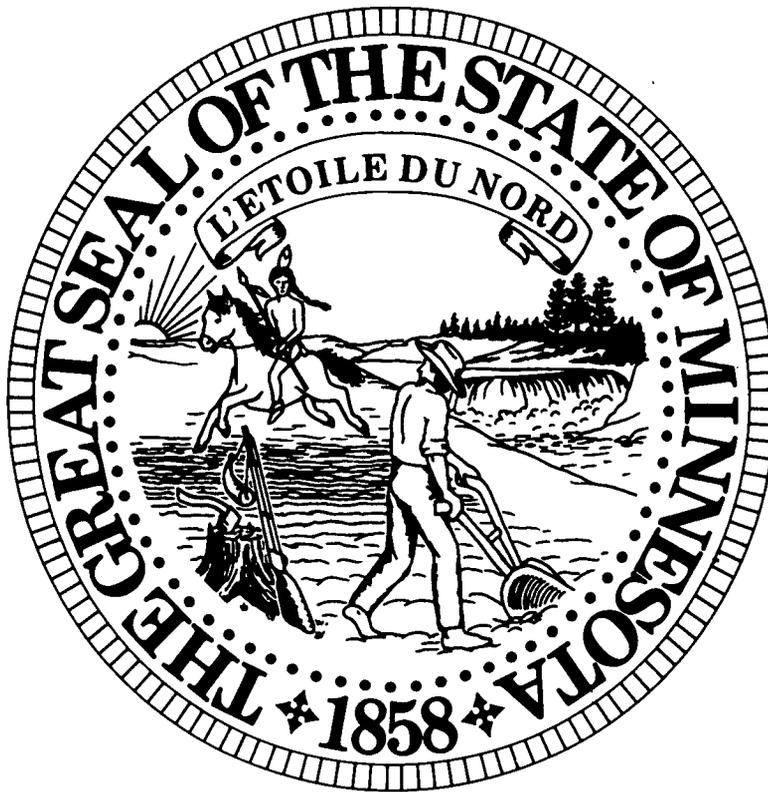


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The Minnesota
**State
Register**

Department of Administration—Print Communications Division



Rules edition
Published every Monday
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Pages 1117-1184

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. 17 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
19	Monday 26 October	Monday 2 November	Monday 9 November
20	Monday 2 November	Monday 9 November	Monday 16 November
21	Monday 9 November	Monday 16 November	Monday 23 November
22	Monday 16 November	Friday 20 November	Monday 30 November

*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 \$150.00 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.

Arne H. Carlson, Governor

Dana B. Badgerow, Commissioner
Department of Administration

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FOR LEGISLATIVE NEWS

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

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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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.

Gambling Control Board

Proposed Permanent Rules Relating to Lawful Purpose Expenditures and Allowable Expenses

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-captioned rules will be held in Room 15 of the State Capitol Building, St. Paul, Minnesota, on December 14, 1992, commencing at 9:00 a.m. and continuing until 4:30 p.m. or until all interested persons at the hearing have had an opportunity to be heard. The Administrative Law Judge (ALJ) assigned to conduct the hearing is:

Peter Erickson
Office of Administrative Hearings
100 Washington Square, Suite 1700
100 Washington Avenue South
Minneapolis, MN 55401-2138
Telephone: (612) 341-7606

The statutory authority of the Lawful Gambling Control Board (hereinafter "Board") to adopt the proposed rules is provided by *Minnesota Statutes*, section 349.151, subdivision 4 (1990 and Supp. 1991).

The rules proposed for adoption would govern gambling bank accounts and the expenditure of gambling funds for lawful purpose and allowable expenses. A copy of the proposed rules is attached to this notice. Additional copies will be available at the hearing. Requests for information from the Board concerning the proposed rules should be directed to:

Harry W. Baltzer, Executive Director
Lawful Gambling Control Board
1711 West County Road B
Suite 300 South
Roseville, MN 55113
Telephone: (612) 639-4000

All interested or affected persons will have an opportunity to participate. Such persons may present their views orally at the hearing or by submitting written material.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rules hearing process.

Whether or not an appearance is made at the public hearing, written material may be submitted to the ALJ either before the hearing or within five working days after the hearing ends. Such written material will be recorded in the hearing record. At the hearing, the ALJ may order that the comment period be extended for a longer period not to exceed 20 calendar days. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within five working days after that comment period ends to any new information submitted. No additional evidence may be submitted during this five-day period. Any written material or responses submitted must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date.

The rules hearing procedure is governed by *Minnesota Statutes*, section 14.14 to 14.20 (1990 and Supp. 1991), and by *Minnesota Rules*, parts 1400.0200 to 1400.1200 (1991). Questions about the rules hearing procedure may be directed to the ALJ.

Minnesota Statutes, chapter 10A (1990 and Supp. 1991), requires each lobbyist to register with the State Ethical Practices Board.

Questions concerning this requirement should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota, 55101-2520, telephone (612) 296-5148.

Notice: Any person may request notification of the date on which the ALJ's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the ALJ. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Promulgation of the proposed rules will not result in the expenditure of public monies by local bodies or have an impact on agricultural land. The effect, if any, that the proposed rules may have on small businesses is discussed in the Statement of Need and Reasonableness.

Dated: 19 October 1992

Minnesota Lawful Gambling
Control Board

By: Harry W. Baltzer
Executive Director

Rules as Proposed

7861.0010 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. Fund-raising costs. "Fund-raising costs" has the meaning given it in Minnesota Statutes, section 309.50, subdivision 12.

Subp. 3b. Gambling bank account. "Gambling bank account" means all the accounts maintained by an organization at any bank, savings and loan, or credit union located within Minnesota in which the organization deposits all gambling receipts and over which the organization has any control, including checking and savings accounts, certificates of deposit, and trust and escrow accounts.

[For text of subps 4 and 5, see M.R.]

Subp. 5a. Management and general costs. "Management and general costs" has the meaning given it in Minnesota Statutes, section 309.50, subdivision 11.

[For text of subps 6 to 13, see M.R.]

7861.0120 ORGANIZATION OPERATIONS, ACCOUNTS, AND REPORTS.

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

Subp. 3. **Records and reports required.** The following items apply to records and reports:

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

E. When an organization has a fund loss by questionable means of its inventory or cash, the organization may apply to the board, on a form prescribed by the board, for an adjustment of its gambling ~~banking checking bank~~ account. The organization shall file a fund loss report with the Department of Revenue, which will make a recommendation to the board. The fund loss report must include the following:

[For text of subitem (1), see M.R.]

(2) a completed fund loss report which includes the following information:

(a) the name and address of the organization;

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

Proposed Rules

- (b) the license number, premises permit numbers, and effective date of the premises permit;
 - (c) a description of the loss, including amount, date, location, and a summary of how the loss occurred, including if a safe was broken into or stolen;
 - (d) whether the current status of the law enforcement investigation is closed, inactive, or active;
 - (e) whether reimbursement for the loss has been or will be paid by insurance or criminal restitution;
 - (f) a description of how the loss was verified using schedule B if necessary;
 - (~~e~~) (g) internal controls and personnel changes that have been made to prevent future losses;
 - (~~f~~) (h) when the organization received the funds; and
 - (~~g~~) (i) signatures of the chief executive officer and the gambling manager; and
- (3) all fund losses by questionable means must be reimbursed to the gambling ~~banking~~ checking bank account from nongambling funds, unless an adjustment to the gambling bank account is approved by the board.

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

Subp. 4. **Bank accounts.** The following items apply to bank accounts:

A. Each organization must maintain a separate gambling bank account at a ~~financial institution~~, bank, savings and loan, or credit union located within Minnesota.

(1) All expenditures of gambling funds must be made from the checking accounts included in the separate gambling bank account, except in case of expenditures previously approved by the organization's membership for emergencies. For the purposes of this item, "emergencies" means a financial obligation due and payable which if not met would require the organization to cease gambling.

(2) The checking accounts included in an organization's gambling bank account must consist of one of the following:

(a) a checking account into which the organization deposits all gambling receipts and from which the organization makes all expenditures of gambling gross profits;

(b) a checking account for each of the organization's permitted premises into which the organization deposits all gambling receipts received at that premises and from which the organization makes all expenditures of gambling gross profits from that premises; or

(c) a checking account for each permitted premises as described in unit (b) and one additional checking account into which the organization transfers all or a portion of its gambling receipts from the other checking accounts and from which the organization makes all or a portion of its expenditures of gambling gross profits. This unit does not prevent an organization from transferring gambling gross profits to a nonchecking account included in its gambling bank account in the period between the deposit and expenditure of the gambling gross profits.

(3) Except for lawful purpose expenditures by a 501(c)(3) organization pursuant to subpart 5, item C, subitem (2), gambling funds may not be transferred to the organization's general bank accounts for any expenditures without prior board approval.

(~~3~~) (4) Nongambling funds shall not be deposited in the gambling bank account unless the organization is required by the board to deposit nongambling funds in the account to reimburse the account for unlawful expenditures or expenses, or to otherwise bring the ~~account~~ organization into compliance with Minnesota Statutes, section 349.15, or to reimburse the account for gambling receipts that the organization failed to deposit in the account.

(~~4~~) (5) All checks for expenditures from the gambling bank account must contain two signatures of active members of the organization. The treasurer of the organization may not sign the checks.

(~~5~~) (6) Interest income from gambling proceeds must be included in gross receipts.

(~~6~~) (7) Each organization shall furnish to the board on a form prescribed by the board an "Authorization to Inspect Bank Records," which authorizes the board and its agents, and the commissioners of revenue and public safety and their agents, to inspect the bank records of the organization's gambling bank ~~accounts~~ account.

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

Subp. 5. **Expenditures.** The following items apply to expenditures of gambling funds:

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

B. Allowable expenses:

[For text of subitem (1), see M.R.]

(2) ~~Organization may not spend gambling gross profits for advertising.~~ For purposes of this subpart, an expense “directly related to the conduct of lawful gambling” means:

(a) the percentage of the total cost of any good, service, or other item which corresponds to the actual use of the good, service, or other item in the conduct of lawful gambling;

(b) interest on tax and interest on tax penalties for the taxes included within lawful purpose under this subpart, but not tax penalties; and

(c) the cost of attendance by members of a licensed organization at a seminar or other meeting on a specified date which meets the following criteria for that date:

i. the seminar’s or meeting’s primary purpose is to provide training or other information regarding the conduct of lawful gambling; and

ii. training or information with this purpose is provided by either an official of a state, federal, or local governmental entity responsible for the regulation of lawful gambling or a person authorized by the board to provide this training or information.

For purposes of this subitem, the “cost of attendance” includes the cost of travel to and from the location where the seminar or meeting is being held.

(3) For purposes of this item, the conduct of lawful gambling does not include:

(a) advertising of the conduct of lawful gambling;

(b) any activity intended to influence an election; and

(c) influencing the nomination or election of a candidate for public office.

The exclusion of these activities does not mean that other activities are necessarily included within the conduct of lawful gambling for purposes of this item.

(4) The board shall authorize a person under this item to provide training or information, other than that required by Minnesota Statutes, section 349.167, subdivision 4, regarding services, including but not limited to accounting, bookkeeping, and computer software, which are related to the conduct of lawful gambling at a seminar or meeting on a specified date if:

(a) the person submits to the board a curriculum or agenda detailing the particular subject matter of the training or information;

(b) the person has a demonstrated expertise in the particular subject matter identified in the curriculum or agenda submitted to the board; and

(c) the person has not previously violated this item by obtaining board authorization to provide training or information and then departing from the particular subject matter identified in the curriculum or agenda submitted to the board.

Approval of the curriculum or agenda does not guarantee the accuracy of the subject matter or constitute endorsement of the product or services by the board.

(3) (5) Percentage of profit to be used for allowable expenses:

(a) Not more than 60 percent of the gross profit, less the tax imposed by Minnesota Statutes, section 349.212, subdivision 1, from bingo, and not more than 50 percent of the gross profit may be expended for allowable expenses related to lawful gambling.

(b) Compliance with the maximum percentage of profits expended for allowable expenses must be determined on an annual basis annually, as provided in this item, for the organization as a whole based on the organization’s cumulative past expenditures for allowable expenses. Compliance is not determined by each premises.

(c) A licensed organization must file with the board an allowable expense calculation report, on a form prescribed by the board, every 12 months from the start of the third month before the effective date of the organization’s license. If the report shows that the organization is not in compliance with the maximum percentage of profits that may be expended for allowable expenses, then beginning on the first day of the organization’s next 12-month reporting period, the organization must cease its conduct of lawful gambling until it has deposited sufficient nongambling funds in its gambling bank account to bring the organization into compliance with the percentage limits on allowable expenses.

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

Proposed Rules

C. "Lawful purpose" expenditures include means any one or more of the following:

(1) A contribution to an organization which:

(a) is classified as tax exempt under *United States Code*, title 26, section 501(c)(3);

(b) spends at least 70 percent of its gross revenue on programs related to its primary purpose and spent in its most recently completed calendar or fiscal year, whichever is the year basis on which its books are kept, 30 percent or less of its total revenue on administration and operation expenses fund-raising costs and management and general costs, provided that for purposes of this subitem, total revenue shall not include that portion of the organization's own gambling gross profits, if any, which it spent for allowable expenses;

[For text of units (c) to (e), see M.R.]

(2) An expenditure Expenditures of gambling gross profits, excluding allowable expenses, made by a licensed organization which is classified as tax exempt under *United States Code*, title 26, section 501(c)(3), if that expenditure is directly related to the primary purpose of the organization to the extent that during the calendar or fiscal year, whichever is the year basis on which the organization's books are kept, in which the expenditures are made, at least 70 percent of the expenditures are for program services related to the organization's primary purpose and 30 percent or less of the expenditures are for fund-raising costs and management and general costs, provided that for purposes of this subitem, expenditures for program services shall include expenditures that are otherwise lawful purpose under this subpart.

(3) A contribution to an individual or family suffering from poverty, homelessness, or physical or mental disability, provided the contribution is reasonably calculated to relieve the effects of that poverty, homelessness, or physical or mental disability, or a contribution to a nonprofit corporation that exists exclusively for these relief purposes, provided the corporation uses the entire amount of the contribution to relieve one or more of these effects. Disability for purposes of this subitem includes, but is not limited to, physical or mental difficulties in accomplishing daily tasks and activities such as personal care, meal preparation, cleaning, transportation, or athletic activities.

[For text of subitems (4) and (5), see M.R.]

(6) A contribution to or an expenditure on a public or private nonprofit educational institution registered with or accredited in Minnesota or any other state provided the contribution, if made to a public educational institution, is documented on a form prescribed by the board showing the request form or acknowledgment of the institution to expend gambling funds and attached to the monthly schedule C report.

(7) A contribution to a scholarship fund for defraying the cost of education to individuals, if:

(a) the funds are awarded through an open and fair selection process that does not discriminate based on race or gender, religion, national origin, marital status, disability, or age;

[For text of units (b) and (c), see M.R.]

(d) the names of the individuals awarded scholarships are public and communicated to all members of the sponsoring organization.

(8) A contribution to an organization or governmental entity, or an expenditure by an organization, for the cost of activities recognizing humanitarian or military service to the United States, the state of Minnesota, or a community provided:

(a) the contribution is not used by or intended for the personal benefit of or expenditure does not result in any individual member of the organization making the contribution or expenditure, or any person in the member's immediate family, receiving any money or money equivalent, or receiving any goods or services with:

i. a market value greater than \$10; or

ii. a market value greater than \$100 based on the aggregate of contributions and expenditures in any 12-month period; and

(b) the contribution, if made to a unit of government, must be acknowledged documented on a form provided prescribed by the board showing the request from or acknowledgment of the unit of government to expend gambling funds and attached to the monthly schedule C report; and

(c) for purposes of this subitem, activities recognizing humanitarian service include the provision of transportation, food, and beverages to persons making blood donations.

[For text of subitems (9) to (11), see M.R.]

(12) Taxes imposed by *Minnesota Statutes*, section 349.212, subdivisions 1 and 4, and 6.

[For text of subitem (13), see M.R.]

(14) Real estate taxes and assessments on permitted gambling premises wholly owned by the licensed organization, provided the expenditure does not exceed:

(a) for organizations which conduct pull-tabs, tipboards, raffles, and/or paddlewheels, \$15,000 per year; or

[For text of unit (b), see M.R.]

(15) A contribution to the United States, the state of Minnesota or any of its political subdivision, or any agency or instrumentality thereof, provided:

(a) ~~that for a contribution to a unit of government,~~ the contribution is documented by on a form prescribed by the board showing the request from a or acknowledgment of the unit of government to expend gambling funds; ~~and~~

(b) ~~that for expenditures involving environmental projects,~~ the contribution is documented by a form prescribed by the board and attached to the monthly schedule C showing prior review by the Department of Natural Resources and attached to the monthly schedule C report.

[For text of subitem (16), see M.R.]

(17) Repair or maintenance of real property of capital assets when the property is or will be used extensively as a meeting place or event location by other nonprofit organizations or community or service groups and no rental fee is charged for the use, provided:

(a) "extensively" must be demonstrated by written documentation that the facility has been used free of charge by at least one group as described in this subitem and that the facility's availability for this purpose has been communicated to the community at large; this documentation shall include, but is not limited to, examples of public service announcements, public notices printed in local newspapers, and flyers displayed or distributed throughout the community;

[For text of units (b) and (c), see M.R.]

[For text of subitems (18) and (19), see M.R.]

(20) An organization that has received board approval to make an expenditure of gambling gross profits for debt service or other payments under subitem (17), (18), or (19) must obtain prior board approval for any increase in the expenditure, including any increase due to a refinancing or other restructuring of a debt that results in an increase in the present value of the balance of the debt. Any equity withdrawn from real property or a capital asset as part of the refinancing or other restructuring of the debt constitutes gambling gross profits and must be deposited in the organization's gambling bank account. No closing costs are included within subitem (17), (18), or (19).

(21) Payment of one-half of the reasonable costs of an audit required in *Minnesota Statutes*, section 349.19, subdivision 9.

D. Lawful purpose ~~expenditures do~~ does not include any of the following:

[For text of subitems (1) to (3), see M.R.]

(4) a direct contribution to a law enforcement or prosecutorial agency;

(5) any contribution under item C, subitem (15), involving an environmental project or any contribution to or expenditure by a 501(c)(3) organization involving an environmental project, unless the contribution or expenditure is documented on a form prescribed by the board and attached to the monthly schedule C report showing prior review by the state agencies with authority over the project;

(6) interest on taxes, tax penalties, or interest on tax penalties;

(7) any expenditure, contribution, or other disposition of gambling gross profits by an organization after which the organization retains any control over the funds, except for expenditures by a 501(c)(3) organization pursuant to item C, subitem (2);

(8) a contribution to a 501(c)(3) organization that does not meet the criteria in item C, subitem (1);

(9) expenditures by a licensed organization that is a 501(c)(3) organization if the expenditures do not meet the criteria in item C, subitem (2);

(10) any contribution or expenditure to the extent it results in any net monetary gain or other pecuniary benefit to the organization making the contribution or expenditure; and

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(1) any contribution or expenditure that is void or voidable under the conflict of interest provisions of the Minnesota Nonprofit Corporation Act, Minnesota Statutes, section 317A.255.

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

F. Notwithstanding item E, a licensed organization may contribute gambling gross profits to a parent organization at the Minnesota state level provided:

(1) the parent organization has submitted to the board a comprehensive list of the lawful purposes for which the parent organization will use the contributions; and

(2) the parent organization uses the entire amount of the contributions for one or more of the lawful purposes listed in item

C.

G. A licensed organization may not contribute gross gambling profits to another licensed organization unless:

[For text of subitems (1) to (3), see M.R.]

H. An organization shall maintain documentation sufficient to show that each of its expenditures constitute either an allowable expense or a lawful purpose under this subpart.

7865.0025 REIMBURSEMENT.

The board may require an organization to deposit nongambling funds in the organization's gambling bank account to reimburse the account for unlawful expenditures or expenses, to otherwise bring the account into compliance with Minnesota Statutes, section 349.15, or to reimburse the account for gambling receipts that the organization failed to deposit in the account. Subject to parts 7861.0020, subpart 8, and 7861.0120, subpart 5, item B, subitem (5), reimbursement is a contested case under Minnesota Statutes, chapter 349. In determining the extent of the reimbursement to be required after a contested case hearing, the board shall consider the factors in part 7865.0030, subpart 1.

Gambling Control Board

Proposed Permanent Rules Relating to Paddlewheel Games

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-captioned rules will be held in Room 15 of the State Capitol Building, St. Paul, Minnesota, on December 15, 1992, commencing at 9:00 a.m. and continuing until 4:30 p.m. or until all interested persons at the hearing have had an opportunity to be heard. The Administrative Law Judge (ALJ) assigned to conduct the hearing is:

Peter Erickson
Office of Administrative Hearings
100 Washington Square, Suite 1700
100 Washington Avenue South
Minneapolis, MN 55401-2138
Telephone: (612) 341-7606

The statutory authority of the Lawful Gambling Control Board (hereinafter "Board") to adopt the proposed rules is provided by *Minnesota Statutes*, section 349.151, subdivisions 4 and 4a (1990 and Supp. 1991).

