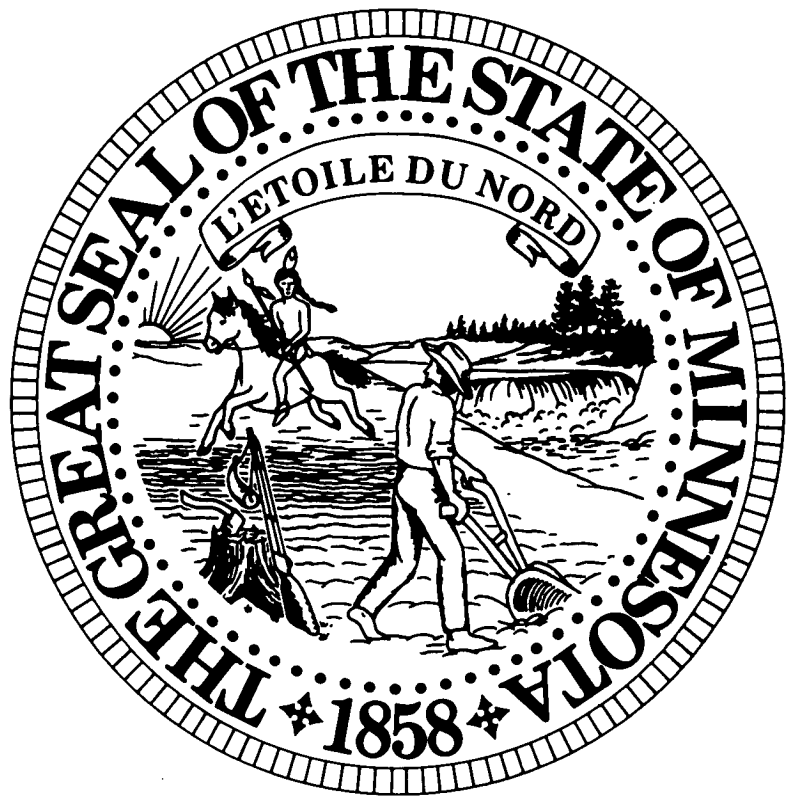


The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division



Rules edition  
Published every Monday  
(Tuesday if Monday is a holiday)

**Monday 8 June 1992**  
**Volume 16, Number 50**  
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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, state and non-state contracts, contract awards, grants, a monthly calendar of cases to be heard by the state supreme court, and announcements.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

### Printing Schedule and Submission Deadlines

Vol. 16 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
50	Friday 22 May	Monday 1 June	Monday 8 June
51	Monday 1 June	Monday 8 June	Monday 15 June
52	Monday 8 June	Monday 15 June	Monday 22 June
53	Monday 15 June	Monday 22 June	Monday 29 June

\*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 *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-0929.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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

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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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# Proposed Rules

Pursuant to Minn. Stat. §§ 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

### Proposed Permanent Rules Relating to Chemigation

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Agriculture intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22-14.28. The statutory authority to adopt this rule is *Minnesota Statutes*, section 18C.575.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. 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 unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906. The comment period ends on July 8, 1992. All comments must be received by the department by 4:30 p.m. on that day.

The proposed rule 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 rule as noticed.

A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Ms. Milligan.

Most of the businesses governed by this rule are small business as defined by *Minnesota Statutes*, section 14.115. The rules have been drafted to keep administrative and reporting requirements to a minimum while assuring environmental protection required by statute. Therefore, no special provisions for small business have been incorporated into the rule.

If no hearing is required, upon adoption of the final rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule must submit a written request to Ms. Milligan.

Dated: 13 May 1992

STATE OF MINNESOTA  
Elton Redalen, Commissioner  
Department of Agriculture

**Rules as Proposed (all new material)****AGRICULTURAL CHEMICAL CHEMIGATION SAFETY****1505.2100 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part and *Minnesota Statutes*, sections 18B.01 and 18C.005, apply to parts 1505.2100 to 1505.2800.

Subp. 2. **Agricultural chemical.** "Agricultural chemical" means a pesticide as defined in *Minnesota Statutes*, chapter 18B, or a fertilizer, plant amendment, or soil amendment as defined in *Minnesota Statutes*, chapter 18C.

Subp. 3. **Antipollution device.** "Antipollution device" means equipment or a device used to prevent the backflow or backsiphonage of agricultural chemicals or mixtures of agricultural chemicals and water to the groundwater or surface water from the application of agricultural chemicals through irrigation systems and includes, but is not limited to, a reduced pressure zone backflow preventer, single or double irrigation system supply check valve, air gap, vacuum relief valve, automatic low pressure drain, injection line check valve, system interlock, low pressure shutdown device, and supply tank safeguard.

Subp. 4. **Automatic low pressure drain valve.** "Automatic low pressure drain valve" means a self-activating device designed and constructed to effectively and immediately drain that portion of an irrigation pipeline or conduit or check valve body whose contents could potentially enter the water supply when operation of the irrigation system pumping plant fails or is shut down.

Subp. 5. **Calibration.** "Calibration" means the use of devices and procedures utilized and employed with a chemigation system to determine the rate of agricultural chemical application.

Subp. 6. **Check valve.** "Check valve" means a device designed and constructed to effectively provide a positive, absolute closure of an irrigation pipeline or conduit or an agricultural chemical injection line that positively prevents the flow of a mixture of agricultural chemicals or agricultural chemicals and water to an irrigation pipeline, water supply, injection device, or supply tank when operation of the irrigation system pumping plant or agricultural chemical injection unit fails or is shut down.

Subp. 7. **Chemigation system.** "Chemigation system" means a device or combination of devices having a hose, pipe, or other conduit directly connected to a water supply through which a mixture of agricultural chemicals, or agricultural chemicals and water, are injected or drawn into and applied to land, crops, or plants.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of agriculture or an agent authorized by the commissioner.

Subp. 9. **Department.** "Department" means the Department of Agriculture.

Subp. 10. **Fertilizer chemigation.** "Fertilizer chemigation" means a process for applying fertilizers to land or crops including agricultural, nursery, turf, golf course, or greenhouse sites in or with irrigation water during the irrigation process.

Subp. 11. **Incident.** "Incident" means a flood, fire, tornado, transportation accident, storage container rupture, leak, spill, emission discharge, escape, disposal, or other event that releases or immediately threatens to release an agricultural chemical accidentally or otherwise into the environment, and may cause unreasonable adverse effect on the environment. Incident does not include the legal use of an agricultural chemical.

Subp. 12. **Injection unit.** "Injection unit" means an agricultural chemical injection metering pump, venturi (vacuum), pressure differential, or other metering device interlocked with the irrigation system that withdraws an agricultural chemical from a supply tank and injects the agricultural chemical into the irrigation system during a chemigation operation.

Subp. 13. **Interlock.** "Interlock" means the interconnection between an irrigation pump and agricultural chemical injection unit that causes injection system shutdown.

Subp. 14. **Irrigation.** "Irrigation" means the act of supplying water for agricultural and horticultural purposes to land, crops, or plants by means of pipes, hoses, sprinklers, drippers, ditches, furrows, or other devices that are connected directly to a source of ground or surface water.

Subp. 15. **Low pressure shutdown device.** "Low pressure shutdown device" means a device interlocked with the irrigation system that will shut down the irrigation system when the water pressure decreases to the point where an incident may occur.

Subp. 16. **Permitted-by-rule.** "Permitted-by-rule" means an applicant is considered to have a permit under part 1505.2200 to construct and operate a chemigation system if the applicant complies with parts 1505.2100 to 1505.2800, including the submission of a permit application and the required fee under part 1505.2200.

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## Proposed Rules

Subp. 17. **Pesticide chemigation.** "Pesticide chemigation" means the process of applying pesticides to land or crops including, but not limited to, agricultural, nursery, turf, golf course, or greenhouse sites in or with irrigation water during the irrigation process.

Subp. 18. **Public water supply.** "Public water supply" has the meaning given in part 4720.0100.

Subp. 19. **Reduced pressure zone backflow preventer.** "Reduced pressure zone backflow preventer" means a device designed to prevent backflow consisting of two spring loaded check valves with an intermediate reduced pressure zone that drains to the atmosphere by a relief valve, with a reduced pressure maintained in the intermediate zone by means of a pressure differential valve.

Subp. 20. **Substantially altering.** "Substantially altering" means modifying a chemigation system by changing or adding injection units, supply tanks, safeguards, or antipollution devices described in the applicants most recently submitted permit application. Routine maintenance does not constitute a substantial alteration.

Subp. 21. **Vacuum relief valve.** "Vacuum relief valve" means a device effectively designed and built to automatically relieve or break vacuum in an irrigation pipeline or conduit caused by system failure or shut down.

Subp. 22. **Water supply.** "Water supply" means a source of water that is connected directly to an irrigation system such as a single well, group of wells, dug pit, lake, river, or stream.

### 1505.2200 APPLICATION; PERMIT; FEE AND APPLICATION RENEWAL; ALTERATION; INSPECTION.

Subpart 1. **Permit required.** A person shall comply with parts 1505.2100 to 1505.2800 before applying agricultural chemicals through an irrigation system. An applicant is considered to be permitted-by-rule if the applicant is in compliance with parts 1505.2100 to 1505.2800.

Subp. 2. **Initial fee; application renewal.** The application fee for an initial chemigation system permit established by *Minnesota Statutes*, section 18B.08, subdivision 4, or section 18C.205, subdivision 3, must be submitted with the initial chemigation system permit application. An updated chemigation system permit application must be submitted to the commissioner on forms provided by the commissioner every two years from the date of the applicant's initial submission of their permit application. No additional fee is required.

Subp. 3. **Permits previously granted under repealed parts 1505.2000 to 1505.2080.** An applicant previously granted a permit under repealed parts 1505.2000 to 1505.2080 shall submit an updated permit application every two years from the effective date of parts 1505.2100 to 1505.2800. No additional fee is required.

Subp. 4. **Application.** An applicant for a chemigation system permit shall apply on forms supplied by the commissioner. The application must include, at a minimum:

- A. the name, address, and telephone number of the applicant to whom a permit is to be issued;
  - B. the number and location, by legal description, of well heads, surface water supply withdrawal points, or the public water supply that will be used in the chemigation process;
  - C. the estimated amounts and types of agricultural chemicals to be applied through the irrigation system;
  - D. diagrams or photographs of the irrigation system detailing the required antipollution devices;
  - E. diagrams, drawings, and calculations detailing the required safeguards of agricultural chemical storage containers at the chemigation site, if applicable;
  - F. the number of the applicant's department of natural resources water appropriation permit, if applicable;
  - G. the applicant's or applicant's agent's private applicator certification or noncommercial certification number, if applicable;
- and
- H. a description of the chemigation system inspection procedures and time frames for inspection.

Subp. 5. **Chemigation system alteration.** Before substantially altering a chemigation system, an applicant shall submit a permit application form to the commissioner describing the changes made to the chemigation system. No additional fee is required.

An applicant is considered to be permitted-by-rule for the substantial alteration if the applicant complies with parts 1505.2100 to 1505.2800.

Subp. 6. **Inspection.** Chemigation systems are subject to inspection by the commissioner or the commissioner's agent under *Minnesota Statutes*, section 18D.201.

### 1505.2300 AGRICULTURAL CHEMICAL APPLICATION; SETBACKS AND SAFEGUARDING; ANTIPOLLUTION DEVICES; PURGING; POSTING.

Subpart 1. **Application of agricultural chemicals through irrigation systems.**

A. A pesticide may be applied through an irrigation system only if the pesticide is labeled for the method and device specified for application, the crop, and application site.

B. Fertilizers may be applied through irrigation systems.

**Subp. 2. Setbacks and safeguarding.**

A. Agricultural chemical storage areas and supply tanks, the end of the discharge hose for check valve drain lines, and agricultural chemical mixing and loading areas must not be located closer to a water supply well than the distance specified in chapter 4725. If not specified in chapter 4725, the minimum setback distance for agricultural chemical storage areas and supply tanks, the end of the discharge hose for check valve drain lines, and mixing and loading areas from the water supply must be the same as the minimum setback distance specified in chapter 4725 for agricultural chemical supply tanks and agricultural chemical mixing and loading areas used for chemigation.

B. An agricultural chemical supply tank must be safeguarded if the tank storage meets at least two of the following conditions:

- (1) the supply tank has a rated capacity of more than 1,500 United States gallons;
- (2) the supply tank is located within 100 feet of a water supply; or
- (3) the supply tank is located at a chemigation site for more than 30 consecutive days.

C. If required, agricultural chemical supply tanks must be confined to a safeguard that is adequate in the event of a release to prevent movement of the agricultural chemical to the water supply.

The safeguard must consist of a wall and liner or prefabricated basin as specified in item E.

D. The capacity of the safeguard for an agricultural chemical supply tank must be at least equal to the sum of all of the following:

- (1) the volume of the largest agricultural chemical supply tank or other container within the safeguard;
- (2) 25 percent of the capacity of the largest agricultural chemical supply tank or other container within the safeguard for an unroofed safeguard, or ten percent of the capacity of the largest agricultural chemical supply tank or other container within the safeguard covered by a roof; and
- (3) the total volume of released liquid that would be displaced by the portions of all other containers with the safeguard to the height of the safeguard wall and all other fixtures and materials located within the safeguard.

E. The walls and base of a safeguard may be made of ferrous metal, reinforced concrete, solid reinforced masonry, synthetic lined earth, or prefabricated ferrous metal or synthetic materials. The safeguard must be designed according to standard engineering practices to be leakproof and to withstand a full hydrostatic head of released liquid to the height of the safeguard.

(1) Masonry walls must be reinforced, capped with concrete, and parged on the interior. The joint between any masonry wall and any floor or liner must use internal waterstops or similar materials to make the joint leakproof. Control joints protected with waterstops or similar materials must be used for the base. The interior base and walls must be coated with a material resistant to agricultural chemicals. Cracks and seams must be sealed.

(2) The joints between a reinforced concrete wall and any floor or liner must use internal waterstops or similar materials to make the joint leakproof. Control joints protected with waterstops or similar materials must be used for the base. The interior base and walls must be coated with a material resistant to agricultural chemicals. Cracks and seams must be sealed.

(3) Synthetic liners must have a minimum thickness of 30 mils (0.8 millimeters), be chemically compatible with the materials being stored within the safeguard, photo resistant, and puncture resistant. The earthen base of a synthetic liner must be free of large rocks, angular stones, sticks, or other materials that may puncture the liner.

(4) A prefabricated safeguard must be composed of rigid walls and a base of ferrous metal or synthetic materials that are resistant to corrosion, puncture, or cracking. Materials used for the safeguard must be chemically compatible with the materials being stored within the safeguard. Synthetic materials must be photo- and puncture-resistant.

(5) The walls of a safeguard may not contain a drain or similar opening.

**Subp. 3. Antipollution devices.** Chemigation systems must be filled with antipollution devices as detailed in this subpart. The devices must be designed and built of materials suitable for those purposes, including agricultural chemical compatibility, and must be kept functional during chemigation. Antipollution devices may be installed as portable devices for use on other permitted chemigation systems, except that portable devices are not allowed for use on systems connected to the public water supply.

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## Proposed Rules

A. A mainline irrigation system supply reduced pressure zone backflow preventer or two check valves in a series must be provided for systems directly connected to a water supply, and must be located in the irrigation system supply pipeline between the irrigation system water supply pump or source of irrigation water and the point of injection of the agricultural chemical.

The following additional conditions apply:

(1) Mainline check valves:

- (a) a single mainline check valve may be used for the application of fertilizer;
- (b) mainline check valve backflow prevention devices must meet the design and equipment standards in item B;
- (c) mainline check valve backflow prevention devices must be tested and certified by an independent testing laboratory to meet the performance standards in item B; and
- (d) mainline check valves must be stamped, tagged, or otherwise marked to indicate working pressure, flow rate, and direction, and date, month, and year of manufacture.

(2) Reduced pressure zone backflow preventers:

- (a) a reduced pressure zone backflow preventer must be used when the source of irrigation water is potable water; and
- (b) a reduced pressure zone backflow preventer must be approved by the Department of Health under chapter 4715, and applicants must install and maintain a reduced pressure zone backflow preventer under chapter 4715.

The commissioner shall keep and provide to interested persons a list of Department of Health approved reduced pressure zone backflow preventers and mainline check valves certified by independent testing laboratories. Mainline check valves approved by the commissioner under repealed parts 1505.2000 to 1505.2080 may continue to be used after the effective date of this part if the mainline check valves comply with item B and the department has been notified of any changes in design or materials.

B. If a single irrigation system supply check valve or two irrigation system supply check valves in a series are used, each check valve must be equipped with an inspection port or similar device and be immediately preceded in the irrigation system by a vacuum relief valve and automatic low pressure drain valve.

The inspection port must be installed on the horizontal irrigation pipeline on the supply side of each check valve in a manner that the inlet to the automatic low pressure drain can be easily observed during irrigation system shutdown.

The vacuum relief valve must be installed on the top of the horizontal irrigation pipeline on the supply side of the check valve. The valve must have an orifice size of at least a three-quarter inch diameter for a four-inch pipe; a one inch diameter for a five inch to eight inch pipe; and a two inch diameter for a ten inch or 12 inch pipe.

The automatic low pressure drain must be provided on the bottom of the horizontal irrigation pipeline on the supply side of the check valve. The device must have an internal and external orifice size of at least a three-quarter inch diameter. If two check valves in a series are required to be used, the check valve located in line nearest to the pivot or irrigation system must meet one of the following specifications:

(1) the check valve must use a spring-loaded, automatic, low pressure drain or an automatic low pressure drain with similar operating characteristics; or

(2) the check valve must use an automatic low pressure drain that will drain the supply side of the body of the check valve within three minutes of system shutdown.

The drain may not extend beyond the inside surface of the bottom of the irrigation pipeline or conduit and must be at least two inches above grade. The device must be positioned, or the location of the grade adjusted, so that liquid will discharge away from a water supply when draining occurs.

An irrigation system supply check valve must be of heavy duty construction with all materials, including internal parts, resistant to corrosion or protected to resist corrosion. It must be rated a minimum of 150 pounds per square inch working pressure and be quick closing by spring action and tight sealing so that no leakage occurs at joints or the valve seat when subjected to an internal hydrostatic pressure test of at least 300 pounds per square inch for one minute. There must be no leakage at joints or the valve seat when the check valve is subjected to an internal hydrostatic pressure equivalent to the head of a column of water five feet high, retained within the downstream portion of the valve body for 16 hours.

Irrigation system supply check valves, when installed, must be level except that a deviation of not more than ten degrees from the horizontal is permitted.

C. An injection line check valve that is resistant to agricultural chemicals must be provided on the agricultural chemical injection line between the point of agricultural chemical injection into the irrigation system and the agricultural chemical injection unit, pump, or solution tank, and be functional to prevent the flow of liquid from the irrigation line to the agricultural chemical injection device and the flow of liquid or material from the agricultural chemical supply tank to the irrigation line.

D. An interlock, such as electrical, pressure, mechanical, or water motor, must be provided between the irrigation system or water pump and the agricultural chemical injection unit. If interruption of the irrigation water flow occurs, the interlock must, at a minimum, cause the shutdown of the agricultural chemical injection unit.

E. A low pressure shutdown device must be used with the irrigation system that will shut down the irrigation system if the water pressure decreases to the point when an incident may occur.

Subp. 4. **Purging system.** The irrigation system must be operated as necessary on each and every occasion after an agricultural chemical injection is terminated to allow for a complete purging of the agricultural chemical from the system.

