.3800 NUTRITION AND FOOD.

Subpart 1. **Food service.** When the group foster home provides or contracts for food service, the service shall comply with and meet all sanitation and health codes.

Subp. 2. **Nutrition requirements.** The food and nutritional needs of foster children must be met. Providing each foster child the specific serving per day from each of the following four food groups will satisfy this requirement.

A. to D. [Unchanged.]

Subp. 3. **Number of meals.** A minimum of three meals a day must be available for foster children. The group foster parents shall ensure that the youths receive adequate meals during the day while they are in community activities. This must include participation in a school lunch program.

2925.3900 FOSTER YOUTHS' RECORDS MAINTAINED BY SUPERVISING AGENT, COORDINATOR, OR SPONSORING AGENCY.

Subpart 1. **Medical records.** A record must be kept of ongoing medical information, when available, including:

A. to G. [Unchanged.]

Subp. 2. **Progress records.** The record must include a summary of the foster child's progress. These reports must be recorded regularly and must include the following:

A. [Unchanged.]

B. plans which involve the foster child; and

C. [Unchanged.]

Subp. 3. [Unchanged.]

Subp. 4. **Requests for data.** Group foster parents shall refer any individuals or agencies requesting foster child data to the supervising agent of the youth.

2925.4100 INSTITUTIONAL GROUP HOMES.

Institutional group homes must meet the following criteria:

A. The staff-to-youth ratio must be a minimum of one to ten on duty during times when youth are not involved in normal activities away from the home or during normal sleeping hours.

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B. Unless waived by the local fire authority, a staff person must be awake and alert during normal sleeping hours.

C. The facility shall develop and make available to all youth, house rules and the consequences for these rules.

D. Policies must outline the following:

(1) work assignments for the youth;

(2) a statement that work assignments be appropriate to the youth based on age, and physical and emotional ability;

(3) safety rules for work assignments which pose some hazards; and

(4) a statement that the youth may not be required to perform personal duties for staff.

E. Persons employed in the home must be selected based on their ability to perform the assigned tasks.

F. Volunteer programs in the facility must have policies governed by the following:

(1) there must be formally established criteria for selecting volunteers;

(2) the volunteer must clearly understand the specific assignment;

(3) the responsibilities of the volunteer must be clearly differentiated from that of staff;

(4) if a volunteer is used in the same capacity as a paid staff, the volunteer must meet the same criteria;

(5) the volunteer program must be assigned to a specific staff person; and

(6) volunteers providing direct services to the youth must be a minimum of 18 years of age.

G. Policy must regulate the distribution and storage of prescription drugs.

REPEALER. Minnesota Rules, parts 2925.0100, subparts 13 and 15; 2925.0200, subparts 2, 3, and 4; 2925.0300; 2925.0400; 2925.0700; 2925.0800, subpart 2; 2925.0900; 2925.1100; 2925.1300; 2925.1700; 2925.1800, subpart 1; 2925.1900, subpart 3;

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2925.2100, subpart 1; 2925.2300, subpart 1; 2925.2550, subpart 1; 2925.3000; 2925.3200; and 2925.3400 are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 19 1984
Secretary of State

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 19 1984
Joan Anderson Growe
Secretary of State
3:09 PM

APPROVED AS TO FORM AND LEGALITY
December 19 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : ORVILLE B. PUNG
Commissioner of Corrections

DATE: 10/17/84

ATTN: RICHARD D. HODSDON, Special Assistant Attorney General

FROM : MARTHA J. CASSERLY
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: IN THE MATTER OF PROPOSED ADOPTION OF AMENDMENTS TO RULES GOVERNING GROUP FOSTER HOMES

The above-referenced amendments have not been approved by this office for the following reasons:

1. Minn. Rules pt. 2925.0600, subp. 2.C was proposed to be amended to provide the Commissioner of Corrections with "the right to require a new fire inspection at any time it is determined appropriate." Under this proposed rule, the Commissioner has complete unbridled discretion to determine the appropriateness of requiring a fire inspection. This rule is impermissible in failing to be specific and give notice as to when and under what circumstances the Commissioner would deem it appropriate to require a new fire inspection.

To overcome this defect, this amendment must set forth the criteria or standards which the Commissioner would determine it appropriate to require new fire inspections.

2. The Statement of Need and Reasonableness does not evidence the need for and the reasonableness of each of these proposed amendments. The Attorney General, in reviewing the rule as to its legality, must determine whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rule. Minn. Stat. § 14.26 (Minn. Laws 1984, Ch. 640, § 15).

The Statement of Need and Reasonableness fails to explain why each rule needs to be amended and why the proposed amendment is a reasonable method of accomplishing the purpose of the amendment. See, Minn. Rules pt. 2000.0400, subp. 1.G (1983). A general recitation of what the rule says, or recitation of "self-evident" does not explain the need and reasonableness of the amendment. To overcome this defect, a new complete Statement of Need and Reasonableness must be prepared and made available to the public in compliance with Minn. Stat. § 14.23 (1982).

After consideration of the above comments and agency action, if any, these rules may be resubmitted for our review. Upon resubmission, please include a new or supplemental Order Adopting the rules, Statement of Need and Reasonableness, documents evidencing compliance with Minn. Stat. § 14.23 and four copies of the new Rules as Adopted. Also, please include a memorandum specifying that the rules are being resubmitted so that we may obtain our initial file in this matter.

If you have any questions concerning the issues raised in this memorandum, please do not hesitate to call me.

MJC:dw

cc: Duane Harves
Kathy Burek
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SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : RICHARD D. HODSDON
Special Assistant
Attorney General

DATE: 10/22/84

FROM : MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: PROPOSED ADOPTION OF AMENDMENTS TO RULES GOVERNING ADULT HALFWAY HOUSES AND GROUP FOSTER HOMES

As per our conversation on October 17, 1984, listed below are the minimum changes needed to be made on the Statement of Need and Reasonableness for the above-named rules. What I have listed are the statements which clearly are insufficient to support or explain a change in the rule, there are others which could be further explained.

1. 2920.1000 - There is no explanation why the 72 hours were deleted

2. 2920.2300 - Not mentioned in the Statement

3. 2920.2700 - There is no explanation for the additional requirement of manual reviewal and update

4. 2920.6300 - There is no explanation for the additional requirement of fire inspection at time of licensing

5. 2920.7400 - There is no explanation for the change from "policy prohibits" to "policy governs"

6. 2925.0100 - There is no explanation why definition includes employees

7. 2925.0600 - There is no mention of the requirement of fire inspections initially and every three years

8. 2925.3800 - There is no explanation for deletion of the agreement exception

Essentially, the Statement of Need and Reasonableness must analyze the proposed change in the rule as follows:

(1) Why the rule needs to be amended or, in other words, the problem; and

(2) Why the proposed amendment is a reasonable method of accomplishing the purpose of the amendment or, in other words, why this solution was chosen.

When the Statement of Need and Reasonableness is completed, a supplemental notice should be inserted in the State Register referring to the earlier Proposed Notice of Rulemaking and stating that the Statement of Need and Reasonableness has been amended and is available to the public in accordance with Minn. Stat. § 14.23. In addition, if anyone requested a copy of the Statement, or the Statement was sent to a certain list of individuals, these people should be sent a copy of the amended Statement of Need and Reasonableness.

In addition, while the following are not legal defects, you might consider correcting the following:

(1) 2925.0600, subp. 1 - The word "facilities" is incorrect and should be changed to the possessive "facility's"

(2) 2925.4100.C - The clause "the consequences for these rules," would be probably clearer if changed to "the consequences of violation for these rules."

MJC:dw

Rules as Proposed

2925.0100 DEFINITIONS.

Subpart 1. to 7. [Unchanged.]

Subp. 8. **Group foster parents.** "Group foster parents" means the person(s) who carry(ies) out the continuing daily living program in a group foster home and provide(s) care to the youths. The group foster parents may be a married couple or a single adult who is 21 years of age or older or employed staff.

Subp. 9. to 12. [Unchanged.]

Subp. 13. [See Repealer.]

Subp. 14. [Unchanged.]

Subp. 15. [See Repealer.]

Subp. 16. to 22. [Unchanged.]

Subp. 22a. **Treatment group homes.** "Treatment group homes" means group homes designed to care for more than eight children. These group homes have staff in addition to or rather than group home parents.

Subp. 23. **~~Waiver~~ Variance.** "~~Waiver~~ Variance" means a written permission from the commissioner to disregard a particular part of a licensing rule.

Subp. 24. [Unchanged.]

2925.0200 INTRODUCTION.

~~Subpart 1. Authority.~~ Minnesota Statutes ~~1976~~, section 241.021, ~~as amended by Laws of Minnesota 1978, chapter 778, to be effective September 1, 1979,~~ provides that the commissioner of corrections ~~promulgate~~ adopt rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined 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~~ minimum standards for all correctional group foster homes including treatment group homes.

Subp. 2. [See Repealer.]

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Robert J. Wittet

Subp. 3. [See Repealer.]

Subp. 4. [See Repealer.]

2925.0500 ORIGINAL APPLICATION FOR LICENSE.

Subpart 1. **General.** New applicants shall file applications with the commissioner of corrections 30 days ~~prior to~~ before the date the facility expects to operate. ~~The commissioner shall determine the suitability of such applicants by the following rules in this and subsequent parts.~~

Subp. 2. **Materials ~~to be~~ filed with application.** The materials to be filed with group foster home license application are:

A. a completed application for license on the form issued by the commissioner~~.~~;

B. ~~At least~~ three letters of reference for the group foster parent(s) and for any employee involved in child care~~.~~; the references ~~must~~ may not be from department employees nor relatives of the persons referred~~.~~;

C. ~~An outline of the group foster home's program (ex.--philosophy, purpose, and function of the program).--If a single governing body or sponsoring agency operates more than one group foster home, the manual of the governing body or sponsoring agency will suffice.~~

~~D.--The intake policy and procedures (including sex, age, and interview policies).~~

E. evidence that sometime during the 12 months prior to initial licensure, ~~and annually thereafter,~~ each person living in or working in the home has had a mantoux test or chest X ray~~.~~;

~~F~~ D. a floor plan of the group foster home with designated room dimensions~~.~~;

~~G~~ E. a list of other facilities which the operator has operated or is currently operating (either in or out-of-state)~~.~~; and

~~H~~ F. written documentation that all fire ~~and~~, safety, ~~and~~ health rules, and zoning ordinances are met.

Subp. 3. **Preliminary home study.** As part of the

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application, the group foster parents shall assist the sponsoring agency in making a preliminary home study. This study ~~shall~~ must include an inspection of the facility and an investigation into the family's background and references. ~~The sponsoring agency shall then make a recommendation to the commissioner as to whether a license shall be granted or denied.~~

2925.0600 RENEWAL LICENSE.

Subpart 1. General. Application for ~~relicensure shall~~ relicensing must be submitted to the commissioner ~~at least~~ 30 days prior to the expiration date ~~or date of recontinuance of a GFH after a leave of absence. Replacements of any of the materials required in the previous license application shall be submitted when the materials document changes in the operation of the group foster home, qualifications of the group foster parents, or in the physical facility~~ of the facilities current license. Any materials submitted in a previous license application which are not replaced by new submissions ~~will~~ be are presumed to be ~~currently correct at the time of renewal license application~~ current.

Subp. 2. Materials filed with application. The materials to be filed with group foster home license renewal application are:

~~A. evidence that sometime during the 12 months prior, each group foster parent and each member of their family and additional staff living in or working in the home has had a Mantoux test or chest X-ray;~~

~~B.~~ a record of major changes in the program or facility during the year or contemplated for the coming year;

~~C~~ B. building plans for any contemplated construction giving room dimensions and specifications and use; and

~~D~~ C. written documentation that ~~all~~ the fire and, safety, and health rules~~, and zoning ordinances~~ are met. Fire inspections are required at the time of initial licensing and every three years after that. The commissioner has the right to require a new fire inspection at anytime it is determined appropriate.

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2925.0800 CONDITIONS OF LICENSE.

Subpart 1. **General.** A license ~~shall apply~~ applies only to the organization or person(s) to whom it is issued and to the buildings approved. The license ~~shall expire~~ expires automatically if there is a change in location, organization, ~~procedure and policies,~~ or a structural modification or addition to the physical facility, which would affect either the terms of the license or the continuing eligibility for a license. In such cases, ~~an application for a transfer of~~ a new license must be filed. ~~To avoid delay, the commissioner shall be advised at once of any change so that he/she may determine if the change may be approved and the license modified accordingly.~~ An application for a ~~transfer of~~ new license ~~shall~~ must include:

A. an outline of any proposed changes in the group foster home's program (ex: philosophy, purpose, and function of the program); and

B. ~~any changes in the intake policy;~~

~~C.~~ a new floor plan of the group foster home with designated room dimensions.

Subp. 2. [See Repealer.]

Subp. 3. **Restrictions on capacity.** Every license ~~shall~~ must be restricted to a specified maximum capacity. No regular ~~GFH shall~~ group foster home may be licensed with a maximum capacity so high as to allow more than ten youths, including both foster youths and the youths in the group foster parents' natural family, to live in the ~~GFH~~ group foster home.

Subp. 4. [Unchanged.]

Subp. 5. **No occupancy ~~prior to~~ before licensing.** No persons ~~shall~~ may be placed in a group foster home prior to its being licensed.

Subp. 6. **License issued for specific number of residents.** ~~GFH~~ Group foster home licenses will be issued by the Department of Corrections for a specific number of ~~residents~~ foster children, not exceeding eight ~~youths~~.

Subp. 7. **Issuance of licenses.** A license shall be issued

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when the applicant is in substantial compliance with the rules.

2925.1000 ~~WAIVER~~ VARIANCE OF SPECIFIC RULE.

The granting of a ~~waiver~~ variance under this part ~~shall~~ does not constitute a precedent for any other ~~GFH~~ group foster home. The commissioner shall grant a ~~waiver~~ variance of a specific rule, if in the licensing procedure of enforcement of the standards, the commissioner finds that:

A. and B. [Unchanged.]

C. the group foster home complies with such specific condition(s) as the commissioner ~~may~~ shall deem necessary for the protection of the health, safety, and welfare of the ~~residents~~ foster children.

2925.1200 NOTICE TO ~~THE~~ APPLICANT OF COMMISSIONER'S ACTION.

After the application for license is approved by the commissioner, the applicant ~~shall~~ will receive by mail a license which, as provided by Minnesota Statutes, section 241.021, ~~shall~~ must set forth the conditions under which the ~~GFH~~ group foster home may operate. The terms of the license ~~shall~~ must include the operating name of the ~~GFH~~ group foster home, the maximum number~~,~~ and sex~~,-and-age-range~~ of the ~~residents~~ foster children to be served, and the period of time for which the license is effective, and ~~may~~ must include other ~~limitations~~ conditions which the commissioner may prescribe. ~~An accompanying letter shall contain in addition to the license, any recommendation regarding activities, services, and facilities to be employed. A letter shall accompany a provisional license and shall state the reason(s) for its being provisional.~~

2925.1400 RESTRICTION OF ~~THE~~ USE OF ~~A-GFH~~ GROUP FOSTER HOME.

The commissioner ~~may~~ shall by written order restrict the use of any group foster home which does not substantially conform to the minimum standards, or, where specific conditions exist which endanger the health, welfare, or safety of ~~residents~~ foster children or staff, prohibit the detention of persons therein for more than 72 hours.

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2925.1800 GROUP FOSTER PARENT QUALIFICATIONS.

Subpart 1. [See Repealer.]

Subp. 2. **License not allowed.** A GFH group foster home license ~~shall~~ may not be issued or renewed where any person, except foster youth, living in the household has any of the following characteristics:

A. A conviction for, or admission of, or substantial evidence of an act of child battering, ~~or~~ child abuse, ~~or~~ child molesting, ~~or~~ child neglect, or incest within the previous five years. ~~Reasonable methods of discipline shall not constitute child battering, child abuse, child molesting, child neglect, or incest.~~

B. [Unchanged.]

C. Residence of the family's own children in foster care, correctional facility, or residential treatment for emotional disturbance within the previous 12 months ~~if, in the judgment of the sponsoring agency, the functioning of the family has been impaired~~.

D. and E. [Unchanged.]

Subp. 3. [Unchanged.]

Subp. 4. **Physical handicap.** Physical handicap of group foster parents ~~shall~~ may be a consideration only as it affects their ability to provide adequate care to foster youths ~~or may affect an individual youth's adjustment to the family~~.

Subp. 5. [Unchanged.]

2925.1900 HEALTH OF PERSONS LIVING IN GROUP FOSTER HOMES.

Subpart 1. **Mantoux test or chest X ray.** A requirement for licensing is evidence that sometime during the 12 months prior to initial licensure, ~~and annually thereafter,~~ each person living in the home has had a mantoux test or chest X ray.

Subp. 2. **Other health problems.** When in the judgment of the licensing authority, any person in the home ~~who~~ exhibits a health problem, an evaluation may be requested of the person as a requirement for licensing.

2925.2000 TRAINING FOR GROUP FOSTER PARENTS.

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Subpart 1. **General.** ~~Every-set-of~~ Group foster parents shall participate in a minimum of 18 hours annually of training related to foster care. The 18 hours may be shared between the group foster parents in the home. When the group foster parents have not completed the required annual training at the time of relicensure, no further placements may be made in that ~~GFH~~ group foster home until the group foster parents have complied with the training requirements.

Subp. 2. **First aid training.** First aid training is mandatory for all group foster parents. ~~Training-shall-be provided-by-a-Red-Cross-instructor-or-a-licensed-health professional.--First-aid-training-shall-be-current.~~ Certificates or statements of training ~~shall~~ must document that first aid training is updated ~~at-least~~ every three years.

Subp. 3. [See Repealer.]

2925.2100 ~~LEAVES-OF-ABSENCE-AND~~ VACATIONS FOR GROUP FOSTER PARENTS.

Subpart 1. [See Repealer.]

Subp. 2. **Vacations.** The group foster parents shall make suitable arrangements for the care of foster youths for any periods of vacation or emergency~~;-and~~. The supervising agent or coordinator shall approve the arrangements. Substitute group foster parents ~~shall~~ must have the same qualifications as the regular group foster parents (see group foster parent qualifications, part 2925.1800), and ~~shall~~ must have access to group foster parents' training opportunities (see training for group foster parents, parts 2925.2000 and 2925.2100).

2925.2200 PROGRAM FOR GROUP FOSTER PARENTS.

Subpart 1. **Orientation.** At the time of intake, group foster parents shall discuss program goals, service(s) available, rules governing conduct, program rules, and possible disciplinary actions with the ~~residents;~~ foster child. This ~~shall~~ must be documented.

Subp. 2. **Service plan.** A service plan ~~shall~~ must be developed and ~~shall~~ must be implemented based on the special

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needs of each ~~resident~~ child.

Subp. 3. **Progress review.** The group foster parents shall continuously review each ~~resident's~~ child's progress in relation to ~~his/her~~ the service plan, and a record of the review shall be maintained.

Subp. 4. **Other considerations.** The ~~GFH's~~ group foster home's plan ~~shall~~ must make ~~some~~ provisions for the following ~~considerations~~:

A. contact with ~~resident's~~ child's family and significant others;

B. visitation policies; and

C. involvement in the community.

2925.2300 HOUSE RULES.

Subpart 1. [See Repealer.]

Subp. 2. **Written grievance procedure.** The group foster parents shall ~~be responsible for ensuring a copy of the written grievance procedure written by the governing body or the sponsoring agency shall be available~~ supply to each ~~resident~~ foster child the ~~procedure shall outline~~ rules of the ~~facility~~ home, ~~residents'~~ the foster child's rights, and the ~~actual~~ grievance procedure.

2925.2400 EMERGENCY PLANS.

Written emergency fire, medical, and accident~~, etc.,~~ plans ~~shall~~ must be ~~conspicuously~~ posted in the ~~facility~~ home.

2925.2500 DISCIPLINE.

Subpart 1. [See Repealer.]

Subp. 2. **Types of discipline prohibited.** ~~Residents shall~~ Foster youths may not be subjected to denial of food, medication, mail, or sleep as punishment.

Subp. 3. **Physical force.** Physical force ~~shall~~ may be used only ~~in instances of justifiable~~ for self-protection, prevention of property damage, ~~and~~ protection of others, and only to the degree necessary and in accordance with appropriate statutory authority; such action ~~shall~~ must be documented and placed on file in the group foster home. Violation of statutory authority

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with respect to physical abuse ~~shall be~~ is grounds for ~~restriction~~ loss of the ~~GFH's~~ group foster home's license.

Subp. 4. **Room restriction, facility restriction, and privilege suspension.** Room restriction ~~shall~~ may not exceed eight hours. The ~~resident shall~~ foster youth must be observed by a group foster parent or staff person at least hourly.

Prior to room restriction, facility restriction, or privilege suspension the ~~resident shall~~ foster youth must have the reasons for the restriction or suspension explained ~~to him/her,~~ and have an opportunity to explain the behavior leading to the restriction or suspension.

All instances of room restriction, privilege suspension, and facility restriction ~~shall~~ must be logged, dated, and signed by the group foster parent(s) implementing the disciplinary procedure; the log ~~shall~~ must be reviewed by the supervising agent or coordinator.

2925.2600 SECURITY PROCEDURES.

Subpart 1. **Accountability for whereabouts and conduct of ~~residents~~ foster youths.** Group foster parents ~~shall be~~ are accountable for the whereabouts and conduct of ~~residents~~ foster youths who have been referred by a court or the Department of Corrections. ~~Group foster parents shall monitor movement into and out of the GFH and account for the whereabouts of its residents outside of the GFH.~~ The group foster parents shall notify appropriate probation officers, parole officers, ~~and/or~~ or relevant officials as soon as it has been determined that a ~~resident~~ foster youth is missing ~~or has run away~~.

Subp. 2. **Weapons.** ~~Any~~ Weapons in the ~~GFH shall~~ group foster home must be securely stored and ~~shall be~~ are the responsibility of the group foster parents.

2925.2700 PERSONAL COMMUNICATION.

Subpart 1. **General.** To encourage ~~residents~~ foster youths to maintain or develop close relationships with members of their family, friends, and relatives, communication channels ~~shall~~ must be as open as ~~is~~ possible.

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Subp. 2. Mail policy. ~~Residents'~~ Foster children's mail~~, both incoming and outgoing, shall~~ may not be intercepted ~~except where there is reasonable ground to justify such action. If mail is to be~~ or read~~, such action shall be documented~~.

Subp. 3. Use of telephone. Written policy ~~shall~~ must provide that ~~residents~~ foster children have access to a telephone ~~to make and receive private calls,~~ and shall ~~state~~ contain any rules ~~that prohibit access~~ which regulate this activity.

2925.2800 PERSONAL POSSESSIONS.

Each ~~resident shall~~ foster child must be allowed to bring appropriate personal possessions to the ~~GFH~~ group foster home and ~~shall~~ must be allowed to acquire possessions ~~of his/her own~~ to the extent the ~~GFH~~ group foster home is able to accommodate secure storage of them.

~~Group foster parents may inspect residents' possessions for contraband if there are reasonable grounds to believe that contraband is present.~~

2925.2900 PUBLIC REPORTS, STATEMENTS, OR APPEARANCES.

~~Residents shall~~ Foster children may not be required to make public statements acknowledging their gratitude to the program and ~~shall~~ may not be required to perform or appear at public gatherings.

The group foster parents, supervising agent, or coordinator ~~shall~~ may not use reports or pictures from which a ~~resident~~ foster child can be identified without written consent from the ~~resident~~ foster child and ~~his/her~~ parents or legal guardians. The signed consent forms ~~shall~~ must be on file before any reports or pictures from which ~~residents~~ foster children can be identified are used. The ~~resident shall~~ foster child must be informed that ~~he/she has the right to withdraw his/her~~ consent can be withdrawn at any time.

2925.3100 BEDROOMS.

Subpart 1. Single bedrooms. Single bedrooms ~~shall~~ must provide ~~at least~~ 70 square feet of useable floor space with a

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side dimension of not less than seven feet for ambulatory ~~residents~~ foster children. For nonambulatory ~~residents,~~ foster children the requirements are 100 square feet of useable floor area with a side dimension of not less than nine feet.

Subp. 2. **~~Multi-bedrooms~~ Multi-bed bedrooms.** ~~Multi-bedrooms shall~~ Multi-bed bedrooms must provide ~~at least~~ 60 square feet per person of useable floor space with ~~at least~~ three feet between beds placed side by side, and ~~at least~~ one foot between beds placed end to end for ambulatory ~~residents~~ foster children. For nonambulatory/nonmobile ~~residents~~ foster children, the ~~multi-bedrooms shall~~ multi-bed bedrooms must provide ~~at least~~ 80 square feet of useable floor area. ~~Multi-bedrooms~~ Multi-bed bedrooms for active, nonambulatory, mobile ~~residents shall~~ foster children must be ~~at least~~ 100 square feet per ~~resident~~ foster child. Mobility space at the end and one side of each bed ~~shall~~ must be ~~not less than~~ four feet per ~~resident~~ foster child.

Subp. 3. **Nonambulatory mobile ~~residents~~ foster children.** Bedrooms for nonambulatory mobile ~~residents shall~~ foster children must have adequate accessible space for storage of wheelchairs and other prosthetic or adaptive equipment for daily out of bed activity or acceptable similar storage spaces ~~shall~~ must be provided outside the bedroom readily and handily accessible to the ~~resident~~ foster child.

Subp. 4. **Capacity.** In new or remodeled buildings, bedrooms ~~shall~~ must accommodate no more than four ~~residents~~ foster children.

Subp. 5. **Furnishings.** Each ~~resident shall~~ foster child must be provided, at a minimum, with bed; mattress; supply of bed linen and towels; chair; adequate lighting; and closet/locker space.

Subp. 6. **Separate bedrooms.** Male and female ~~residents shall~~ foster children may not occupy the same bedrooms. Youth and adults ~~shall~~ may not share bedrooms ~~except in circumstances approved by the supervising agent~~.

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2925.3300 BATHROOM FACILITIES.

Every facility ~~shall~~ must be equipped with adequate and conveniently located toilet rooms for its ~~residents~~ foster children. Washbasins and toilets ~~shall~~ must be provided in the ratio of ~~at least~~ one toilet and ~~at least~~ one washbasin for every eight ~~residents~~ foster children. ~~At least~~ One bath or shower ~~shall~~ must be available for every eight ~~residents~~ foster children.

2925.3500 DINING ROOM.

The dining area ~~shall~~ must comfortably accommodate, at one time, all of the foster ~~youths~~ children plus the natural family living in the GFH group foster home.

2925.3600 ENVIRONMENT; GENERAL.

Subpart 1. **Day care.** A GFH group foster home may not concurrently hold a license for family day care or group day care without prior approval by the commissioner.

Subp. 2. **Approval to live in GFH group foster home.** All persons living in the GFH ~~shall~~ group foster home must first be approved by the coordinator or the sponsoring agency.

Subp. 3. [Unchanged.]

Subp. 4. **Evaluation and investigation.** The commissioner and any supervising agent ~~shall~~ must have access to the GFH group foster home for evaluation at any time during normal working hours and at other times by mutual agreement. For the purpose of investigating complaints concerning the health and safety of the youths, the commissioner and any supervising agent ~~shall~~ must have access to the GFH group foster home at any time ~~during the 24 hour day~~.

2925.3700 HEALTH CARE AND MEDICAL SERVICES.

Subpart 1. **Arranging care.** Group foster parents ~~shall be~~ are responsible for assisting in arranging for medical and dental care for each ~~resident~~ foster child.

Subp. 2. **Communicable disease.** If a ~~resident~~ foster child is suspected of having a communicable disease, the group foster

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parents shall see that ~~he/she~~ the foster child is given a physical examination by a qualified physician and any necessary treatment.

Subp. 3. to 5. [Unchanged.]

2925.3800 NUTRITION AND FOOD.

Subpart 1. **Food service.** When the ~~GFH~~ group foster home provides or contracts for food service, the service shall comply with and meet all sanitation and health codes ~~as promulgated by state or local authorities~~.

Subp. 2. **Nutrition requirements.** The food and nutritional needs of ~~residents shall~~ foster children must be met ~~in accordance with their needs and shall meet the dietary allowances as stated in the Recommended Dietary Allowances, Food and Nutrition Board, National Research Council, National Academy of Sciences, 8th Edition, 1974~~. Providing each ~~resident~~ foster child the specific serving per day from each of the following four food groups will satisfy this requirement.

A. to D. [Unchanged.]

Subp. 3. **Number of meals.** A minimum of three meals a day ~~shall~~ must be available for ~~residents unless an agreement states otherwise~~ foster children. The group foster parents shall ensure that the youths receive adequate meals during the day while they are in community activities. This ~~shall~~ must include participation in a school lunch program.

2925.3900 ~~RESIDENTS'~~ FOSTER YOUTHS' RECORDS MAINTAINED BY SUPERVISING AGENT, COORDINATOR, OR SPONSORING AGENCY.

Subpart 1. Medical records ~~that must be kept~~. A record ~~shall~~ must be kept of ongoing medical information, when available, including:

A. to G. [Unchanged.]

Subp. 2. ~~Contents~~ Progress records. The record ~~shall~~ must include a summary of the ~~resident's~~ foster child's progress. These reports ~~shall~~ must be recorded regularly and ~~shall~~ must include the following:

A. [Unchanged.]

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B. plans which involve the ~~resident~~ foster child; and

C. [Unchanged.]

Subp. 3. [Unchanged.]

Subp. 4. **Requests for data.** Group foster parents shall refer any individuals or agencies requesting ~~resident~~ foster child data to the supervising agent of the youth.

2925.4100 INSTITUTIONAL GROUP HOMES.

Institutional group homes must meet the following criteria:

A. The staff-to-youth ratio must be a minimum of one to ten on duty during times when youth are not involved in normal activities away from the home or during normal sleeping hours.

B. Unless waived by the local fire authority, a staff person must be awake and alert during normal sleeping hours.

C. The facility shall develop and make available to all youth, house rules and the consequences for these rules.

D. Policies must outline the following:

(1) work assignments for the youth;

(2) a statement that work assignments be appropriate to the youth based on age, and physical and emotional ability;

(3) safety rules for work assignments which pose some hazards; and

(4) a statement that the youth may not be required to perform personal duties for staff.

E. Persons employed in the home must be selected based on their ability to perform the assigned tasks.

F. Volunteer programs in the facility must have policies governed by the following:

(1) there must be formally established criteria for selecting volunteers;

(2) the volunteer must clearly understand the specific assignment;

(3) the responsibilities of the volunteer must be clearly differentiated from that of staff;

(4) if a volunteer is used in the same capacity

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as a paid staff, the volunteer must meet the same criteria;

(5) the volunteer program must be assigned to a specific staff person; and

(6) volunteers providing direct services to the youth must be a minimum of 18 years of age.

G. Policy must regulate the distribution and storage of prescription drugs.

REPEALER. Minnesota Rules, parts 2925.0100, subparts 13 and 15; 2925.0200, subparts 2, 3, and 4; 2925.0300; 2925.0400; 2925.0700; 2925.0800, subpart 2; 2925.0900; 2925.1100; 2925.1300; 2925.1700; 2925.1800, subpart 1; 2925.1900, subpart 3; 2925.2100, subpart 1; 2925.2300, subpart 1; 2925.2550, subpart 1; 2925.3000; 2925.3200; and 2925.3400 are repealed.

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AG copy

Department of Corrections

Adopted Rules Governing Group Foster Homes

Rules as Adopted

2925.0100 DEFINITIONS.

Subpart 1. to 7. [Unchanged.]

Subp. 8. **Group foster parents.** "Group foster parents" means the person(s) who carry(ies) out the continuing daily living program in a group foster home and provide(s) care to the youths. The group foster parents may be a married couple or a single adult who is 21 years of age or older or employed staff.

Subp. 9. to 12. [Unchanged.]

Subp. 13. [See Repealer.]

Subp. 14. [Unchanged.]

Subp. 15. [See Repealer.]

Subp. 16. to 22. [Unchanged.]

Subp. 22a. **Treatment group homes.** "Treatment group homes" means group homes designed to care for more than eight children. These group homes have staff in addition to or rather than group home parents.

Subp. 23. **Variance.** "Variance" means a written permission from the commissioner to disregard a particular part of a licensing rule.

Subp. 24. [Unchanged.]