The rules proposed for adoption would govern the conduct of paddlewheels both with and without a paddlewheel table, and include standards for the equipment used in paddlewheel games, the operating procedures and restrictions for the games, internal control requirements, and requirements for posting of information, record keeping, and reporting. The text of the proposed rules was published on August 24, 1992, in Volume 7, Number 8, of the *State Register* at pages 389 to 397. A free copy of the proposed rules may be obtained from the Board by submitting a written request to:

Harry W. Baltzer, Executive Director
Lawful Gambling Control Board
1711 West County Road B
Suite 300 South
Roseville, MN 55113
Telephone: (612) 639-4000

Free copies of the proposed rules will also be available at the hearing.

All interested or affected persons will have an opportunity to participate. Such persons may present their views orally at the hearing or by submitting written material.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rules hearing process.

Whether or not an appearance is made at the public hearing, written material may be submitted to the ALJ either before the hearing or within five working days after the hearing ends. Such written material will be recorded in the hearing record. At the hearing, the ALJ may order that the comment period be extended for a longer period not to exceed 20 calendar days. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within five working days after that comment period ends to any new information submitted. No additional evidence may be submitted during this five-day period. Any written material or responses submitted must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date.

The rules hearing procedure is governed by *Minnesota Statutes*, sections 14.14 to 14.20 (1990 and Supp. 1991), and by *Minnesota Rules*, parts 1400.0200 to 1400.1200 (1991). Questions about the rules hearing procedure may be directed to the ALJ.

Minnesota Statutes, chapter 10A (1990 and Supp. 1991), requires each lobbyist to register with the State Ethical Practices Board. Questions concerning this requirement should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota, 55101-2520, telephone (612) 296-5148.

Notice: Any person may request notification of the date on which the ALJ's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the ALJ. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies or have an impact on agricultural land. The effect, if any, that the proposed rules may have on small businesses is discussed in the Statement of Need and Reasonableness.

Dated: 19 October 1992

Minnesota Lawful Gambling
Control Board

By: Harry W. Baltzer
Executive Director

Rules as Proposed

7861.0010 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. Gambling equipment. “Gambling equipment” means bingo cards and sheets, devices for selecting bingo numbers, pull-tabs, jar tickets, paddlewheels, paddlewheel tables, paddletickets, paddleticket cards, tipboards, and tipboard tickets.

[For text of subps 4 and 5, see M.R.]

Subp. 6. Master flare. “Master flare” is used in conjunction with sealed groupings of up to 100 paddleticket cards. The master flare must describe the paddletickets in the group, ~~have a list of all the~~ state the first paddleticket card numbers number in that the group, state the price per play of a paddleticket in the group, describe the wagers that may be placed with a paddleticket in the group, and have a state registration stamp affixed to it bearing the number of the first paddleticket card in the group.

[For text of subps 7 and 8, see M.R.]

Subp. 9. Paddleticket. “Paddleticket” is a preprinted detachable ticket on a paddleticket card that has ~~printed~~ preprinted on it a

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paddleticket card number and either (i) one or more numbers corresponding to the numbers on a paddlewheel used without a paddlewheel table, or (ii) every available wager for a paddlewheel used with a paddlewheel table.

Subp. 10. **Paddleticket card.** "Paddleticket card" means a card to which is attached either (i) paddletickets bearing all the numbers on a paddlewheel used without a paddlewheel table, or (ii) paddletickets which each bear every available wager for a paddlewheel used with a table. A paddleticket card must have a stub attached that has preprinted on it a paddleticket card number, the east price per paddleticket, space for the date played, a facsimile of a state registration stamp which has the distributor's with the license number printed in place of the paddleticket card number of the card's manufacturer, and a space in which the winning number is written.

Subp. 11. **Paddleticket card number.** "Paddleticket card number" means the unique serial number preprinted by the manufacturer on a paddleticket card and its paddletickets.

Subp. 11a. **Paddlewheel.** "Paddlewheel" is a mechanical vertical wheel marked off into sections containing numbers and which, after being spun, uses a pointer to indicate the winning number.

Subp. 11b. **Paddlewheel table.** "Paddlewheel table" is the table described in part 7861.0100, subpart 9, and used in the game of paddlewheels governed by part 7861.0100, subparts 2 to 7 and 9 to 16.

[For text of subps 12 and 13, see M.R.]

7861.0060 CONDUCT OF LAWFUL GAMBLING.

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

Subp. 3. **Posting of flare.** The odds, house percentages, or number of tickets must be displayed on the flare accompanying each deal of pull-tabs, tipboards, or the master flare for a group of ~~up to~~ 100 paddleticket cards.

[For text of subps 4 to 7, see M.R.]

7861.0100 PADDLEWHEELS.

Subpart 1. [See repealer.]

Subp. 1a. **Two versions of paddlewheel game.** The game of paddlewheels may be conducted with or without a paddlewheel table. The game of paddlewheels without a paddlewheel table must be conducted in accordance with subparts 2 to 8 and 15 and 16. The game of paddlewheels with a paddlewheel table must be conducted in accordance with subparts 2 to 7 and 9 to 16.

Subp. 2. **Conducting General conduct of paddlewheels.** The following items apply to the game of paddlewheels conduct of all paddlewheel games:

A. The playing of Paddlewheels must always be played using paddletickets, paddleticket cards, and a paddlewheel.

B. An organization may not use a paddlewheel that has not been approved by the board pursuant to Minnesota Statutes, section 349.163, subdivision 6, or that does not have a state registration stamp affixed to it.

C. Each paddleticket card must have a paddleticket card number preprinted on the stub and on each individual ~~ticket~~ paddleticket. Each paddleticket card must have a different number. An organization may not have two paddleticket cards with the same number in its possession at the same time.

~~C. D.~~ D. Each paddleticket ~~stub~~ card must have a facsimile of the state registration stamp imprinted preprinted on the stub. The facsimile must bear the license number of the distributor manufacturer who sells manufactured the paddleticket card.

~~D.~~ D. All the paddletickets on a paddleticket card must be sold prior to the spinning of the wheel. A new paddleticket card must be sold for every spin of the wheel.

E. Each sealed grouping of ~~up to~~ 100 paddleticket cards must have a state registration stamp affixed to the master flare accompanying the group with the first paddleticket card numbers written in by the distributor on the space provided number in the group stated on the master flare. No paddleticket card will may be played unless the master flare for that card is posted in a conspicuous place in on the immediate area of the permitted premises where for the paddlewheel being played is located.

F. An organization may not use paddletickets:

(1) that which do not have a state registration stamp affixed to the master flare accompanying the group;

(2) when the ~~paddle ticket card number written on the master flare differs from the actual paddleticket card number~~ preprinted on the tickets does not correspond to one of the paddleticket card numbers indicated on the master flare;

(3) when the paddleticket card number preprinted on the stub does not match the paddleticket card number preprinted on the individual tickets; and or

(4) that which are not attached to the paddleticket card.

F. The organization must post house rules on the play of paddlewheels. The wheel must make at least four revolutions before

stopping at the winning number. If four revolutions are not made, a nonspin must be declared and the wheel must be spun again.

G. An organization must deface all unsold paddletickets and all winning paddletickets which have been redeemed.

Subp. 3. **Paddlewheel Prize value and cost per ticket limits price restrictions.** The following prize value of the prizes and the amount of bets are limited as follows and paddleticket price restrictions apply to all paddlewheel games:

A. Bets The prize awarded for a winning paddleticket may not exceed \$2 per paddleticket \$70 in value.

B. Prizes may not exceed \$70 in value An organization may not sell a paddleticket for more than \$2. All the paddletickets on a paddleticket card must be sold for the same price. No person shall be required to purchase more than one paddleticket, or pay for anything other than the ticket, in order to play.

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. **General restrictions.** The following restrictions apply to all paddlewheel games:

A. No gambling employee of an organization shall purchase paddletickets at the site of the employee's place of employment. For purposes of this subpart, the term "employee" includes a volunteer.

B. No organization may have a direct interest in the outcome of the spin of a paddlewheel.

Subp. 7. **Balancing, opening, closing, maintenance, and inspection of paddlewheels.** The following requirements for the balancing, opening, closing, maintenance, and inspection of paddlewheels apply to all paddlewheel games:

A. To open a paddlewheel on a day when it will be used, an organization's paddlewheel operator must inspect each peg or pin and the pointer for uneven wear and immediately replace any worn peg or pin or worn pointer, and shall evaluate the balance of the paddlewheel by:

(1) inspecting the back of the paddlewheel for a foreign object that may affect the paddlewheel's balance; and

(2) positioning the pointer so it does not interfere with the spin of the paddlewheel. The paddlewheel must be slowly rotated 45 to 90 degrees at a time in one direction. While the paddlewheel is spinning, the paddlewheel operator shall determine whether there is any abnormality in the rotation or any reverse rotation after the paddlewheel stops. The wheel must continue to be rotated until the entire wheel has been evaluated by this method in both directions. If the paddlewheel is out of balance, the organization shall balance the paddlewheel before conducting paddlewheels.

B. To close a paddlewheel at the conclusion of its use on a day, an organization's paddlewheel operator shall place a cover over the paddlewheel or otherwise make it inoperable for use.

C. For each month in which an organization uses a paddlewheel, it shall complete a paddlewheel maintenance record on a form prescribed by the board. The record shall contain spaces for the name of the person conducting the maintenance, the date of the maintenance, the type of paddlewheel, and the number of the state registration stamp affixed to the paddlewheel, and shall contain a list of maintenance checks to be performed to ensure that the paddlewheel is in balance.

D. An organization shall make its paddlewheel maintenance records available to employees of the board for inspection and shall permit employees of the board to inspect its paddlewheels to determine whether they are in balance.

E. An organization may not use a paddlewheel that is out of balance.

Subp. 8. **Conduct of paddlewheels without a paddlewheel table.** The following items apply to the conduct of paddlewheels without a paddlewheel table:

A. The paddlewheel must be marked off into equally spaced sections which each contain a different number. A protruding peg or pin must be located, on the circumference of the paddlewheel, at least at the dividing line between each of the sections of the wheel. There must be positioned above the paddlewheel a pointer which stops the spin of the wheel and determines the winning number.

B. The paddletickets must contain one or more numbers corresponding to the numbers on the paddlewheel. The one or more numbers on a paddleticket may not be duplicated on any other paddleticket with the same paddleticket card number. Each paddleticket must be sold separately and must constitute a separate and equal chance to win with all other paddletickets with the same paddleticket card number.

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C. All the paddletickets sold for a spin of the paddlewheel must bear the same paddleticket card number. All the paddletickets on a paddleticket card must be sold before the spinning of the paddlewheel. If all the paddletickets on the card cannot be sold, the organization shall refund the gross proceeds to the players in exchange for the unplayed paddletickets.

D. The paddlewheel must be spun by the organization's paddlewheel operator. The winning number is determined by the position of the pointer when the paddlewheel stops spinning. The paddlewheel must make at least four revolutions before stopping at the winning number. If four revolutions are not made, the spin is void and the paddlewheel must be spun again. An organization may not have multiple spins of the paddlewheel to award multiple prizes for one paddleticket card.

E. The paddletickets must be sold by the organization on the permitted premises for the paddlewheel being played and must be sold on the same day the paddlewheel game is conducted. No person may be required to be present when the paddlewheel is spun in order to be eligible for the prize. No person may be required to keep a paddleticket on the permitted premises in order to be eligible for the prize. However, the player with the winning paddleticket must claim the prize by redeeming the ticket on the permitted premises before the conclusion of the organization's lawful gambling activity for that day on the premises. Otherwise, the player forfeits the prize.

F. The prize awarded may be cash or merchandise. No cash prize amount may be a variable multiple of the standard price of a paddlewheel ticket. Merchandise prizes must be valued at actual market value or suggested market value, whichever is less. An organization must pay for in full or otherwise become the owner, without lien or interest of others, of merchandise to be awarded as a prize prior to the sale of paddletickets eligible for the prize. The organization must keep records showing its ownership of the merchandise, the actual and suggested market value of the merchandise, and its complete inventory of paddlewheel prize merchandise. An organization may not substitute cash for merchandise prizes which have been won.

G. For all winning paddletickets which have been redeemed, an organization shall keep records of the date played, the winner number, and the cash prize amount or merchandise prize awarded.

H. An organization must post clear and legible house rules on the play of paddlewheels in a conspicuous place on the permitted premises for the paddlewheel being played. The rules must include the following information:

(1) A paddlewheel is used for the selection of the winner.

(2) All paddletickets on a card must be sold before the spinning of the paddlewheel.

(3) No person shall be required to purchase more than one paddleticket, or pay for anything other than the ticket, in order to play.

(4) The paddlewheel must make at least four revolutions.

(5) The winner is not required to be present when the paddlewheel is spun; however, the winner must claim the prize by the conclusion of the lawful gambling activity for the day.

I. An organization must post in a conspicuous place on the permitted premises for the paddlewheel being played a clear and legible sign stating the prize to be awarded to the winning paddleticket. The sign must be at least 18 inches by 24 inches in size.

Subp. 9. Standards for paddlewheels and paddletickets used with a paddlewheel table, and for paddlewheel tables and chips. Paddlewheels with a paddlewheel table must be conducted with a paddlewheel, paddlewheel tables, and paddlewheel chips which conform to the following standards:

A. The paddlewheel must be divided into three concentric circles. Each circle must be a different color and must be marked off into equally spaced sections. Each section in a circle must contain a different number. The outer circle may contain up to 40 numbers. Each inner circle may contain up to one-half of the number of numbers as that circle's adjacent outer circle. The numbers in each circle must be sequential starting with the number "one" but may be placed randomly in that circle. The paddlewheel may have specifically designated "house numbers" in regard to an "odd" or "even" bet. A protruding peg or pin must be located, on the circumference of the paddlewheel, at least at the dividing line between each of the sections of the outside concentric circle. There must be positioned above the paddlewheel a pointer that stops the spin of the wheel and determines the winning colored number or set of colored numbers.

B. Each paddleticket must have preprinted on it all the colored numbers on the paddlewheel and every available wager expressed by a colored number or set of colored numbers.

C. A paddlewheel table must have a state registration stamp affixed to its front and must conform to the following standards:

(1) The table playing surface must be permanently and clearly imprinted with the colored numbers which correspond to the colored numbers in each concentric circle of the paddlewheel. The table playing surface may also contain letters, each of which corresponds to a set of numbers of the same color representing a line bet. The table playing surface may also contain statements of "ODD" or "EVEN" for placing a bet that any number of a designated concentric circle of the paddlewheel will be odd or even. The letters and the statements must also be permanently and clearly imprinted on the table playing surface.

(2) The table playing surface must have a slot for the placing of paddletickets for each single colored number, each letter that corresponds to a set of colored numbers representing a line bet, each statement of "ODD," and each statement of "EVEN."

(3) The table must be equipped with a double-locking or triple-locking removable metal container known as a "drop box" into which must be deposited all issuance of duplicate fill slips, issuance of original credit slips, and coin or currency received from players for the purchase of paddlewheel chips. The drop box must have one lock that secures the drop box to the table and one or two separate locks which secure the contents placed into the drop box. The key to each of the two or three locks must be different from each of the other locks.

(4) The table must accommodate the placement of bets by players on the front and both sides of the table. The table must also have a rail for holding a player's paddlewheel chips. Inclusive of the rail, the table may be no longer than nine feet and no wider than four feet.

D. Paddlewheel chips may not be made of plastic, wood, or paper. An organization may issue paddlewheel chips in denominations of \$1, \$2, \$5, and \$25. One dollar chips must be white, \$2 chips must be yellow, \$5 chips must be red, and \$25 chips must be green. Each chip must have permanent edge spots which are different in color than the rest of the chip. Each paddlewheel chip must also be clearly and permanently impressed, engraved, or imprinted on at least one side with the license number of the organization holding the premises permit for the premises at which the chips are being used and on at least the opposite side with the specific dollar value of the chip.

Subp. 10. Opening and closing of paddlewheel tables.

A. To open a paddlewheel table for use, a gambling employee or volunteer of the organization shall lift the top of the table and inspect the cavity for any paddleticket, paddlewheel chip, or foreign object that may have fallen through the slots, and shall secure a paddlewheel chip tray and paddlewheel drop box to the table.

B. To close a paddlewheel table after its use, a gambling employee or volunteer of the organization shall notify the players that their paddlewheel chips must be redeemed through the cash bank cashier, and shall collect all outstanding identification cards from the players.

Subp. 11. Conduct of paddlewheels with a paddlewheel table. The following items apply to the conduct of paddlewheels with a paddlewheel table:

A. Only cash prizes may be awarded. No cash prize amount may be a variable multiple of the standard price of a paddleticket.

B. The paddlewheel must be spun by the organization's paddlewheel operator. The winning number or set of colored numbers is determined by the position of the pointer when the paddlewheel stops spinning. The paddlewheel must make at least four revolutions before stopping at the winning number or set of colored numbers.

C. Paddlewheel chips must be purchased only at the paddlewheel table from the organization's paddlewheel operator. Paddletickets must be purchased only at the paddlewheel table from the organization's paddlewheel operator, and must be purchased only with paddlewheel chips except that paddletickets for the immediate next spin may be purchased directly with cash in an amount equal to the value of the tickets.

D. All paddletickets must be sold on the permitted premises for the paddlewheel being played and must be sold immediately preceding a spin to be valid for that spin. Each paddleticket must be sold separately and must constitute a separate and equal chance to win with all other paddletickets sold for the spin. There may be no partially sold paddleticket cards for a spin. If all the tickets on a card cannot be sold, the organization shall refund the gross proceeds to the players in exchange for the unplayed tickets of that card.

E. When a player first purchases paddlewheel chips, the organization's paddlewheel operator shall provide the player with a card containing a unique identification number. The player shall return the card to the paddlewheel operator immediately after the player stops playing. Each player must write the player's assigned identification number on the back of the player's paddletickets prior to placing the tickets in a betting slot on the paddlewheel table.

F. A player shall bet all the player's purchased paddletickets on the immediate next spin. If a player purchases a paddleticket and does not bet the ticket on the immediate next spin, the ticket is void, the ticket may not be wagered on any other spin of the paddlewheel, and the player shall surrender the ticket to the organization's paddlewheel operator who shall treat it as a losing ticket.

G. To bet, a player shall place the player's paddleticket in a betting slot on the paddlewheel table. A player's paddleticket is void and must be treated as a losing ticket if the player forces it all the way through the slot into the cavity of the table. The

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organization's paddlewheel operator may assist a player provided that the operator first verbally announces to all the players at the table that the operator is assisting the player and what assistance is being rendered.

H. A player may bet a paddleticket while another player is purchasing a ticket.

I. An organization's paddlewheel operator shall sequentially number each spin of the paddlewheel for each day of activity beginning with "one" for the first spin of the day and progressing with each spin. The spin number must be written either on the face of the first paddleticket card stub for which paddletickets have been sold for a particular spin or on the back of the last stub from which tickets have been sold for a particular spin. All spin numbers must be consistently recorded in the same location on the stub for all spins of the day. However, when the sale of tickets for a particular spin continues into a new sealed grouping of paddleticket cards, then the sequential spin number must be written on the face of the first stub of the group from which tickets are continuing to be sold. For each subsequent spin of the same group of paddleticket cards, the spin number must be recorded consistent with the organization's standard practice, written either on the face of the first stub for which paddletickets have been sold or on the back of the last stub from which tickets have been sold. The paddlewheel operator may not continue the sale of tickets for any particular spin into a new group of paddleticket cards unless the master flare for the group reflects the same prize payout as the master flare associated with the previous group. The master flare of the new group for which the sale of tickets is continuing and the master flare of the finished group from which tickets were sold for the same spin must be posted until the end of the spin, after which the old master flare must be removed. The paddlewheel operator must initial each paddleticket card stub. Both this initialing and the recording of spin numbers on card stubs must be done with a nonerasable marker.

J. When the organization's paddlewheel operator has determined that no other player desires to purchase a paddleticket for the immediate next spin of the paddlewheel, that there is no partially sold paddleticket card, and that the players have bet all their tickets, the operator shall announce "bets closed." Thereafter, no player may bet a paddleticket, change a bet of a previously placed ticket, touch any ticket, or place the player's hands on top of the paddlewheel table.

K. After the winning colored number or set of colored numbers is determined, the organization's paddlewheel operator shall record with a nonerasable marker the winning colored number and set of colored numbers on the face of the paddleticket card stub with the lowest serial number, or on the back of the paddleticket card stub with the highest serial number, of the cards related to that spin of the paddlewheel. The paddlewheel operator shall then remove all losing paddletickets from the slots on the paddlewheel table and visibly tear in half and discard the tickets in a container that is not easily accessible by a player. The operator shall next pay off the winning tickets slot by slot. To pay off the winning tickets, the operator shall:

(1) circle or record the winning colored number or set of colored numbers on the face or on the back of the winning ticket with a nonerasable marker;

(2) pay off the winning ticket directly to the player who has the card containing the unique identification number written on the back of the ticket; and

(3) record on the face or on the back of the winning ticket the prize amount with a nonerasable marker.