Subp. 5. **Posting of sites.** Sites being treated with pesticides through chemigation systems must be posted with signs during pesticide treatment. The posting of signs is governed by items A to D.

A. Signs must be in compliance with subitems (1) to (3).

(1) Signs must be at least eight and one-half inches by 11 inches, highly visible, with contrasting colors for letters and background.

(2) Letters must be at least three-eighths of an inch tall.

(3) Signs must contain at least:

(a) the signal word from the pesticide label;

(b) the name of the pesticide;

(c) the date of treatment; and

(d) the reentry date as described on the pesticide label.

B. Signs must be conspicuously placed at usual points of entry for all sites and at property corners for nongreenhouse sites that are immediately adjacent to public transportation routes or other public or private nonagricultural property, except that signs must be placed no greater than 100 feet apart for a field chemigation site that is located immediately adjacent to a public area such as a park, school, or residential area.

C. Signs must be removed after the reentry date expires unless signs are of a more permanent nature, such as laminated signs, in which case information must be updated as necessary.

D. If more restrictive instructions for posting exist on the label of the pesticide being used in chemigation, the label instructions must be totally followed.

#### **1505.2400 RECORDS AND REPORTS.**

Pesticide chemigation system application records and fertilizer chemigation system mix and application records must be kept by the chemigation system applicant for five years from the date of application. Records detailing dates of chemigation system inspection, names of persons performing the inspection, and condition of the chemigation unit must be kept on forms provided by the commissioner. System inspection and equipment maintenance records must be retained by the chemigation system permit holder for five years.

#### **1505.2500 RESPONSIBILITY; CALIBRATION AND OPERATION; INSPECTION; OFF-TARGET APPLICATION; INCIDENT PREVENTION; INCIDENT REPORTING.**

A chemigation system applicant or the applicant's agent shall:

A. calibrate and operate each chemigation system in a manner that prevents an agricultural chemical incident or nonlabeled application of a pesticide;

B. inspect each chemigation system as necessary while agricultural chemicals are being applied;

C. prevent operation of a chemigation system in such a manner that agricultural chemicals are applied to an area other than an area targeted to receive an agricultural chemical application;

D. not clean agricultural chemical chemigation application, storage, pumping, or injection equipment in surface waters of the state, or fill or clean agricultural chemical chemigation application, storage, pumping, or injection equipment adjacent to surface waters, ditches, or wells where, because of the slope or other conditions, agricultural chemicals or materials contaminated with agricultural chemicals could enter or contaminate the surface waters, groundwater, or wells, as a result of overflow, leakage, or other causes; and

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## Proposed Rules

E. upon discovering that an incident has occurred, immediately report the incident to the commissioner.

### **1505.2600 COMMISSIONER'S RESPONSIBILITY.**

The commissioner shall annually provide chemigation safety information to each chemigation system applicant.

### **1505.2700 INSTALLATION; MAINTENANCE; MODIFICATION.**

Subpart 1. **Proper installation and maintenance.** Irrigation systems, antipollution devices and valves, and agricultural chemical injection units, pumps, and solution tanks used for chemigation purposes must be installed and maintained to ensure proper functioning during chemigation. Maintenance necessary to assure proper functioning of the device must be performed before introduction of agricultural chemicals.

Subp. 2. **Modification.** If modification or changes in design, technology, irrigation practices, or other similar reasons warrant the use or placement of equipment other than that specified in parts 1505.2100 to 1505.2800, the commissioner may allow the changes if protection to the water supply is at least equal to that provided by the equipment or equipment placement required in parts 1505.2100 to 1505.2800.

### **1505.2800 PROHIBITED ACTS.**

It is a violation of *Minnesota Statutes*, chapters 18B and 18C, for a person to apply an agricultural chemical to land, crops, or plants in or with irrigation water in violation of parts 1505.2100 to 1505.2800. Parts 1505.2100 to 1505.2800 are enforceable under *Minnesota Statutes*, chapter 18D.

**EFFECTIVE DATE.** Parts 1505.2100 to 1505.2800 are effective January 1, 1994, except that an owner or operator may submit an application for a chemigation permit according to part 1505.2200 and the commissioner may collect the required fee and grant a chemigation permit before January 1, 1994.

**REPEALER.** *Minnesota Rules*, parts 1505.2000; 1505.2010; 1505.2020; 1505.2030; 1505.2040; 1505.2050; 1505.2060; 1505.2070; and 1505.2080, are repealed effective December 31, 1993.

## Department of Agriculture

### Proposed Permanent Rules Relating to Certified Seed Potatoes

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Agriculture intends to adopt the above-entitled amendments without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22-14.28. The statutory authority to adopt these amendments is *Minnesota Statutes*, section 21.118.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed amendments or any part or subpart of the amendments. Comment is encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the amendments within the 30-day comment period. 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 unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906. The comment period ends on July 8, 1992. All comments must be received by the department by 4:30 p.m. on that day.

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 amendments as noticed.

A copy of the proposed amendments are attached to this notice.

**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 Ms. Milligan.

The department has determined that the proposed amendments will approve the workability of the present rule governing certified seed potatoes and place no additional administrative or economic restraints on producers. Therefore, no special provisions for small business have been incorporated into the amendments.



If no hearing is required, upon adoption of the final amendments, the amendments and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted amendments must submit a written request to Ms. Milligan.

Dated: 19 May 1992

Elton Redalen, Commissioner  
Department of Agriculture

**Rules as Proposed**

**1555.6810 MINNESOTA GROWERS.**

From Minnesota growers: Primary Foundation certified seed potatoes; Foundation certified seed potatoes; Generation certified seed potatoes; or Certified seed potatoes. ~~A grower may replant his own certified seed potatoes.~~ The commissioner may authorize the ~~planting of purchased growers to replant their own~~ Certified seed potatoes if there is no source of Primary Foundation certified or ~~Foundation certified,~~ or Generation certified seed potatoes available to the grower.

**1555.6820 NON-MINNESOTA GROWERS.**

From non-Minnesota growers: seed potatoes approved for certification planting by the certifying agency in another state or a Canadian province may be planted if tolerances for certification meet Minnesota tolerances for Generation, Foundation, or Primary Foundation certified seed potatoes.

**1555.6840 REQUIREMENTS FOR CERTIFIED SEED POTATO PRODUCTION.**

[For text of subpart 1, see M.R.]

Subp. 2. **Field inspection.** Certification ~~shall~~ must be based upon information regarding the following: stand, general vigor, varietal purity, disease tolerances, and factors affecting field inspection. At least two field inspections ~~shall~~ must be made of each field during the growing season. Additional inspections may be made if deemed necessary by the commissioner.

[For text of items A to C, see M.R.]

D. Disease tolerances (percentage of infected plants). A field ~~shall~~ must be rejected if it contains percentages of diseased plants in excess of those listed in the following table. The disease percentages listed are based on symptoms ~~which~~ that are visible in the sample being inspected.

**Maximum Disease Tolerance Levels**

Diseases	First Inspection	Second and Subsequent Inspections
Severe mosaic ( <del>rugose, erinkle and leafrolling</del> <u>potato virus Y</u> )	<del>0.5%</del> <u>1.0%</u>	<del>0.3%</del> <u>1.0%</u>
Spindle tuber	0.1%	0.1%
Leafroll	0.5%	0.3%
Total of above diseases	1.0%	<del>0.5%</del> <u>1.0%</u>
Yellow dwarf	0.5%	0.5%
Calico	0.5%	0.5%
Haywire	0.5%	0.5%
Witches broom	0.5%	0.5%
Total of above 4 diseases	0.5%	0.5%
Mild mosaic	2.0%	1.0%
Bacterial ring rot, field rejected if found	0.0%	0.0%

[For text of item E, see M.R.]

[For text of subs 3 to 6, see M.R.]

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# Proposed Rules

## Department of Corrections

### Proposed Permanent Rules Relating to Municipal Jail Facilities

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the State of Minnesota intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, 241.021, Subd. 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day period, a public hearing will be held unless a sufficient number withdraw their request in writing. 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. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Kenneth E. Merz, Director Standards Development  
Inspection and Enforcement Unit  
300 Bigelow Building  
450 N. Syndicate Street  
St. Paul, Minnesota 55104  
612/642-0333

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Kenneth E. Merz upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or wish to receive a copy of the adopted rule, must submit the written request to Kenneth E. Merz.

Dated: 20 May 1992

Orville B. Pung  
Commissioner

#### Rules as Proposed (all new material)

### CHAPTER 2945 DEPARTMENT OF CORRECTIONS MUNICIPAL JAIL FACILITIES

#### 2945.0100 DEFINITIONS.

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

Subp. 2. **Administrative segregation.** "Administrative segregation" means the physical separation of prisoners prone to escape, prone to assault staff or other prisoners, likely to need protection from other prisoners or themselves, or determined to be mentally deficient and in need of special care.

Subp. 3. **Approved capacity.** "Approved capacity" means the maximum number of prisoners that any cell, room, unit, building, facility, or combination of them is approved for in compliance with the standards.

Subp. 4. **Average daily population.** "Average daily population" means the average number of prisoners residing daily during the last calendar year. Prisoners on furlough or hospitalized are excluded.

Subp. 5. **Class I municipal holding facility.** "Class I municipal holding facility" means an adult detention facility operated by a municipal government used to confine prisoners for more than 48 hours.

Subp. 6. **Class II municipal holding facility.** "Class II municipal holding facility" means an adult detention facility operated by a municipal government used to confine prisoners for up to 48 hours excluding weekends and holidays.

Subp. 7. **Class III municipal holding facility.** "Class III municipal holding facility" means an adult detention facility operated by a municipal government used to confine prisoners for up to 16 hours.

Subp. 8. **Class IV municipal holding facility.** "Class IV municipal holding facility" means an adult detention facility operated by a municipal government used to confine prisoners for up to four hours.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Corrections.

Subp. 10. **Communicable disease.** "Communicable disease" means a disease or condition that causes serious illness, serious disability, or death, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one person to the body of another.

Subp. 11. **Contraband.** "Contraband" means those items designated by the municipal jail facility as prohibited on the physical premises of the facility.

Subp. 12. **Controlled substance.** "Controlled substance" means a drug, substance, or immediate precursor in Schedules I to V of *Minnesota Statutes*, section 152.02. The term does not include distilled spirits, wine, malt beverages, intoxicating liquor, or tobacco.

Subp. 13. **Court holding facilities.** "Court holding facilities" means those areas where persons are held in conjunction with a court appearance. Court holding facilities may be secure but are nonresidential in design, and persons are not normally held there beyond four hours.

Subp. 14. **Custody personnel.** "Custody personnel" means those staff members or employees who are responsible for the custody and supervision of prisoners.

Subp. 15. **Department of Corrections; department.** "Department of Corrections" or "department" means the Minnesota Department of Corrections.

Subp. 16. **Directory.** "Directory" means any provision in this part which is not designated as mandatory according to subpart 25.

Subp. 17. **Emergency.** "Emergency" means a significant incident or disruption of normal facility procedures, policies, routines, or activities arising from fire, riot, natural disaster, suicide, assault, or medical emergency.

Subp. 18. **Existing facility.** "Existing facility" means a facility used for detention and confinement of prisoners before the effective date of this chapter.

Subp. 19. **Facility administrator.** "Facility administrator" means the individual who has been delegated the responsibility and authority for the administration and operation of a local facility.

Subp. 20. **Holding cell.** "Holding cell" means a cell or room in a holding facility used to hold one or more persons temporarily while awaiting release, booking, court appearance, transportation, or interrogation.

Subp. 21. **Inspection.** "Inspection" means an on-site assessment of existing conditions made to determine the facility's compliance with this chapter.

Subp. 22. **Jail.** "Jail" means a secure adult detention facility used to confine sentenced prisoners for a time not to exceed one full year per conviction, confine adult pretrial and presentenced detainees indefinitely, and confine juveniles up to limits prescribed by Minnesota statute and commissioner approval.

Subp. 23. **Legend drug.** "Legend drug" means a drug required by federal law to bear the following statement: "Caution: Federal law prohibits dispensing without prescription."

Subp. 24. **Local facility.** "Local facility" means any city, county, city and county, or multiple county corrections facility.

Subp. 25. **Mandatory.** "Mandatory" means the standard must be met by the facility in order for the facility to be licensed. Mandatory standards are identified with the designation (mandatory). In the case of entire parts or subparts, the word mandatory appears in the part or subpart headnote. Notwithstanding *Minnesota Statutes*, section 645.49, the word mandatory is to be construed as part of the law when used in headnotes in this chapter. In the case of items, the word mandatory appears in the text. When used at the item level, the word mandatory governs all subitems.

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## Proposed Rules

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Subp. 26. **Maximum security areas.** "Maximum security areas" means areas that provide the greatest degree of physical security for the control and separation of prisoners.

Subp. 27. **Medicine.** "Medicine" means a remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purpose of this chapter, medicine includes legend and nonlegend drugs.

Subp. 28. **Mentally ill person.** "Mentally ill person" means any person who has an organic disorder of the brain or a substantial psychiatric disorder of thought, mood, perception, orientation, or memory which grossly impairs judgment, behavior, capacity to recognize reality, or to reason or understand, which:

- A. is manifested by instances of grossly disturbed behavior of faulty perceptions; and
- B. poses a substantial likelihood of physical harm to self or others as demonstrated by:
  - (1) failure to obtain necessary food, clothing, shelter, or medical care as a result of the impairment; or
  - (2) a recent attempt or threat to physically harm self or others.

Mentally ill person does not include persons with epilepsy, persons with mental retardation, persons subject to brief periods of intoxication caused by alcohol or drugs, or persons dependent on or addicted to alcohol or drugs.

Subp. 29. **Minimum security areas.** "Minimum security areas" means areas that provide functional living accommodations with a nominal reliance on physical security for the control and management of prisoners.

Subp. 30. **Municipal police facilities.** "Municipal police facilities" means police facilities including an administrative processing area used to temporarily detain persons for up to six hours. Municipal police facilities are specifically designed to be nonresidential in nature, have either audio or visual capability, would normally not be locked except for routine security reasons, and would be used only long enough for identification, investigation, transfer arrangements, or release to a responsible person.

Subp. 31. **Nonresidential.** "Nonresidential" means that the holding area or room is not designed to be lived in. Nonresidential space would not typically include a bed, toilet, and wash basin.

Subp. 32. **Policy.** "Policy" means a statement declaring mission, purpose, and ideological position.

Subp. 33. **Prisoner.** "Prisoner" means an individual, adult or juvenile, detained or confined in a local facility.

Subp. 34. **Procedure.** "Procedure" means a written statement establishing the action plan to implement policy.

Subp. 35. **Rule.** "Rule" means that which is defined by *Minnesota Statutes*, section 14.02, subdivision 4.

Subp. 36. **Substantially conform.** "Substantially conform" means comply with 100 percent of the items in this chapter identified as mandatory and with 70 percent of all items identified as directory in this chapter which are applicable to the facility's classification. To calculate compliance one point will be assigned to each standard and/or each subpart of a standard.

Subp. 37. **Undue hardship.** "Undue hardship" means the financial costs are not warranted when weighed against the benefits derived.

Subp. 38. **Variance.** "Variance" means the waiver of a specific rule for a specified period of time.

### 2945.0110 INTRODUCTION.

*Minnesota Statutes*, section 642.09, provides that the sheriff of a county in which a municipality maintains a lockup shall inspect the lockup once a year, with reference to its security and administration, and make a written report to the commissioner on forms furnished by the commissioner and deliver a copy of the report to the governing body of the municipality maintaining the lockup.

*Minnesota Statutes*, section 241.021, subdivision 1, provides that the commissioner shall 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 in them, according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules that follow are minimum standards for municipal lockup facilities.

### 2945.0120 INTENDED USE; NONCONFORMANCE; LIMITATIONS OF RULES.

Subpart 1. **Intended use.** A facility should be used only for classifications for which it is intended. This chapter does not regulate municipal police facilities or court holding rooms.

A. Class I municipal holding facilities must meet the standards of chapter 2910.

B. Class II municipal holding facilities must meet all parts, subparts, items, and subitems which are designated as mandatory standards in this chapter and 70 percent of all parts, subparts, items, and subitems in this chapter which are directory standards.

C. Class III municipal holding facilities must meet all parts, subparts, items, and subitems which are designated as mandatory standards in this chapter and 70 percent of all parts, subparts, items, and subitems in this chapter which are directory standards and which are applicable to Class III municipal holding facilities.

D. Class IV municipal holding facilities must meet all parts, subparts, items, and subitems which are designated as mandatory standards in this chapter and 70 percent of all parts, subparts, items, and subitems in this chapter which are directory standards and which are applicable to Class IV municipal holding facilities.

E. When "shall" or "must" are used in conjunction with a directory standard, the mandatory implications of those terms are limited to the extent part 2945.0100, subpart 36, defines the requirement of 70 percent directory standard compliance as a prerequisite for facility licensing.

Subp. 2. **Nonconformance, unsafe, unsanitary, or illegal conditions.** When conditions do not substantially conform to this chapter or where specific conditions endanger the health, welfare, or safety of prisoners or staff, the commissioner shall find the facility in nonconformance and condemn it by written order that it shall not be further used while the order is in force according to *Minnesota Statutes*, section 642.10.

#### **2945.0130 VARIANCES.**

Subpart 1. **Variances; general.** The granting of a variance under this part does not constitute a precedent for any other adult detention facility. The granting and denial of all variances shall be in writing and made within 30 days of the request for a variance. The variance will be granted by the commissioner if, in the licensing procedure or enforcement of the standards in this chapter:

A. requirements for an adult detention facility to strictly comply with one or more of the provisions will result in undue hardship or jeopardize the health, safety, security, detention, or well-being of the residents or facility staff;

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

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

D. the granting of the variance will not leave the interests and well-being of the residents unprotected; and

E. the facility will take action to comply with the general purpose of the standards to the fullest extent possible.

Subp. 2. **Emergencies.** The facility administration may declare a state of emergency suspending those rules affected by the emergency if to not suspend the rules would adversely affect the health, security, safety, or well-being of the persons confined or the facility staff.

Subp. 3. **Notification of emergencies (mandatory).** The facility administrator shall immediately notify the sheriff of the county and the Department of Corrections of an emergency that results in the suspension of a rule. A formal written report must follow within 72 hours.

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

### **PERSONNEL STANDARDS**

#### **2945.0500 MEDICAL EXAMINATIONS.**

Employees who work in a facility must have a medical examination on record.

#### **2945.0510 STAFF RECRUITMENT.**

Subpart 1. **Discrimination prohibited (mandatory).** There must not be discrimination on the grounds of race, color, religion, sex, or national origin.

Subp. 2. **Staff selection.** The selection, appointment, and promotion of facility personnel must be based on assessed ability. Custody personnel must be a minimum of 18 years old. Recruitment standards must set forth the basic requirements of ability, preparatory experience, physical condition, and character, as well as those qualities that may disqualify.

#### **2945.0520 EXTRA DUTY.**

No employee may be scheduled for duty for two consecutive work periods except where unusual circumstances require reasonable and prudent exception.

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## **Proposed Rules**

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### **2945.0530 STAFFING REQUIREMENTS.**

Subpart 1. **Staffing plan.** The facility administrator shall prepare and retain a staffing plan indicating the personnel assigned to the facility and their duties. For the purposes of this part, a work day is considered an eight-hour shift.