2925.0200 INTRODUCTION.

Minnesota Statutes, section 241.021, provides that the commissioner of corrections adopt rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined 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 minimum standards for all correctional group foster homes including treatment group homes.

Subp. 2. [See Repealer.]

Subp. 3. [See Repealer.]

Subp. 4. [See Repealer.]

2925.0500 ORIGINAL APPLICATION FOR LICENSE.

Subpart 1. **General.** New applicants shall file applications with the commissioner of corrections 30 days before the date the facility expects to operate.

Subp. 2. **Materials filed with application.** The materials to be filed with group foster home license application are:

A. a completed application for license on the form issued by the commissioner;

B. three letters of reference for the group foster parent(s) and for any employee involved in child care; the references may not be from department employees nor relatives of the persons referred;

C. evidence that sometime during the 12 months prior to initial licensure, each person living in or working in the home has had a mantoux test or chest X ray;

D. a floor plan of the group foster home with designated room dimensions;

E. a list of other facilities which the operator has operated or is currently operating (either in or out-of-state); and

F. written documentation that all fire, safety, health rules, and zoning ordinances are met.

Subp. 3. **Preliminary home study.** As part of the application, the group foster parents shall assist the sponsoring agency in making a preliminary home study. This study must include an inspection of the facility and an investigation into the family's background and references.

2925.0600 RENEWAL LICENSE.

Subpart 1. **General.** Application for relicensing must be submitted to the commissioner 30 days prior to the expiration date of the facilities current license. Any materials submitted in a previous license application which are not replaced by new

possessive ?

submissions are presumed to be current.

Subp. 2. **Materials filed with application.** The materials to be filed with group foster home license renewal application are:

A. a record of major changes in the program or facility during the year or contemplated for the coming year;

B. building plans for any contemplated construction giving room dimensions and specifications and use; and

C. written documentation that the fire, safety, and health rules are met. Fire inspections are required at the time of initial licensing and every three years after that. The commissioner has the right to require a new fire inspection at anytime it is determined appropriate.

2925.0800 CONDITIONS OF LICENSE.

Subpart 1. **General.** A license applies only to the organization or person(s) to whom it is issued and to the buildings approved. The license expires automatically if there is a change in location, organization, or a structural modification or addition to the physical facility, which would affect either the terms of the license or the continuing eligibility for a license. In such cases, a new license must be filed. An application for a new license must include:

should read "applied for" but existing language

A. an outline of any proposed changes in the group foster home's program (ex: philosophy, purpose, and function of the program); and

B. a new floor plan of the group foster home with designated room dimensions.

Subp. 2. [See Repealer.]

Subp. 3. **Restrictions on capacity.** Every license must be restricted to a specified maximum capacity. No regular group foster home may be licensed with a maximum capacity so high as to allow more than ten youths, including both foster youths and the youths in the group foster parents' natural family, to live in the group foster home.

Subp. 4. [Unchanged.]

Subp. 5. **No occupancy before licensing.** No persons may be

placed in a group foster home prior to its being licensed.

Subp. 6. **License issued for specific number of residents.** Group foster home licenses will be issued by the Department of Corrections for a specific number of foster children, not exceeding eight.

Subp. 7. **Issuance of licenses.** A license shall be issued when the applicant is in substantial compliance with the rules.

2925.1000 VARIANCE OF SPECIFIC RULE.

The granting of a variance under this part does not constitute a precedent for any other group foster home. The commissioner shall grant a variance of a specific rule, if in the licensing procedure of enforcement of the standards, the commissioner finds that:

A. and B. [Unchanged.]

C. the group foster home complies with such specific condition(s) as the commissioner shall deem necessary for the protection of the health, safety, and welfare of the foster children.

existing language

2925.1200 NOTICE TO APPLICANT OF COMMISSIONER'S ACTION.

After the application for license is approved by the commissioner, the applicant will receive by mail a license which, as provided by Minnesota Statutes, section 241.021, must set forth the conditions under which the group foster home may operate. The terms of the license must include the operating name of the group foster home, the maximum number and sex of the foster children to be served, and the period of time for which the license is effective, and must include other conditions which the commissioner may prescribe.

existing language

2925.1400 RESTRICTION OF USE OF GROUP FOSTER HOME.

The commissioner shall by written order restrict the use of any group foster home which does not substantially conform to the minimum standards, or, where specific conditions exist which endanger the health, welfare, or safety of foster children or staff, prohibit the detention of persons therein for more than 72 hours.

2925.1800 GROUP FOSTER PARENT QUALIFICATIONS.

Subpart 1. [See Repealer.]

Subp. 2. **License not allowed.** A group foster home license may not be issued or renewed where any person, except foster youth, living in the household has any of the following characteristics:

A. A conviction for, or admission of, or substantial evidence of an act of child battering, child abuse, child molesting, child neglect, or incest within the previous five years.

B. [Unchanged.]

C. Residence of the family's own children in foster care, correctional facility, or residential treatment for emotional disturbance within the previous 12 months.

D. and E. [Unchanged.]

Subp. 3. [Unchanged.]

Subp. 4. **Physical handicap.** Physical handicap of group foster parents may be a consideration only as it affects their ability to provide adequate care to foster youths.

Subp. 5. [Unchanged.]

2925.1900 HEALTH OF PERSONS LIVING IN GROUP FOSTER HOMES.

Subpart 1. **Mantoux test or chest X ray.** A requirement for licensing is evidence that sometime during the 12 months prior to initial licensure, each person living in the home has had a mantoux test or chest X ray.

Subp. 2. **Other health problems.** When in the judgment of the licensing authority, any person in the home exhibits a health problem, an evaluation may be requested of the person as a requirement for licensing.

existing language

2925.2000 TRAINING FOR GROUP FOSTER PARENTS.

Subpart 1. **General.** Group foster parents shall participate in a minimum of 18 hours annually of training related to foster care. The 18 hours may be shared between the group foster parents in the home. When the group foster parents have not completed the required annual training at the time of

relicensure, no further placements may be made in that group foster home until the group foster parents have complied with the training requirements.

Subp. 2. **First aid training.** First aid training is mandatory for all group foster parents. Certificates or statements of training must document that first aid training is updated every three years.

Subp. 3. [See Repealer.]

2925.2100 VACATIONS FOR GROUP FOSTER PARENTS.

Subpart 1. [See Repealer.]

Subp. 2. **Vacations.** The group foster parents shall make suitable arrangements for the care of foster youths for any periods of vacation or emergency. The supervising agent or coordinator shall approve the arrangements. Substitute group foster parents must have the same qualifications as the regular group foster parents (see group foster parent qualifications, part 2925.1800), and must have access to group foster parents' training opportunities (see training for group foster parents, parts 2925.2000 and 2925.2100).

2925.2200 PROGRAM FOR GROUP FOSTER PARENTS.

Subpart 1. **Orientation.** At the time of intake, group foster parents shall discuss program goals, service(s) available, rules governing conduct, program rules, and possible disciplinary actions with the foster child. This must be documented.

Subp. 2. **Service plan.** A service plan must be developed and must be implemented based on the special needs of each child.

Subp. 3. **Progress review.** The group foster parents shall continuously review each child's progress in relation to the service plan, and a record of the review shall be maintained.

Subp. 4. **Other considerations.** The group foster home's plan must make provisions for the following:

A. contact with child's family and significant others;

B. visitation policies; and

C. involvement in the community.

2925.2300 HOUSE RULES.

Subpart 1. [See Repealer.]

Subp. 2. **Written grievance procedure.** The group foster parents shall supply to each foster child the rules of the home, the foster child's rights, and the grievance procedure.

2925.2400 EMERGENCY PLANS.

Written emergency fire, medical, and accident plans must be posted in the home.

2925.2500 DISCIPLINE.

Subpart 1. [See Repealer.]

Subp. 2. **Types of discipline prohibited.** Foster youths may not be subjected to denial of food, medication, mail, or sleep as punishment.

Subp. 3. **Physical force.** Physical force may be used only for self-protection, prevention of property damage, protection of others, and only to the degree necessary and in accordance with appropriate statutory authority; such action must be documented and placed on file in the group foster home. Violation of statutory authority with respect to physical abuse is grounds for loss of the group foster home's license.

Subp. 4. **Room restriction, facility restriction, and privilege suspension.** Room restriction may not exceed eight hours. The foster youth must be observed by a group foster parent or staff person at least hourly.

Prior to room restriction, facility restriction, or privilege suspension the foster youth must have the reasons for the restriction or suspension explained and have an opportunity to explain the behavior leading to the restriction or suspension.

All instances of room restriction, privilege suspension, and facility restriction must be logged, dated, and signed by the group foster parent(s) implementing the disciplinary procedure; the log must be reviewed by the supervising agent or coordinator.

2925.2600 SECURITY PROCEDURES.

Subpart 1. **Accountability for whereabouts and conduct of foster youths.** Group foster parents are accountable for the whereabouts and conduct of foster youths who have been referred by a court or the Department of Corrections. The group foster parents shall notify appropriate probation officers, parole officers, or relevant officials as soon as it has been determined that a foster youth is missing.

Subp. 2. **Weapons.** Weapons in the group foster home must be securely stored and are the responsibility of the group foster parents.

2925.2700 PERSONAL COMMUNICATION.

Subpart 1. **General.** To encourage foster youths to maintain or develop close relationships with members of their family, friends, and relatives, communication channels must be as open as possible.

Subp. 2. **Mail policy.** Foster children's mail may not be intercepted or read.

Subp. 3. **Use of telephone.** Written policy must provide that foster children have access to a telephone and shall contain any rules which regulate this activity.

2925.2800 PERSONAL POSSESSIONS.

Each foster child must be allowed to bring appropriate personal possessions to the group foster home and must be allowed to acquire possessions to the extent the group foster home is able to accommodate secure storage of them.

2925.2900 PUBLIC REPORTS, STATEMENTS, OR APPEARANCES.

Foster children may not be required to make public statements acknowledging their gratitude to the program and may not be required to perform or appear at public gatherings.

The group foster parents, supervising agent, or coordinator may not use reports or pictures from which a foster child can be identified without written consent from the foster child and parents or legal guardians. The signed consent forms must be on file before any reports or pictures from which foster children can be identified are used. The foster child must be informed

that consent can be withdrawn at any time.

2925.3100 BEDROOMS.

Subpart 1. **Single bedrooms.** Single bedrooms must provide 70 square feet of useable floor space with a side dimension of not less than seven feet for ambulatory foster children. For nonambulatory foster children the requirements are 100 square feet of useable floor area with a side dimension of not less than nine feet.

Subp. 2. **Multi-bed bedrooms.** Multi-bed bedrooms must provide 60 square feet per person of useable floor space with three feet between beds placed side by side, and one foot between beds placed end to end for ambulatory foster children. For nonambulatory/nonmobile foster children, the multi-bed bedrooms must provide 80 square feet of useable floor area. Multi-bed bedrooms for active, nonambulatory, mobile foster children must be 100 square feet per foster child. Mobility space at the end and one side of each bed must be four feet per foster child.

Subp. 3. **Nonambulatory mobile foster children.** Bedrooms for nonambulatory mobile foster children must have adequate accessible space for storage of wheelchairs and other prosthetic or adaptive equipment for daily out of bed activity or acceptable similar storage spaces must be provided outside the bedroom readily and handily accessible to the foster child.

Subp. 4. **Capacity.** In new or remodeled buildings, bedrooms must accommodate no more than four foster children.

Subp. 5. **Furnishings.** Each foster child must be provided, at a minimum, with bed; mattress; supply of bed linen and towels; chair; adequate lighting; and closet/locker space.

Subp. 6. **Separate bedrooms.** Male and female foster children may not occupy the same bedrooms. Youth and adults may not share bedrooms.

2925.3300 BATHROOM FACILITIES.

Every facility must be equipped with adequate and conveniently located toilet rooms for its foster children.

Washbasins and toilets must be provided in the ratio of one toilet and one washbasin for every eight foster children. One bath or shower must be available for every eight foster children.

2925.3500 DINING ROOM.

The dining area must comfortably accommodate, at one time, all of the foster children plus the natural family living in the group foster home.

2925.3600 ENVIRONMENT; GENERAL.

Subpart 1. **Day care.** A group foster home may not concurrently hold a license for family day care or group day care without prior approval by the commissioner.

Subp. 2. **Approval to live in group foster home.** All persons living in the group foster home must first be approved by the coordinator or the sponsoring agency.

Subp. 3. [Unchanged.]

Subp. 4. **Evaluation and investigation.** The commissioner and any supervising agent must have access to the group foster home for evaluation at any time during normal working hours and at other times by mutual agreement. For the purpose of investigating complaints concerning the health and safety of the youths, the commissioner and any supervising agent must have access to the group foster home at any time.

2925.3700 HEALTH CARE AND MEDICAL SERVICES.

Subpart 1. **Arranging care.** Group foster parents are responsible for assisting in arranging for medical and dental care for each foster child.

Subp. 2. **Communicable disease.** If a foster child is suspected of having a communicable disease, the group foster parents shall see that the foster child is given a physical examination by a qualified physician and any necessary treatment.

Subp. 3. to 5. [Unchanged.]

2925.3800 NUTRITION AND FOOD.

Subpart 1. **Food service.** When the group foster home provides or contracts for food service, the service shall comply

with and meet all sanitation and health codes.

Subp. 2. **Nutrition requirements.** The food and nutritional needs of foster children must be met. Providing each foster child the specific serving per day from each of the following four food groups will satisfy this requirement.

A. to D. [Unchanged.]

Subp. 3. **Number of meals.** A minimum of three meals a day must be available for foster children. The group foster parents shall ensure that the youths receive adequate meals during the day while they are in community activities. This must include participation in a school lunch program.

2925.3900 FOSTER YOUTHS' RECORDS MAINTAINED BY SUPERVISING AGENT, COORDINATOR, OR SPONSORING AGENCY.

Subpart 1. **Medical records.** A record must be kept of ongoing medical information, when available, including:

A. to G. [Unchanged.]

Subp. 2. **Progress records.** The record must include a summary of the foster child's progress. These reports must be recorded regularly and must include the following:

A. [Unchanged.]

B. plans which involve the foster child; and

C. [Unchanged.]

Subp. 3. [Unchanged.]

Subp. 4. **Requests for data.** Group foster parents shall refer any individuals or agencies requesting foster child data to the supervising agent of the youth.

2925.4100 INSTITUTIONAL GROUP HOMES.

Institutional group homes must meet the following criteria:

A. The staff-to-youth ratio must be a minimum of one to ten on duty during times when youth are not involved in normal activities away from the home or during normal sleeping hours.

B. Unless waived by the local fire authority, a staff person must be awake and alert during normal sleeping hours.

C. The facility shall develop and make available to

doesn't make sense ?

all youth, house rules and the consequences for these rules. should be "consequence of violation"

D. Policies must outline the following:

(1) work assignments for the youth;

(2) a statement that work assignments be appropriate to the youth based on age, and physical and emotional ability;

(3) safety rules for work assignments which pose some hazards; and

(4) a statement that the youth may not be required to perform personal duties for staff.

E. Persons employed in the home must be selected based on their ability to perform the assigned tasks.

F. Volunteer programs in the facility must have policies governed by the following:

(1) there must be formally established criteria for selecting volunteers;

(2) the volunteer must clearly understand the specific assignment;

(3) the responsibilities of the volunteer must be clearly differentiated from that of staff;

(4) if a volunteer is used in the same capacity as a paid staff, the volunteer must meet the same criteria;

(5) the volunteer program must be assigned to a specific staff person; and

(6) volunteers providing direct services to the youth must be a minimum of 18 years of age.

G. Policy must regulate the distribution and storage of prescription drugs.

REPEALER. Minnesota Rules, parts 2925.0100, subparts 13 and 15; 2925.0200, subparts 2, 3, and 4; 2925.0300; 2925.0400; 2925.0700; 2925.0800, subpart 2; 2925.0900; 2925.1100; 2925.1300; 2925.1700; 2925.1800, subpart 1; 2925.1900, subpart 3; 2925.2100, subpart 1; 2925.2300, subpart 1; 2925.2550, subpart 1; 2925.3000; 2925.3200; and 2925.3400 are repealed.

STATE OF MINNESOTA

IN THE MATTER OF PROPOSED ADOPTION OF RULES (AMENDMENTS) GOVERNING GROUP FOSTER HOMES

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published at the State Register on July 16, 1984 and was sent by U.S. mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes 14.14, Subd. 1 on July 16, 1984. Interested and affected persons were given an opportunity to submit comments for thirty days after notice. No written or oral requests for a public hearing were received during the thirty day period.

Now, therefore, it is ordered that these rules identified as Rules Governing Group Foster Homes are adopted this 10th day of September, 1984, pursuant to authority vested in me by Minnesota Statutes 241.021, Subd. 1.

STATE OF MINNESOTA

Orville B. Pung
Commissioner of Corrections

STATE OF MINNESOTA

IN THE MATTER OF PROPOSED
ADOPTION OF RULES (AMENDMENTS)
GOVERNING GROUP FOSTER HOMES

ORDER ADOPTING
RULES (2ND)

Notice of the Commissioner's intent to adopt the above entitled rules without a public hearing was published at the State Register on July 16, 1984 and was sent by United States mail to all persons on this list maintained by the agency pursuant to Minnesota Statutes 14.14, Subdivision 1 on July 16, 1984. Interested and affected persons were given an opportunity to submit comments for thirty days after notice. No written or oral requests for a public hearing were received during the thirty day period.

An Order to Adopt Rules was submitted to the Attorney General's Office September 10, 1984 pursuant to Minnesota Statutes 241.021, Subdivision 1. Due to questions raised, the Order to Adopt Rules was withdrawn. A Notice of Modification of the Statement of Need and Reasonableness was published in the State Register November 5, 1984 and interested and affected persons were given thirty days to comment on the modifications.

Now, therefore, it is ordered that the rules identified as Rules Governing Group Foster Homes are adopted the 10th day of December, 1984 pursuant to the authority vested in me by Minnesota Statutes 241.021, Subdivision 1.

STATE OF MINNESOTA

Orville B. Pung
COMMISSIONER OF CORRECTIONS

DEPARTMENT OF CORRECTIONS

NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION REGARDING PROPOSED CHANGES IN RULES GOVERNING GROUP FOSTER HOMES.

Notice is hereby given that the Department of Corrections is seeking information or opinions from sources outside the agency in preparing to make changes in the promulgated rules Governing Group Foster Homes. The existing rules are identified Minnesota Rules 2925.0100.

The Minnesota Department of Corrections requests information and comments concerning the subject matter of these rules. Interested and affected persons or groups may submit statements of information or comments orally or in writing. Written statements should be addressed to:

John McLagan
430 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101

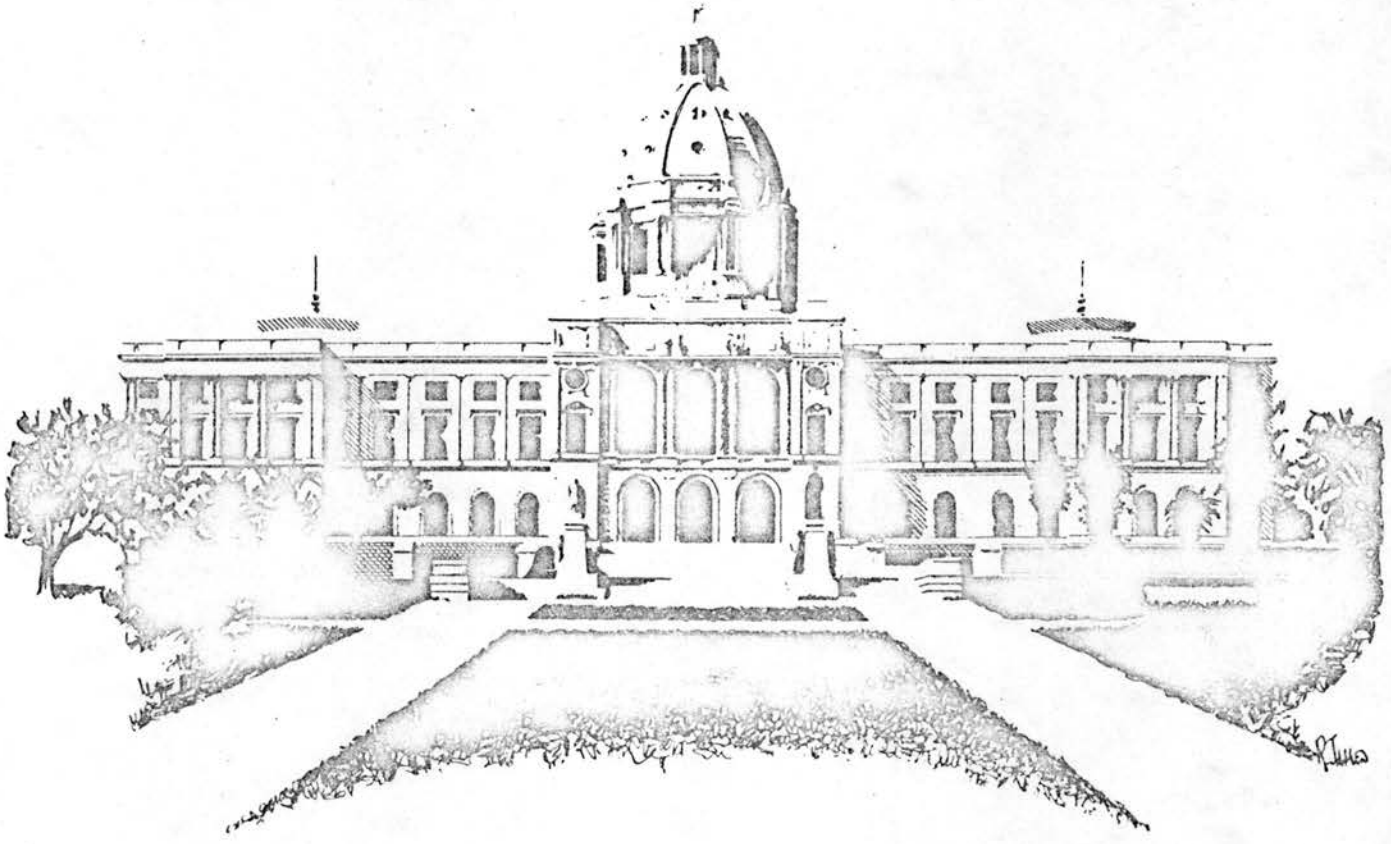
Oral statements will be received during regular business hours over the telephone at (612) 296-1312 and in person at the above address.

All statements of information and comments shall be accepted until May 18, 1984. Any written material received by the Department of Corrections shall become part of the record in the event that changes in the rules are promulgated.

Orville B. Pung
COMMISSIONER OF CORRECTIONS

STATE REGISTER

STATE OF MINNESOTA



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OFFICIAL NOTICES

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

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

Department of Agriculture Planning Division

Outside Opinion Sought Regarding Proposed Rules Governing Licensing, Bonding and Auditing of Grain Warehouses (Minnesota Rules 1560.5400-1560.8800)

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing licensing, bonding and auditing of grain warehouses. The promulgation of these rules is authorized by Minnesota Statutes, section 223.19, which permits the department to adopt and enforce such rules as are necessary to carry out the provisions of Minnesota Statutes sections 223.15-223.19.

The Department requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements of information and comment may be addressed to:

Mr. Gerald Heil
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-1486, and in person at the above address.

All statements of information and comment must be received by May 11, 1984. Any written material received by the Department shall become part of the hearing record.

April 10, 1984

Jim Nichols
Commissioner

Department of Corrections

Outside Opinion Sought Regarding Proposed Changes in Rules Governing Adult Halfway Houses

Notice is hereby given that the Department of Corrections is seeking information or opinions from sources outside the agency in preparing to make changes in the promulgated rules Governing Adult Halfway Houses. The existing rules are identified Minnesota Rules 2920.0100.

The Minnesota Department of Corrections requests information and comments concerning the subject matter of these rules. Interested and affected persons or groups may submit statements of information or comments orally or in writing. Written statements should be addressed to:

John McLagan
430 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101

Oral statements of information and comments shall be accepted until May 18, 1984. Any written material received by the Department of Corrections shall become part of the record in the event that changes in the rules are promulgated.

Orville B. Pung
Commissioner of Corrections

Department of Corrections

Outside Opinion Sought Regarding Proposed Changes in Rules Governing Group Foster Homes

Notice is hereby given that the Department of Corrections is seeking information or opinions from sources outside the agency in preparing to make changes in the promulgated rules Governing Group Foster Homes. The existing rules are identified Minnesota Rules 2925.0100.

The Minnesota Department of Corrections requests information and comments concerning the subject matter of these rules. Interested and affected persons or groups may submit statements of information or comments orally or in writing. Written statements should be addressed to:

John McLagan
430 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-1312 and in person at the above address.

All statements of information and comments shall be accepted until May 18, 1984. Any written material received by the Department of Corrections shall become part of the record in the event that changes in the rules are promulgated.

Orville B. Pung
Commissioner of Corrections

Department of Health

Outside Opinion Sought Regarding: 1) Rules Governing Administration of the Special Supplemental Food Program for Women, Infants and Children (WIC); 2) Rules Governing Administration of the Maternal and Child Health (MCH) Grant Programs; 3) an Amendment to a Rule Governing Metabolic Screening, 7 MCAR § 1.172; 4) an Amendment to a Rule Governing Family Planning Special Projects, 7 MCAR § 1.457; 5) Repeal of a Rule Governing Private Baby Homes and Infant Homes, MDH 171; and 6) Amendments to Rules Relating to Services for Children with Handicaps and Adults with Cystic Fibrosis and Hemophilia for Eligibility, Cost Sharing and Reimbursement, 7 MCAR §§ 1.651-1.657

Notice is hereby given that the Department of Health is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing administration of the special supplemental food program for Women, Infants and Children (WIC) as authorized by Minn. Stat. §§ 144.110 and 144.11; rules governing administration of the MCH grant programs as authorized by Minn. Stat. § 145.882 (1982) as amended by Minnesota Laws 1983, ch. 312, art. 4, § 2; an amendment to a rule governing metabolic screening as authorized by Minn. Stat. § 144.125; an amendment to a rule governing family planning special projects as authorized by Minn. Stat. § 145.925, subd. 5; repeal of a rule governing private baby homes and infant homes as authorized by Minn. Stat. § 144.12, subd. 1 (4); and amendments to rules relating to services for children with handicaps and adults with cystic fibrosis and hemophilia for eligibility, cost sharing and reimbursement as authorized by Minn. Stat. § 144.12, as amended by Minnesota Laws 1983, ch. 359, § 9, and Minn. Stat. §§ 144.05, 144.06, 144.07, 144.09, 144.10, and 144.11 (1982). Further authority is vested in the Commissioner of Health (hereinafter "Commissioner") through Minnesota Department of Administration Reorganization Order No. 101 issued pursuant to Minn. Stat. § 16.125 (1982) (hereinafter "Reorganization Order 101"). Reorganization Order 101 vests the Commissioner with the authority to implement Minn. Stat. § 256.01, subd. 2(3) and (5), as amended by Minnesota Laws 1983, ch. 7, § 3; ch. 243, § 5, subd. 3; and ch. 312, art. 5, § 3. Reorganization Order 101 also vests the Commissioner with authority to implement Minn. Stat. §§ 256.011, 257.175, 250.05 (1982) as amended by Minnesota Laws 1983, ch. 305, § 22, and Minn. Stat. § 260.35 (1982) insofar as these statutes concern Services for Children with Handicaps. Further legal authority is found in Minn. Stat. §§ 14.05, subds. 1 to 3; 14.07 subd. 5 (Supp. 1983) and 14.06 (1982).

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minn. Stat. § 14.115, subd. 1.

MINNESOTA DEPARTMENT OF CORRECTIONS

PROPOSED AMENDMENTS TO THE RULES
GOVERNING GROUP FOSTER HOMES

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING.

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

The public is hereby advised that they have 30 days in which to submit comments in support of or in opposition to the proposed rules and that comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held.

If a person desires to request a public hearing, this must be done in written form and submitted to John McLagan, Director of Standards Development, Minnesota Department of Corrections, 430 Metro Square Building, St. Paul, MN 55101. A request for a public hearing must be submitted within the 30 day comment period. In requesting a public hearing, the person should state his or her name and address and is encouraged to identify the portion of the proposed amended rules addressed, the reasons for the request and any changes proposed.

The proposed rules may be modified if the modifications are supported by the data and views submitted. If a public hearing is not required, notice of the date of submission of the proposed rules to the Attorney General for review will be mailed to any person requesting to review the notice.

Authority for the adoption of these rules is contained in Minnesota Statutes 241.021. Additionally, there is a Statement of Need and Reasonableness of each provision of the proposed amended rules and identifies the data and information relied upon to support the proposed amended rules. All persons are afforded an opportunity to request a copy of the Statement of Need and Reasonableness and to submit data and views on the proposed amended rules in writing within the 30 day comment period.

Upon adoption of the final rules without a public hearing, the proposed amended rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to John McLagan, Director of Standards Development Unit, Department of Corrections, 430 Metro Square Building, St. Paul, MN 55101

Orville B. Pung
COMMISSIONER

IN THE MATTER OF THE PROPOSED ADOPTION (AMENDMENTS) OF RULES OF THE STATE DEPARTMENT OF CORRECTIONS GOVERNING THE RULES OF GROUP FOSTER HOMES.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
ss.
COUNTY OF RAMSEY)

Joan M. Lahti, being first duly sworn deposes and says:

That on the 16th day of July, 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt (amend) Rules Without Public Hearing by depositing in the United States Mail at said City of St. Paul a copy thereof, properly enveloped with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Corrections for the purpose of receiving notice of the proposed adoptions (amendments) of rules.

Joan M. Lahti

Subscribed and sworn to before me
this 16th day of July, 1984

SHARI LYNN BURT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES AUGUST 1, 1990

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION (AMENDMENTS) TO THE RULES GOVERNING GROUP FOSTER HOMES

CERTIFICATE OF MAILING LIST

I hereby certify that the mailing list used for the above-titled matter constituted the accurate and complete list of persons, associations and other interested groups who, as of 2:00 P.M. this 13th day of July, 1984, have requested, pursuant to Minnesota Statutes § 14.14, Subdivision 1, that their names be placed on file with the Minnesota Department of Corrections for the purpose of receiving notice of the proposed adopted (amended) rules by the Department of Corrections.

Joan Lakay

July 13, 1984

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION (AMENDMENTS) TO THE RULES GOVERNING GROUP FOSTER HOMES

CERTIFICATE OF MAILING

I hereby certify that the mailing list used for the above-titled matter constituted the accurate and complete list of persons associations and other interested groups who, as of 4:00 P.M. this 16th day of July, 1984, have requested, pursuant to Minnesota Statutes § 14.14, Subdivision 1, that their names be placed on file with the Minnesota Department of Corrections for the purpose of receiving notice of the proposed adopted (amended) rules by the Department of Corrections.