L. An organization must post clear and legible house rules on the play of paddlewheels in a conspicuous place on the permitted premises for the paddlewheel being played. The rules must include the following information:

(1) The cash denominations at which paddlewheel chips issued by the organization are sold and redeemed.

(2) A player must first purchase paddlewheel chips from the paddlewheel operator.

(3) Chips must be safeguarded. A chip dropped into a table betting slot must be retrieved by authorized personnel.

(4) Purchase, with chips, only as many paddletickets as the player desires to bet on the immediate next spin of the paddlewheel.

(5) A player is assigned a unique identification number that the player must write on the back of purchased paddletickets.

(6) Place a bet by carefully inserting a paddleticket in a selected betting slot on the paddlewheel table. Jammed tickets are void.

(7) No player may touch a paddleticket after the paddlewheel operator announces "bets closed" and until the operator announces "place bets."

(8) A paddlewheel must make at least four revolutions.

(9) If the pointer stops directly on top of a peg or pin, the number preceding the peg or pin is the winning number.

(10) A winning "odd" or "even" bet is determined by a winning number of only the designated colored circle. However, a player loses all "odd" and "even" bets if the pointer stops on a specially designated "house number," this rule must be posted only if an "odd" or "even" bet is accepted.

(11) A prize payout is made in chips which may be redeemed through the cashier.

(12) A player must be present to win.

Subp. 12. Operating procedures and internal controls. The following operating procedures and internal controls apply to the conduct of paddlewheels with a paddlewheel table:

A. An organization must keep records adequate to account for the cash won or lost for each sealed grouping of 100 paddleticket cards and records adequate to account for the paddletickets, paddleticket cards, paddlewheel chips, gross receipts, actual net receipts, actual cash profit, and cash long or short for each accounting period. For purposes of this subpart, an "accounting period" is a continuous time period during which a paddlewheel table is open for play.

B. For each accounting period for a paddlewheel table, an organization must maintain a record form with the following information:

(1) the premises permit number for the premises at which the table is located;

(2) the state registration stamp numbers for the table, the paddlewheel, and the paddleticket cards used;

(3) the date and time of the accounting period;

(4) the starting and ending cash bank amount;

(5) the starting and ending paddlewheel chip inventories by denomination and total dollar value; and

(6) the denomination and total dollar value of paddlewheel chips taken to the table from inventory, taken from the table to inventory, and redeemed for cash.

C. An organization is responsible for the safeguarding and secure storage of paddleticket cards and paddlewheel chips.

D. Paddlewheel chips shall be redeemed only through an organization's paddlewheel chip and cash bank cashier. The cash bank used by the organization to redeem its paddlewheel chips must be kept completely separate and apart from all other cash of the organization. Paddlewheel chips shall be redeemed for cash at the value for which they were sold, except when the chips were obtained or being used unlawfully. Redeemed chips must be kept completely separate and apart from the chip bank until after the organization completes the records for the accounting period during which the chips were redeemed.

E. An organization's paddlewheel operator shall redeem the actual paddlewheel chips received as tips through the organization's paddlewheel chip and cash bank cashier and shall not exchange those chips for other chips from any chip tray. This item does not preclude the pooling of tips.

F. The organization's paddlewheel chip and cash bank cashier must prepare a fill slip whenever paddlewheel chips are distributed to a paddlewheel table from the chip bank. An organization may not transfer or make change of chips directly from one table to another table. The fill slip must be at least a two-part carbonless form. On the original and duplicate fill slip, at least the following information must be recorded:

(1) the date and time;

(2) the denomination of chips;

(3) the quantity and total dollar value, by denomination, of chips;

(4) the total dollar value of chips; and

(5) the table identification number if required by subpart 2, item A.

The original copy of the fill slip must be retained by the cashier. The duplicate copy of the fill slip must be deposited in the paddlewheel table drop box by the paddlewheel operator.

G. The organization's paddlewheel operator must prepare a credit slip whenever paddlewheel chips are returned from the paddlewheel table to the chip bank. The credit slip must be at least a two-part carbonless form. The same information must be recorded on the original and duplicate credit slip as on a fill slip under item F. The original copy of the credit slip must be deposited in the paddlewheel table drop box by the paddlewheel operator. The duplicate copy of the credit slip must be retained by the cashier.

H. After play has commenced, a money plunger must remain in the paddlewheel table drop box slot while the drop box is attached to the table except when coin, currency, or forms are inserted into the drop box. All cash taken in on paddlewheel chips must be placed immediately into the drop box. No person may access the contents of the drop box prior to the drop box cash count under item I.

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Proposed Rules

I. During an accounting period, the key to at least one lock securing the contents of the paddlewheel drop box must be maintained and controlled by a person who is not acting as a paddlewheel operator or paddlewheel chip and cash bank cashier during that period. At the close of an accounting period, the drop box shall be opened and counted by two persons, at least one of whom did not act as a paddlewheel operator or paddlewheel chip and cash bank cashier during that period.

Subp. 13. Bet and prize payoff restrictions. The following bet and prize payoff restrictions apply to the conduct of paddlewheels with a paddlewheel table:

A. No person may place a bet that exceeds one or more of the following limits:

- (1) \$50 in aggregate for a spin of the paddlewheel;
- (2) \$10 on a single colored number;
- (3) \$25 for a line bet; and
- (4) \$25 on either "odd" or "even."

A bet is void to the extent it exceeds one or more of these limits. The paddletickets used to make the excess portion of the bet must be treated as losing tickets.

B. The prize payoff to a player is the value of paddlewheel chips to be paid out for a winning paddleticket per dollar spent on the ticket. An organization must post near the paddlewheel table a clear and legible sign stating the prize payoff and the bet restrictions for the paddlewheel game being conducted. The sign must be at least 18 inches by 24 inches in size.

C. The prize payoff must be a predetermined variable multiple of the amount wagered and must be in the form of paddlewheel chips. The prize payoff may not exceed the following ratios:

- (1) 40 to 1 for a bet on a single colored number in the outer concentric circle of the paddlewheel;
- (2) 20 to 1 for a bet on a single colored number in the middle concentric circle of the paddlewheel;
- (3) 10 to 1 for a bet on a single colored number in the inner concentric circle of the paddlewheel;
- (4) 5 to 1 for a line bet; or
- (5) 2 to 1 for an "odd" or "even" bet.

Subp. 14. Restrictions. The following restrictions apply to the conduct of paddlewheels with a paddlewheel table:

A. No more than two paddlewheel tables may be located at a lawful gambling site. If there are two paddlewheel tables at a site, each table and its paddlewheel drop boxes must bear a paddlewheel table identification number that distinguishes them from the other table and its drop boxes.

B. All tips must be made only with paddlewheel chips.

C. An organization shall not redeem, exchange, or allow to be used as a paddlewheel wager or a tip any paddlewheel chip that does not bear the organization's license number.

Subp. 15. Retention of records.

A. The records required to be kept by an organization pursuant to this part must be retained by the organization for at least 3-1/2 years.

B. An organization must retain for at least 3-1/2 years all paddleticket card stubs and the accompanying master flares, all unsold paddletickets, and all winning paddletickets which have been redeemed.

Subp. 16. Reports. The use of paddletickets must be reported in the same manner as for pull-tabs under part 7861.0080, subpart 6. An organization must complete a detailed monthly report in a standard format approved by the commissioner of revenue for each sealed grouping of paddleticket cards from which paddletickets were sold that month. The reports must provide sufficient detail to determine the actual net receipts, actual cash profit, and the cash long and short for each sealed grouping of paddleticket cards.

7863.0020 DISTRIBUTOR OPERATIONS, ACCOUNTS, AND REPORTS.

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

Subp. 3. Registration of gambling equipment. The following items apply to the registration of gambling equipment:

[For text of items A and B, see M.R.]

C. For gambling equipment received by a distributor from a manufacturer on or after August 1, 1990, a distributor shall place a state registration stamp on each master flare for a group of up to 100 paddleticket cards, on the front of each paddlewheel, on the front of each paddlewheel table, and on each device for selecting bingo numbers. This requirement does not apply to sales by distributors to out-of-state customers for use out of state.

[For text of items D to G, see M.R.]

[For text of subp 4, see M.R.]

REPEALER. Minnesota Rules, part 7861.0100, subparts 1, 4, and 5, are repealed.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Purchase and Rehabilitation or Refinance and Rehabilitation Mortgage Loans

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends to adopt the above 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* 462A.06, subd. 4 and 11.

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 ending December 9, 1992. 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 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*, sections 14.131 to 14.20.

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

Susan K. Noren, Legal Division
Minnesota Housing Finance Agency
400 Sibley St., Suite 300
St. Paul, MN 55101-1998
Telephone: 612/296-9794

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 Susan K. Noren 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 who wish to receive a copy of the adopted rule must submit the written request to Susan K. Noren.

Dated: 6 November 1992

James J. Solem
Commissioner

Rules as Proposed

4900.2005 PURCHASE AND REHABILITATION OR REFINANCE AND REHABILITATION MORTGAGE LOANS.

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

Subp. 2. **Minimum rehabilitation.** Each property financed with a purchase and rehabilitation mortgage loan must require and receive rehabilitation in a dollar amount greater than or equal to ~~15 percent of the purchase price of the property.~~ Each property

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Proposed Rules

financed with a refinance and rehabilitation mortgage loan must require and receive rehabilitation in a dollar amount greater than or equal to 15 percent of the value of the property prior to rehabilitation the amounts in items A and B.

A. For properties located within Anoka, Benton, Carver, Chisago, Clay, Dakota, Hennepin, Isanti, Olmsted, Ramsey, Scott, Sherburne, Stearns, Washington, and Wright counties, the minimum rehabilitation requirement is \$5,000.

B. For properties located within all other counties, the minimum rehabilitation requirement is the lesser of \$5,000 or 15 percent of the value of the property prior to rehabilitation.

[For text of subp 3, see M.R.]

Subp. 4. [See repealer.]

Subp. 5. **Borrower eligibility.** Each borrower shall meet the following requirements:

A. Each borrower shall be a person or family, including nonrelated individual adults, whose adjusted income does not exceed ~~100~~ 115 percent of the greater of state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development; provided, however, that the maximum adjusted income for targeted neighborhoods may not exceed ~~115~~ 150 percent of the greater of state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development. Targeted neighborhoods are specific geographic areas specified by local governments or housing and redevelopment authorities as neighborhoods to receive special emphasis in terms of rehabilitation or preservation of the housing stock.

[For text of items B and C, see M.R.]

[For text of subp 6, see M.R.]

REPEALER. Minnesota Rules, part 4900.2005, subpart 4, is repealed.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to American Indian Housing

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends to adopt the above 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* 462A.06, subd. 4 and 11.

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 ending December 9, 1992. 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 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*, sections 14.131 to 14.20.

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

Susan K. Noren, Legal Division
Minnesota Housing Finance Agency
400 Sibley St., Suite 300
St. Paul, MN 55101-1998
Telephone: 612/296-9794

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 Susan K. Noren 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 who wish to receive a copy of the adopted rule must submit the written request to Susan K. Noren.

Dated: 6 November 1992

James J. Solem
Commissioner

Rules as Proposed

4900.0900 SCOPE.

Parts 4900.0900 to 4900.1080, together with the loan agreement and amendments thereto, hereinafter called the "agreement";

A. govern the housing programs for American Indians of low and moderate income as authorized by ~~Laws of Minnesota 1976, chapter 254 Minnesota Statutes, section 462A.07, subdivision 14~~, hereinafter referred to as the "act," ~~and the disposition of the appropriation made pursuant to section 16 of said act, which;~~

B. ~~authorize a housing programs are to be developed and administered separately or in combination by program for Indian families living both on and off reservations within the state of Minnesota Chippewa Tribe, which for purposes of parts 4900.0900 to 4900.1080 shall include any corporation established by;~~ and

C. ~~direct the Minnesota Housing Finance Agency to create such a program to be administered by;~~

(1) the Minnesota Chippewa Tribe, to carry out the housing program provided for herein and by the act, hereinafter collectively the "tribe";

(2) the Red Lake Band of Chippewa Indians, which for purposes of parts 4900.0900 to 4900.1080 shall include any corporation established by the Red Lake Band of Chippewa Indians to carry out the housing program provided for herein and by the act, hereinafter collectively the "band"; and

(3) the Sioux Communities, which for purposes of parts 4900.0900 to 4900.1080 shall include any corporation established by the Sioux communities to carry out the housing program provided for herein and by the act, hereinafter collectively the "communities."

4900.0920 QUALIFICATIONS FOR HOUSING.

Except as otherwise provided herein and by part 4900.0340, each recipient of a loan pursuant to the act, plan, and parts 4900.0900 to 4900.1080 and each person or family initially occupying a dwelling unit financed pursuant thereto shall be an American Indian as defined by ~~Minnesota Statutes, section 254A.02, subdivision 11~~ United States Code, title 25, section 450b, or an American Indian family as hereinafter defined, and of low and moderate income as defined by part 4900.0010, subpart 23, item A, subitem (1). However, developers of multifamily housing developments need not be American Indians or of low and moderate income, and further provided that the tribe, band, and communities may qualify as eligible borrowers, if the funds advanced are used to construct eligible housing for resale or rental to eligible recipients and the funds advanced are returned to the revolving loan fund under the jurisdiction of the tribe, band, or communities when permanent financing is obtained. An American Indian family for purposes of parts 4900.0900 to 4900.1080 is a family which at the time the loan is granted has at least one ~~resident mortgagor~~ adult who is an American Indian as defined by ~~Minnesota Statutes, section 254A.02, subdivision 11~~ United States Code, title 25, section 450b.

4900.1030 FINAL DECISION ON LOANS.

Each final decision on applications for loans to eligible borrowers made by the tribe, band, or communities from the moneys appropriated by ~~section 16 of the act~~, or from the revolving loan fund under the jurisdiction of the tribe, band, or communities, shall be made by a representative body of the tribe, band, or communities.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Urban Indian Housing Loan Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends to adopt the above rule without a public

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Proposed Rules

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* 462A.06, subd. 4 and 11.

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 ending December 9, 1992. 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 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*, sections 14.131 to 14.20.

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

Susan K. Noren, Legal Division
Minnesota Housing Finance Agency
400 Sibley St., Suite 300
St. Paul, MN 55101-1998
Telephone: 612/296-9794

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 Susan K. Noren 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 who wish to receive a copy of the adopted rule must submit the written request to Susan K. Noren.

Dated: 6 November 1992

James J. Solem
Commissioner

Rules as Proposed

4900.1540 RECIPIENTS OF LOANS.

Each program must provide for loans for the construction, purchase, or rehabilitation of residential housing. Except as otherwise provided herein and by part 4900.0340, each person or family initially occupying a dwelling unit financed pursuant to the act, program, and parts 4900.1500 to 4900.1586 shall be an American Indian as defined by ~~*Minnesota Statutes*, section 254A.02, subdivision 11,~~ ~~or 462A.07~~ *United States Code*, title 25, section 450b, or an American Indian family as defined by part 4900.0920, and of low and moderate income, as defined by part 4900.1574. Developers of multifamily housing developments need not be American Indians of low and moderate income. In obtaining assistance under this program, Indian persons and families shall not be discriminated against on the basis of tribal affiliation or tribal enrollment.

Department of Natural Resources

Proposed Permanent Rules Relating to Quarantine Facilities for Fertilized Fish Eggs

Dual Notice—Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing and Notice of Hearing if 25 or More Requests for Hearing are Received

Introduction. You are hereby notified that the Department of Natural Resources, Division of Fish and Wildlife, Section of Fisheries intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons request a hearing on these rules by December 11, 1992, a public hearing will be held on January 28, 1993. To find out whether these rules will be adopted without a public hearing or if the hearing will be held, you should contact Steven Hirsch at (612) 296-3325 between the end of the 30 day comment period and the scheduled hearing date.

Subject of Rule and Statutory Authority. The proposed rules relate to quarantine facilities for fertilized fish eggs. This chapter is adopted under authority granted in *Minnesota Statutes*, section 17.496. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on December 11, 1992 to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Modifications. The proposed rule may be modified if the modifications are supported by data and views submitted to the agency or as a result of the rule hearing process if they do not result in a substantial change in the proposed rule as noticed. If you are potentially affected in any manner by the substance of the proposed rules, you are encouraged to participate in the rulemaking process.

Request for a Hearing. In addition to submitting comments, you may also request a hearing be held on these rules. Your request for a public hearing must be in writing and must be received by the agency by 4:30 p.m. on December 11, 1992. Your request for a public hearing must include your name, address and phone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Cancellation of Hearing. The hearing scheduled for January 28, 1993 will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on these rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Steven Hirsch at (612) 296-3325 after December 11, 1992 to find out whether the hearing will be held.

Address for Submissions. Comments or written requests for a public hearing should be submitted to:

Steven Hirsch
Fisheries Program Supervisor
Section of Fisheries
Box 12
500 Lafayette Road
St. Paul, MN 55155-4012.
Telephone—(612) 296-3325
Fax—(612) 297-4916

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on these rules, a hearing will be held pursuant to *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on January 28, 1993 at the Super 8 Motor Hotel, 2401 Prior Avenue, Roseville, Minnesota, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Judge Allan W. Klein. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, (612) 341-7609.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, should a hearing be held, is now available from the agency and the Office of Administrative Hearings. To review or obtain a copy of the Statement from the agency, contact Steven Hirsch at the address listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

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

Proposed Rules

Small Business Considerations. There are few existing private hatcheries or aquatic farms in Minnesota that could be designated as a quarantine facility under the siting and construction criteria as set forth in these rules. If an existing facility were located at an acceptable site, estimates for converting it to an approved quarantine facility would range from \$100,000 to \$1 million (depending upon the complexity of the facility). Estimates for new construction of a quarantine facility at an acceptable site would range from \$600,000 to \$4 million.

It may not be cost effective for private aquatic farms or fish hatcheries to contract space at a quarantine facility in order to import fish eggs. Estimates to annually operate a quarantine facility could range from \$40,000 for a small facility to \$400,000 for a large, complex facility. More likely clients would be universities and resource agencies.

Small businesses cannot be granted leniency or exemption to fish egg importation criteria, construction requirements, operating standards, reporting requirements, and inspection requirements detailed in the proposed rule. Any relaxation of standards would increase the risk of introduction and spread of diseases to other private hatcheries and aquatic farms, state hatcheries, and Minnesota's wild fish stocks. If a serious disease were introduced, depopulation of fish stocks in affected facilities and public waters would be mandated at great public and private expense. Negative economic impacts would likely extend to businesses associated with the state's fishing and tourist industries.

Private fish hatcheries and aquatic fish farms are allowed to develop containment facilities as provided by *Minnesota Statutes*, sections 17.4982 and 17.4986 which were recently adopted. Containment facilities have less stringent restrictions for importation of fish eggs than standard facilities. This provides the aquaculture industry more options to import fish eggs than existed in the past. The aquaculture industry may also purchase surplus game fish eggs from state hatcheries under the criteria of *Minnesota Statutes*, section 17.4992 as an additional option.

Expenditure of Public Money by Local Public Bodies. The rule governing facilities will not require the expenditure of public money by local public bodies, thus no fiscal note is required.

Other Notices. The rule governing facilities will not affect agricultural land.

Lobbyist Registration. *Minnesota Statutes*, Chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota, 55155, (612) 296-5148.

Adoption Procedure if No Hearing. If no hearing is required, upon adoption of the rule, the rule and supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. You may request to be notified of the date of the rule submission to the Attorney General or of the Attorney General's decision on the rule. If you wish to be so notified, you must submit the written request to Steven Hirsch at the address listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a Report on the proposed rule. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may request notification of the date on which the rules were adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the Secretary of State.

Dated: 26 October 1992

Luci Botzek
Assistant Commissioner

Rules as Proposed (all new material)

6287.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the terms in this part have the meanings given them unless otherwise provided.

Subp. 2. **Applicant.** "Applicant" means an individual, association, partnership, cooperative, public or private corporation or educational institution, or public agency that applies to import fertilized fish eggs into a quarantine facility.

Subp. 3. **Certifiable disease.** "Certifiable disease" means channel catfish virus, bacterial kidney disease, bacterial furunculosis, enteric redmouth disease, enteric septicemia of catfish, infectious hematopoietic necrosis virus, infectious pancreatic necrosis virus, whirling disease, proliferative kidney disease, viral hemorrhagic septicemia virus, epizootic epitheliotropic virus, ceratomyxosis, and any emergency disease.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subp. 5. **Effluent.** "Effluent" means any water discharged from a quarantine facility including fish rearing water, backflush or coolant water, floor drainage, and any potable drainage that does not flow into a sanitary sewer or approved septic system.