Subp. 2. **Staff person in charge (mandatory).** There must be a designated staff person in charge of the facility. In the absence of the regular facility supervisor, a staff person must be designated in charge.

Subp. 3. **Condition of staff person on duty (mandatory).** No person may be detained without a staff person on duty, present in the facility, awake and alert at all times, and capable of responding to the reasonable needs of the prisoner.

Subp. 4. **Opposite sex policy (mandatory).** There must be a policy consistent with state statute that provides procedures to be followed by staff with regards to the types of supervision provided to prisoners of the opposite sex.

Subp. 5. **Assistance for dispatcher/custody staff person (mandatory).** In facilities that use the dispatcher/custody position as sole supervision, the dispatcher/custody staff person must be assisted on duty by another custody staff person when the jail population exceeds 15. This requirement applies only during shifts when prisoners are not in lockup status.

Subp. 6. **Reporting incidents and responding to emergencies. (mandatory).** A combination of staff and physical plant resources shall provide the capability of responding to emergencies and the completion of incident reports on all special occurrences.

Subp. 7. **Ancillary functions.** Personnel must be provided to perform ancillary functions such as transportation or court functions such as transportation or court escort to the extent necessary to ensure security and supervision of prisoners.

### **STAFF TRAINING**

#### **2945.1000 STAFF TRAINING PLAN.**

Subpart 1. **Orientation and in-service training plan.** Each facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provide for continuing in-service training programs for all employees and volunteers. The training plans must be documented and describe curriculum, methods of instruction, and objectives. In-service training plans should be prepared annually, and orientation training plans must be reviewed and revised to changing conditions.

Subp. 2. **First aid and CPR training (mandatory).** Each facility shall establish, in cooperation with a responsible health authority, a training program to provide instruction on the administration of first aid and cardiopulmonary resuscitation (CPR).

Subp. 3. **Other health and safety training (mandatory).** Each facility shall develop, in cooperation with a responsible health authority, a training program which provides instruction in the following areas:

- A. procedures for responding to health-threatening situations within four minutes;
- B. recognition of signs and symptoms, and knowledge of action required in potential emergency situations;
- C. methods of obtaining assistance;
- D. recognition of signs and symptoms of mental illness, retardation, emotional disturbance, and chemical dependency;
- E. procedures for patient transfers to appropriate medical facilities or health care providers; and
- F. prevention of communicable diseases.

#### **2945.1010 PART-TIME AND RELIEF STAFF.**

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

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

#### **2945.1600 GUIDELINES AND RESPONSIBILITIES.**

Each facility supervisor shall develop written guidelines that define responsibilities, duties, and qualifications of the persons working in the detention facility.

#### **2945.1610 POLICY AND PROCEDURE MANUALS.**

Policies and procedures concerning the facility's operation must be made available to employees at the time of employment and as revised after that time.

### **RECORDS AND REPORTS**

#### **2945.2100 MAINTENANCE OF RECORDS AND REPORTS.**

Subpart 1. **Mandatory records.** The following records, reports, and statistics must be maintained (mandatory):

- A. admission and release records;

- B. special occurrence records; and
- C. registers.

Subp. 2. **Directory records.** The following records, reports, and statistics must be maintained:

- A. prisoner personal property records;
- B. clothing, linen, and laundry records (not applicable to Class III and IV municipal holding facilities);
- C. records of budget requests and work orders (not applicable to Class III and IV municipal holding facilities);
- D. records of policies and procedures;
- E. employee personnel records;
- F. records of staff training;
- G. accounting records (not applicable to Class III and IV municipal holding facilities);
- H. food service records;
- I. daily logs;
- J. medical and dental records; and
- K. disciplinary records.

The department shall make available on request sample approved forms of items A to K.

**2945.2110 STORAGE AND PRESERVATION OF RECORDS (MANDATORY).**

Space must be provided for the safe storage of records.

**2945.2120 FILING AND DISPOSITION OF PRISONER RECORDS.**

Prisoner booking records must be maintained.

**2945.2130 ACCESS TO PRISONER RECORDS (MANDATORY).**

Access to prisoner records shall be provided in conformity with state data privacy law.

**PRISONER WELFARE**

**2945.2500 SEPARATION OF PRISONERS (MANDATORY).**

Subpart 1. **General.** A combination of separate living spaces, sanitation facilities, activity spaces, cell units, and detention rooms shall be provided to properly segregate prisoners under *Minnesota Statutes*, section 641.14.

Subp. 2. **Prisoners to be housed separately.** The following prisoners must be housed separately:

- A. female prisoners from male prisoners;
- B. juvenile prisoners from adult prisoners; and
- C. mentally ill prisoners from all other prisoners.

Subp. 3. **Separation by sight and sound.** Juvenile prisoners must be separated from adult prisoners by sight and sound.

**2945.2510 INFORMATION TO PRISONERS.**

Subpart 1. **Information to prisoners.** Minimal rules for prisoner behavior must be posted in a conspicuous place or provided to the prisoner.

Subp. 2. **Official charge, legal basis for detention (mandatory).** Every prisoner admitted to a facility must be advised of the official charge or legal basis for detention and confinement, information gathered, and to whom disseminated.

Subp. 3. **Limitations on disciplinary actions.** The decision to deprive a prisoner of articles of clothing and bedding as a result of the prisoner's destruction of those items must be reviewed by the officer in charge during each eight-hour period, and the review must be documented.

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## Proposed Rules

The delegation of authority to a prisoner or group of prisoners to exercise the right of punishment over another prisoner or group of prisoners shall be prohibited.

No prisoner may be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene. Items such as toilet paper and soap and water must be made available and provided upon request.

Subp. 4. **Instruments of restraint.** Instruments of restraint, such as handcuffs, chains, irons, and straitjackets must not be used as punishment.

A. Instruments of restraint must not be used except in the following circumstances:

(1) as a precaution against escape during a transfer;

(2) on medical grounds by direction of a consulting or attending physician or licensed psychologist; or

(3) by order of the facility administrator or person in charge in order to prevent a prisoner from injuring himself or herself, others, or from damaging property.

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

C. Instruments of restraint must not be applied for any longer time than is strictly necessary.

D. Each incident involving the use of restraints consistent with item A, subitem (2) or (3), must be documented and on file.

Subp. 5. **Disciplinary records.** Disciplinary records must be maintained on all documented disciplinary infractions and punishment administered.

### 2945.2520 PRISONER VISITATION.

Subpart 1. **Initial visits for juveniles (mandatory).** The initial visit for parents, guardians, and attorneys must be permitted at any time.

Subp. 2. **Visiting plan.** Each facility administrator shall develop and implement a prisoner visiting policy. The policy shall be in writing and shall provide at a minimum:

A. That prisoners be allowed nonmonitored visits with the prisoner's attorney.

B. A schedule that specifies days and times for visits (not applicable to Class III and IV municipal holding facilities.)

C. A uniform number of permissible visits and the number of visitors permitted per visit (not applicable to Class III and IV municipal holding facilities).

D. For adult prisoners, an initial visit with a member or members of their immediate family at the next regularly scheduled visiting period (not applicable to Class III and IV municipal holding facilities).

E. That when a visit to a prisoner is denied on the belief that the visit might endanger the security of the facility, the action and reasons for denial be documented.

F. That visitors must register, giving name, address, relationship to prisoner, and nature of business.

G. That visiting must not be audio monitored.

H. That visits by parents, guardians, and attorneys with juvenile prisoners be as unrestricted as is administratively possible.

I. That prisoners be allowed private meetings for family problems with clergy, nuns, seminarians, and laypersons active in community church affairs, who provide appropriate credentials, to the extent that such visits do not compromise the facility's security (not applicable to Class IV).

### 2945.2530 CORRESPONDENCE.

Subpart 1. **Plan for prisoner mail.** A facility administrator shall develop a plan for prisoner mail consistent with established legal rights of prisoners and facility rules which are reasonable and necessary to protect the facility's security (not applicable to Class III and Class IV municipal holding facilities).

Subp. 2. **Unrestricted volume of mail.** The volume of written mail to or from a prisoner must not be restricted (not applicable to Class III and Class IV municipal holding facilities).

Subp. 3. **Inspection and censorship (mandatory).** Mail must not be read or censored if it is between a prisoner and an elected official, officials of the department, the ombudsman for corrections, attorneys, or other officers of the court. Inspection of incoming mail from this group is permitted in the presence of the prisoner. This subpart is not applicable to Class III and Class IV municipal holding facilities.

Subp. 4. **Money.** Cash, checks, or money orders should be removed from incoming mail and credited to a prisoner's account (not applicable to Class III and Class IV municipal holding facilities).



Subp. 5. **Contraband.** If contraband is discovered in either incoming or outgoing mail, it must be removed (not applicable to Class III and Class IV municipal holding facilities).

Subp. 6. **Sacred books (mandatory).** A prisoner must be provided a copy of the Bible or sacred book of another religion at the expense of the appointing authority.

#### **2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL.**

Subpart 1. **Bedding.** Upon request, or after eight hours, each prisoner shall be issued clean, sanitary, and fire-retardant bedding (not applicable to Class IV municipal facilities).

Subp. 2. **Laundry (mandatory).** Sheets must be laundered and blankets cleaned before reissuing them to another prisoner.

Subp. 3. **Removing clothing and bedding.** The facility administrator shall develop a policy and procedure for dealing with incidents in which prisoners misuse clothing or bedding. Clothing and bedding should be removed from a prisoner only when the prisoner's behavior threatens the health, safety, or security of self, others, or property. Clothing and bedding must be returned to the prisoner as soon as it is reasonable to believe that the behavior that caused the action will not continue.

#### **2945.2550 EMERGENCIES AND SPECIAL OCCURRENCES.**

Subpart 1. **Emergency plan (mandatory).** The facility administrator shall develop a written emergency plan. The plan must include:

- A. location of alarms and fire fighting equipment;
- B. emergency drill policy;
- C. specific assignments and tasks for personnel;
- D. persons and emergency departments to be notified;
- E. a procedure for evacuation of prisoners; and
- F. arrangements for temporary confinement of prisoners.

Subp. 2. **Review of emergency procedures.** There must be a documented quarterly review of emergency procedures by the person in charge of the facility that includes:

- A. assignment of persons to specific tasks in case of emergency situations;
- B. instructions in the use of alarm systems and signals;
- C. systems for notification of appropriate persons outside the facility;
- D. information on the location and use of emergency equipment in the facility; and
- E. specification of evacuation routes and procedures.

Subp. 3. **Reporting of special incidents.** Incidents or special occurrences which endanger the lives or safety of staff or prisoners or the physical plant of the facility must be reported. Reports must include the names of staff members and prisoners involved, the nature of the special occurrence, actions taken, and the date and time of the occurrence. Special occurrences include, but are not limited to:

- A. attempted suicide;
- B. suicide;
- C. homicide;
- D. death other than suicide or homicide;
- E. serious injury or illness incurred after detention;
- F. escape or runaway;
- G. fire causing serious damage;
- H. riot;
- I. assaults requiring medical care;

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## Proposed Rules

J. other serious disturbances; or

K. occurrences of infectious diseases and disposition of the occurrences.

Special occurrences must be reported on forms provided by the department or comparable forms used by the facility.

In the event of an emergency such as serious illness, accident, imminent death, or death, the prisoner's family or others who maintain a close relationship must be notified.

Subp. 4. **Prisoner death (mandatory).** When a prisoner's death occurs:

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

B. if the prisoner dies in the facility, the coroner, medical examiner, or sheriff must be notified immediately;

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

D. records of a deceased prisoner must be retained for a period of time in accordance with law; and

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

### FOOD SERVICE

#### 2945.3400 FOOD HANDLING PRACTICES (MANDATORY).

Food service shall be provided according to parts 4625.2401 to 4625.4701.

#### 2945.3410 FREQUENCY OF MEALS.

There must be no more than 14 hours between a substantial evening meal and breakfast. Where prisoners are not routinely absent from the facility for work or other purposes, at least three meals must be made available at regular times during each 24-hour period (not applicable to Class IV municipal holding facilities).

#### 2945.3420 THERAPEUTIC DIETS (MANDATORY).

A facility housing prisoners in need of medically prescribed therapeutic diets must document that the diets are provided as ordered by the attending physician (not applicable to Class IV municipal holding facilities).

#### 2945.3430 USE OF FOOD IN DISCIPLINE (MANDATORY).

Food must not be withheld as punishment (not applicable to Class IV municipal holding facilities).

#### 2945.3440 SUPERVISION OF MEAL SERVING.

All meals must be served under the direct supervision of staff (not applicable for Class IV municipal holding facilities).

#### 2945.3450 HOT MEAL MINIMUM.

A minimum of one hot meal must be provided for each 24 hours of confinement (not applicable to Class III and Class IV municipal holding facilities).

### SECURITY

#### 2945.4700 SECURITY POLICIES AND PROCEDURES, GENERAL.

Subpart 1. **Security policies and procedures (mandatory).** Each facility must have and adhere to written security policies and procedures which provide for at a minimum the following:

A. the control and recovery of contraband;

B. the prohibition on firearms in prisoner areas; and

C. that all prisoners are personally observed by an employee at least every 30 minutes, but on an irregular schedule; more frequent observation is required for those prisoners who are violent, suicidal, mentally disordered, or who demonstrate unusual or bizarre behavior.

Subp. 2. **Additional security policies and procedures.** Written security policies and procedures must also include the following:

A. visitor and visit control;

B. search and shakedown schedules and procedures;

C. escort of prisoners outside security areas;

D. escape prevention and action plans;

E. tool, medication, key, and weapon control procedures;

F. count procedure;

- G. classification of prisoners; and
- H. riot prevention and control procedures.

This subpart is not applicable to Class III and IV municipal holding facilities.

#### **2945.4710 ADMISSIONS.**

Subpart 1. **Admission policies.** Admission policies and procedures must include the following:

- A. a thorough search of all admissions and prisoners on release status returning to the facility;
- B. showering and delousing facilities (Class III and IV municipal holding facilities must have some type of facilities for prisoners to wash up if showers are not available);
- C. an assessment of health status;
- D. security classification (not applicable to Class III and IV municipal holding facilities);
- E. inventory of prisoner's property;
- F. fingerprinting and photographing, if appropriate; and
- G. completion of admission form.

Subp. 2. **Identification (mandatory).** No prisoners may be received or released by the staff of a facility until the arresting or escorting officer has produced proper credentials or until the proper documents have been completed, identifying the purpose for detention or release.

Subp. 3. **Privacy.** All intake procedures must be conducted in a manner and location that assures the personal privacy of the prisoner and the confidentiality of the transaction.

#### **2945.4720 RELEASES.**

Subpart 1. **Return of prisoner property.** Upon release of a prisoner, the property of that prisoner, unless held for authorized investigation or litigation, must be returned with a receipt for the prisoner to sign or for the transporting officer to sign.

Subp. 2. **Transportation.** Prisoners must be permitted to make arrangements for transportation before release.

Subp. 3. **No release in intemperate weather.** No prisoner may be released in intemperate weather without proper clothing to ensure the prisoner's health and comfort.

#### **2945.4730 SEARCHES AND SHAKEDOWNS.**

Subpart 1. **Visitor searches.** Searches of visitors and their personal belongings brought into the facility must be done in accordance with the facility's written policy and legal procedures.

Subp. 2. **Regular inspection of facility.** The facility must be regularly inspected for contraband, evidence of breaches in security, and inoperable security equipment. Facility inspections must be documented.

Subp. 3. **Inspection of materials.** All materials delivered to or transported from the facility must be inspected for contraband before distribution and the inspection shall be documented.

#### **2945.4740 LOCKS AND KEYS.**

Subpart 1. **General (mandatory).** All keys to security locks must be properly tagged and stored in a secure cabinet within a secure area, and out of reach of the prisoners or the public. At least one complete set of facility keys must be kept on hand for replacement purposes. Keys that serve a critical security purpose must be easily identifiable and never issued to facility staff except upon order of the facility administrator or person in charge, and in accordance with established procedure. No security keys may be made available to prisoners regardless of status. All electronic locking systems must have a manual override.

Subp. 2. **Regular inspection.** Locks to security doors or gates must be inspected regularly by facility staff to ensure efficient operation.

Subp. 3. **Inoperable locks (mandatory).** No lock to a security door or gate may be permitted to be inoperable or left in an unsuitable condition. No prisoner shall be placed in a cell or area that has inoperable locks.

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## Proposed Rules

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### **2945.4750 DANGEROUS MATERIALS (MANDATORY).**

Materials dangerous to either security or safety shall be properly secured.

### **2945.4760 COUNT PROCEDURE.**

Each facility must have a written policy describing the system of counting prisoners. Formal counts must be completed with an official entry made in the daily log after each mass movement and at least once each eight hours.

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

### **2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES (MANDATORY).**

Subpart 1. **Availability of resources.** Each facility must have a licensed physician or medical resource such as a hospital or clinic designated for the medical supervision and treatment of prisoners. Resources must insure service 24 hours a day.

Subp. 2. **Emergency dental care.** Each facility must have emergency dental care available to prisoners.

Subp. 3. **Ambulance service.** Ambulance services must be available 24 hours a day.

Subp. 4. **Examination of prisoner where medical attention is necessary.** A prisoner must be examined by trained medical personnel if the prisoner is visibly ill, chronically ill, or when it is suspected that medical attention is necessary.

### **2945.5410 POSTING OF AVAILABLE RESOURCES (MANDATORY).**

A listing of telephone numbers of the medical, dental, and ambulance services available must be posted at each staff station along with the schedule of availability.

### **2945.5420 HOSPITALIZATION OF A PRISONER.**

Subpart 1. **Agreement between facility and hospital.** Each facility must have an agreement with a hospital in the same or nearby community permitting admission of a prisoner on the recommendation of the attending physician.

Subp. 2. **Guarding of prisoner.** When a prisoner requires hospitalization, the prisoner must be guarded 24 hours a day unless the prisoner is not in need of supervision or the prisoner is medically incapacitated in the opinion of the attending physician.

### **2945.5430 FIRST AID.**

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

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

Subp. 3. **Records of illness and injury.** A facility must record all complaints of illness or injury and actions taken.

Subp. 4. **Medical or dental records (mandatory).** Records must be maintained on prisoners under medical or dental care. The records must include at a minimum:

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

### **2945.5440 PREVENTIVE HEALTH SERVICES.**

Subpart 1. **Written plan for personal hygiene.** The facility administrator shall develop and implement a written plan for personal hygiene practices of all prisoners with special assistance for those prisoners who are unable to care for themselves (not applicable for Class III and Class IV municipal holding facilities).

Subp. 2. **Delousing materials.** Delousing materials and procedures must be approved through consultation with trained medical personnel.

Subp. 3. **Bathing.** A prisoner must be permitted daily washing (not applicable to Class IV municipal holding facilities).

Subp. 4. **Indigent prisoners (mandatory).** Indigent prisoners shall receive reasonable personal hygiene items upon request.

### **2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.**

Subpart 1. **Legend drugs (mandatory).** Facility policy shall prohibit stock supplies of legend drugs.

Subp. 2. **Delivery by unlicensed staff.** The delivery of legend drugs by unlicensed staff must be under the direction of a consulting physician.