Joan Fahl

July 16, 1984

William Nelson
Volunteer of Am.Res. Home
2825 E. Lake Street
Minneapolis, MN 55406

James Peyton
Co. Probation Officer
Courthouse
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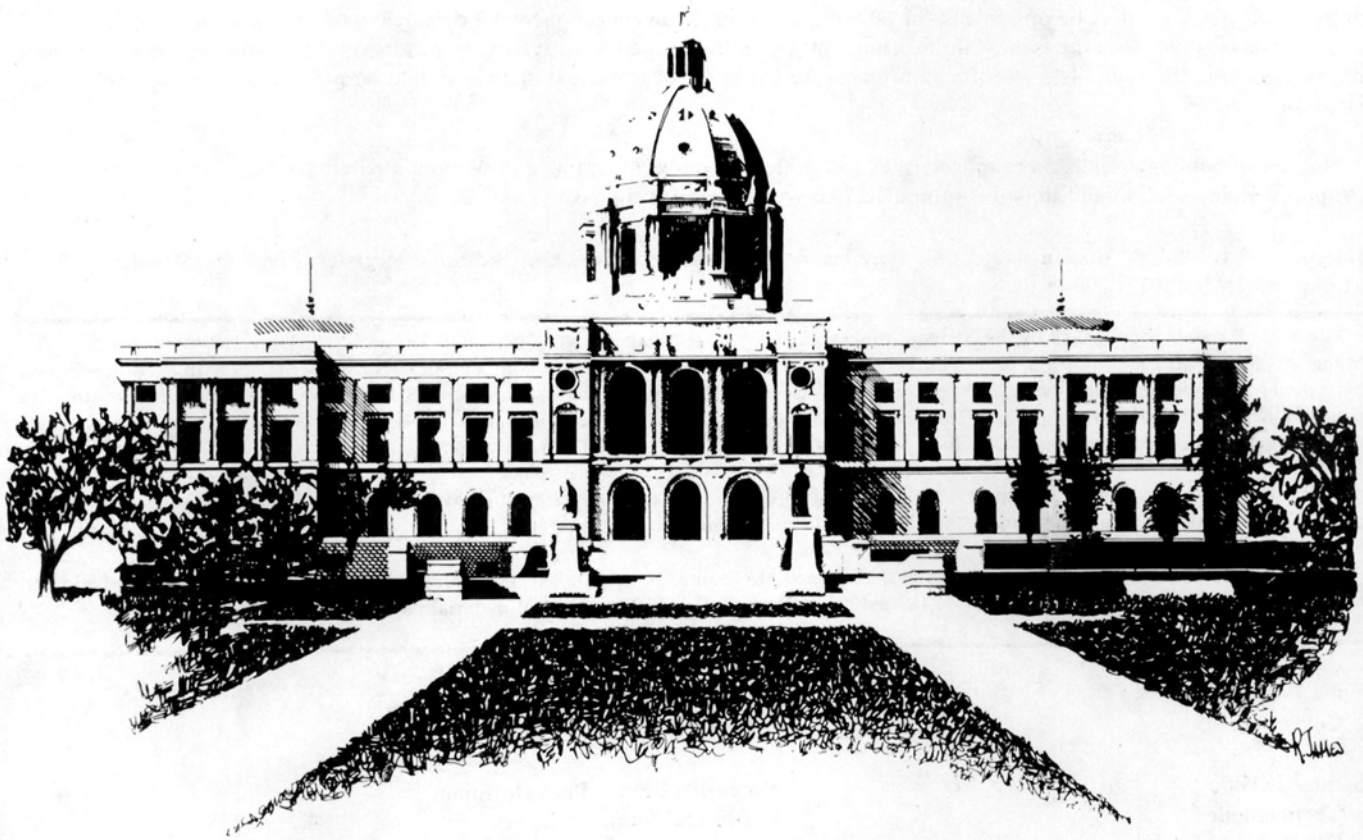
STATE REGISTER

STATE OF MINNESOTA



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July 16, 1984

Pages 129-196

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 9		
4	Monday July 9	Monday July 16	Monday July 23
5	Monday July 16	Monday July 23	Monday July 30
6	Monday July 23	Monday July 30	Monday Aug 6
7	Monday July 30	Monday Aug 6	Monday Aug 13

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

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

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

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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 also.

The PROPOSED RULES section contains:

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

The ADOPTED RULES section contains:

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

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

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

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

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

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

The listings are arranged in the same order as the table of contents of the *Minnesota Rules 1983*.

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PROPOSED RULES

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

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

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

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

Department of Agriculture
Agronomy Services Division

Proposed Rules Amending Agricultural Seed Labeling and Inspection Requirements

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21-14.28 (1982).

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed rules, and shall have 30 days to do so. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt these rules is contained in Minnesota Statutes, Section 21.85, Subd. 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available upon request from Mr. Heil.

Upon final adoption of the rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Heil.

The Commissioner is authorized by Minnesota Statutes, Section 21.85, Subd. 11 to promulgate rules for proper enforcement of Minnesota Statutes, Sections 21.80 to 21.92.

The proposed amendments to the seed rules provides specific direction for record keeping by labelers of seed sold in Minnesota, standards for labeling hermetically sealed seeds as well as vegetable and flower seeds, and establishes permanent fees at a level sufficient for effective seed regulation and operation of the seed testing laboratory. Certain existing rules are repealed. The proposed rules are necessary to meet requirements of the Minnesota Seed Law, Minnesota Statutes, Sections 21.80 to 21.92, amended in 1983. Rule changes are consistent with the Federal Seed Act and the recommended Uniform State Seed Law developed by the Association of American Seed Control Officials.

The proposed rules will impact and benefit small business as defined in Minnesota Statutes, Section 14.115, because credible record keeping and labeling in the seed industry encourage even competition and allow enforcement of fair trade practices.

Please be advised that Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, subdivision 11 (Supp. 1979) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, St. Paul, MN 55155, (612) 296-5615.

One free copy of this notice and the proposed rules are available and may be obtained by contacting Mr. Heil.

July 2, 1984

Rollin M. Denniston
Commissioner of Agriculture

Rules as Proposed (all new material)

1510.0111 INFORMATION REQUIRED ON HYBRID SEED CORN LABELS.

Seed labels for hybrid corn varieties or blends of varieties for either grain or forage purposes must include the day classification listed in five-day increments under the heading "Minnesota Relative Maturity." For hybrid seed corn blends, the relative maturity and the germination percentage must be derived by averaging the relative maturities and germination percentages according to the proportion of each component in the blend.

1510.0161 KINDS OF LAWN AND TURF GRASS SEEDS EXEMPT FROM TEN PERCENT INERT MATTER LIMITATION.

In accordance with Minnesota Statutes, section 21.82, subdivision 5, paragraph (a), Kentucky bluegrass is a kind of lawn and turf grass seed for which the ten percent inert matter limitation does not apply.

1510.0171 STANDARDS, REQUIREMENTS, AND CONDITIONS FOR LABELING HERMETICALLY-SEALED SEEDS.

In accordance with Minnesota Statutes, section 21.86, subdivision 1, paragraph (a), the following standards, requirements, and conditions must be met before seed is considered to be hermetically-sealed:

A. The seed must be packed within nine months after harvest.

B. The container used must not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100 degrees Fahrenheit with a relative humidity on one side of 90 percent and on the other side of zero percent. Water vapor penetration or WVP is measured by the standards of the United States Bureau of Standards as:

gm. H_20/24 hr./100 sq. in./100°F./90%RHV.0%RH

C. The agricultural seed in the container must not exceed the following percentages of moisture, on a wet weight basis:

(1) beet, field, 7.5 percent;

(2) beet, sugar, 7.5 percent;

(3) bluegrass, kentucky, 6.0 percent;

(4) clover, crimson, 8.0 percent;

(5) fescue, red, 8.0 percent;

(6) ryegrass, annual, 8.0 percent;

(7) ryegrass, perennial, 8.0 percent;

(8) all others, 6.0 percent; and

(9) mixture of above, 8.0 percent.

D. The vegetable seeds in the container must not exceed the following percentages of moisture, on a wet weight basis:

(1) bean, garden, 7.0 percent;

(2) bean, lima, 7.0 percent;

(3) beet, 7.5 percent;

(4) broccoli, 5.0 percent;

(5) brussels sprout, 5.0 percent;

(6) cabbage, 5.0 percent;

(7) carrot, 7.0 percent;

(8) caulifiower, 5.0 percent;

(9) celeriac, 7.0 percent;

(10) celery, 7.0 percent;

(11) chard, Swiss, 7.5 percent;

(12) Chinese cabbage, 5.0 percent;

(13) chives, 6.5 percent;

(14) collards, 5.0 percent;

(15) corn, sweet, 8.0 percent;

(16) cucumber, 6.0 percent;

(17) eggplant, 6.0 percent;

(18) kale, 5.0 percent;

(19) kohlrabi, 5.0 percent;

(20) leek, 6.5 percent;

(21) lettuce, 5.5 percent;

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

(22) muskmelon, 6.0 percent;

(23) mustard, India, 5.0 percent;

(24) onion, 6.5 percent;

(25) onion, Welsh, 6.5 percent;

(26) parsley, 6.5 percent;

(27) parsnip, 6.0 percent;

(28) pea, 7.0 percent;

(29) pepper, 4.5 percent;

(30) pumpkin, 6.0 percent;

(31) radish, 5.0 percent;

(32) rutabaga, 5.0 percent;

(33) spinach, 8.0 percent;

(34) squash, 6.0 percent;

(35) tomato, 5.5 percent;

(36) turnip, 5.0 percent;

(37) watermelon, 6.5 percent; and

(38) all others, 6.0 percent.

E. The container must be conspicuously labeled in not less than 8-point type to indicate:

(1) that the container is hermetically sealed;

(2) that the seed has been preconditioned as to moisture content; and

(3) the calendar month and year in which the germination test was completed.

F. The percentage of germination of seed at the time of packaging must be equal to or above the standards in part 1510.0231, subpart 1.

1510.0231 GERMINATION STANDARDS; STANDARDIZED GERMINATION TESTING PROCEDURES.

Subpart 1. Vegetable seed germination. In accordance with Minnesota Statutes, section 21.82, subdivision 7, paragraph (a), clause (2), the germination standards for vegetable seeds prepared for use by home gardeners are as follows:

A. artichoke, 60 percent;

B. asparagus, 70 percent;

C. asparagusbean, 75 percent;

D. bean, garden, 70 percent;

E. bean, lima, 70 percent;

F. bean, runner, 75 percent;

G. beet, 65 percent;

H. broadbean, 75 percent;

I. broccoli, 75 percent;

J. brussels sprout, 70 percent;

K. burdock, great, 60 percent;

L. cabbage, 75 percent;

M. cabbage, tronchuda, 75 percent;

N. cantaloupe (see muskmelon);

O. cardoon, 60 percent;

P. carrot, 55 percent;

P. carrot, 55 percent;
Q. cauliflower, 75 percent;
R. celeriac, 55 percent;
S. celery, 55 percent;
T. chard, Swiss, 65 percent;
U. chicory, 65 percent;
V. Chinese cabbage, 75 percent;
W. chives, 50 percent;
X. citron, 65 percent;
Y. collards, 80 percent;
Z. corn, sweet, 75 percent;
AA. cornsalad, 70 percent;
BB. cowpea, 75 percent;
CC. cress, garden, 75 percent;
DD. cress, upland, 60 percent;
EE. cress, water, 40 percent;
FF. cucumber, 80 percent;
GG. dandelion, 60 percent;
HH. eggplant, 60 percent;
II. endive, 70 percent;
JJ. kale, 75 percent;
KK. kale, Chinese, 75 percent;
LL. kale, Siberian, 75 percent;
MM. kohlrabi, 75 percent;
NN. leek, 60 percent;
OO. lettuce, 80 percent;
PP. muskmelon, 75 percent;
QQ. mustard, India, 75 percent;
RR. mustard, spinach, 75 percent;
SS. okra, 50 percent;
TT. onion, 70 percent;
UU. onion, Welsh, 70 percent;
VV. pak-choi, 75 percent;
WW. parsley, 60 percent;
XX. parsnip, 60 percent;
YY. pea, 80 percent;
ZZ. pepper, 55 percent;
AAA. pumpkin, 75 percent;

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BBB. radish, 75 percent;

CCC. rhubarb, 60 percent;

DDD. rutabaga, 75 percent;

EEE. salsify, 75 percent;

FFF. sorrel, 65 percent;

GGG. soybean, 75 percent;

HHH. spinach, 60 percent;

III. spinach, New Zealand, 40 percent;

JJJ. squash, 75 percent;

KKK. tomato, 75 percent;

LLL. tomato, husk, 50 percent;

MMM. turnip, 80 percent;

NNN. watermelon, 70 percent;

Subp. 2. Flower seed germination. In accordance with Minnesota Statutes, section 21.82, subdivision 8, paragraph (a), clause (3), the germination standards for flower seeds prepared for use by home gardeners are set in this subject.

A. The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed. The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, the percentage is the total of percentage germination and percentage hard seed.

(1) Achillea (The Pearl), *Achillea ptarmica*, 50 percent;

(2) African Daisy, *Dimorphotheca aurantiaca*, 55 percent;

(3) Ageratum, *Ageratum mexicanum*, 60 percent;

(4) Agrostemma (rose campion), *Agrostemma coronaria*, 65 percent;

(5) Alyssum, *Alyssum compactum, A. maritimum, A. procumbens, A. saxatile*, 60 percent;

(6) Amaranthus, (*Amaranthus* spp.) 65 percent;

(7) Anagalis (pimpernel), (*Anagalis arvensis, Anagelis coerulia, Anagalis grandiflora*), 60 percent;

(8) Anemone, *Anemone coronaria, A. pulsatilla*, 55 percent;

(9) Angel's Trumpet, *Datura arborea*, 60 percent;

(10) Arabis, *Arabis alpina*, 60 percent;

(11) Arctotis (African lilac daisy), (*Arctotis grandis*), 45 percent;

(12) Armeria, (*Armeria formosa*), 55 percent;

(13) Asparagus, fern, (*Asparagus plumosus*), 50 percent;

(14) Asparagus, sprenger, (*Asparagus sprengeri*), 55 percent;

(15) Aster, China, *Callistephus chinensis*, except Pompon, Powderpuff, and Princess types, 55 percent;

(16) Aster, China, *Callistephus chinensis*, Pompon, Powderpuff, and Princess types, 50 percent;

(17) Aubretia, *Aubretia deltoides*, 45 percent;

(18) Balsam, *Impatiens balsamina*, 70 percent;

(19) Begonia, (*Begonia fibrous rooted*), 60 percent;

(20) Begonia, (*Begonia tuberous rooted*), 50 percent;

(21) Bells of Ireland, (*Molucella laevis*), 60 percent;

(22) Brachycome (swan river daisy), (*Brachycome iberidifolia*), 60 percent;

(23) Browallia, (*Browallia elata* and *B. speciosa*), 65 percent;

(24) Bupthalmum (sunwheel), (*Bupthalmum salicifolium*), 60 percent;

(25) Calceolaria, (*Calceolaria* spp.), 60 percent;

(26) Calendula, Calendula officinalis, 65 percent;

(27) California Poppy, *Eschscholtzia californica*, 60 percent;

(28) Calliopsis, *Coreopsis bicolor, C. drummondi, C. elegans*, 65 percent;

(29) Campanula:

(a) Canterbury Bells, *Campanula medium*, 60 percent;

(b) Cup and Saucer Bellflower, *Campanula medium calycanthema*, 60 percent;

(c) Carpathian Bellflower, *Campanula carpatica*, 50 percent;

(d) Peach Bellflower, *Campanula persicifolia*, 50 percent;

(30) Candytuft, Annual, *Iberis amara, I. umbellata*, 65 percent;

(31) Candytuft, Perennial, *Iberis gibraltarica, I. sempervirens*, 55 percent;

(32) Castor Bean, *Ricinus communis*, 60 percent;

(33) Cathedral Bells, *Cobaea scandens*, 65 percent;

(34) Celosia, *Celosia argentea*, 65 percent;

(35) Centaurea (Basket Flower), *Centaurea americana*, Cornflower, *C. cyanus*, Dusty Miller, *C. candidissima*, Royal Centaurea, *C. imperialis*, Sweet Sultan, *C. moschata*, Velvet Centaurea, *C. gymnocarpa*, 60 percent;

(36) Chinese Forget-me-not, *Cynoglossum amabile*, 55 percent;

(37) Chrysanthemum, Annual, *Chrysanthemum carinatum, C. coronarium, C. segetum*, 40 percent;

(38) Clarkia, *Clarkia elegans*, 65 percent;

(39) Cleome, *Cleome gigantea*, 65 percent;

(40) Columbine, *Aquilegia* spp., 50 percent;

(41) Coral Bells, *Heuchera sanguinea*, 55 percent;

(42) Coreopsis, Perennial, *Coreopsis lanceolata*, 40 percent;

(43) Cosmos, Sensation, Mammoth, and Crested types, *Cosmos bipinnatus*, Klondyke type, *C. sulphureus*, 65 percent;

(44) Dahlia, *Dahlis* spp., 55 percent;

(45) Delphinium, Perennial, Belladonna and Bellamosum types, Cardinal Larkspur, *Delphinium cardinale*, Chinensis types, Pacific Giant, Gold Medal, and other hybrids of *D. elatum*, 55 percent;

(46) Dianthus, Carnation, *Dianthus caryophyllus*, 60 percent;

(47) Dianthus, China Pinks, *Dianthus chinensis, heddewigi, heddensis*, 70 percent;

(48) Grass Pinks, *Dianthus plumarius*, 60 percent;

(49) Maiden Pinks, *Dianthus deltoides*, 60 percent;

(5) Sweet William, *Dianthus barbatus*, 70 percent;

(51) Sweet Wiversfield, *Dianthus allwood*, 60 percent;

(52) Dracaena, *Dracaena indivisa*, 55 percent;

(53) English Daisy, *Bellis perennis*, 55 percent;

(54) Foxglove, *Digitalis* spp., 60 percent;

(55) Gaillardia, Annual, *Gaillardia pulchella, G. picta*, Perennial, *G. grandiflora*, 45 percent;

(56) Geum, *Geum* spp., 55 percent;

(57) Gilia, *Gilia* spp., 65 percent;

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(58) Godetia, *Godetia amoena, G. grandiflora*, 65 percent;

(59) Gourds: Yellow Flowered, *Cucurbita pepo*; White Flowered, *Lagenaria sisceraria*; Dishcloth, *Luffa cylindrica*, 70 percent;

(60) Gypsophila: Annual Baby's Breath, *Gypsophila elegans*; Perennial Baby's Breath, *G. paniculata, G. pacifica, G. repens*, 70 percent;

(61) Helenium, (*Helenium autumnale*), 40 percent;

(62) Helichrysum, *Helichrysum monstrosum*, 60 percent;

(63) Heliopsis, *(Heliopsis scabra)*, 55 percent;

(64) Helipterum (*Acroclinium*), (*Helipterum roseum*), 60 percent;

(65) Hesperis (sweet rocket), (*Hesperis matronalis*), 65 percent;

(66) *Hollyhock, *Althea rosea*, 65 percent;

(67) Hunnemania (mexican tulip poppy), (*Hunnemania fumariaefolia*), 60 percent;

(68) *Hyacinth bean, (*Dolichos lablab*), 70 percent;

(69) Impatiens, (*Impatiens holstii, I. sultani*), 55 percent;

(70) *Ipomea, Cypress Vine, *Ipomea quamoclit*; Moonflower, *I. noctiflora*; Morning Glories, Cardinal Climber, Hearts and Honey Vine, *Ipomea* spp., 75 percent;

(71) Jerusulem cross (maltese cross), (*Lychnis chalcedonica*), 70 percent;

(72) Job's Tears, *Coix lacrymajobi*, 70 percent;

(73) Kochia, *Kochia childsi*, 55 percent;

(74) Larkspur, Annual, *Delphinium ajacis*, 60 percent;

(75) Lantana, *Lantana camara, L. hybrida*, 35 percent;

(76) Lilium (regal lily), (*Lilium regale*), 50 percent;

(77) Linaria, *Linaria* spp., 65 percent;

(78) Lobelia, Annual, *Lobelia erinus*, 65 percent;

(79) Lunaria, Annual, *Lunaria annua*, 65 percent;

(80) *Lupine, *Lupinus* spp., 65 percent;

(81) Marigold, *Tagetes* spp., 65 percent;

(82) Marvel of Peru, *Mirabilis jalapa*, 60 percent;

(83) Matricaria (feverfew), (*Matricaria* spp.), 60 percent;

(84) Migonette, *Reseda odorata*, 55 percent;

(85) Myosotis, *Myosotis alpestris, M. oblongata, M. palustris*, 50 percent;

(86) Nasturtium, *Tropaeolum* spp., 60 percent;

(87) Nemesia, *Nemesia* spp., 65 percent;

(88) Nemophila, *Nemophila insignis*, 70 percent;

(89) Nemophila, Spotted, (*Nemophila maculata*), 60 percent;

(90) Nicotiana, *Nicotiana affinis, N. sanderae, N. sylvestris*, 65 percent;

(91) Nierembergia, *Nierembergia* spp., 55 percent;

(92) Nigella, *Nigella damascena*, 55 percent;

(93) Pansy, *Viola tricolor*, 60 percent;

(94) Penstemon, *Penstemon barbatus, P. grandiflorus, P. laevigatus, P. pubescens*, 60 percent;

(95) Petunia, *Petunia* spp., 45 percent;

(96) Phacelia, *Phacelia campanularia, P. minor, P. Tanacetifolia*, 65 percent;

(97) Phlox, Annual, *Phlox drummondi* all types and varieties, 55 percent;

(98) Physalis, *Physalis*, spp., 60 percent;

(99) Platycodon (balloon flower), (*Platycodon grandiflorum*), 60 percent;

(100) Plumbago, cape, (*Plumbago capensis*), 50 percent;

(101) Poppy: Shirley Poppy, *Papaver rhoeas*; Iceland Poppy, *P. nudicaule*; Oriental Poppy, *P. orientale*; Tulip Poppy, *P. glaucum*, 60 percent;

(102) Portulace, *Portulaca grandiflora*, 55 percent;

(103) Primula (primrose), (*Primula* spp.), 50 percent;

(104) Pyrethrum (painted daisy), (*Pyrethrum coccineum*), 60 percent;

(105) Salpiglossis, *Salpiglossis gloxinaeflora, S. sinuata*, 60 percent;

(106) Salvia, Scarlet Sage, *Salvia splendens*; Mealycup Sage (blue bedder), *Salvia farinacea*, 50 percent;

(107) Saponaria, *Saponaria ocymoides, S. vaccaria*, 60 percent;

(108) Scabiosa, Annual, *Scabiosa atropurpurea*, 50 percent;

(109) Scabiosa, Perennial, *Scabiosa caucasica*, 40 percent;

(110) Schizanthus, *Schizanthus* spp., 60 percent;

(111) *Sensitive plant (mimosa), (*Mimosa pudica*), 65 percent;

(112) Shasta Daisy, *Chrysanthemum maximum, C. leucanthemum*, 65 percent;

(113) Snapdragon, *Antirrhinum* spp., 55 percent;

(114) Solanum, *Solanum* spp., 60 percent;

(115) Statice, (*Statice sinuata, S. suworonii*) (flower heads), 50 percent;

(116) Stocks: Common, *Mathiola incana*; Evening Scented, *Mathiola bicornis*, 65 percent;

(117) Sunflower, *Helianthus* spp., 65 percent;

(118) *Sweet Pea, Annual and Perennial other than dwarf bush, *Lathyrus odoratus, L. latifolius*, 75 percent;

(119) *Sweet Pea, dwarf bush, *Lathyrus odoratus*, 65 percent;

(120) Tahoka daisy, (*Machaeanthera tanacetifolia*), 60 percent;

(121) Thunbergia, *Thunbergia alata*, 60 percent;

(122) Torch flower, *Tithonia speciosa*, 70 percent;

(123) Torenia (wishbone flower), (*Torenia fournieri*), 70 percent;

(124) Tritoma, *Kniphofia* spp., 65 percent;

(125) Verbena, Annual, *Verbena hybrida*, 35 percent;

(126) Vinca, *Vinca rosea*, 60 percent;

(127) Viola, *Viola cornuta*, 55 percent;

(128) Virginian stocks, (*Malcolmia maritima*), 65 percent;

(129) Wallflower, *Cheiranthus allioni*, 65 percent;

(130) Yucca (Adam's needle), (*Yucca filamentosa*), 50 percent;

(131) Zinnia (except Linearis and Creeping), *Zinnia augustifolia, Z. elegans, Z. grandiflora, Z. gracillima, Z. haegeana, Z. multiflora, Z. pumila*, 65 percent; and

(132) Zinnia, Linearis and Creeping, *Zinnia linearis, Sanvitalia procumbens*, 50 percent.

B. A mixture of kinds of flower seeds is below standard if the germination of any kind or combination of kinds constituting 25 percent or more of the mixture by number is below standard for the kind or kinds involved.

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1510.0241 STANDARDIZED GERMINATION TESTING PROCEDURES AVAILABLE.

A. In accordance with Minnesota Statutes, section 21.83, subdivision 2, paragraph (h), item B lists the kinds of tree and shrub seed that have standardized germination testing procedures available for them.

B. Tree and shrub seeds with standardized germination testing procedures available for them are as follows:

(1) *Abies amabilis* (Dougl.) Forbes, Pacific Silver Fir;

(2) *Abies balsamea* (L.) Mill., Balsam Fir;

(3) *Abies concolor* (Gord. and Glend.) Lindl., White Fir;

(4) *Abies fraseri* (Pursh.) Poir, Fraser Fir;

(5) *Abies grandis* (Dougl.) Lindl., Grand Fir;

(6) *Abies homolepis* Sieb. and Zucc., Nikko Fir;

(7) *Abies lasiocarpa* (Hook.) Nutt., Subalpine Fir;

(8) *Abies magnifica* A. Murr., California Red Fir;

(9) *Abies magnifica* var. *shastensis* Lemm., Shasta Red Fir;

(10) *Abies procera* Rehd., Nobel Fir;

(11) *Abies veitchii* (Lindl.), Veitch Fir;

(12) *Acer ginnala* Maxim., Amur Maple;

(13) *Acer macrophyllum* Pursh., Bigleaf Maple;

(14) *Acer negundo* L. Boxelder;

(15) *Acer pensylvanicum* L., Striped Maple;

(16) *Acer platanoides* L., Norway Maple;

(17) *Acer pseudoplatanus* L., Sycamore Maple;

(18) *Acer rubrum* L., Red Maple;

(19) *Acer saccharinum* L., Silver Maple;

(20) *Acer saccharum* Marsh., Sugar Maple;

(21) *Acer spicatum* Lam., Mountain Maple;

(22) *Acer spicatum* Lam., Mountain Maple;

(22) *Aesculus pavia* L., Red Buckeye;

(23) *Ailanthus altissima* (Mill.) Swingle, Tree of Heaven, Ailanthus;

(24) *Berberis thunbergii* DC., Japanese Barberry;

(25) *Berberis vulgaris* L., European Barberry;

(26) *Betula lenta* L., Sweet Birch;

(27) *Betula alleghaniensis* Britton, Yellow Birch;

(28) *Betula nigra* L., River Birch;

(29) *Betula papyrifera* Marsh., Paper Birch;

(30) *Betula pendula* Roth., European White Birch;

(31) *Betula populifolia* Marsh., Gray Birch;

(32) *Carya illinoensis* (Wang.) K. Koch, Pecan;

(33) *Carya ovata* (Mill) K. Koch, Shagbark Hickory;

(34) *Casuarina* spp., Beefwood;

(35) *Catalpa bignonioides* Wat., Southern Catalpa;

(36) *Catalpa speciosa* Warder., Northern Catalpa;

(37) *Cedrus atlantica* Manetti, Atlas Cedar;

(38) *Cedrus deodara* (Roxb.) Loud., Deodar Cedar;

(39) *Cedrus libani* (Loud.), Cedar of Lebanon;

(40) *Celastrus scandens* L., American Bittersweet;

(41) *Celastrus orbiculata* Thumb., Oriental Bittersweet;

(42) *Chamaecyparis lawsoniana* (A. Murr.) Parl, Port Oxford Cedar;

(43) *Chamaecyparis nootkatensis* (D. Don.) Spach., Alaska Cedar;

(44) *Cornus florida* L., Flowering Dogwood;

(45) *Cornus Stolonifera* Michx., Red-osier Dogwood;

(46) *Crataegus mollis*, Downy Hawthorn;

(47) *Cupressus arizonica* Greene, Arizona Cypress;

(48) *Eucalyptus deglupta;*

(49) *Eucalyptus grandis;*

(50) *Fraxinus americana* L., White Ash;

(51) *Fraxinus excelsior* L., European Ash;

(52) *Fraxinus latifolia* Benth., Oregon Ash;

(53) *Fraxinus nigra* Marsh., Black Ash;

(54) *Fraxinus pensylvanica* Marsh., Green Ash;

(55) *Fraxinus pensylvanica* var. *lanceolata* (Borkh.) Sarg., Green Ash;

(56) *Gleditsia triacanthos* L., Honey Locust;

(57) *Grevillea robusta*, Silk-oak;

(58) *Larix decidua* Mill., European Larch;

(59) *Larix eurolepis* Henry, Dunkfeld Larch;

(60) *Larix leptolepis* (Sieb. and Zucc.) Gord., Japanese Larch;

(61) *Larix occidentalis* Nutt., Western Larch;

(62) *Larix sibirica* Ledeb., Siberian Larch;

(63) *Libocedrus decurrens*, incense cedar;

(64) *Liquidambar styraciflua* L., Sweetgum;

(65) *Liriodendron tulipifera* L., yellow-poplar;

(66) *Magnolia grandiflora*, Southern magnolia;

(67) *Malus* spp., Apple;

(68) *Malus* spp., Crabapple;

(69) *Nyssa aquatica* L., Water tupelo;

(70) *Nyssa sylvatica* var. *sylvatica*, Black tupelo;

(71) *Picea abies* (L.) Karst., Norway Spruce;

(72) *Picea engelmanni* Parry, Engelmann Spruce;

(73) *Picea glauca* (Moench.) Voss, White Spruce;

(74) *Picea glauca* var. *albertiana* (S. Brown) Sarg., Western White Spruce, Alberta White Spruce;

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(75) *Picea glehnii* (Fr. Schmidt) Mast., Sakhalin Spruce;
(76) *Picea jezoensis* (Sieb. and Zucc.) Carr, Yeddo Spruce;
(77) *Picea Koyamai* Shiras, Koyama Spruce;
(78) *Picea mariana* (Mill.) B.S.P., Black Spruce;
(79) *Picea omorika* (Pancic.) Purkyne, Serbian Spruce;
(80) *Picea orientalis* (L.) Link., Oriental Spruce;
(81) *Picea polita* (Sieb. and Zucc.) Carr, Tigertail Spruce;
(82) *Picea pungens* Engelm., Blue Spruce, Colorado Spruce;
(83) *Picea pungens* var. *glauca* Reg., Colorado Blue Spruce;
(84) *Picea rubens* Sar., Red Spruce;
(85) *Picea sitchensis* (Bong.) Carr, Sitka Spruce;
(86) *Pinus albicaulis* Engelm., Whitebark Pine;
(87) *Pinus aristata* Engelm., Bristlecone Pine;
(88) *Pinus banksiana* Lamb., Jack Pine;
(89) *Pinus canariensis* C. Smith, Canary Pine;
(90) *Pinus caribaea*, Caribbean Pine;
(91) *Pinus cembroides* Zucc., Mexican Pinyon Pine;
(92) *Pinus clausa*, Sand Pine;
(93) *Pinus contorta* Dougl., Lodgepole Pine;
(94) *Pinus contorta* var. *latifolia* Engelm., Lodgepole Pine;
(95) *Pinus coulteri* D. Don., Coulter Pine, Bigcone Pine;
(96) *Pinus densiflora* Sieb. and Zucc., Japanese Red Pine;
(97) *Pinus echinata* Mill., Shortleaf Pine;
(98) *Pinus elliottii* Engelm., Slash Pine;
(99) *Pinus flexilis* James, Limber Pine;
(100) *Pinus glabra* Walt., Spruce Pine;
(101) *Pinus griffithi* McClelland, Himalayan Pine;
(102) *Pinus halepensis* Mill., Aleppo Pine;
(103) *Pinus jeffreyi* Grev. and Balf., Jeffrey Pine;
(104) *Pinus khasya* Royle, Khasia Pine;
(105) *Pinus lambertiana* Dougl., Sugar Pine;
(106) *Pinus heldreichii* var. *leucodermis* (Ant.) Markgraf ex Fitschen, Balkan Pine, Bosnian Pine;
(107) *Pinus markusii* DeVriese, Markus Pine;
(108) *Pinus monticola* Dougl., Western White Pine;
(109) *Pinus mugo* Turra., Mountain Pine;
(110) *Pinus mugo* var. *mughus* (Scop.) Zenari, Mugo Swiss Mountain Pine;
(111) *Pinus muricata* D. Don., Bishop Pine;
(112) *Pinus nigra* Arnold, Austrian Pine;
(113) *Pinus nigra poiretiana* (Ant.) Aschers and Graebn., Corsican Pine;
(114) *Pinus palustris* Mill., Longleaf Pine;
(115) *Pinus parviflora* Sieb. and Zucc., Japanese White Pine;
(116) *Pinus patula* Schl. and Cham., Jelecote Pine;

(117) *Pinus pinaster* Sol., Cluster Pine;
(118) *Pinus pinea* L., Italian Stone Pine;
(119) *Pinus ponderosa* Laws., Ponderosa Pine, Western Yellow Pine;
(120) *Pinus radiata* D. Don., Monterey Pine;
(121) *Pinus resinosa* Ait., Red Pine, Norway Pine;
(122) *Pinus rigida* Mill., Pitch Pine;
(123) *Pinus serotina* Michx., Pond Pine;
(124) *Pinus strobus* L., Eastern White Pine;
(125) *Pinus sylvestris* L., Scotch Pine;
(126) *Pinus taeda* L., Loblolly Pine;
(127) *Pinus taiwanensis* Hayata, Formosa pine;
(128) *Pinus thunbergii* Parl., Japanese Black pine;
(129) *Pinus virginiana* Mill., Virginia Pine, Scrub Pine;
(130) *Plantanus occidentalis* L., American Sycamore;
(131) *Populus* spp., Poplars;
(132) *Prunus armeriaca* L., Apricot;
(133) *Prunus avium* (L.) L., Cherry;
(134) *Prunus domestica* L., Plum, Prune;
(135) *Prunus persica* Batsch., Peach;
(136) *Pseudotsuga menziesii* var. *glauca* (Beissn.) Franco, Blue Douglas Fir;
(137) *Pseudotsuga menziesii* var. *caesia* (Beissn.) Franco, Gray Douglas Fir;
(138) *Pseudotsuga menziesii* var. *viridis*, Green Douglas Fir;
(139) *Pyrus communis* L., Pear;
(140) *Quercus* spp., (Red or black oak group);
(141) *Quercus alba* L., White Oak;
(142) *Quercus muehlenbergii* Engelm., Chinkapin Oak;
(143) *Quercus virginiana* Mill., Live Oak;
(144) *Rhododendron* spp., Rhododendron;
(145) *Robinia pseudoacacia* L., Black Locust;
(146) *Rosa multiflora* Thunb., Japanese Rose;
(147) *Sequoia gigantea* (Lindl.) Decne., Giant Sequoia;
(148) *Sequoia sempervirens* (D. Don.) Engl., Redwood;
(149) *Syringa vulgaris* L., Common lilac;
(150) *Thuja occidentalis* L., Northern White Cedar, Eastern Arborvitae;
(151) *Thuja orientalis* L., Oriental Arborvitae, Chinese Arborvitae;
(152) *Thuja plicata* Donn., Western Red Cedar, Giant Arborvitae;
(153) *Tsuga canadensis* (L.) Carr., Eastern Hemlock, Canada Hemlock;

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(154) *Tsuga heterophylla* (Raf.) Sarg., Western Hemlock, Pacific Hemlock;

(155) *Ulmus americana* L., American Elm;

(156) *Ulmus parvifolia* Jacq., Chinese Elm;

(157) *Ulmus pumila* L., Siberian Elm;

(158) *Vitis vulpina* L., Riverbank Grape.