Subp. 6. **Emergency disease.** "Emergency disease" means designated fish diseases not already present in this state that could impact populations of aquatic life if inadvertently released by infected aquatic life, including channel catfish virus, viral hemorrhagic septicemia virus, infectious hematopoietic necrosis virus, infectious pancreatic necrosis virus, whirling disease, ceratomyxosis, proliferative kidney disease, and epizootic epitheliotropic virus disease or any other disease published by the commissioner in the *State Register* on an emergency basis and effective for not more than 240 days.

Subp. 7. **Enzootic area.** "Enzootic area" means an area with well-defined geographic boundaries where a specific fish disease occurs.

Subp. 8. **Fish health inspector.** "Fish health inspector" means an individual certified as a fish health inspector by the American Fisheries Society or a state, federal, or provincial resource management agency, except that a certification may not be made by an inspector who has a conflict of interest in connection with the outcome of the certification.

Subp. 9. **Heat stress test.** "Heat stress test" means a test that is conducted for 14 to 21 days at a water temperature between 64 and 68 degrees Fahrenheit. For catfish, the test is conducted for 14 to 21 days at a water temperature above 80 degrees Fahrenheit. All fish are fed or injected with an immunosuppressant at the beginning of the test. At the conclusion of the test, all fish are sampled as provided by *Minnesota Statutes*, section 17.4981, subdivision 12. The number of fish sampled must be adequate to statistically determine a two percent level of disease prevalence at a 95 percent confidence level.

Subp. 10. **Lot.** "Lot" means a group of fish of the same species and age that originated from the same discrete spawning population and that always have shared a common water supply. Various age groups of adult brood stock may comprise the same lot provided they otherwise meet the conditions of this subpart and have shared the same containers for one brood cycle.

Subp. 11. **Quarantine facility.** "Quarantine facility" means a culture system that is enclosed in a building and is separated from other fish culture facilities where fish can be isolated and maintained while preventing their introduction and pathogen introduction into the environment.

Subp. 12. **Quarantine unit.** "Quarantine unit" means an enclosed rearing area within a quarantine facility that allows for complete isolation from other quarantine units of fish hatching and rearing tanks, fish culture supplies and equipment, feed, clothing, water supply lines, and drainage lines.

Subp. 13. **Sentinel fish.** "Sentinel fish" means a lot of at least 150 fish obtained from a facility with no history of disease that are known to be sensitive to a particular disease agent.

6287.0200 AUTHORITY, SCOPE, PURPOSE.

Subpart 1. **Authority.** This chapter is adopted under authority granted in *Minnesota Statutes*, section 17.496.

Subp. 2. **Scope.** This chapter applies to all facilities constructed for the quarantine of fertilized fish eggs.

Subp. 3. **Purpose.** The purpose of parts 6287.0100 to 6287.0900 is to prescribe design criteria, operational procedures, and release protocols to minimize risk of introducing emergency fish diseases to the naturalized fishery resources of Minnesota while providing an opportunity for the importation of fertilized fish eggs from emergency disease-restricted areas and areas with unknown fish health history.

6287.0300 QUARANTINE REQUIREMENTS.

Egg importation criteria.

A. Egg importation criteria from emergency disease and other areas are provided by *Minnesota Statutes*, section 17.4986, subdivisions 2 and 3.

B. No importation of fertilized eggs will be allowed if sources can be found within Minnesota.

C. Only fertilized eggs may be imported into a quarantine facility.

D. Fertilized eggs from nonemergency disease areas with a history free of certifiable disease for less than one year must be imported into a quarantine facility.

6287.0400 CONSTRUCTION REQUIREMENTS OF QUARANTINE FACILITY.

Subpart 1. **Siting.** A quarantine facility must be outside of the 100-year floodplain and be physically separated from other fish raising facilities in the same watershed by not less than five miles. Siting is prohibited if effluent from the facility will be discharged into designated trout waters or other waters containing or managed for salmonids.

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Proposed Rules

Subp. 2. **Water supply.** The water supply must be from a spring or well groundwater source, free of fish and fish pathogens, and covered. Water supply systems must be constructed to prevent transmission of pathogens among quarantine units.

Subp. 3. **Egg receiving area.** Each facility must have an egg receiving area isolated from quarantine units with respect to equipment, supplies, and clothing.

Subp. 4. **Quarantine facility size.** Each facility must be designed to consist of no more than six quarantine units and an egg receiving area.

Subp. 5. **Quarantine units.** Quarantine units must be isolated with respect to fish tanks, equipment, supplies, feed, water supply lines, drainage lines, and laboratory clothing. The capacity of each unit must not exceed 100,000 eggs.

Subp. 6. **On-site laboratory space.** There must be a minimum of 16 square feet in eight linear feet of counter space within each quarantine unit for pathological examination of fish. Each work area must include a sink, running water, adequate lighting, and electrical outlets.

Subp. 7. **Disinfection stations.** Each quarantine unit and egg receiving area must have separate disinfection stations. This station must include disinfectant supplies, hand washes, foot baths, preferably sunken, an emergency shower, and a locker room where clothes can be changed, stored, and disinfected.

Subp. 8. **Effluent treatment works.** Effluent water from all quarantine units must enter a common collector. The collector must incorporate a primary disinfectant-sterilization system and an automatic backup system to disinfect all pathogens. All pipes into and out of the collector must be designed to prevent backflow.

Subp. 9. **Backup systems.** Every quarantine facility must have installed backups for all vital systems. A backup generator sized to handle all necessary electrical equipment must be installed to automatically activate during power failures. Each quarantine unit must be monitored with a flow alarm.

Subp. 10. **Contingency plan.** A contingency plan must be submitted to and approved by the commissioner prior to the operation of a quarantine facility. The plan must contain maps of the watershed on which the facility is located, locations where sentinel fish will be confined, identification of sufficient personnel to execute the plan, source of chlorine supply for disinfectant procedures, identification of sources of electrofishing equipment needed to monitor movement of escaped fish or to sample resident fish, length and flow rates of feeder streams and main branches, and identification of financial resources to mitigate damage that may occur from the accidental release of fish or fish pathogens.

Subp. 11. **Security.** Minimum security measures must include locking devices at all building entrances and facility gates and fencing around unenclosed components of the facility.

6287.0500 QUARANTINE FACILITY LICENSING.

Subpart 1. **Application for licensing.** No person may operate a quarantine facility without a license from the commissioner. Application for a quarantine facility license must be made on forms supplied by the commissioner. Time lines for license review and approval are provided by *Minnesota Statutes*, section 17.4991, subdivision 1, paragraph (b).

Subp. 2. **Quarantine facility licensing.** No facility may be licensed as a quarantine facility unless the commissioner determines that standards specified in parts 6287.0400 to 6287.0600 are met.

Subp. 3. **Personnel qualifications.** A quarantine facility must have at least one person with two years of fish culture experience and fish health training from an accredited academic or United States Fish and Wildlife Service program.

6287.0600 OPERATION OF QUARANTINE FACILITY.

Subpart 1. **Transportation permit required.** No person may import fertilized fish eggs into a quarantine facility without first obtaining a transportation permit from the commissioner.

Subp. 2. **Egg receiving.** All egg deliveries must have a certified health inspection statement for parental stock from which the eggs were taken. Fish eggs may only be received in the receiving area. A complete disinfection, as described in subpart 5, of the egg receiving area is required before and after each egg delivery. All eggs must be disinfected before transfer into quarantine units. All packing materials, excess fluids, and other materials related to the shipping of eggs must be incinerated or chlorinated to avoid potential spread of pathogen.

Subp. 3. **Transfer into quarantine.** Eggs from the same lot may be transferred into more than one quarantine unit provided units remain isolated.

Subp. 4. **Quarantine period.** All fish hatched from quarantined eggs must remain quarantined for a minimum of 12 months to a maximum of 16 months from first feeding.

Subp. 5. **Facility disinfection.** The following procedure will be considered a complete disinfection when using chlorine.

A. All objects to be disinfected must be cleaned before application of chlorine.

B. A chlorine solution must be maintained on all surfaces at not less than 200 parts per million for the first hour and at not less than 100 parts per million for an additional four hours.

C. All raceways, troughs, drain pipes and lines, and loose equipment, such as buckets, nets, and screens, must be disinfected.

D. All interior surfaces of the quarantine unit must be sprayed with a solution of 1,600 parts per million chlorine. Sufficient quantity must be applied so that crevices will be penetrated to destroy infectious organisms.

E. All disinfected objects must be thoroughly rinsed with clean water and neutralized with a solution of three parts sodium thiosulfate to one part chlorine upon completion of the disinfection.

F. Other disinfection methods and procedures must be approved by the commissioner.

Subp. 6. **Effluent disinfection.** Effluent treatment methods must be approved by the commissioner and must comply with chapter 7050. If chlorine disinfectant is used, a measurable residual level of 1.0 parts per million active chlorine must be maintained for one hour of retention time. The design must include a backup system that ensures noninterrupted treatment of effluent. Concentration of the disinfectant must be monitored by a recording-sensing device that is functional at all times.

Subp. 7. **Inspection and disposal of diseased fish.** Daily mortalities will be inspected at the discretion of the commissioner. Mortalities not required for inspection must remain in the quarantine unit and be placed in disinfectant for 24 hours if storage is necessary, then removed and properly disposed.

If a certifiable disease is detected, a confirmational test must be done. Upon confirmation of a certifiable disease, the commissioner may order that fish be destroyed, sold for human consumption, or otherwise disposed.

Each quarantine facility must dispose of fish mortalities and any other materials potentially contaminated with fish pathogens by use of a gas- or oil-fired incinerator or by other disposal methods approved by the commissioner.

Subp. 8. **Disinfection required.** A complete disinfection of the quarantine unit, as described in subpart 5, is required after fish are released from quarantine or after the discovery of a certifiable disease.

If a certifiable disease is detected, sentinel fish must be used to verify the effectiveness of disinfections and held for at least 120 days following disinfection. All mortalities of sentinel fish must be monitored. Surviving sentinel fish will be subjected to a heat stress test.

Subp. 9. **Personnel movement.** Access to quarantine facilities must be limited to designated personnel only. Personnel entering or exiting an egg receiving area or quarantine unit must use a disinfection station. Personnel must disinfect themselves using foot baths, hand washes, and wear protective clothing prior to entering a quarantine unit or an egg receiving area. Upon exiting these sites, the above disinfection procedure must be used. Used outer clothing must be disposed of or laundered with disinfectants.

6287.0700 RECORD KEEPING AND REPORTING.

A daily log must be kept on mortality, transfers, feeding, approved chemical use, treatments, assessments, water quality, inspections, disinfectant levels in effluent, and personnel movement. Any signs of disease must be reported to the commissioner within 24 hours. Chemical use requires prior confirmation of a diagnosed fish health problem by the commissioner. Mortality reports for each quarantine unit must be submitted to the commissioner every week. Approved chemical usage and effluent disinfectant operation must be reported and submitted to the commissioner monthly.

6287.0800 INSPECTION.

Subpart 1. **Inspection requirements.** Fish in quarantine must be monitored and inspected for certifiable disease agents at monthly intervals by a fish health inspector who does not have a conflict of interest in the outcome of the inspection.

Subp. 2. **Fees.** Fees for fish health inspections conducted by the commissioner are provided by *Minnesota Statutes*, section 17.4988, subdivision 3.

6287.0900 RELEASE FROM QUARANTINE.

Subpart 1. **Final testing.** A final inspection will occur after fish have been in quarantine and have been feeding for 12 to 16 months. This inspection must include the use of a heat stress test on all sampled fish. Results of the test must be reviewed and approved by the commissioner.

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Proposed Rules

Subp. 2. **Quarantine report.** A completed quarantine report on forms provided by the commissioner must accompany each lot of fish to be released from quarantine.

Subp. 3. **Inspection requirements.** Fish released from a quarantine facility must remain available for fish health inspections unless processed for human consumption.

Department of Public Safety

Proposed Permanent Rules Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if Twenty-five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The Department's statutory authority to adopt the proposed rule is *Minnesota Statutes*, section 299A.01, subdivision 6, section 14.06, section 168.12, subdivision 2, 2a, 2b, 2c, and 2d, section 168.123, subdivision 6, and section 168.125, subdivision 3.

All persons have 30 days, until 4:30 p.m., December 9, 1992, 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. Any requests or comments must be received by the Department of Public Safety no later than 4:30 p.m., December 9, 1992. 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 must include 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*, sections 14.131 to 14.20.

PLEASE NOTE: That if twenty-five or more persons submit written requests for a public hearing within the 30-day comment period, a hearing will be held on December 21, 1992, unless a sufficient number withdraw their request in writing. The hearing will be in accordance with the notice of public hearing on these same rules published in this State Register and mailed to persons registered with the Department of Public Safety. To verify whether a hearing will be held, please call the Department of Public Safety, Driver and Vehicle Services Division, on or after December 10, 1992, between the hours of 8:00 a.m. and 4:30 p.m. at (612) 296-2608.

Comments or written requests for a public hearing must be submitted to: Laura Nehl-Trueman, Department of Public Safety, Driver and Vehicle Services Division, 208 Transportation Building, 395 John Ireland Boulevard, St. Paul, MN 55155, (612) 296-2608.

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 free copy of this rule is available upon request from Laura Nehl-Trueman at the address and telephone number listed above.

Amendments have been made to *Minnesota Rules*, chapter 7403, to update and expand procedures regarding the issuance and transfer of license plates. Chapter 7403 previously only contained procedures regarding personalized license plates. The amendments in the chapter expand the procedures for issuance and transfer of license plates to other types of license plates issued by the department. Chapter 7403 also contains a new part which sets forth the fees for license plates, validation stickers and International Fuel Tax Agreement decals which are authorized by *Minnesota Laws 1992*, chapter 581, sections 7, 11 and 20.

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 Laura Nehl-Trueman at the address and telephone number listed above.

In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rule on small businesses. The adoption of the rule will directly affect small businesses who must implement the license plate fee schedule. Deputy registrars, who will implement the fee schedule, were given special consideration when the license plate and validation sticker fee schedules were developed. The Department's evaluation of the small business requirements is further addressed in the Statement of Need and Reasonableness. The remaining rules do not directly affect small businesses. The rules will apply equally to those individuals or businesses that are required to register motor vehicles under the laws of chapter 168.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of the rule will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rule.

Adoption of the rule will not have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11, subdivision 2.

In accordance with *Minnesota Statutes*, section 16A.128, subdivision 1a, pertaining to fees, the Department has received approval from the Commissioner of Finance for the fees set by these rules. A copy of the approval is attached to the Statement of Need and Reasonableness.

In accordance with *Minnesota Statutes*, section 16A.128, subdivision 2a, the Department has sent a copy of the Notice of Intent to Adopt Rules and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting the notice to the *State Register*.

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 who wish to receive a copy of the adopted rule, must submit the written request to Laura Nehl-Trueman at the address and telephone number listed above.

Dated: 26 October 1992

Thomas H. Frost, Commissioner
Department of Public Safety

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-five Persons Request a Hearing in Response to Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room D, 5th floor, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota 55155, on December 21, 1992, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER: that the hearing will be cancelled if fewer than twenty-five persons request a hearing in response to the notice of intent to adopt these same rules without a public hearing published in this *State Register* and mailed to persons registered with the Department of Public Safety. To verify whether a hearing will be held, please call the Department of Public Safety, Driver and Vehicle Services Division, on or after December 10, 1992, between the hours of 8:00 a.m. and 4:30 p.m. at (612) 296-2608.

Following the Department's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Howard L. Kaibel, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7600, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings.

Following the close of the comment period, the agency and all interested persons have five business days to respond in writing to any new information submitted during the comment period. During the five-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the five-day period. Any written material or responses must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the final day. The written responses shall be added to the rulemaking record. Upon the close of the record, the Administrative Law Judge will write a report as provided in *Minnesota Statutes*, sections 14.15 to 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

A free copy of this rule is available upon request from Laura Nehl-Trueman, Department of Public Safety, Driver and Vehicle Services, 208 Transportation Building, St. Paul, MN 55155, (612) 296-2608.

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

Proposed Rules

Additional copies of the rule will be available at the hearing. If you have any questions on the content of the rule contact Laura Nehl-Trueman at the address or telephone number listed above.

Amendments have been made to *Minnesota Rules*, chapter 7403, to update and expand procedures regarding the issuance and transfer of license plates. Chapter 7403 previously only contained procedures regarding personalized license plates. The amendments in the chapter expand the procedures for issuance and transfer of license plates to other types of license plates issued by the department. Chapter 7403 also contains a new part which sets forth the fees for license plates, validation stickers and International Fuel Tax Agreement decals which are authorized by *Minnesota Laws 1992*, chapter 581, sections 7, 11 and 20.

The Department's statutory authority to adopt the proposed rule is *Minnesota Statutes*, section 299A.01, subdivision 6, section 14.06, section 168.12, subdivision 2, 2a, 2b, 2c, and 2d, section 168.123, subdivision 6, and section 168.125, subdivision 3.

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the Department and at the Office of Administrative Hearings. This Statement of Need And Reasonableness includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the Statement of Need And Reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rule on small businesses. The adoption of the rule will directly affect small businesses who must implement the license plate fee schedule. Deputy registrars, who will implement the fee schedule, were given special consideration when the license plate and validation sticker fee schedules were developed. The Department's evaluation of the small business requirements is further addressed in the Statement of Need and Reasonableness. The remaining rules do not directly affect small businesses. The rules will apply equally to those individuals or businesses that are required to register motor vehicles under the laws of chapter 168.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of the rule will not result in additional spending by local bodies in excess of \$100,000 per year for the first two years following adoption of the rule.

Adoption of the rule will not have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11, subdivision 2.

In accordance with *Minnesota Statutes*, section 16A.128, subdivision 1a, pertaining to fees, the Department has received approval from the Commissioner of Finance for the fees set by these rules. A copy of the approval is attached to the Statement of Need and Reasonableness.

In accordance with *Minnesota Statutes*, section 16A.128, subdivision 2a, the Department has sent a copy of the Notice of Intent to Adopt Rules and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting the notice to the *State Register*.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rules with the Secretary of State.

Lobbyists must register with the State Ethical Practices Board. Questions should be directed to the Ethical Practices Board, First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

Dated: 26 October 1992

Thomas H. Frost, Commissioner
Department of Public Safety

Rules as Proposed

7403.0100 DEFINITIONS.

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

[For text of subs 2 and 3, see M.R.]

Subp. 3a. **Plates.** "Plates" means either regular plates or special plates unless otherwise specified.

[For text of subp 4, see M.R.]

Subp. 5. [See repealer.]

Subp. 6. **Regular plates.** "Regular plates" means sequentially numbered and lettered plates that are issued by the division to an applicant's vehicle.

Subp. 7. Special plates. “Special plates” means plates that are issued by the division to an owner for the exclusive use on the vehicle described in the application. Special plates include personalized plates.

Subp. 8. Validation sticker. “Validation sticker” means a license plate sticker, with a control number, which designates weight or expiration date.

7403.0200 PURPOSE.

The purpose of this chapter is to implement and provide effective administration for ~~the issuance~~ issuing and ~~transfer of personalized transferring~~ plates as provided by *Minnesota Statutes, section 168.12, subdivision 2a* chapter 168.

7403.0300 SCOPE.

The scope of this chapter is intended to be consistent with the provisions of *Minnesota Statutes, section 168.12, subdivision 2a* chapter 168.

7403.0400 PLATES; FORMAT AND CONTENT.

Subpart 1. **Characters.** The characters displayed upon a ~~personalized~~ plate may be only:

- A. the following uppercase letters: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z; and
- B. the following numbers: 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Subp. 2. **Statutory specifications.** The plates ~~shall~~ must be manufactured with the paint color, character size, character type style, reflective material, and other specifications used by the division for vehicles registered ~~pursuant to~~ under *Minnesota Statutes, section 168.017, for the appropriate plate year.*

Subp. 3. [See repealer.]

Subp. 4. **Characters limited.** ~~No characters other than those specified in subpart 1, items A and B, will be permitted. Plates must have all of the following character limitations:~~

A. Plates must have at least one full-size letter or number.

B. Stacked characters must count as one full-size character. Stacked characters are two letters or numbers that occupy one space in which one letter or number is placed directly above the second letter or number.

C. No characters other than those specified in subpart 1, items A and B, will be permitted on a personalized plate.

Subp. 5. **Duplication.** No plate ~~shall~~ may be a duplicate of any current ~~personalized~~ plate or a duplicate of any plate in a numbering system used by the division. ~~The specific numbering systems prohibited on personalized plates shall be indicated on applications for personalized plates.~~

Subp. 6. **Division plate combinations.** No plate used ~~or reserved~~ by the division for ~~other types~~ a specific type of vehicles ~~will~~ may be recalled from storage and destroyed in order that the combination may be issued again as a ~~personalized~~ plate for another type of vehicle.

Subp. 7. **Spacing and hyphenation.** An applicant may elect to group characters by spacing ~~and/or~~ or hyphenation on a personalized plate. Hyphens must not be used consecutively. A space or hyphen is not a character. ~~The maximum number of characters is six. Hyphens and spaces must count toward the total number of characters allowed on a plate.~~ Combinations of characters, spaces, ~~and/or~~ or hyphens totaling more than seven will be rejected. ~~No more than one space or hyphen is permitted between adjoining characters.~~ If the total of characters, spaces, ~~and/or~~ or hyphens is less than seven, the division shall have the right to center the characters, spaces, ~~and/or~~ or hyphens on the plate.

