

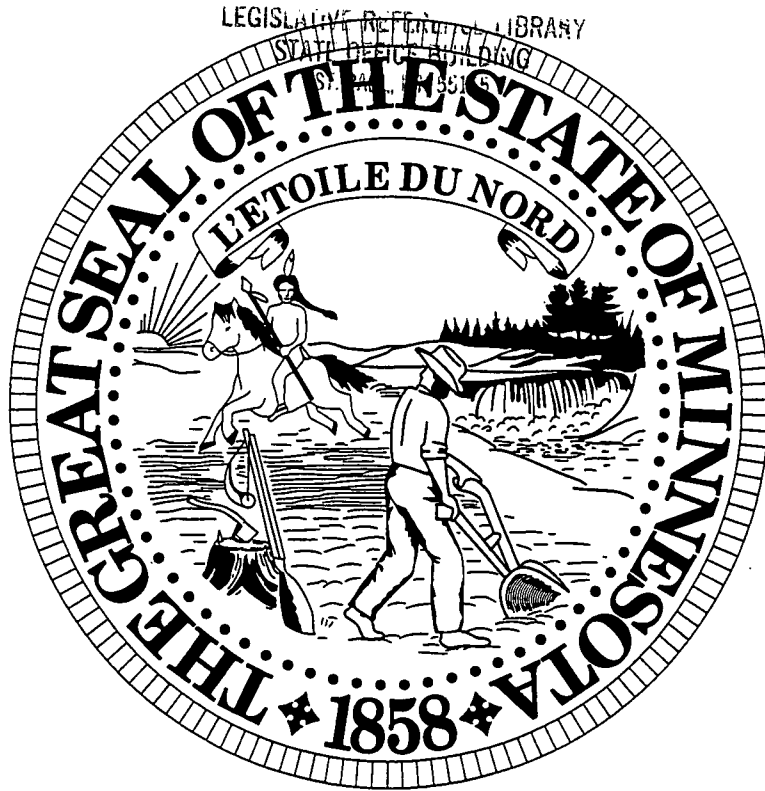
The Minnesota
**State
Register**

Department of Administration—Print Communications Division

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

Monday 30 January 1995

Volume 19, Number 31

Pages 1597-1654

State Register

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

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

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 19 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
31	Monday 30 January	Friday 13 January	Monday 23 January
32	Monday 6 February	Monday 23 January	Monday 30 January
33	Monday 13 February	Monday 30 January	Monday 6 February
34	Tuesday 21 February	Monday 6 February	Monday 13 February

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SUBSCRIPTION SERVICES:

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, MN 55155, pursuant to *Minnesota Statutes* § 14.46. Order by phone: Metro area: 297-3000 Toll free 800-657-3757. Telecommunication Device for the Deaf Metro area: 282-5077 Toll free 800-657-3706. **NO REFUNDS.** Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. Publication Number 326630 (ISSN 0146-7751). Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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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 (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

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.

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Contact: House Information Office (612) 296-2146
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For subscription information call 612/296-0931. "Commodity Contract Awards Reports" are published every two weeks, and "Professional-Technical-Consulting Contract Awards Reports" are published monthly. Both are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757. Individual awards can be obtained from the **Materials Management Helpline** 612/296-2600.

Minnesota Rules: Amendments and Additions

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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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 the Use of a Cash Register

DUAL NOTICE:

Notice of Intent to Adopt a Rule without a Public Hearing unless 25 or More Persons Request a Hearing;

Notice of Hearing if 25 or More Persons Request a Hearing; and

Notice of Cancellation of Hearing if 25 or More Persons Do Not Request a Hearing

Introduction. The Minnesota Gambling Control Board 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 submit a written request for a hearing on the rule within 30 days or by March 1, 1995, a public hearing will be held on April 17, 1995. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after March 1, 1995, the end of the 30-day comment period, and before April 17, 1995, the scheduled hearing date.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Sharon A. Beighley, Rules Coordinator
Minnesota Gambling Control Board
1711 West County Road B
Suite 300 South
Roseville, MN 55113
612-639-4091

Subject of Rule and Statutory Authority. The proposed rules relate to the use of cash registers by organizations conducting pull-tab games in Minnesota. The statutory authority of the Board to adopt the rule is *Minnesota Statutes*, 349.19, subd. 10(b) (1994).

A copy of the proposed rule is published in the *State Register* on January 30, 1995 and attached to this notice as mailed. A copy is also available free of charge by contacting the agency contact person.

Comments. You have until 4:30 P.M. on Wednesday, March 1, 1995 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, March 1, 1995. Your written request for a public hearing must include your name, address, and telephone number. You are encour-

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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aged 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.

Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and printed in the *State Register*, and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for April 17, 1995 will be canceled if the Board does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the Board will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Sharon A. Beighley at 612-639-4091 after March 1, 1995 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on Monday, April 17, 1995 at the Kelly Inn, I-94 and Marion Street, St. Paul, Minnesota beginning at 9:00 A.M. and continuing until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Steve Mihalchick. Judge Mihalchick can be reached at the Office of Administrative Hearings, #1700 Washington Square, 100 Washington Avenue South, Minneapolis, Minnesota 55401, telephone number 612-349-2544.

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 rule. 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 Hearing. You and the agency may respond in writing within five 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 by 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 Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the Board anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. The Minnesota Gambling Control Board is subject to *Minnesota Statutes*, section 14.115 (1992), regarding small business considerations in rulemaking. The Board's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, (1992) for reducing the impact of the proposed rules on small businesses have been considered and discussed in detail in the Statement of Need and Reasonableness.

Expenditure of Public Money by Local Public Bodies. This rule will not require the expenditure of public money by local public bodies, therefore *Minnesota Statutes*, section 14.11, subd. 1 is not applicable.

Impact on Agricultural Lands. This rule will have no impact on agricultural lands, therefore *Minnesota Statutes* 16A.1285, subd. 5 is not applicable.

Notice to Department of Finance. This rule does not set departmental fees or charges, therefore *Minnesota Statutes* 16A.1285, subd. 5 is not applicable.

Notice to Chairs of Certain Legislative Committees. This rule does not set departmental fees or charges, therefore it was not necessary to notify the Chairs of the House Ways and Means Committee and the Senate Finance Committee pursuant to *Minnesota Statutes* 16A.1285, subd. 5.

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, telephone number 612-296-5148.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the Board may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or to be notified of

Proposed Rules

the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person 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 Board may not take any final action on the rule for a period of five working days. If you want to be notified about the report, 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 also request notification of the date on which the rule is adopted and filed with the secretary of state. The Board's Notice of Adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the secretary of state;

Dated: 21 December 1994

Harry W. Baltzer, Executive Director
Gambling Control Board

Rules as Proposed

7861.0080 PULL-TABS.

Subpart 1. **Restrictions.** The following items are restrictions on pull-tabs:

A. Pull-tabs must not be dispensed from any coin-operated or mechanical dispensing device, except as may otherwise be permitted by law or rule.

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

E. An organization using cash registers shall not commingle pull-tab games.

F. An organization shall not commingle receipts from two or more pull-tab games in play at one time unless the organization uses a cash register approved by the board pursuant to subpart 5, item A, follows the procedures for use of a cash register in subpart 5, item B, and performs a monthly reconciliation pursuant to the requirements of subpart 5, item C.

Subp. 2. **Operation of pull-tab game.** The following rules apply to the game of pull-tabs:

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

B. No organization shall place a deal of pull-tabs in play unless the game serial number of the deal of pull-tabs corresponds to the game serial number ~~written appearing on the state registration stamp bar code~~. If the game serial number does not correspond to the number ~~written appearing on the registration stamp bar code~~, the organization shall return the deal of pull-tabs to the distributor. The ~~registration stamp bar code~~ must not be altered or removed from the flare.

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

Subp. 3. **Single deals.** The following items apply to single deals of pull-tabs:

A. The flare, with the ~~state registration stamp bar code~~ affixed, for the deal of pull-tabs in play shall be affixed to the receptacle containing the entire deal of pull-tabs.

B. Separate cash banks must be maintained for each deal, unless the organization is using a cash register approved by the board pursuant to subpart 5.

Subp. 4. **Commingled deals.** The following items apply to commingled deals of pull-tabs:

A. Two or more single deals of pull-tabs may be commingled in one receptacle subject to the following:

- (1) the deals must be identical as to a particular type of game and as to the number of pull-tabs per game;
- (2) each deal must have a separate flare displaying the ~~state registration stamp bar code~~ and manufacturer's serial number; and
- (3) the flares must be identical as to the price per ticket, the amount of prizes, and the denominations of prizes.

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

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Proposed Rules

Subp. 4a. Use of cash registers. An organization using a cash register in the conduct of pull-tabs shall use a cash register that meets the technical standards established in item A, follows the procedures in item B, and performs a monthly reconciliation pursuant to the requirements in item C.

A. Cash registers used by organizations to conduct pull-tab games shall meet, at a minimum, the technical standards in subitems (1) to (12).

(1) The cash register shall have an electrical power cord with a three-prong ground at the male end of the cord. The cash register must be protected by a surge protector. The cash register must safely and operatively withstand static electricity.

(2) The cash register shall have at least one keyed lock with a multiple function position which is capable of restricting access to accounting and auditing functions of the cash register.

(3) The cash register shall have an operating switch, or lock, that will allow the cash register to operate only when a unique identification code has been entered.

(4) The cash register shall preserve all existing data whenever electrical power to the cash register is interrupted.

(5) The cash register shall create a paper or magnetic media duplicate transaction journal following each transaction.

(6) The cash register shall separately record all pull-tab sales, cash prize payouts, and merchandise prize payouts for each game of pull-tabs in play.

(7) The cash register shall be capable of accepting a game's serial number and ticket price before that game is put into play by the organization.

(8) The cash register shall have a display screen that will display the value of currency tendered, and the amount of currency to be returned to the purchaser, if any.

(9) For each transaction involving the sale of a pull-tab, the cash register shall record the following information:

(a) the date of the sale;

(b) the operator's unique identification code;

(c) the serial number of the game from which the pull-tab is being purchased;

(d) the number of pull-tabs purchased; and

(e) the preset ticket price.

(10) For each transaction in redeeming a winning pull-tab, the cash register shall record the following information:

(a) the date of the prize payout;

(b) the operator's unique identification code;

(c) the serial number of the winning pull-tab; and

(d) the amount of the cash prize payout or cash value of a merchandise prize.

(11) The cash register shall record and maintain the information required in subitems (5) to (10) for each game of pull-tabs in play, and be capable of producing a printout for any or all of the games in play at any time.

(12) Once a pull-tab game is closed by the organization, the cash register shall be capable of printing out the final game record and deleting the game from the cash register's memory.

B. This item contains the procedure for use of a cash register.

(1) The cash register shall be located in the space leased or owned by the organization, and shall be used exclusively for the conduct of lawful gambling.

(2) The organization shall assign a unique identification code to each organization employee authorized by the organization to sell and/or redeem pull-tabs through the use of a cash register.

(3) The organization shall have sole responsibility for all keys used to operate the cash register.

(4) The organization shall enter the serial number of the game and the preset game pricing, which must be identical to the ticket prices appearing on the flare for that game, into the cash register's programmable memory before placing a pull-tab game into play.

(5) When selling a pull-tab through the use of a cash register, the organization employee shall:

(a) enter the specific key on the cash register that corresponds to the pull-tab deal from which the player is purchasing the pull-tab;

(b) enter the number of pull-tabs purchased; and

(c) enter the dollar value of the currency tendered by the player.

(6) When redeeming a winning pull-tab through the use of a cash register, the organization employee shall:

(a) enter the specific key code on the cash register that corresponds to the pull-tab game from which the winning pull-tab is being redeemed;

(b) enter the cash prize payout amount or the cash value of the merchandise prize of the winning pull-tab; and

(c) complete a prize receipt form, pursuant to subpart 7, item C, for any winning pull-tab valued at \$50 or more or for any prize for redeeming the last ticket sold in a pull-tab game for which the distributor has modified the flare to contain a last sale value of \$20 or more.

(7) The organization shall record as both a pull-tab sale and a pull-tab redemption any transaction in which a player chooses to receive a pull-tab in lieu of a cash prize payout.

(8) If more than one organization employee sells and redeems pull-tabs through the same cash register during any business day, the cash must be counted at the end of each work period, and in the presence of the next pull-tab seller coming on duty. The cash count must be recorded on a form prescribed by the board. If the amount of cash does not reconcile to the cash register totals for each game in play, the pull-tab seller who operated the cash register during the work period when the error was made shall prepare a cash short/long form, on a form prescribed by the board. The form shall contain the following information:

(a) the cash count;

(b) the totals as indicated on the cash register for each game in play;

(c) the amount of cash long or short;

(d) the serial number of the game in which the error was made, if known;

(e) the unique identification code of the pull-tab seller;

(f) the signature of the pull-tab seller; and

(g) the signature of the organization employee verifying the reconciliation.