1510.0251 KIND AND VARIETY OR TYPE AND PERFORMANCE CHARACTERISTICS OF FLOWER SEEDS.

In accordance with Minnesota Statutes, section 21.82, subdivision 8, paragraph (a), clause (1), this part contains the requirements for labeling the kind and variety or a statement of type and performance characteristics for flower seeds prepared for use by home gardeners.

A. For seeds of plants grown primarily for their blooms;

(1) if the seeds are of a single named variety, the kind and variety must be stated, for example, "Marigold, Butterball";

(2) if the seeds are of a single type and color for which there is no specific variety name, the type of plant, if it is significant, and the type and color of bloom must be indicated, for example, "Scabiosa, Tall, Large Flowered, Double, Pink";

(3) if the seeds consist of a mixture of colors or a blend of varieties of a single kind, the kind name, the type of plant, if it is significant, and the type of bloom must be indicated, and it must be clearly indicated that the seed is mixed or blended, for example, "Marigold, Dwarf Double French, Mixed Colors" or "Marigold Blend, Dwarf Double French, Mixed Colors";

(4) if the seeds consist of a mixture of kinds, it must be clearly indicated that the seed is mixed and the specific use of the mixture must be indicated, for example, "Cut Flower Mixture" or "Rock Garden Mixture." Statements like "Wild Flower Mixture," "General Purpose Mixture," "Wonder Mixture," or any other statement which fails to indicate the specific use of the seed is not permitted unless the specific use of the mixture is also stated.

B. For seeds of plants grown for ornamental purposes other than their blooms, the kind and variety must be stated, or the kind must be stated together with a descriptive statement concerning the ornamental part of the plant, for example, "Ornamental Gourds, Small Fruited Mixed."

1510.0261 REQUIREMENTS FOR COMPLETE RECORD.

The initial labeler of agricultural, vegetable, flower, tree, or shrub seeds subject to Minnesota Statutes, sections 21.82 and 21.83, must have the following information as part of the complete record for each seed lot sold:

A. lot number or other lot identification;

B. a copy of the genuine grower's declaration or tree seed collector's declaration or similar documents containing the same information;

C. copies of invoices showing the sale of each seed lot, including the name of the person the seed was sold to, the amount sold, the date of sale, the name of the kind or kind and variety, and the lot number;

D. a copy of the label that was attached to or accompanied the seed lot;

E. a copy of the field and final certification documents, if applicable;

F. a copy of each report concerning the testing of the seed for labeling purposes; and

G. a file sample of the seed lot which is representative of the seed lot and of sufficient size to constitute an official sample as prescribed in section 201.43 of the Federal Seed Act regulations. The prescribed official sample sizes are as follows:

(1) two ounces of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these;

(2) five ounces of red or crimson clover, alfalfa, lespedeza, ryegrass, bromegrass, millet, flax, rape, or seeds of similar size;

(3) one pound of sudangrass, sorghum, proso, or seeds of similar size;

(4) two pounds of cereals, vetch, or seeds of similar or larger size; and

(5) at least 400 vegetable seeds.

1510.0271 PROHIBITED WEED SEEDS.

The following are weed seeds which are prohibited from being present in agricultural, vegetable, flower, tree, and shrub seeds sold in Minnesota in accordance with Minnesota Statutes, section 21.86, subdivision 1, paragraph (d):

A. bull thistle *(Cirsium vulgare L.)*;

B. Canada thistle *(Cirsium arvense Scop.)*;

C. musk thistle (Carduus nutans L.);

D. perennial sow thistle *(Sonchus arvensis L.)*;

E. plumeless thistle *(Carduus acanthoides L.)*;

F. field bindweed *(Convolvulus arvensis L.)*;

G. hemp *(Cannabis sativa L.)*;

H. leafy spurge *(Euphorbia esula L.)*;

I. perennial peppergrass *(Lepidium draba L.)*; and

J. Russian knapweed *(Centaurea repens L.)*.

1510.0281 CHARGES UNDER MINNESOTA SEED LAW.

Subpart 1. Definitions. As used in this rule, "commissioner" means the commissioner of agriculture or the commissioner's designee, "person" has the meaning given in Minnesota Statutes, section 21.81, subdivision 18, and "initial labeler" has the meaning given in Minnesota Statutes, section 21.81, subdivision 12.

Subp. 2. Sampling export seed. In accordance with Minnesota Statutes, section 21.85, subdivision 13, the commissioner shall, if requested, sample seed destined for export to other countries. The fee for sampling export seed is $20 per hour per inspector.

Subp. 3. Seed fee permits. An initial labeler who wishes to sell seed in Minnesota must comply with Minnesota Statutes, section 21.89, subdivisions 1 and 2, and the procedures in this subpart.

A. Each initial labeler who wishes to sell seed in Minnesota must apply to the commissioner to obtain a permit. The application must contain the name and address of the applicant, the application date, and the name and title of the applicant's contact person. The application must be accompanied by an application fee of $10. Initial labelers holding seed fee permits on the effective date of this rule need not apply for a new permit or pay the application fee.

(1) If, for reasons beyond the control and knowledge of the initial labeler, seed is shipped into Minnesota by a person other than the initial labeler, the responsibility for the seed fees are transferred to the shipper. An application for a transfer of this responsibility must be made to the commissioner. Upon approval by the commissioner of the transfer, the shipper is responsible for payment of the seed permit fees.

(2) Seed permit fees may be included in the cost of the seed either as a hidden cost or as a line item cost on each invoice for seed sold. To identify the fee on an invoice, the words "Minnesota seed permit fees" must be used.

B. All seed fee permit holders must file quarterly reports with the commissioner, even if no seed was sold during the reporting period. Each quarterly report must be submitted within 30 days of the end of each reporting period. The reporting periods are January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31 of each year.

C. The holder of a seed fee permit must pay fees on all seed for which the permit holder is the initial labeler and which are covered by Minnesota Statutes, sections 21.80 to 21.92 and sold during the reporting period.

(1) For the following kinds of agricultural seed sold either in bulk or containers, the fees are:

(a) oats, wheat, barley, 3 cents per cwt.;

(b) rye, field beans, soybeans, 4 cents per cwt.;

(c) buckwheat, flax, 6 cents per cwt.;

(d) field corn, 15 cents per cwt.;

(e) forage, lawn and turf grasses, and legumes, 20 cents per cwt.;

(f) sugar beet, sunflower, 70 cents per cwt.; and

(g) other agricultural seeds except vegetables grown for processing, 10 cents per cwt.

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(2) For vegetable and flower seeds packed in small containers or in bulk for use by home gardeners, the fee is ten cents per $100 of net sales of these seeds.

D. If a seed fee permit holder fails to submit a quarterly report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of $10 or eight percent, calculated on an annual basis, of the fee due, whichever is greater, but no more than $100 for each later quarterly report. A $10 penalty will be charged when the quarterly report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this rule or the Minnesota seed law.

Subp. 4. Hybrid seed corn variety registration fee. In accordance with Minnesota Statutes, section 21.90, subdivision 2, the annual fee for the registration of each hybrid seed corn variety or blend is $27.50, which must be paid at the time of registration.

Subp. 5. Service testing and identification. The fees in items A to D for purity, germination, identification, or other related tests of seeds or plants for farmers, dealers, and others are established pursuant to Minnesota Statutes, section 21.85, subdivision 12.

A. General crops, including corn, cereals, soybeans, sorghum, millet, sunflowers, clovers, alfalfa, ryegrass, timothy, flax, rape, vegetable, and other similar seeds:

(1) Purity, $8;

(2) Germination, $5;

(3) Purity and germination, $11;

(4) Noxious weed seed only, $4; and

(5) Tetrazolium, $10.

B. Grasses, including bromes, fescues, orchardgrass, reed canary, wheat grasses, bluegrasses, bentgrasses, redtop, green needle grass, weeping lovegrass, sandlove, sanddrop seed, flower, and other similar seeds:

(1) Purity, $12;

(2) Germination, $7;

(3) Purity and germination, $17;

(4) Noxious weed seed only, $6; and

(5) Tetrazolium, $12.

C. Chaffy range grasses, including big bluestem, Indiangrass, side oats grama, gramagrass, little bluestem, meadow foxtail, and similar seeds:

(1) Purity, $20;

(2) Germination, $10;

(3) Purity and germination, $28;

(4) Noxious weed seed only, $10; and

(5) Tetrazolium, $18.

D. Mixtures. "A" means the full price of the highest-priced species plus one-half the price of each additional species. "B" means one-half of the price of the purity test on the highest-priced species in the mixture.

(1) Purity, A;

(2) Germination, A;

(3) Purity and germinatoin, not applicable;

(4) Noxious weed seed only, B; and

(5) Tetrazolium, A.

E. A fee of $12 per hour will be charged for tests which are specially requested but not included in items A to D, or which require excess time due to abnormal sample conditions, such as unusual amounts of dirt or foreign material.

F. An additional fee of $2 per sample will be charged for any sample for which special handling is requested, such as samples marked "RUSH."

G. Fees are payable within 30 days of the invoice date by the person requesting a service. Late payment will result in an eight percent service charge calculated on an annual basis and assessed against the unpaid balance.

H. Testing for germination percentage on seed with outdated labeling will be done for one-half of the normal fee when the sample is received during the months of October and November of each year. In order to qualify for this special fee, the person requesting the service must submit a copy of the outdated label for the seed lot that needs new test information for germination percentage in order to be labeled legally for sale in Minnesota.

Rules as Proposed

1510.0320 RESTRICTED WEED SEEDS.

"Restricted weed seeds" are those weed seeds which, if present in agricultural, vegetable, flower, tree, and shrub seed, ~~shall~~ must be named on the label together with the number per ounce or pound of seed specified and which ~~shall~~ may not exceed the legal limit. They are seeds of ~~such~~ weeds ~~as~~ which are objectionable in fields, lawns, and gardens of this state, and which can be controlled by good cultural practice and use of herbicides. Restricted weed seeds are seeds of buckthorn plantain (Plantago lanceolata L.), dodder (Cuscuta spp.), Frenchweed (Thlaspi arvense L.), hoary alyssum (Berteroa incana D.C.), horse nettle (Solanum carolinense L.), wild mustard (Brassica arvensis L.), quack grass (~~Apropyron~~ Agropyron repens L.), wild radish (Raphanus ~~rephanistrum) and~~ raphanistrum), giant foxtail (Seteria faberii), and Eastern black nightshade (Solanum ptycanthum Dun).

1510.0340 SAMPLE LABELS FOR AGRICULTURAL SEED.

The labels shown in parts 1510.0350 and 1510.0360 are suggestive of suitable arrangement of required labeling data. Any arrangement is legal as long as data is complete and may be read and understood readily by the buyer of the seed. Misleading and confusing statements and data must be avoided. ~~No disclaimer clause may be used on any seed label, or in connection with any seed sale.~~

1510.0350 SUGGESTED LABEL FOR SINGLE AGRICULTURAL SEED.

This label may be used for hybrid corn, or a special label may be used. The hybrid corn part may be omitted if not wanted. ~~County where grown is required only for open pollinated corn. Where grown required for alfalfa, red clover, field corn (county), and hybrid corn (state)~~ If known, the origin of the seed must be stated for all agricultural seeds or that the origin is unknown if the origin cannot be determined.

KIND
~~OF SEED~~ ..... VARIETY ..... LOT NO. .....

~~PURITY~~
PURE SEED % ..... GERM % ..... HARD SEED % ..... GERM. DATE .....

WEED SEED % ..... INERT MATTER % ..... OTHER CROP ~~SEED~~ % .....

~~NO.~~ NOXIOUS WEED SEEDS ..... NO. PER ~~LB.~~ ~~OR PER OZ.~~ POUND .....

(Name)

~~GROWN IN~~ ORIGIN .....

(State or Foreign Country)

FOR HYBRID MINNESOTA RELATIVE MATURITY .....DAYS

CORN: ~~ZONE~~ ---------- ~~DAYS FOR MATURITY~~ ---------- ~~SINGLE CROSS~~ ( )
~~DOUBLE CROSS~~ ( )
~~TRIPLE CROSS~~ ( )

~~DEALER'S~~
LABELER'S NAME
AND ADDRESS .....

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1510.0360 SUGGESTED LABEL FOR MIXTURES AND BLENDS OF AGRICULTURAL SEED.

~~Where grown required for alfalfa, red clover, field corn, and hybrid corn.~~

LOT NO.....

KIND ~~AND~~.....

VARIETY.....

~~PURITY~~

PURE SEED %.....

GERMINATION %.....

HARD SEED %.....

~~GERM. DATE~~.....

~~GROWN IN~~

ORIGIN.....

WEED SEED %.....

INERT MATTER %.....

OTHER CROP ~~SEED~~ %.....

~~NO.~~ NOXIOUS WEED SEEDS.....

NO. PER ~~LB.~~ ~~OR PER OZ.~~ POUND.....

GERM. DATE.....

(Name)

~~DEALER'S~~

LABELER'S NAME AND ADDRESS.....

REPEALER. Minnesota Rules, parts 1510.0010; 1510.0120; 1510.0160; 1510.0170; 1510.0230; 1510.0240; 1510.0250; 1510.0260; 1510.0270; 1510.0280; 1510.0290; and 1510.0300 are repealed.

Department of Agriculture
Food Inspection Division

Proposed Rules Governing Dyeing of Fish and Fish Products

Notice of Intent to Amend Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled amendments without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21-14.28 (1982).

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed amendments, and shall have 30 days to do so. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt these rules is contained in Minnesota Statutes, Section 31.11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final amended rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final amended rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Heil.

The Commissioner is authorized by Minnesota Statutes, Section 31.11 to promulgate rules to protect the public health, and prevent fraud and deception in the manufacture, use, and sale of food.

The proposed amendments to these rules will bring Minnesota's requirements for colored fish and fish products into conformity with federal regulations, specify the type of dye to be used for denaturing fish unfit for human food and allow for the use of added color in fish and fish products.

The proposed rules will impact and benefit small business as defined in Minnesota Statutes, Section 14.115, because permitting the use of artificial color in fish and fish products will expand the available market for Minnesota processors by allowing them to compete equally with processors from other states which allow coloring of fish.

Please be advised that Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, subdivision 11 (Supp. 1979) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, St. Paul, MN 55155, (612) 296-5615.

One free copy of this notice and the proposed rules are available and may be obtained by contacting Mr. Heil.

July 2, 1984

Rollin M. Denniston
Commissioner of Agriculture

Rule as proposed.

1545.2050 FISH UNFIT FOR HUMAN FOOD.

~~All~~ Fish unfit for human food, whether parasitic or not, ~~that~~ which are offered for sale for animal food ~~shall~~ must be denatured or identified ~~in such a manner~~ so as to prohibit their use for human food. ~~Such~~ Denaturing ~~is to~~ must be accomplished either by cutting the fish in two immediately behind the abdominal cavity or by dyeing the fish with methyl violet ~~or any similar harmless dye~~. The strength of the dye solution used ~~shall~~ may not be less than one part of dye to 5,000 parts of water.

REPEALER. Minnesota Rules, part 1545.2070 is repealed.

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Department of Corrections

Proposed Rules Governing Adult Halfway Houses

Notice of Intent to Adopt Rules without a Public Hearing

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

The public is hereby advised that they have 30 days in which to submit comments in support of or in opposition to the proposed rules and that comments are encouraged. Each comment shall identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held.

If a person desires to request a public hearing, this must be done in written form and submitted to John McLagan, Director of Standard Development, Minnesota Department of Corrections, 430 Metro Square Building, St. Paul, Minnesota 55101. A request for a public hearing must be submitted within a 30-day comment period. In requesting a public hearing, the person should state his or her name and address, and is encouraged to identify the portion of the proposed amended rules addressed, the reasons for the request and any changes proposed.

The proposed rules may be modified if the modifications are supported by the data and views submitted. If a public hearing is not required, notice of the date of submission of the proposed rules to the Attorney General for review will be mailed to any person requesting to review the notice.

Authority for the adoption of these rules is contained in Minnesota Statutes 241.021. Additionally, there is a Statement of Need and Reasonableness of each provision of the proposed amended rules and identifies the data and information relied upon to support the proposed amended rules. All persons are afforded an opportunity to request a copy of the statement of need and reasonableness and to submit data and views on the proposed amended rules in writing within the 30-day comment period.

Upon adoption of the final rules without a public hearing, the proposed amended rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to John McLagan, Director of Standards Development Unit, Department of Corrections, 430 Metro Square Building, St. Paul, MN 55101.

Rules as Proposed

2920.0100 DEFINITIONS.

Subpart 1. to 16. [Unchanged.]

Subp. 17. [See repealer.]

Subp. 18. Renewal license. "Renewal license" is a license issued for a period ~~subsequent to~~ after the period for which the license was originally issued and where there has been no intervening period during which a license has been revoked.

Subp. 19. to 21. [Unchanged.]

Subp. 22. Substantially conform. "Substantially confrom" or substantial compliance as used in this ~~rule shall mean~~ part means compliance with 70 percent or more of all rules applicable to a facility's classification as stated herein, and, additionally, ~~shall mean~~ means compliance with 70 percent or more of all rules applicable to a facility's classification in each part of these rules. "Part" as used in this definition means the entire area or subject matter under a given rule, e.g., parts 2920.0100, 2920.0200~~, etc.~~

Subp. 23. to 26. [Unchanged.]

Subp. 26a. Variance. "Variance" is a waiver of a specific rule for a specific period of time.

Subp. 27. and 28. [Unchanged.]

2920.0200 INTRODUCTION.

~~**Subpart 1. Authority.**~~ Minnesota Statutes ~~1976~~, section 241.021, ~~as amended by Laws of Minnesota 1978, chapter 778, to be effective September 1, 1979~~ subdivision 1, provides that the commissioner of corrections ~~promulgate~~ adopt rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the

detention and confinement of persons detained or confined 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~~ minimum standards for all adult halfway houses.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

2920.0500 PROCEDURES FOR ORIGINAL APPLICATION FOR LICENSE.

Subpart 1. Filing. New applicants shall file application to the commissioner of corrections at least 30 days prior to the date the facility expects to operate. ~~The commissioner shall detrmine the suitability of such applicants by the following rules in this and subsequent parts.~~

Subp. 2. Materials to be filed with applications. The materials to be filed with adult halfway house license applications are:

A. ~~a statement regarding the philosophy, purpose, and function of the program;~~

~~B. a copy of the articles of incorporation and bylaws, if incorporation is required;~~

~~C. a copy of the constitution and bylaws if not incorporated;~~

~~D. a list of the board members and committees, including names, addresses, and telephone numbers;~~

~~E. an outline of the CCF's program;~~

~~F. a list of other facilities which the operator or governing board has operated or is currently operating either in or out of state;~~

~~G. the financial arrangements for the residents;~~

~~H. the arrangements for the provision of social services;~~

~~I. the arrangements for the provision of medical and dental services;~~

~~J. at least three letters of reference for the facility administrator;~~

~~K. a record of the satisfactory medical examination of each staff member (refer to parts 2920.3700 to 2920.4200);~~

~~L. a copy of personnel policies;~~

~~M. a copy of intake policies and procedures;~~

~~N. a floor plan of the facility with designated room deimensions;~~

~~O. evidence of approval by the fire, safety, and health departments;~~

~~P. evidence of compliance with local zoning ordinances; and~~

~~Q. a statement regarding the administration and organization of the CCF (i.e., information on the governing body and administrator who are responsible for policy-making, and administering and operating the facility). See Organization and Administration, parts 2920.1800 to 2920.2900~~ an application form provided by the commissioner;

B. current health inspection approval;

C. current fire-safety approval;

D. a floor plan of the facility;

E. a list of the board of directors and committees, including names, addresses, and telephone numbers; and

F. a list of other facilities which the operator or governing board has operated or is currently operating either in or out of state.

Subp. 3. Relicensing application. A relicensing application must be made at least 30 days prior to expiration. The material to be filed with the relicensing application is the same as subpart 2. The current floor plan must also be filed with the application if changes have occurred.

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2920.0800 CONDITIONS OF LICENSE.

Subpart 1. Nontransferable. A license ~~shall~~ is not ~~be~~ transferable. It ~~shall apply~~ applies only to the organization or person(s) to whom it is issued and to the building approved. The license ~~shall expire~~ expires automatically if there is a change in location, organization, procedure, or policies~~, etc.,~~ which would affect either the terms of the license or the continuing eligibility for a license. In such cases, an original application for a license must again be filed. ~~To avoid delay, the commissioner shall be advised at once of any change so that he/she may determine if the change may be approved and the license modified accordingly.~~

Subp. 2. to. 5. [Unchanged.]

Subp. 6. Issuance of license. A license must be issued when the applicant is in substantial compliance.

2920.0900 REVOCATION, SUSPENSION, ~~PROVISION,~~ AND DENIAL OF LICENSE.

A license may be revoked, suspended, or denied~~, or made provisional~~ by the commissioner if the facility does not maintain substantial compliance with minimum standards, or the facility may be denied a license on the basis of a poor operating history in this or any state. The operator ~~shall~~ must be given written notice of the action and ~~shall~~ must be given 30 days to substantially comply with minimum standards before action is taken. Failure, inability, or refusal to substantially comply with licensing procedures ~~shall be~~ is cause for denial, nonrenewal, revocation, or suspension of the license.

2920.1000 RESTRICTION OF ~~THE~~ USE OF ~~A CCF~~ COMMUNITY CORRECTIONAL FACILITY.

The commissioner may by written order restrict the use of any adult halfway house which does not substantially conform to the minimum standards, or, where specific conditions exist which endanger the health, welfare, or safety of residents or staff, prohibit the ~~detention~~ habitation of persons therein ~~for more than 72 hours.~~

2920.1100 WAIVER VARIANCE OF SPECIFIC RULE.

The granting of a ~~waiver~~ variance under this part ~~shall~~ does not constitute a precedent for any other ~~CCF~~ community correctional facility. The commissioner shall grant a ~~waiver~~ variance of a specific rule, if, in the licensing procedure or enforcement of the standards the commissioner finds that:

A. and B. [Unchanged.]

C. the community correctional facility substantially complies with such specific condition(s) as the commissioner ~~may~~ shall deem necessary for the protection of health, safety, and welfare of the residents.

2920.1200 STUDY OF APPLICATION.

Following the receipt of the application and materials requested, the commissioner shall cause a study ~~of the proposed services and facilities of the applicants~~ to be made. This study ~~shall~~ must include~~, but not be limited to,~~ an on-site inspection of the facilities and ~~investigation~~ a review of references. ~~Following the study, the representative who conducted the study shall make a recommendation to the commissioner.~~

2920.1300 NOTICE TO THE APPLICANT OF COMMISSIONER'S ACTION.

After the application for license is approved by the commissioner, the applicant ~~shall~~ will receive by mail a license which, as provided by Minnesota Statutes, section 241.021, ~~shall~~ must set forth the conditions under which the ~~CCF~~ community correctional facility may operate. The terms of the license ~~shall~~ must include the operating name of the ~~CCF~~ community correctional facility, the maximum number~~, age range,~~ and sex of the residents to be served, and the period of time for which the license is effective, and may include other limitations which the commissioner may prescribe. An accompanying letter ~~shall~~ must contain, in addition to the limitations on the license, any recommendation regarding activities, services, and facilities to be employed. ~~A letter shall accompany a provisional license and state the reason(s) for its being provisional.~~

2920.1800 LEGAL STATUS OF AND AUTHORITY FOR ADULT HALFWAY HOUSES.

~~Subpart 1. Legal entity.~~ The public or private agency operating an ~~established~~ adult halfway house shall be a legal entity or part of a legal entity.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

2920.1900 POLICY MAKING.

The governing board shall have a written policy clearly stating its purposes, the program, and services offered. This ~~will~~ must be done in a form suitable for distribution to staff, clients, referral sources, funding agencies, and the general public.

2920.2300 PUBLICATION OF TAX STATUS.

The ~~CCF~~ community correctional facility shall identify~~,~~ and document~~, and publicize~~ its tax status with the Internal Revenue Service.

2920.2700 OPERATIONS MANUAL.

The ~~CCF~~ community correctional facility shall have an operations manual which summarizes in one document approved methods of implementing agency policies and provides details for daily operations of the program. The policy manual must be reviewed annually by the governing board, and updated when necessary.

2920.3200 FINANCIAL AUDIT.

The ~~CCF~~ community correctional facility fiscal process ~~shall~~ must include ~~a~~ an annual financial audit~~, preferably certified, of the CCF, at least annually, or at time periods stipulated by applicable statutes~~.

2920.3300 DOCUMENTS ~~TO BE~~ DISTRIBUTED TO GOVERNING BOARD.

The ~~CCF~~ community correctional facility shall prepare and distribute to its governing board~~, and affected agencies and individuals, at a minimum the following:~~ income and expenditure statements, funding source, financial reports, and independent audit reports.

2920.3700 PERSONNEL POLICIES; GENERAL.

Subpart 1. to 5. [Unchanged.]

Subp. 6. Availability of staff. The ~~CCF~~ community correctional facility shall have staff available or on call 24 hours a day, ~~and~~ seven days a week, on duty and awake during sleeping hours.

Subp. 7. and 8. [Unchanged.]

2920.3800 TRAINING PROGRAM.

Subpart 1. to 3. [Unchanged.]

Subp. 4. First aid training. It is mandatory that ~~at least one employee on each shift, who is providing~~ all employees who provide direct service to residents ~~has~~ have first aid training. Training ~~shall~~ must be provided by a Red Cross instructor or a licensed health professional. First aid training ~~shall~~ must be current. Certificates or statements of training ~~shall~~ must document that first aid training is updated at least every three years.

Subp. 5. [Unchanged.]

Subp. 6. [See repealer.]

2920.3900 MANTOUX TEST OR CHEST X RAY REQUIRED.

Each staff member shall have a mantoux test or chest X ray ~~annually~~ at the time of employment.

2920.4000 QUALIFICATIONS OF STAFF.

Subpart 1. [See repealer.]

Subp. 2. Facility administrator. The facility administrator ~~shall~~ must have at least a Bachelor of Arts degree in any of the human services fields, or ~~a substitute as provided in subpart 1;~~ equivalent experience and two years of work experience in corrections, social service, ~~and/or~~ or administration.

Subp. 3. [Unchanged.]

Subp. 4. [See repealer.]

2920.4300 ADMISSIONS POLICIES.

The ~~CCF~~ community correctional facility shall establish clearly defined and written admissions policies and procedures, which ~~will~~ state the age range, sex, and characteristics of acceptable clients. Admission policies ~~shall~~ must be available to be disseminated to all referral sources and the commissioner.

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2920.4400 ADMISSION FORM.

The ~~CCF and/or~~ community correctional facility or agent making the referral shall complete an initial admission information form on each client to be admitted into residency which, unless prohibited by local ordinance, includes at a minimum:

A. to M. [Unchanged.]

2920.4900 ~~TREATMENT~~ SERVICE PLAN.

~~Project~~ Facility staff and resident shall develop ~~and agree upon~~ a written ~~treatment~~ service plan that specifies the ~~identified~~ needs of the resident; the expected goals and objectives of the individualized plan ~~to be used~~; and the participation of the resident, staff, support services, and community resources in the attainment of these goals and objectives. ~~Counseling shall be offered to help the resident with problems that affect his/her ability to have satisfying personal relationships, to realize the capacity for growth, to help the person cope with the crisis of living in a restrictive environment, and to help persons to return to normal living in the community.~~

2920.5000 INVOLVEMENT OF RESIDENT IN FAMILY AND COMMUNITY AFFAIRS.

Subpart 1. [Unchanged.]

Subp. 2. Involvement in the community. ~~To ensure that resident accessibility to community resources is maximized and existing services are not duplicated the facility administrator shall develop, and if appropriate, maintain participation or support services consistent with project's mission statement and service delivery plan.~~ The ~~CCF~~ community correctional facility shall use community resources where appropriate to provide residents with the following services~~, including, but not limited to~~:

A. to D. [Unchanged.]

E. assisting residents with services to become self-sufficient, including~~, but not limited to,~~ assistance in obtaining housing, transportation, medical~~,~~ and dental services, ~~or~~ and money management.

2920.5100 WORK ASSIGNMENTS AND WORK PROGRAM.

Required work assignments should be appropriate to residents' ages and ability ~~and~~. Residents ~~shall~~ may not be required to perform work which is inappropriate for them for physical reasons. ~~Reasonable criteria for~~ Safety measures shall be established when work could be deemed hazardous.

Residents ~~shall~~ may not be required to perform ~~duties such as~~ personal duties for staff or ~~replacing~~ replace employed staff without ~~pay~~ being paid for such serivce.

Staff members shall check and inform residents of applicable minimum wage law, health and safety laws, social security, labor union fees, and other requirements~~, etc~~.

~~Program shall have a~~ Written policy ~~with respect to~~ must include a system of periodic checks of residents at their place of employment.

Staff ~~shall~~ may not enter into business arrangements or financial transactions with residents.

2920.5200 HOUSE RULES.

~~There shall be clearly defined policies and procedures allowing the resident input into the development of house rules and the decision making process.~~

The program ~~shall~~ must establish a method whereby residents and staff review group, resident, or community problems; and review old rules, new rules, or changes in rules, plans, and procedures in the ~~CCF~~ community correctional facility.

~~There shall be~~ A written grievance procedure must be made available to each resident which outlines ~~rules of~~ the ~~facility,~~ residents' rights~~,~~ and ~~order of~~ the grievance procedure.

2920.5300 RELIGION.

Policy requires that each resident has the right to freedom of religious affiliation and voluntary religious worship, providing that the exercise of these rights does not directly interfere with the reasonable security and discipline of the facility.

2920.5400 COMPLIANCE WITH LAW.

When the ~~CCF~~ community correctional facility provides or contracts for food service, the service ~~shall~~ must comply with and meet all sanitation and health ~~codes as promulgated by state or local authorities~~ regulations.