Subp. 3. **Policy for storage, delivery, and control of medicine.** A facility administrator, in consultation with a licensed physician or physician trained paramedic, shall develop procedures for the secure storage of medicine. The policy must include at a minimum the following storage requirements:

- A. medicine be stored in a locked area;
- B. the storage area be kept locked at all times;
- C. medicine requiring refrigeration be refrigerated and secured;
- D. prisoners not be permitted in the medicine storage area;
- E. only staff authorized to deliver medicine may have access to keys for the medicine storage area;
- F. prescribed medicine be kept in its original container, bearing the original label; and
- G. poisons and medicine intended for external use be clearly marked and stored separately from medicine intended for internal use.

Subp. 4. **Procedures for delivery of medicine.** Each facility must adopt procedures for the delivery of medicine.

A. The procedures must include the following (mandatory):

(1) Requirements that medicine administered by injection must be administered by a physician, registered nurse, or licensed practical nurse. Diabetics under physician order and direct staff supervision must be permitted to self-administer insulin.

(2) Requirements that no prisoner while receiving legend drugs may receive any nonlegend drug without the approval of the attending physician.

(3) Procedures for reporting to the physician any adverse reactions to drugs. Any reports shall be included in the prisoner's file.

(4) Procedures for reporting the attending physician a prisoner's refusal of prescribed medicine, and an explanation made in the prisoner's record.

(5) Procedures for ensuring that no prisoner is deprived of medicine as prescribed because of penalty or staff retaliation.

(6) Procedures that prohibit the delivery of medicine by prisoners.

(7) Procedures requiring that a physician be contacted for instructions before the next prescribed medicine dosage time for all newly admitted prisoners who are either in possession of prescribed medicine or indicate a need for prescribed medicine.

B. Procedures must also include at a minimum the following:

(1) medicine delivered to a prisoner is to be self-administered under staff supervision;

(2) there is to be a means for the positive identification of the recipient of medicine;

(3) procedures and records to assure that medicine is delivered in accordance with physician instructions, and by whom; and

(4) procedures for confirming that medicine delivered for oral ingestion has been ingested.

Subp. 5. **Records of receipt; disposition of drugs.** Records of receipt, the quantity of the drugs, and the disposition of legend drugs must be maintained in sufficient detail to enable an accurate accounting.

Subp. 6. **Medicine given to prisoner upon release.** Prescription medicine belonging to a prisoner must be given to the prisoner or to the appropriate authority upon transfer or release and shall be recorded in the prisoner's file.

Subp. 7. **Destruction of unused prescribed medicine.** Unused prescribed medicine should be destroyed by incineration or by flushing into the sewer system. A notation of the destruction made in the prisoner's record and a statement of what was destroyed, who destroyed it, and how it was destroyed.

#### **2945.5460 REPORTING SUSPECTED COMMUNICABLE DISEASE (MANDATORY).**

It is the responsibility of the facility administrator or person in charge in consultation with the attending physician to report to the

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## Proposed Rules

Minnesota Department of Health any known or suspected communicable disease.

### **2945.5470 SEPARATION OF PRISONERS SUSPECTED OF HAVING A COMMUNICABLE DISEASE (MANDATORY).**

Prisoners suspected of having a communicable disease must be separated from other prisoners.

### **2945.5480 MENTALLY ILL PRISONERS.**

A policy must be developed for the management of mentally ill prisoners and include a procedure for managing prisoners who are suspected of being mentally ill and considered to be a danger to self or others.

### **2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.**

Subpart 1. **General.** The facility must be kept in good repair to protect the health, comfort, safety, and well-being of prisoners and staff.

Subp. 2. **Maintenance plan.** The person responsible for plant maintenance, housekeeping, and sanitation must develop a written maintenance plan.

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

Subp. 4. **Plan for daily inspection.** The facility administrator must establish a plan for the daily inspection of housekeeping, sanitation, and plant maintenance when the facility is occupied.

Subp. 5. **Policies and procedures to detect deterioration of building and equipment.** The facility administrator must develop policies and procedures designed to detect building and equipment deterioration, safety hazards, and unsanitary conditions.

Subp. 6. **Reporting of unsanitary and unsafe conditions (mandatory).** Facility staff must report to the facility administrator any unsanitary and unsafe conditions as well as physical plant and equipment repairs or replacement needs.

Subp. 7. **Priority of work requests.** The facility must have a process for prioritizing work requests and reporting to the governing body in an expedient manner.

Subp. 8. **Records of repair.** The facility must have a records system for review of budget and work requests, expenditures, dates and actions pursuant to detection of need, submission of work orders, and completion of requests.

Subp. 9. **Elimination of conditions conducive to vermin (mandatory).** A condition in the facility conducive to harborage or breeding of insects, rodents, or other vermin must be eliminated immediately.

Subp. 10. **Fire inspection (mandatory).** Fire inspections of the facility must be conducted on an annual basis by a state fire marshal or local fire official. Documentation of the inspection and any resulting orders must be maintained and available for inspection by the regulatory authority. Failure to comply with fire safety requirements will result in a denial of approval to continue facility operations.

## Higher Education Coordinating Board

### Proposed Permanent Rules Relating to Education; Postsecondary Grants to Prenursing Students

#### Notice of Intent to Adopt Rules Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28 (1990). The Board's authority to adopt the rule is set forth in *Minnesota Statutes*, 316A.04, Subd. 1(9) and 136A.16 (1990).

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on July 8, 1992 at 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. 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 unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes*, 14.131 to 14.20 (1990).

Comments or written requests for a public hearing must be submitted to:

Mary Lou Dresbach  
Minnesota Higher Education Coordinating Board  
Capitol Square Building, Suite 400  
550 Cedar Street  
St. Paul, MN 55101

The proposed rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mary Lou Dresbach upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 rule, must submit the written request to Mary Lou Dresbach.

Dated: 21 May 1992

David R. Powers  
Executive Director

### **Rules as Proposed**

#### **4830.8510 SCOPE.**

Parts 4830.8510 to ~~4830.8580~~ 4830.8575 apply to the program of state grants for prenursing students.

#### **4830.8535 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.**

Subpart 1. Participation by schools and programs. A school or nursing program that desires prenursing grant funds must sign an institutional participation agreement with the executive director.

Subp. 2. Modification of allocations. The executive director shall allocate funds equal to the school's or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. Responsibility. Each participating school or nursing program must:

A. establish procedures for students to apply for and receive grants;

B. consider the likelihood of a student's success in completing the nursing educational program and the likelihood that the student will serve in a designated rural area;

C. verify that the student does not have a baccalaureate degree or has not been enrolled on a full-time basis for eight semesters, 12 quarters, or the equivalent;

D. give priority to students with the greatest financial need; and

E. assist the executive director in monitoring recipient service status.

Subp. 4. Renewal award allocation formula. The executive director shall calculate an allocation for renewal awards at eligible schools and nursing programs based on prior year information submitted by schools or nursing programs on the Prenursing Grant Final Report. The following formula will be used:

A. for schools and nursing programs located outside the seven county metropolitan area, the sum of each school's or nursing program's total prior year grant awards for current academic year renewal students multiplied by at least 100 percent; plus

B. for schools and nursing programs located within the seven county metropolitan area, the sum of each school's or nursing program's total prior year prenursing grant awards for current academic year renewal students multiplied by at least 100 percent.

Subp. 5. Prorating, reports, refunds, renewals, excess funds. If insufficient funds are available to allocate funds to all schools and nursing programs with renewal students, the executive director shall give priority to schools or nursing programs located outside the seven county metropolitan area when prorating the available funds.

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## Proposed Rules

Schools or nursing programs with final reports correctly completed and submitted to the executive director with any applicable refunds by the first working day after August 9 will be informed in writing by the executive director of their allocations for renewal awards by the first working day after August 30. The executive director shall withhold a school's or nursing program's allocation for renewal awards if the reporting deadline date is not met.

Funds not needed for renewal awards may be used by the school or nursing program for initial awards to eligible students.

Subp. 6. Appropriation balance. The annual prenursing grant appropriation minus the sum of subpart 4, items A and B, equals the appropriation balance. The appropriation balance will be allocated to schools and nursing programs as specified in subpart 7.

Subp. 7. Initial award allocation formula. A second allocation will be made to schools and nursing programs to make awards for initial prenursing grant applicants using the following formula:

A. each school's or nursing program's number of eligible initial prenursing grant applicants for the current academic year residing in designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529, multiplied by the prior year average award amount for prenursing grant recipients from the postsecondary system applicable to the school or nursing program, multiplied by at least 100 percent; plus

B. each school's or nursing program's number of eligible initial prenursing grant applicants for the current academic year residing outside designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529, multiplied by the prior year average award amount for prenursing grant recipients from the postsecondary system applicable to the school or nursing program, multiplied by at least 100 percent.

Subp. 8. Priority for proration, second allocation. If insufficient funds are available to allocate funds to all schools or nursing programs, the executive director shall give priority to schools or nursing programs located outside the seven county metropolitan area with prenursing grant applicants who reside within designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529.

The executive director shall notify all participating schools and nursing programs in writing of their second allocation amount by September 30 if the school or nursing program has provided the information specified in subpart 9 by the first working day after September 9.

Subp. 9. Applicant information data. By August 15 each year, the executive director will provide each school or nursing program with a prenursing grant applicant data form to be completed and submitted to the executive director no later than the first working day after September 9. Schools or nursing programs that wish to be included in the second allocation calculation specified in subpart 7 must provide the following information on the data form provided by the executive director by the specified deadline date.

The following information for the current academic year will be requested on the data form:

A. the number of applications received from eligible initial prenursing grant applicants who reside in designated rural areas, as defined by the board;

B. the number of applications received from eligible initial prenursing grant applicants who reside outside designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529;

C. the estimated amount of prenursing grant funds needed to award applicants in item A; and

D. the estimated amount of prenursing grant funds needed to award applicants in item B.

Subp. 10. Consequences of failure to report. Failure to correctly complete and submit the requested information to the executive director by the first working day after September 9 will result in the failure of the school or nursing program to be included in the initial award allocation calculation.

Subp. 11. Reallocation. If funds are available, the executive director shall reallocate funds to schools or nursing programs requesting additional prenursing grant funds according to the formula in subpart 7.

Subp. 12. Accountability. Each participating school and nursing program is accountable for any money disbursed to students for prenursing grants. The money may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or must return the funds to the executive director.

Subp. 13. Unused funds. When requested by the executive director, a school or nursing program shall report on its use of funds and shall return unused funds. The executive director shall reallocate unused funds to schools or nursing programs that desire additional funds.

Subp. 14. Monitoring recipient service status. A participating school or nursing program must assist the executive director in monitoring the service status of each prenursing grant recipient to determine whether the recipient is fulfilling the service requirement specified in part 4830.8520. The recipient must provide written documentation annually to the executive director regarding current status as a nurse in a designated rural area. The school or nursing program must provide the executive director with each recipient's



most current permanent address and telephone number on record at the school or nursing program upon graduation or termination of enrollment. Upon request of the executive director, the school or nursing program must also provide the name, address, and telephone number for at least two persons listed on the recipient's prenursing grant application as references.

#### **4830.8540 RANKING APPLICANTS.**

Subpart 1. **Classification of applicants.** Each applicant must be placed in one of the following classifications:

A. ~~renewal applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area;~~

B. ~~renewal applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area;~~

~~C. renewal applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area;~~

~~D. renewal applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area;~~

~~E. C.~~ initial applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework; and

F. ~~initial applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;~~

~~G. D.~~ initial applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework; and

H. ~~initial applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;~~

I. ~~initial applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework;~~

J. ~~initial applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework;~~

K. ~~initial applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework; and~~

L. ~~initial applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework.~~

Subp. 1a. Order; previous enrollees. Applicants will be awarded in the order of the classifications listed above in subpart 1. Initial applicants who have been previously enrolled in a nursing program or who have completed some nursing coursework are not eligible.

[For text of subpart 2, see M.R.]

Subp. 3. **Insufficient funds.** If insufficient funds are available to meet the needs of all eligible applicants, the ~~executive director~~ school or nursing program shall make ~~award awards~~ awards to applicants in the order specified in subparts 1, 1a, and 2.

Subp. 4. Transfer student. A student who received a prenursing grant at one school or nursing program and transfers to another school or nursing program must be considered a renewal applicant for ranking purposes at the school or nursing program to which the student transferred. The student must continue to demonstrate financial need and complete the application process. If no funds are available at the time the student transfers, the school or nursing program must give priority to the renewal transfer student over an initial applicant if funds become available.

#### **4830.8550 AWARDS.**

Subpart 1. Award calculation. The amount of the grant award is a percentage of the sum of the student's Pell grant and state grant for which the student is currently eligible. The percentage must be determined annually by the executive director based upon the money available to the program from state appropriations and the estimated financial need of ~~the student~~ students. If the student is not eligible for a Pell grant or state grant for the current academic year, the student is not eligible for a prenursing grant award.

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## Adopted Rules

**Subp. 2. Application of award and disbursement.** A recipient's total prenursing grant award must be divided by the number of terms in the academic year and disbursed accordingly. The school or nursing program shall apply each disbursement to the recipient's educational costs in the following order: tuition, fees, books, supplies, and other expenses. The costs must be prorated for each term of the academic year.

**Subp. 3. Minimum award.** The minimum award amount for full-time attendance is \$100 per academic year.

**Subp. 4. Adjustments to awards.** If a recipient's award amount decreases because of an adjustment in the student's Pell grant or state grant award, the prenursing grant award must be reduced. If a recipient's award amount increases because of an adjustment in the student's Pell grant or state grant award, the prenursing grant award must be increased, if funds are available.

### 4830.8570 RECIPIENT RESPONSIBILITIES.

**Subpart 1. Change of address.** From the time a grant recipient first receives a grant until five years after the nursing license is received until graduation or termination of enrollment, the recipient must notify the executive director school or nursing program in writing of a change of address within 30 days of the change. From the time of graduation or termination of enrollment until five years after the nursing license is received, the recipient must notify the executive director in writing of a change in address within 30 days of the change.

**Subp. 2. Service status verification.** Each year for up to five years after the a nursing license is received, on request of the executive director, a grant recipient must complete and return to the executive director a service status verification form provided by the executive director.

### 4830.8575 REPORTS BY SCHOOLS OR NURSING PROGRAMS.

The school or nursing program must collect demographic and program activity data as specified by the executive director. The school or nursing program shall provide the executive director with individual student data upon request.

End of year program activity and student data reports are required by the executive director. The school or nursing program must correctly complete and submit those reports and any applicable refunds to the executive director no later than the first working day after August 9. If the reports are not completed correctly and submitted by the deadline, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

**REPEALER.** Minnesota Rules, parts 4830.8560 and 4830.8580, are repealed.

## 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 Agriculture

### Adopted Permanent Rules Relating to Rural Finance Authority Agricultural Development Bond Beginning Farmer Loan Program

**NOTE:** In accordance with *Minnesota Statutes*, chapter 41C.13, the Minnesota Rural Finance Authority has developed rules for the administration of the Minnesota Agricultural Development Act. The Authority is exempt from rule-making requirements under chapter 14, but is publishing the following rules for informational purposes. These rules specifically relate to administration of the Authority's Aggie Bond Program, a cooperative opportunity for the state to utilize a federal program to assist beginning farmers to purchase agricultural land, agricultural improvements, and depreciable agricultural property.

Additional information on the Aggie Bond Program may be obtained from the Minnesota Rural Finance Authority, 90 W. Plato Blvd., St. Paul, MN 55107, 612-297-3557.

Dated: 13 May 1992

Elton Redalen  
Commissioner of Agriculture

**Rules as Adopted (all new material)****1650.0500 ESTABLISHMENT OF PROGRAM; PROGRAM RULES.**

Subpart 1. **Establishment of program.** The rural finance authority, by its Resolution No. 92-04, has established an agricultural development bond beginning farmer loan program, consisting of the issuance of bonds to finance loans to be made to beginning farmers for eligible purposes.

Subp. 2. **Authority and purpose.** Parts 1650.0500 to 1650.0570 are adopted by the authority under *Minnesota Statutes*, section 41C.13, to define and provide for the administration of the program.

Subp. 3. **Application.** Parts 1650.0500 to 1650.0570 apply to all applications for and loans made and bonds issued under the program, the use of loan proceeds, all loan applicants, and all eligible borrowers and lenders participating in the program.

**1650.0510 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part apply to parts 1650.0500 to 1650.0570.

Subp. 2. **Act.** "Act" means the Minnesota Agricultural Development Act, *Minnesota Statutes*, chapter 41C.

Subp. 3. **Applicant.** "Applicant" means an individual or partnership who submits a completed application for a loan under the program to the authority through an eligible lender.

Subp. 4. **Application.** "Application" means an application for a loan under the program in the form prescribed by the authority or its executive director.

Subp. 5. **Authority.** "Authority" means the Minnesota rural finance authority established by *Minnesota Statutes*, section 41B.025, acting through its board or its duly authorized officers.

Subp. 6. **Bond.** "Bond" means a special, limited obligation revenue bond issued by the authority to an eligible lender to finance a loan to an eligible borrower for an eligible purpose pursuant to a loan agreement between the eligible lender and the authority.

Subp. 7. **Borrower.** "Borrower" means an eligible borrower who has received a loan under the program.

Subp. 8. **Code.** "Code" means the Internal Revenue Code of 1986, as amended, and all rules, regulations, and revenue procedures issued under it.

Subp. 9. **Depreciable agricultural property.** "Depreciable agricultural property" means property of a character that is subject to the allowance for depreciation under the code and which is to be owned and used by an eligible borrower for farming purposes.

Subp. 10. **Eligible borrower.** "Eligible borrower" means a Minnesota resident or a Minnesota partnership consisting only of individuals who are Minnesota residents, who:

A. has a low or moderate net worth of no more than \$200,000 in the case of an individual, the individual's spouse, and the individual's children, or \$400,000 in the case of a partnership, if each partner meets the \$200,000 net worth requirement for individuals;

B. will engage in farming as a principal occupation;

C. has sufficient education, training, or experience in the type of farming for which the loan is desired;

D. will agree to participate in a farm management program for the first five years of the loan if an approved program is available within 45 miles of the residence of the borrower or one of the borrower's partners;

E. will agree to file an approved soil and water conservation plan with the county conservation service office; and

F. is a first time farmer, as defined in subpart 15, who will be the principal user of the property financed under the code, and will materially and substantially participate in the operation of the farm of which the property is a part or on which the property will be used.

Subp. 11. **Eligible lender.** "Eligible lender" means a bank, credit union, savings and loan association, insurance company, or other financial institution that is authorized to do business in Minnesota, or an individual.

Subp. 12. **Eligible purpose.** "Eligible purpose" means:

A. the purchase of Minnesota land and improvements on the land, other than a residence, by an eligible borrower for farming purposes;

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## Adopted Rules

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B. the construction of new improvements, or of additions to or renovations of existing improvements, other than a residence, for farming purposes; or

C. the purchase of depreciable agricultural property by an eligible borrower for farming purposes.

Subp. 13. **Executive director.** "Executive director" means the authority's executive director or any other officer duly authorized to act on behalf of the authority's board or its executive director.

Subp. 14. **Farming.** "Farming" means the cultivation or use of land or land improvements, and personal property for the cultivation of agricultural crops, the production of fruit or other horticultural crops, or the production of forest products, for the raising of poultry, the production of eggs, or the production of milk, for the production of fur bearing animals, or for the grazing or production of livestock.

Subp. 15. **First time farmer.** "First time farmer" means an individual who, together with the individual's spouse and minor children:

A. has not at any time had any direct or indirect ownership interest in a farm that is 15 percent or more of the median size farm in the county where located or that had a market value at any time in excess of \$125,000 unless the farm was disposed of while the individual was insolvent and code section 108 applied to indebtedness with respect to the farm; and

B. has not received other similar tax-exempt financing in any state in an amount that, together with the current loan, exceeds \$250,000.