Subp. 8. **Unique symbols and weight designation stickers.** Unique symbols, determined by the department, and weight designation stickers may be required on a plate. A unique symbol or weight designation sticker is not a character. Unique symbols or weight designation stickers, when required, must count toward the total number of characters.

Subp. 9. **Multiple owners.** If the original application for a plate is for a vehicle owned or leased by more than one person, all owners or all lessees must sign.

7403.0500 PERSONALIZED PLATE APPLICATION; CONTENTS AND REVIEW.

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

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

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Subp. 2. [See repealer.]

[For text of subp 3, see M.R.]

7403.0600 REPLACEMENT OF PERSONALIZED PLATES.

Subpart 1. ~~Loss or, theft, or destruction.~~ In the event of the loss ~~or,~~ theft, ~~or~~ destruction of the personalized plate issued, the registrar, upon receiving a written statement from the owner setting forth the circumstances, may issue a new set of personalized plates with a different the same combination of characters. ~~The new combination of characters shall be reviewed pursuant to subparts 4 and 5. The fee required by Minnesota Statutes, section 168.29 shall be paid. If no new combination of characters suitable to the applicant can be issued, a refund as calculated in part 7403.0800 shall be made. If a new combination of characters is issued, the applicant shall indicate to the registrar which combination of characters (original or replacement) shall be reserved. The written statement must be on a form prescribed by the division.~~

Subp. 2. [See repealer.]

7403.0800 REFUNDS FOR SPECIAL PLATES.

Subpart 1. **Conditions.** Prorated refunds prorated at \$10 for each full unused registration year of the application fee for special plates may be made in the following cases:

A. ~~under the condition stated in part 7403.0600, subpart 1;~~

B. ~~if the owner of returns the personalized unused special plates surrenders both personalized plates and applies for a refund to the department, within 45 days of original issuance as indicated on department records.~~

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

Subp. 3. [See repealer.]

7403.0850 RECALL OF PERSONALIZED PLATES.

If, as a result of a written complaint, the division considers a personalized character combination currently in use to be obscene, indecent, or immoral, the owner of the character combination must be notified, in writing, of the following:

A. that a complaint has been received regarding the character combination;

B. the nature of the complaint;

C. that the division finds the complaint to be valid;

D. the reason the division finds the complaint to be valid;

E. that the character combination is no longer valid after 30 days from the date the notice was mailed; and

F. that the owner of the plate is entitled to:

(1) a different personalized character combination for no additional fee; or

(2) a replacement regular plate for no additional fee and a prorated refund of the application fee if the personalized plate is returned within the first five years of original issuance, as follows:

(a) first year, 100 percent;

(b) second year, 80 percent;

(c) third year, 60 percent;

(d) fourth year, 40 percent;

(e) fifth year, 20 percent; or

(f) sixth and seventh years, zero percent.

7403.0900 ASSIGNMENT AND TRANSFER OF SPECIAL PLATES.

Subpart 1. **In general.** ~~Personalized Special plates, as specified in Minnesota Statutes, chapter 168,~~ are assigned by the division to an owner for the exclusive use on the ~~passenger~~ vehicle described in the application.

Subp. 2. **Transfer.** ~~The personalized Special plates may be transferred to another vehicle owned by the applicant upon:~~

A. ~~written notification of, on a form prescribed by the registrar, to the registrar and;~~

~~A- B. payment of the prescribed transfer fee as provided by Minnesota Statutes, section 168.12, subdivision 2a chapter 168; and~~

~~B- C. registration of the vehicle in Minnesota; and~~

~~C- surrender (if any) of the existing Minnesota registration plates assigned to the vehicle.~~

Subp. 3. **Election to transfer plates.** If an owner sells a vehicle to which ~~personalized~~ special plates have been assigned and elects issued, the owner may elect to transfer the ~~personalized~~ special plates with the vehicle, to an eligible buyer or vehicle. Eligibility is determined by the particular provision in *Minnesota Statutes*, chapter 168, governing the issuance of the particular special plate. The buyer of the special plates shall submit the necessary information, on a form prescribed by the registrar, to verify eligibility for the special plates.

Upon transferring the special plates to an eligible buyer, the owner shall automatically assign assigns to the new owner buyer the right to reserve that combination of characters and the right to any refund of the personalized plate fees.

Special plates are considered assigned to the buyer of the vehicle unless the owner elects to retain the plates according to the procedures in subpart 4.

Subp. 4. **Election to retain plates.** If an owner sells a vehicle to which ~~personalized~~ special plates have been assigned issued and elects to retain the ~~personalized~~ special plates, it shall be is the responsibility of the owner or his the owner's agent to make application apply for regular passenger ear plates before the vehicle is sold. However, the owner would not need is not required to obtain regular passenger ear plates before the vehicle is sold in the following situations if:

A. the owner notifies the department, in writing:

(1) of the disposition of the special plates; and

(2) whether the owner will retain the rights to the plate combination; and

B. if the vehicle will be sold to:

(1) a junk yard, scrap yard, insurance company, or salvage pool because the vehicle was severely damaged ~~due to accident, fire, submission in water, or by natural causes such as wind or lightning~~ or because the vehicle will be dismantled or destroyed;

~~B. vehicle sold for junk or salvage because of the need for extensive mechanical repair;~~

~~C. vehicle sold to~~

(2) an out-of-state buyer and plates will be secured in the buyer's home state; or

~~D. vehicle sold to~~

(3) a buyer who holds ~~personalized~~ plates, amateur radio plates, or citizen band special plates for his or her the buyer's own use.

Subp. 5. [See repealer.]

7403.1200 DAILY SEQUENCING OF PERSONALIZED PLATE APPLICATIONS.

Each application for personalized plates will be date-stamped by the receiving office. In the central office, applications bearing the same stamped date will be selected at random and numbered in ascending order. Applications with the same date will then be reviewed and character combinations approved for manufacture pursuant to parts 7403.0400 and 7403.0500 in ascending numerical sequence.

7403.1300 PLATE AND VALIDATION STICKER FEES.

Subpart 1. General information. The plate fees contained in this part include only the costs of manufacturing and issuing plates and validation stickers. The fees in this part do not include:

A. titling, transfer, or filing fees;

B. registration tax;

C. fees required to transfer the plate to another vehicle; or

D. yearly display fees or contributions.

Subp. 2. Original issuance. Unless otherwise exempted by statute, the following plate and validation sticker fees apply for the first issuance of a plate in a plate year:

A. <u>Sequential Double Plate</u>	<u>\$2.50</u>
<u>Sequential Special Plate-Double</u>	<u>3.50</u>
<u>Sequential Single Plate</u>	<u>1.50</u>
<u>Sequential Special Plate-Single</u>	<u>2.75</u>

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Rules as Proposed (all new material)**8160.0300 AMENDED RETURNS.**

Subpart 1. **Application.** This part applies only to income, corporate franchise, and estate taxes under *Minnesota Statutes*, chapters 290 and 291.

Subp. 2. **Effect of filing more than one return before the due date.** If more than one return for a single taxable period is filed by the date prescribed for filing the return (without regard to any extensions), the last return filed by the due date supersedes the previous return or returns. The last return filed by the due date is the taxpayer's original return for the taxable period and is not an amended return.

Subp. 3. **Effect of amended returns.** If a taxpayer files an amended return showing tax which is greater than the tax shown on the most recent assessment, the amended return constitutes an assessment which establishes the taxpayer's liability.

If a taxpayer files an amended return showing tax which is less than the tax shown on the most recent assessment, the amended return constitutes a claim for refund under *Minnesota Statutes*, section 289A.50. Before a claim for refund can be processed, the taxpayer must pay the tax as assessed prior to the claim for refund. The commissioner, however, may use the information contained in the claim for refund to adjust the previous assessment as long as the statute of limitations for adjusting that assessment has not expired.

Subp. 4. **Date of assessment.** The date of assessment of the additional tax shown on the taxpayer's amended return is the date the commissioner receives the taxpayer's amended return.

Subp. 5. **Time limitations on assessment and collection.** The taxpayer's filing of an amended return does not alter or extend the period of limitation for assessment of tax.

The time limitations for collection of additional tax shown on a taxpayer's amended return begin to run on the date the commissioner receives the amended return.

Subp. 6. **Interest and penalties.** The additional tax shown on a taxpayer's amended return bears interest from the date the original return was due to the date the amount of additional tax assessed by the taxpayer on the amended return is paid.

Penalties for failure to timely pay tax under *Minnesota Statutes*, section 289A.60, subdivision 1, begin to accrue from the date the amended return is received by the commissioner to the date the additional tax assessed by the amended return is paid.

Penalties added to the original return for failure to timely file under *Minnesota Statutes*, section 289A.60, subdivision 2, are recalculated using the tax liability shown on the amended return as the tax liability on which the penalties are based.

Proposed Permanent Rules Relating to Orders of Assessment and Returns Made by the Commissioner**Rules as Proposed (all new material)****8160.0620 RETURNS MADE BY COMMISSIONER.**

Subpart 1. **Making returns.** If a taxpayer fails to file a required return, the commissioner may make a return for the taxpayer under *Minnesota Statutes*, section 289A.35. For the purposes of this part, the terms in items A and B have the meanings given.

A. A "commissioner filed return" means a return made by the commissioner under *Minnesota Statutes*, section 289A.35.

B. The "filing date" of a commissioner filed return means the date the commissioner filed return is signed by the commissioner.

Subp. 2. **Status of commissioner filed return and taxpayer's return.** A commissioner filed return is prima facie correct and valid when filed, but the filing of a commissioner filed return does not satisfy the taxpayer's obligation to file a return.

If, after a commissioner filed return has been filed, the taxpayer files a return, the commissioner will allow the tax shown on the taxpayer's return to establish the taxpayer's current tax liability (except where the commissioner filed return is on judicial appeal or the tax liability has been adjudicated).

Subp. 3. **Adjusting the commissioner filed return.** Anytime before the taxpayer files a return, the commissioner may adjust the commissioner filed return by making a subsequent commissioner filed return or by issuing an order of assessment. After the taxpayer

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has filed a return, the commissioner may not adjust the tax liability shown on that return by making a commissioner filed return. To adjust the taxpayer's return, the commissioner must issue an order of assessment.

Subp. 4. **Limitation on time for assessment.** The period of limitations on assessment does not begin to run on the filing date of a commissioner filed return. The period of limitation for assessment begins to run on the date the taxpayer files a return. See *Minnesota Statutes*, section 289A.38.

Subp. 5. **Appealing a commissioner filed return.** A taxpayer cannot administratively appeal the tax liability shown on a commissioner filed return. However, the commissioner may determine, based on information supplied by the taxpayer, that the taxpayer is not required to file.

The taxpayer may appeal the requirement to file or the tax liability shown on a commissioner filed return to tax court under *Minnesota Statutes*, section 271.06. An appeal to the tax court must be made within 60 days from the filing date of the commissioner filed return.

Subp. 6. **Interest and penalties.** During the period in which the taxpayer may appeal a commissioner filed return to tax court and while an appeal is pending, interest under *Minnesota Statutes*, section 289A.55, subdivision 2, and penalties under *Minnesota Statutes*, section 289A.60, subdivisions 1, 2, and 3 continue to accrue.

Subp. 7. **Collection.** The periods of limitation for collection of tax shown on a commissioner filed return begin to run on the filing date of the commissioner filed return. The filing date constitutes the date of assessment of the tax.

If, after a commissioner filed return has been filed, the commissioner or the taxpayer assesses tax and the tax shown on that subsequent assessment is less than or equal to the amount of tax shown on the commissioner filed return, the date of assessment of the commissioner filed return remains in effect. If the amount of tax shown on a subsequent assessment is greater than the amount shown on the commissioner filed return, the date of assessment for the tax in excess of the amount shown on the commissioner filed return is the date of the subsequent assessment.

8160.0630 ORDERS OF ASSESSMENT ISSUED WHEN NO RETURN HAS BEEN FILED.

Subpart 1. **Sending an order of assessment.** If a taxpayer fails to file a required return, the commissioner may send an order of assessment to the taxpayer under *Minnesota Statutes*, section 289A.37.

Subp. 2. **Status of the order of assessment and the taxpayer's return.** An order of assessment establishes the taxpayer's tax liability. The taxpayer, in any related action or proceeding, has the burden of establishing the incorrectness or invalidity of the order of assessment. The sending of an order of assessment does not satisfy the taxpayer's obligation to file a return. If the taxpayer files a return after an order of assessment has been sent, the taxpayer's obligation to file a return is satisfied, but the taxpayer's return does not establish a new tax liability (except to the extent that the tax shown on the taxpayer's return exceeds the tax shown on the order of assessment).

Subp. 3. **Limitation on time for assessment.** The period of limitations on assessment does not begin to run on the date of the order of assessment. The period of limitations on assessment begins to run on the date the taxpayer files a return. See *Minnesota Statutes*, section 289A.38.

Subp. 4. **Appealing the order of assessment.** A taxpayer may obtain reconsideration of an order of assessment through administrative review under *Minnesota Statutes*, section 289A.65, or may appeal to the tax court under *Minnesota Statutes*, section 271.06. If the taxpayer has not filed a return for the period for which administrative review is requested and the requirement to file is not in dispute, the taxpayer's written administrative appeal must include a return.

If the taxpayer fails to file a timely administrative appeal or a timely appeal to tax court, the taxpayer must pay the tax in full, but may file a claim for a refund under *Minnesota Statutes*, section 289A.50. If the taxpayer has not filed a return for the period for which a refund is claimed, a return must be filed as part of the refund claim.

Subp. 5. **Interest and penalties.** Interest under *Minnesota Statutes*, section 289A.55, subdivision 2, continues to accrue during the periods allowed for administrative review, appeal to tax court, and payment. Penalties for failure to make and file a return under *Minnesota Statutes*, section 289A.55, subdivision 2, continue to accrue until the taxpayer files a return. Penalties for failure to pay tax under *Minnesota Statutes*, section 289A.60, subdivision 1, are suspended from the date of the order of assessment to the date that the amount shown on the order must be paid to the commissioner. After this period expires, penalties for failure to pay tax start to accrue again based on the number of days the tax is not paid before the date of the order of assessment and the number of days the tax is not paid after the period for payment expires.

Subp. 6. **Collecting the assessment.** The periods of limitation on collection begin to run on the date of the order of assessment.

If, through administrative review or tax court appeal, the taxpayer meets the burden of establishing the invalidity of the order of assessment and the tax liability determined on review or appeal is less than or equal to the amount of tax shown on the order of assessment, the date of assessment remains the date of the order of assessment.

Board of Veterinary Medicine

Proposed Permanent Rules Relating to Licensure and Practice

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Veterinary Medicine (hereinafter "Board") intends to adopt the above-entitled rules 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 statutory authority to adopt the rules is set forth at *Minnesota Statutes* 156.01, subd. 3; 156.081, subd. 2 (15), and 214.06 (1990).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. 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 30-day comment period. The comment period ends December 15, 1992. 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 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 addressed to:

Roland C. Olson, DVM
Executive Director
Minnesota Board of Veterinary Medicine
2700 University Avenue West, Suite 102
St. Paul, MN 55114
Telephone: (612) 642-0597

The proposed rules 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 rules as noticed.

A copy of the proposed rules is attached to this Notice. The rules proposed for adoption relate to the following matters:

- a. Definitions;
- b. Veterinary premises;
- c. Animal housing facilities;
- d. Application fees;
- e. Miscellaneous fees;
- f. Unprofessional conduct;
- g. Minimum standards of practice;
- h. Consultants

A free copy of the rules is available upon request from Roland C. Olson, DVM.

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 amendments has been prepared and is available from Roland C. Olson, DVM, upon request. A copy of the Statement of Need and Reasonableness has been sent to the Legislative Commission to Review Administrative Rules pursuant to *Minnesota Statutes* 14.23 (1990).

Under *Minnesota Statutes* 14.115, a state agency is required to consider ways to reduce the impact of rules on small businesses. It is the Board's position that the rules will not effect small businesses because the rules focus on the individual licensee and his/her practice. Licensure authorizes providers to practice veterinary medicine independent of whether or not the services are performed as part of a small business. Nevertheless, in its development of the proposed rules, the Board has attempted to minimize any impact on

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Proposed Rules

small businesses. The proposed rules address the definition of terms, establish procedures for license suspension for non-payment of fees, define unprofessional conduct as required by *Minnesota Statutes* 156.081, subd. 2 (15), and establish minimum standards of practice for all licensees, whether or not the licensee is affiliated with a small business.

Copies of this Notice and the proposed rules have been sent to the chairs of the House Appropriation Committee and Senate Finance Committee pursuant to *Minnesota Statutes* 16A.128 (1990).

If no hearing is required, upon adoption of the rules, the rules 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 rules must submit the written request to Roland C. Olson, DVM.

Dated: 23 October 1992

Roland C. Olson, DVM
Executive Director

Rules as Proposed

9100.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~For the purposes of these rules the following terms shall have the meanings given as follows~~ The definitions in this part apply to this chapter.

Subp. 1a. **Board.** "Board" means the Board of Veterinary Medicine.

Subp. 1b. **Biologic.** "Biologic" means a drug, derived from naturally occurring organisms, manufactured to maintain and improve already existing physiological traits in an animal.

Subp. 1c. **Controlled substance.** "Controlled substance" means a drug, substance, or immediate precursor in schedules I to V of *Minnesota Statutes*, section 152.02, or schedules I to V of the federal Controlled Substances Act.

Subp. 1d. **Emergency veterinary facility.** "Emergency veterinary facility" means a facility equipped and staffed to provide acute veterinary care during the hours when most local daytime veterinary practices are closed.

Subp. 2. **Equipment.** "Equipment" means ~~any~~ instruments, tools, clothing, vehicles, and other equipment used in the practice of veterinary medicine.

Subp. 3. **Housing facilities facility.** "Housing ~~facilities~~ facility" means ~~any~~ a structure, cage, building, or other facility used for ~~the purpose of~~ housing animals.

Subp. 3a. **Humane treatment.** "Humane treatment" means care and treatment that prevents acts of omission or commission, including deprivation of necessary food, water, and shelter, that causes or permits unnecessary or unjustifiable pain, suffering, or death of an animal.

Subp. 4. **Premises.** "Premises" means ~~the~~ property, including ~~the~~ land and buildings ~~thereon~~ on the land, used in the practice of veterinary medicine.

Subp. 4a. **Prescription drug.** "Prescription drug" means a drug whose label is required by federal law to bear the statement: "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian," or a human drug or over-the-counter animal drug prescribed for use in any manner different from the manufacturer's label instructions.

Subp. 4b. **Sterile surgery.** "Sterile surgery" means an invasive procedure in which aseptic technique is practiced in patient preparation, instrumentation, and surgical attire.

Subp. 5. **Veterinarian.** "Veterinarian" means ~~any~~ a person or professional veterinary corporation engaged in the practice of veterinary medicine.

Subp. 6. **Veterinarian-client-patient relationship.** "Veterinarian-client-patient relationship" means a relationship that meets the conditions established in *Minnesota Statutes*, section 156.16, subdivision 12.

Subp. 7. **Veterinary facility.** "Veterinary facility" means a building, shelter, or structure in which licensed veterinarians routinely engage in the practice of veterinary medicine.

9100.0200 PREMISES.

Subpart 1. ~~**Biologicals**~~ **Biologicals and other drugs.** ~~Biologicals~~ Biologicals and other drugs ~~shall~~ must be stored in such a manner so as to prevent contamination and deterioration ~~in accordance with~~ according to the packaging and storage requirements of the United States Pharmacopoeia and Pharmacopeia & the National Formulary, ~~or any revision thereof, as adopted by~~ Minnesota Statutes 1969, section 151.01, subdivision 5 1990 edition, published by the United States Pharmacopoeial Convention, Inc., Rockville, Maryland. That publication is incorporated by reference, subject to frequent change, and available for inspection and copying through the Minitex interlibrary loan system.

Subp. 2. **Cages.** Separate compartments must be provided for each hospitalized animal, except that neonate and juvenile litter mates or animals from the same owner may be caged together when appropriate. Cages ~~shall~~ must be cleaned and sanitized ~~prior to~~ before their use by newly arrived animals. Excreta, spilled feed, and water ~~shall~~ must be removed from cages as often as necessary to prevent contamination of the animals ~~therein and,~~ to reduce hazards to the health of ~~such the~~ the animals, and to eliminate odors. Cage size must be sufficient to allow an animal to stand, sit, lie down, and turn around comfortably.

Subp. 3. **Communicable or contagious diseases.** Animals affected with any clinical evidence of infectious, contagious, or communicable diseases ~~shall~~ must be separated from all other animals ~~in such a manner so~~ as to minimize the ~~dissemination~~ spread of disease, and ~~such the~~ the animals ~~shall~~ must not be permitted to commingle ~~or come into contact~~ with other animals on the premises.