2920.5500 DIETARY SERVICE.

The food and nutritional needs of residents ~~shall~~ must be met ~~in accordance with their needs and shall meet the dietary allowances as stated in the Recommended Dietary Allowances, Food and Nutrition Board, National Academy of Sciences, 8th Edition, 1974~~. Providing each resident the specific serving per day from each of the following four food groups will satisfy this requirement:

A. to D. [Unchanged.]

2920.5700 DISCIPLINE AND DISCIPLINARY ACTION.

~~Discipline should be considered as training to assist residents in the development of self control, character, and orderly conduct. Informal resolution of conflicts should be considered prior to taking formal disciplinary action.~~ Should disciplinary action be necessary the following rules shall be observed:

A. The ~~CCF~~ community correctional facility shall have written policies which shall be available to the residents~~,~~ and ~~to~~ staff regarding methods used for control and discipline.

B. ~~All~~ Disciplinary action ~~shall be the resopnsibility of the staff members and shall~~ may not be delegated to other residents or persons outside of the program unless special skills are needed to handle the situation.

C. to E. [Unchanged.]

2920.5800 ROOM RESTRICTION, FACILITY RESTRICTION, AND PRIVILEGE SUSPENSION.

Subpart 1. Limitation on room restriction. Written policy and procedures ~~shall~~ must ensure that room restriction does not exceed eight hours ~~and is used only under the following conditions: the resident is dangerous to himself/herself or others; and/or there is strong evidence to indicate he/she is about to abscond~~.

Subp. 2. [See repealer.]

Subp. 3. Contact with resident during restriction; determining end of restriction period. During room restriction staff contact ~~shall~~ must be made with the resident at least hourly to ensure the well being of the resident~~; the resident shall assist in the determination of the end of the restriction period~~.

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. Administrative hearing, when required. Written policy ~~and procedures shall~~ must ensure that prior to facility restriction for more than 48 hours there is an administrative hearing by a person or panel of staff who are not directly involved in the incident leading to the restriction.

Subp. 7. Maintenance of log. All instances of ~~room restriction, privilege suspension, and facility restriction shall~~ disciplinary action must be logged, dated, and signed by staff implementing the ~~discipline~~ procedure; the log ~~shall~~ must be reviewed by supervisory staff ~~at least~~ daily.

Subp. 8. Use of detention facility for extended confinement. Where ~~extended~~ confinement is necessary, a detention facility, ~~with which previous arrangements have been made shall~~ other than the community correctional facility, must be used.

2920.5900 SECURITY PROCEDURES.

Written policies regarding security measures are necessary and ~~shall~~ must include:

A. a written plan ~~shall~~ must allow staff to monitor movement into and out of the facility~~, under circumstances specified in the plan~~;

B. the staff shall maintain a system of accounting for the ~~whereabouts of its~~ residents at all times;

C. the ~~CCF~~ community correctional facility shall have written procedures for the ~~detection and~~ reporting of absconders;

D. the ~~CCF~~ community correctional facility shall notify appropriate probation officers, parole officers, ~~and/or~~ and other relevant officials as soon as it has been determined that a resident ~~has run away or~~ is missing;

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E. any general security restrictions must allow for individual protection, as well as protection for others, and must be part of the written program policy;

F. written policy ~~and procedures~~ shall prohibit weapons of any kind from being brought into or kept on the program grounds; and

G. [Unchanged.]

2920.6000 PERSONAL POSSESSIONS.

Subpart 1. General. Each resident shall be allowed to bring appropriate personal possessions to the ~~CCF~~ community correctional facility and shall be allowed to acquire possessions ~~of his/her own~~ to the extent the facility is able to accommodate secure storage ~~of them~~.

Subp. 2. Contraband defined. The ~~CCF~~ community correctional facility shall have written definitions of what ~~will~~ shall be considered contraband.

Subp. 3. [Unchanged.]

2920.6200 SEARCHES.

In compliance with applicable laws, the ~~CCF~~ community correctional facility shall maintain and ~~make public,~~ post written policies and procedures for conducting searches of residents, their belongings, and all areas of the facility to control contraband and locate missing or stolen property.

2920.6300 COMPLIANCE WITH LAWS.

The facility shall comply with ~~all applicable codes, ordinances, and licensing regulations of the state and/or local jurisdiction in which the facility is located. These shall include, but not be limited to:~~ zoning codes, building codes, housing codes, and health and fire codes.

It is the responsibility of the facility administrator to request necessary inspections ~~and to substantially comply with any resulting recommendations noted in the inspection reports.~~

Written documentation that all building and zoning codes~~, fire, health, and safety rules~~ are met ~~shall~~ must be on file at the ~~CCF and/or conspicuously posted in the~~ community correctional facility. Additionally, an annual fire inspection must be done at the time of licensing.

2920.6400 FIRE SAFETY; POLICY AND PROCEDURES.

Written policy and procedures ~~shall~~ must specify the facility's fire prevention regulations and practices ~~to ensure the safety of staff, residents, and visitors.~~ These ~~shall~~ must include~~, but not be limited to~~:

A. to D. [Unchanged.]

2920.6600 BUILDINGS AND GROUNDS.

Subpart 1. General. Building and grounds ~~shall~~ must be ~~maintained, repaired, and cleaned so that they are not hazardous to the health and safety of residents and staff~~ clean and in good repair.

Subp. 2. New or renovated buildings. Building plans and specifications for new construction, conversion of existing buildings, and any structural modifications or additions to existing licensed buildings ~~shall~~ must be ~~suitably aligned~~ consistent with the purpose of the adult halfway house and ~~shall~~ must be submitted to the ~~following authorities for approval:~~

~~A. office of the state fire marshal;~~

~~B. local zoning and/or building departments;~~

~~C. local health department; and~~

~~D. the~~ commissioner.

Subp. 3. [Unchanged.]

2920.6700 BEDROOMS; REQUIREMENTS.

Subpart 1. Single bedrooms. Single bedrooms ~~shall~~ must provide ~~at least~~ 70 square feet of useable floor space with a side dimension of not less than seven feet for ambulatory residents. For nonambulatory residents, the requirements are 100 square feet of useable floor area with a side dimension of not less than nine feet.

Subp. 2. Multi-bed bedrooms. Multi-bed bedrooms ~~shall~~ must provide ~~at least~~ 60 square feet per person of useable floor space with ~~at least~~ three feet between beds placed side by side, and ~~at least~~ one foot between beds placed end to end for ambulatory

residents. For nonambulatory/nonmobile residents, the multi-bed bedrooms ~~shall~~ must provide ~~at least~~ 80 square feet of useable floor areas. Multi-bed bedrooms for active, nonambulatory, mobile residents ~~shall~~ must be at least 100 square feet per resident. Mobility space at the end and one side of each bed ~~shall be~~ must not be less than four feet per resident.

Subp. 3. [Unchanged.]

Subp. 4. Separate bedrooms. Male and female residents ~~shall~~ may not occupy the same bedrooms. Youths and adults shall not share bedrooms ~~except in approved circumstances by the facility administrator~~.

Subp 5. [Unchanged.]

2920.6900 COUNSELING SPACE AND VISITING ROOM.

Private counseling space ~~shall~~ must be provided in the facility.

Space ~~shall~~ must be provided to accommodate group meetings.

A visiting area ~~shall~~ must be provided ~~where~~ for residents ~~may~~ to receive and talk with visitors privately.

2920.7000 BATHROOM FACILITIES.

Every facility ~~shall~~ must be equipped with adequate and conveniently located toilet rooms for its employees and residents. Washbasins and toilets ~~shall~~ must be provided in the ratio of ~~at least~~ one toilet to every ten residents and ~~at least~~ one washbasin for every six residents. ~~at least~~ One bath or shower ~~shall~~ must be available for every eight residents.

2920.7300 ENVIRONMENT.

The governing body shall designate who is permitted to live in the facility.

A ~~CCF shall~~ community correctional facility may not have roomers or boarders in the facility without special permission from the facility administrator. The ~~CCF~~ community correctional facility shall keep the commissioner notified as to the presence of all persons living in a ~~CCF~~ community correctional facility other than staff and residents. ~~Staff may live in the CCF as appropriate and with approval of the facility administrator.~~

A ~~CCF shall~~ community correctional facility may not concurrently hold a license for family day care or group day care without prior approval by the commissioner.

2920.7400 HEALTH CARE AND MEDICAL SERVICES.

Subpart 1. to 3. [Unchanged.]

Subp. 4. Prohibition on medical or pharmaceutical testing. Written policy ~~shall prohibit~~ governs participation in medical or pharmaceutical testing for experimental or research purposes.

Subp. 5. and 6. [Unchanged.]

2920.7500 RECORDS AND EVALUATION OF RESIDENTS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. [See repealer.]

Subp. 7. Release of information, general. All dissemination on data on residents ~~will~~ must be in accord with the Minnesota Government Data Practices Act. ~~All information is public, unless otherwise classified by state statute, federal law, or emergency or temporary classification.~~

Subp. 8. Sharing of data with those involved in resident's treatment plan. The content of the resident's record and data collected by the ~~CCF shall~~ community correctional facility must be shared with individuals or agencies directly involved in the resident's treatment plan. When ~~such~~ the information is provided, residents ~~shall~~ must be informed. ~~All dissemination of residents' records and information shall be governed by Minnesota Statutes, section 13.02, subdivisions 5, 11, and 12, and any other applicable state or federal law.~~

Subp. 3. [See repealer.]

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Subp. 10. Written policy concerning consent form. The ~~CCF~~ community correctional facility shall have a written policy which conforms at a minimum to applicable federal law that relates to the release of information consent form, which includes:

A. to G. [Unchanged.]

Subp. 11. Policy concerning maintenance of case record. The ~~CCF~~ community correctional facility shall have a written policy which specifies the length of time a case record must be maintained.

Subp. 12. [See repealer.]

2920.7600 PERSONNEL RECORDS.

Subpart 1. General requirement; contents of records. The ~~CCF~~ community correctional facility shall maintain an accurate personnel record on each employee which shall include~~, at minimum~~:

A. initial application;

B. reference letters, including three letters of reference on the director;

C. to K. [Unchanged.]

Subp. 2. [Unchanged.]

REPEALER. Minnesota Rules, parts 2920.0100, subpart 17; 2920.0200, subparts 2 and 3; 2920.0300; 2920.0400; 2920.0600; 2920.0700; 2920.1600; 2920.1700; 2920.1800, subparts 2 and 3; 2920.2200; 2920.3800, subpart 6; 2920.4000, subparts 1 and 4; 2920.4500; 2920.5800, subparts 2, 4, and 5; and 2920.7500, subparts 6, 9, and 12 are repealed.

Department of Corrections

Proposed Rules Governing Group Foster Homes

Notice of Intent to Adopt Rules without a Public Hearing

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

The public is hereby advised that they have 30 days in which to submit comments in support of or in opposition to the proposed rules and that comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held.

If a person desires to request a public hearing, this must be done in written form and submitted to John McLagan, Director of Standards Development, Minnesota Department of Corrections, 430 Metro Square Building, St. Paul, MN 55101. A request for a public hearing must be submitted within the 30 day comment period. In requesting a public hearing, the person should state his or her name and address and is encouraged to identify the portion of the proposed amended rules addressed, the reasons for the request and any changes proposed.

The proposed rules may be modified if the modifications are supported by the data and views submitted. If a public hearing is not required, notice of the date of submission of the proposed rules to the Attorney General for review will be mailed to any person requesting to review the notice.

Authority for the adoption of these rules is contained in Minnesota Statutes 241.021. Additionally, there is a statement of need and reasonableness of each provision of the proposed amended rules and identifies the data and information relied upon to support the proposed amended rules. All persons are afforded an opportunity to request a copy of the statement of need and reasonableness and to submit data and views on the proposed amended rules in writing within the 30-day comment period.

Upon adoption of the final rules without a public hearing, the proposed amended rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to John McLagan, Director of Standards Development Unit, Department of Corrections, 430 Metro Square Building, St. Paul, MN 55101.

Orville B. Pung
Commissioner

Rules as Proposed

2925.0100 DEFINITIONS.

Subpart 1. to 7. [Unchanged.]

Subp. 8. Group foster parents. "Group foster parents" means the person(s) who carry(ies) out the continuing daily living program in a group foster home and provide(s) care to the youths. The group foster parents may be a married couple or a single adult who is 21 years of age or older or employed staff.

Subp. 9. to 12. [Unchanged.]

Subp. 13. [See Repealer.]

Subp. 14. [Unchanged.]

Subp. 15. [See Repealer.]

Subp. 16. to 22. [Unchanged.]

Subp. 22a. Treatment group homes. "Treatment group homes" means group homes designed to care for more than eight children. These group homes have staff in addition to or rather than group home pwkents.

Subp. 23. ~~Waiver~~ Variance. "~~Waiver~~ Variance" means a written permission from the commissioner to disregard a particular part of a licensing rule.

Subp. 24. [Unchanged.]

2925.0200 INTRODUCTION.

~~**Subpart 1. Authority.**~~ Minnesota Statutes ~~1976~~, section 241.021, ~~as amended by Laws of Minnesota 1978, chapter 778, to be effective September 1, 1979,~~ provides that the commissioner of corrections ~~promulgate~~ adopt rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined 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~~ minimum standards for all correctional group foster homes including treatment group homes.

Subp. 2. [See Repealer.]

Subp. 3. [See Repealer.]

Subp. 4. [See Repealer.]

2925.0500 ORIGINAL APPLICATION FOR LICENSE.

Subpart 1. General. New applicants shall file applications with the commissioner of corrections 30 days ~~prior to~~ before the date the facility expects to operate. ~~The commissioner shall determine the suitability of such applicants by the following rules in this and subsequent parts.~~

Subp. 2. Materials to be filed with application. The materials to be filed with group foster home license application are:

A. a completed application for license on the form issued by the commissioner~~.~~;

B. ~~at least~~ three letters of reference for the gruop foster parent(s) and for any employee involved in child care~~.~~; the references ~~must~~ may not be from department employees nor relatives of the persons referred~~.~~;

C. ~~An outline of the group foster home's program (ex: philosophy, purpose, and function of the program). If a single governing body or sponsoring agency operates more than one group foster home, the manual of the governing body or sponsoring agency will suffice.~~

~~D. The intake policy and procedures (including sex, age, and interview policies).~~

~~E.~~ evidence that sometime during the 12 months prior to initial licensure, ~~and annually thereafter,~~ each person living in or working in the home has had a mantoux test or chest X ray~~.~~;

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~~F.~~ D. a floor plan of the group foster home with designated room dimensions~~.~~;

~~G.~~ E. a list of other facilities which the operator has operated or is currently operating (either in or out-of-state)~~.~~; and

~~H.~~ F. written documentation that all fire ~~and~~, safety, ~~and~~ health rules, and zoning ordinances are met.

Subp. 3. Preliminary home study. As part of the application, the group foster parents shall assist the sponsoring agency in making a preliminary home study. This study ~~shall~~ must include an inspection of the facility and an investigation into the family's background and references. ~~The sponsoring agency shall then make a recommendation to the commissioner as to whether a license shall be granted or denied.~~

2925.0600 RENEWAL LICENSE.

Subpart 1. General. Application for ~~relicensure shall~~ relicensing must be submitted to the commissioner ~~at least~~ 30 days prior to the expiration date ~~or date of recontinuance of a GFH after a leave of absence. Replacements of any of the materials required in the previous license application shall be submitted when the materials document changes in the operation of the group foster home, qualifications of the group foster parents, or in the physical facility~~of the facilities current license. Any materials submitted in a previous license application which are not replaced by new submissions ~~will be~~ are presumed to be ~~currently correct at the time of renewal license application~~ current.

Subp. 2. Materials filed with application. The materials to be filed with group foster home license renewal application are:

A. ~~evidence that sometime during the 12 months prior, each group foster parent and each member of their family and additional staff living in or working in the home has had a Mantoux test or chest X ray;~~

~~B.~~ a record of major changes in the program or facility during the year or contemplated for the coming year;

~~C.~~ B. building plans for any contemplated construction giving room dimensions and specifications and use; and

~~D.~~ C. written documentation that ~~all~~ the fire ~~and~~, safety, and health rules~~,~~ ~~and zoning ordinances~~ are met. Fire inspections are required at the time of initial licensing and every three years after that. The commissioner has the right to require a new fire inspection at anytime it is determined appropriate.

2925.0800 CONDITIONS OF LICENSE.

Subpart 1. General. A license ~~shall apply~~ applies only to the organization or person(s) to whom it is issued and to the buildings approved. The license ~~shall expire~~ expires automatically if there is a change in location, organization, ~~procedure and policies,~~ or a structural modification or addition to the physical facility, which would affect either the terms of the license or the continuing eligibility for a license. In such cases, ~~an application for a transfer of~~ a new license must be filed. ~~To avoid delay, the commissioner shall be advised at once of any change so that he/she may determine if the change may be approved and the license modified accordingly.~~ An application for a ~~transfer of~~ new license ~~shall~~ must include:

A. an outline of any proposed changes in the group foster home's program (ex: philosophy, purpose, and function of the program); and

B. ~~any changes in the intake policy;~~

~~C.~~ a new floor plan of the group foster home with designated room dimensions.

Subp. 2. [See Repealer.]

Subp. 3. Restrictions on capacity. Every license ~~shall~~ must be restricted to a specified maximum capacity. No regular ~~GFH shall~~ group foster home may be licensed with a maximum capacity so high as to allow more than ten youths, including both foster youths and the youths in the group foster parents' natural family, to live in the ~~GFH~~ group foster home.

Subp. 4. [Unchanged.]

Subp. 5. No occupancy prior to before licensing. No persons ~~shall~~ may be placed in a group foster home prior to its being licensed.

Subp. 6. License issued for specific number of residents. ~~GFH~~ Group foster home licenses will be issued by the Department of Corrections for a specific number of ~~residents~~ foster children, not exceeding eight ~~youths~~.

Subp. 7. Issuance of licenses. A license shall be issued when the applicant is in substantial compliance with the rules.

2925.1000 ~~WAIVER~~ VARIANCE OF SPECIFIC RULE.

The granting of a ~~waiver~~ variance under this part ~~shall~~ does not constitute a precedent for any other ~~GFH~~ group foster home. The commissioner shall grant a ~~waiver~~ variance of a specific rule, if in the licensing procedure of enforcement of the standards, the commissioner finds that:

A. and B. [Unchanged.]

C. the group foster home complies with such specific condition(s) as the commissioner ~~may~~ shall deem necessary for the protection of the health, safety, and welfare of the ~~residents~~ foster children.

2925.1200 NOTICE TO ~~THE~~ APPLICANT OF COMMISSIONER'S ACTION.

After the application for license is approved by the commissioner, the applicant ~~shall~~ will receive by mail a license which, as provided by Minnesota Statutes, section 241.021, ~~shall~~ must set forth the conditions under which the ~~GFH~~ group foster home may operate. The terms of the license ~~shall~~ must include the operating name of the ~~GFH~~ group foster home, the maximum number~~,~~ and sex~~, and age range~~ of the ~~residents~~ foster children to be served, and the period of time for which the license is effective, and ~~may~~ must include other ~~limitations~~ conditions which the commissioner may prescribe. ~~An accompanying letter shall contain in addition to the license, any recommendation regarding activities, services, and facilities to be employed. A letter shall accompany a provisional license and shall state the reason(s) for its being provisional.~~

2925.1400 RESTRICTION OF THE USE OF A GFH GROUP FOSTER HOME.

The commissioner ~~may~~ shall by written order restrict the use of any group foster home which does not substantially conform to the minimum standards, or, where specific conditions exist which endanger the health, welfare, or safety of ~~residents~~ foster children or staff, prohibit the detention of persons therein for more than 72 hours.

2925.1800 GROUP FOSTER PARENT QUALIFICATIONS.

Subpart 1. [See Repealer.]

Subp. 2. License not allowed. A ~~GFH~~ group foster home license ~~shall~~ may not be issued or renewed where any person, except foster youths, living in the household has any of the following characteristics:

A. A conviction for, or admission of, or substantial evidence of an act of child battering, ~~or~~ child abuse, ~~or~~ child molesting, ~~or~~ child neglect, or incest within the previous five years. ~~Reasonable methods of discipline shall not constitute child battering, child abuse, child molesting, child neglect, or incest.~~

B. [Unchanged.]

C. Residence of the family's own children in foster care, correctional facility, or residential treatment for emotional disturbance within the previous 12 months ~~if, in the judgment of the sponsoring agency, the functioning of the family has been impaired~~.

D. and E. [Unchanged.]

Subp. 3. [Unchanged.]

Subp. 4. Physical handicap. Physical handicap of group foster parents ~~shall~~ may be a consideration only as it affects their ability to provide adequate care to foster youths ~~or may affect an individual youth's adjustment to the family~~.

Subp. 5. [Unchanged.]

2925.1900 HEALTH OF PERSONS LIVING IN GROUP FOSTER HOMES.

Subpart 1. Mantoux test or chest X ray. A requirement for licensing is evidence that sometime during the 12 months prior to initial licensure, ~~and annually thereafter,~~ each person living in the home has had a mantoux test or chest X ray.

Subp. 2. Other health problems. When in the judgment of the licensing authority, any person in the home ~~who~~ exhibits a health problem, an evaluation may be requested of the person as a requirement for licensing.

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2925.2000 TRAINING FOR GROUP FOSTER PARENTS.

Subpart 1. General. ~~Every set of~~ Group foster parents shall participate in a minimum of 18 hours annually of training related to foster care. The 18 hours may be shared between the group foster parents in the home. When the group foster parents have not completed the required annual training at the time of relicensure, no further placements may be made in that ~~GFH~~ group foster home until the group foster parents have complied with the training requirements.

Subp. 2. First aid training. First aid training is mandatory for all group foster parents. ~~Training shall be provided by a Red Cross instructor or a licensed health professional. First aid training shall be current.~~ Certificates or statements of training ~~shall~~ must document that first aid training is updated ~~at least~~ every three years.

Subp. 3. [See Repealer.]

2925.2100 ~~LEAVES OF ABSENCE AND~~ VACATIONS FOR GROUP FOSTER PARENTS.

Subpart 1. [See Repealer.]

Subp. 2. Vacations. The group foster parents shall make suitable arrangements for the care of foster youths for any periods of vacation or emergency~~; and~~. The supervising agent or coordinator shall approve the arrangements. Substitute group foster parents ~~shall~~ must have the same qualifications as the regular group foster parents (see group foster parent qualifications, part 2925.1800), and ~~shall~~ must have access to group foster parents' training opportunities (see training for groups foster parents, parts 2925.2000 and 2925.2100).

2925.2200 PROGRAM FOR GROUP FOSTER PARENTS.

Subpart 1. Orientation. At the time of intake, group foster parents shall discuss program goals, serivce(s) available, rules governing conduct, program rules, and possible disciplinary actions with the ~~residents;~~ foster child. This ~~shall~~ must be documented.

Subp. 2. Service plan. A service plan ~~shall~~ must be developed and ~~shall~~ must be implemented based on the special needs of each ~~resident~~ child.

Subp. 3. Progress review. The group foster parents shall continuously review each ~~resident's~~ child's progress in relation to ~~his/her~~ the service plan, and a record of the review shall be maintained.

Subp. 4. Other considerations. The ~~GFH's~~ group foster home's plan ~~shall~~ must make ~~some~~ provisions for the following ~~considerations~~:

A. contact with ~~resident's~~ child's family and significant others;

B. visitation policies; and

C. involvement in the community.

2925.2300 HOUSE RULES.

Subpart 1. [See Repealer.]

Subp. 2. Written grievance procedure. The group foster parents shall ~~be responsible for ensuring a copy of the written grievance procedure written by the governing body or the sponsoring agency shall be available~~ supply to each ~~resident.~~ foster child the ~~procedure shall outline~~ rules of the ~~facility~~ home, ~~residents'~~ the foster child's rights, and the ~~actual~~ grievance procedure.

2925.2400 EMERGENCY PLANS.

Written emergency fire, medical, and accident~~, etc.,~~ plans ~~shall~~ must be ~~conspicuously~~ posted in the ~~facility~~ home.

2925.2500 DISCIPLINE.

Subpart 1. [See Repealer.]

Subp. 2. Types of discipline prohibited. ~~Residents shall~~ Foster youths may not be subjected to denial of food, medication, mail, or sleep as punishment.

Subp. 3. Physical force. Physical force ~~shall~~ may be used only ~~in instances of justifiable~~ for self-protection, prevention of property damage, ~~and~~ protection of others, and only to the degree necessary and in accordance with appropriate statutory authority; such action ~~shall~~ must be documented and placed on file in the group foster home. Violation of statutory authority with respect to physical abuse ~~shall be~~ is grounds for ~~restriction~~ loss of the ~~GFH's~~ group foster home's license.

Subp. 4. Room restriction, facility restriction, and privilege suspension. Room restriction ~~shall~~ may not exceed eight hours. The ~~resident shall~~ foster youth must be observed by a group foster parent or staff person at least hourly.

Prior to room restriction, facility restriction, or privilege suspension the ~~resident shall~~ foster youth must have the reasons for the restriction or suspension explained ~~to him/her,~~ and have an opportunity to explain the behavior leading to the restriction or suspension.

All instances of room restriction, privilege suspension, and facility restriction ~~shall~~ must be logged, dated, and signed by the group foster parent(s) implementing the disciplinary procedure; the log ~~shall~~ must be reviewed by the supervising agent or coordinator.

2925.2600 SECURITY PROCEDURES.

Subpart 1. Accountability for whereabouts and conduct of ~~residents~~ foster youths. Group foster parents ~~shall be~~ are accountable for the whereabouts and conduct of ~~residents~~ foster youths who have been referred by a court or the Department of Corrections. ~~Group foster parents shall monitor movement into and out of the GFH and account for the whereabouts of its residents outside of the GFH.~~ The group foster parents shall notify appropriate probation officers, parole officers, ~~and/or~~ or relevant officials as soon as it has been determined that a ~~resident~~ foster youth is missing ~~or has run away~~.

Subp. 2. Weapons. ~~Any~~ Weapons in the ~~GFH shall~~ group foster home must be securely stored and ~~shall be~~ are the responsibility of the group foster parents.

2925.2700 PERSONAL COMMUNICATION.

Subpart 1. General. To encourage ~~residents~~ foster youths to maintain or develop close relationships with members of their family, friends, and relatives, communication channels ~~shall~~ must be as open as ~~is~~ possible.

Subp. 2. Mail policy. ~~Residents'~~ Foster children's mail~~, both incoming and outgoing, shall~~ may not be intercepted ~~except where there is reasonable ground to justify such action. If mail is to be~~ or read~~, such action shall be documented~~.

Subp. 3. Use of telephone. Written policy ~~shall~~ must provide that ~~residents~~ foster children have access to a telephone ~~to make and receive private calls,~~ and shall ~~state~~ contain any rules ~~that prohibit access~~ which regulate this activity.

2925.2800 PERSONAL POSSESSIONS.

Each ~~resident shall~~ foster child must be allowed to bring appropriate personal possessions to the ~~GFH~~ group foster home and ~~shall~~ must be allowed to acquire possessions ~~of his/her own~~ to the extent the ~~GFH~~ group foster home is able to accommodate secure storage of them.

~~Group foster parents may inspect residents' possessions for contraband if there are reasonable grounds to believe that contraband is present.~~

2925.2900 PUBLIC REPORTS, STATEMENTS, OR APPEARANCES.

~~Residents shall~~ Foster children may not be required to make public statements acknowledging their gratitude to the program and ~~shall~~ may not be required to perform or appear at public gatherings.

The group foster parents, supervising agent, or coordinator ~~shall~~ may not use reports or pictures from which a ~~resident~~ foster child can be identified without written consent from the ~~resident~~ foster child and ~~his/her~~ parents or legal guardians. The signed consent forms ~~shall~~ must be on file before any reports or pictures from which ~~residents~~ foster children can be identified are used. The ~~resident shall~~ foster child must be informed that ~~he/she has the right to withdraw his/her~~ consent can be withdrawn at any time.

2925.3100 BEDROOMS.

Subpart 1. Single bedrooms. Single bedrooms ~~shall~~ must provide ~~at least~~ 70 square feet of useable floor space with a side dimension of not less than seven feet for ambulatory ~~residents~~ foster children. For nonambulatory ~~residents,~~ foster children the requirements are 100 square feet of useable floor area with a side dimension of not less than nine feet.

Subp. 2. ~~Multi-bedrooms~~ Multi-bed bedrooms. ~~Multi bedrooms shall~~ Multi-bed bedrooms must provide ~~at least~~ 60 square feet per person of useable floor space with ~~at least~~ three feet between beds placed side by side, and ~~at least~~ one foot between beds

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placed end to end for ambulatory ~~residents~~ foster children. For nonambulatory/nonmobile ~~residents~~ foster children, the ~~multi bedrooms shall~~ multi-bed bedrooms must provide ~~at least~~ 80 square feet of useable floor area. ~~Multi bedrooms~~ Multi-bed bedrooms for active, nonambulatory, mobile ~~residents shall~~ foster children must be ~~at least~~ 100 square feet per ~~resident~~ foster child. Mobility space at the end and one side of each bed ~~shall~~ must be ~~not less than~~ four feet per ~~resident~~ foster child.

Subp. 3. Nonambulatory mobile ~~residents~~ foster children. Bedrooms for nonambulatory mobile ~~residents shall~~ foster children must have adequate accessible space for storage of wheelchairs and other prosthetic or adaptive equipment for daily out of bed activity or acceptable similar storage spaces ~~shall~~ must be provided outside the bedroom readily and handily accessible to the ~~resident~~ foster child.

Subp. 4. Capacity. In new or remodeled buildings, bedrooms ~~shall~~ must accommodate no more than four ~~residents~~ foster children.

Subp. 5. Furnishings. Each ~~resident shall~~ foster child must be provided, at a minimum, with bed; mattress; supply of bed linen and towels; chair; adequate lighting; and closet/locker space.

Subp. 6. Separate bedrooms. Male and female ~~residents shall~~ foster children may not occupy the same bedrooms. Youth and adults ~~shall~~ may not share bedrooms ~~except in circumstances approved by the supervising agent~~.

2925.3300 BATHROOM FACILITIES.

Every facility ~~shall~~ must be equipped with adequate and conveniently located toilet rooms for its ~~residents~~ foster children. Washbasins and toilets ~~shall~~ must be provided in the ratio of ~~at least~~ one toilet and ~~at least~~ one washbasin for every eight ~~residents~~ foster children. ~~At least~~ One bath or shower ~~shall~~ must be available for every eight ~~residents~~ foster children.

2925.3500 DINING ROOM.

The dining area ~~shall~~ must comfortably accommodate, at one time, all of the foster ~~youths~~ children plus the natural family living in the ~~GFH~~ group foster home.

2925.3600 ENVIRONMENT; GENERAL.

Subpart 1. Day care. A ~~GFH~~ group foster home may not concurrently hold a license for a family day care or group day care without prior approval by the commissioner.

Subp. 2. Approval to live in ~~GFH~~ group foster home. All persons living in the ~~GFH shall~~ group foster home must first be approved by the coordinator or the sponsoring agency.

Subp. 3. [Unchanged.]

Subp. 4. Evaluation and investigation. The commissioner and any supervising agent ~~shall~~ must have access to the ~~GFH~~ group foster home for evaluation at any time during normal working hours and at other times by mutual agreement. For the purpose of investigating complaints concerning the health and safety of the youths, the commissioner and any supervising agent ~~shall~~ must have access to the ~~GFH~~ group foster home at any time ~~during the 24 hour day~~.

2925.3700 HEALTH CARE AND MEDICAL SERVICES.

Subpart 1. Arranging care. Group foster parents ~~shall be~~ are responsible for assisting in arranging for medical and dental care for each ~~resident~~ foster child.

Subp. 2. Communicable disease. If a ~~resident~~ foster child is suspected of having a communicable disease, the group foster parents shall see that ~~he/she~~ the foster child is given a physical examination by a qualified physician and any necessary treatment.

Subp. 3. to 5. [Unchanged.]

2925.3800 NUTRITION AND FOOD.

Subpart 1. Food service. When the ~~GFH~~ group foster home provides or contracts for food service, the service shall comply with and meet all sanitation and health codes ~~as promulgated by state or local authorities~~.