(9) If only one organization employee sells and redeems pull-tabs through the same cash register during a business day, the cash must be counted at the time the cash is removed from the cash register. The cash count must be recorded on a form prescribed by the board, and verified by another organization employee. If the amount of cash does not reconcile to the cash register totals for each game in play, the organization employee who operated the cash register during the time when the error was made shall prepare a cash short/long form, as prescribed by the board. The form shall contain the information as required in subitem (8).

C. On the last day of each month the organization must perform a reconciliation of all pull-tab games in play or played during the month. The following procedure shall be used to perform the reconciliation:

(1) The organization shall prepare cash register tape printouts for each game in play or played showing all activity for each game.

(2) The organization shall perform a ticket count for each game remaining in play at the end of the month. The organization shall verify that the number of sold and unsold tickets for each game equal the total number of tickets in the game.

(3) If a discrepancy in ticket count is discovered, the organization shall compare all completed cash short/long forms to the cash register totals of pull-tabs sold and redeemed for each game to determine the game in which the error occurred.

(4) The organization shall prepare a reconciliation report for all games in play during the month, on a form prescribed by the board. The form shall contain at a minimum the following information:

(a) the form number of the game;

(b) the serial number of the game;

(c) the total value of remaining unsold pull-tabs in the game;

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(d) the total value of cash prizes paid out in the game and/or the total cash value of merchandise prizes paid out in the game;

(e) total cash receipts for the game from the cash register printout;

(f) the amount of cash long or short; and

(g) an explanation of adjustments made to the record of any game in order to bring the game into balance with the cash register totals.

(5) The organization shall retain the reconciliation report, the cash register printouts for each deal, and all cash short/long forms, along with all other records of the game required by subpart 6, for a period of 3-1/2 years.

D. The board may prohibit an organization from using a cash register if it determines that the organization cannot account for the amount of cash short or cash long from each deal of pull-tabs.

Subp. 5. **Pull-tab prize and cost per ticket limits.** Prizes and bets must be limited, awarded, and controlled in the following manner:

A. The maximum value of a prize for a winning pull-tab must not exceed ~~\$250~~ \$500. If two or more winning combinations are possible, including the last sale prize on a single pull-tab, the total value of all winning combinations must not exceed ~~\$250~~ \$500.

[For text of items B to E, see M.R.]

Subp. 6. **Records.** An organization shall maintain the following information for a period of 3-1/2 years.

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

B. For each deal of pull-tabs the flare, with the ~~state registration stamp~~ bar code affixed, and all winning, unopened, and unsold pull-tabs segregated by game serial number. Commingled deals of pull-tabs are not required to be segregated by game serial number. The organization shall not open any unsold or defective pull-tabs.

C. All completed prize receipt forms for any winning pull-tab valued at \$50 or more or for any prize for redeeming the last ticket sold in a pull-tab game for which the distributor has modified the flare to contain a last sale value of \$20 or more. A prize receipt form prescribed by the board shall include at a minimum the following information:

(1) The pull-tab seller must legibly print in ink on the receipt the following:

(a) the name of the gambling premises;

(b) the ~~registration stamp number~~ and the game serial number of the deal of pull-tabs from which the prize was won;

(c) the name of the game of that deal of pull-tabs;

(d) the date the prize was won;

(e) the value of the prize won; and

(f) the winner's name and driver's license number including state of license registration, unless the winner does not have a driver's license, in which case the winner's full name and full address obtained from a picture identification.

(2) The receipt must be legibly signed in ink by the pull-tab seller paying the winner.

D. An organization must complete a detailed monthly report in a standard format approved by the commissioner of revenue for each deal of pull-tabs removed from play during that month (schedule B), as required by part 7861.0120, subpart 3, item D. The report must contain the following information:

(1) the premises permit number and name of the premises;

(2) the month and year the report is prepared;

(3) the name of the preparer;

(4) the name of each deal of pull-tabs and the number of pull-tabs in the deal;

(5) ~~the state registration stamp number;~~

(6) the game serial number;

(7) (6) the date put into play;

(8) (7) the date removed from play;

(9) (8) the cost of each pull-tab;

(10) (9) the ideal gross receipts;

- (+1) (10) the ideal prizes which includes last sale;
- (+2) (11) the dollar amount of unsold and defective pull-tabs;
- (+3) (12) the actual gross receipts;
- (+4) (13) the actual prizes, including cash and merchandise;
- (+5) (14) the net receipts;
- (+6) (15) the actual cash profit or loss resulting from each deal of pull-tabs removed from play; and
- (+7) (16) the cash long or short stated numerically.

E. Reports must provide sufficient detail to determine the actual net receipts, actual cash profit, and the cash long and short for each deal of pull-tabs.

[For text of subp 7, see M.R.]

Department of Health

Proposed Permanent Rules Relating to Health; WIC

Notice of Intent to Adopt Rules without a Public Hearing

Introduction. The Minnesota Department of Health intends to adopt, amend, and repeal permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. This proposed adoption, amendment and repeal shall be referred to in this Notice as the "proposed rule amendments." You have 30 days to submit written comments on the proposed rule amendments and may also submit a written request that a hearing be held on the proposed rule amendments.

Agency Contact Person. Questions or written comments on the proposed rule amendments and written requests for a public hearing on the proposed rule amendments must be submitted to: Rick Chiat, WIC Program Supervisor, Minnesota Department of Health, 717 Southeast Delaware Street, PO Box 9441, Minneapolis, MN 55440, telephone: 612/623-5747, fax: 612/623-5442. TDD users with questions about the proposed rule amendments may call the Minnesota Department of Health at 612/623-5522.

Subject of Rules and Statutory Authority. The proposed rule amendments concern: the process by which the Minnesota Department of Health approves foods for purchase using WIC vouchers; the nutrition education plans and individual nutrition care plans developed by WIC local agencies; the WIC local agencies' contracts with the Commissioner of the Minnesota Department of Health; the substitution of the term "community health board" for "community health service agency"; and the definitions which apply to the WIC Program rules. The statutory authority for the proposed rule amendments is *Minnesota Statutes*, sections 144.11 and 145.894(k). The Minnesota Department of Health is proposing to repeal *Minnesota Rules*, parts 4617.0002, subpart 11; 4617.0046; 4617.0047; 4617.0170; 4617.0175; and 4617.0180. A copy of the proposed rule amendments is published in the *State Register* and attached to this Notice as mailed.

Comments. You have until 4:30 PM, Wednesday, March 1, 1995, to submit written comment in support of or in opposition to the proposed rule amendments or any part or subpart of the proposed rule amendments. Your comment must be in writing and received by Rick Chiat at the address listed above by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the proposed rule amendments. Your request for a public hearing must be in writing and must be received by Rick Chiat at the address listed above by 4:30 PM on March 1, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule amendments which caused your request, the reason for the request, and any changes you are proposing. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Department will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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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Modifications. The proposed rule amendments may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Department and may not result in a substantial change in the proposed rule amendments as attached and printed in the *State Register*. If the proposed rule amendments affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed rule amendments. A free copy of the Statement may be obtained from Rick Chiat at the address or telephone number listed above.

Small Business Considerations. In preparing these proposed rule amendments, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rule amendments on small businesses. The adoption of the proposed rule amendments will not directly affect small businesses.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these proposed rule amendments 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 proposed rule amendments.

Impact on Agriculture Lands. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these proposed rule amendments will not have an impact on agricultural land.

Departmental Charges. *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the proposed rule amendments do not establish or adjust departmental charges.

Adoption and Review of Rules. If no hearing is required, after the end of the comment period the Department may adopt the proposed rule amendments. The proposed rule amendments and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date proposed rule amendments are submitted to the Attorney General or be notified of the Attorney General's decision on the proposed rule amendments. If you wish to be so notified, or wish to receive a copy of the adopted rule amendments, submit your request in writing to Rick Chiat at the address listed above.

Date: 13 January 1995

Mary Jo O'Brien, Commissioner
Department of Health

Rules as Proposed

4617.0002 DEFINITIONS.

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

Subp. 2. **Agency.** "Agency" ~~refers to~~ means:

A. a public or private, nonprofit health or human service agency;

B. a community health board established pursuant to *Minnesota Statutes*, chapter 145A;

C. an Indian tribe, band, or group recognized by the United States Department of the Interior which operates a health clinic or is provided health services by an IHS service unit; or

D. an intertribal council or group that is an authorized representative of Indian tribes, bands, or groups recognized by the United States Department of the Interior, which operates a health clinic or is provided health services by an IHS service unit.

Subp. 2a. Bran cereal. "Bran cereal" means a cold, adult cereal for which the first ingredient listed on the label is wheat bran, oat bran, or corn bran.

Subp. 2b. Brand. "Brand" means, with respect to a food product, the name of a specific food product manufactured by a specific manufacturer.

Subp. 2c. Breast-feeding. "Breast-feeding" means the practice of feeding a mother's breast milk to her infant on the average of at least once a day.

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

Subp. 7. **Child.** "Child" means a person whose birthday is on the day of certification or who has had a first birthday an individual who is at least one year old but who has not had a fifth birthday.

[For text of subs 8 to 10, see M.R.]

Subp. 11. [See repealer.]

[For text of subp 12, see M.R.]

Subp. 12a. Corn cereal. "Corn cereal" means a cold, adult cereal for which the first ingredient listed on the label is corn.

[For text of subps 13 to 16, see M.R.]

Subp 16a. Hot cereal. "Hot cereal" means an adult cereal for which the instructions on the label state to heat the cereal before consumption.

[For text of subp 17, see M.R.]

Subp. 17a. IHS. "IHS" means the Indian Health Service of the United States Department of Health and Human Services.

Subp. 18. Individual nutrition care plan. "Individual nutrition care plan" means a plan established under part 4617.0062, ~~subpart 3~~ 4617.0058.

Subp. 19. Infant. "Infant" means a ~~person~~ an individual who is under one year of age.

Subp. 20. Licensed practical nurse. "Licensed practical nurse" means a ~~person~~ an individual who is licensed to provide health services in Minnesota under ~~Minnesota Statutes, sections 148.29 to 148.297~~ by the Minnesota board of nursing to practice practical nursing pursuant to Minnesota Statutes, sections 148.171 to 148.285, and who meets the requirements of part 4617.0035, subpart 6.

[For text of subps 21 to 23, see M.R.]

Subp. 24. Migrant service agency. "Migrant service agency" means a local agency approved by the commissioner to serve only migrant farmworkers and to administer the WIC program for part of a year according to part 4617.0037, subpart 1.

Subp. 24a. Noncitrus juice. "Noncitrus juice" means:

A. a fruit juice product which does not contain any citrus juice;

B. a fruit juice product which contains both:

(1) one or more citrus juices; and

(2) one or more fruit juices which are not citrus juices; or

C. a vegetable juice product.

[For text of subps 25 and 26, see M.R.]

Subp. 26a. Oat cereal. "Oat cereal" means a cold, adult cereal for which the first ingredient listed on the label is oats.

[For text of subps 27 and 28, see M.R.]

Subp. 28a. Participant. "Participant" means a pregnant woman, breast-feeding woman, postpartum woman, infant, or child who is receiving WIC-approved foods or vouchers from a local agency, or an infant being breast-fed by a woman who is receiving vouchers from a local agency.

[For text of subps 29 to 32, see M.R.]

Subp. 33. Physician's assistant. "Physician's assistant" means a ~~person~~ an individual who is registered as a physician's assistant by the Minnesota Board of Medical Practice and who meets the requirements of part 4617.0035, subpart 7.

[For text of subp 34, see M.R.]

Subp. 35. Pregnant woman. "Pregnant woman" means a woman carrying one or more embryos or fetuses in the ~~uterus~~ utero.

Subp. 36. Private physician. "Private physician" means a physician or group of physicians who have contracted with a local agency to provide ongoing, routine pediatric ~~of care,~~ ongoing, routine obstetric care, or both, to participants.

Subp. 37. Proxy. "Proxy" means ~~the~~ a participant's legal guardian or a person other than designated by a participant or legal guardian who obtains vouchers a voucher from a local agency or buys authorized foods redeems a voucher for the a participant and who is designated as a proxy by a participant.