Subp. 16. **Improvements.** "Improvements" to farm land means items that, when complete, become part of the farm land or fixtures, including but not limited to confinement systems, barns and other out buildings, silos and other crop storage facilities, and improvements to land such as tiling, terraces, ponds, erosion control structures, and waterways.

Subp. 17. **Lender.** "Lender" means an eligible lender who has purchased a bond under the program.

Subp. 18. **Loan.** "Loan" means the loan of the proceeds of a bond to an eligible borrower for an eligible purpose pursuant to a loan agreement between the authority and the eligible borrower.

Subp. 19. **Net worth.** "Net worth" means the total value of an applicant's assets and the assets of the applicant's spouse and dependents, less the liabilities of those parties. For purposes of calculating net worth, "assets" means property, real or personal, tangible or intangible, and all contract rights of value that constitute assets, including cash crops or feed on hand, livestock held for sale, breeding stock, marketable bonds and securities, securities not readily marketable, accounts receivable, notes receivable, cash invested in growing crops, cash value of life insurance, machinery and equipment, cars and trucks, farm and other real estate including life estates and personal residence, and the value of a beneficial interest in any trust. For purposes of calculating net worth the term "liabilities" means the debts or other obligations for which an applicant is responsible including accounts payable, notes or other indebtedness owed to any source, taxes and rent due or past due, amounts owed on real estate contracts or mortgages, judgments, and accrued interest payable.

Subp. 20. **Principal user.** "Principal user" means a person who is a principal owner, a principal lessee, a principal output purchaser, or an "other" principal user as defined in the code.

Subp. 21. **Program.** "Program" means the agricultural development bond beginning farmer loan program established by the authority.

### 1650.0520 BORROWER ELIGIBILITY.

Subpart 1. **Eligibility.** To be eligible for a loan under the program an applicant must be an eligible borrower.

Subp. 2. **Certification.** An applicant must certify to the authority in each loan application that the applicant understands and meets the definition of eligible borrower for the program.

Subp. 3. **Net worth.** A financial statement showing an applicant's net worth must be submitted with the application and may not include the value of the property or improvements to be acquired with the proceeds of the loan or the liability of the loan. At the loan closing the applicant must certify that the applicant's net worth does not exceed program limits.

### 1650.0530 OPERATION OF PROGRAM.

Subpart 1. **Loan transactions and security.**

A. The authority shall make unsecured loans to eligible borrowers for eligible purposes under a loan agreement between the authority as lender and the eligible borrower as borrower. The loans must be evidenced by promissory notes payable to the authority or its assigns.

B. A loan may not be made that violates any of the restrictions in subitems (1) to (6).

(1) A loan may not exceed \$250,000 and may not finance more than \$62,500 of used depreciable agricultural property.

(2) Ninety-five percent of the loan proceeds in excess of loan transaction costs must be expended for an eligible purpose, and not more than two percent of the loan proceeds may be used to pay loan transaction costs.

(3) The maturity of a loan or portion of a loan made to finance improvements or depreciable agricultural property may not exceed 120 percent of the useful life of the improvements or depreciable agricultural property under the code.

(4) Not more than five percent of the loan proceeds in excess of loan transaction costs may be used to refinance existing indebtedness, or to finance the purchase or improvement of a residence or working capital or inventory such as seed, fertilizer, or feeder livestock. Use of loan proceeds for reimbursement of costs incurred prior to the adoption by the authority of a preliminary resolution approving a loan and the issuance of a bond to fund it as described in part 1650.0550 or money borrowed to pay such costs constitutes use of loan proceeds for working capital or refinancing.

(5) All loan proceeds must be expended within six months of the loan closing.

(6) Loan proceeds may not be used to finance the purchase of land, improvements, or depreciable agricultural property from a related person. For the purpose of this subitem, "related person" means a spouse, lineal descendant, brother, or sister, or a partnership or corporation owned, directly or indirectly, more than 50 percent by the borrower and one or more of the borrower's spouse, lineal descendant, brother, or sister.

C. The authority shall issue a bond to provide money to fund each loan. The authority has no other money available for this purpose. The bond must be issued to the eligible lender who has agreed with the eligible borrower to finance the eligible borrower's loan by jointly submitting a loan application according to part 1650.0540. The bond must be issued in fully registered form under a loan agreement between the lender and the authority.

D. The bond must be a special, limited obligation of the authority payable solely from loan payments payable by the eligible borrower under the borrower's loan agreement and the promissory note evidencing the loan, that must be assigned to the lender and pledged to the payment of the principal of and interest on the bond, without recourse to the authority. The bond must not be a general obligation of the authority, the state of Minnesota, or any department, agency, or political subdivision of the state. The full faith and credit of the authority or the state or any department, agency, or political subdivision of the state must not be pledged for the bond's payment.

E. A bond may be additionally secured by a mortgage on or security interest in the property financed or other property provided by the borrower, or by personal guaranties made by the borrower or another individual. All agreements and documents providing or evidencing additional security must be entered into between the borrower or another individual and the lender. The authority may not be a party to the agreement or document and is not responsible in any way with respect to the authorization, execution, effectiveness, or adequacy of the additional security.

Subp. 2. **Loan evaluation.** The lender must determine and evaluate the eligible borrower's financial condition, net worth, and ability to repay the loan of the bond proceeds to be made by the authority, and the lender is solely responsible for that determination. The authority shall not make any independent evaluation of any of these matters, but shall rely upon certifications provided to it by the applicant and the lender as part of an application.

Subp. 3. **Loan terms.** The payment terms of each loan and the bond that will be issued to fund the loan must be identical and, subject to the applicable provisions of state and federal law or the code, must be established by the eligible borrower and the lender.

Subp. 4. **Loan documents.** Except as provided in subpart 1 with respect to certain loan security agreements, all loan and bond transactions must be evidenced by use of the authority's standard loan documents. The documentation must include loan agreements, a promissory note, a bond, various closing certificates, legal opinions, and other documents the authority requires.

**Subp. 5. Tax exemption.**

A. The authority shall try to issue each bond as a "qualified small issue bond" within the meaning of section 144(a) of the code. Interest payable on a qualified small issue bond is not includable in gross income of the recipient for federal income tax purposes, or in net income of individuals, estates, or trusts for Minnesota income tax purposes. At the loan closing, the authority shall furnish to the lender an opinion of an attorney or firm of attorneys nationally recognized as bond counsel as to the validity of the bond and the tax exempt nature of the interest payable on the bond, addressed to the lender. The form of that opinion is available upon request to the authority by any eligible lender joining in a loan application.

B. The lender may not rely upon information provided by the authority as to state and federal tax matters, but may rely only upon representations, warranties, or covenants made by the authority in the loan documents and the legal opinion.

C. The lender is responsible to determine the applicability and effect of other state and federal laws on the lender's income, deductions, or tax status for state and federal tax purposes as a result of the purchase of a bond.

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## Adopted Rules

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Subp. 6. **Use of bond proceeds; certification.** Bond proceeds may not be used for a purpose other than an eligible purpose or by a person other than an eligible borrower. Following disbursement of the bond proceeds, the lender and borrower may be required to certify to the authority that the proceeds were used for an eligible purpose by an eligible borrower, and were fully expended within six months after the loan closing date.

Subp. 7. **Assignment of bond.** A lender may assign a bond in whole or in part to any person, but the lender is responsible for compliance with all state and federal laws applicable to the assignment. Servicing of the loan may also be assigned, but must at all times be with an eligible lender as defined in *Minnesota Statutes*, section 41B.02, subdivision 8. The authority must be notified in writing prior to assignment of servicing of a loan.

Subp. 8. **Assumption of loans; substitution of collateral and transfer of property.** Loans may not be assumed without the prior approval of the authority, and then only if the purchaser of the property is an eligible borrower. Depreciable agricultural property may be exchanged or traded for similar property, and other property such as breeding livestock may be added or substituted as collateral at the discretion of the lender without the prior approval of the authority. The benefits of the loan made at the tax exempt rate from the proceeds of an authority bond must remain with the eligible lender, and no person to whom property is traded or otherwise transferred may obtain the benefits of the authority loan.

### 1650.0540 APPLICATION PROCEDURES.

#### Subpart 1. Application.

A. An applicant and an eligible lender who wish to request the authority to make a loan to the applicant and issue a bond to the lender to fund the loan must jointly complete, sign, and submit to the authority an application, and prepare and submit to the authority all supporting documents identified in the application.

B. The lender shall present the documents in item A to the authority. Presentation of the documents constitutes an offer to purchase a bond to fund the loan.

C. Lenders shall use their own forms of financial statement and other forms considered necessary to document the eligibility of the applicant. Financial statements must be dated as of a date not more than 15 days before the date on which the application is submitted to the authority.

Subp. 2. **Application fee.** The applicant shall provide to the eligible lender for submission to the authority with the application a check payable to the Minnesota Department of Agriculture in an amount established by the authority under *Minnesota Statutes*, section 41C.12, as an application fee. The fee is not refundable.

Subp. 3. **Volume cap allocation charge.** The applicant shall also provide to the eligible lender for submission to the authority with the application, a check payable to the Minnesota Department of Agriculture in the amount determined under *Minnesota Statutes*, section 474A.03, as a volume cap allocation fee. If the application is approved and the authority makes application for a volume cap allocation as described in part 1650.0550, subpart 2, the check must be delivered to the commissioner of finance in payment of the application charge imposed by *Minnesota Statutes*, chapter 474A. If the application is rejected, the volume cap allocation fee must be returned to the applicant.

Subp. 4. **Authority review.** The executive director shall review the information provided and accept or reject the application. If the information provided is not sufficient to make a determination, the executive director shall request additional information from the lender and applicant. The executive director's review must include, but is not limited to, whether the loan complies with the act and parts 1650.0500 to 1650.0570. The authority shall notify the lender whether the application has been approved or rejected. If the application is not approved, a written notice must state the reasons for disapproval.

Subp. 5. **Administrative reconsideration.** If a proposed application is not approved by the executive director, the applicant or the lender may petition the executive director for an administrative reconsideration. The petition must be in writing and must be sent within 15 business days of the date of the disapproval. The petition must state the petitioner's reasons for disagreeing with the disapproval and may include additional information relevant to the request for reconsideration. Within 15 business days of receiving the petition, the executive director shall send a written response to the petitioner upholding or reversing the original decision and giving the reasons for the decision.

Subp. 6. **Appeal.** A petitioner may appeal the executive director's reconsideration directly to the authority's board, by written notice to the executive director within 15 business days of receiving the executive director's reconsideration decision. The decision of the board is final.

### 1650.0550 HEARING AND OTHER PROCEDURAL REQUIREMENTS.

Subpart 1. **Hearing and approval requirement.** Under section 147(f) of the code, in order to make the interest payable on a bond excludable from gross income for federal tax purposes, prior to the issuance of the bond the authority or its designated representative must hold a public hearing on the issuance of the bond, and the issuance of the bond must be approved by an "applicable elected representative" of the state, which means, in this case, the governor or another elected official of the state designated by the governor.

Notice of the hearing must be published at least 14 days before the hearing in a newspaper of general circulation in the state and where the property being financed is or is to be located. The notice must set forth the date, time, place, and purpose of the hearing; the authority's intention to issue the bond; the maximum principal amount of the bond to be issued; the source of payment of the bond; the purpose for which the proceeds of the bond will be loaned to the borrower; the name of the borrower; and the location of the property being acquired with the proceeds of the loan or where it will be used.

Subp. 2. **Volume cap allocation requirement.** Under section 146 of the code, in order to make the interest payable on a bond excludable from gross income for federal tax purposes, the authority must obtain a volume cap allocation in an amount equal to the amount of the bond, pursuant to the state volume cap allocation law, *Minnesota Statutes*, chapter 474A. In order to obtain a volume cap allocation, the authority must submit an application for it to the state Department of Finance together with a preliminary resolution of the authority approving the loan and the issuance of a bond to fund it, a statement of bond counsel that the proposed bond requires an allocation under *Minnesota Statutes*, chapter 474A, and a statement that the bond is a "qualified small issue bond" within the meaning of section 144 of the code. The authority has no control over whether a volume cap allocation will be received with respect to any volume cap application submitted by it.

Subp. 3. **Executive director authority.** If upon review of a loan application and all supporting documents and other information requested by the authority in connection with the application the executive director or the program director determines that the application is in compliance with the program and parts 1650.0500 to 1650.0570, the executive director may:

A. cause a preliminary resolution approving the loan and the issuance of the bond requested by the application to be placed upon the agenda of the next meeting of the authority for consideration by it;

B. establish a date, time, and place of the public hearing required in subpart 1 and cause notice of the hearing to be published, which date must be at least three business days after the meeting of the authority at which the preliminary resolution approving the loan and bond described in the notice will be considered by the authority;

C. conduct, or designate other members of the authority's staff to conduct the public hearing; and

D. following adoption of the preliminary resolution by the authority, make application for a volume cap allocation as described in subpart 2.

Subp. 4. **Preliminary resolution.** The authority shall consider the adoption of the preliminary resolution described in subpart 3 at its first meeting following approval of an application by the executive director or program director.

Subp. 5. **Public hearing.** A public hearing must be held at the offices of the authority during regular business hours on regular business days. A person appearing at the hearing must be allowed to present views either orally or in writing. The person conducting the hearing shall make a written record of the hearing and all information or views presented at the hearing. The record must be maintained as part of the public records of the authority.

Subp. 6. **Public approval.** Following the public hearing, if no information is presented indicating that the loan to be made and the bond to be issued are not in accordance with the program and parts 1650.0500 to 1650.0570, the executive director shall cause to be prepared and sent to the governor's office, or the office of the elected official of the state designated by the governor, a statement describing each bond or series of bonds it proposes to issue, along with a summary of the public comments received at the hearings. Any information received at the hearing must be presented to the authority at its next meeting, at which the authority shall confirm or take further action on the application in question that may be indicated.

#### **1650.0560 LOAN DOCUMENTS; CLOSING PROCEDURES.**

Subpart 1. **Loan documents.** The executive director shall cause to be prepared and revised from time to time as necessary, standard forms of all loan documents and closing documents necessary to evidence a bond and related loan transaction, and shall provide the forms to all applicants and prospective lenders. All bond and loan transactions must be done on standard forms, with only insertions and changes necessary to accurately reflect the transaction in question or to assure compliance with section 144 of the code.

Subp. 2. **Lender's responsibility.** The lender should use its own form of additional security documents (mortgage, security agreement, or guarantee) it believes are necessary and appropriate under the particular loan circumstances. These items must be referenced in the bond documents. Any additional requirements not specifically provided for in the bond documents, such as insurance coverage and amounts, must also be added. It is the lender's responsibility to ensure that any security agreements, mortgages, guarantees, or other security documents that the lender requires in a transaction, have been completed and signed, and that any financing statements have been filed, mortgages recorded, or any other necessary steps taken to protect the lender's interests. The

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## Adopted Rules

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authority makes no warranties or representations with respect to the effectiveness, validity, or priority of any liens or security interests, that a lender has, or believes it may have, with respect to a particular loan or bond.

Subp. 3. **Authority's responsibility.** The authority shall by resolution authorize all documents to be executed by it and is responsible for the preparation, execution, and delivery by the borrower and the authority of the authority's loan documents and closing documents; compliance with the procedures in part 1650.0550; the issuance of necessary legal opinions by the authority's bond counsel; the filing with the Internal Revenue Service of all reports and forms required to be filed in connection with the issuance of a bond; and the furnishing of fully executed copies of those items to the borrower and the lender.

Subp. 4. **Origination fee and closing costs.** At the loan closing, the applicant shall deliver to the authority a check payable to the Minnesota Department of Agriculture in an amount equal to 1.5 percent of the amount of the loan as an origination fee. The authority shall estimate and the borrower shall pay these costs at closing. Loan proceeds may be used to pay closing costs subject to the limitation established by the code, which is described in part 1650.0530, subpart 1, item B, subitem (2).

### 1650.0570 GENERAL MATTERS.

Subpart 1. **Forms.** The executive director shall prepare and, as needed, revise and amend forms necessary for administration and implementation of the program. The number and type of forms must be sufficient to safeguard the interests of the authority. The authority shall annually assess the effectiveness of parts 1650.0500 to 1650.0570 and its administrative procedures, including all forms, and make any modifications that, in the judgment of the authority, are necessary or would facilitate efficient operation of the program.

Subp. 2. **Waivers.** The authority or the executive director may waive or vary particular provisions of parts 1650.0500 to 1650.0570 to conform to requirements of the code necessary to make the interest on any bond excludable from gross income of the recipient for federal tax purposes, or to avoid inequitable, harsh, or unforeseen results from the application of parts 1650.0500 to 1650.0570. No waiver may conflict with *Minnesota Statutes*, chapter 41C.

Subp. 3. **Right to audit.** The authority may audit at any time the records of the lender and the borrower relating to a loan and bond to ensure that bond proceeds were used for an eligible purpose by an eligible borrower.

Subp. 4. **Data privacy.** Financial information, including credit reports, financial statements, and net worth calculations received by the authority regarding any loan and the name of each eligible borrower who is the recipient of a loan are private data under *Minnesota Statutes*, chapter 13, and may be disclosed only in accordance with *Minnesota Statutes*, chapter 13. The name of an eligible borrower, the proposed amount of any loan, the purpose of the loan, and the location of the property to be acquired with the loan proceeds or the location where it is to be used must be disclosed as provided in part 1650.0550 and as required by the code in order to make the interest payable on the bond issued to fund the loan excludable from gross income for federal tax purposes.

## Department of Commerce

### Adopted Permanent Rules Relating to Petrofund Corrective Action Costs

The rules proposed and published at *State Register*, Volume 16, Number 36, pages 1978-1982, March 2, 1992 (16 SR 1978), are adopted as proposed.

## Minnesota Racing Commission

### Adopted Permanent Rules Relating to Horses, Wagering, Licensing, Race Officials, Breeders' Funds, Prohibited Acts, and Variances

The rules proposed and published at *State Register*, Volume 16, Number 36, pages 1982-1995, March 2, 1992 (16 SR 1982), are adopted with the following modifications:

#### Rules as Adopted

##### 7877.0120 FEES.

Subpart 1. **License fees.** Effective January 1, 1993, each application for a Class C license, or its renewal, shall be accompanied by the payment of an annual fee according to the following schedule:

E. equine dentist, \$30;

F. exercise rider, \$20;

~~F.~~ G. farrier, \$35;



- ~~G.~~ H. farrier's assistant, \$15;
- ~~H.~~ I. gate crew, \$15;
- J. groom/hot-walker, \$10;
- ~~I.~~ K. horsepersons' bookkeeper, \$25;
- ~~J.~~ L. jockey, \$35;
- ~~K.~~ M. jockey agent, \$35;
- ~~L.~~ N. jockey, apprentice, \$35;
- ~~M.~~ O. owner, individual, \$35;
- ~~N.~~ P. owner, multiple, \$35;
- ~~O.~~ Q. pari-mutuel clerk, \$15;
- ~~P.~~ R. pony rider, \$15;
- ~~Q.~~ S. racing official, \$35;
- ~~R.~~ T. stable foreman, \$10;
- ~~S.~~ U. trainer, \$35;
- ~~T.~~ V. trainer, assistant, \$20;
- ~~U.~~ W. valet, \$10;
- ~~V.~~ X. veterinarian, \$100;
- ~~W.~~ Y. veterinary assistant, \$35;
- ~~X.~~ Z. association employees, seasonal, \$15;
- ~~Y.~~ AA. association staff, permanent, \$35; and
- ~~Z.~~ BB. stables, \$50.