Subp. 2. Nutrition requirements. The food and nutritional needs of ~~residents shall~~ foster children must be met ~~in accordance with their needs and shall meet the dietary allowances as stated in the Recommended Dietary Allowances, Food and Nutrition Board, National Research Council, National Academy of Sciences, 8th Edition, 1974~~. Providing each ~~resident~~ foster child the specific serving per day from each of the following four food groups will satisfy this requirement.

A. to D. [Unchanged.]

Subp. 3. Number of meals. A minimum of three meals a day ~~shall~~ must be available for ~~residents unless an agreement states otherwise~~ foster children. The group foster parents shall ensure that the youths receive adequate meals during the day while they are in community activities. This ~~shall~~ must include participation in a school lunch program.

2925.3900 ~~RESIDENTS'~~ FOSTER YOUTHS' RECORDS MAINTAINED BY SUPERVISING AGENT, COORDINATOR, OR SPONSORING AGENCY.

Subpart 1. Medical records ~~that must be kept.~~ A record ~~shall~~ must be kept of ongoing medical information, when available, including:

A. to G. [Unchanged.]

Subp. 3. ~~Contents~~ Progress records. The record ~~shall~~ must include a summary of the ~~resident's~~ foster child's progress. These reports ~~shall~~ must be recorded regularly and ~~shall~~ must include the following:

A. [Unchanged.]

B. plans which involve the ~~resident~~ foster child; and

C. [Unchanged.]

Subp. 3. [Unchanged.]

Subp. 4. Requests for data. Group foster parents shall refer any individuals or agencies requesting ~~resident~~ foster child data to the supervising agent of the youth.

2925.4100 INSTITUTIONAL GROUP HOMES.

Institutional group homes must meet the following criteria:

A. The staff-to-youth ratio must be a minimum of one to ten on duty during times when youth are not involved in normal activities away from the home or during normal sleeping hours.

B. Unless waived by the local fire authority, a staff person must be awake and alert during normal sleeping hours.

C. The facility shall develop and make available to all youth, house rules and the consequences for these rules.

D. Policies must outline the following:

(1) work assignments for the youth;

(2) a statement that work assignments be appropriate to the youth based on age, and physical and emotional ability;

(3) safety rules for work assignments which pose some hazards; and

(4) a statement that the youth may not be required to perform personal duties for staff.

E. Persons employed in the home must be selected based on their ability to perform the assigned tasks.

F. Volunteer programs in the facility must have policies governed by the following:

(1) there must be formally established criteria for selecting volunteers;

(2) the volunteer must clearly understand the specific assignment;

(3) the responsibilities of the volunteer must be clearly differentiated from that of staff;

(4) if a volunteer is used in the same capacity as a paid staff, the volunteer must meet the same criteria;

(5) the volunteer program must be assigned to a specific staff person; and

(6) volunteers providing direct services to the youth must be a minimum of 18 years of age.

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G. Policy must regulate the distribution and storage of prescription drugs.

REPEALER. Minnesota Rules, parts 2925.0100, subparts 13 and 15; 2925.0200, subparts 2, 3, and 4; 2925.0300; 2925.0400; 2925.0700; 2925.0800, subpart 2; 2925.0900; 2925.1100; 2925.1300; 2925.1700; 2925.1800, subpart 1; 2925.1900, subpart 3; 2925.2100, subpart 1; 2925.2300, subpart 1; 2925.2550, subpart 1; 2925.3000; 2925.3200; and 2925.3400 are repealed.

State Board of Education
Department of Education
Operations Division

Proposed Rules Governing Automobile and Motorcycle Driver Education Programs

Notice of Intent to Adopt Rules Without a Public Hearing

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

These rules establish the minimum criteria the State Board of Education and Commissioner will use in determining whether the Automobile and Motorcycle Driver Education Program offered through public schools, should be approved or denied.

Persons interested in these rules are encouraged to submit comments in support of or in opposition to the proposed rules. Each comment should identify the portion of the proposed rules addressed, the reason for the comment and any change proposed. Persons submitting these comments shall have 30 days to submit comments on the proposed rules following publication in the *State Register*. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. §§ 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing on the proposed rules should submit such comments or requests to:

Joseph E. Meyerring, Specialist
Traffic Safety Education
685 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-4899

Authority for the adoption of these rules is contained in Minn. Stat. §§ 121.11, subd. 7a (1982), and 169.974, subd. 2, as amended by Minn. Laws 1984, Ch. 549, Sec. 32. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available from Joseph E. Meyerring upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, and the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Joseph E. Meyerring.

The Board estimates that the proposed rules will not require an expenditure of public monies by all local public bodies of an amount which exceeds $100,000 in either of the two years immediately following adoption of the proposed rules. These proposed rules will not directly affect small businesses.

A copy of the proposed rules is attached to this notice.

A free copy of this notice and the proposed rules is available and may be obtained by contacting Joseph E. Meyerring.

June 12, 1984

Ruth E. Randall
Secretary

Rules as Proposed (all new material)

3500.5000 AUTOMOBILE DRIVER EDUCATION PROGRAMS.

A school district, for the purpose of Minnesota Statutes, section 171.04, offering automobile driver education programs, directly or indirectly, shall comply with parts 3500.5010 to 3500.5030.

3500.5010 INSTRUCTIONAL REQUIREMENTS FOR AUTOMOBILE DRIVER EDUCATION.

Subpart 1. Classroom curriculum. A written classroom curriculum guide must be available to and used by an instructor conducting classroom instruction. The curriculum presented to the students must include at least the following opportunities:

A. to analyze and assess several decision-making models and factors influencing highway-user decisions;

B. to analyze and simulate making decisions about the effect of alcohol and other drugs on behavior and driving performance;

C. to analyze and practice making decisions about using occupant restraints;

D. to identify and analyze a variety of driving decisions about highway users and roadway characteristics;

E. to analyze and practice making decisions about a vehicle's speed under different driving conditions;

F. to know the content and purpose of motor vehicle and traffic laws and rules for safe driving performance;

G. to identify, analyze, and describe proper procedures for a variety of driving situations;

H. to gather information and practice making decisions about automobile ownership and maintenance;

I. to identify, analyze, and practice making decisions related to drivers' attitudes and emotions; and

J. to explore alternative ways to become better drivers and to improve the highway transportation system.

Subp. 2. Laboratory curriculum. A written laboratory curriculum guide must be available to and used by each instructor conducting laboratory instruction. The curriculum presented to the students must include at least the following:

A. orientation to the purpose, content, and procedures for laboratory instruction;

B. orientation to gauges and instruments, and preparing to move the vehicle;

C. basic skills in speed control and tracking on forward and backward paths;

D. orientation to driving and initial techniques in scanning for, recognizing, and responding to obstacles;

E. basic skills in parking, turning, backing, turning around, lane changing, crossing intersections, and passing;

F. reduced-risk city driving, highway driving, freeway driving, and interacting with other highway users;

G. strategies for perceiving and responding to adverse and special conditions and emergencies; and

H. formal evaluation, self-evaluation, and planning for future improvement.

Subp. 3. Place for on-street instruction. On-street instruction must be conducted on a planned practice driving route. It may not be conducted on actual routes used for road tests for state driver licenses.

Subp. 4. Classroom instruction. At least 30 hours of classroom instruction must be scheduled over no less than one week and not more than 36 weeks. No more than three clock hours of classroom instruction may be scheduled per day for any student.

Subp. 5. Laboratory instruction. At least six hours of laboratory instruction, or the equivalent, must be scheduled over no less than one week and not more than 12 weeks. No more than two clock hours of laboratory instruction or the equivalent may be scheduled per day for any student.

A. If automobile-driving simulator instruction is provided and is not counted as classroom time, four clock hours of simulator instruction may be substituted for one clock hour of on-street instruction.

B. If off-street driving range instruction is provided, two clock hours of driving range instruction may be substituted for one clock hour of on-street instruction.

C. When simulator or driving range instruction is substituted for on-street instruction, the on-street instruction time may not

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be reduced to less than three clock hours. However, when both simulator and driving range instruction are substituted, on-street instruction time may not be reduced to less than two clock hours.

D. The student-instructor ratio for on-street laboratory instruction scheduled may not be less than two students per instructor or more than three students per instructor during a single class period.

Subp. 6. Sequence when simultaneous instruction. When both phases of the program are conducted during the same time period, at least five clock hours of classroom instruction must be completed before beginning laboratory instruction. The laboratory instruction must be dispersed throughout the classroom instruction.

Subp. 7. Sequence when successive instruction. Successful completion of classroom instruction is mandatory for enrollment in laboratory instruction, when the two phases of the program are conducted during separate time periods. The time period between the phases of instruction may not exceed six months.

Subp. 8. Occupant restraints. Instructors must ensure that all vehicle occupants use restraints at all times during laboratory instruction.

Subp. 9. Permit or driver's license. Instructors must ensure that a student is in actual possession of a valid Minnesota driver instruction permit or driver's license before giving on-street driving instruction.

Subp. 10. Course credit. Driver education courses may carry credit toward graduation for students, whether offered directly or indirectly, as a separate course or part of another course. Credit for driver education must be granted under the same standards that credit is granted for satisfactory completion of other courses.

Subp. 11. Program modification. A school district which does not provide the complete laboratory instruction may offer classroom instruction only after it has consulted with an approved on-street provider within the immediate area. The district must modify its program to minimize duplication of training and ensure coordination of classroom and laboratory instruction.

Subp. 12. Authorized school official. A school district must identify an authorized school official to be responsible for certifying satisfactory completion of the program. The official need not be licensed under part 8700.4900 unless that person also is an instructor in the program.

A. When a student satisfactorily completes the driver education program, including both classroom and on-street instruction, the authorized school official must furnish the student a certificate of course completion within 15 calendar days.

B. When a student satisfactorily completes classroom instruction and intends to complete the program with another provider, the authorized school official must furnish the student a verification statement of completion of classroom instruction within 15 calendar days.

C. When a student under 16 years of age fails to continue or successfully complete the driver education course, including on-street instruction, the authorized school official must immediately notify the Department of Public Safety, Driver and Vehicle Services Division.

Subp. 13. Student record. A permanent record must be maintained for each student completing either the classroom or laboratory phase of the automobile driver education course. The record must contain the student's legal name, including first, middle, and last; birthdate; and the completion date for each phase of the course.

Subp. 14. Annual report. A school district desiring approval for its automobile driver education program must submit an annual report to the Department of Education, on forms supplied by it, before conducting the course. The annual report must identify the authorized school official and all instructors who will be teaching students and each instructor's driver's license number.

3500.5020 VEHICLE REQUIREMENTS FOR AUTOMOBILE DRIVER EDUCATION.

Subpart 1. Safety standards. A vehicle used for laboratory instruction for automobile driver education must comply with federal and state motor vehicle safety standards for the model year of the vehicle.

Subp. 2. Required equipment. A vehicle used for on-street instruction must have the following equipment:

A. dual control brakes;

B. outside and rearview mirror for the driver's use and separate rearview mirror for the instructor's use;

C. sunvisors for both the driver and the front seat passenger;

D. windshield washers, wipers, and defroster; and

E. occupant restraints for each occupant of the vehicle.

Subp. 3. Display of sign. A vehicle used for on-street instruction must conspicuously display a sign on the rear that reads "Student Driver." The background and letters of the sign must be of contrasting colors. The lettering must be at least two but

not more than five inches high. The sign must be removed when the vehicle is used for purposes other than driver education instruction.

Subp. 4. Required maintenance. A vehicle used for laboratory instruction must be maintained in safe operating condition through routine care and servicing.

Subp. 5. Firearms, hazardous or toxic substances prohibited. Firearms or hazardous or toxic substances may not be transported in a driver education vehicle. For the purpose of this subpart, "firearms" has the definition given it in Minnesota Statutes, section 97.40, subdivision 34; "hazardous substances" and "toxic substances" have the definitions given them in Minnesota Statutes, section 24.33, clauses (d) and (e). This subpart does not apply to fuel carried in the vehicle's fuel tank or any other substance normally being used by the vehicle while it is in motion.

Subp. 6. Insurance or self-insurance required. The district shall provide a plan of reparation security covering each vehicle used and complying with the Minnesota No-Fault Automobile Insurance Act, Minnesota Statutes, sections 65B.41 to 65B.71. However, residual liability coverage and uninsured motorist coverage must be provided in the following amounts: not less than $100,000 because of bodily injury to or death of any one person in any one accident; not less than $300,000 because of bodily injury to or death of two or more persons in any one accident; and not less than $50,000 because of damage to or destruction of property of others in any one accident.

3500.5030 EXEMPTION FOR EXPERIMENTAL PROGRAM.

A school district desiring an exemption from parts 3500.5010 to 3500.5020 must follow the procedures contained in part 3500.1000.

3500.5040 MOTORCYCLE DRIVER EDUCATION PROGRAMS.

A school district, for the purpose of Minnesota Statutes, section 169.974, subdivision 2, offering motorcycle driver education programs, directly or indirectly, shall comply with parts 3500.5050 to 3500.5070.

3500.5050 INSTRUCTIONAL REQUIREMENTS FOR MOTORCYCLE DRIVER EDUCATION.

Subpart 1. Classroom curriculum. A written classroom curriculum guide must be available to and used by an instructor conducting classroom instruction. The curriculum presented to the students must include at least the following opportunities:

A. to become familiar with the purpose, content, and procedures for classroom instruction;

B. to learn the location and operation of motorcycle controls and indicators;

C. to identify, analyze, and practice making decisions about proper protective gear;

D. to identify and become familiar with the procedures for starting, riding, and stopping a motorcycle;

E. to learn procedures for turning, changing gears, and using both brakes to stop a motorcycle;

F. to identify basic riding strategies and prepare to ride safely in traffic;

G. to become familiar with the various methods used to minimize, separate, and compromise riding hazards;

H. to learn procedures for passing, group riding, and night riding;

I. to prepare for handling unusual or emergency situations; and

J. to gather information and practice making decisions about selecting, insuring, and maintaining a motorcycle.

Subp. 2. Laboratory curriculum. A written laboratory curriculum guide must be available to and used by an instructor conducting laboratory instruction. The curriculum presented to the students must include at least the following:

A. orientation to the purpose, content, and procedures for laboratory instruction;

B. mounting, dismounting, starting, stopping, walking the cycle, clutch friction point, and riding in a straight line;

C. circles, weaving, sharp turns, and straight line shifting;

D. braking, turning, adjusting speed, shifting, and accelerating in a turn;

E. simulated on-street riding and initial scanning techniques for recognizing and responding to obstacles;

F. passing, rear wheel skids, and quick stops;

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G. riding on pegs, lane changing, and stopping on a curve;

H. reduced-risk urban, suburban, and rural riding techniques; and

I. formal evaluation, self-evaluation, and planning for future improvement.

Subp. 3. Place for on-street instruction. On-street instruction must be conducted on a planned practice driving route. It may not be on actual routes used for road tests for state driver licenses.

Subp. 4. Classroom instruction. At least eight clock hours of classroom instruction must be scheduled. No more than three clock hours of classroom instruction may be scheduled per day for any student.

Subp. 5. Laboratory instruction. Laboratory instruction must include at least six clock hours of instruction. No more than two clock hours of laboratory instruction may be scheduled per day for a student.

Subp. 6. Sequence when simultaneous instruction. When both phases of the program are conducted during the same time period, at least two clock hours of classroom instruction must be completed before beginning laboratory instruction. The laboratory instruction must be dispersed throughout the classroom instruction.

Subp. 7. Sequence when successive instruction. Successful completion of the classroom phase is mandatory for enrollment in the laboratory phase, when the two phases of the program are conducted during separate time periods. The time period between the phases of instruction may not exceed one month.

Subp. 8. Student-instructor ratio. The student-instructor ratio may not exceed three students per instructor for on-street instruction and eight students per instructor for off-street driving range instruction.

Subp. 9. Protective clothing. Instructors must ensure that all students, during laboratory instruction, wear helmets, eye protective devices, and protective clothing, including gloves, jackets or long-sleeved shirts, long pants, and leather shoes or boots which cover the foot.

Subp. 10. Driver's license. Instructors must ensure that a student is in actual possession of a valid standard Minnesota driver's license before giving classroom instruction and a valid two-wheeled vehicle instruction permit before giving on-street instruction.

Subp. 11. Program modification. A school district that does not provide the complete laboratory instruction may offer classroom instruction only after it has consulted with an approved on-street provider within the immediate area. The district must modify its program to minimize duplication of training and ensure coordination of classroom and laboratory instruction.

Subp. 12. Authorized school official. A school district must identify an authorized school official to be responsible for certifying satisfactory completion of the program. The official need not be licensed under part 8700.4900 unless that person also is an instructor in the program.

A. When a student satisfactorily completes the motorcycle driver education program, including both classroom and laboratory instruction, the authorized school official must furnish the student a certificate of course completion within 15 calendar days.

B. When a student satisfactorily completes classroom instruction and intends to complete the program with another provider, the authorized school official must furnish the student a verification statement of completion of classroom instruction within 15 calendar days.

Subp. 13. Student record. A permanent record must be maintained for a student completing either the classroom or laboratory phase of the motorcycle driver education course. The record must contain the student's legal name, including first, middle, and last; birthdate; and the completion date for the phase of the course.

Subp. 14. Annual report. A school district desiring approval for its motorcycle driver education program must submit an annual report to the Department of Education, on forms supplied by it, before conducting the course. The annual report must identify the authorized school official and the instructors who will be teaching students and each instructor's driver's license number.

3500.5060 MOTORCYCLE REQUIREMENTS FOR MOTORCYCLE DRIVER EDUCATION.

Subpart 1. Safety standards. A motorcycle used for laboratory instruction for motorcycle driver education must comply with all federal and state motor vehicle safety standards for the model year of the motorcycle.

Subp. 2. Required maintenance. A motorcycle used for laboratory instruction must be maintained in safe operating condition through routine care and servicing.

Subp. 3. Insurance or self-insurance required. The school district must provide a plan of reparation security covering each vehicle used. Residual liability coverage and uninsured motorist coverage must be provided in the following amounts: not less

than $100,000 because of bodily injury to or death of any one person in any one accident; not less than $300,000 because of bodily injury to or death of two or more persons in any one accident; and not less than $50,000 because of damage to or destruction of property of others in any one accident.

3500.5070 EXEMPTION FOR EXPERIMENTAL PROGRAM.

A school district desiring an exemption from parts 3500.5050 to 3500.5060 must follow the procedures contained in part 3500.1000.

REPEALER. Minnesota Rules, part 3500.4500 is repealed.

Housing Finance Agency

Proposed Rules Governing the Energy Improvement Loan Insurance Program

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Unless twenty-five or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 14.14 *et. seq.* Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 200
333 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9793

Authority for adoption of these rules is contained in Minn. Stat. § 462A.06, Subd. 4 and 11. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, Subd. 11 as any individual:

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

(a) 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 $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, (612) 296-5615.

July 13, 1984

James J. Solem
Executive Director

Rules as Proposed (all new material)

4900.0601 DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 4900.0601 to 4900.0605, the following terms have the meanings given them.

Subp. 2. Agency. "Agency" means the Minnesota Housing Finance Agency.

Subp. 3. Borrower. "Borrower" means one or more persons or legal entities.

Subp. 4. Energy improvement loan insurance program. "Energy improvement loan insurance program" means a program established by Minnesota Statutes, section 462A.05, subdivision 23 to insure loans that are made by lenders to eligible borrowers to pay the costs of eligible improvements made to eligible structures.

Subp. 5. Insure. "Insure" means that the agency will pay to the lender a portion of defaulted loans that are insured by the energy improvement loan insurance program, up to a maximum total amount for each lender.

Subp. 6. Lender. "Lender" means a banking institution, savings and loan association, or other lender approved by the agency, organized under the laws of this or any other state or of the United States having an office in Minnesota.

Subp. 7. Rental dwelling unit. "Rental dwelling unit" means a housing unit containing cooking, sleeping, and bathroom facilities that is occupied by a household other than the owner of the dwelling for which rent is received either in cash or in kind.

4900.0602 ELIGIBLE LOAN.

For a loan to be insured under the energy improvement loan insurance program, the loan must comply with parts 4900.0603 to 4900.0605.

4900.0603 ELIGIBLE BORROWERS.

Subpart 1. Interest in property. An eligible borrower shall, individually or in the aggregate, possess at least a one-third interest in either a fee title, a contract for deed, or a life estate in the property and the structure located thereon.

Subp. 2. Credit review. An eligible borrower shall be a reasonable credit risk, and shall be able to pay the loan obligation, as determined by the lender that originates a loan to be insured under the energy improvement loan insurance program and as determined by the agency.

4900.0604 ELIGIBLE STRUCTURES.

An eligible structure must contain one or more rental dwelling units and must not be in compliance with applicable energy efficiency standards.

4900.0605 ELIGIBLE IMPROVEMENTS.

Eligible improvements are any improvements that are primarily designed to reduce energy consumption, and any structural or other directly related repairs that are essential to accomplish the eligible improvement.

ADOPTED RULES

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

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

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

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

Department of Commerce

Adopted Rules Relating to Insurance Agent Conduct

The rules proposed and published at *State Register*, Volume 8, Number 22, pages 1256-1260, November 28, 1983 (8 S.R. 1256) are adopted with the following modifications:

Rules as Adopted

4 MCAR § 1.9018 Duties of supervising agents.

C. ~~Annual~~ Account examination. Every supervising agent must conduct an examination for each agent of those client accounts ~~for each agent who is~~ which are within the scope of the supervisor's responsibility. The examinations must be conducted as often as is necessary for the supervising agent to discharge his supervisory responsibilities.

4 MCAR § 1.9019 Suitability.

In recommending the purchase of any life, endowment, annuity, life-endowment, or ~~medical~~ medicare supplement insurance to a customer, an agent must have reasonable grounds for believing that the recommendation is suitable for the customer, and must make reasonable inquiries to determine suitability. The suitability of a recommended purchase of insurance will be determined by reference to the totality of the particular customer's circumstances, including, but not limited to, the customer's income, the customer's need for insurance, and the values, benefits, and costs of the customer's existing insurance program, if any, when compared to the values, benefits, and costs of the recommended policy or policies.

4 MCAR § 1.9024 Mandatory financial records of agents and agencies.

C. Examination of records. All records must be maintained for at least six years, and ~~funds~~ must be available for examination by the commissioner or a designee in accordance with Minnesota Statutes, section 60A.031.

Department of Commerce

Adopted Rules Relating to Insurance Marketing Standards

The rules proposed and published at *State Register*, Volume 8, Number 27, pages 1568-1576, January 2, 1984 (8 S.R. 1568) are adopted with the following modifications:

Rules as Adopted

4 MCAR § 1.9420 Scope and authority.

4 MCAR §§ 1.9420~~-1.9442~~ 1.9441 are adopted pursuant to Minnesota Statutes, chapters 60A and 72A.

4 MCAR § 1.9421 Applicability.

4 MCAR §§ 1.9420~~-1.9442~~ 1.9441 apply to any insurance advertisement or representation, written or oral, as defined in these rules, which is intended for presentation, distribution, or dissemination in the state of Minnesota, directly or indirectly, by or on behalf of any insurer or agent.

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

Rules 4 MCAR §§ 1.9420~~-1.9442~~ 1.9441 are not all inclusive. The fact that a practice is not specifically prohibited in these rules does not imply acceptance of the practice. These rules are to be construed in a manner so as to carry out the stated and implied purpose of Minnesota Statutes, chapters 60A and 72A.

4 MCAR § 1.9422 Construction.

B. Department policy. The policy of the department of commerce, in interpreting the meaning of 4 MCAR §§ 1.9420~~-1.9442~~ 1.9441 when applied to a specific advertisement, will be to take into consideration the content, detail, character, purpose, and use of the advertisement, and specifically, whether the advertisement is the direct or principal sales inducement, or whether its function is to invite inquiry for details of the insurance advertised, either by follow-up literature or by personal interview.

C. Method of disclosure of required information. All information required to be disclosed by 4 MCAR §§ 1.9420~~-1.9442~~ 1.9441 must be set out clearly, conspicuously, and in close conjunction with the statements to which the information relates or under appropriate captions of such prominence that it is readily noticed and not minimized, rendered obscure, or presented in an ambiguous fashion or intermingled with the contents of the advertisement or representation, whether written or oral, so as to be confusing or misleading.

D. Advertisements. Advertisements and representations must be sufficiently complete and clear, under the circumstances in which they are made, to avoid deception or the capacity or tendency to mislead or deceive. Words or phrases, the meaning of which is clear only by implication or by familiarity with insurance terminology, must not be used.

4 MCAR § 1.9423 Definitions.

For the purposes of 4 MCAR §§ 1.9420~~-1.9442~~ 1.9441 the terms in A.-I. have the meanings given them.

~~**4 MCAR § 1.9424 Suitability of policies.**~~

~~In recommending the purchase of any life, endowment, annuity, life endowment, or medical supplement insurance to a customer, an agent must have reasonable grounds for believing that the recommendation is suitable for the customer, and must make reasonable inquiries to determine suitability. The suitability of a recommended purchase of insurance will be determined by reference to the totality of the particular customer's circumstances, including, but not limited to: the customer's income; the customer's need for insurance; and the values, benefits, and costs of the customer's existing insurance program, if any, when compared to the values, benefits, and costs of the recommended policy or policies.~~

4 MCAR § ~~1.9425~~ 1.9424 Deceptive words, phrases, or illustrations.

B. Coverage terms. No advertisement may contain or use words or phrases such as "all," "full," "complete," "comprehensive," "unlimited," "up to," "as high as," "this policy will help pay your hospital and surgical bills," "this policy will help fill some of the gaps that medicare and your present insurance leave out," "this policy will help to replace your income," when used to express loss of time benefits or similar words and phrases, in a deceptive or misleading manner so as to exaggerate any benefits beyond the terms of the policy.

4 MCAR § ~~1.9426~~ 1.9425 Exceptions, reductions, and limitations.

4 MCAR § ~~1.9427~~ 1.9426 Renewability, cancelability, and termination.

4 MCAR § ~~1.9428~~ 1.9427 Identity.

4 MCAR § ~~1.9429~~ 1.9428 Testimonials, endorsements, or commendations by third parties.

4 MCAR § ~~1.9430~~ 1.9429 Jurisdictional licensing.

4 MCAR § ~~1.9431~~ 1.9430 Approval by government agency.

4 MCAR § ~~1.9432~~ 1.9431 Introductory, initial, or special offers in limited enrollment periods.

4 MCAR § ~~1.9433~~ 1.9432 Group, quasi-group, or special class implications.

An advertisement or representation, whether written or oral, must not state or imply that prospective policyholders or members of a particular class of individuals become group or quasi-group members or are uniquely eligible for a special policy or coverage and as such will be subject to special rates or underwriting privileges or that a particular coverage or policy is exclusively for preferred risk, a particular segment of people, or a particular age group or groups, unless that is the fact.

4 MCAR § ~~1.9434~~ 1.9433 Identification of plan or numbers of policies.

4 MCAR § ~~1.9435~~ 1.9434 Use of statistics.

4 MCAR § ~~1.9436~~ 1.9435 Inspection of the policy.

4 MCAR § ~~1.9437~~ 1.9436 Disparaging comparisons and statements.

4 MCAR § ~~1.9438~~ 1.9437 Statement about an insurer.

4 MCAR § ~~1.9439~~ 1.9438 Service facilities.

4 MCAR § ~~1.9440~~ 1.9439 Insurer's advertising file.

B. Affidavit with annual statement. Each insurer required to file an annual statement which is now or which hereafter becomes subject to the provisions of 4 MCAR §§ 1.9420~~-1.9442~~ 1.9441 must file with the Department of Commerce together with its annual statement, a certificate executed by an authorized officer of the insurer wherein it is stated that to the best of their knowledge, information, and belief, that the advertisements which were disseminated by the insurer during the preceding statement year complied or were made to comply in all respects with the provisions of the insurance laws of this state as implemented and interpreted by these rules.

4 MCAR § ~~1.9441~~ 1.9440 Responsibility of insurer, agent, or agency.

4 MCAR § ~~1.9442~~ 1.9441 Penalty.

Violations of 4 MCAR §§ 1.9420~~-1.9441~~ 1.9440 subject the violator to the penalties described in Minnesota Statutes, chapters 60A and 62A.

OFFICIAL NOTICES

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

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

Department of Agriculture
Dairy Industries Division

Notice of Availability of Investment Reimbursements Under the Manufacturing Grade Milk Program

The Minnesota Department of Agriculture announces the availability of investment reimbursement funds under the Manufacturing Grade Milk Program. The program is designed to financially aid can producers with limited resources in the modification of their facilities to meet the federal standards, as adopted by Minnesota, in order that they may continue in the production of manufacturing grade milk in cans. Any individual, partnership, family farm, family farm corporation, or authorized farm corporation currently engaged in the production of manufacturing grade milk in cans whose facilities do not meet the adopted federal standards, and whose yearly net income is less than $9,000, may apply under this program. Application form may be obtained by written request addressed to:

Daryl Piltz
Minnesota Department of Agriculture
Dairy Industries Division
90 West Plato Boulevard
St. Paul, MN 55107
(612) 297-2131

The maximum investment reimbursement is $100 for the first $500, or fraction thereof, and 10% of the next $2,000 of net investment expenditures.

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All reasonable expenditures incurred by a qualifying can producer as a result of facility modifications will be eligible for reimbursement with the exception of the following items:

Bulk tank units, hose port concrete pad, milk lines, milk pumps, pressurized hot water systems, waste disposal system (more elaborate than one necessary to handle waste associated with the cleaning of milk handling equipment), and labor cost in excess of 10% of the total investment reimbursement approved by the Commissioner.

All information survey applications for the Manufacturing Grade Milk Investment Reimbursement Program must be received by April 1, 1985. Completion of this application procedure requires that a plant representative inspect the applicant's facility; therefore, it is advised that the applicant request the application as soon as possible.

Investment reimbursement funds for can producers who qualify will be distributed no later than June 30, 1985.

Department of Commerce

Outside Opinion Sought Regarding Proposed Rules Relating to Uniform Health Insurance Claims Including the Impact of the Rules on Small Businesses

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing Uniform Health Insurance Claims. Promulgation of these rules is authorized by Minnesota Statutes, section 62A.025.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minnesota Statutes § 14.115, subd. 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Judith Hale, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 297-3976.

All statements of information and comment shall be accepted until August 16, 1984. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Outside Opinion Sought Regarding Proposed Rules Relating to Universal Life Insurance Including the Impact of the Rules on Small Businesses

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing Universal Life Insurance. Promulgation of these rules is authorized by Minnesota Statutes, sections 45.023 and 62A.025.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minnesota Statutes Section 14.115, subd. 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Robin Hanson, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-3528.

All statements of information and comment shall be accepted until August 15, 1984. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Labor and Industry Prevailing Wage Division

Notice of Prevailing Wage Rates for Commercial Construction

On July 6, 1984, the commissioner certified prevailing wage rates for the following Minnesota counties: Aitkin, Blue Earth, Brown, Carlton, Faribault, Itasca, Koochiching, Lake, LeSueur, Martin, Olmsted, St. Louis, Waseca and Watonwan.

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. A $1.50 handling charge must be included for each order. Minnesota sales tax of 6% must be added to all orders.

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

Steve Keefe, Commissioner
Department of Labor & Industry

Metropolitan Council

Notice of Review Schedule, Water Quality Management Development Guide/Policy Plan, Part 1 Sewage Treatment and Handling Policy Plan

The Metropolitan Council will begin review of a proposed amendment to Part 1 of its Metropolitan Development Guide chapter on water resources management. The proposed change would authorize the Metropolitan Waste Control Commission to include the middle Belt Line project in its development program.

The following is a tentative schedule for reviewing the proposed amendment:

July 24, 1984 (Tuesday)	Mayors' Task Force review of proposal
July 30 (Monday)	Committee on Commissions reviews public hearing draft
August 9 (Thursday)	The Metropolitan Council adopts the amendment for public hearing
September 21 (Friday)	Public hearing on the proposed amendment before the Metropolitan Council
October 5 (Friday)	Hearing record closes
October 12 (Friday)	Hearing report and final document available
October 17 (Wednesday)	Committee on Commissions reviews final hearing report and approves final amendment
October 25 (Thursday)	Metropolitan Council adopts final amendment

This schedule is tentative and subject to change. A subsequent notice of public hearing will be published. If you have any questions regarding the schedule or amendment, call Ray Leek of the Council's Planning Assistance staff at 291-6567.