Subp. 38. Registered nurse. "Registered nurse" means a ~~person~~ an individual who is licensed by the Minnesota board of nursing to provide health services within the scope of that person's profession under practice professional nursing pursuant to Minnesota Statutes, sections 148.171 to 148.285.

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[For text of subs 39 and 40, see M.R.]

Subp. 40a. Rice cereal. "Rice cereal" means a cold, adult cereal for which the first ingredient listed on the label is rice.

[For text of subs 41 to 43, see M.R.]

Subp. 44. Voucher. "Voucher" means a written authorization from the commissioner for a vendor to issue food to a participant that is specified on the voucher by the commissioner and that may be exchanged by a vendor for cash under the WIC program document which is authorized by the commissioner for use by a WIC customer to obtain WIC-approved foods from a vendor, and which may be deposited in the vendor's account at an established financial institution.

Subp. 44a. Wheat cereal. "Wheat cereal" means a cold, adult cereal for which the first ingredient listed on the label is wheat.

Subp. 44b. WIC-approved foods. "WIC-approved foods" means foods approved by the commissioner pursuant to this chapter for purchase with WIC vouchers.

Subp. 44c. WIC customer. "WIC customer" means a participant in the WIC program, a proxy, or a representative of the commissioner posing as a participant or proxy.

[For text of subpart 45, see M.R.]

4617.0020 AGENCY APPLICATION REVIEW AND APPROVAL.

[For text of subs 1 to 5, see M.R.]

Subp. 6. Priority system. The priority system under this subpart must be used by the commissioner when required by subpart 4.

A. The commissioner shall give:

- (1) first priority to a community health service agency board established pursuant to Minnesota Statutes, chapter 145A;
- (2) second priority to a public or private nonprofit health service agency;
- (3) third priority to a public human service agency; and
- (4) fourth priority to a private nonprofit human service agency.

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

[For text of subs 7 to 11, see M.R.]

4617.0025 DISQUALIFICATION.

The commissioner shall stop providing WIC program funds to a local agency if the local agency does not comply with parts 4617.0002 to ~~4617.0180~~ 4617.0174. A local agency shall reimburse the commissioner for WIC program funds that are not distributed according to this chapter.

4617.0030 LOCAL AGENCY CONTRACTS AND AGREEMENTS.

Subpart 1. State contracts. To administer the WIC program, a local agency must have a written contract with the commissioner. The contract must:

- A. contain the ~~signatures~~ signature of the state officials required by Minnesota Statutes, section 16.098, and the legal representatives a representative of the local agency who is authorized to legally bind the agency;
- B. contain the provisions required by Code of Federal Regulations, title 7, section 246.6, paragraph (b);
- C. be consistent with this chapter and Code of Federal Regulations, title 7, part 246;
- D. contain a nondiscrimination clause regarding employment practices and the delivery of program benefits to eligible or potentially eligible participants that is consistent with the following statutes and the regulations adopted under them:
 - (1) Title VI of the Civil Rights Act of 1964, United States Code, title 42, sections 2000d to 2000d-4a;
 - (2) Title IX of the Education ~~Amendment~~ Amendments of 1972, United States Code, title 20, sections 1681 to 1688;
 - (3) section 504 of the Rehabilitation Act of 1973, United States Code, title 29, section 794;
 - (4) the Age Discrimination Act of 1975, United States Code, title 42, sections 6101 to 6107; and
 - (5) Code of Federal Regulations, title 7, part 15 the Americans with Disabilities Act of 1990, United States Code, title 42, sections 12101 to 12213;
- E. require the local agency to obtain written consent from the commissioner to implement a change to the application submitted under part 4617.0010;

F. provide assurances that no conflict of interest exists between the local agency and a vendor or the local agency and the commissioner; ~~and~~

G. specify beginning and ending dates of the contract ~~;~~ and

H. contain a statement that the local agency agrees to develop a nutrition education plan which:

(1) is consistent with Code of Federal Regulations, title 7, section 246.11, paragraph (d)(2);

(2) includes the criteria used to select participants for high-risk nutrition education; and

(3) includes the criteria the local agency uses to determine which participants will receive an individual nutrition care plan.

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

4617.0043 EVALUATIONS AND MONITORING.

Subpart 1. **Evaluations and federal rules.** Through financial reviews and management evaluations, the commissioner shall evaluate whether a local agency has accomplished its WIC program objectives and determine whether the local agency is in compliance with parts 4617.0002 to ~~4617.0180~~ 4617.0174. The commissioner shall monitor a local agency according to *Code of Federal Regulations*, title 7, section 246.19, paragraph (b)(2).

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

4617.0044 NUTRITION EDUCATION PLAN; REQUIREMENT.

A local agency must prepare ~~a~~ an annual nutrition education plan ~~for the two years following to be effective beginning on~~ the submission deadline under part ~~4617.0055~~ 4617.0045. A nutrition education plan must be consistent with the requirements of this chapter and Code of Federal Regulations, title 7, part 246, and must meet all nutrition education plan requirements contained in the local agency's written contract with the commissioner.

4617.0045 NUTRITION EDUCATION PLAN SUBMISSION DEADLINES.

Subpart 1. **General deadline.** Except as provided in subparts 2 and 3, a local agency shall submit a nutrition education plan to the commissioner before October 1 of ~~the federal fiscal year in which the plan must begin~~ each year.

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

4617.0049 APPROVAL OF NUTRITION EDUCATION PLAN ~~AND WRITTEN REPORT.~~

The commissioner shall approve or disapprove a nutrition education plan ~~and a written report required under part 4617.0047, subpart 3 based on whether the local agency has complied with all nutrition education plan requirements as contained in its written contract with the commissioner and in Code of Federal Regulations, title 7, part 246.~~ Within 120 days after receiving a nutrition education plan ~~or a written report~~, the commissioner shall notify the local agency in writing of the commissioner's approval or disapproval of that local agency's nutrition education plan ~~or written report~~. If a plan ~~or report~~ is disapproved, the commissioner shall advise the local agency of the items that must be revised or completed for the plan ~~or report~~ to be consistent with this chapter. A local agency shall complete revisions of the plan ~~or report~~ within 30 days after the date it receives the commissioner's written disapproval.

4617.0050 ROLE OF NUTRITION EDUCATION COORDINATOR.

A nutrition education coordinator must approve and prepare a nutrition education plan required by part 4617.0044. A nutrition education coordinator must approve ~~an~~ each individual nutrition care plan required by part 4617.0058. At least one nutrition education coordinator from a local agency shall attend the annual nutrition education conference sponsored by the commissioner. A nutrition education coordinator must also review and approve the local agency nutrition education materials and activities.

4617.0056 CONTENTS OF NUTRITION EDUCATION SESSIONS.

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

Subp. 3. **Contents of high-risk nutrition education.** If a participant meets the high-risk criteria ~~under part 4617.0046, item F in~~ the local agency nutrition education plan, the contents of nutrition education for that participant must be developed according to the needs indicated by the individual nutrition care plan required under part 4617.0058.

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4617.0058 INDIVIDUAL NUTRITION CARE PLAN.

A competent professional authority from the local agency serving the participant must prepare a written plan to meet the nutrition needs of an individual nutrition care plan for each participant who meets the individual nutrition care plan criteria required by part 4617.0046; item F in the local agency nutrition education plan, or of a for each participant who requests a plan, or of a and for each participant for whom a competent professional authority has determined that an individual nutrition care plan is needed. An individual nutrition care plan must include:

- A. an identification of the health and nutritional needs of the participant;
- B. a plan and schedule for meeting the needs identified in item A;
- C. methods for documenting progress of the plan's implementation;
- D. the name of the person who will monitor implementation of the individual nutrition care plan;
- E. the signature and title of the person who developed the individual nutrition care plan; and
- F. the signature and title of the nutrition education coordinator who approved the plan, if a nutrition education coordinator did not develop the plan.

WIC-APPROVED FOODS

4617.0171 INFANT FORMULA APPROVAL PROCESS.

In accordance with *Code of Federal Regulations*, title 7, section 246.16(m), the commissioner shall solicit bids and approve for purchase using WIC vouchers one or more brands of milk-based iron fortified infant formula and soy-based iron fortified infant formula. The nutritional content, size, and packaging of each approved brand of infant formula must be consistent with *Code of Federal Regulations*, title 7, section 246.10(c).

4617.0172 NONCOMPETITIVE FOOD APPROVAL PROCESS.

Subpart 1. Definition of noncompetitive food product. "Noncompetitive food product" means a food product listed in items A to J which meets all applicable requirements in *Code of Federal Regulations*, title 7, section 246.10(c), and does not contain any nonnutritive or artificial sweetener:

- A. infant cereal in a container of at least eight ounces and not more than 24 ounces which does not contain any fruit or formula and which is labeled as infant cereal;
- B. pure, unsweetened infant fruit juice in a container which does not exceed eight ounces and which is labeled as infant fruit juice;
- C. unsweetened, unflavored milk which is:
 - (1) fluid cow's milk in a container of at least 32 ounces;
 - (2) evaporated cow's milk in a 12-ounce or 13-ounce container; or
 - (3) dry cow's milk in a container that does not exceed 28 quarts when reconstituted;
- D. cheese;
- E. pure and unsweetened citrus juice which:
 - (1) contains no additives other than vitamin C and calcium; and
 - (2) is either frozen concentrate citrus juice in six-ounce or 12-ounce containers, or single strength citrus juice in containers of not more than 46 ounces;
- F. fresh eggs in cartons that contain a dozen eggs;
- G. legumes which do not contain any added ingredients and which are in containers of at least 14 ounces and not more than 32 ounces;
- H. peanut butter in a container of not more than 18 ounces which does not contain any other food product such as jelly, jam, or chocolate;
- I. tuna fish in a can which does not exceed 26 ounces; or
- J. fresh, frozen, or canned carrots without any sauce.

Subp. 2. Approval of noncompetitive food products. Every brand of a food product which meets the definition of a noncompetitive food product under subpart 1 is automatically approved by the commissioner for purchase using WIC vouchers, without any need for application by any food manufacturer. An approval under this subpart remains in effect until the food product no longer meets the definition of a noncompetitive food product under subpart 1.

4617.0173 COMPETITIVE FOOD APPROVAL PROCESS.

Subpart 1. Definition of competitive food product. “Competitive food product” means a food product listed in items A to C:

A. adult cereal;

B. noncitrus juice; or

C. any other food authorized under Code of Federal Regulations, title 7, section 246.10(c), for which, based on the best information available to the commissioner, not all brands of the food meet all applicable requirements in Code of Federal Regulations, title 7, section 246.10(c).

Subp. 2. Duration of approval. The approval of a competitive food product under subparts 3 and 4 must be for one year, beginning on the first day of the federal fiscal year following the date of notification of approval. However, if the food stops meeting the approval criteria under subpart 4, the approval of the food product ends immediately.

Subp. 3. Approval process. The approval process for competitive food products shall be as follows:

A. The commissioner shall annually send a written request for competitive food product applications to food manufacturers who have asked in writing to receive the request, to food manufacturers of competitive food products that are currently approved, and to food manufacturers identified by the commissioner. The request must include the following information:

(1) a description of the WIC program and of the procedure the commissioner shall use to approve a competitive food product;

(2) the approval criteria under subpart 4;

(3) the list of information that must be submitted in writing as a part of an application for competitive food product approval. The list must consist of information needed to identify the applicant and information needed for the commissioner to apply the approval criteria in subpart 4;

(4) the final date for submission of an application for competitive food product approval to the commissioner; and

(5) the expected timetable for the commissioner’s review of an application for competitive food product approval.

B. The commissioner shall not consider an application that does not provide the information required by item A, subitem (3), or is not submitted according to item A, subitem (4).

Subp. 4. Approval criteria. The commissioner shall determine which brands of each competitive food product to approve for purchase using WIC vouchers on the basis of the following criteria:

A. A competitive food product must meet the nutritional requirements of Code of Federal Regulations, title 7, section 246.10(c). A product must not contain any nonnutritive or artificial sweeteners. Single strength noncitrus juice must be pure and unsweetened juice, and contain a minimum of 30 milligrams of vitamin C per 100 milliliters. Single strength fruit juice products must contain no additives other than vitamin C and calcium. Frozen concentrate noncitrus juice must be pure and unsweetened juice, and contain a minimum of 30 milligrams of vitamin C per 100 milliliters when reconstituted at a ratio of one ounce of juice to three ounces of water. Frozen concentrate fruit juice products must contain no additives other than vitamin C and calcium. Adult cereal must contain a minimum of 28 milligrams of iron per 100 grams of dry cereal and not more than 21.2 grams of sucrose and other sugars per 100 grams of dry cereal (six grams per ounce).