**7895.0110 THOROUGHBRED BREEDERS' FUND.**

Subp. 4. **Methods and time of payment.** The amount of money distributed by the commission for awards or purse supplements pursuant to subpart 3 shall be paid out according to one of the two following methods as approved by the commission:

B. purse supplements shall be paid out at the same time as breeders' and stallion awards. These supplements for overnight races shall be paid to owners of Minnesota-bred horses that finish third or better. Purse supplements earned shall not be included in determining breeders' or stallion awards. The amount of money to be distributed shall be in accordance with subpart 5.

Subp. 6. **Time of payment.** All money allocated for breeders' awards, stallion awards, and purse supplements to be distributed according to subpart 4, item B, shall be distributed within ~~30~~ 45 days of the end of the thoroughbred race meeting.

**7895.0250 STANDARDBRED BREEDERS' FUND.**

Subp. 6. **Time of payment.** Purse supplements are part of the purse and shall be credited to owners' accounts at the time the purses are earned. All money allocated for breeders' awards and stallion awards shall be distributed within ~~30~~ 45 days of the end of the standardbred race meeting.

Subp. 9. **Exceptions.** Money accrued to the standardbred breeders' fund from standardbred simulcasting will be deposited with the commission to be used as purse supplements pursuant to Minnesota Statutes, section 240.18, paragraph 3, clause (b), as approved by the commission for standardbred racing conducted in the state for either a pari-mutuel or non pari-mutuel meet or both.

**7895.0300 QUARTER HORSE BREEDERS' FUND.**

Subp. 6. **Time of payment.** Purse supplements are part of the purse and shall be credited to owners' accounts at the time the purses are earned. All money allocated for breeders' awards, owners' awards, and stallion awards shall be distributed within ~~30~~ 45 days of the end of the quarterhorse race meeting.

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## Adopted Rules

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### 7895.0350 QUARTER HORSE REGISTRATION.

#### Subp. 1c. ~~Late fees~~ Fines.

##### A. ~~Late fees~~ Fines for all late broodmare registration will be imposed as follows:

(1) A ~~late fee~~ fine of \$50 will be imposed for broodmare registrations received February 1 to March 1 (excluding Saturday and Sunday) of the foaling year.

(2) A ~~late fee~~ fine of \$100 will be imposed for broodmare registrations received March 2 to May 1 (excluding Saturday and Sunday) of the foaling year.

B. Failure to submit broodmare registration forms on or before May 1 of the foaling year (excluding Saturday and Sunday) will require payment of a ~~late fee~~ fine of \$300 to qualify for any subsequent claims for breeders' award payments or for the foal to be registered as a Minnesota-bred sired and foaled horse, Minnesota-bred foaled horse, or Minnesota-bred sired horse.

#### Subp. 2. **Stallion registration.** To be eligible to receive any stallion award payments, the following requirements must be met:

D. Failure to submit stallion registration forms on or before May 1 of the breeding year (excluding Saturday and Sunday) will require payment of a ~~late fee~~ fine of \$300 to qualify for any subsequent claims for stallion award payments.

Subp. 3. **Foal registration and certification, Minnesota-bred sired and foaled and Minnesota-bred foaled.** For a horse foaled in Minnesota to be registered and subsequently certified as a Minnesota-bred sired and foaled horse or a Minnesota-bred foaled horse, the following requirements must be met:

C. Failure to submit foal registration forms on or before 120 days of the date of foaling will require payment of a ~~late fee~~ fine of \$300 to qualify for any subsequent claims to enter the horse in a restricted race or to earn any breeders' fund payments.

Subp. 4. **Foal registration and certification, Minnesota-bred sired.** For a horse sired by a Minnesota-sire, but not foaled in Minnesota, to be registered and subsequently certified as a Minnesota-bred sired horse, the following requirements must be met:

##### B. ~~Late fees~~ Fines for late foal registration will be imposed as follows:

(1) A ~~late fee~~ fine of \$50 will be imposed for foal registrations received up to 30 days late (excluding Saturday and Sunday).

(2) A ~~late fee~~ fine of \$100 will be imposed for foal registrations received 31 to 90 days late (excluding Saturday and Sunday).

C. Failure to submit foal registration forms on or before 120 days of the date of foaling will require payment of a ~~late fee~~ fine of \$300 to qualify for any subsequent claims to enter the horse in a restricted race or to earn any breeders' fund payments.

### 7895.0400 ARABIAN BREEDERS' FUND.

Subp. 6. **Time of payment.** Purse supplements are part of the purse and shall be credited to owners' accounts at the time the purses are earned. All money allocated for breeders' awards, owners' awards, and stallion awards shall be distributed within ~~30~~ 45 days of the end of the Arabian race meeting.

### 7895.0450 ARABIAN REGISTRATION.

Subpart 1. **Broodmare registration.** To be eligible to receive any breeders' award payments, the following requirements must be met:

##### C. ~~Late fees~~ Fines for late broodmare registration will be imposed as follows:

(1) A ~~late fee~~ fine of \$50 will be imposed for broodmare registrations received February 1 to March 1 (excluding Saturday and Sunday) of the foaling year.

(2) A ~~late fee~~ fine of \$100 will be imposed for broodmare registrations received March 2 to May 1 (excluding Saturday and Sunday) of the foaling year.

D. Failure to submit broodmare registration forms on or before May 1 of the foaling year (excluding Saturday and Sunday) will require payment of a ~~late fee~~ fine of \$300 to qualify for any subsequent claims for breeders' award payments or for the foal to be registered as Minnesota-bred.

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the broodmare was standing in Minnesota as of ~~February 15~~ January 31 of the foaling year.

#### Subp. 2. **Stallion registration.** To be eligible to receive any stallion award payments, the following requirements must be met:

##### C. ~~Late fees~~ Fines for late stallion registration will be imposed as follows:

(1) A ~~late fee~~ fine of \$50 will be imposed for stallion registrations received February 1 to March 1 (excluding Saturday and Sunday) of the breeding year.

(2) A ~~late fee~~ fine of \$100 will be imposed for stallion registrations received March 2 to May 1 (excluding Saturday and Sunday) of the breeding year.

D. Failure to submit stallion registration forms on or before May 1 of the breeding year (excluding Saturday and Sunday) will require payment of a late fee fine of \$300 to qualify for any subsequent claims for stallion award payments.

Subp. 3. **Foal registration and certification.** For a horse foaled in Minnesota to be registered and subsequently certified as Minnesota-bred, the following requirements must be met:

A. Within 30 days of the date a horse is foaled in Minnesota, the foal must be registered with the racing commission or official registering agency. The registration form must contain the following information: the date, the name of the owner of the foaling dam at the time of conception, the date that the foal was born, an owner's statement that the foal was born in Minnesota, and the signature and veterinary license number of the veterinarian submitting the report. Failure to submit the veterinarian's report will disqualify any subsequent claim to register the foal as Minnesota-bred.

B. ~~Late fees~~ Fines for late foal registration will be imposed as follows:

(1) A ~~late fee fine~~ of \$50 will be imposed for foal registrations received up to 30 days late (excluding Saturday and Sunday).

(2) A ~~late fee fine~~ of \$100 will be imposed for foal registrations received 31 to 90 days late (excluding Saturday and Sunday).

C. Failure to submit foal registration forms on or before 120 days of the date of foaling will require payment of a late fee fine of \$300 to qualify for any subsequent claims to enter the horse in a restricted race or to earn any breeders' fund payments.

## Department of Public Service

### Adopted Permanent Rules Relating to Energy Code Revisions

The rules proposed and published at *State Register*, Volume 16, Number 28, pages 1636-1645, January 6, 1992 (16 SR 1636), are adopted with the following modifications:

#### Rules as Adopted

##### 7670.0100 AUTHORITY; SCOPE; APPLICABILITY.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Applicability.** Buildings covered by this chapter must comply with the Model Energy Code as amended by parts 7670.0260 to 7670.1000. ~~For purposes of This part, "buildings" includes~~ chapter also applies to driveways, walkways, entrances, parking lots, and grounds.

EXCEPTION: Relocated residential buildings need not comply with this chapter, except that, where available, an energy audit must be conducted on the relocated building.

##### 7670.0325 AMENDMENTS TO SECTION 201: DEFINITIONS.

Subp. 5. **Advanced framing.** Section 201 of the Model Energy Code is amended by adding a new definition to read:

ADVANCED FRAMING. Advanced area framing means framing techniques used to minimize the amount of uninsulated area that is required for proper structural support consistent with requirements of the Uniform Building Code, including section 2517. Advanced wall framing means 2 x 6 stud spacing of 24" on center, insulated headers, two-stud corners using approved backing for the attachment of facing materials, full insulation wherever possible between partition wall intersections with exterior walls, and, when foam insulated sheathing is used, replacement of cripples with hangers whenever possible. Advanced ceiling framing means achieving full insulating value to the outside of exterior walls.

##### 7670.0610 AMENDMENTS TO SECTION 503: BUILDING MECHANICAL SYSTEMS.

Subp. 7. **Controls.** Section 503.8 of the Model Energy Code is amended by adding paragraphs to read:

503.8.4 Variable air volume (VAV) fan controls. VAV fans with motors 75 hp and larger must provide controls for the fan motor to demand no more than 50 percent of design wattage at 50 percent of design air volume, based on manufacturer's test data.

~~503.8.5 Supplementary heat controls. Controls on supplementary heaters must provide a means of activating the supplementary heat source on an emergency basis and an indicator must be provided to show the control status.~~

503.8.6 HVAC control system testing. HVAC control systems must be tested to assure that control elements are calibrated, adjusted, and in proper working condition.

**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.

# Adopted Rules

## 7670.0660 AMENDMENT TO SECTION 503: EQUIPMENT EFFICIENCY.

Subpart 1. **HVAC equipment efficiency.** Section 503.4 of the Model Energy Code, with the exception of sections 503.4.2.3 and 503.4.4, is amended to read:

503.4 HVAC equipment performance requirements. HVAC equipment must meet minimum efficiency requirements specified in Standard RS-10 listed in chapter 7 with the following exceptions:

(1) Table 8.3-6 is amended to cite the reference standard for air conditioners, air cooled as ARI 360-86; to cite the reference standard for air conditioners, water/evaporatively cooled as ARI 360-86; and efficiency requirements added as follows:

Air Conditioners (air cooled)	≥760,000 Btu/h 8.5 EER	>760,000 Btu/h <del>8.7</del> 8.2 EER
Heat Pumps (cooling) (air cooled)	<760,000 Btu/h 8.5 EER	≥760,000 Btu/h 8.7 EER

(2) Table 8.3-7 is amended to read:

WATER COOLED	CFC	NON-CFC
Centrifugal	0.63 KW/Ton	0.73 KW/Ton
<u>Helical-rotary</u> (screw)	0.75 KW/Ton	0.80 KW/Ton
Reciprocating or Scroll		0.93 KW/Ton
AIR COOLED (any type)		
≥150 Ton		1.41 KW/Ton
<150 Ton		1.30 KW/Ton

503.4.1 Heat-operated water chilling packages. Double-effect, heat-operated water chilling packages must be used in lieu of single-effect equipment, except where the energy input is from low temperature waste-heat or renewable energy sources.

## 7670.0710 AMENDMENTS TO SECTION 504: SERVICE WATER HEATING.

Subp. 2. **Time clocks.** Section ~~504.5.3~~ 504.5 of the Model Energy Code is amended to read: by deleting section 504.5.3.

~~504.5.3 Time clocks. Time clocks must be installed on all swimming pool heaters to allow for the shutdown of heating devices during hours of peak utility demand.~~

## 7670.0800 AMENDMENTS TO SECTION 505: ELECTRIC POWER AND LIGHTING.

Subpart 1. **Electric energy determination.** Section 505.2 of the Model Energy Code is amended to read:

505.2 Electrical energy consumption. In multifamily dwellings, provision must be made to determine the electrical energy consumed by each tenant by separately metering individual dwelling units.

EXCEPTION: Motels, hotels, college dormitories, other transient facilities, and buildings intended for occupancy primarily by persons who are 62 years of age or older or handicapped, or which contain a majority of units not equipped with complete kitchen facilities.

505.2.1 Electrical distribution monitoring. In electrical panels of buildings other than ~~low-rise residential~~ buildings three stories or less in height, all feeder wiring and the panel feeder must be capable of accepting a clamp-on ~~ampmeter~~ ammeter.

Subp. 2. **Lighting power budget.** The lighting requirements of sections 505.3 and 505.4 of the Model Energy Code are amended to read:

The lighting power budget must be the upper limit of the power to provide the lighting needs in accordance with the 1993 criteria and calculation procedure specified in Standard RS-29 listed in chapter 7 with the following exceptions:

(8) sections 3.3.2.1 and 3.3.2.2 are amended to read:

Fluorescent lamp ballasts must comply with Standard ~~RS-34~~ RS-5 listed in chapter 7 of the Model Energy Code;

Subp. 4. **Electric motor efficiencies.** All permanently wired, single-speed, ~~National Electric Manufacturers Association~~ Design A and B, polyphase induction motors of 1 hp or more must have National Electrical Manufacturers Association nominal efficiencies not less than those listed in the table below.

HORSE POWER	-----OPEN-----				-----ENCLOSED-----			
	3600 RPM	1800 RPM	1200 RPM	900 RPM	3600 RPM	1800 RPM	1200 RPM	900 RPM
1 to 4	82.5%	82.5%	80.0%	74.0%	<del>75.5%</del> <u>82.5%</u>	82.5%	80.0%	74.0%
5 to 9	85.5%	87.5%	87.5%	87.5%	87.5%	87.5%	87.5%	85.5%

	-----OPEN-----				-----ENCLOSED-----			
	3600 RPM	1800 RPM	1200 RPM	900 RPM	3600 RPM	1800 RPM	1200 RPM	900 RPM
HORSE	88.5%	89.5%	90.2%	89.5%	89.5%	89.5%	89.5%	88.5%
POWER	90.2%	91.0%	91.0%	90.2%	90.2%	91.0%	90.2%	89.5%
10 to 19	92.4%	93.0%	93.0%	91.7%	92.4%	93.0%	93.0%	91.7%
20 to 49	93.0%	94.1%	94.1%	93.6%	93.6%	94.5%	94.1%	93.0%
50 to 99	93.6%	94.5%	94.1%	93.6%	94.5%	94.5%	94.1%	93.6%
100 to 124								
125 and greater								

7670.1100 EFFECTIVE DATES.

The effective date of amendments to this chapter is 90 days after the notice of adoption is published in the *State Register*.

Exception: The effective date of part 7670.0550, subpart 3, is January 1, 1993.

## Revenue Notices

Effective July 1, 1991, the Department of Revenue has authority to issue revenue notices. A revenue notice is a policy statement made by the department that provides interpretation, details, or supplementary information concerning the application of law or rules. This authority was provided by the Legislature in 1991 Session Laws Chapter 291, article 21, section 6 and will be codified at *Minnesota Statutes* section 270.0604.

### Department of Revenue

#### Revenue Notice #92-14: Revocation of Revenue Notice 91-19

Revenue Notice #91-19, "Aggregation of Capital Gains and Losses Not Permitted," is hereby revoked.

Dated: 8 June 1992

### Department of Revenue

#### Revenue Notice #92-15: Administration and Compliance; Electronic Funds Transfer

When a tax payment is required to be made by means of electronic funds transfer, the electronic payment is timely if the funds transfer payment date, as defined in *Minnesota Statutes* § 336.4A-401, is on or before the date the tax payment is due. If the tax payment is not made electronically, the payment is timely if the funds are received by the Department of Revenue on or before the due date. The provisions in *Minnesota Statutes* § 270.271, relating to timely mailing being considered as timely paying, do not apply to payments falling under the electronic funds transfer requirements.

Interest and late payment penalties imposed by statute will accrue if payment is not timely made as described in this notice.

Dated: 8 June 1992

**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.

# Official Notices

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Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Department of Agriculture

### Dairy and Livestock Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Emergency Rules Governing State-Mandated Minimum Class I Milk Pricing

NOTICE IS HEREBY GIVEN that the State Department of Agriculture is seeking information or opinions from sources outside the department in preparing to propose adoption of emergency rules governing state-mandated minimum class I milk pricing. The adoption is authorized by *Laws of Minnesota* 1992, chapter 602, section 4, subd. 3, which requires the commissioner to adopt rules necessary to implement an over-order premium milk price for Minnesota dairy farmers.

The State Department of Agriculture requests information and opinions concerning the subject matter of the emergency rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Carol Milligan, Agriculture Planning Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, MN 55107. Oral statements will be received during regular business hours over the telephone at (612) 296-6906 and in person at the above address.

All statements of information and opinions shall be accepted until June 26, 1992. Any written material received by the department shall become part of the rulemaking record to be submitted to the attorney general in the event that the rule is adopted.

Dated: 1 June 1992

R. Newell Searle  
Deputy Commissioner

## Cottonwood County Law Library

### Notice of Filing Fees for the Cottonwood County Law Library

PURSUANT to *Minnesota Statute* 134A.10, the Cottonwood County Law Library Board of Trustees announces the Law Library fees to be collected in the District Court of Cottonwood County.

A. <u>CIVIL MATTERS</u> INCLUDING FAMILY COURT DIVISION)	
Plaintiff/Petitioner	\$5.00
Defendant/Respondent/Interveners (jointly or separately)	5.00
B. <u>PROBATE DIVISION</u>	
Petitioner	5.00
C. <u>CRIMINAL DIVISION</u> (INCLUDING TRAFFIC)	
Defendants	5.00
D. <u>CONCILIATION COURT</u>	
Petitioner	5.00
Respondent	5.00

These fees shall be in effect from July 1, 1992 until changed.

L. Douglas Storey  
Board of Trustees  
  
Frank Jungas, Chairman  
Board of Commissioners

## Board of Dentistry

### Notice of Solicitation of Outside Information or Opinions Regarding Existing Rule Amendment Governing Fees *Minnesota Rules*, part 3100.2000, subpart 2

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry is seeking information or opinions from sources outside the

Board in preparing to propose the amendment of the rule governing annual license or registration fees. The amendment of the rule is authorized by *Minnesota Statutes*, section 105A.04, subdivision 5, 150A.09, subdivision 1 and 214.06, subdivision 1 which permits the Board to promulgate rules establishing license and registration renewal fees.

The Minnesota Board of Dentistry requests information and opinions concerning the subject matter of concern in writing or orally. Written statements should be addressed to:

Karen L. Ramsey  
Acting Executive Director  
Minnesota Board of Dentistry  
2700 University Avenue West, Suite 70  
St. Paul, Minnesota 55114

Oral statements will be received during regular business hours over the telephone at (612) 642-0579 and in person at the above address.

All statements of information shall be accepted until July 10, 1992. Any written material received by the Minnesota Board of Dentistry shall become part of the rulemaking record to be submitted to the attorney general in the event that the rule is adopted.

Dated: 18 May 1992

Karen L. Ramsey  
Acting Executive Director

## **Minnesota State Board of Education**

### **Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing Administrative and Supervisory Licensure**

**NOTICE IS HEREBY GIVEN** that the Minnesota State Board of Education (Board) is seeking information or opinions from outside sources in preparing to propose the adoption, amendment, and repeal of rules governing licensure of administrative and supervisory personnel. The adoption, amendment, and repeal of these rules are authorized by *Minnesota Statutes* § 125.05, Subd. 1, which allows the Board to license these personnel.