Subp. 4. **Equipment.** Equipment ~~shall~~ must be maintained in a clean and sanitary condition at all times.

Subp. 5. **Food and water.** Food and water for animals ~~shall~~ must be kept free from contamination, and all receptacles for ~~such~~ the food and water ~~shall~~ must be kept in a clean and sanitary condition. Animals must be provided with food of sufficient quantity and quality to allow normal growth or the maintenance of body weight. Clean, potable water sufficient to satisfy the animal's needs must be provided.

Subp. 6. **Pest control.** An effective program for the control of insects and other vermin on the premises ~~shall~~ must be established and maintained.

Subp. 7. **Sanitation.** The premises ~~shall~~ must be kept clean and in good repair to facilitate acceptable sanitary practices and ~~shall~~ must be kept free of accumulations of refuse.

Subp. 8. **Storage.** All supplies, including food and bedding, ~~shall~~ must be stored in facilities ~~which that~~ adequately protect ~~such the~~ the supplies against infestation, contamination, or deterioration. Refrigeration ~~shall~~ must be provided for all supplies that are of a perishable nature, including foods, drugs, and ~~biologicals~~ biologics.

Subp. 9. **Waste disposal.** Covered, vermin-proof waste containers impermeable by water ~~shall~~ must be used for the removal and disposal of animal and food wastes, bedding, dead animals, debris, and other waste. Disposal facilities ~~shall~~ must be so operated to prevent a nuisance condition, to minimize insect and other vermin infestation, odor, and disease hazards.

Subp. 10. **Water and electric power.** Reliable electric power and potable water adequate for the practice of veterinary medicine ~~shall~~ must be made available at all times on the premises.

9100.0300 HOUSING FACILITIES.

Subpart 1. **Cleaning and disinfecting.** Housing facilities ~~shall~~ must be cleaned and disinfected as often as it is necessary to maintain a clean and sanitary condition at all times.

Subp. 2. **Drainage.** A suitable method ~~shall~~ must be provided to rapidly eliminate excess water from indoor housing facilities. Drains ~~shall~~ must be so constructed and maintained in good repair to avoid foul odors ~~therefrom from them.~~ If closed drainage systems are used, they ~~shall~~ must be equipped with traps and so installed as to prevent any backup of sewage and other waste materials onto the floors of the facilities.

Subp. 3. **Heating.** Indoor housing facilities for animals ~~shall~~ must be sufficiently heated when necessary to protect the animals from cold and to provide for their health and comfort. The ambient temperature ~~shall~~ must not be allowed to fall below 50 degrees Fahrenheit for animals not acclimated to lower temperatures.

Subp. 4. **Interior surfaces.** The surfaces of indoor housing facilities with which animals come into contact ~~shall~~ must be so constructed and maintained that they are substantially impervious to moisture and may be readily sanitized.

Subp. 5. **Lighting.** Indoor housing facilities for animals ~~shall~~ must have ample light, by natural or artificial means, or both, of sufficient intensity and uniform distribution to permit routine inspection and cleaning.

Subp. 6. **Outside Outdoor housing facilities.** Outdoor housing facilities ~~shall~~ must provide adequate shelter to properly protect animals from sun, rain, snow, and other weather elements and ~~shall~~ must provide adequate bedding, water, and food.

Subp. 7. **Structural strength.** Housing facilities for animals ~~shall~~ must be structurally sound and ~~shall~~ be kept in good repair. ~~Such~~ The facilities ~~shall~~ must be designed and ~~constructed in such a manner~~ built so as to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

Subp. 8. **Ventilation.** Indoor housing facilities for animals ~~shall~~ must be adequately ventilated to prevent the collection of offensive odors and to provide for the health and comfort of animals at all times. ~~Such~~ The facilities ~~shall~~ must be provided with fresh air either

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by means of windows, vents, or air conditioning and ~~shall~~ must be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning ~~shall~~ must be provided when the ambient temperature is 85 degrees Fahrenheit or higher.

Subp. 9. Notice of unattended veterinary facility. If there are to be no personnel on the premises during any time an animal, for medical or surgical purposes, is left at a veterinary facility, prior notice of this fact must be given to the animal's owner. Notice must be printed on release or estimate forms given to the owner or posted in a conspicuous location in the facility.

9100.0400 APPLICATION FEES TO PRACTICE VETERINARY MEDICINE.

Subpart 1. **Amount.** A person applying for a license to practice veterinary medicine in this state ~~shall submit~~ must pay to the Board of Veterinary Medicine a fee of ~~\$185~~ \$250, in the form of a check or money order payable to the state treasurer, the following fees to total \$250:

- A. \$125, for the National Board of Examination;
- B. \$90, for the Clinical Competency Test; and
- C. \$35, for the Minnesota State Practical Examination.

The application fee received ~~shall support~~ supports only the application with which the fee was submitted. A person who applies more than once ~~shall~~ must submit the full application fee with each subsequent application.

Subp. 2. **Fees nonreturnable.** The application fee required to be submitted for licensure ~~shall~~ is not be returnable ~~in the event~~ if permission to take the licensure examination is denied or licensure is denied for any other good cause.

9100.0500 RENEWAL FEE.

Subpart 1. **Required for licensure.** Each person now licensed to practice veterinary medicine in this state, or who ~~shall become~~ becomes licensed by the Board of Veterinary Medicine to engage in the practice, ~~shall be responsible for tendering pay~~ shall be responsible for tendering pay an annual license renewal fee if ~~he the person~~ he wishes to practice veterinary medicine in the coming year ~~and/or~~ or remain licensed as a veterinarian.

Subp. 2. **Amount.** The annual fee for licensure renewal is \$40 and must be paid to the executive director of the board on or before March 1 of each year. By January 1 of the year for which the renewal fee is due, the board ~~will~~ shall issue a renewal application to each current licensee to the last address maintained in the board file. Failure to receive this notice does not relieve the licensee of the obligation to pay renewal fees ~~in such a manner so~~ so that they are received by the board on or before the renewal date of March 1.

Subp. 3. **Date due.** ~~Each A licensee shall renew his~~ Each A licensee must apply for a renewal license on or before March 1 of each year, ~~and thereupon the A renewal license of such veterinarian shall be renewed is valid~~ and thereupon the A renewal license of such veterinarian shall be renewed is valid until March 1 in the next ~~succeeding~~ succeeding year. An application postmarked no later than the last day of February must be considered to have been received on March 1.

Subp. 4. **Late penalty.** An applicant for renewal ~~shall~~ must pay a late penalty of \$20 ~~as well as~~ and the renewal fee if the application for renewal is received after March 1 of the current year. A renewed license issued after March 1 of any year is valid only until March 1 of the next succeeding year regardless of when the renewal fee is received.

Subp. 5. **Penalty for failure to pay.** ~~The failure of a licensed veterinarian to pay the renewal fee provided herein within 60 days after March 1 in any year shall constitute grounds to suspend his license to practice veterinary medicine in this state. The suspended status placed upon a license may be removed only upon payment of renewal fees and late penalty fees for each year or portion of a year during which the veterinarian practiced and was not currently renewed.~~

Any licensee who fails to renew his license for a period of five years or more must retake the examination required for nonlicensed applicants and tender all fees required for original licensure upon his written application to become actively renewed. Within 30 days after the renewal date, a licensee who has not renewed the license must be notified by registered or certified letter sent to the last known address of the licensee in the file of the board that the renewal is overdue and that failure to pay the current fee and current late fee within 60 days after the renewal date will result in suspension of the license. A second notice must be sent at least seven days before a board meeting occurring 60 days or more after the renewal date to each licensee who has not paid the renewal fee and late fee.

Subp. 6. **Suspension.** The board, by means of a roll call vote, shall suspend the license of a licensee whose license renewal is at least 60 days overdue and to whom notification has been sent as provided in subpart 5. Failure of a licensee to receive notification is not grounds for later challenge by the licensee of the suspension. The former licensee must be notified by registered or certified letter within seven days of the board action. The suspended status placed on a license may be removed only on payment of renewal fees and late penalty fees for each year or part of a year that the license was not renewed. A licensee who fails to renew a license for five years or more must meet the criteria of Minnesota Statutes, section 156.071, for relicensure.

9100.0600 MISCELLANEOUS FEES.

Subpart 1. **Temporary license fee.** A person meeting the requirements for issuance of a temporary permit to practice veterinary

medicine under Minnesota Statutes, section 156.072, subdivision 5, pending examination, who desires a temporary permit shall pay a fee of \$40 to the board.

Subp. 2. Duplicate license. A person requesting issuance of a duplicate or replacement license shall pay a fee of \$10 to the board.

9100.0700 UNPROFESSIONAL CONDUCT.

Subpart 1. Prohibited acts. The following acts by a licensed veterinarian are unprofessional conduct and constitute grounds for disciplinary action against the licensee:

A. failure to meet the minimum standards of practice in part 9100.0800;

B. engaging in conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, in which case, proof of actual injury need not be established;

C. engaging in veterinary practice that is professionally incompetent in that it may create unnecessary danger to a patient's life, health, or safety;

D. claiming to have performed or charging for an act or treatment that was, in fact, not performed or given;

E. asserting or implying in a public manner material claims of professional superiority in the practice of veterinary medicine that cannot be substantiated;

F. practicing veterinary medicine under a false or assumed name or impersonating another practitioner of a like, similar, or different name;

G. practicing under an expired, terminated, or suspended veterinary license;

H. failing, within 30 days, to provide information in response to a written request made by the board pursuant to an investigation by or on behalf of the board;

I. promoting, aiding, abetting, or permitting the practice of veterinary medicine by an unlicensed person;

J. prescribing or dispensing, delivering, or ordering delivered a controlled substance without first having established a veterinarian-client-patient relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot and determining that treatment with the controlled substance is therapeutically indicated. Use of euthanizing drugs in recognized animal shelters or government animal control facilities is exempt from this requirement;

K. using, misusing, or selling, other than for medical treatment of animal patients, any of the controlled drugs listed in Minnesota Statutes, chapter 152, or the federal Controlled Substances Act;

L. violating or failing to comply with a state or federal law or regulation relating to the storing, labeling, prescribing, or dispensing of controlled substances;

M. prescribing, providing, obtaining, ordering, administering, dispensing, giving, or delivering controlled drugs to or for an animal solely for training, show, or racing purposes and not for a medically sound reason;

N. performing surgery to conceal genetic or congenital defects, in any species, with the knowledge that the surgery has been requested to deceive a third party;

O. promoting, selling, prescribing, or using a product for which the ingredient formula is unknown to the veterinarian;

P. refusing the board or its agent the right to inspect a veterinary facility at reasonable hours, pursuant to an investigation by or on behalf of the board;

Q. performing or prescribing unnecessary or unauthorized treatment;

R. representing conflicting interests unless full disclosure of the veterinarian's dual relationship is made and consented to by all parties of the transaction;

S. failing to report to law enforcement or humane officers inhumane treatment to animals, including staged animal fights or training for fights, of which the veterinarian has direct knowledge;

T. fraudulently issuing or using a certificate of veterinary inspection, test chart, vaccination report, or other official form used in the practice of veterinary medicine to prevent the dissemination of animal disease, transportation of diseased animals, or the sale of inedible products of animal origin for human consumption;

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U. issuing a certificate of veterinary inspection for an animal unless the veterinarian performs the inspection and the appropriate tests as required to the best of their knowledge;

V. surreptitiously obtaining, through theft, unauthorized copying, duplicating, or other means, client lists, mailing lists, medical records, or computer records that are the property of another veterinarian, veterinary partnership, or professional veterinary corporation;

W. a licensed veterinarian whose United States Department of Agriculture accreditation has been removed by federal authority may be subject to disciplinary action by the board upon proof of the acts or omissions constituting the grounds for removal of accreditation; and

X. failure to report to the board any disciplinary action taken against his or her veterinary license in another jurisdiction.

9100.0800 MINIMUM STANDARDS OF PRACTICE.

Subpart 1. General standard. The delivery of veterinary care must be provided in a competent and humane manner consistent with prevailing standards of practice for the species of animal and the professed area of expertise of the veterinarian. For a veterinarian to exercise properly the rights granted by the veterinary license, a veterinarian-client-patient relationship must exist.

Subp. 2. Pharmaceutical services. The provision of pharmaceutical services is governed by items A to C.

A. No prescription drug may be prescribed, dispensed, or administered without the establishment of a veterinarian-client-patient relationship.

B. A veterinarian is responsible for assuring that a prescription drug or biologic prescribed for use is properly administered, or for providing instructions to clients on the administration of drugs when the veterinarian will not be providing direct supervision.

C. Drugs and biologics must be stored, prescribed, and dispensed in compliance with Minnesota Statutes 1990, section 151.35, and the United States Pharmacopeia & the National Formulary, which is incorporated by reference in part 9100.0200, subpart 1.

Subp. 3. Sterile surgical services. When sterile surgical services are being provided, or when prevailing standards dictate sterile surgery, those services are governed by items A to E.

A. The surgery room must be clean, orderly, properly maintained, capable of being adequately disinfected, well-lighted, and provided with effective emergency lighting.

B. The floors, table tops, and counter tops of the surgery room must be of a material suitable for regular disinfection and cleaning.

C. Instruments, equipment, and packs for aseptic surgery must be:

- (1) adequate for the type of surgical service provided; and
- (2) sterilized by a method sufficient to kill spores.

D. In a sterile procedure, a separate sterile pack must be used for each animal.

E. Proper illumination for viewing radiographs must be available.

Subp. 4. Record keeping. Record keeping is governed by items A to F.

A. A veterinarian performing treatment or surgery on an animal or group of animals, whether in the veterinarian's custody at an animal treatment facility or remaining on the owner's or caretaker's premises, shall prepare a written record or computer record concerning the animals containing, at a minimum, the following information:

- (1) name, address, and telephone number of owner;
- (2) identity of the animals, including age, sex, and breed;
- (3) dates of examination, treatment, and surgery;
- (4) brief history of the condition of each animal, herd, or flock;
- (5) examination findings;
- (6) laboratory and radiographic reports;
- (7) tentative diagnosis;
- (8) treatment plan; and
- (9) medication and treatment, including amount and frequency.

B. Individual records must be maintained on each patient, except that records on food, fiber, milk animals, birds, and horses may be maintained on a per-client basis.

C. Medical records and radiographs are the physical property of the hospital or the proprietor of the practice that prepared them. Records must be maintained for a minimum of three years after the last visit. Radiographs must be maintained for a minimum of three years.

D. Medical records, or an accurate summary of them, must be released to the animal owner or the owner's authorized agent, including the board, within two weeks of a written request. A reasonable charge for copying or preparation of a summary may be made, except in the case of a board investigation, in which case no charges are authorized.

E. A radiograph must be permanently identified. It must be released on the written request of another veterinarian who has the written authorization of the owner of the animal to whom it pertains. The radiograph must be returned within a reasonable time to the practice which originally prepared the radiograph.

F. Contents of medical records must be kept private and not released to third parties unless authorized by the client or required by law.

Subp. 5. Emergency service. The provision of emergency service is governed by items A to E.

A. The staffing for an emergency veterinary facility must include a licensed veterinarian on the premises at all times during the posted hours of operation.

B. Advertisements for emergency veterinary facilities must clearly state:

(1) the hours the facility will provide emergency service;

(2) a licensed veterinarian is on the premises during the posted emergency hours; and

(3) the address and telephone number of the facility.

C. "Veterinarian on call" means a veterinarian is not present at a veterinary facility, but is able to respond within a reasonable time to requests for emergency veterinary services. The facility's services are not to be considered or advertised as an emergency clinic or hospital.

D. If continuing care of the patient is required following emergency service, the animal owner or caretaker must be provided with a legible copy of the medical record to be transferred to the next attending veterinarian, or a copy must be transmitted directly to the attending veterinarian. The information included in the medical record must consist of at least the following:

(1) physical examination findings;

(2) dosages and time of administration of medications;

(3) copies of diagnostic data or procedures;

(4) all radiographs, for which the facility must obtain a signed release when transferred;

(5) surgical summary;

(6) tentative diagnosis and prognosis; and

(7) follow-up instructions.

E. An emergency facility must have the equipment necessary to perform standard emergency medical procedures and must have the capability to render timely and adequate diagnostic radiologic services, laboratory services, and diagnostic cardiac monitoring on the premises.

Subp. 6. Mobile veterinary practice. Mobile veterinary practice is governed by items A to E.

A. Mobile veterinary practice is that form of clinical veterinary practice that may be transported or moved from one location to another for delivery of service. Mobile veterinary practice may be general service, limited service, or outcall service. For purposes of this item:

(1) "general mobile veterinary practice" means providing a wide range of medical or surgical services in a movable trailer or mobile home type of vehicle modified to function as, and comparably equipped to, a fixed veterinary practice facility;

(2) "limited service mobile veterinary practices" means practices restricted to the delivery of animal health protection through vaccination or minor diagnostic testing and treatment; and

(3) "outcall service" is a mobile extension of a fixed location general service veterinary practice, located within the same

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Proposed Rules

practice area, but physically removed from the practice premises. Depending on the types of animals being treated, an outcall service provides vaccinations, physical examinations, treatments, diagnostic screenings, and surgery.

B. Mobile veterinary practices that are not extensions of a fixed veterinary facility must have an affiliation with a general service veterinary facility in the same region for the provisions of long-term hospitalization, surgery, or radiology if not available in the mobile unit. Clients must be informed, in writing, of this affiliation.

C. In all types of mobile veterinary practice, patient care must be consistent with prevailing standards of practice and a veterinarian-client-patient relationship must exist.

D. Mobile units must be maintained in a clean and sanitary fashion. Vehicles must contain equipment necessary for the veterinarian to perform physical examinations, surgical procedures, and medical treatments consistent with the type of veterinary services being rendered and the standards of practice for those services.

E. Representatives of the board, upon receipt of written complaint, may inspect mobile veterinary units for sanitation and cleanliness and may direct action to ensure adequate sanitation and cleanliness.

Subp. 7. Supervision. Supervision is governed by items A to C.

A. A licensed veterinarian is professionally and legally responsible for any practice of veterinary medicine by the veterinarian's unlicensed employees. An employee's practice of veterinary medicine without a license constitutes grounds for the board to take action against the licensed veterinarian and the unlicensed individual. A veterinarian must have examined the animal patient prior to the delegation of an animal health care task to a nonlicensed employee. The examination must be conducted at a time consistent with prevailing standards of practice relative to the delegated animal health care task.

B. A veterinarian shall not authorize a nonlicensed employee to perform the following functions:

- (1) surgery;
- (2) diagnosis and prognosis; and
- (3) prescribing of drugs, medicines, and appliances.

C. A veterinarian shall ensure that the activities of a supervised individual are within the scope of the orders, assignment, or prescriptions of the veterinarian and within the capabilities of the individual. Supervision by a veterinarian must involve the degree of close physical proximity necessary for the supervising veterinarian to observe and monitor the performance of a supervised individual. The supervising veterinarian must be on the client's premises or present in the veterinary facility while the supervised individual is performing health care services. This does not prohibit the performance of generalized nursing tasks, ordered by the attending veterinarian, to be performed by an unlicensed employee on inpatient animals during the hours when a veterinarian is not routinely on the premises. Nor does it prohibit, under emergency conditions, wherein an animal is placed in a life-threatening condition and requires immediate treatment to sustain life or prevent further injury, an unlicensed employee from rendering lifesaving aid and treatment to an animal in the absence of a veterinarian.

Subp. 8. Humane care. A licensed veterinarian shall treat animals entrusted to the veterinarian by a client consistent with prevailing professional standards of humane treatment and care.

Subp. 9. Informed consent. A client shall be informed by the veterinarian, prior to treatment, of the treatment choices and reasonable medical or surgical alternatives including an estimated cost of the alternatives for consideration by the client.

Subp. 10. Advertising. Print or electronic media advertisements offering professional veterinary services must include the corporation's, partnership's, and/or individual veterinarian's name and business address.

Subp. 11. Specialist practitioners.

A. A veterinarian may claim to be a specialist only if the veterinarian is certified as a specialist in a discipline for which there is a specialty board approved by the American Veterinary Medical Association (AVMA). A veterinarian may not use the term "specialist" for an area of practice for which there is no AVMA-recognized certification. A diplomate of the American Board of Veterinary Practitioners can claim only a specialty for the class of animals in which the diplomate specializes.

B. "Specialty" or "specialists" may not be used in the name of a veterinary hospital unless all veterinary staff are board-certified specialists.

9100.0900 CONSULTING.

No person may be called into this state as a consultant unless licensed as a veterinarian in another state and acting under the direct supervision of the Minnesota licensee. "Direct supervision" means that the licensee is on the premises.

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 #92-22 - Sales and Use Tax - Logging Equipment

Minnesota Statutes §§ 297A.02 and 297A.021 impose a tax of 2.5% on sales or rental of new or used logging equipment. To qualify for the 2.5% rate, the logging equipment purchased must be new or used equipment, machinery, implements, accessories, or contrivances used directly or principally in the production or used for sale of raw or unfinished forest products including pulpwood, saw logs, full length trees and wood chips.