B. Frozen concentrate noncitrus juice must be in six-ounce or 12-ounce containers. Single strength noncitrus juice must be in a container that does not exceed 46 ounces. Adult cereal must be in nine-ounce or larger containers.

C. A brand of competitive food product must be stocked by at least five percent of the Minnesota WIC retail food vendors responding to the most recent availability survey conducted by the commissioner.

D. A brand of competitive food product will not be approved if the price per ounce of that brand, less any rebate received by the commissioner for the brand, exceeds 130 percent of the average price per ounce of all brands of the same competitive food product which meet the criteria in items A to C.

E. At least once every two years the commissioner shall conduct a survey of a sample of WIC participants from each local agency to determine which brands of competitive food products are preferred by WIC participants. The survey must include:

(1) all brands of competitive food products currently approved for purchase using WIC vouchers; and

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(2) all other brands of competitive food products that meet the applicable requirements of items A and B, based on the best information available to the commissioner.

E. Unless the commissioner receives an insufficient number of applications for approval of competitive food product brands which meet the requirements of items A to D, the commissioner shall approve at least the following minimum number of brands of competitive food products:

- (1) 18 brands of adult cereal;
- (2) four brands of frozen concentrate noncitrus juice; and
- (3) six brands of single strength noncitrus juice.

G. If the number of applications received by the commissioner for brands which satisfy the requirements of items A to D exceeds the relevant minimum number in item F, the commissioner may disapprove one or more applications if the commissioner determines that disapproval is necessary for administrative efficiency. In considering administrative efficiency, the commissioner shall consider the number of brand names which could reasonably be printed on a participant's WIC authorization card, the number of brands which would be readily identifiable to an adult WIC customer or to vendor cashiers, the number of brands which a local agency could reasonably be expected to communicate to a participant, and the number of WIC approved foods which could reasonably be printed on an 8-1/2 inch by 11 inch piece of paper. If the commissioner decides to disapprove one or more applications, the commissioner shall consider the factors in subitems (1) to (4) in determining which application or applications to disapprove:

- (1) the results of the food preference survey described in item E;
- (2) the cost of the applicant brands;
- (3) the availability of the applicant brands; and

(4) the variety of the applicant brands, including the distribution of adult cereal brands among corn cereals, rice cereals, oat cereals, bran cereals, wheat cereals and hot cereals, and the distribution of noncitrus juice brands among apple juice, grape juice, pineapple juice, vegetable juice, and fruit or vegetable juice combinations.

Subp. 5. Notification of approval. The commissioner shall notify each food manufacturer which has submitted an application under this part of the commissioner's action on the application. By October 1 of each year, the commissioner shall provide notice to each vendor and local agency of the brands of competitive food products approved under this part.

Subp. 6. Revocation of approval. Notwithstanding subparts 2 and 4, item F, the commissioner may, at any time, revoke approval of a brand of a competitive food product if it no longer meets one or more of the requirements in subpart 4, items A to D. If the commissioner revokes approval of a brand, the commissioner shall provide the food manufacturer with written notice of the revocation.

4617.0174 GENERAL PROVISIONS.

Subpart 1. Expiration of prior approvals. All WIC food product approvals by the commissioner in effect on the effective date of this rule, except the approval of infant formula, expire at 12:01 a.m., October 1, 1995.

Subp. 2. Cultural preference. Notwithstanding the provisions of this chapter, the commissioner shall approve for purchase using WIC vouchers any food product or brand of food product authorized under Code of Federal Regulations, title 7, section 246.10(c), if the commissioner believes, based on the best information available, that there is a need for the food product or brand of food product within a specific cultural or ethnic group. If the commissioner approves any food product or brand of food product under this subpart, the commissioner shall provide notice of the approval to all retail food vendors and local agencies.

REPEALER. Minnesota Rules, parts 4617.0002, subpart 11; 4617.0046; 4617.0047; 4617.0170; 4617.0175; and 4617.0180, are repealed.

Department of Natural Resources

Proposed Permanent Rules Relating to the Leasing of State Lands for Metallic Minerals

Notice of Intent to Adopt Rules Without a Public Hearing

Introduction. The Minnesota Department of Natural Resources intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Kathy Lewis
Department of Natural Resources
500 Lafayette Road
Saint Paul, Minnesota 55155-4020
Telephone: (612) 296-4807

Subject of Rules and Statutory Authority. The proposed rules are amendments to rules establishing procedures by which the Department of Natural Resources issues leases for state owned lands for the mining of metallic minerals. The amendments address: administrative procedures relating to the process of issuing leases through a public lease sale, criteria and procedures for negotiation of leases, a new system for obtaining leases through application, negotiation for after identified or acquired property adjacent to leased lands, a process requiring submission and review of exploration plans, an increase in rental rates, a modification of royalty rates, modification of performance requirements applicable to lessees, and a procedure which requires that notice be given to the surface owner. The statutory authority to adopt these rules is *Minnesota Statutes*, section 93.08 to 93.12 inclusive, and section 93.25. A copy of the proposed rules is published in the *State Register*. A free copy of the proposed rules may be obtained from the agency contact person listed above.

Comments. You have until 4:30 p.m., March 1, 1995, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on March 1, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Department of Natural Resources will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Department and may not result in a substantial change in the proposed rules as attached and printed in the *State Register*. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of Need and Reasonableness is now available. This Statement 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 rules. A free copy of the Statement may be obtained from the agency contact person listed above.

Small Business Considerations. In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The leasing of state lands is a discretionary matter for business entities. As detailed in the Statement of Need and Reasonableness, certain provisions of the rules are favorable for small businesses. The Department has determined that any change to the rules as proposed for adoption to specifically benefit small businesses would be contrary to the objectives of the Statutes under the authority of which these rules are adopted.

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Expenditures of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in any additional spending by local public bodies.

Impact on Agricultural Lands. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because *Minnesota Statutes*, section 17.81, subdivision 2, specifically excepts leasing of state owned land for mineral exploration or mining from this review.

Departmental Charges. The review and recommendation of the commissioner of the Department of Finance concerning any departmental charges contained in the rules is attached to the Statement of Need and Reasonableness pursuant to *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5.

Adoption and Review of Rules. If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or you wish to receive a copy of the adopted rules, submit your request to the agency contact person listed above.

Dated: 12 January 1995

Rodney W. Sando, Commissioner
Department of Natural Resources

Gail I. Lewellan
Assistant Commissioner
of Human Resources and Legal Affairs

Rules as Proposed

PERMITS AND LEASES FOR METALLIC MINERALS, EXCEPT IRON ORES AND TACONITE ORES

6125.0100 PURPOSE.

The purpose of parts 6125.0100 to 6125.0700 is to promote and regulate ~~prospecting~~ exploration for, mining, and removing ores that are primarily valuable for their metallic minerals content, and the rules hereunder shall be construed to carry out that purpose.

6125.0400 LEASES.

The commissioner, with the approval of the state executive council, ~~shall adopt rules for the issuance of~~ may issue leases to ~~prospect~~ explore for, mine, and remove metallic minerals on lands where an interest in the minerals is owned by the state, including trust fund lands, land forfeited for nonpayment of taxes and held in trust by the state, lands where severed mineral interests have forfeited under *Minnesota Statutes*, section 93.55, lands where severed mineral interests have been otherwise acquired, lands where severed mineral interests may be leased by the commissioner under *Minnesota Statutes*, section 93.55, subdivisions 1a and 3, the beds of public waters, and lands otherwise acquired that have been designated by the commissioner as mining units. Each lease shall cover one mining unit. No lease shall be issued for a term longer than 50 years.

6125.0410 QUALIFICATION TO HOLD LEASE AND AUTHORIZATION TO CONDUCT GEOLOGICAL DATA GATHERING ACTIVITIES.

The right to apply for, acquire, and hold a lease to prospect for, mine, and remove metallic minerals owned by the state, and the right to apply for and to hold an authorization to conduct geological data gathering activities, are subject to items A and B.

A. The applicant is qualified to do business in Minnesota as shown by:

(1) if a corporation organized under the laws of Minnesota, a certificate of incorporation from the secretary of state's office;

(2) if a corporation organized under the laws of any state other than Minnesota or another country, a certificate of authority to transact business in Minnesota from the secretary of state's office;

(3) if a limited partnership, a certificate of limited partnership from the secretary of state's office;

(4) if an individual, proof of United States citizenship and of legal age; or

(5) if a general partnership or other business entity, evidence that the general partners or individuals controlling the business entity meet the requirements in this part.

B. The applicant is qualified to conduct exploratory borings in Minnesota by fulfilling the requirements of *Minnesota Statutes*, section 103I.601, subdivision 3.

The commissioner may request additional evidence that the applicant is technically and financially capable of performing under

the terms of a state minerals lease or an authorization to conduct geological data gathering activities and that the applicant has shown the capability to comply with environmental laws and permits. Such evidence may include but is not limited to a corporate report, an audited financial statement, resumes of corporate officers, and evidence of past compliance with environmental laws and permits in this or other states or in other countries. If such evidence is requested, the applicant must submit the evidence within 45 days of receipt of the request.

6125.0420 NOTICES OF PUBLIC LEASE SALES, NEGOTIATED LEASES, AND PREFERENCE RIGHTS LEASES.

The commissioner shall maintain a list of all persons who have registered with the department for the purpose of receiving notices of public lease sales, the filing of applications for negotiated leases, and notices of intent to offer lands available through preference rights leasing. The department may inquire as to whether those persons on the list wish to maintain their names on the list and may remove names for which there is a negative reply or no reply within 60 days.

When the commissioner publishes a notice under part 6125.0500, subpart 1, or 6125.0610, subpart 2, or receives an application under part 6125.0600, a copy of the notice or application shall be sent to all persons registered with the department to receive the notices.

6125.0500 PUBLIC SALE OF LEASES.

Subpart 1. **Time, place, and notice.** Except as otherwise expressly provided by law, or as otherwise provided in ~~part~~ parts 6125.0600 and 6125.0610, leases to ~~prospect~~ explore for, mine, and remove metallic minerals owned by the state shall be issued only upon public sale authorized by the commissioner.

The public sale of leases shall be held at such times and places as may be designated by the commissioner. The commissioner shall give public notice of intent to hold a public sale by publication in the State Register and the EOJ Monitor and such other publications as the commissioner may direct at least 90 days prior to the proposed date of sale. The commissioner shall give public notice of each sale by publication for three successive weeks in a qualified newspaper that has its known office of issue in the county ~~seats~~ seat of the ~~counties~~ county in which the mining units to be leased are located. If no qualified newspaper has its known office of issue in the county seat of a particular county, then notice must be published in the qualified newspaper designated as the publisher of the official proceedings of the county board of that county. The first publication shall be at least 30 days before the date of sale. Like notice shall be published in the State Register and the EOJ Monitor and may be published in not to exceed two additional newspapers and two trade magazines as the commissioner may direct. Each notice shall contain the following information:

- A. time and place of holding the sale;
- B. the place or places where the list of mining units to be offered for sale will be available for purchase or inspection, and where ~~application~~ and bid forms may be obtained; and
- C. such other information as the commissioner may direct.

Subp. 2. **Mining unit books.** Those interested in ~~bidding~~ obtaining a copy of the mining unit book may obtain one by making application submitting a request to the commissioner. The request must be accompanied by a check or money order, payable to the state treasurer Department of Natural Resources, in the sum of \$25 amount specified by the commissioner, based on copying and mailing costs, as a fee for a mining unit book. Unit books will be available for inspection at the Hibbing and Saint Paul offices of the Division of Minerals, Department of Natural Resources.

Subp. 3. **Lease application and bid Bids.** Each application and bid Bids shall be submitted on a form obtained from the commissioner, and shall cover only one mining unit, as designated in the mining unit book. The royalty rate offered in the bid shall be designated by inserting a figure in the blank space in the following clause of the bid form: "The royalty rates bid herein to be paid to the state per ton of crude ore for the metallic minerals and associated mineral products recovered from the ores mined from the mining unit shall be the sum of the base rate, as described in part 6125.0700, paragraph 8, and an additional bid rate of ___ percent of the value of the metallic minerals and associated mineral products recovered in the mill concentrate." The bid form must require identification of which mining units, as designated in the mining unit book, are being bid upon. The bid form will also require identification of the additional bid royalty rate offered for each mining unit being bid upon. Each bid form must be accompanied by a certified check, cashier's check, or bank money order, payable to the Department of Natural Resources, in the sum of the following amounts:

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A. an application fee of \$100 for each mining unit being bid upon; and

B. rental for one full calendar year for each mining unit being bid upon. For the purposes of the bid, the rental is calculated at \$1.50 per acre times the gross acreage of the lands offered for lease. The remaining rentals, due at the time the lease is issued, shall be due upon the effective date of the lease.