Pollution Control Agency
Solid and Hazardous Waste Division

Outside Opinion Sought Regarding Amendment of Rules Establishing Fee Systems for Hazardous Waste Generators and Hazardous Waste Facilities

Notice is hereby given that the Minnesota Pollution Control Agency (agency) is seeking information or opinions from sources outside the agency in preparing amendments to 6 MCAR §§ 4.9701-4.9706 (Minn. Rules Parts 7046.0010-7.046.0070), Hazardous Waste Facility and Generator Fee Rules, which were promulgated February 6, 1984 pursuant to Minn. Stat. § 116.12 (Supp. 1983). The 1983 State Department Appropriations Bill directs the agency to raise $794,400 in the biennium ending June 30, 1985 through the collection of fees from hazardous waste generators and facility operators.

The law requires establishment of fee schedules for hazardous waste facility permit application fees, annual facility operator's fees, permit reissuance fees, hazardous waste generator fees, and a generator surcharge. The facility fees should be representative of the work years of effort required by the agency to complete review of permit applications and to assure compliance of facility operations with permits and rules. The generator fees can be no higher than the fees imposed by the metropolitan counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington).

Minn. Stat. § 16A.128 (Supp. 1983) requires review of the fees fixed for accounts for which appropriations are made by law at least once every six months, and adjustment of the fees so that the total fees received approximate the amount appropriated for the account. The agency staff has reviewed the fees received for the State fiscal year ending June 30, 1984 and has determined that the fees at current fee levels will not raise $794,400 in the biennium ending June 30, 1985.

The Minnesota Pollution Control Agency requests information and comment concerning the subject of this rule.

Written technical statements and comments concerning these matters will be accepted for consideration until August 3, 1984 and should be addressed to the following:

Stephen Lee
Solid and Hazardous Waste Division
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, Minnesota 55113

Oral statements of technical information and comments will be accepted during regular business hours over the telephone by Mr. Paul Klinge at 612/296-7267 or in person at the above address.

Any written material received by the Minnesota Pollution Control Agency shall become part of the rulemaking record regarding these rules.

Department of Public Safety
State Fire Marshal Division

Outside Opinion Sought Regarding Proposed Rules of the State Department of Public Safety Governing an Inspection Fee for Natural Gas Pipeline Safety Activities

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate rules establishing a fee to recover the costs related to field inspections, incident investigation, and plan review of pipeline facilities engaged in intrastate transportation of natural gas. The rules will include the amount of the fee to be assessed and the basis for assessment, which could be according to miles of transmission lines, number of customer meters, amount of inspection/investigation time involved, or other configuration or combination of methods.

The promulgation of these rules is authorized by Minnesota Statutes section 299F.63, subd. 4 as enacted by Laws 1984 Chap. 654, which requires the agency to establish a fee to cover costs of the state general fund share of the pipeline safety program.

The State Department of Public Safety requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Diane Dybevik
MN Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-7096 and in person at the above address.

All statements of information and comment shall be accepted until September 15, 1984. Any written material received by the State Department of Public Safety shall become part of the record in the event that the rules are promulgated.

Paul J. Tschida
Commissioner of Public Safety

Department of Transportation

Petition of the County of Aitkin for a Variance from State Aid Standards for Inslopes

Notice is hereby given that the County Board of Aitkin County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a bridge replacement and approaches on CSAH 1 from 4,260 feet to 4,460 feet North of the Southeast corner of section 18, T48N, R26W.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9910 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit an inslope of 3:1 instead of the required 4:1.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Richard P. Braun
Commissioner of Transportation

Waste Management Board

Addendum to Request for Qualifications to Provide Technical and/or Financial Review of Proposals to Develop Commercial Hazardous Waste Treatment or Collection Facilities and Services or to Implement On-Site Waste Reduction Methods

The above-mentioned request for qualifications (RFQ) was published in the July 2, 1984 *State Register* (9S.R.62). That RFQ was missing several key elements. Those elements follow and should be considered a part of the RFQ:

PROJECT COSTS

The cost of this work has not been estimated at this time and will depend upon the number of applications and proposals requiring review. Prospective contractors should submit a rate schedule with their statement of qualifications.

SUBMISSIONS OF QUALIFICATIONS

Statements of qualification must be received by the Board by 4:30 P.M., Tuesday, July 31, 1984. Statements should be sent to Andrew Datko at the address indicated below.

BOARD CONTACTS

Prospective contractors who have any questions regarding this request for qualifications may contact Andrew Datko, Tom Johnson, or Sharon Decker at the:

Minnesota Waste Management Board
7323 58th Ave. North
Crystal, MN 55428
(612) 536-0816

Waste Management Board; and Energy and Economic Development Authority

Outside Opinion Sought Regarding Proposed Emergency Rules Governing Hazardous Waste Processing Facility Loans

Notice is hereby given that the Waste Management Board and the Minnesota Energy and Economic Development Authority are seeking information or opinions from sources outside the Board and Authority in preparing to promulgate emergency rules governing the administration of the hazardous waste processing facility loans. The promulgation of these rules is authorized by the laws of Minnesota 1984, chapter 644, section 14, which permits the Board and Authority to adopt temporary rules which will remain in effect for 360 days or until permanent rules are adopted, whichever occurs first.

The Waste Management Board and Minnesota Energy and Economic Development Authority requests information and comments concerning the subject matter of these emergency rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Waste Management Board
Jerry Johnson
123 Thorson Center
7323 58th Avenue North
Crystal, MN 55428

Minnesota Energy and Economic
Development Authority
Frank Altman
980 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at the Board (536-0816) or the Authority at 296-7457 or in person at the above address.

All statements of information and comment shall be accepted until July 25, 1984. Any written material received by the Waste Management Board and the Minnesota Energy and Economic Development Authority shall become part of the record in the event that the rules are promulgated.

Mark Dayton, Chairman
Minnesota Energy and Economic
Development Authority

Robert G. Dunn, Chairman
Waste Management Board

STATE CONTRACTS

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

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

Commodities contracts with an estimated value of $5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-2513. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
78-630-06014	Dishless Tray System	MN Correctional Facility	Oak Park Heights	Contact buyer
Various	Influenza Virus Vaccine	Various	Various	Contact buyer
32-300-11214	Purch. of Word Processing System	Pollution Control Agency	St. Paul	Contact buyer
79-990-00217	Axle Components for Trucks—Rebid	Transportation	St. Paul	Contact buyer
37-090-94762	Purchase of Photocopy Machine	Education	St. Paul	Contact buyer
26-071-14297	Swimming Pool Repair	Mankato State University	Mankato	Contact buyer
27-148-41419-41420	Carpeting & Install. Re-bid	Rochester Community College	Rochester	Contact buyer
27-000-41425	Carpeting & Installation, Re-Bid	Rochester Community College	Rochester	Contact buyer
42-100-06732-06733	Modular Office System Rebid	Labor & Industry	St. Paul	Contact buyer
SCH. 50	Tires—Automotive, Police and Patrol Special	Various	Various	Contact buyer
27-139-41798	Grand Piano	Austin Community College	Austin	Contact buyer
02-307-44504	Elevator Maintenance—Capitol Complex	Plant Management	St. Paul	Contact buyer

Contact the receptionist at 296-2513 for referral to specific buyers.

Department of Economic Security

Request for Proposal to Evaluate Energy Assistance Pilot Programs

Notice is hereby given that the Department of Economic Security, Office of Energy Assistance is seeking services of a firm or an individual to monitor and evaluate two energy assistance pilot programs during their operation and to prepare final a report. The pilot programs attempt to determine whether there is a more equitable and cost effective delivery plan for energy assistance programs for low income Minnesotans.

The pilot program will operate between October 1, 1984 and September 30, 1985. An amount not to exceed $20,000 is available for this contract including travel costs, if any.

The request for proposal application is available upon request from:

Bill Grant
Department of Economic Security
Energy Assistance Program
690 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-3408

There will be a proposers conference on July 30, 1984 at the above address to review evaluation goals and objectives and to respond to any questions.

Proposals must be received by the department of Economic Security, Energy Assistance Program no later than 4:30 p.m., Friday, August 13, 1984.

Department of Energy and Economic Development Economic Development Division

Request for Proposals from Cities Wishing to Host the Minnesota Convention Facility

The Minnesota Convention Facility Commission, Economic Development Division, Department of Energy and Economic Development, is seeking proposals from cities wishing to be considered as the location for the Minnesota Convention Facility. Procedures to be followed by the Minnesota Convention Facility Commission in selecting a host city are outlined in the detailed Request for Proposal. The formal Request for Proposal may be obtained from and inquiries directed to:

Gerald G. Pecinovsky, Executive Director
Minnesota Convention Facility Commission
Economic Development Division
Department of Energy and Economic Development
900 American Center Building
150 E. Kellogg Boulevard
St. Paul, Minnesota 55101
612/297-1395

The deadline for submission of completed proposals is 4:00 p.m., August 8, 1984.

Department of Energy and Economic Development Energy Division

Request for Proposals for Graphic Design Services

The Energy Division of the Minnesota Department of Energy and Economic Development is requesting proposals from contractors to provide the following graphic design services:

—cover and layout design, type specs, and camera-ready mechanicals for brochures, reports, factsheets, ads, etc.
—slides and overhead transparencies
—artwork for displays
—technical illustrations, graphs, charts, maps
—logos

The $25,000 contract may be divided among several contractors. Services must be available upon request from August 20, 1984 through June 30, 1985.

Proposals should be submitted by July 30, 1984, 4:30 p.m., stating services offered, hourly rate for those services and any minimum requirements. Samples of work also must be included.

Contractors must apply for a Certificate of Compliance from the Minnesota Department of Human Rights. Applications can be obtained by written request from the Minnesota Department of Human Rights, Fifth Floor, Bremer Building, St. Paul, MN 55101. All contract bids must include a statement indicating that the bidder has applied for the certificate.

All questions related to this notice and all proposals should be directed to:

Elsa Larson
Energy Division
Department of Energy and
Economic Development
900 American Center Building
150 E. Kellogg Boulevard
St. Paul, MN 55101
(612) 296-1880

Department of Health
Health Systems Division
Emergency Medical Services Section

Request for Proposal for Medical Director

The Minnesota Department of Health is requesting proposals from eligible physicians who would be able to serve as medical director of its Emergency Medical Services Section for the period October 1, 1984, to September 30, 1985. Qualifications for the position are: current active practice of emergency medicine or a related specialty; recognized standing in the professional community in the form of current or recent chairmanships and memberships of the American College of Emergency Physicians, Minnesota Medical Association, and other relevant professional associations; experience in working with governmental agencies; familiarity with the state emergency medical systems grant program and other relevant federal and state programs; an interest in assisting the Department of Health in defining and reaching its goals in regard to the planning and development of emergency medical services, the regulation of current services, and the setting of appropriate guidelines and standards.

Minimum tasks include: assisting the Department of Health in the administration of rules and regulations pertaining to EMS, reviewing requests for waivers and variances, representing the Department to various professional, governmental and public entities, providing general technical assistance as needed to the Department and providing regular progress reports.

Candidates must respond in the form of a proposal to enter into a contract as required by the Department of Health. Maximum reimbursement for a total of 150 to 250 hours assistance will be $12,000, which includes travel and expenses. The deadline for proposals is August 15, 1984.

Copies of the request for proposals and other information are available from:

Peter Carr, Chief
Emergency Medical Services Section
Minnesota Department of Health
717 Delaware St. S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440

Department of Health
Health Systems Division

Request for Proposal for Consultant Services for an Assessment of the Nursing Home Regulatory Process in Minnesota

The Minnesota Department of Health is seeking proposals for an assessment of the nursing home regulatory process in Minnesota. The assessment will address the following three areas:

1. The first area will focus on the current regulatory practices of this division. This will include a review of the survey process, an examination of the role and responsibilities of all sections within the division involved in this area, and a review of the levels of coordination and cooperation with other state agencies.

2. The second area will focus on the possible changes in the long term care system as the result of the implementation of the case-mix reimbursement system. This part of the assessment will also require a review of other changes in the long term care system as the result of hospital reimbursement changes and the development of the preadmission screening program. The impact of these external changes will be assessed against the current and proposed nursing home rules and the current regulatory practices will be evaluated to ascertain if any changes will be required.

3. The third area will explore the feasibility of obtaining a waiver from the federal government to provide flexibility in the administration of the certification program.

Estimated Cost: Between $65,000 and $85,000

Submission Deadline: No later than 4 p.m., August 13, 1984.

To obtain a copy of the formal Request for Proposal document, contact:

Janet G. Brodahl, Director
Division of Health Systems
Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440
(612) 623-5440

Metropolitan Council

Invitation for Sealed Bids for Printing "Public Boat Launch Guide"

The Metropolitan Council, 300 Metro Square Bldg., St. Paul 55101, is requesting sealed bids to print the Public Boat Launch Guide.

Specifications for printing the publication can be obtained by contacting Nadine Farrington, publications unit, at 291-6478.

Sealed bids will be accepted by the Metropolitan Council until 4 p.m. July 18, 1984. The Council's purchasing officer will open the sealed bids publicly in the Council offices at 10 a.m. July 19.

All sealed bids shall be marked "Bids to print Boat Launch Guide—to be opened on July 19, 1984." Bids shall be mailed to Nadine Farrington, Communications Department, Metropolitan Council, 300 Metro Square Bldg., St. Paul 55101.

The Metropolitan Council reserves the right to reject any or all bids, and to waive any minor irregularity or deviation from the specifications.

July 2, 1984

Sandra S. Gardebring, Chair

Metropolitan Transit Commission

Request for Proposals for Mainframe Computer System

NOTICE IS HEREBY GIVEN that the Metropolitan Transit Commission will receive proposals at the office of the Metropolitan Transit Commission, 560-6th Avenue North, Minneapolis, Minnesota 55411-4398, until 2:00 p.m. on Wednesday, August 15, 1984, for a mainframe computer system, MTC Specification #057-3320-00-552-07-001.

All plans, specifications, and proposals are available from the Metropolitan Transit Commission, 801 American Center Building, St. Paul, Minnesota 55101, (Telephone: 612/221-0939, extension 121).

The Metropolitan Transit Commission reserves the right to reject all proposals.

This project is subject to the financial assistance contract between the Metropolitan Transit Commission and the United States Department of Transportation.

Contractor will be required to comply with all applicable Equal Employment Opportunity laws and regulations.

All proposers will be required to certify that they are not on the Comptroller General's List of Ineligible Contractors.

The Metropolitan Transit Commission hereby notifies all proposers that in regard to any contract entered into pursuant to this request for proposals, minority business enterprises will be afforded full opportunity to submit proposals in response, and will not be subject to discrimination on the basis of race, color, sex or national origin in consideration for an award.

Minnesota Historical Society

Contract Available for Services for Historic Preservation Survey

It is anticipated that the Minnesota Historical Society will require the services of a qualified contractor or consultant to conduct and administer a cultural resource (standing structures only) survey of Renville, Kandiyohi, and Yellow Medicine counties. Contract will begin approximately September 1, 1984, and continue for eight months. Estimated funds available are $16,000. The survey will be carried out in conformance with the State Historic Preservation Office's guidelines for county surveys (available from the Minnesota Historical Society Contract Officer).

The contractor will be responsible for all aspects of the survey and nomination work as well as enlisting and documenting the assistance of identified local organizations.

Requirements:

1. B.A. in history, historic preservation, architectural history, or closely related field and knowledge of Minnesota history.
2. A valid Minnesota driver's license.
3. Demonstrated experience in researching, identifying, locating and documenting historic standing structures in Minnesota.
4. Have successfully prepared a National Register form for property that has been placed on the Register within the last five years.

Qualified contractors/consultants should send proposal (proposal should include a dollar bid and a proposed survey schedule, and should be limited to a maximum of two pages), resume, and completed National Register form to Glora A. Thompson, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota 55101, no later than July 30, 1984. Call the Contract Officer at 296-8378 for further details. Award of any and all contracts is contingent upon availability of federal funds. The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein.

Minnesota Historical Society

Request for Sealed Proposals for Photo Lab Ventilation Remodeling and Miscellaneous Carpentry, Mechanical and Electrical Modifications

Sealed proposals for the Photo Lab Ventilation Remodeling and Miscellaneous Carpentry, Mechanical and Electrical Modifications at Museum Building, 690 Cedar Street, St. Paul, Minnesota 55101, all in accordance with plans and specifications prepared by Thorsen & Thorshov Associates, Inc., will be received until 2:00 p.m. CDT, July 25, 1984, in the Contract Administration Office, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota, 55101. The bids will be publicly opened and read aloud. Bids received after 2:00 p.m. CDT will be returned unopened.

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or bidder's bond acceptable to the Minnesota Historical Society, hereinafter called the Society, in an amount equal to 5% of the proposal, payable without condition to the Society as a guarantee that the bidder, if awarded the contract, will promptly execute such contract in accordance with the proposal and will furnish the required bond.

Copies of proposal forms, plans and specifications for use by contractors submitting a bid, may be obtained from the Minnesota Historical Society's Contract Administration Office, 1500 Mississippi Street, St. Paul, Minnesota, 55101, upon deposit of $25.00 made payable to the Minnesota Historical Society. Deposits will be returned to bidders who submit a bid and who return the contract documents in good condition within ten days (10) following the bid opening.

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty days (30) from the scheduled closing time for receiving bids.

This project will be constructed with state and federal assistance funds. Bidders will be required to comply with state and federal requirements concerning non-discrimination and wage rates.

All bidders are encouraged to investigate the use of socially and economically disadvantage firms as subcontractors on this project.

All bidders must acknowledge and comply with the Clean Air Act, Executive Order 11738; USC 1913, which relates to lobbying, and Chapter 583 of Minnesota Session Laws of 1982 which pertains to use of American made goods.

State Designer Selection Board

Request for Proposals for State Projects

TO ARCHITECTS AND ENGINEERS REGISTERED IN MINNESOTA:

The State Designer Selection Board has been requested to select designer for a number of state projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., August 8, 1984, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.

2. All data must be on 8½" × 11" sheets, soft bound.

3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4. The proposal should consist of the following information in the order indicated below:

a) Number and name of project.

b) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc.

c) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If the applicant chooses to list projects which are relevant in type, scale, or character to the project at hand, the person's role in the project must be identified.

d) A commitment to enter the work promptly and to assign the people listed in "C" above and to supply other necessary staff.

e) A list of design projects in process or completed in the three (3) years prior to the date of this request for agencies or institutions of the State of Minnesota, including the University of Minnesota, by the firm(s) listed in "b" together with the approximate fees associated with each project.

f) A section of not more than fourteen (14) faces containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of $50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

b) A statement certifying that your firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

c) A statement certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

6. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded.

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7a) PROJECT—29-84
Twin Cities Recreational Sports
and Physical Education Facilities
University of Minnesota
Minneapolis, Minnesota

Project Description: This project involves providing largely new and some remodeling of facilities to provide needed recreational opportunities for students as well as improved facilities to correct deficiencies in space and program for Athletic Education. Construction costs are budgeted at approximately $12,500,000.00. Funding has been committed to prepare schematic plans.

The building program which is currently being completed will provide detailed requirements for facility components such as gymnasiums, a swimming pool, racquetball courts, locker rooms and physical education classrooms.

Designer Services: The Designer will be required to prepare in cooperation with the owner's presentation proposals, design development drawings and specifications, construction drawings and specifications for public bidding. Construction phase services will include shop drawing reviews, construction observation and the production of a set of "as built" drawings.

Fees: The fees for the project will be negotiated on the basis of general guidelines for similar type projects.

Questions concerning this project may be referred to Clint Hewitt at 373-2250.

7b) PROJECT—30-84
Asbestos Removal
Faribault State Hospital
Faribault, Minnesota

Description of the Project:

1) A recent study of "*Asbestos Containing Materials in State Buildings*" indicated the need to remove asbestos containing pipe covering at various locations in approximately 27 buildings at Faribault State Hospital. The study classified the risk factor of all asbestos installations from 1 to 5. It is the intent at this time to remove all existing installations with a risk factor of four. The asbestos containing materials in this project are limited to insulated pipe covering and shall be replaced with other suitable material.

2) Total project cost including consultant fee is $750,000.00.

Work to be Performed by Designer:

1) The work basically includes: Review study and investigate asbestos installations classified with risk factor of four; the preparation of drawings and specifications and allied documents for the bidding, removal and replacement; preside at bid opening; the handling of contract documents; general supervision of the construction work for the owner; assist in the preparation of Supplemental Agreements; review and approval of shop drawings (if any) and pay requests; assist in the final acceptance of the work.

Fees:

1) The appropriate fee will be determined following a site walk through with the selected designer and may range between 5 and 10% of the construction costs.

Selection criteria:

1) Experienced with similar type of projects.

2) Knowledge of prevailing P.C.A., G.S.H.A., and Board of Health regulations, removal techniques and disposal materials.

3) Staff available for timely completion of the documents and observation of the work.

7c PROJECT—31-84
Headquarters Addition
Oakdale District Headquarters
Department of Transportation
North St. Paul, Minnesota
Project Budget: $986,000.00

a) General Description: The addition will consist of an 86 × 200 ft. addition for vehicle storage; a 2400 sq. ft. office area for State Patrol, a 4200 sq. ft. shop and storage area for Electronic Communications, mechanical and misc. stockroom space. The exterior of the addition shall match or compliment the existing walls. It is desired that the patrol office utilize the mezzanine or 2nd story access level since the site is well suited to that application.

b) Site Development: The plan shall address the necessary roadway and parking lot modifications necessary around the new addition, however construction of the roadway and lots is not a part of this project.

c) Designer Contract: This project has had no prior designer involvement. The fee offered is 7%. The Minnesota Department of Transportation contact person is Paul M. Jensen, Building Engineer at 297-3591 for more information regarding this project.

7d) PROJECT—32-84
I-94-St. Croix Weigh Station
Department of Transportation
Stillwater, Minnesota
Project Budget: $500,000.00

a) General Description: This facility will consist of a weigh station operations building located between two ramps with weigh scale on both sides of the building. Department of Transportation is currently designing all roadways involved and will be constructing them by separate contract. The specifications for the weighing system will be furnished by the Minnesota Department of Transportation to the architect for inclusion in a single contract. The scale basement pit shall be incorporated with the building plan and designed according to existing MN D.O.T. typical details. It is estimated that the building will be approximately 1200 sq. ft. in size with basement.

b) Site Development: All site development will be done by other MN D.O.T. contract except for the immediate area around the building. The design of the water well and sewage system will be done by MN D.O.T. for inclusion in the total building project.

c) Designer Contract: This project has had no prior designer involvement. Since there are several areas including some design by MN D.O.T., the fee offered is 8% for the building design portion and 3% for the inclusion of MN D.O.T. specifications and typical plans for the scales, water well and sewage system. The MN D.O.T. contact person is Paul M. Jensen, Building Engineer at 297-3591 for more information regarding this project.

John D. Nagel, Chairman
State Designer Selection Board

SUPREME COURT

Decisions of the Court of Appeals Filed Tuesday, July 3, 1984

Compiled by Wayne O. Tschimperle, Clerk

C8-83-1153 State of Minnesota v. Harold P. Host, Appellant. Aitkin County.

It is permissible to aggregate prior uncounseled petty misdemeanor speeding convictions when charging a driver for a subsequent speeding offense.

Affirmed. Popovich, C.J.

C2-83-1715 State of Minnesota v. John Rose, Appellant. Ramsey County.

Any prosecutorial misconduct which occurred in closing argument did not deny appellant a fair trial when defense counsel failed to make timely objections.

The trial court did not abuse its discretion in allowing limited examination of a state's witness which touched on appellant's character.

The trial court did not abuse its discretion in allowing the use of prior of convictions for impeachment purposes.

Affirmed. Popovich, C.J.

C7-83-2018 State of Minnesota v. Daniel Robert Wurst, Appellant. Wabasha County.

Prosecution of appellant for fleeing a police officer did not violate the prohibition against serialized prosecution of multiple offenses arising from a single behavioral incident.

Affirmed. Popovich, C.J.

C7-84-814 In the Matter of the Alleged Mental Illness of: James D. Kennedy. Hennepin County.

The trial court properly found appellant mentally ill, as defined by Minn. Stat. § 253B.02, subd. 13 (Supp. 1983), and committed him to Anoka State Hospital.

Affirmed. Popovich, C.J.

C5-83-1238 State of Minnesota v. Timothy Edward Campion, Appellant. St. Louis County.

Evidence was sufficient to convict appellant of theft by swindle and securities fraud.

The trial court did not abuse its discretion in allowing evidence of a prior financial transaction when it helped establish appellant's motive; evidence of statements made by a witness who died before trial was admissible as non-hearsay statements and "state of mind" hearsay.

Appellant was not deprived of a fair trial by the destruction of a note left by the State's witness to a State investigator in which the witness asked for his license back or an academy award for his performance as a witness.

In departing from the presumptive sentence, the trial court cannot merely refer to a list of five aggravating factors, state that at least two are present, and then not identify those factors.

Affirmed in part and remanded. Parker, J.

C2-84-641 State of Minnesota, Appellant, v. Kenneth E. Kornexl. Olmstead County.

Determination of the applicability of a prior foreign conviction such as to require invocation of Minn. Stat. § 609.346, our Subsequent (Sex) Offenders Act, and its three-year minimum mandatory sentence of imprisonment turns upon whether the statute under which defendant was previously convicted was similar to those specified in the Minnesota Act.

Whether the prior foreign conviction was under a similar statute is determined by a substantive comparison of the language of the foreign statute of conviction with that specified in the Minnesota Subsequent (Sex) Offenders Act and not by a mere determination of the level of offense of the prior foreign conviction.

Reversed. Parker, J.

C8-84-109 State of Minnesota v. John E. Jensen, Appellant. Carver County.

Where one trooper saw defendant's car swerve over the center line and another saw signs that defendant was intoxicated, their combined perceptions satisfy the presence requirement for a warrantless misdemeanor arrest.

A single comment by the prosecutor on the veracity of a witness was harmless error.

The trial court did not err in refusing to give the jury a lesser included offense instruction for "over the center line" where defendant was charged with driving with an alcohol concentration of .10 or more.

Admission of business records relating to the breathalyzer test did not violate defendant's constitutional right of confrontation.

Affirmed. Foley, J.

C6-84-139 Genz-Ryan Plumbing and Heating Company v. Daryl McCarthy, an Individual, and d/b/a/ McCarthy Construction Inc., et al., Appellants. Dakota County.

The trial court did not err in refusing to reinstate a default judgment on appellants' abuse of process counterclaim where the judgment was entered without court order or notice to respondent, and a prior summary judgment established that there was no merit to the claim.

Affirmed. Foley, J.

C2-84-11 In the matter of Arbitration between AFSCME District Council 96 and Independent School District No. 381, Two Harbors, Minnesota. Lake County.

The arbitrator did not exceed his authority when he determined that seniority under a collective bargaining agreement accrues from the time employees joined the union, rather than from the time the employees were hired.

Affirmed. Wozniak, J.

CX-83-1641 Brian Scott Sturgeon, Appellant, v. Commissioner of Public Safety. Hennepin County.

A defendant arrested for DWI does not have the right to have his attorney present during the administration of a breathalyzer test.

Affirmed. Sedgwick, J.

C3-83-1710 Debora L. Letourneau, Appellant, v. David C. Letourneau. Ramsey County.

A trial court cannot deviate from the child support payment guidelines in Minn. Stat. §§ 518.17 (5), 518.551 (5) (Supp. 1983) simply because the custodial parent has an income, and her income minus her expenses results in a figure lower than the figure recommended by the guidelines.

Reversed in part and remanded. Sedgwick, J.

Opinion of June 5, 1984 withdrawn and this opinion substituted.

C9-84-40 Friend of Animals & Their Environment (FATE), Appellant, v. James Nichols as Commissioner of Agriculture, et al. Hennepin County.

An organization must meet the statutory standing requirements before a court can properly consider a writ for mandamus.

Affirmed. Sedgwick, J.

C2-84-168 In Re the Marriage of: Sherri Kay Braun, Petitioner, v. Dean Dennis Braun, Appellant. Brown County.

The trial court properly awarded child support, including back support, where the father is employed and received a liability settlement, but concealed his income from the court.

Affirmed in part and remanded with instructions. Sedgwick, J.

C0-83-1731 Sheila R. Chapman Appellant, v. Michael E. Chapman. Rice County.

A change from sole custody by one parent to joint custody must be supported by the specific findings of fact required by Minn. Stat. § 518.18(d) (1982).

Joint custody should not be used to coerce cooperation from parents who have been unable to cooperate or amicably settle disputes about their children.

The trial court erred by expanding the father's holiday visitation rights and eliminating the requirement that he take the children to Mass.

The trial court did not err in increasing child support in light of the father's increased income and the children's increased living expenses.

The trial court erred when it premised a modification of the father's obligation for medical and dental expenses upon a desire to force the parent to make joint decisions concerning their children rather than upon changes in need or earnings.

Affirmed in part, reversed in part, remanded. Lansing, J.

C9-84-68 James Nelson, Appellant, v. Rodgers Hydraulic Incorporated, etc., Skinner Precision Industries Inc., etc., Cecile Whetstone, and Rodgers Hydraulic Incorporated, etc., Third Party Plaintiff, v. Hossfeld Manufacturing Company, Third Party Defendant, and Fireman's Fund Insurance Company, Intervenor. Winona County.

The trial court did not err in granting summary judgment to respondent on the basis that there was no duty owed by respondent to appellant.

Minn. Stat. § 176.061(5)(c) (1982) is not applicable to the fact of this case.

Affirmed. Huspeni, J.

C6-83-1569 State of Minnesota v. Timothy Joseph Gobely, Appellant. Ramsey County.

Police officers executing a search warrant in an apartment may not frisk an individual seeking entrance to that apartment under circumstances which are not suspicious.

Reversed. Forsberg, J.

C5-84-522 In Re: Eileen J. Verhelst, Mentally Ill and Dangerous. Washington County.

A trial court reviewing the commitment of a person committed as mentally ill and dangerous may not order indeterminate commitment when it finds that the patient is no longer mentally ill and dangerous.

Reversed. Leslie, J.

CX-83-1610 In the Matter of the Estate of John P. Prigge, Deceased. Wabasha County.

Decedent possessed testamentary capacity at the time he executed his will.

Decedent's will was not the product of undue influence.

There is no right to a jury trial in a proceeding to probate a will.

Affirmed. Nierengarten, J.

C4-83-1702 State of Minnesota v. Harry Reynold Junes, Appellant. Wadena County.

Evidence was sufficient to convict appellant of driving with an alcohol concentration of .10 or more.

Affirmed. Nierengarten, J.

C8-84-403 Garrett J. Barry, Appellant, v. Tom Johnson, in His Capacity as County Attorney, et al. Hennepin County.

An investigator of the County Attorney's Office, acting within the scope of his official duties, is absolutely immune from civil liability.

Affirmed. Nierengarten, J.

C7-83-1628 State of Minnesota v. Johnnie Love Green, Appellant. Anoka County.

The evidence was insufficient to show appellant willfully drove after his license was suspended when he never received notice that driving privileges were suspended.

Reversed. Randall, J.

C9-84-345 State of Minnesota v. Douglas Miles Winchell, Appellant. St. Louis County.

A double upward departure in the presumptive duration of defendant's sentence was not justified by substantial and compelling circumstances.

Affirmed as modified. Crippen, J.

C8-83-2013 Stanley Nathaniel King, Appellant v. State of Minnesota. Ramsey County.

Evidence was sufficient to permit a jury verdict that defendant did not act in self-defense.

The prosecutor's questions on another offense did not play a substantial part in influencing the jury to convict defendant. The error being insubstantial, defendant's objection was forfeited when not stated during trial.

Defendant's requests for departure from the presumptive sentence are not supported by substantial or compelling circumstances.

Affirmed. Crippen, J.

C4-84-9 State of Minnesota v. Debra Zimmerman, Appellant. Rice County.

Unlawful possession of two controlled substances at the same time and place is a unitary course of conduct under Minn. Stat. § 609.035 (Supp. 1983).

Prosecution on a felony charge is barred when a defendant has been convicted earlier for a misdemeanor occurring in the same course of conduct that was charged in a police citation.

Reversed. Crippen. J.