A. 2.5% Logging Equipment

The following is a representative list of logging equipment, machinery, implements, accessories, and contrivances that qualify for the 2.5% tax rate:

- tree felling devices, including tree harvesters, fellers and feller bunchers used principally to sever trees at the stump or accumulate the severed trees at the stump area;
- tree skidding devices, including grapple skidders, cable skidders, bunchers, and forwarders used principally to transport a severed tree or a portion of the tree from the stump area to a landing site;
- loading devices either portable or truck, stationary or crawler/carrier mounted including boom loaders, front end loaders, grapple loaders, and log stackers used primarily in loading, handling, or transferring a severed tree or portion of the tree prior to the removal from the landing site;
- devices including scarifiers, planters, cultivators, and brush saws used in reforestation at the stump site including those used for the preparation, seeding or cultivation of the soil and those used to promote tree growth;
- carriers of above devices/equipment if not registered for road use and subject to motor vehicle excise tax;
- portable logging equipment used **in the field** such as:
 - chain saws;
 - delimiting devices used primarily to remove limbs from the bole (trunk) of the tree;
 - debarking devices used primarily to remove the bark of the tree;
 - tree slashing devices used primarily to cut trees to designated lengths;
 - chipping devices including chip harvesters, tree chippers and brush chippers used primarily for transforming a tree, with or without limbs, and brush into wood chip form;
 - screening devices used primarily to sort and remove undesirable material from tree chips;
 - portable generators.

B. 6.5% Equipment

The following items are not included in the definition of logging equipment and, therefore, do not qualify for the 2.5% rate:

- new or used equipment, machinery, implements, accessories, and contrivances used in the processing or manufacturing of material derived from raw forest products;
- tools, shop equipment, communication equipment, and other logging supplies;
- motor vehicles registered for road use and subject to motor vehicle excise tax;
- snowmobiles, snow blowers, garden type tractors, or garden tillers and the repair and replacement parts for those vehicles and machines.

Road building equipment that is used for the purpose of building roads to provide access to a timber permit **does not** qualify for the 2.5% tax rate because the equipment is not used **directly** and **principally** in production.

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Revenue Notices

Most loggers purchase supplies, tools and other items that are used for logging purposes but are not considered "logging equipment" as they do not meet the above definition of logging equipment. They are not used directly and principally in production or they are specifically excluded from the definition by law. These items, subject to the **6.5% tax rate**, include, but are not limited to:

- accessory items such as cable, chain, winches, conveyors and blades not originally purchased with the "logging equipment"
- air compressors
- building materials and supplies
- garden-type tractors
- gasoline/diesel storage tanks
- gas or diesel powered engines (unless used directly and principally in production)
- generator units
- hand tools
- lighting equipment
- paint
- recreational all-terrain vehicles
- repair equipment used in the field
- safety equipment
- service tank pumps
- service tanks (for transport of fuel to field)
- shop equipment
- shovels and spades
- snow blowers
- snowmobiles
- sprayers (high pressure for cleaning equipment)
- tire changers
- tools
- truck boxes
- truck hoists
- truck racks
- vehicles registered for use on public streets and highways
- vehicles used to transport personnel, equipment and/or supplies to the field
- welding equipment

C. Rentals or leases

Equipment dealers who rent logging equipment and other pieces of equipment to their customers must collect tax on the amount of the rental fee. If the equipment being rented fits the definition of logging equipment given above, the 2.5% tax rate applies to the rental payment. If the machine or equipment does not fit the definition of logging equipment, the 6.5% tax rate applies to the rental payment. Rentals to construction contractors and others for non-logging use are taxable at the 6.5% rate.

D. Repair and replacement parts

An exemption is provided for the sale of repair and replacement parts, except tires, used for maintenance or repair of logging equipment, if the part replaces a logging equipment part assigned a specific or generic part number by the manufacturer of the logging equipment. The exemption applies only to repair and replacement parts used on logging machinery that qualifies for the 2.5% tax rate, as previously defined. Items such as batteries, spark plugs, oil filters, and other general repair parts qualify for the exemption if they are used to repair qualifying logging equipment as defined.

E. Exemption certificates

If the seller is unable to determine at the time of sale if the item should be taxed at the 2.5% rate or be exempt as a repair part, the seller should ask the buyer for a written statement or an exemption certificate, Form ST-3, stating that the buyer is in the business of logging and the equipment or parts are being used in the logging business.

Dated: 2 November 1992

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Department of Health

Proposed Emergency Rules Relating to Nursing Home and Certified Boarding Care Home Construction Projects

Notice of Intent to Adopt an Emergency Rule

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Laws 1992*, chapter 513, article 7, section 2, subd. 2. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules, *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days after publication in the *State Register*, i.e. until 4:30 p.m. on December 4, 1992, to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Anne Kane
Minnesota Department of Health
Division of Health Resources
P.O. Box 64900
St. Paul, MN 55164-0900

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

A free copy of the proposed emergency rule is available by contacting Elise Paulsen at the address above or 612-643-2151.

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

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for reviews 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 the written request to Elise Paulsen at the address above.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

Dated: 3 November 1992

Marlene E. Marschall
Commissioner

Emergency Rules

Rules as Proposed (all new material)

4655.1100 [Emergency] SCOPE.

Parts 4655.1100 to 4655.1150 [Emergency] govern the process for the commissioner of health's approval of nursing home and certified boarding care home construction projects according to *Minnesota Statutes*, section 144A.071, subdivision 2.

4655.1110 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4655.1100 to 4655.1150 [Emergency], the terms in subparts 2 to 16 have the meanings given them.

Subp. 2. **Attached fixtures.** "Attached fixtures" has the meaning given it in part 9549.0020, subpart 6.

Subp. 3. **Attached hospital.** "Attached hospital" means a hospital that is under common ownership and operation with a nursing home or certified boarding care home and shares with that facility the cost of common service areas such as nursing, dietary, housekeeping, laundry, plant operations, or administrative services.

Subp. 4. **Buildings.** "Buildings" has the meaning given it in part 9549.0020, subpart 7.

Subp. 5. **Capital assets.** "Capital assets" has the meaning given it in *Minnesota Statutes*, section 256B.421, subdivision 16.

Subp. 6. **Certified boarding care home.** "Certified boarding care home" means a facility licensed under parts 4655.0090 to 4655.1060 and 4655.1200 to 4655.9900, and certified to participate in medical assistance under United States Code, title 42, sections 1396 to 1396p as amended through July 18, 1984.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of the Department of Health or the commissioner's representative.

Subp. 8. **Completion date.** "Completion date" means the date on which a certificate of occupancy is issued for a construction project, or if a certificate of occupancy is not required, the date on which the construction project is available for facility use.

Subp. 9. **Construction project.** "Construction project" means:

A. A capital asset addition to, or replacement of, a nursing home or certified boarding care home that results in new space or the remodeling of or renovations to existing facility space.

B. The remodeling or renovation of existing facility space which use is modified as a result of the project described in item A. This existing space must be usable for its intended function on completion of the project described in item A.

C. Capital asset additions or replacements that have occurred or will occur within 12 months of the completion date of the project described in item A.

D. Additions, replacements, renovations, or remodeling projects or portions of projects that are considered a phased project with a completion date more than 12 months after the completion date of the project described in item A.

Subp. 10. **Hospital.** "Hospital" means an acute care institution licensed under *Minnesota Statutes*, sections 144.50 to 144.58.

Subp. 11. **Land improvement.** "Land improvement" has the meaning given it in part 9549.0020, subpart 28.

Subp. 12. **Licensee.** "Licensee" has the meaning given it in part 4655.0100, subpart 7.

Subp. 13. **Nursing home.** "Nursing home" means a facility licensed according to *Minnesota Statutes*, chapter 144A.

Subp. 14. **Phased project.** "Phased project" means a construction project where:

A. a single construction contract was entered into by the facility;

B. the subdivisions of the total project have a contiguous or common foundation, unless the completion date of a project subdivision is more than 36 months after the completion date of an earlier project subdivision; or

C. the intended function of project space added, replaced, renovated, or remodeled must be completed to its intended function and must not be dependent on future capital asset additions or replacements of that or other facility space, unless those future capital asset additions or replacements occur more than 36 months after the completion date of that construction project.

A phased project is eligible for reimbursement if the total cost of the aggregate of all phases does not exceed the maximum threshold specified in *Minnesota Statutes*, section 144A.071, subdivision 2. If the total project construction costs of the aggregate of all phases exceeds the maximum threshold, only those project construction costs up to the maximum threshold are eligible for reimbursement.

Subp. 15. **Project construction costs.** "Project construction costs" means the cost of the facility capital asset additions, replacements, renovations, or remodeling projects; construction site preparation costs; and related soft costs. Project construction costs also include the costs of remodeling or renovation of existing facility space modified as a result of the construction project.

Subp. 16. **Soft costs.** "Soft costs" means costs capitalized as part of the project relating to implementation of the proposal, including:

- A. sales taxes on materials;
- B. contractor's overhead and profit;
- C. architect and engineering fees;
- D. construction period interest;
- E. permits, zoning, and construction financing;
- F. feasibility, economic, and demographic studies;
- G. legal, accounting, and consulting fees relating to creation of the development; and
- H. cost of designing the improvements.

4655.1120 [Emergency] SUBMISSION OF COST INFORMATION.

Before approval of final construction plans for a nursing home or certified boarding care home construction project, the licensee shall submit to the commissioner an itemized statement of the project construction costs.

If the construction project includes a capital asset addition, replacement, remodeling, or renovation of space such as hospital, apartments, or shared or common areas, the facility must submit to the commissioner an allocation of capital asset costs, soft costs, and debt information prepared according to parts 9549.0010 to 9549.0080.

If the construction project is anticipated to be completed in phases, the project construction cost information submitted under this part shall include the costs for all phases of the project.

Project construction cost estimates shall be prepared by a contractor or architect and other participants in the development of the project.

4655.1130 [Emergency] REIMBURSEMENT LIMITS.

The acceptance or determination of project construction costs under parts 4655.1100 to 4655.1150 [Emergency] is not binding for reimbursement. Actual reimbursement of these costs is determined according to parts 9549.0010 to 9549.0080 and *Minnesota Statutes*, section 256B.431.

4655.1140 [Emergency] CONSTRUCTION PROJECT APPROVAL.

The commissioner shall not approve a construction project where costs exceed \$500,000, or 25 percent of the nursing home's or certified boarding care home's appraised value, whichever is less, unless the project meets the exemption requirements in *Minnesota Statutes*, section 144A.071, subdivision 2. This approval is in addition to the approvals of construction plans and specifications required under chapter 4660.

4655.1150 [Emergency] FINAL APPROVAL.

Before conducting the final inspection of the construction project required by part 4660.0100 and issuing final clearances for use, the licensee shall provide to the commissioner the total project construction costs of the construction project. The commissioner shall provide a copy of this information to the Department of Human Services.

Department of Public Safety

Adopted Emergency Rules Relating to Firearms Dealers Security Standards

The rules proposed and published at *State Register*, Volume 17, Number 8, pages 410-412, August 24, 1992 (17 SR 410), are adopted with the following modifications:

Rules as Adopted**7504.0200 [Emergency] SECURITY MEASURES FOR SMALL FIREARMS DEALERS.**

After business hours when the dealer's place of business is unattended, a small firearms dealer shall place all pistols that are located in the dealer's place of business in a locked safe or locked steel gun cabinet, or on a locked, hardened steel rod or cable that runs through the pistols' trigger guards.

A. The door to a safe must be recessed or flush and made of at least 3/16-inch thick seven gauge steel. The body of a safe must be made of hot rolled steel of at least one-eighth inch thick 12 gauge thickness. A safe must have an Underwriters Laboratory (UL) listed Group 2 combination lock.

E. The door to a gun cabinet must be ~~recessed and~~ made of at least 14 gauge steel. The door may be recessed, flush, or overlapping. If the door is flush or overlapping, it must be designed to conceal the location of the locking bolts and hinges from the

Official Notices

outside of the cabinet. The door must be reinforced and must be attached to the body by one continuous hinge or at least two hinges that are located either inside or outside the body. If the hinges are located outside the body of the safe, the safe must have an interior locking system consisting of permanent or moveable locking pins securing the door from the inside when it is in the closed position. The body of a gun cabinet must be made of hot rolled steel of at least 14 gauge thickness, and must be continuously welded to create a single, solid structure. A gun cabinet must have either a UL-listed group two combination lock or a UL-listed key lock that is encased in a high security, drill-resistant lock body. A key lock must use a restricted key that can only be duplicated by a factory-authorized source.

7504.0300 [Emergency] SECURITY MEASURES FOR LARGE FIREARMS DEALERS.

A large firearms dealer shall ~~either~~ comply with the requirements of items A to H or the requirements of part 7504.0200 [Emergency], ~~items A to D.~~ or the requirements of items A to H except that a large firearms dealer shall not use a gun cabinet.

H. Metal grates and grating must have spaces no larger than six inches ~~on center~~ wide along any diagonal. Metal screen must have spaces no larger than three inches wide along any diagonal. Steel bars must be no more than six inches apart on center.

7504.0600 [Emergency] EXEMPTIONS.

Upon written request from a firearms dealer, the commissioner of public safety shall grant an exemption from compliance with a requirement of this chapter if the following conditions are met:

C. the requirement is not ~~mandated~~ by specifically set out in statute; and

Official Notices

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.

Administration

Governor's Planning Council on Developmental Disabilities

New Members Sought

Applications are being accepted to fill anticipated vacancies on the Governor's Planning Council on Developmental Disabilities. Those appointed by the Governor will begin serving on the Council in February 1993.

The Council assists in the selection of priorities for the development of a state plan. The Council also advises state policymakers on issues pertaining to the provision of an array of services to people with developmental disabilities and their families, such as in the areas of health, education, human services, housing, and transportation.

People with "developmental disabilities" are those who have severe, physical or mental disabilities, which occur before age twenty-two and are likely to continue indefinitely. A developmental disability limits three or more major life activities, such as: self care, language, learning, mobility, self-direction, independent living, and economic self-sufficiency.

The following persons are encouraged to apply: persons who have a developmental disability, parents who have a child with a developmental disability, providers of services, and people who have strong interests in related public issues.

To apply, please contact the Office of the Secretary of State to request the form entitled "Application for Service in State Agency." Address: Secretary of State, State Office Building, Room 180, St. Paul, Minnesota 55155. Telephone: (612) 297-5845.

Applications are to be filed at the Office of the Secretary of State by December 4, 1992.

Department of Agriculture

Agronomy Services Division

Notice of Cancellation of Minnesota Agricultural Chemical Response Compensation Board Meeting

NOTICE IS HERBY GIVEN of cancellation of the Agricultural Chemical Response Compensation Board (ACRRA Board) meeting

scheduled for November 18, 1992. The next regularly scheduled ACRRRA Board meeting will be Wednesday, December 16, 1992; to be held at the Minnesota Department of Agriculture offices, 90 West Plato Boulevard, St. Paul, Minnesota, Conference Room One, at 9:00 a.m.

Call the ACRRRA Program, 297-3490, should you require additional information.

Board of Animal Health

Notice of Board Meeting

A meeting of the Board of Animal Health has been scheduled for Friday, December 11, 1992 at the Board offices at 9:30 a.m. The Board offices are located at 90 West Plato Boulevard, St. Paul, Minnesota 55107.

Information about this meeting can be obtained by calling the Board office at 612-296-2942, Extension 16.

Eugene H. Kirchoff
Accounting Supervisor

Human Services

Notice of Disproportionate Population Adjustment for State Regional Treatment Centers

The purpose of this notice is to provide information concerning the Disproportionate Population Adjustment (DPA) under the Medical Assistance (MA) Program. The following DPA factors are effective for admissions occurring from July 1, 1992 through June 30, 1993. The inpatient cost of care rate of each hospital is increased by the indicated percentage.

PID	HOSPITAL	DPA%
1700012	Anoka Regional Treatment Center	56.18
1700023	Brainerd Regional Treatment Center	56.18
1700056	Fergus Falls Regional Treatment Center	51.17
1700078	Moose Lake Regional Treatment Center	53.44
170009X	St. Peter Regional Treatment Center	58.31
1700103	Willmar Regional Treatment Center	50.53

Questions and comments may be directed to:

Allen N. Rasmussen
Department of Human Services
Reimbursement Division
444 Lafayette Road
St. Paul, MN 55155-3824
(612) 297-4184

Department of Human Services

Vacancy on Medicaid Drug Formulary Committee

The Minnesota Department of Human Services is seeking applications from Minnesotans interested in serving on the Minnesota Medicaid Drug Formulary Committee. The purpose of the committee is to advise the Department on drug coverage for the Medical Assistance Program. The current opening on the 9-member committee is for a physician who is not employed by the Department of Human Services, and whose practice is primarily with persons paying privately or through health insurance. Members currently serve 2-year terms and volunteer their time and service to the committee. The Department will reimburse members for expenses for mileage to and from committee meetings and will award continuing education credits for attending committee meetings.

For more information, please contact Eric D. Anderson, Health Care Management Division, Minnesota Department of Human Services, at (612) 296-1723, or send a letter of interest and vita to Eric D. Anderson, Pharmacy Policy Unit, Health Care Management Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3853. Applications will be accepted until December 1, 1992.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Construction Projects

Effective November 9, 1992 prevailing wage rates are certified for commercial construction projects in: Itasca county: Grattan Township Community Building; Hennepin county: Washington Avenue Ramp; Lyon county: Food Service West; Blue Earth county: Mankato State University Outside and Inside Electrical Work.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charges for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Minnesota Pollution Control Agency

Hazardous Waste Division

Notice of Intent to Solicit Outside Information Regarding Proposed Amendments to *Minnesota Rules* ch. 7105 Relating to Underground Storage Tank Contractor Training and Certification

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparing to propose the amendment of rules relating to training and certification of underground storage tanks (USTs) contractors. Specifically the MPCA is considering proposing an amendment to the recertification requirements for supervisors of UST projects. The MPCA will also use this revision to clarify some technical terms and rule language.

Adoption of rule amendments under this chapter is authorized by *Minnesota Statutes* § 116.07, subd. 4 (1990).

The MPCA is also providing notice that a rule advisory work group will be established. Parties interested in serving on this work group are encouraged to convey this interest.

The MPCA requests information and opinions concerning the subject matter of these rules. Written or oral statements or comments should be directed to:

David Lein or Thomas Clark
Minnesota Pollution Control Agency
Hazardous Waste Division
Tanks and Spills Section
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Telephone: 612-297-8663 or 612-297-8617

Oral statements will be received from 8:00 a.m. to 4:00 p.m., Monday through Friday. All statements of information and opinion will be accepted until December 9, 1992. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the rule is amended.

Dated: 28 October 1992

Charles W. Williams
Commissioner

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Office of Waste Management

Notice of Request for Proposals

The Minnesota Office of Waste Management (OWM) is a state agency established by the Minnesota Legislature to provide financial and technical assistance to industry and local governments to encourage the proper management of hazardous and solid waste. In the area of solid waste, the OWM's objective is to minimize land disposal of solid waste through the promotion of waste reduction, recycling, and resource recovery. The OWM's Grants and Market Development Unit provides financial and technical assistance to both public and private organizations that develop and implement projects to accomplish this objective.

This notice is issued by the Director of the OWM (Director) under authority provided in *Minnesota Rules* parts 9210.0600 to 9210.0645. Under this authority, the OWM established the Recycling Market Development Grant and Loan Program, that is made up of three financial assistance programs: 1) County Grant Program, 2) Directed Research and Feasibility Study Grant Program, and 3) Capital Loan Program. Under these programs, the OWM intends to provide grants and loans for recycling market development activities that have broad application in the state, and that have potential for significant expansion of manufacturing capacity for recyclable materials and that increase demand for products made from recycled materials.

The purpose of this notice is to solicit proposals for projects that meet the objectives under the Directed Research and Feasibility Study Grant Program.

The Directed Research and Feasibility Study Grant Program is intended to provide financial assistance to research institutions and private organizations to undertake research activities that lead to increased demand for and use of recycled materials and recycled products. Research institutions and non-profits may receive grants for up to 100 percent of eligible costs or \$100,000, whichever is less, and private businesses may receive grants for up to 50% of eligible costs or \$100,000, whichever is less. Eligible projects are projects in Minnesota that conduct feasibility studies for the development of manufacturing capacity to use recyclable materials as a feedstock in a manufacturing process, develop performance data on recycled products, or develop and market products that use recyclable material. Priority will be given to feasibility studies that have the support of an industry interested in utilizing the results for development of remanufacturing capacity.

Projects are being solicited through a Request For Proposals (RFP). The OWM will give preference to projects that promote state market development priorities, conserve resources, and use post-consumer materials.

Although projects addressing other materials are eligible for funding, the OWM has identified four categories of recyclable material as priorities for market development efforts in Minnesota this fiscal year. In alphabetical order, these priority materials are: *Glass*—value added, non-aggregate uses for color mixed or ceramic contaminated cullet; *Paper*—old newsprint, residential mixed paper, telephone directories; *Plastic*—post-consumer resins excluding #1 and #2 bottle grade and commercial/industrial film; *Problem Materials*—value-added uses for wood waste and construction/demolition material, and recycling of toxic containing materials.