The Board requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Dr. George B. Droubie, Manager  
Personnel Licensing Section  
Minnesota Department of Education  
610 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: (612) 296-2046

Oral statements will be received during regular business hours, 7:50 a.m. to 4:20 p.m., Monday through Friday.

Any written materials received by the board shall become part of the rulemaking record in the event that the rules are adopted, amended, and repealed.

George B. Droubie, Ed.D., Manager  
Personnel Licensing Section

## **Department of Health**

### **Health Resources Division**

### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Fines for Uncorrected Violations by Nursing Homes and Boarding Care Homes of Certain Statutory Requirements**

**NOTICE IS HEREBY GIVEN** that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rules governing nursing homes and boarding care homes, *Minnesota Rules*, Chapter 4655. The amendments of these rules are authorized by *Minnesota Statutes*, section 144.653, subdivisions 5 and 6, which

## Official Notices

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require the agency to adopt rules for failure to comply with the following *Minnesota Statutes*: sections 144.411 to 144.417, Minnesota Clean Indoor Air Act and the rules adopted under this act; section 144.651, Patients and Residents of Health Care Facilities Bill of Rights, and section 626.557, Reporting or Maltreatment of Vulnerable Adults.

The Minnesota Department of Health requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Sandra Abrams, Minnesota Department of Health, 393 N. Dunlap Street, P.O. Box 64900, St. Paul, MN 55164-0900.

Oral statements will be received during regular business hours over the telephone at (612) 643-2157 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Health shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

## Department of Health

### Health Care Delivery Systems Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Restricting Financial Relationships or Payment Arrangements Involving Health Care Providers

**NOTICE IS HEREBY GIVEN** that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules restricting financial relationships or payment arrangements involving health care providers under which a provider benefits financially by referring a patient to another provider, recommending another provider, or furnishing or recommending an item or service. The adoption of these rules is authorized by the Health Right Act, *Laws 1992*, Chapter 549, Article 1, Section 12.

The State Department of Health requests information and opinions concerning the subject matter of the above rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: David Abrams, Director of Legal and Policy Affairs, Minnesota Department of Health, 717 Delaware Street SE, P.O. Box 9441, Minneapolis, MN 55440. Oral statements will be received during regular business hours over the telephone at 612-623-5768 and in person at the above address.

All statements of information and opinions regarding the rules restricting financial relationships or payment arrangements involving health care providers shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without A Hearing is published in the *State Register*. Any written material received by the State Department of Health shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 1 June 1992

Marlene E. Marschall  
Commissioner of Health

## Department of Health

### Health Care Delivery Systems Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Establishing the Percentage of Health Maintenance Revenue that Will Be Allowed as a Deduction for Administrative and Underwriting Expenses

**NOTICE IS HEREBY GIVEN** that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to propose, in consultation with the Commissioners of Commerce and Revenue, the adoption of rules establishing a percentage that health maintenance organizations may deduct from gross revenues as administrative and underwriting expenses, for purposes of determining tax liability under the Health Right Act. The adoption of these rules is authorized by the Health Right Act, *Laws 1992*, Chapter 549, Article 9, Section 8, Subd. 2(b).

The State Department of Health requests information and opinions concerning the subject matter of the above rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be



addressed to: David Abrams, Director of Legal and Policy Affairs, Minnesota Department of Health, 717 Delaware Street SE, P.O. Box 9441, Minneapolis, MN 55440. Oral statements will be received during regular business hours over the telephone at 612-623-5768 and in person at the above address.

All statements of information and opinions regarding the rules establishing the percentage of health maintenance revenue that will be allowed as a deduction for administrative and underwriting expenses shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without A Hearing is published in the *State Register*. Any written material received by the State Department of Health shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 1 June 1992

Marlene E. Marschall  
Commissioner of Health

## Department of Health

### Health Care Delivery Systems Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Establishing Procedures and Safeguards Regarding Data on Health Care Expenditures

**NOTICE IS HEREBY GIVEN** that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules establishing procedures and safeguards to ensure that data provided to the Minnesota Health Care Commission concerning health care expenditures is in a form that does not identify individual patients, providers, employers, purchasers, and other individuals and organizations without the permission of the affected individual or organization. The adoption of these rules is authorized by the Health Right Act, *Laws 1992*, Chapter 549, Article 1, Section 3, Subd. 3 and 6.

The State Department of Health requests information and opinions concerning the subject matter of the above rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: David Abrams, Director of Legal and Policy Affairs, Minnesota Department of Health, 717 Delaware Street SE, P.O. Box 9441, Minneapolis, MN 55440. Oral statements will be received during regular business hours over the telephone at 612-623-5768 and in person at the above address.

All statements of information and opinions regarding the rules establishing safeguards regarding data on health care expenditures shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without A Hearing is published in the *State Register*. Any written material received by the State Department of Health shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 1 June 1992

Marlene E. Marschall  
Commissioner of Health

## Department of Health

### Health Care Delivery Systems Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Defining "Provider" and "Health Care Provider"

**NOTICE IS HEREBY GIVEN** that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules defining "Provider" and "Health Care Provider", as these terms are used in Articles 1 and 7 of the Health Right Act, relating to cost containment and data. The adoption of these rules is authorized by the Health Right Act, *Laws 1992*, Chapter 549, Article 1, Section 2, Subd. 8.

The State Department of Health requests information and opinions concerning the subject matter of the above rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: David Abrams, Director of Legal and Policy Affairs, Minnesota Department of Health, 717 Delaware Street SE, P.O. Box 9441, Minneapolis, MN 55440. Oral statements will be received during regular business hours over the telephone at 612-623-5768 and in person at the above address.

## Official Notices

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All statements of information and opinions regarding the rules defining "Provider" and "Health Care Provider" shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without A Hearing is published in the *State Register*. Any written material received by the State Department of Health shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 1 June 1992

Marlene E. Marschall  
Commissioner of Health

## Department of Health

### Health Care Delivery Systems Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Exceptions to the Minnesota Antitrust Law of 1971, as Amended, For Providers or Purchasers of Health Care Services

**NOTICE IS HEREBY GIVEN** that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules that would establish criteria and procedures to review and authorize contracts, business or financial arrangements, or other activities, practices or arrangements involving providers or purchasers of health care services that might be construed to be violations of state or federal antitrust laws but which are in the best interests of the state. The adoption of these rules is authorized by the Health Right Act, *Laws 1992*, Chapter 549, Article 1, Section 14, Subd. 5.

The State Department of Health requests information and opinions concerning the subject matter of the above rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: David Abrams, Director of Legal and Policy Affairs, Minnesota Department of Health, 717 Delaware Street SE, P.O. Box 9441, Minneapolis, MN 55440. Oral statements will be received during regular business hours over the telephone at 612-623-5768 and in person at the above address.

All statements of information and opinions regarding the rules governing exceptions to the Minnesota Antitrust Law of 1971, as amended, for providers or purchasers of health care services shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without A Hearing is published in the *State Register*. Any written material received by the State Department of Health shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 1 June 1992

Marlene E. Marschall  
Commissioner of Health

## Department of Health

### Bureau of Health Delivery Systems

#### Public Hearing Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services For Fiscal Year 1993 Maternal and Child Health Block Grant Funding

The Minnesota Department of Health will sponsor a public meeting to obtain comment on its application for continuation of Federal Maternal and Child Health (MCH) Block Grant funding for the Fiscal Year starting October 1, 1992, and ending September 30, 1993. The draft application is available for inspection upon request.

The meeting will be held Thursday, June 25, 1992, at the Minnesota Department of Health, 717 Delaware Street S.E., Minneapolis, Minnesota. The meeting will begin 1:00 p.m. in Room 118B and will conclude upon presentation of all testimony.

Any citizen or group may submit either written or oral testimony at the meeting. Testimony will be given in order of registration. Persons wishing to attend and/or present testimony are requested to register by June 24, 1992.

For further information or registration contact:

Dr. Ronald Campbell, Section Chief  
MCH Technical Services

Minnesota Department of Health  
717 Delaware Street S.E.  
Minneapolis, Minnesota 55440  
(612) 623-5539

## Department of Human Services

### Long-Term Care Management Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Payment Rates for Intermediate Care Facilities For Persons With Mental Retardation or Related Conditions

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rule governing Payment Rates for Intermediate Care Facilities For Persons With Mental Retardation or Related Conditions. The adoption of the rule is authorized by *Minnesota Statutes*, section 256B.501, which permits the agency to establish procedures and rules for determining rates for care of residents of intermediate care facilities for persons with mental retardation or related conditions.

The proposed rule will amend: *Minnesota Rules*, parts 9553.0035, subpart 8 and 9553.0060, subpart 1 to permit the expensing, rather than capitalization, of assets which cost \$200 or less; *Minnesota Rules*, part 9553.0040, subpart 1 and subpart 3, item F to provide that insurance costs for program vehicles be classified as program costs; and *Minnesota Rules*, part 9553.0050, subpart 3 to limit to 12 months the period in which the amount paid to a provider for a one-time rate adjustment is offset by the efficiency incentive and capital debt reduction allowance.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Sue Banken, Long-Term Care Management Division, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3844. Oral statements will be received during regular business hours over the telephone at (612) 296-5724 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 29 May 1992

Jim Schmidt, Rulemaker  
Department of Human Services

## Department of Human Services

### Audit Division

#### Notice of Hospital Cost Index

*Minnesota Statutes* 256.969, subdivision 1 and *Minnesota Rules*, parts 9500.1120 require the establishment of a Hospital Cost Index (HCI) for rate setting purposes for inpatient hospital services under the General Assistance Medical Care and Medical Assistance Programs. The inflation forecasts provided below were obtained from the Data Resources, Inc./McGraw-Hill, Health Care Costs as published in the first quarter of 1992 using the percent moving average. The cost category weights were provided by the Minnesota Hospital Association. The HCI will be used to adjust the rates of hospitals whose next fiscal year begins during the third quarter of 1992. The HCI is eliminated under the General Assistance Medical Care Program for the biennium ending June 30, 1993.

Comments concerning the HCI may be forwarded to the following address:

Richard Tester  
Hospital Reimbursement Section  
Audit Division  
444 Lafayette Road, Fifth Floor  
St. Paul, Minnesota 55155-3836

# Official Notices

<u>Cost Category</u>	<u>Weight</u>	<u>Percent</u>	<u>Weighted Percent</u>
Salaries	.528	5.7	3.01
Employee Benefits	.096	5.1	.49
Medical Fees (Medical Care Service)	.061	4.5	.27
Raw Food	.012	3.0	.04
Medical Supplies (Medical Commodities)	.114	3.0	.34
Pharmaceuticals	.044	3.0	.13
Utilities	.023	1.1	.03
Repairs/Maintenance	.017	4.5	.08
Insurance*	.011	4.5	.05
Other Operating	<u>.094</u>	3.6	<u>.34</u>
	1.000		4.78
		HCI =	4.8%

\*Excludes Malpractice

## Minnesota Department of Natural Resources

### Office of Planning

#### Public Notice and Opportunity to Comment on the Proposed 1993 & 1994 Action Program and Open Project Selection Process to the 1989-1994 Statewide Comprehensive Outdoor Recreation Plan

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources (DNR) is seeking public comment on the proposed 1993 & 1994 Action Program and Open Project Selection Process to the 1989-1994 Statewide Comprehensive Outdoor Recreation Plan. The Action Program and Open Project Selection Process are conducted in accordance with provisions of the Federal Land & Water Conservation Fund (L&WCF) Act of 1965 (P.L. 88-578).

Copies of the proposed 1993 & 1994 Action Program and Open Project Selection Process are available for inspection between 8:00 a.m. and 4:30 p.m. at the following offices:

Minnesota Department of Natural Resources:

Office of Planning  
500 Lafayette Road  
St. Paul, Minnesota 55155-4010

DNR Region I Headquarters  
2115 Birchmont Beach Road, NE  
Bemidji, Minnesota 56601

DNR Region II Headquarters  
1201 East Highway 2  
Grand Rapids, Minnesota 55744

DNR Region III Headquarters  
1601 Minnesota Drive  
Brainerd, Minnesota 56401

DNR Region IV Headquarters  
Box 756, Highway 15 South  
New Ulm, Minnesota 56073

DNR Region V Headquarters  
P.O. Box 6247  
Rochester, Minnesota 55903

DNR Region VI Headquarters  
1200 Warner Road  
St. Paul, Minnesota 55106

Minnesota Department of Trade & Economic Development  
Community Development Division  
Outdoor Recreation Grant Program  
900 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101

All persons are encouraged to submit oral or written comments on the proposed 1993 & 1994 Action Program and Open Project Selection Process. All statements should be submitted to:

Brad Moore  
Office of Planning  
Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul, Minnesota 55155-4010  
Telephone: (612) 297-4743 Fax: (612) 296-6047

All written or oral comments will be accepted until Friday, July 24, 1992.

## **Minnesota Pollution Control Agency**

### **Air Quality Division**

#### **Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing an Operating Permit Program Developed in Conformance with Title V of the Clean Air Act Amendments (CAAA) of 1990**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is seeking information or comments from outside sources in preparing proposed Air Quality rules governing an Operating Permit Program, and Proposing to Rescind the existing Air Quality permit requirements. The proposed rulemaking action is authorized by *Minnesota Statutes* § 116.07 (1990).

The MPCA requests information and comments concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. All statements should be submitted to:

Andrew Ronchak  
Minnesota Pollution Control Agency  
Air Quality Division/PDS  
520 Lafayette Road  
St. Paul, Minnesota 55155  
Telephone: (612) 296-3107

All written or oral comments will be accepted until July 15, 1992. Any written materials received by the MPCA shall become part of the rulemaking record in the event the rule is adopted.

The MPCA will be forming a work group to assist with the development of proposed rules governing an Operating Permit Program. Persons interested in volunteering to participate in the work group should contact Brigid Driscoll at the address and telephone number listed below:

Ms. Brigid Driscoll  
Minnesota Pollution Control Agency  
Air Quality Division/PDS  
520 Lafayette Road  
St. Paul, Minnesota 55155  
Telephone: (612) 297-8301

Persons interested in participating in the work group should contact Brigid Driscoll before July 1, 1992.

Charles W. Williams  
Commissioner

### Public Employees Retirement Association

#### Notice of Meetings of Board of Trustees

The next regular monthly meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be on Thursday, June 11, 1992, at 2:00 p.m. in the PERA offices, 514 St. Peter Street, St. Paul, Minnesota. It will be followed by a Town Meeting at 6:30 p.m., in the theater at the South Campus of White Bear Lake Senior High School, 3551 McKnight Road, White Bear Lake, Minnesota.

### Department of Revenue

#### Appeals, Legal Services, and Criminal Investigation Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Aggregation of Capital Gains and Losses

**NOTICE IS HEREBY GIVEN** that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing the aggregation of capital gains and losses for affiliated groups of corporations filing Minnesota corporate franchise returns on the basis of a combined report. The adoption of the rule is authorized by *Minnesota Statutes*, section 270.06(13) which permits the Minnesota Commissioner of Revenue to make, publish, and distribute rules for the administration of state tax laws.

The State Department of Revenue requests information and opinions concerning the subject matter of the rule. Specifically, the State Department of Revenue encourages comment on the following areas of concern.

1. The carry forward of net capital losses from a year in which capital gains and losses have not been aggregated.
2. The treatment of capital losses which are being carried forward from a tax year beginning before January 1, 1987.
3. The treatment of capital losses included in a tax year in which the corporation filed a separate return and carried forward to a tax year in which the corporation filed a return on the basis of a combined report.
4. The treatment of the carry forward of capital losses when there is a change in ownership of the corporation incurring the capital loss.
5. The limitations on deductions incurred in a tax year in which the corporation files a separate return.
6. The treatment of the carry forward of capital losses incurred in a tax year in which the corporation filed on the basis of a combined report with one group of affiliated corporations to a tax year in which the corporation filed on the basis of a combined report with another affiliated group of corporations.
7. The treatment of the carry forward of capital losses incurred in a tax year in which a corporation files a return on the basis of combined report to a year in which the corporation files a separate return.
8. The treatment of capital losses incurred in a tax year when the corporation was not subject to tax by Minnesota.
9. The treatment of capital gains which are deferred until the corporation is divested from a unitary combined group.
10. The treatment of capital losses of a corporation which files returns on the basis of a combined report but is not part of a federal consolidated group.

Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Jerome J. Sicora, Attorney  
Appeals, Legal Services, and  
Criminal Investigation Division  
10 River Park Plaza  
Mail Station 2220  
St. Paul, MN 55146-2220

Oral Statements will be received during regular business hours over the telephone at (612) 296-1902 Extension 130, and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m., July 8, 1992. Any written material received by the

State Department of Revenue shall become part of the rule making record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 8 June 1992

Michael E. Boekhaus, Director  
Appeals, Legal Services, and  
Criminal Investigation Division  
Department of Revenue

## **Department of Transportation**

### **Office of Motor Carrier Safety and Compliance**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Motor Carrier Safety**

**NOTICE IS HEREBY GIVEN** that the State of Minnesota, Department of Transportation, is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rules governing motor carrier safety in *Minnesota Rules*, chapter 8850. The department is proposing to amend the rules to make them consistent with the current Federal Motor Carrier Safety Regulations (*Code of Federal Regulations*, title 49, parts 391 to 397), to the extent permitted by *Minnesota Statutes*, chapter 221. The rules the department is proposing to amend relate to driver qualifications; motor vehicle safety; equipment, parts, and accessories; notification and reporting of accidents; hours of service of drivers; and, inspection, repair, and maintenance of vehicles.

Under *Minnesota Statutes*, section 221.605, interstate carriers and private carriers engaged in interstate commerce must comply with the current federal requirements. This rulemaking applies to intrastate motor carriers, private carriers, and persons providing transportation under *Minnesota Statutes*, section 221.025, to the extent those carriers or persons are subject to the rules under *Minnesota Statutes*, section 221.031. The adoption of the rules is authorized by *Minnesota Statutes*, section 221.031.

The State Department of Transportation requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Ward Briggs  
Office of Motor Carrier Safety and Compliance  
151 Livestock Exchange Building  
100 Stockyard Road  
South St. Paul, MN 55075

Oral statements will be received during regular business hours over the telephone at (612) 297-7656 and in person at the above address.

All statements of information and opinions shall be accepted until July 15, 1992. Any written material received by the State Department of Transportation shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rules are adopted.

Dated: 1 June 1992

James N. Denn, Commissioner  
Department of Transportation

## **Department of Transportation**

### **Office of Motor Carrier Safety and Compliance**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Relating to the Operation of Personal Transportation Services; Permits**

**NOTICE IS HEREBY GIVEN** that the State of Minnesota, Department of Transportation, is seeking information or opinions from sources outside the department in preparing to propose the adoption of rules governing the operation of personal transportation services and the issuance of permits for such services. The adoption of the rules is authorized by *Minnesota Statutes*, section 221.85 (*Laws 1992*, chapter 578, section 53), which requires the department to adopt rules governing the issuance of permits and the furnishing of personal transportation services for hire. The rules will include provisions for the annual inspection of personal transportation service vehicles, establishing qualifications for drivers, insurance requirements, advertising regulation, provisions for agreements with

## Official Notices

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political subdivisions for sharing enforcement costs, issuance of temporary permits and temporary permit fees, and other requirements deemed necessary by the commissioner of transportation.