The application and bid form, together with a the certified check, cashier's check, or bank money order, payable to the state treasurer in the sum of \$100, shall be submitted in a bid sealed envelope obtained from the commissioner marked CONFIDENTIAL - BIDS FOR STATE MINERAL LEASES. Each sealed bid envelope shall be enclosed in another envelope and shall be delivered in person or by mail to the commissioner at Saint Paul, Minnesota. Bids may be submitted at any time before 4:30 p.m., Saint Paul, Minnesota time, on the last business day before the day specified for the opening of the bids, and no bids submitted after that time shall be considered. Upon receipt, the commissioner shall endorse upon each sealed bid envelope the exact time of presentation and preserve the same, unopened in the commissioner's office.

At the time specified, the commissioner, together with at least one member of the state executive council as designated by the council, shall then publicly open the bids and announce the amount of each bid separately. The commissioner shall request each high bidder to provide evidence the bidder is qualified to hold state mineral leases pursuant to part 6125.0410. The evidence must be provided within 45 days of the request from the commissioner or the bids from that high bidder will be rejected.

Subp. 4. Issuance of leases. Leases shall be awarded by the commissioner, with the approval of the state executive council, to the highest bidder for the respective mining units, but no bids shall be accepted that do not equal or exceed the base royalty rates in part 6125.0700. The right is reserved to the state, through the executive council, to reject any or all bids. Tie bids will be resolved by the commissioner, with the approval of the state executive council, by the random drawing of the name of one tied bidder from a pool comprised of the names of all the tied bidders. Upon the award of a lease, the ~~certified check~~ application fee submitted with the bid shall be deposited with the state treasurer as a fee for the lease. All bids not accepted shall become void, and the ~~checks~~ application fee and rental payment accompanying the bids shall be returned to the respective bidders; provided, however, the application fee and rental payment accompanying a bid shall not be returned if the bidder was the high bidder and subsequently withdrew the bid prior to the awarding of a lease.

6125.0600 NEGOTIATED LEASES.

Subpart 1. Purpose and eligibility for negotiated leases. When the commissioner finds that it is impractical to hold a public sale on any mining unit because of its location or size or the extent of the state's interest in the minerals and that the best interests of the state will be served and the circumstances in this subpart exist, the commissioner, with the approval of the executive council, may, ~~without holding a public sale~~, issue a lease to any qualified applicant to prospect explore for, mine, and remove metallic minerals through negotiations, to an applicant qualified under part 6125.0410.

A lease may be issued through negotiations under any of the following circumstances:

A. the state's mineral ownership interest in the lands to be leased is an undivided fractional interest and the applicant holds under control a majority of the remaining undivided fractional metallic mineral interests in the lands to be leased;

B. the applicant holds a state metallic minerals lease covering other lands within the same government section of land;

C. the applicant holds, within one-half mile of the requested lands to be leased, a state metallic minerals lease or a private metallic minerals lease and no other party holds a state metallic minerals lease covering land within the same government section of land where the requested lands to be leased are located; or

D. the lands to be leased contain an identified mineral resource, and the applicant holds under its control the majority of the same type of minerals in the remaining lands containing the identified mineral resource.

Subp. 2. After acquired or later identified state mineral ownership. The state may acquire additional mineral ownership in a government section where its mineral interests are held under a metallic minerals lease or there may be identification of additional state mineral ownership not known at the time the state mineral ownership in that government section of land was leased. When an applicant applies for a negotiated lease under these circumstances and the commissioner determines it is in the best interests of the state to issue a negotiated lease to the applicant, the royalty rate for the newly acquired or identified lands shall be the same as that contained in the state mineral lease held by the applicant if there has been no new drilling or production since the state metallic minerals lease was issued under parts 6125.0100 to 6125.0700.

Subp. 3. Application for negotiated lease. Applications for a negotiated lease shall be ~~in~~ submitted on a form obtained from the commissioner and shall contain information as the commissioner may prescribe. The applicant shall submit with the application a certified check, cashier's check, or bank money order, payable to the state treasurer Department of Natural Resources in the sum of \$100 as a fee for filing the application. The application fee will not be refunded under any circumstances.

The right is reserved to the state to reject any or all applications for negotiated leases.

Subp. 4. Issuance of lease. The leases so issued shall be in the form set forth in part 6125.0700, with such additional terms and conditions consistent with the lease as may be agreed upon. The rental and royalty rates agreed upon shall be not less than those prescribed in part 6125.0700.

No lease shall be issued under this part for the removal of metallic minerals from any mining unit for which notice of public sale has been published, until the public sale has been held.

6125.0610 PREFERENCE RIGHTS LEASES.

Subpart 1. Purpose. When the commissioner determines the best interests of the state will be served, the commissioner may establish a list of mining units available for preference rights leasing through application. Mining units may only be included in the preference rights lease availability list if they do not contain an identified mineral resource and the area is not being explored by multiple parties.

Subp. 2. Compilation of preference rights lease availability list. Mining units may be included in a preference rights lease availability list only if they meet all of the following criteria:

A. the mining unit has been offered at a public metallic minerals lease sale held under parts 6125.0100 to 6125.0700 after December 31, 1994;

B. the mining unit has been offered at a public metallic minerals lease sale held under parts 6125.0100 to 6125.0700 within the last four years;

C. the mining unit does not contain an identified mineral resource;

D. state metallic minerals leases are not in effect within three miles of the mining unit, unless the state metallic minerals leases are held by only one party;

E. a state metallic minerals lease is not in effect for other lands in the same government section of lands as covered by the mining unit under consideration; and

F. the mining unit is not within an area being offered at a public metallic minerals lease sale, as identified through a published notice of intent to hold a public metallic minerals lease sale.

Parties may submit to the commissioner suggestions of mining units to be considered for inclusion on the preference rights lease availability list.

Prior to including selected mining units on the preference rights lease availability list, the commissioner shall give public notice of intent to offer mining units available through preference rights leasing. The public notice shall be published in the *State Register*, the *EOB Monitor*, and a qualified newspaper that has its known office of issue in the county seat of the county in which the mining units to be included on the preference rights lease availability list are located. If no qualified newspaper has its known office of issue in the county seat of a particular county, then notice must be published in the qualified newspaper designated as the publisher of the official proceedings of the county board of that county. Like notice may be published in other publications as the commissioner may direct. The notice shall be published at least 30 days prior to including the selected mining units on the preference rights lease availability list.

The commissioner may add mining units to the preference rights lease availability list only on the first business day of each month. The commissioner may withdraw mining units from the preference rights lease availability list at any time. Mining units shall be deemed withdrawn from the preference rights lease availability list without any further action by the commissioner as soon as the mining units no longer meet the criteria to be included on the list.

A written record must be maintained of the date and time of all additions and withdrawals from the preference rights lease availability list.

Subp. 3. Preference rights lease availability list. The preference rights lease availability list must be maintained and available for inspection in the office of the Division of Minerals, Department of Natural Resources, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045.

Those interested in obtaining a copy of the preference rights lease availability list may obtain one by submitting a request to the commissioner. The commissioner shall charge a fee for each copy of the list based on copying and mailing costs.

Subp. 4. Application for preference rights lease. Application for a preference rights lease shall be submitted on a form

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obtained from the commissioner and shall contain information the commissioner may prescribe. The applicant shall submit with the application evidence that the applicant is qualified to hold a mineral lease as specified in part 6125.0410. The applicant shall submit with the application a certified check, cashier's check, or bank money order, payable to the Department of Natural Resources, in the sum of the following amounts:

A. an application fee of \$100 for each mining unit for which a preference rights lease is requested; and

B. rental for one full calendar year for each mining unit for which a preference rights lease is requested. For the purposes of this payment, rental is calculated at \$1.50 per acre times the gross acreage of the lands for which a preference rights lease is requested. The remaining rentals, due at the time the lease is issued, shall be due upon the effective date of the lease.

If the application for a preference rights lease is rejected, the rental payment accompanying the application shall be returned to the applicant. The application fee will not be refunded under any circumstances.

Applications may be submitted in person or by mail to the office of the Division of Minerals, Department of Natural Resources, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045. Applications will only be accepted during the hours of 8:30 a.m. to 4:00 p.m. on regularly scheduled business days. Applications received at any other time will not be officially accepted until the next regularly scheduled business day, and the commissioner assumes no responsibility for applications submitted in person at any time other than the time specified in this subpart. Applications will not be accepted by facsimile transmission.

Subp. 5. Commissioner's review of application. Within ten days after receipt of an application, the commissioner will send written acknowledgment that the application was received. The commissioner must review the application to determine if:

A. the application was completed and signed;

B. the application fee was submitted; and

C. evidence of qualification to hold a state lease, as specified in part 6125.0410, was submitted.

The applicant must also be advised if additional evidence is required by the commissioner to determine if the applicant is qualified to hold a state lease as specified in part 6125.0410.

Subp. 6. Rejection of application. Applications for preference rights leases will be rejected by the commissioner under the following circumstances:

A. the application was not completed or signed;

B. the application fee was not submitted;

C. the applicant failed to submit evidence of qualification to hold a state lease as specified in part 6125.0410, or the applicant failed to submit additional evidence, within 45 days of receipt of the commissioner's request, as to qualification to hold a state lease as specified in part 6125.0410;

D. there was a simultaneous filing of applications for a preference rights lease on the same mining unit and more than one of the applicants meets the requirements of part 6125.0410. For the purpose of parts 6125.0100 to 6125.0700, "simultaneous filings" means filings that arrive in the mail or in person on the same day;

E. an application for a preference rights lease was filed on a prior day for the same mining unit and the commissioner has determined that the prior applicant meets the requirements of part 6125.0410, and the prior application is not rejected pursuant to this part;

F. the mining unit was not on the preference rights lease availability list at the time of the application; or

G. the mining unit had been deemed withdrawn from the preference rights lease availability list prior to the time of application because the mining unit no longer met the criteria to be included on the preference rights lease availability list.

Prior to filing an application for a preference rights lease, any party may contact the commissioner for information as to whether the circumstances described in this part exist as to the mining units the party is interested in for a lease. Prior to filing an application for a preference rights lease, any party may contact the commissioner for a review of the party's qualification to hold a mineral lease as specified in part 6125.0410.

The right is reserved to the state to reject any or all applications for preference rights leases. However, if the commissioner rejects the application based on item D, then no preference rights lease may be issued for the mining unit until after it has first been offered at public lease sale.

Subp. 7. Issuance of leases. A lease shall be awarded by the commissioner, with the approval of the state executive council, to the first qualified applicant who files an application that is not rejected pursuant to subpart 6. The preference rights leases so issued shall be in the form set forth in part 6125.0700. The rental and royalty rates shall not be less than those prescribed in part 6125.0700.

Subp. 8. Report to state executive council. The commissioner must provide annual reports to the state executive council on the use and results of the preference rights leasing system.

6125.0620 AUTHORIZATION TO CONDUCT GEOLOGICAL DATA GATHERING ACTIVITIES.

As an alternative to applying for a state mineral lease, any party may apply to the commissioner for authorization to conduct geological data gathering activities on state-owned land. The applicant must meet the qualifications to hold an authorization to conduct geological data gathering activities as specified in part 6125.0410.

For the purposes of this authorization, geological data gathering activities include geophysical and geochemical activities, sampling of glacial overburden, and the sampling and drilling of bedrock, provided that any drilling and sampling of bedrock is limited to a maximum penetration of 20 feet into bedrock. Each authorization granted by the commissioner is limited to the size of one township, or portion of the township. The fee for each authorization is \$100. The authorization does not grant any rights to a mineral lease and is nonexclusive.

6125.0700 FORM OF LEASE.

The form of lease for ~~prospecting~~ exploration for, mining, and removing metallic minerals belonging to the state shall consist of the following provisions, with insertions, changes, or additions as may be necessary to incorporate the royalty rates and other particulars applicable to each lease as may be authorized under parts 6125.0100 to 6125.0700:

This lease agreement is entered into on the _____ day of _____, 19___. The parties to this lease are the State of Minnesota, called the state, and _____, called the lessee.