Copies of the Request for Proposals, including the rules applicable to the program, are available by contacting:

Chris Cloutier
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, MN 55108
(612) 649-5493 or 1-800-657-3843 (toll-free in Minnesota)

Proposals meeting the requirements of the RFPs must be received by the OWM at the above address by 5:00 p.m., CST, Friday, January 8, 1993.

Professional, Technical & Consulting Contracts

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

Request for Proposals for Public Information Plan and Services

The Department of Administration requests proposals to create and assist in implementing a plan for informing the public through the statewide print media about a series of nine products and to design and assist in creating a conference presentation of those products. Needed services anticipated include preparation of news releases and fact sheets, educational handouts and displays, and preparing presentations to editorial boards. Responders may propose additional tasks or activities if they will substantially improve the results of the project. The contract will begin immediately upon execution and will run through June 30, 1993, or completion of the final product, whichever comes first. This request for proposal does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Prospective responders who have any questions regarding this request for proposal or who wish to have a copy of the complete request for proposal may call or write: Mary Williams, Management Consultant, Department of Administration, 203 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, telephone 612/296-9922. Other department personnel are not allowed to discuss the project with responders before the submittal of proposal deadline. All proposals must be sent to: Mary Williams, Management Consultant, Department of Administration, 203 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, not later than 4:30 p.m. Nov. 20, 1992. Late proposals will not be accepted. Submit three copies of the proposal and one set of work samples. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project. The department has estimated that the cost of this project should not exceed \$25,000.

The following will be considered minimum contents of the proposal:

1. A statement of the objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the project.
2. A description of the deliverables to be provided by the responder.
3. An outline of the responder's background and experience, with particular emphasis on local, state, and federal government work, and examples of similar work done by the proposer, a list of personnel who will conduct the project, detailing their training, work experience, and hourly fees. No change in personnel assigned to the project will be permitted without the written approval of the state project manager.
4. A detailed cost and work plan that will identify the major tasks to be accomplished and be used as a scheduling and managing tool, as well as the basis for invoicing.
5. Identification of the level of the department's participation in the project, as well as any other services to be provided by the department.

All proposals received by the deadline will be evaluated by representatives of the Department of Administration. In some instances, an interview will be part of the evaluation process. Factors on which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project objectives.
2. Project work plan.
3. Project cost plan.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by Dec. 4, 1992.

The successful responder will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

Department of Employee Relations

Notice of Availability of Request for Proposal to Provide Health Insurance Coverage for the Minnesota Public Employees Insurance Program

The Minnesota Department of Employee Relations (DOER) is soliciting proposals from qualified Vendors to offer health insurance coverage through the Minnesota Public Employees Insurance Plan (Public PEIP). The Public PEIP is administered by the Employee Insurance Division within DOER but health benefits and services are provided exclusively by private health carriers. The Public PEIP offers affordable health care options to employees of cities, counties, school districts and other local units of government through a pooled arrangement that offers smaller employers purchasing advantages and efficiencies.

The goal of the Request is to build upon and enhance the current Public PEIP by creating a structure in which several major carriers offer their products in a pooled arrangement to allow more choice for public employers and employees, to maintain affordability and rate stability, and to increase managed care options. Proposers are encouraged to describe their most innovative concepts in plan design and managed care.

A copy of the detailed Request for Proposal can be obtained weekdays from 8:00 a.m. to 4:00 p.m. Vendors should obtain a copy of the detailed Request for Proposal as soon as possible to ensure sufficient preparation time. The detailed Request for Proposal can be obtained by contacting:

Kathryn Lamp
Department of Employee Relations
Employee Insurance Division
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Telephone: 296-4349

Proposals are due no later than Noon on December 14, 1992.

Department of Employee Relations

Notice of Availability of Request for Proposal to Provide Health Insurance Coverage for the Minnesota Private Employers Insurance Program

The Minnesota Department of Employee Relations (DOER) is soliciting proposals from qualified Vendors for health insurance coverage through the Minnesota Private Employers Insurance Program (Private PEIP). The Private PEIP was established in *Minnesota Statutes, Laws of 1992*, Chapter 549, Article 3, with the purpose to create a statewide health insurance program for Minnesota employers of two or more employees which could provide the purchasing and efficiency advantages available to a larger pool. The Private PEIP is administered by the Employee Insurance Division within DOER and successful proposals must comply with all applicable state laws governing the Private Employers Insurance Program.

The goal for the Private PEIP is to structure a health insurance program for employers in which several major carriers offer their products in a pooled arrangement to offer choices and affordable managed care options and to offer stable rates over time. Proposers are urged to offer their most innovative concepts in plan design and managed care.

A copy of the detailed Request for Proposal can be obtained weekdays from 8:00 a.m. to 4:00 p.m. Vendors should obtain a copy of the detailed Request for Proposal as soon as possible to ensure sufficient preparation time. The detailed Request for Proposal can be obtained by contacting:

Kathryn Lamp
Department of Employee Relations
Employee Insurance Division
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Telephone: 296-4349

Proposals are due no later than Noon on December 14, 1992.

Department of Health

Request for Proposal for Actuarial Services to Assist in Implementation of Chapter 549

Summary

Chapter 549 was enacted by the 1992 Legislature in an attempt to limit the growth of health care expenditures, reform insurance practices, and finance a plan that offers access to affordable health care for Minnesota residents.

The Department of Health is charged with reviewing and approving required rate information submitted by health maintenance organizations (HMOs). To do so, the Department must obtain assistance in developing actuarially sound processes.

Through this request, the Department is seeking outside actuarial services to assist in development of a system to review and approve rate information required to be submitted by HMOs. The Department seeks proposals from firms with experience in health coverage and actuarial consultations.

This request for proposal does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in the State's best interest.

I. Goal

The overall goal of the contract is to enable the Department to conduct detailed actuarial-based review of rate information submitted by HMOs.

II. Project Tasks

The contractor will assist in the development of procedures for reviewing rates, will provide training of staff who will do rate reviews and will provide consultation, if necessary, as the review activity proceeds in accordance with the following requirements of Chapter 549:

A. Article II, Section 8, Subd. 2. Beginning July 1, 1993, each HMO must offer premium rates which have been determined to be actuarially valid and approved by the commissioner.

B. Article II, Section 8, Subd. 6-8. Carriers using rate cells must file their index rates with the commissioner no later than July 1, 1993, and each year thereafter, and demonstrate that all their rates are within the rating restrictions of this law.

C. Article II, Section 8, Subd. 10. The commissioners of Health and Commerce shall submit a joint report to the legislature concerning the effect of the rating restrictions and the desirability of further restrictions, by January 1, 1995 and annually thereafter.

D. Article II, Section 10, Subd. 1. Carriers in the small employer market shall file an annual actuarial opinion with the commissioner beginning April 4, 1994. The commissioner shall regulate premium rates charged or proposed to be charged under section 62A.02.

E. Article III, Section 11, Subd. 1. (1) Each HMO that sells Medicare supplement policies shall establish a separate rate beginning January 1, 1993.

III. Department Contacts

Prospective respondents who have any questions regarding this RFP may call or write:

Arnold Rosenthal
Health Care Delivery Systems
Minnesota Department of Health
717 S.E. Delaware Street
P.O. Box 9441
Minneapolis, MN 55440
612-623-5294

Please note: Other Department personnel are not allowed to discuss the project with responders before the submittal of proposal deadline.

IV. Submission of Proposals.

All proposals must be received no later than 4:30 p.m. on Monday, November 23, 1992. Please send proposals to:

Arnold Rosenthal
Health Care Delivery Systems
Minnesota Department of Health
717 S.E. Delaware Street
P.O. Box 9441
Minneapolis, MN 55440

Professional, Technical & Consulting Contracts

Late proposals will not be accepted. Responders must submit two copies of the proposal. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Proposals must be sealed in a mailing envelope with responder's name and address clearly written on the outside. Prices and terms of the proposal as stated must be valid for the length of the project.

V. Project Costs and Duration

The Department estimates the cost of this project should not exceed \$20,000. The project will be completed by June 30, 1993 with option to renew.

VI. Proposal Contents

Proposals must contain the following features and conform to the following requirements:

- A. State the name of the firm submitting the proposal and its legal status, e.g., corporation, partnership, etc.;
- B. State names and enclose resumes of specific staff assigned to work on the project;
- C. Describe how the firm will accomplish the task, and provide an estimate of the number of hours required for the task by the project team member; and,
- D. State the proposed hourly rate that would apply to each project member under this contract. Based on the number of hours estimated for the task, estimate the firm's total compensation.

VII. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department of Health. At the Department's discretion, an interview may be part of the evaluation. Evaluation and selection will be completed by December 1, 1992. Results will be sent immediately by mail to all respondents. A contract will be forwarded to the successful proposer.

Factors upon which the proposals will be judged include but are not limited to:

- A. Expressed understanding of project objectives;
- B. Project work plan;
- C. Project cost detail; and
- D. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

VIII. Worker's Compensation

The successful responder will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

Minnesota Historical Society

Applicants Sought for Position of State Archaeologist

The Board of Trustees of the Minnesota Historical Society is seeking applicants to fill the position of State Archaeologist. Duties of the position are listed in *Minnesota Statutes* 138.31 - 138.42 and 307.08. The term is four years. No salary accompanies the position although there are funds for official expenses.

Qualifications for the position include:

1. Graduate degree in Anthropology with a specialization in Archaeology plus at least 5 years of experience in archaeological research, administration and/or cultural resource management;
2. A specialization in pre-European and Euroamerican Period Archaeology;
3. Demonstrated ability in the identification of cemeteries/burial sites;
4. Demonstrated ability to work effectively with the Minnesota Native American community;
5. Demonstrated ability to successfully manage complex research programs;
6. Demonstrated ability in oral and written communication;
7. Demonstrated ability to work with diverse public and governmental agencies; and
8. Not an employee of the Minnesota Historical Society.

Applications must be submitted no later than December 10, 1992 to: Ian R. Stewart, Deputy Director, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102-1906.

Professional, Technical & Consulting Contracts

Minnesota Historical Society

Notice of Request for Proposals for Professional Services for the Commissioning of the Minnesota History Center

The Minnesota Historical Society is seeking proposals from qualified engineering firms and engineers to provide professional engineering services related to commissioning the Minnesota History Center. In particular, the services will relate to the commissioning of the building HVAC systems.

The Request for Proposals is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Details concerning submission requirements and deadlines are included in the Request for Proposals.

Non-State Public Bids and Contracts

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.

Lower Rum River Watershed Management Organization

Request for Interest Proposals—Professional Services

Pursuant to MSA 103B.227, Subdivision 5, the Lower Rum River Watershed Management Organization hereby solicits interest proposals for legal consultant and engineering consultant services for the fiscal years 1993 and 1994. The annual budget for all services for the organization for the year 1993 is \$18,200.

Written proposals setting forth the experience of the individuals who would be interested in performing professional services for the Lower Rum River Watershed Management Organization should be sent to:

The Lower Rum River Watershed Management Organization
2015 First Avenue North
Anoka, MN 55303
Attention: Jim Schrantz, Chairman

Proposals shall be submitted on or before December 1, 1992.

Please set forth in your written proposal the experience the individual who proposes to perform services for this organization and the resumes of support staff who would assist the individual in providing the contractual services. The proposal should contain a statement on the firm's ability to provide the necessary insurance. The board will review said proposals and reserves to itself the right to take such action as it deems in the best interests of the Lower Rum River Watershed Management Organization.

Minnesota Historical Society

Notice of Request for Bids for LSI Track Lighting Fixtures

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide LSI brand track lighting fixtures.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Details concerning submission requirements and deadlines are included in the Request for Bids.

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

A = Sealed Bid	G = \$5,000-\$15,000 Estimated Dollar Value	J = Targeted Vendors Only
B = Write for Price	H = \$15,000-\$50,000 Sealed Bid	K = Local Service Needed
C = Request for Proposal	I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required	L = No Substitute
D = Request for Information		M = Installation Needed
E = \$0-\$1,500 Estimated Dollar Value		N = Pre-Bid Conference
F = \$1,500-\$5,000 Estimated Dollar Value		O = Insurance or Bonding Required

Commodity: Silica sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 19
Agency: Transportation
Deliver to: Willmar
Requisition #: 79/800-SS

Commodity: Aggregates
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 19
Agency: Transportation
Deliver to: Willmar
Requisition #: 79/800-A

Commodity: Bituminous
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 18
Agency: Transportation
Deliver to: Crookston
Requisition #: 79/250-B

Commodity: Ready mix
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 19
Agency: Transportation
Deliver to: Willmar
Requisition #: 79/800-RM

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 18
Agency: Transportation
Deliver to: Crookston
Requisition #: 79/250-WS

Commodity: Aggregates
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 18
Agency: Transportation
Deliver to: Crookston
Requisition #: 79/250-A

Commodity: Portland cement
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 19
Agency: Transportation
Deliver to: Willmar
Requisition #: 79/800-PC

Commodity: Ready mix
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 18
Agency: Transportation
Deliver to: Crookston
Requisition #: 79/250-RM

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Ely location
Requisition #: 79/150-WS

Commodity: Bituminous
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 19
Agency: Transportation
Deliver to: Willmar
Requisition #: 79/800-B

Commodity: Portland cement
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 18
Agency: Transportation
Deliver to: Crookston
Requisition #: 79/250-PC

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Hibbing location
Requisition #: 79/150-WS

State Contracts and Advertised Bids

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Cook location
Requisition #: 79/150-WS

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Littlefork & International Falls
Requisition #: 79/150-WS

Commodity: Bituminous
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Virginia
Requisition #: 79/150-B

Commodity: Aggregates—bituminous plant mix
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 10
Agency: Transportation
Deliver to: Morris
Requisition #: 79/450-BPM

Commodity: Ready mix
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Morris
Requisition #: 79/450-RM

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Morris
Requisition #: 79/450-WS

Commodity: Bituminous
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Morris
Requisition #: 79/450-B

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 19
Agency: Transportation
Deliver to: Willmar
Requisition #: 79/800-WS

Commodity: 90 GB mainframe storage
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: December 1
Agency: Administration (Intertech)
Deliver to: St. Paul
Requisition #: 02410-32419 (RFP)

Commodity: Custom shelving
Contact: Jack Bauer 612-296-2621
Bid due date at 2:30pm: December 15
Agency: Historical Society
Deliver to: St. Paul
Requisition #: 02310-33860 (RFP)

Commodity: Aggregates
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Ely location
Requisition #: 79/150-A

Commodity: Aggregates
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Grand Rapids location
Requisition #: 79/150-A

Commodity: Aggregates
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Cook location
Requisition #: 79/150-A

Commodity: Aggregates
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Hibbing location
Requisition #: 79/150-A

Commodity: Aggregates
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Virginia location
Requisition #: 79/150-A

Commodity: Aggregates
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Littlefork & International Falls
Requisition #: 79/150-A

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Virginia location
Requisition #: 79/150-WS

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 20
Agency: Transportation
Deliver to: Grand Rapids location
Requisition #: 79/150-WS

Commodity: Alcohol, methanol, commercial grade (REBID)
Contact: Donnalee Kutchera 612-296-3776
Bid due date at 2pm: November 16
Agency: Transportation
Deliver to: Various
Requisition #: Price Contract

Commodity: B F—Joerns electric bed
Contact: Teresa Manzella 612-296-7556
Bid due date at 4:30pm: November 10
Agency: North Hennepin Community College
Deliver to: Brooklyn Park
Requisition #: B 27153-21476

Commodity: B F—Lab freezer/refrigerator
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: November 12
Agency: Winona State University
Deliver to: Winona
Requisition #: B 26074-14740

Commodity: A I M—Cafeteria furniture
Contact: Jack Bauer 612-296-2621
Bid due date at 2pm: November 10
Agency: Department of Administration
Deliver to: St. Paul
Requisition #: B 02307-34285

Commodity: B F—Lab supplies
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: November 12
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-73054

Commodity: B F—Nursery stock for spring 1993 delivery
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: November 16
Agency: Minnesota Department of Transportation
Deliver to: Various Places
Requisition #: B 79100-09358

Commodity: B F—Steel doors & frames
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 16
Agency: Facilities Management Office
Deliver to: Little Falls
Requisition #: B 01000-07225

Commodity: B G—Otari replacement parts
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 17
Agency: Minnesota Department of Jobs & Training
Deliver to: Various Places
Requisition #: B 21200-53238

Commodity: B G—Labor/materials photo eyes on elev
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 16
Agency: Winona State University
Deliver to: Winona
Requisition #: B 26074-14744

Commodity: B G—Radios
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 16
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: B 27156-11020

Commodity: B E—Roofing materials
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 16
Agency: Cambridge Regional Human Services Center
Deliver to: Cambridge
Requisition #: B 55201-30288

Commodity: B F—Plastic snow fence
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 16
Agency: Minnesota Department of Transportation
Deliver to: Windom
Requisition #: B 79750-01248

Commodity: B E—Computer cable
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: November 16
Agency: Intertechnologies group
Deliver to: St. Paul
Requisition #: B 02410-32410

Commodity: B G—Replacement parts Studar recorder
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 16
Agency: Minnesota Department of Jobs & Training
Deliver to: Various Places
Requisition #: B 21200-53237

Commodity: A H—Video system
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: November 17
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-50635

Commodity: B G—Port audio system
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 17
Agency: Southwest State University
Deliver to: Marshall
Requisition #: B 26175-03280

Commodity: A H M—Sound system & screen
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: November 17
Agency: Minnesota Department of Education/Accounts Payable
Deliver to: Various Places
Requisition #: B 37090-08321

Commodity: B F—Steelguard rail assembly
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 16
Agency: Minnesota Department of Transportation
Deliver to: Golden Valley
Requisition #: B 79500-23504

Commodity: A H—Calcium chloride
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 17
Agency: Facilities Management Office
Deliver to: Little Falls
Requisition #: B 01000-07196

Commodity: A H L—Oscilloscope—Tektronix
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 10
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-64535

Commodity: B E—Electronic circuits
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: November 16
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-24177

Commodity: B F—Laundry equipment
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: November 16
Agency: St. Peter Regional Treatment Center
Deliver to: St. Peter
Requisition #: B 55105-09260

Commodity: A H K M—Forklift
Contact: Jack Bauer 612-296-2621
Bid due date at 2pm: November 17
Agency: Materials Management Division
Deliver to: Various Places
Requisition #: B 02511-35576-1

Commodity: B F K M—Halon system
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: November 17
Agency: Department of Public Service
Deliver to: Roseville
Requisition #: B 80300-93197

Commodity: B F L—Digital thermometer
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: November 16
Agency: Rochester Community College
Deliver to: Rochester
Requisition #: B 27148-61059

Commodity: B F—Commercial automatic washer
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: November 16
Agency: Minnesota Correctional Facility
Deliver to: Shakopee
Requisition #: B 78640-02557

State Contracts and Advertised Bids

Commodity: B F—Welders
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: November 12
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-11555

Commodity: Gasoline: super unleaded
with 10% ethanol—gasohol—rebid
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: November 18
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Asbestos abatement
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: November 30
Agency: Administration
Deliver to: Various
Requisition #: Price Contract

Commodity: A H—Construction
materials for cold storage
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: November 18
Agency: Minnesota Department of
Transportation
Deliver to: Various Places
Requisition #: B 79050-70160

Commodity: B G K M—Copier
purchase
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: November 16
Agency: Minnesota Department of Jobs
& Training
Deliver to: Various Places
Requisition #: B 21200-53370



MEMO:

--New--

**Minnesota's Bookstore
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Now, for the cost of a phone call, you can access a complete listing of products and services available from *Minnesota's Bookstore*. Using your personal computer and a modem you can access the new *Minnesota's Bookstore Online Service*.

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Landscaping for Wildlife. Attract wildlife to your land and gardens, farms and woodlots by spreading nature's welcome mat. Songbirds, butterflies, hummingbirds, pheasants, deer and other wildlife are drawn through these gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages give you simple, enjoyable, and inexpensive methods for adding the right touches for a "wildlife party" on your grounds, whether urban or rural. Stock #9-15, \$9.95 plus tax.

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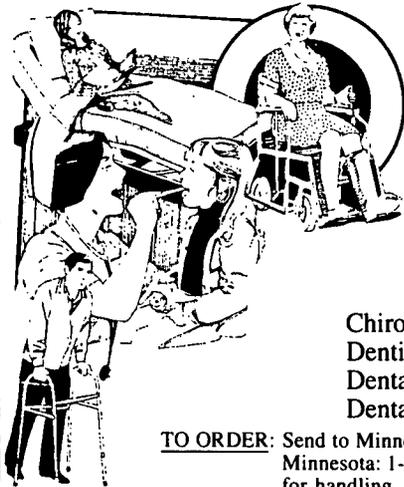
Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$13.95 plus tax.

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Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock No. 9-11. \$3.50.

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Call 297-2552 for more information or write to the address below for your free mailing list service packet.

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Minnesota's Bookstore

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