The State Department of Transportation requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Ward Briggs  
Office of Motor Carrier Safety and Compliance  
151 Livestock Exchange Building  
100 Stockyard Road  
South St. Paul, MN 55075

Oral statements will be received during regular business hours over the telephone at (612) 297-7656 and in person at the above address.

All statements of information and opinions will be accepted until July 15, 1992. Any written material received by the State Department of Transportation shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: 1 June 1992

James N. Denn, Commissioner  
Department of Transportation

## Professional, Technical & Consulting Contracts

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

### Department of Administration

#### Building Codes and Standards Division

#### Request for Proposals to Contract for Inspection Services

**NOTICE IS HEREBY GIVEN** that proposals are being solicited to provide Contract Inspection Services for public buildings in jurisdictions that do not have inspection agreements with the Department of Administration, Building Codes and Standards Division. Inspections are to be conducted in accordance with the Minnesota State Building Code. (*Minnesota Statute* 16B.61 Subd. 1A and 16B.62 Subd. 1.) This Request for Proposals does not obligate the state to complete the contracts, and the state reserves the right to open the Request for Proposals in 6 months. Multiple contracts will be awarded.

A. Proposals will be accepted from individuals only. Any firm or corporation submitting a proposal must stipulate a specific person to perform service(s) and his/her specific experience.

B. Public buildings for this contract means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a school district building project the cost of which is \$100,000 or more. (*Minnesota Statute* 16B.60 Subd. 6).

For complete details and application information contact this Division at the address listed below.

Ms. Margaret White, Office Services Supervisor  
Building Codes and Standards Division  
408 Metro Square  
7th and Robert Streets  
St. Paul, MN 55101  
612/296-4626

**Please note only Ms. White is authorized to answer questions.** Responses to this request are due in our offices by 4:30 p.m. on July 8, 1992.



## Department of Human Services

### Cambridge Regional Human Services Center

#### Neurologic Consultant Services Sought

Agency Name and Address:

Cambridge Regional Human Services Center  
1235 Highway 293  
Cambridge, MN 55008

A Brief Description of the Project or Tasks:

Neurology Consultation. Board certified or eligible neurologist to provide neurologic consultation to clients of Cambridge Regional Human Services Center, a State operated facility, serving developmentally disabled clients. Frequency—approximately 1 day per month.

Estimated Cost: \$7,000.00 per year.

Agency Contact Person: David Paulson, M.D.

Final date completed proposals will be accepted: June 30, 1992

RFP is available upon request.

## Department of Human Services

### Cambridge Regional Human Services Center

#### Psychiatric Consultant Services Sought

Agency Name and Address:

Cambridge Regional Human Services Center  
1235 Highway 293  
Cambridge, MN 55008

A Brief Description of the Project or Tasks:

Psychiatric Consultant: Board certified or eligible psychiatrist to provide psychiatric consultation to clients of Cambridge Regional Human Services Center, an approximately 215 bed state facility providing services to the developmentally disabled clients. Frequency—1 day per week.

Estimated Cost: \$45,760.00 per year.

Agency Contact Person: David Paulson, M.D.

Final date completed proposals will be accepted: June 30, 1992

RFP is available upon request.

## Department of Human Services

### Cambridge Regional Human Services Center

#### Psychiatric Consultant Services Sought

Agency Name and Address:

Cambridge Regional Human Services Center  
1235 Highway 293  
Cambridge, MN 55008

A Brief Description of the Project or Tasks:

Psychiatric Consultant: Board certified or eligible psychiatrist to provide psychiatric consultation to clients of Cambridge

## Professional, Technical & Consulting Contracts

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Regional Human Services Center, an approximately 215 bed state facility providing services to the developmentally disabled clients. Frequency—1 day per week.

Estimated Cost: \$31,200.00 per year.

Agency Contact Person: David Paulson, M.D.

Final date completed proposals will be accepted: June 30, 1992

RFP is available upon request.

## Department of Human Services

### Residential Facility: Ah-Gwah-Ching Center

### Notice of Request for Proposal for Psychiatric Consultant Contract

#### I. Contractor's Duties

A. Confer with the contracted physicians, Ah-Gwah-Ching nurse practitioners, psychologist, the consulting pharmacologist, and the nursing staff regarding the development, implementation, and monitoring of resident management plans, medication usage, and other treatment modalities appropriate for the individual residents.

B. Maintain medical records according to standards of care established by Ah-Gwah-Ching policies and procedures.

C. Represent Ah-Gwah-Ching Center in legal proceedings when there is a need for psychiatric opinion.

D. Be available for telephone consultation on emergency resident problems.

The contractor agrees to provide the above services at Ah-Gwah-Ching Center on a scheduled basis jointly agreed to by the contractor and Ah-Gwah-Ching.

A standard state consultant contract will be utilized in the writing of this request and is available upon request.

Nothing in this contract precludes physicians or the clinic from billing Ah-Gwah-Ching residents for services under routine third party billing, i.e. Medicare, Medical Assistance, or third party payment.

Cost Estimate: The estimated fee for consultant's services is approximately \$112.00/hour for a contract not to exceed \$14,896.00.

Responses must be received by June 16, 1992.

Direct inquiries to:

Ah-Gwah-Ching Center  
Ah-Gwah-Ching, MN 56430  
Attention: Jeff Smith, CEO  
218/547-8300

## Department of Transportation

### Engineering Services Division

### Notice of Potential Availability of Contracts for a Variety of Highway Related Technical Activities

Responses to this advertisement become public information under the Freedom of Information Act.

The Minnesota Department of Transportation (Mn/DOT) is carrying out an expanded highway program for Fiscal Year 1993. To assist it with the implementation of this program, Mn/DOT may require the services of qualified consultants for work which may include, but not be limited to, the following:

#### Category A: Preliminary Design and/or Other Related Services:

##### 1. Special Studies:

For Example: Environmental, Historical/Archeological, Contaminated Site Assessment, Water, Air, Noise, Hydrologic, Endangered Species, Traffic Forecasts and Analysis, and Land Use (Planning).

##### 2. Project Development Reporting

##### 3. Geometric Layouts

Category B: Detail Design & Plan Preparation:

1. Highway
2. Lighting
3. Signing
4. Traffic Signals
5. Landscaping
6. Hydraulics

Category C: Field Surveys (Land, Design, and Photo Control)

Category D: Geotechnical Investigations and Designs:

1. Soils Survey/Borings/Analysis/Recommendations
2. Foundation Survey/Borings/Analysis/Recommendation
3. Geotechnical Survey/Analysis/Recommendations

Category E: Construction Contract Administration:

1. Management/Inspection/Staking

Category F: Other Services for Transportation Agencies:

1. Chemical Disposal and Recycle
2. Contamination/Hazardous/Analysis/Recommendation
3. Vibration (Blasting, Pile Driving)
4. Expert Witness
5. Pavement Management
6. Marketing
7. Underwater Inspections (Scour, Structural)
8. Building Condition Surveys

Category G: Services available from your firm, not listed above.

Those Consultants who wish to be considered for any potential projects, please furnish the following information **in the sequence provided**:

1.0 Affirmative Action:

Indicate if your firm is:

a. Certified by the Department of Human Rights for Affirmative Action as follows: *Minnesota Statutes* 363.073. Any questions, call 612-296-5683.

**Your proposal will not be accepted unless it includes one of the following three items:**

- 1) A copy of your firm's current Certificate of Compliance issued by the Commissioner of Human Rights; or
  - 2) A letter from Human Rights certifying that your firm has a current Certificate of Compliance.
  - 3) A notarized letter certifying that your firm has not had more than 20 full-time employees at any time during the previous 12 months.
- b. Certified by the Department of Transportation as a Disadvantaged Business Enterprise (DBE). Any questions, call the EEO Contract Management at 612-297-1376.
- c. Certified by the Department of Administration as a Small Business—*Minnesota Statutes* 645.445. Any questions, call 612-296-2600.
- d. Certified by the Department of Administration as a Small Targeted Business—*Minnesota Statutes* 16B.19. Any questions, call 612-296-2600.

2.0 Provide Company Name, Business Address, the Contact Person's Name, Telephone Number, Fax Number, Federal Tax I.D. Number, and Minnesota Tax I.D. Number (if applicable).

3.0 Indicate in which fields your key personnel hold Minnesota Professional Registrations or have related certifications

## Professional, Technical & Consulting Contracts

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(Engineer, Architect, OSHA, Technicians, etc.).

4.0 Federal Forms 254 and 255 and your company brochure, if you have one. (Detail Minnesota Office separately. Include the capabilities of Minnesota Office). To receive forms, call the General Services Administration at 612-725-3015.

5.0 Indicate the category of activity in which you are qualified and wish to be considered on a company basis (Example: B-1-5-6, C). (Detail Minnesota Office separately. Include the capabilities of Minnesota Office.)

6.0 Provide representative samples of work in each category you have chosen. Samples, for example, could be one or two representative 11 x 17 plan sheets or a section from a report. This packet should not exceed 20 sheets in total.

7.0 Describe your Company's Accounting System. Has your firm had a recent government audit performed? By whom? Covering what period? What is your established overhead rate?

This is not a request for proposal. All expressions of interest in being considered shall be delivered to the address indicated below not later than two o'clock (2:00 p.m.) June 30, 1992. A qualified reference list will be developed from the responses and will remain in effect until June 30, 1993. Submittals after June 30, 1992 will be accepted until October 1, 1992 (2:00 p.m.), but will not be added to the reference listing before November 1, 1992. No further updates will be made.

Send responses to:

Consultant Agreements Unit  
Transportation Building, Room 720-S  
395 John Ireland Boulevard  
St. Paul, Minnesota 55155

## Non-State Public Contracts

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The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Metropolitan Waste Control Commission

### Public Notice for Prequalification for Engineering Services

**NOTICE IS HEREBY GIVEN** that the Metropolitan Waste Control Commission is soliciting prequalifications for engineering services for the following:

<u>Service Type</u>	<u>Project Number</u>	<u>Project Name</u>
Planning & Design	865900	Joint Interceptor (1-MS-100) Leak Repair
Planning & Design	920800	Rosemount WWTP Expansion

All firms interested in being considered for these projects are invited to submit a letter asking for the project Request For Qualifications (RFQ).

All inquiries and submittals are to be addressed to Mr. Joseph H. Edwards, PE, CCS, CSI, Manager, Contracts and Documents Division, Metropolitan Waste Control Commission, Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101, (612) 229-5019.

By Order of the

**METROPOLITAN WASTE CONTROL COMMISSION**

Gordon O. Voss  
Chief Administrator

# State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management 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 whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information.

## Materials Management Division—Department of Administration:

### Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

#### COMMODITY CODE KEY

<b>A = Sealed Bid</b>	<b>G = \$5,000-\$15,000 Estimated Dollar Value</b>	<b>J = Targeted Vendors Only</b>
<b>B = Write for Price</b>	<b>H = \$15,000-\$50,000 Sealed Bid</b>	<b>K = Local Service Needed</b>
<b>C = Request for Proposal</b>	<b>I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required</b>	<b>L = No Substitute</b>
<b>D = Request for Information</b>		<b>M = Installation Needed</b>
<b>E = \$0-\$1,500 Estimated Dollar Value</b>		<b>N = Pre-Bid Conference</b>
<b>F = \$1,500-\$5,000 Estimated Dollar Value</b>		<b>O = Insurance or Bonding Required</b>

**Commodity:** Remanufactured Allison transmissions  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** June 17  
**Agency:** Transportation and Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** B G—Microplate reader  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 14  
**Agency:** Minnesota Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** B 04111-22112

**Commodity:** A I—AV equipment/supplies  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** June 14  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14391

**Commodity:** B G—Video equipment  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 10  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14393

**Commodity:** A H—TV monitors  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** June 14  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14396

**Commodity:** B F—27" monitor-receiver  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 10  
**Agency:** Department of Human Services  
**Deliver to:** Various Places  
**Requisition #:** B 55000-25411

**Commodity:** A I—AV equipment/supplies  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** June 14  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14392

**Commodity:** B F—Biological equipment  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 10  
**Agency:** Anoka Ramsey Community College  
**Deliver to:** Coon Rapids  
**Requisition #:** B 27152-46928

**Commodity:** B G K M—Copier—Rebid  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 10  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Virginia  
**Requisition #:** B 21200-42680-1

**Commodity:** B E—VCR  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 10  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23728

## State Contracts and Advertised Bids

**Commodity:** A H—Camera  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** June 10  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14395

**Commodity:** A H—VCR's laser player, etc.  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** June 10  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14397

**Commodity:** B F L—Lamp posts  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 10  
**Agency:** Community College Board  
**Deliver to:** Willmar  
**Requisition #:** B 27000-26230

**Commodity:** B H—Paslode Pneumatic nailer and accessories  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** June 12  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Various Places  
**Requisition #:** B 79000-23417

**Commodity:** B F K M—Rebuilt copier  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 10  
**Agency:** Inver Hills Community College  
**Deliver to:** Inver Grove Heights  
**Requisition #:** B 27157-48829

**Commodity:** A H—Steam heating coils  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** June 15  
**Agency:** Department of Administration  
**Deliver to:** Duluth  
**Requisition #:** B 02307-24359

**Commodity:** A I—Overhaul aircraft engine  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** June 15  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Various Places  
**Requisition #:** B 79000-23171-2

**Commodity:** B G—Power lift tailgate  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** June 12  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79382-02441

**Commodity:** B F—Maintenance agreement for power plant  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** June 11  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Red Wing  
**Requisition #:** B 78760-03201

**Commodity:** B G—Monorail system & hoist  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** June 12  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Rochester  
**Requisition #:** B 79000-23559

**Commodity:** B G—Centracom consoles  
**Contact:** Teresa Manzella 612-296-7556  
**Bid due date at 4:30pm:** June 19  
**Agency:** Office of Administrative Hearings  
**Deliver to:** Minneapolis  
**Requisition #:** B 99690-20096

**Commodity:** B E—Lab supplies  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 15  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23771

**Commodity:** B F—Pole vault equipment  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** June 15  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23703

**Commodity:** B F—Used panels  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 17  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23707

**Commodity:** B H K M—Copier rental  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 17  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32600-32003

**Commodity:** B F—Blade savers  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 17  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Duluth  
**Requisition #:** B 79100-09284

**Commodity:** B F—Sheeter/moulder  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 15  
**Agency:** Building Construction Division  
**Deliver to:** Brainerd  
**Requisition #:** B 02310-33491

**Commodity:** B F—Herbicides  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 15  
**Agency:** Department of Natural Resources—Regional Headquarters  
**Deliver to:** Various places  
**Requisition #:** B 29002-22156

**Commodity:** B F—Uniform rental/laundry  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** June 12  
**Agency:** Minnesota State Lottery  
**Deliver to:** Roseville  
**Requisition #:** B 99997-20035

**Commodity:** B F K M—Typewriter  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 17  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23729

**Commodity:** B F—Fax  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 17  
**Agency:** Willmar Regional Training Center  
**Deliver to:** Willmar  
**Requisition #:** B 55106-02188

**Commodity:** B F—Synchronizer  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 15  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23779

**Commodity:** B E—TV lighting stand system  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 15  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23783

**Commodity:** B F—Cassette recorder  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 15  
**Agency:** Southwest State University  
**Deliver to:** Marshall  
**Requisition #:** B 26175-02323

**Commodity:** B F—Leader vector scope  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 15  
**Agency:** North Hennepin Community College  
**Deliver to:** Brooklyn Park  
**Requisition #:** B 27153-21428

**Commodity:** B F—Leak detector  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 15  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32300-31410

**Commodity:** B E—Step motor driver  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 15  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23796

**Commodity:** B F—Dictating/transcribing equipment  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 17  
**Agency:** Trade & Economic Development/Fiscal Services  
**Deliver to:** St. Paul  
**Requisition #:** B 22700-00506

**Commodity:** B F—Sony monitors (not computer)  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 15  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23780

**Commodity:** B E—AV equipment  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 15  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23794

**Commodity:** B F—Multi scan monitor  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 15  
**Agency:** North Hennepin Community College  
**Deliver to:** Brooklyn Park  
**Requisition #:** B 27153-21427

**Commodity:** B G—Gas analyzer  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 15  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32200-31402

**Commodity:** B F—Liquid flow meter  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 15  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79000-23642

**Commodity:** B F—Cable and supplies  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 15  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-20795

**Commodity:** B F—Plastic binding system  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 17  
**Agency:** Department of Natural Resources—Division of Forestry  
**Deliver to:** St. Paul  
**Requisition #:** B 29000-58510

**Commodity:** A H K M—Copier rental  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 2pm:** June 17  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32200-32008

**Commodity:** B H K M—Copier rental  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 17  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32600-32003-1

**Commodity:** B E—Trash pump  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** June 12  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Duluth  
**Requisition #:** B 79000-23554

**Commodity:** A I—20-25 ton trailers  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** June 16  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Various places  
**Requisition #:** B 79382-02429

**Commodity:** A H K M—Copier rental  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 2pm:** June 17  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32400-32009

**Commodity:** B G—John Deere disc  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** June 15  
**Agency:** Department of Natural Resources—Regional Headquarters  
**Deliver to:** Middle River  
**Requisition #:** B 29001-19942

**Commodity:** B F—Oil dispensing pump  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** June 12  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Virginia  
**Requisition #:** B 79000-23555

## State Contracts and Advertised Bids

### Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

**Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.**

**Commodity:** Camera-ready, negs available. 2-sided head-to-head, 16M books, dylux, 11 x 17 folded and saddle-stitched. 1-color

**Contact:** Printing Buyer's Office

**Bids are due:** June 11

**Agency:** Health Department

**Deliver to:** Minneapolis

**Requisition #:** 23401

**Commodity:** 11M initial contact piece, 11M viewbook, 3M viewbook mailing envelope, 1,850 special recruiting poster, 14M fact sheet mailing envelope

**Contact:** Printing Buyer's Office

**Bids are due:** June 16

**Agency:** Mankato State University

**Deliver to:** Mankato

**Requisition #:** 23313

**Commodity:** One-part continuous form, 25M, 8¼ x 3½, fan-fold 7", safety paper, perf shrink wrap, black ink

**Contact:** Printing Buyer's Office

**Bids are due:** June 11

**Agency:** Natural Resources

**Deliver to:** St. Paul

**Requisition #:** 23347

**Commodity:** 16 monthly manuals, one-color, collated, drilled, shrink wrap, camera-ready quantity: 3100 each month

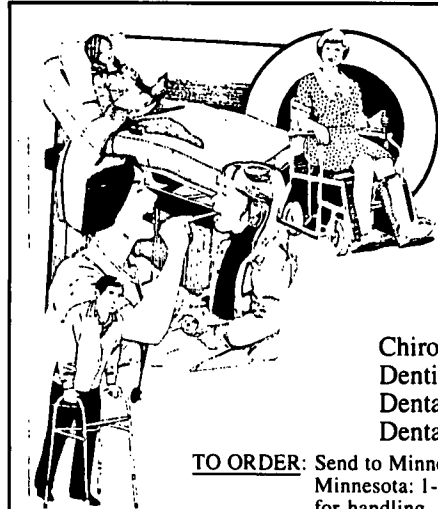
**Contact:** Printing Buyer's Office

**Bids are due:** June 11

**Agency:** Human Services Department

**Deliver to:** St. Paul

**Requisition #:** 23321



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