Decisions of the Supreme Court Filed Friday, July 6, 1984

Compiled by Wayne O. Tschimperle, Clerk

C8-82-1093 State of Minnesota v. Bruce Mitchell Kutchara, Appellant. Winona County.

Defendant received a fair trial and was properly convicted of assault in the third degree and fleeing a police officer in a motor vehicle, but defendant's sentence duration is reduced from 32 months to 25 months.

Affirmed as modified. Amdahl, C.J.

Took no part; Kelley, J.

C2-82-1638 State of Minnesota v. Nathaniel Anderson, Appellant. Ramsey County.

Record on appeal fails to establish that trial court committed prejudicial error in instructing the jury.

Affirmed. Amdahl, C.J.

C7-83-754 Willard Gilbert Johnson v. State of Minnesota, Department of Public Safety, Petitioner, Appellant. Dakota County.

District court appeal panel erred in reversing order of county court that sustained proposed revocation of driver's license for failure to submit to chemical testing under the implied consent law.

Reversed. Amdahl. C.J.

C9-83-271 Robert Harding Gunderson v. Commissioner of Public Safety, Petitioner, Appellant. Dodge County.

District court erred in reversing order of county court sustaining license revocation of driver under Minn. Stat. § 169.123 (1980) for refusing to submit to chemical testing.

Reversed. Yetka, J.

C6-82-1173 State of Minnesota v. James R. Davidson, Appellant. Hennepin County.

The evidence justified defendant's conviction of being a felon in possession of a handgun.

The trial court erred in refusing to accept the stipulation and let defendant remove from the jury the issue of whether defendant was a felon, but the error was not so prejudical as to require reversal.

The trial court did not abuse its discretion in refusing to let defense counsel make argument about the state's failure to produce certain evidence.

Affirmed. Wahl, J.

C9-82-82 In the Matter of the Petition for Disciplinary Action Against Donald J. Heffernan, a Minnesota Lawyer. Supreme Court.

Publicly reprimanded, suspended from the practice of law for three months, placed on supervised probation for a minimum period of three years. Per Curiam.

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STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES (AMENDMENTS) GOVERNING GROUP FOSTER HOMES

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter was determined by the Department of Corrections to be of a non-controversial nature and therefore proposed for adoption using procedures set forth in Minnesota Statutes, Section 14.14, Subd. 1 (1982).

After affording interested persons an opportunity to present written and oral data, statements and arguments and having received no request for public hearing and having received two letters of clarification and after considering all evidence adduced upon the record, files and procedures followed, I find the following:

Two letters were submitted to the Department of Corrections pertaining to the amended rules: One from Joseph Vene, Superintendent, Minnesota Juvenile Training Center, Bemidji, Minnesota and one from Greg Potvin, Career Corrections Agent, Detroit Lakes, Minnesota. Both letters are made a part of the record. Changes in the proposed rule amendments were neither requested nor required. Since there were no formal requests for a public hearing and since there were not 25 or more persons who submitted a request for a public hearing within the 30 day comment period as required in Minnesota Statutes 14.22, Subd. 3, therefore;

It is concluded that the rule-making process for non-controversial rule-making procedures should be continued in accordance with law.

STATE OF MINNESOTA

Orville B. Pung
Commissioner of Corrections

8-11-84
Date

STATE REGISTER

STATE OF MINNESOTA



VOLUME 9, NUMBER 19

November 5, 1984

Pages 941-1012

OFFICIAL NOTICES

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

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

Department of Corrections

Notice of Amended Statement of Need and Reasonableness for Proposed Rules Governing Adult Halfway Houses

Notice of intent to adopt rules without a public hearing on the above rules was published in the *State Register*, Volume 9, #3, July 16, 1984, p. 152-160. The Statement of Need and Reasonableness has been amended and is available to the public in accordance with Minnesota Statutes § 14.23. To receive a copy of the Statement of Need and Reasonableness (amended) contact John McLagan, Director of Standards Development Unit, Minnesota Department of Corrections, 430 Metro Square Building, St. Paul, Minnesota 55101 or call 612/296-1312.

Department of Corrections

Notice of Amended Statement of Need and Reasonableness for Proposed Rules Governing Group Foster Homes

Notice of Intent to Adopt Rules without a public hearing on the above rules was published in the *State Register*, Volume 9 #3, July 16, 1984, p. 160-168. The Statement of Need and Reasonableness has been amended and is available to the public in accordance with Minnesota Statutes § 14.23. To receive a copy of the Statement of Need and Reasonableness (Amended) contact John McLagan, Director of Standards Development Unit, Minnesota Department of Corrections, 430 Metro Square Building, St. Paul, Minnesota 55101 or call 612/296-1312.

Department of Corrections

Notice of Meeting of Minnesota Task Force on Sexual Exploitation by Counselors and Therapists

The Minnesota Task Force on Sexual Exploitation by Counselors and Therapists will hold a public hearing on Monday, November 12, 1984 in Room 112 at the State Capitol, located between Aurora and Park in St. Paul, Minnesota.

The purpose of this hearing is to give members of the public and the professional community the opportunity to provide input to the task force on all aspects of its work, as mandated by Chapter 631, 1984 Minnesota Statutes.

The public hearing will be divided into three parts. From 9 a.m. to noon, testimony will be heard from helping professionals and representatives of professional organizations. From noon until 5 p.m., testimony will be heard from state regulatory boards and attorneys. From 5 p.m. until 9 p.m., testimony will be heard from victims, victim advocates, and other concerned members of the public. Testimony should be limited to a 15 minute presentation.

Anyone wishing to testify or desiring more information should contact Barbara Sanderson, Coordinator of the task force, at (612) 296-1306.

Department of Energy and Economic Development Energy and Economic Development Authority

Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes*, Section 116M.01 to Section 116M.13, Inclusive—Chas. A. Bernick, Incorporated

NOTICE IS HEREBY GIVEN that the Minnesota Energy and Economic Development Authority (the "Authority"), shall meet on November 28, 1984, at 3:00 p.m. o'clock, at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") under *Minnesota Statutes*, Section 116M.01 to Section 116M.13, inclusive, as amended and supplemented (the "Act"), to undertake and

STATEMENT OF NEED AND REASONABLENESS

2925.0100 Subp. 8	Rationale:	Definition amended to include employees which some of the institutional foster homes have.
	Evidence:	Definition added to these rules to include these homes - 2925.0100 Subp. 2a. Special conditions added to these rules which include these people- 2925.4100, A, E and F.
Subp. 13	Rationale:	Repealed because it was felt by the DOC that the provisional license was not needed.
	Evidence:	In the three years of regulating Group Foster Homes, no homes have received the provisional license who did not qualify for a license.
Subp. 15	Rationale:	The term resident was deleted from the rule because it was felt that the term was more institutional and that there were better terms such as youth or child which more accurately describe both the relationship and the type of facility the child was placed in.
	Evidence:	Department of Corrections preference.
Subp. 22a	Rationale:	Amendment added because there is a need to differentiate between the institutional group homes which have more than eight children and the ma pa homes which are smaller and more like a family. The larger homes are more institutional like in nature and need to be regulated with some different and additional rules.
	Evidence:	The added rules are found in these amendments 2925.4100. As you add numbers, risks increase, the need for additional help in supervision increases and the overall responsibility increases. At the time the original rule was written, these kinds of group homes were not considered.
Subp. 23	Rationale:	The term waiver is replaced with the term variance to be consistent with the Administrative Procedures Act and other rules of the Department of Corrections.
	Evidence:	Minnesota Statutes 14.05, Subdivision 4.

CORR.
2925.0200 INTRODUCTION

Rationale: Update the legal reference and reduce some of the unneeded language making the statement more consistent with other rules of the Minnesota Department of Corrections.

Evidence: Rules Governing Adult Corrections Facilities, Rules Governing Juvenile Detention Facilities; Rules Governing Residential Facilities; Minnesota Rule Drafting Manual, 1984, p. 29.

Subp. 2, 3 and 4 Rationale: The deletion of unnecessary material. References in Introduction.

Evidence: Minnesota Rule Drafting Manual, 1984, p. 29. Introduction 2925.0200.

CORR.
2925.0500 Subp. 1 Rationale: The deletion of unnecessary material.

Evidence: Minnesota Rule Drafting Manual, 1984, p. 29.

Subp. 2 Rationale: Editing changes. Eliminate unnecessary words and deleting descriptive and permissive materials which have nothing to do with regulation. The outline of program was deleted because it was felt this goes beyond what a ma and pa type group foster home should be required to do. The annual T.B. checks were eliminated to be consistent with other rules of DOC.

Evidence: Minnesota Rules Drafting Manual, 1984, p. 29. Decision made by DOC staff at the time that rule amendments were being considered. T.B. checks evidenced in Rules Governing Adult Detention Facilities, Adult Halfway House Rules, Juvenile Residential Facilities Rules, Juvenile Detention Facilities Rules.

CORR.
2925.0600 RENEW A LICENSE
Subp. 1

Rationale: Editing changes as recommended by the revisor of statutes and the deletion of unnecessary structure and description.

Evidence: Minnesota Rules Drafting Manual, 1984, p. 18.

Subp. 2.

Rationale: The rules regarding mantoux testing are deleted in this section and re-established in another section of the proposed rule. Also, the rules which regulate prior inspections and health rules has been updated and are viewed as more practical and realistic. While regular fire inspections have been reduced in frequency, it was felt that life threatening conditions may exist. For this reason, the commissioner needs to be able to request additional fire safety inspections any time he determines that unsafe conditions may exist in a group foster home.

Evidence: Proposed amended rules governing group foster homes, 2925.1900. Within the Inspection and Enforcement Unit with regard to the necessity for regular inspections both fire and health in the foster homes, it was felt annual inspections were not necessary. There have been instances when it was felt that unsafe conditions may have existed in some homes and therefore qualification needed to be included allowing for excepitons.

CORR. 2925.0800

Rationale: The amendments deleted unnecessary words as well as unnecessary statements about avoiding delays. As the statement now reads, changes in buildings, key people, or major renovation will require a new licensing evaluation. The deletion of "procedure and policy" recognize that all ongoing viable organizations have changes in policy and procedure and that such changes should not require a new license every time.

Evidence: Minnesota Rule Drafting Manual, 1984, p. 29. Other changes made after evaluating the concepts in preparation for the amending of these rules.

Subp. 2

Rationale: Deletion of the requirement that modifications of the structure require the commissioner of corrections approval. It is felt that annual inspections will be done on the facility and that the facility parents are required to, at the time of relicensure, show any changes that may have occurred. Further, it is the personal home of the group home parents and presumptive to think that they cannot remodel or modify their home without permission of the commissioner.

Evidence: Proposed Rules Governing Group Foster Homes 2925.0600, Subp. 1.

Subp. 3

Rationale: Edited changes recommended by the Revisor of Statutes.

Evidence: Minnesota Rules Drafting Manual, 1984, p. 18.

Subp. 5

Rationale: Edit change

Evidence: Minnesota Rules Drafting Manual, 1984, p. 18, p. 29.

Subp. 6

Rationale: Editing change.

Evidence: Minnesota Rule Drafting Manual, 1984, p. 18 and p. 29.

Subp. 7

Rationale: Statement that binds the Commissioner of Corrections to issuing a license if the applicant is found to be in substantial compliance with the rules.

Evidence: DOC staff evaluated the existing rules and felt that if an applicant meets the standards, they should receive a license.

CORR.
2925.100 LANGUAGE CHANGE TO BE CONSISTENT WITH MINNESOTA STATUTES, CHAPTER 14

Rationale: With recommendations made by the Revisor of Statutes Office.

Evidence: Minnesota Statutes 14.05, Subdivision 4; Minnesota Rule Drafting Manual, 1984, p. 18.

CORR.
2925.1200 NOTICE TO APPLICANT OF COMMISSIONERS ACTION

Rationale: Editing changes as recommended by the Revisor of Statutes Office. Also a change in procedure recommended by the Department of Corrections Inspection and Enforcement Unit.

Evidence: Minnesota Rule Drafting Manual, 1984, p. 18.

CORR.
2925.1400 RESTRICTION OF USE OF GROUP FOSTER HOME

Rationale: Editing as recommended by the Revisor of Statutes Office.

Evidence: Minnesota Rules Drafting Manual, p. 18.

CORR.
2925.1800 GROUP FOSTER PARENT QUALIFICATIONS

Subp. 1 Rationale: Deleted from rules because the rule was not measurable or objective and felt to be poor.

Evidence: Conclusion drawn by the Inspection and Enforcement Unit, DOC.

Subp. 2 Rationale: Editing plus the deletion of a statement which is covered by Minnesota Statute and not useful to the rules and group foster homes.

Evidence: Minnesota Rule Making Manual, 1984, p. 18.

Subp. 4 Rationale: Minor editing to eliminate useless language. Also, changes made per recommendation of the Revisor of Statutes Office.

Evidence: Minnesota Rule Drafting Manual, 1984, p. 18.

CORR.
2925.1900 HEALTH OF PERSONS LIVING IN GROUP FOSTER HOME

Rationale: Editing changes which eliminate annual mantoux test. This change gets this consistent with all other rules of the DOC. The annual T.B. test is obsolete.

Evidence: Minnesota Department of Health. Rules Governing Adult Detention Facilities; Rules Governing Juvenile Detention Facilities; Rules Governing Juvenile Residential Facilities.

CORR.
2925.2000 TRAINING FOR GROUP FOSTER PARENTS

Rationale: Editing change as recommended by the Revisor of Statutes Office.

Evidence: Minnesota Rule Making Manual, 1984, p. 29.

Subp. 2 Rationale: Editing change which does not change the rule but in fact broadens it potential. Deletes unnecessary words.

Evidence: Minnesota Rule Making Manual, 1984, p. 29.

Subp. 3 Rationale: Repealed because it was not a rule but rather a suggestions.

Evidence: Decision of the DOC at time of considering amendments to these rules.

CORR.
2925.2100 VACATIONS FOR GROUP FOSTER PARENTS

Subp. 1 Rationale: Repealed because it was felt that the leave of absence is unnecessary. If Group Foster parents want to drop out of the business of foster caring for a period of time, they can easily do that. The relicensing process is simple enough that it should not require a special rule addressing this issue.

Evidence: Decision made by DOC staff at the time these rules were being evaluated for amendment.

Subp. 2. Rationale Editing changes as recommended by the Revisor of Statutes Office.

Evidence: Minnesota Rule Drafting Manual, 1984, p. 18.

CORR.
2925.2200 PROGRAM FOR GROUP FOSTER PARENTS

Subp. 1 Rationale: Editing change.

Evidence: Minnesota Rule Making Manual, 1984, p. 18.

Subp. 2 Rationale: Editing change as recommended by the Revisor of Statutes Office.

Evidence: Minnesota Rule Drafting Manual, 1984, p. 18.

Subp. 3 Rationale: Editing change deleting unnecessary words.

Evidence: Minnesota Rule Making Manual, 1984, p. 29.

Subp. 4 Rationale: Editing change to clarify and to be consistent with the recommendations of the Revisor of Statutes Office.

Evidence: Minnesota Rule Drafting Manual, 1984, p. 18, p. 29.

CORR.
2925.2300 HOUSE RULES

Subp. 1 Rationale: Section repealed because it was felt that the rules were dictating program and that this was an inappropriate role for rules to play.

Evidence: Decision made by DOC staff at the time of reviewing potential amendments to the rules.

Subp. 2 Rationale: Editing changes to clarify the rule.

Evidence: Recommended by DOC staff at the time of considering rule amendments.

CORR.
2925.2400 EMERGENCY PLANS

Rationale: Editing changes as recommended by the Revisor of Statutes Office.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

CORR.
2925.2500 DISCIPLINE

Subp. 1 Rationale: Deleted because it was felt by the DOC that this regulation dictated program and that this is an inappropriate role for rules to play.

Evidence: Decision of DOC staff at the time these rules were considered for amendment.

Subp. 3 Rationale: Amended based on advice of Revisor of Statutes Office.

Evidence: Minnesota Rule Making Manual, p. 18, p. 29.

Subp. 4 Rationale: Amended based on advice of Revisor of Statutes Office

Evidence: Minnesota Rule Making Manual, p. 18, p. 29.

CORR.
2925.2600 SECURITY PROCEDURES

Subp. 1 Rationale: Editing changes which clarify the rule. Deleted the monitoring of movement because it was felt to be unnecessary and repetitive.

Evidence: Minnesota Rule Making Manual, p. 29. Decision made by DOC when considering amendments to the rules.

Subp. 2 Rationale: Editing as recommended by the Revisor of Statutes Office.

Evidence: Minnesota Rule Making Manual, p. 18.

CORR.
2925.2700 PERSONAL COMMUNICATION

Subp. 1 Rationale: Editing changes to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, p. 18.

Subp. 2 Rationale: A substantive change which says that foster parents do not have the right to read the mail of foster children. It is felt that these children are not in institutions, and as such have the same rights of privacy with their mail as do other citizens.

Evidence: Decision made by DOC staff when considering amendments to these rules.

Subp. 3 Rationale: Editing changes to make the rule clearer to understand.

Evidence: Decision made by DOC when considering amendments to these rules.

CORR.
2925.2800 PERSONAL POSSESSIONS

Rationale: A substantive change as well as some editing changes. Basic concept is that group foster parents do not have the right to shake down their foster children or those areas of the home which are considered theirs.

It is felt that if the child is suspected of having items considered to be contraband or illegal, the same search and seizure rules apply to them as to others in the free world.

Evidence: Decision made by DOC at the time of considering amendments to these rules.

CORR.
2925.2900 PUBLIC REPORTS, STATEMENTS OR APPEARANCES

Rationale: Editing changes to be consistent with recommendations made by the Revisor of Statutes Office.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

CORR.
2925.3100 BEDROOMS

Subp. 1 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

Subp. 2 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

Subp. 3 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

Subp. 4 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

Subp. 5 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

Subp. 6 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29

CORR.
2925.3300 BATHROOM FACILITIES

Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

CORR.
2925.3500 DINING ROOMS

Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

CORR.
2925.3600 ENVIRONMENT: GENERAL

Subp. 1 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

Subp. 2 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

Subp. 4 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

CORR.
2925.3700 HEALTH CARE AND MEDICAL SERVICES

Subp. 1 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

CORR.
2925.3800 NUTRITION AND FOOD

Rationale: To be in conformance with other DOC rules. Also, it was felt that the reference was not pertinent to the rules.

Evidence: Rules Governing Adult Detention Facilities; Rules Governing Juvenile Detention Facilities; Rules Governing Juvenile Residential Facilities.

Subp. 2 Rationale: To be in conformance with the other DOC rules. Also it was felt that the reference was not pertinent to the rules.

Evidence: Rules Governing Adult Detention Facilities; Rules Governing Juvenile Detention Facilities, Rules Governing Juvenile Residential Facilities.

Subp. 3 Rationale: Editing changes consistent with recommendations made by the Revisor of Statutes Office.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

CORR. 2925.3900 FOSTER
2925.3900 FOSTER YOUTH'S RECORDS MAINTAINED BY SUPERVISING AGENT, COORDINATOR OR SPONSORING AGENCY.

Subp. 1 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

Subp. 2 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

Subp. 3 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29

Subp. 4 Rationale: Editing change to be consistent with the Revisor of Statutes Office recommendations.

Evidence: Minnesota Rule Making Manual, 1984, p. 18, p. 29.

CORR.
2925.4100 INSTITUTIONAL GROUP HOMES

Rationale: A list of special requirements were added to these rules. This is a substantive change. These rules reflect a number of standards which are felt to be necessary when the numbers exceed eight or ten youth. They are rules found in other rules with the Department of Corrections.

Evidence: Rules Governing Adult Detention Facilities; Rules Governing Juvenile Residential Facilities; Rules Governing Juvenile Detention Facilities.

STATEMENT OF NEED AND REASONABLENESS FOR THE GROUP FOSTER HOME RULE

CORR. 2925.0100

Rationale: Subpart 8. Definition amended to include employees in some of the homes.

Evidence: Self-evident.

Rationale: Subpart 13. Repealed because it was felt by the DOC that the provisional license was not needed.

Evidence: In the three years of regulating Group Foster Homes, no homes have received the provisional license who did not qualify for a license.

Rationale: Subpart 15. The term resident was deleted from the rule because it was felt that the term was more institutional and that there were better terms such as youth or child which more accurately describe both the relationship and the type of facility the child was placed in.

Evidence: Department of Corrections preference.

Rationale: Subpart 22A. The term treatment group home was added to the rule because there are few large group homes which are covered under this rule and which are not ma and pa type group homes. Specific rules have been added to the proposed amended rule which address these homes specifically.

Evidence: Rules as proposed governing group foster homes 2925.4100 institutional Group Homes.

Rationale: Subpart 23. The term waiver is replaced with the term variance to be consistent with the Administrative Procedures Act and other rules of the Department of Corrections.

Evidence: Minnesota Statutes 14.05, Subdivision 4.

CORR. 2925.0200 INTRODUCTION

Rationale: Update the legal reference and reduce some of the unneeded language making the statement more consistent with other rules of the Minnesota Department of Corrections.

Evidence: Rules Governing Adult Corrections Facilities, Rules Governing Juvenile Detention Facilities; Rules Governing Residential Facilities.

Rationale: Subpart 2. The deletion of unnecessary material.

Evidence: Self-evident.

Rationale. Subpart 3. Deletion of unnecessary material.

Evidence: Self-evident.

Rationale: Supbart 4. Deletion of unnecessary material.

Evidence. Self-evident.

CORR 2925.0500 ORIGINAL APPLICATION FOR LICENSE

Rationale: Subpart 1. The deletion of unnecessary material.

Evidence: Self-evident.

Rationale: Subpart 2. Editing changes. Eliminate unnecessary words and deleting descriptive and permissive materials which have nothing to do with regulation.

Evidence: Self-evident.

CORR. 2925.0600 RENEW A LICENSE

Rationale: Subpart 1. Editing changes as recommended by the revisor of statutes and the deletion of unnecessary structure and description.

Evidence: Self-evident. Minnesota Rules Drafting Manual, 1984, page 18.

Rationale: Subpart 2. The rules regarding mantoux testing are deleted in this section and re-established in another section of the proposed rule. Also, the rules which regulate prior inspections and health rules has been updated and are viewed as more practical and realistic.

Evidence: Proposed amended rules governing group foster homes, 2925.1900. Within the Inpsection and Enforcement Unit with regard to the necessity for regular inspections both fire and health in the foster homes.

CORR. 2925.0800 CONDITIONS OF LICENSE

Rationale: Deletion of unnecessary language and structure to the rules.

Evidence: Self-evident.

Rationale: Subpart 2. Deletion of the requirement that modifications of the structure require the commissioner of corrections approval. It is felt that annual inspections will be done on the facility and that the facility parents are required to, at the time of relicensure, show any changes that may have occurred. Further it is the personal home of the group home parents and presumptive to think that they cannot remodel or modify their home without permission of the commissioner.

Evidence: Proposed rules Governing Group Foster Homes 2925.0600, Subpart 1.

Rationale: Subpart 3. Edited changes recommended by the Revisor of Statutes.

Evidence: Minnesota Rules Drafting Manua, 1984, page 18.

Rationale: Subpart 5. Edit change.

Evidence: Self-evident

Rationale: Subpart 6. Minor editing.

Evidence: Self-evident.

Rationale: Subpart 7. Statement that binds the Commissioner of Corrections to issuing a license if the applicant is found to be in substantial compliance with the rules.

Evidence: Self-evident.

CORR. 2925.1000 LANGUAGE CHANGE TO BE CONSISTENT WITH MINNESOTA STATUTES, CHAPTER 14

Rationale: With recommendations made by the Revisor of Statutes Office.

Evidence: Minnesota Statutes 14.05, Subdivision 4; Minnesota Rule Drafting Manual, 1984, page 18.

CORR. 2925.1200 NOTICE TO APPLICANT OF COMMISSIONERS ACTION

Rationale: Editing changes as recommended by the Revisor of Statutes Office. Also a change in procedure recommended by the Department of Corrections Inspection and Enforcement Unit.

Evidence: Minnesota Rule Drafting Manua, 1984, page 18.

CORR. 2925.1400 RESTRICTION OF USE OF GROUP FOSTER HOME

Rationale: Minor editing.

Evidence: Self-evident.

CORR. 2925.1800 GROUP FOSTER PARENT QUALIFICATIONS

Rationale: Subpart 1. Deleted from rules because the rule was not measurable or objective and felt to be poor.

Evidence: Conclusion drawn by the Inspection and Enforcement Unit, DOC.

Rationale: Subpart 2. Editing plus the deletion of a statement which is covered by Minnesota Statute and not useful to the rules and group foster homes.

Evidence: Self-evident.

Rationale: Subpart 4. Minor editing to eliminate useless language. Also, changes made per recommendation of the Revisor of Statutes.

Evidence: Minnesota Rule Drafting Manual, 1984, page 18.

CORR. 2925.1900 HEALTH OF PERSONS LIVING IN GROUP FOSTER HOME

Rationale: Minor Editing changes which eliminate annual mantoux test.

Evidence: Minnesota Department of Health. Rules Governing Adult Detention Facilities; Rules Governing Juvenile Detention Facilities; Rules Governing Juvenile Residential Facilities.

CORR. 2925.2000 TRAINING FOR GROUP FOSTER PARENTS

Rationale: Minor editing.

Evidence: Self-evident.

Rationale: Subpart 2. Editing change which does not change the rule but in fact broadens its potential.

Evidence: Self-evident

Rationale: Subpart 3. Repealed because it really was not a rule but rather a suggestion.

Evidence: Self-evident.

CORR. 2925.2100 VACATIONS FOR GROUP FOSTER PARENTS

Rationale: Subpart 1. Repealed because it was felt that the leave of absence is unnecessary. If Group Foster parents want to drop out of the business of foster caring for a period of time, they can easily do that. The relicensing process is simply enough that it should not require a special rule addressing this issue.

Evidence: Self-evident

Rationale: Subpart 2. Minor editing changes as recommended by the Revisory of Statutes.

Evidence: Minnesota Rule Drafting Manua, 1984, page 18.

CORR. 2925.2200 PROGRAM FOR GROUP FOSTER PARENTS

Rationale: Subpart 1. Minor editing change.

Evidence: Self-evident.

Rationale: Subpart 2. Minor editing change as recommended by the Revisor of Statutes.

Evidence: Minnesota Rule Drafting Manual, 1984, page 18.

Rationale: Subpart 3. Minor editing change.

Evidence: Self-evident.

Rationale: Subpart 4. Minor editing change.

Evidence: Self-evident.

CORR. 2925.2300 HOUSE RULES

Rationale: Subpart 1. Section repealed because it was felt that the rules were dictating program and that this was an inappropriate role for rules to play.

Evidence: Self-evident.

Rationale: Subpart 2. Minor editing changes to clarify the rule.

Evidence: Self-evident.

CORR. 2925.2400 EMERGENCY PLANS

Rationale: Minor editing changes.

Evidence: Self-evident

CORR. 2925.2500 DISCIPLINE

Rationale: Subpart 1. Deleted because it was felt by the DOC that this regulation dictated program and that this is an inappropriate role for rules to play.

Evidence: Self-evident

Rationale: Subpart 3. Minor editing.

Evidence: Self-evident.

Rationale: Subpart 4. Minor editing

Evidence: Self-evident.

CORR. 2925.2600 SECURITY PROCEDURES

Rationale: Subpart 1. Minor editing changes which clarify the rule.

Evidence: Self-evident.

Rationale: Subpart 2. Weapons. Minor editing.

Evidence: Self-evident.

CORR. 2925.2700 PERSONAL COMMUNICATION

Rationale: Subpart 1. Minor editing changes.

Evidence: Self-evident.

Rationale: Subpart 2. A substantive change which says that foster parents do not have the right to read the mail of foster children. It is felt that these children are not in institutions, and as such have the same rights of privacy with their mail as do other citizens.

Evidence: Self-evident.

Rationale: Subpart 3. Minor editing changes.

Evidence: Self-evident.

CORR. 2925.2800 PERSONAL POSSESSIONS

Rationale: A substantive change as well as some editing changes. Basic concept is that group foster parents do not have the right to shake down their foster children or those areas of the home which are considered theirs. It is felt that if the child is suspected of having items considered to be contraband or illegal, the same search and seizure rules apply to them as to others in the free world.

Evidence: Self-evident.

CORR. 2925.2900 PUBLIC REPORTS, STATEMENTS OR APPEARANCES

Rationale: Minor editing changes.

Evidence: Self-evident.

CORR. 2925.3100 BEDROOMS

Rationale: Subpart 1. Minor editing change.

Evidence: Self-evident.

Rationale: Subpart 2. Minor editing change

Evidence: Self-evident.

Rationale: Subpart 3. Minor editing change.

Evidence: Self-evident.

Rationale: Subpart 4. Minor editing change.

Evidence: Self-evident.

Rationale: Subpart 5. Minor editing change.

Evidence: Self-evident.

Rationale: Subpart 6. Minor editing change.

Evidence: Self-evident.

CORR. 2925.3300 BATHROOM FACILITIES

Rationale: Minor editing change

Evidence: Self-evident.

CORR. 2925.3500 DINING ROOMS

Rationale: Minor editing change.

Evidence: Self-evident.

CORR. 2925.3600 ENVIRONMENT: GENERAL

Rationale: Subpart 1. Minor editing change.

Evidence: Self-evident

Rationale: Subpart 2. Minor editing change.

Evidence: Self-evident.

Rationale: Subpart 4. Minor editing change.

Evidence: Self-evident.

CORR. 2925.3700 HEALTH CARE AND MEDICAL SERVICES

Rationale: Subpart 1. Minor editing change.

Evidence: Self-evident.

CORR. 2925.3800 NUTRITION AND FOOD

Rationale: To be in conformance with other DOC rules. Also it was felt that the reference was not pertinent to the rules.

Evidence: Rules Governing Adult Detention Facilities, Rules Governing Juvenile Detention Facilities, Rules Governing Juvenile Residential Facilities.

Rationale: Subpart 2. To be in conformance with the other DOC rules. Also it was felt that the reference was not pertinent to the rules.

Evidence: Rules Governing Adult Detention Facilities, Rules Governing Juvenile Detention Facilities, Rules Governing Juvenile Residential Facilities.

Rationale: Subpart 3. Minor editing changes.

Evidence: Self-evident.

CORR. 2925.3900 FOSTER YOUTH'S RECORDS MAINTAINED BY SUPERVISING AGENT, COORDINATOR OR SPONSORING AGENCY

Rationale: Subpart 1. Minor editing change.

Evidence: Self-evident.

CORR. 2925.3900 (Continued)

Rationale: Subpart 2. Minor editing change.

Evidence: Self-evident.

Rationale: Subpart 2. Minor editing change.

Evidence: Self-evident.

Rationale: Subpart 4. Minor editing change.

Evidence: Self-evident.

CORR. 2925.4100 INSTITUTIONAL GROUP HOMES

Rationale: A list of special requirements were added to these rules. This is a substantive change. These rules reflect a number of standards which are felt to be necessary when the numbers exceed eight or ten youth. They are rules found in other rules with the Department of Corrections.

Evidence: Rules Governing Adult Detention Facilities, Rules Governing Juvenile Residential Facilities, Rules Governing Juvenile Detention Facilities.

STATEMENT OF COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Special Assistant Attorney General Richard D. Hodsdon, do hereby declare that I have examined the proposed rules and all related documents concerning the proposed adoption of amendments to rules governing group foster homes and based upon my examination and my personal familiarity with the applicable procedures, administrative procedure, act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Dated: December 12, 1984

HUBERT H. HUMPHREY, III
Attorney General

Richard Hodsdon

RICHARD D. HODSDON
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STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE RULES GOVERNING GROUP FOSTER HOMES

STATEMENT OF COMPLIANCE WITH RULE MAKING PROCESS

I, Richard D. Hodsdon, Special Assistant Attorney General declare that I have examined the Rules Governing the Amended Rules Governing Group Foster Homes. Based upon my examination of those rules and related documents, my personal familiarity with the application procedures, the Administrative Procedures Act, the Rules of the Office of the Administrative Hearings and the Rules of the Attorney General, I am of the opinion that all applicable rules and procedures have been followed.

Richard Hodsdon

Richard D. Hodsdon
Special Assistant Attorney General

September 25, 1984
Date

Note: No requests were made as to Minnesota Rule 2000.0400, subp. 1(K).

Richard Hodsdon