1. Term; description of mining unit. The state, in consideration of the sum of _____ Dollars, paid by the lessee, being the rental provided in this lease for the unexpired portion of the current calendar year and for the next succeeding two (2) calendar years, the receipt whereof is hereby acknowledged, and in further consideration of the covenants and conditions of this lease to be performed by the lessee, agrees to lease to the lessee for a term of _____ (___) years beginning the _____ day of _____, 19___, the following-described mining unit, situated in the county of _____, in the State of Minnesota:

2. Definitions. For the purposes of this lease, the following words have the meanings given them:

a. "Associated mineral products" means those intermingled or associated materials and substances recovered from each ton of crude ore mined from the mining unit that are excluded from the definition of metallic minerals.

b. "Commissioner" means the commissioner of natural resources of the state of Minnesota, or the commissioner's designated representative.

c. "Metallic minerals," whether singular or plural, means any mineral substances of a metalliferous nature, except iron ores and taconite ores.

d. "Ton" means 2,000 pounds avoirdupois after removal of all free moisture from the material weighed, by drying at 212 degrees Fahrenheit.

e. "Troy ounce" means a unit of mass equal to 480 grains or 31.1035 grams or 1.0971 avoirdupois ounces.

3. ~~Purpose of lease~~ Use of surface of lands. The mining unit is leased to the lessee for the purpose of ~~prospecting~~ exploration for, mining, and removing ores primarily valuable for ~~their~~ metallic minerals content that are found on or in the mining unit.

The lessee has the right to construct or make buildings, excavations, openings, ditches, drains, railroads, roads, and other improvements on the mining unit as necessary or suitable for those purposes. All buildings and ditches must be constructed according to applicable local ordinances. The locations of railroads, roads, and other improvements are subject to review by the commissioner. The lessee has the right to mill and concentrate the ore so mined, either upon the mining unit or elsewhere, but the right to mill and concentrate does not include the right to reduce or smelt ore upon the mining unit without an agreement between the lessee and the commissioner, authorizing that use of the surface of the land and providing for the necessary protection of life and property. The lessee may contract with others for doing any work authorized or required under this lease, or for the use of the mining unit or any part of it for the purposes of the lease, but no contract of this type relieves the lessee from any duty, obligation, or liability under the lease. No such contract providing for shipping, handling, or removal of ore bearing material becomes effective for any purpose until three executed duplicates of the contract have been filed with the commissioner.

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4. State's right to lease iron ores, taconite ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances. The state reserves the right to lease or grant to other persons or corporations the right to explore for, mine, remove, and benefitiate iron ores, taconite ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances, that are located in the mining unit. The state agrees that any permit or lease granted by it to any person or corporation to explore for, develop, mine, or dispose of the iron ores, taconite ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances shall contain a provision that the permittee or lessee shall exercise those rights so as not to cause any unnecessary or unreasonable injury or hindrance to the operations of the lessee of this lease in the exploration for, or the development, mining, or removal of metallic minerals other than iron ores, taconite ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances covered by that permit or lease. The lessee of this lease agrees that it will exercise the rights granted to it by this lease in such manner as not to cause any unnecessary or unreasonable injury or hindrance to the operations of any permittee or lessee of the state in the exploration for, or the development, mining, or removal of iron ores, taconite ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances.

Written notice shall be provided by the commissioner to the lessee whenever the commissioner is planning to issue a mineral lease according to the rights reserved under this paragraph. The commissioner must meet with the lessee to obtain information for terms and conditions under which multiple mineral development could occur.

5. State's right to lease surface and sell timber. The state reserves the right to sell and dispose of all the timber upon the mining unit without hindrance from the lessee and according to the law now or hereafter governing the sale of timber on state lands, and reserves to the state and to the purchaser of the timber, and ~~their~~ the purchaser's agents, the right at all times to enter the mining unit, and to cut and remove timber from it according to the terms of the purchaser's ~~contract with permit from~~ contract with permit from the state. The timber purchaser shall not unduly interfere with the ~~prospecting~~ exploration or mining operations. The state further reserves the right to grant leases, permits, or licenses to any portion of the surface of the mining unit to any person, partnership, corporation, or other association under the authority of *Minnesota Statutes*, section 92.50, or other applicable laws, after consultation with lessee. The surface leases, permits, or licenses shall not unduly interfere with the ~~prospecting~~ exploration or mining operations conducted on the mining unit.

6. Annual rental. The lessee agrees to pay to the state rental for the mining unit at the rate of ~~one dollar~~ \$1.50 per acre of land and water area included in the mining unit, per calendar year, payable in advance, for the unexpired portion of the current calendar year from the effective date of this lease and for the next succeeding two calendar years; and after that time at the rate of ~~three dollars~~ \$5 per acre per calendar year, payable quarterly for the three succeeding calendar years; and after that time at the rate of ~~eight dollars~~ \$15 per acre per calendar year, payable quarterly for the five succeeding calendar years; and after that time at the rate of ~~\$25~~ \$30 per acre per calendar year, payable quarterly for the remainder of the term of this lease.

The mining unit may include state owned minerals under water, in trust fund lands, in acquired lands, in lands forfeited for taxes, and in lands in which severed mineral interests have forfeited for failure to comply with registration laws, or have been lands where an interest in the minerals is owned by the state, including trust fund lands, land forfeited for nonpayment of taxes and held in trust by the state, lands where severed mineral interests have forfeited under Minnesota Statutes, section 93.55, lands where severed mineral interests have been otherwise acquired, lands where severed mineral interests may be leased by the commissioner under Minnesota Statutes, section 93.55, subdivisions 1a and 3, the beds of public waters, and lands otherwise acquired. Any amount paid for rental, at the time of payment, shall be allocated to the proper fund as determined by the mineral ownership.

Any amount paid for rental accrued for any calendar year must and accrued for rental in excess of the rate of \$5 per acre per year for any calendar year shall be credited on any royalty that may become due for ore removed under this lease during the same calendar year in which the rental was due but no further, and only to the extent that the rental was paid or deposited into the particular fund to which the royalty for the ore is due. Any amount paid for royalty in excess of the credit during that rental at the rate of \$5 per acre per year for any calendar year must be credited on rental, if any, subsequently accruing for that same calendar year but no further, and only to the extent that the royalty was paid or deposited into the particular fund to which the rental is due. However, any amount paid for rental in excess of eight dollars per acre for any previous calendar year may be credited on any royalty that may become due for ore removed under this lease during the current calendar year in excess of any credits for current rental, but only to the extent that the rental was paid or deposited into the particular fund for which the royalty is due.

Rental payments must be made on or before May 20, August 20, November 20, and February 20 for the previous calendar quarters. The first calendar quarter is the first three calendar months of the year, and so on. Any rental payments not received by the date due are subject to interest at the rate of six percent per year from the due date.

Upon When the lessee exercises the right under paragraph 30 of this lease to surrender of any part or parts of the mining unit by lessee under this lease, the annual rental payment may be discontinued as to those parts for all subsequent calendar years; however, the rentals paid on the parts surrendered must not be credited on any royalties due for ore removed from that part of the mining unit which remains under lease.

Where the state owns only a fractional undivided interest in the minerals in any portion of the mining unit, only that fractional part of the rentals and royalties established in this lease shall be paid for that portion.

If at any time during the term of this lease it is determined in a proper proceeding that the state does not own the minerals in a part of the area included in the mining unit, the commissioner shall delete from the description of the mining unit the part not owned by the state, and only if that determination is made prior to the fifth anniversary date of this lease is the lessee entitled to a refund, or in the case of tax forfeited minerals to receive credit on future payments due the same fund, for payments made to the state on that part prior to the determination. If the commissioner deems it necessary, additional time to make the determination may be granted.

7. Tonnage for royalty purposes. Royalty must be computed on the dry weight of the crude ore. The dry weight of the crude ore shall be calculated from natural crude ore weights and moisture percentages from samples taken at the time the crude ore is weighed.

8. Royalty.

a. The royalty to be paid to the state by the lessee for the metallic minerals and associated mineral products recovered from each ton of ore mined from the mining unit is the sum of the base rate described in this paragraph and an additional bid rate of ___ percent multiplied by the net return value of the metallic minerals and associated mineral products recovered in the mill concentrate from each ton of dried crude ore.

b. The base rate must not be less than ~~3-1/2~~ 3.95 percent nor more than 20 percent and varies with the net return value of the metallic minerals and associated mineral products recovered from each ton of ore mined from the mining unit. The base rate must be calculated as provided in clauses (1) to (4): determined from the Base Royalty Rate Table which is found in Exhibit A and which is made a part of this lease.

(1) ~~If the value of the metallic minerals and associated mineral products recovered in the mill concentrate is equal to or less than \$75, the base rate is 3-1/2 percent.~~

(2) ~~If the value of the metallic minerals and associated mineral products recovered in the mill concentrate is greater than \$75 but less than or equal to \$150, the base rate is 3-1/2 percent plus an additional 0.015 percent for each dollar increase in value above \$75.~~

(3) ~~If the value of the metallic minerals and associated mineral products recovered in the mill concentrate is greater than \$150 but less than or equal to \$225, the base rate is 3-1/2 percent, plus an additional 0.015 percent for each dollar increase in value above \$75, plus a further additional 0.02 percent for each dollar increase in value above \$150.~~

(4) ~~If the value of the metallic minerals and associated mineral products recovered in the mill concentrate is greater than \$225, the base rate is 3-1/2 percent, plus an additional 0.015 percent for each dollar increase in value above \$75, plus a further additional 0.02 percent for each dollar increase in value above \$150, plus a further additional 0.025 percent for each dollar increase in value above \$225.~~

In computing the base rate, there must be no rounding before calculating the total royalty due. The values of \$75, \$150, and \$225, as used above, must be escalated each calendar quarter in accordance with the formula set forth in paragraph c.

For example, assume the value (v) of metallic minerals and associated mineral products recovered in the mill concentrate from a ton of dried crude ore was \$100. The base rate would be calculated as follows:

$$\begin{aligned}
 \text{Base rate} &= 035 + (-.00015 * \{v - 75\}) \\
 &= 035 + (-.00015 * \{100 - 75\}) \\
 &= 035 + (-.00015 * 25) \\
 &= 035 + .00375 \\
 &= 03875 \\
 &= 3.875 \text{ percent}
 \end{aligned}$$

If the value (v) of the metallic minerals and associated mineral products recovered in the mill concentrate from a ton of dried crude ore was \$250, then the base rate would be calculated as follows:

$$\begin{aligned}
 \text{Base rate} &= 035 + (-.00015 * \{v - 75\}) + (-.0002 * \{v - 150\}) + \\
 &\quad (-.00025 * \{v - 225\}) \\
 &= 035 + (-.00015 * \{250 - 75\}) + (-.0002 * \{250 - 150\}) \\
 &\quad + (-.00025 * \{250 - 225\}) \\
 &= 035 + (-.00015 * 175) + (-.0002 * 100) +
 \end{aligned}$$

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- $(.00025 \times 25)$
- $: 035 + .02625 + .02 + .00625$
- $: 0875$
- 8. 75 percent

c. The values of \$75, \$150, and \$225 as used in the base rate must be increased each calendar quarter as follows: If in any month: (1) the net return value of the metallic minerals and associated mineral products recovered from each ton of dried crude ore mined from the mining unit exceeds \$75; and (2) the unadjusted Producer Price Index for All Commodities (1967 1982 equals 100), as originally published (unrevised) by the Bureau of Labor Statistics of the United States Department of Labor, or any succeeding federal government agency publishing the Index, in the monthly publication titled Producer Price Indexes, for the first month in the calendar quarter for which royalty payment is to be made, exceeds 310.5 121.5, which was the originally published (unrevised) level of the index for August 1987 November 1994 (hereinafter called the "Base Index"), an additional amount, then an adjustment to the base rate must be computed in the manner hereinafter provided; must be added to the values of \$75, \$150, and \$225 to be used in the base rate for the calculation of the royalty to be paid by the lessee on the ore removed from the mining unit during any quarter.

The increase in the values of \$75, \$150, and \$225 adjustment to the base rate must be computed by multiplying each value \$75 by a fraction, the denominator of which is the Base Index and the numerator of which is equal to the amount by which the Producer Price Index for All Commodities for the first month of the calendar quarter in question exceeds the Base Index. The resulting products must be carried to two four decimal places and then rounded to the nearest whole one-hundredth of a dollar. The difference between this rounded product and the net return value must then be determined. The Royalty Base Rate Table must be referred to and the difference resulting from this computation must be used instead of the net return value to determine the base rate.

For example, the Base Index under this lease is 310.5 121.5 and if the Producer Price Index for All Commodities for January 1990 1996 was 325.5 132.7, the increase in the values of \$75, \$150, and \$225 adjustment to the base rate would be computed as follows:

\$ 75	*	(325.5 - 310.5)		
		310.5		
\$150	*	(325.5 - 310.5)		
		310.5		
\$225	*	(325.5 - 310.5)		
		310.5		

				= \$3.62, rounded to \$4.00
				= \$7.24, rounded to \$7.00
				= \$10.86, rounded to \$11.00

The indexed values to be used in the calculation of the base rate that would be used in the calculation of royalty payable on the metallic minerals and associated mineral products recovered during the first calendar quarter of 1990 would be:

\$ 75	+	\$ 4	=	\$ 79
\$150	+	\$ 7	=	\$157
\$225	+	\$11	=	\$236

\$ 75	x	(132.7 - 121.5)		
		121.5		= \$6.9136, rounded to \$6.91

If the net return value of the metallic minerals and associated mineral products recovered from each ton of dried crude ore equalled \$85, then the difference between the net return value and \$6.91 would be computed as follows:

$$\underline{\$85 - 6.91 = \$78.09}$$

The resulting difference of \$78.09 would then be used instead of the net return value to determine the base rate.

If some period other than 1967 1982 is used as a base of 100 in determining the Producer Price Index for All Commodities, for the purposes of this lease provision the index must be adjusted so as to be in correct relationship to the 1967 1982 base. In the event the index is not published by any federal agency, the index to be used as previously provided must be the index independently published, which, after necessary adjustments, if any, provides the most reasonable substitute for the Producer Price Index for All Commodities during any period after August 1987 November 1994, it being intended to substitute an index that most accurately

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reflects fluctuations in the prices of commodities in the all commodities index in the manner presently reported by the Producer Price Index for All Commodities (1967 1982 equals 100), published by the Bureau of Labor Statistics of the United States Department of Labor.

The values of \$75, \$150, and \$225 as used in the base rate must never be less than the minimum values prescribed in paragraph 8b of this lease.

d. The lessee may apply to the commissioner and the commissioner may grant the lessee a partial deferral of the lessee's obligation to pay royalties under this lease. Up to 50 percent of royalties due and payable less any credits against royalties as provided in paragraph 6, may be deferred by the commissioner. Any deferral granted applies only to the royalties due and payable during the first consecutive years, up to a maximum of the first five consecutive years, beginning with the first year that any royalties are due and payable under this lease, or to royalties due and payable during the first one-half of the expected operational life of the first mine established under this lease in the mining unit, whichever is less.

The amount of royalties deferred for each calendar quarter as provided above, plus interest at the rate of ~~eight~~ six percent per year, becomes finally due and payable on the future date that is determined by adding the total number of years of deferral granted under this section to the date on which royalties would have been due and payable had there been no deferral.

The commissioner in considering the lessee's application for deferral of royalties may consider factors including, but not limited to, the expected operational life of the mine producing the royalties, the express purposes for which the money deferred is proposed to be used by the lessee, the cash flow analysis of the mine, the amount of either the capital invested or to be invested, or both, by the lessee in exploration and mining operations under this lease, and the technical and financial capabilities of the lessee.

9. Net return value of metallic minerals and associated mineral products.

a. If the final metal product is recovered in a smelter, the net return value of metallic minerals and associated mineral products recovered in the mill concentrate from each ton of dried crude ore must be determined monthly as follows: Multiply the total pounds respectively of each metal and associated mineral product recovered during the month in the mill concentrate from the mining unit, by the average market price per pound respectively for that month of each fully refined metal and of each associated mineral product. Subtract from that total, the smelter allowable charges, as later defined in this lease, to obtain the net return value of each metallic mineral and each associated mineral product. Add the net return values thus obtained for each metallic mineral and each associated mineral product for the month, and divide the sum by the total number of tons of dried crude ore from the mining unit concentrated in the mill during the month, to obtain the net return value of the metallic minerals and associated mineral products recovered from each ton of dried crude ore. The net return value must be carried to four decimal places and rounded to the nearest one-hundredth of a dollar.

The allowable charges in determining the net return value of metallic minerals and associated mineral products recovered in a smelter from each ton of dried crude ore are limited to the following:

(1) the base smelter treatment and refinery charges assessed by the smelter for treating each ton of the mill concentrate; and

(2) the smelter losses, refinery losses, and penalties for impurities that are deducted from the assay or market values to arrive at the gross payment to the lessee for each of the metallic minerals and associated mineral products paid for by the smelter.

b. If the final metal product is recovered in a hydrometallurgical process, or in a combination hydrometallurgical and pyrometallurgical process, the net return value of metallic minerals and associated mineral products recovered from each ton of dried crude ore must be determined monthly as follows: Multiply the total pounds respectively of each metal and associated mineral product recovered from the mining unit during the month in the final metal product from a hydrometallurgical process or a combination hydrometallurgical and pyrometallurgical process by the average market price per pound respectively for that month of each fully refined metal and of each associated mineral product. Subtract from that total the allowable charges, as later defined in this lease, to obtain the net return value of each metallic mineral and each associated mineral product. Add the net return values thus obtained for each metallic mineral and each associated mineral product for the month, and divide the sum by the total number of tons of dried crude ore from the mining unit processed by hydrometallurgy or by a combination of hydrometallurgy and pyrometallurgy during the month to obtain the net return value of the metallic minerals and associated mineral products recovered from each ton of dried crude ore. The net return value must be carried to four decimal places and rounded to the nearest one-hundredth of a dollar.

As used in this lease for the purpose of determining the net return value of metallic minerals, "hydrometallurgy" means that phase of metallurgy which involves the extraction and recovery of metals using aqueous or organic solutions, and "pyrometallurgy"

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means that phase of metallurgy which involves the extraction and recovery of metals using heat. The unit processes of hydrometallurgy include the leaching of ores or concentrate for recovery of metals, the separation of the leaching solution from the spent ore, and the recovery of the dissolved metal from the leaching solution.

The allowable charges in determining the net return value of metallic minerals and associated mineral products recovered in a hydrometallurgical process or a combination hydrometallurgical and pyrometallurgical process are limited to the following: charges attributable to recovery of dissolved metal from the leaching solution by chemical purification, pressurization, roasting of concentrate, melting of concentrate, filtration, absorption, solvent extraction, evaporation, distillation, electrolysis, ion exchange, or precipitation. The charges attributable to the direct leaching of ores for recovery of metals, or to the separation of the leaching solution from the spent ore, are nonallowable charges.

b. c. When metallic minerals and associated mineral products recovered during the month in the mill concentrate are sold during the same month, only those metallic minerals and associated mineral products recovered from that concentrate that are actually paid for by the smelter, refiner, or other purchaser must be valued included as part of the metallic minerals and associated mineral products recovered during the month. When metallic minerals and associated mineral products recovered during the month are not sold during the same month, the net return value of the metallic minerals and associated mineral products recovered during the month must be adjusted, if necessary, at the time they are sold to reflect the market price at the time of sale, and to reflect any recovered metallic minerals and associated mineral products recovered in a concentrate that are not actually paid for by a smelter, refiner, or other purchaser. Any prior payment of royalty that becomes an overpayment of royalty as a result of the adjustment of net return value under this paragraph is a credit against future royalty payments due under this lease.

e. d. Metallic minerals and associated mineral products sold by the lessee to a nonaffiliate shall be deemed sold at the time the metallic minerals and associated mineral products are delivered to the nonaffiliate. Metallic minerals and associated mineral products sold or transferred by lessee to an affiliate shall be deemed sold by lessee at the time of delivery to the affiliate and net return value must be calculated on the basis of the market prices at the time of the deemed sale of the metallic minerals and of the associated mineral products sold or transferred to the affiliate. Metallic minerals and associated mineral products retained by the lessee for its own internal use and consumption shall be deemed sold when they are removed from the mining unit and net return value must be calculated on the basis of the market prices at the time of the removal of the metallic minerals and of the associated mineral products retained for internal use and consumption. For the purpose of this lease "affiliate" means the lessee, or any business entity that is effectively owned or controlled directly or indirectly by the lessee or that directly or indirectly effectively owns or controls the lessee, or any business entity operated by or that operates the lessee.

e. e. If material is recovered and sold on a basis other than for the purpose of recovering the fully refined metals and the associated mineral products contained in the material, such as the recovery and sale of titanium dioxide for paint pigment uses, then the net return value of the material recovered and sold, for royalty calculation purposes, is subject to agreement between the commissioner and the lessee.

e. f. "Smelter charges" means the base smelter treatment charge assessed by the smelter for treating each ton of the mill concentrate plus the smelter losses that are deducted from the assay or market values to arrive at the gross payment to the lessee for each of the metallic minerals and associated mineral products paid for by the smelter. Smelter charges do not include the following: mining or milling, or similar beneficiation costs or charges; refinery losses; refinery charges; penalties for impurities; freight and transportation charges either to or from the mill, concentrator, smelter, or refinery; weighing and sampling charges; handling charges; selling charges; taxes of any kind; processing charges; or any other charges, other than the base smelter treatment charge and smelter losses, assessed by the smelter or purchaser of the metallic minerals or associated mineral products. If the mill concentrate is metallic minerals and associated mineral products treated at a smelter or hydrometallurgical processing facility owned by, or directly or indirectly effectively controlled by, the lessee or its affiliate, or that the lessee or its affiliate operates or manages, then the smelter allowable charges allowed are equal to the smelter allowable charges that the smelter or hydrometallurgical processing facility would assess or charge an unaffiliated third party desiring to have a substantially similar mill concentrate metallic minerals and associated mineral products treated at the smelter or hydrometallurgical processing facility. If the smelter or hydrometallurgical processing facility owned by, operated by, or effectively controlled by the lessee or its affiliate does not provide smelter treatment services to unaffiliated third parties, then the smelter allowable charges allowed are equal to the mean of the smelter allowable charges assessed and charged for substantially similar mill concentrates metallic minerals and associated mineral products in smelter contracts between unaffiliated parties. If any metallic minerals or associated mineral products produced under this lease from the mining unit are sold, or otherwise disposed of, without smelter treatment, as, for example, in the production of gold dore, then no deduction for smelter charges, nor any other charges, is allowed in the computation of the value of the metallic minerals and associated mineral products recovered in the mill concentrate. If the state disagrees as to the smelter The lessee shall provide to the state certified copies of all smelter contracts, settlement sheets, and other agreements, to which the lessee is a party, which detail and describe the allowable charges under this lease to arrive at the net return value as defined in this lease. For purposes of such net return value determination, the state may disapprove and reject, in whole or in part, the lessee's smelter contracts,

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settlement sheets, and other agreements. Should the state reject the agreements or otherwise disagree with the allowable charges, the lessee has the burden of proof of substantiating the smelter allowable charges.

f. g. The average market price of copper per pound for each month is that quoted for MW US Producer Cathode (MW US PROD CATH) U.S. producers, cathode, as reported in Metals Week. The average market price of nickel per pound for each month is that quoted for New York Dealer Cathode (NY DEALER CATH) N.Y. merchant, spot, as reported in Metals Week. The average market price of gold per troy ounce for each month is that quoted for the London Final London, 3:00 p.m., as reported in Metals Week. The average market price of silver per troy ounce for each month is that quoted for Handy & Harman, N.Y., as reported in Metals Week. The average market price of zinc per pound for each month is that quoted for MW US U.S. special High Grade (MW US HG), as reported in Metals Week. The average market price of lead per pound for each month is that quoted for North American Producer Low (NA PRODUCER L) U.S. and Canadian producers, as reported in Metals Week. The average market price of palladium per troy ounce for each month is that quoted for London p.m. fix, as reported in Metals Week. The average market price of platinum per troy ounce for each month is that quoted for London p.m. fix, as reported in Metals Week. The average market price of other metallic minerals and of associated mineral products per pound for each month shall be that quoted for ~~the~~ the usual and customary shipping quantities, f.o.b. the usual and customary place of shipment, United States import duty (if any) included, as reported in Metals Week. If Metals Week does not or ceases to report an average monthly market price for any metallic mineral or associated mineral product, then the average monthly market price of that metallic mineral or associated mineral product is the arithmetic average of the daily market prices for the metallic mineral or associated mineral product for that month as reported in Metals Week. If Metals Week or its successors cease to furnish such quotations, or its quotations cease to be recognized in the trade, or a particular metallic mineral or associated mineral product is not listed, then the quotations of such other source as the parties may agree upon shall govern.

10. Commingled ores. The lessee has the right to commingle ore from the mining unit with other ore, either in the mine, in stockpile, in the mill, or in the smelter, but the ores must be kept entirely separate and distinct until their quantities and metal and mineral contents have been separately measured and determined. Ratios of concentration, percent mill recoveries, and any other factors necessary for determining the beneficiating amenability of the commingled ores, the allocation of values and the royalties, must be separately measured and determined by methods approved by the commissioner and shall be reported on a monthly basis. "Ratio of concentration" means the dry weight of the crude ore divided by the dry weight of the concentrate derived from the crude ore. "Percent mill recovery" means the dry weight of the metal in the concentrate divided by the dry weight of the metal in the crude ore, expressed as a percent.

11. Quarterly payment on ore removed. The lessee agrees to pay to the state, on or before May 20, August 20, November 20, and February 20 in each year during the period this lease continues in force, royalty at the rates specified in paragraph 8 for all of the ore removed from the mining unit during the previous calendar quarter. The lessee also agrees to pay to the state on or before May 20 of each year all royalty due and payable as a result of the adjustment to value of the metallic minerals and associated mineral products sold during the previous calendar year as provided for in paragraph 9b.

The lessee is liable for payment of royalty when due on all ore removed from the mining unit for concentration elsewhere or for any other purpose, from the actual time of removal; and if the royalty due on the ore is not determined and accounted for as provided by the next royalty payment date, the commissioner may determine the royalty by any method as the commissioner deems appropriate and consistent with the royalty rates set forth in this lease. Any amount paid for royalty must be allocated to the proper fund as determined by the mineral ownership. Any royalty payments not received by the date due are subject to interest at the rate of six percent per year from the due date.

12. Lessee to transmit statement of ore removed and royalty due. The lessee shall transmit to the commissioner with each royalty payment an exact and truthful statement of the tonnage and royalty value of the ore mined and removed from the mining unit during each of the three months for which the payment is made, and the amount of royalty due on the ore, separated as to the various state fund ownerships. The lessee shall provide for all the operations required for these determinations except as otherwise specified.

13. Weighing. The methods of obtaining the weights used to determine tonnage for the calculation of royalty, or to determine other weights required by the state, are subject to the approval of the commissioner.

14. Sampling. Samples for royalty purposes must be taken of the ores and their products at places and intervals subject to the approval of the commissioner. A portion of each sample or composite sample must be delivered to the commissioner unless, by mutual agreement, it has been decided that certain of such portions are not needed by the state. Except as otherwise permitted by

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the commissioner, all ore mined from this mining unit must be sampled and its weight determined before being commingled with any other ores.

Each royalty sample must be analyzed at the expense of the lessee by competent chemists or assayers approved in writing by the commissioner. The elements in the royalty sample for which analytical determinations will be made are subject to agreement between the commissioner and the lessee.

15. Monthly reports. Except as otherwise permitted by the commissioner, the lessee shall transmit within ~~30~~ 20 days after the end of each calendar month, statements for that calendar month in the form the commissioner may require, covering the tonnages and analyses of the following: all material mined from the mining unit, all material milled from the mining unit, all material stockpiled from the mining unit, all concentrates produced from the mining unit, all material mined from any source and commingled with material from the mining unit, all commingled material concentrated, all commingled material stockpiled, all commingled concentrates produced during that calendar month, and such other information as may reasonably be required by the commissioner for the purpose of verifying the amount of royalty due.

The weight of ore as set forth in the monthly statements shall prima facie be binding as between the parties, but the state has the right to sample the ore, check the analyses, and inspect, review and test the correctness of the methods, books, records and accounts of the lessee in sampling, analyzing, recording, and reporting the weights, and to inspect, review, and test the correctness of the weights and scales and other equipment used in measuring the amount of ore, it being understood that any errors in these reports, when ascertained, shall be corrected.

16. Additional monthly and annual reports to be furnished by lessee; exploration; mine samples required. Except as otherwise permitted by the commissioner, in addition to other reports or statements required in this lease, the lessee shall furnish the following:

a. Copies of all exploration data, including, but not limited to, all logs and drill hole records; all maps and coordinates showing drill holes, geophysical grids, geochemical and geologic sampling, trenching, and survey data; all mineral analyses and assays; all chemical and analytical data and information; all laboratory test data; all geophysical, geochemical, and geologic records; all results of mine and metallurgical testings; and all periodic mine maps, analyses maps, cross-sections, and development plans. All material required under this subparagraph must be available to the commissioner, or the commissioner's representative, at all reasonable times. Copies must be submitted annually to the commissioner when the data is in the form customarily prepared for permanent record of the operations on the mining unit. Material available to and furnished to the commissioner under this subparagraph and subparagraph b. shall be considered confidential during the life of this lease or any extension of it.

b. At least a quarter portion of all exploration samples, and when requested by the commissioner in writing, a quarter portion of mine or mill samples. In the event that the lessee requires certain exploration samples in their entirety, the commissioner or the commissioner's representative may waive the requirement for a quarter portion of such exploration samples, provided that the lessee grants the state an opportunity to examine and classify such samples before they are crushed or processed.

c. A monthly report showing the estimated weights and analyses of all materials stockpiled, including lean ore, waste and tailings, and divided as to property of origin and deposition.

d. Certified copies of smelter statements, schedules, agreements, and settlement sheets or receipts from sales involving materials produced from this mining unit showing the product sold and factors relevant to the calculation of royalties.

e. Not later than March 1 of each year during the term of this lease, a summary statement of the tonnage of all ore mined and all ore milled from the premises and all ore materials placed in or removed from stockpile during the previous calendar year, divided as to the property of origin and the disposition of the ore materials and showing such analyses of them as the commissioner may require.

17. How remittances and reports are to be transmitted. All remittances by the lessee under this lease must be made payable to the ~~state treasurer~~ Department of Natural Resources. All such remittances and all reports, notices and documents required under this lease must be transmitted to the commissioner through the director of the division of minerals at Saint Paul, Minnesota.

18. State inspection; inspectors at plants and mines. The commissioner may at all reasonable times enter the mining unit and any other premises used or operated by the lessee in connection with the operation of the mining unit, inspect the operations conducted under this lease, and conduct such engineering and sampling procedures and other investigations as the commissioner may require, not unreasonably hindering or interrupting the operations of the lessee.

The lessee shall provide, upon written request of the commissioner, a suitable room in the dry or wash house or in some other suitable place on the mining unit or elsewhere when necessary, with water, light, and heat, all without cost to the state, for the use of state inspectors. The room must be at least equal in size and equipment to that customarily furnished for the use of the mine engineer.

Whenever royalties or rentals due the state are required to be distributed to more than one fund, or when ore from the mining unit

is commingled with other ore, or when ore from the mining unit is concentrated at the same plant as other ore, the commissioner may appoint special inspectors as the commissioner considers necessary to insure proper accounting and protect the interests of the state. The lessee shall reimburse the state monthly for the cost of this inspection service upon notification by the commissioner.

19. Removal of ore for experimental purposes. Notwithstanding paragraph 11, upon written application of the lessee, the commissioner may authorize the removal of ore from the mining unit for experimental purposes without payment of royalty; and it is further understood that the removal of samples obtained by drilling, trenching, or testpitting, for the purposes of exploration, is not subject to the payment of royalty.

20. Stockpiled materials. All materials mined and not shipped from the mining unit remains the property of the state and shall be stockpiled only in such manner and on such sites as may be authorized by the commissioner in writing. When, however, the commissioner agrees that substantially all minerals of value have been extracted from the mill tailings, the material may be used for stope filling on the mining unit or elsewhere, and the tailings material used shall be considered abandoned, and title to the material shall revert to the mineral owners of the property in which it is deposited.

21. Reversion of title on land conveyed to the state for stockpiling purposes. When the commissioner determines that it is necessary and that the interests of the state will be fully protected, the lessee may convey land to the state upon the condition that it be used for the storage of ore or other materials having present or potential value belonging to the state; ~~and that~~. The commissioner may accept a conveyance that provides for the state's interest in the land terminates to terminate and title reverts to revert to the lessee when the land is no longer needed or used for that purpose storage of ore or other materials. No consideration shall be paid for the conveyance unless authorized by law.

22. Cross mining rights. The lessee is hereby granted the right to mine and remove any ores from the mining unit through any shafts, openings, or pits that may be made upon adjoining and nearby premises controlled by the lessee; and the lessee may, if it so desires, use the mining unit and any shafts, openings, or pits, made on it for the mining or removal of any ores from adjoining or nearby premises, not, however, preventing or interfering with the mining or removal of ore from said mining unit. The ores taken from the mining unit must at all times be kept entirely separate and distinct from any other ores until measured and sampled as provided in this lease so that the rights of the lessor are at all times preserved and protected. The lessor recognizes the rights and liens of the owners of any nearby or adjoining premises in any ores mined from them and transported through the mining unit.

23. Lessee's obligations under state and federal laws and regulations. The provisions of this lease are subject to all applicable state and federal statutes, orders, rules and regulations, and all operations under this lease shall be conducted in conformity with them. All activities shall be conducted in conformity with the applicable mine land reclamation statutes and rules. No interference, diversion, use or appropriation of any waters over which the commissioner or any other state agency has jurisdiction, may be undertaken unless authorized in writing by the commissioner or the state agency.

24. Operations to be conducted in accordance with good mining ~~and~~, metallurgical, and environmental engineering. ~~The lessee shall advise the commissioner when exploration drilling, trenching, or testpitting on the mining unit is about to begin.~~ The lessee shall open, use, and work the mine or mines on the mining unit and conduct metallurgical operations in such manner only as is usual and customary in skillful and proper mining and milling operations in accordance with the requirements, methods, and practices of good mining ~~and~~, metallurgical, and environmental engineering, and in such manner as not to cause any unnecessary loss of minerals, or unusual permanent injury to the mining unit. Surface lands owned by the state in the mining unit are not to be cleared or used for construction or stockpiling purposes until ~~the plan for~~ such use has been approved by the commissioner in writing. The surface use of the mining unit must be conducted in such manner as to prevent or reduce scarring and erosion of the land and pollution of air and water.

25. Notice to owner of surface estate. When the leased premises do not include the surface estate, the lessee shall give notice, in writing, to the owner or administrator of the surface estate at least 20 days in advance of any activities which will require use of the surface estate on the leased premises. The notice shall sufficiently describe the activities to enable the owner or administrator of the surface estate to evaluate the extent of the use of the surface estate.

26. Review of exploration; exploration site closure and stabilization. "Exploration" means the act of searching for or investigating a mineral deposit. Exploration includes examination of an area to determine the quality and quantity of minerals, including obtaining a bulk sample by drilling, excavating, trenching, constructing shafts, ramps, tunnels, pits, and producing refuse and other associated activities. Exploration does not include activities intended, by themselves, for commercial exploitation of the ore body.

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Proposed Rules

a. The lessee shall advise the commissioner, in writing, at least 20 days in advance of any exploration on the leased premises. The lessee shall specify:

i. the location of proposed activities depicted on a 1:24,000 scale United States Geological Survey 7-1/2 minute quadrangle map, or other map of the same scale;

ii. the exploration activities that will be performed, including but not limited to the type of activity, method of sampling, and types and sizes of vehicles and equipment that will be used;

iii. the approximate beginning and ending dates of the proposed activities;

iv. for exploration activities at sites with special features or uses, methods of mitigation to be used in the exploration to minimize to the extent practicable adverse impacts on the special features or uses;

v. the location and method of access to the exploration site, and if new roads or trails are to be constructed, the location of the proposed roads or trails; and

vi. the proposed plan for site closure and stabilization, if needed.

The commissioner will identify special features or uses within the leased premises. Conditions identified as special features or uses may include: wildlife management areas and sites; peatland watershed areas of the peatland scientific and natural areas; the Black Bay Management Area; natural heritage sites and features; designated trout streams; state canoe and boating routes; state trails; historic and archaeological sites; rights-of-way; fire towers; campgrounds; public access sites; state highway rest areas; and other existing easements, sites, conditions, and encumbrances. The commissioner may require the lessee to adjust exploration plans or plans for construction of roads or trails due to special features or uses within the leased premises or due to other natural resource management concerns.

Unless notified to the contrary by the commissioner within 20 days after receipt of the exploration plans by the commissioner, the lessee may proceed with exploration as described in the submitted exploration plans.

b. Upon completion of the exploration, the lessee must promptly remove all supplies and equipment and must restore the leased premises and roads to a condition satisfactory to the commissioner. The lessee must, when needed, implement and complete closure and stabilization of the exploration site to the satisfaction of the commissioner. The lessee shall be relieved of obligations imposed by the plan for exploration site closure and stabilization only when the lessee notifies the commissioner in writing that site closure and stabilization has been completed and release has been granted by the commissioner.

27. Lessee's obligation for damages. It is understood and agreed that in case any interest in the land or minerals covered by this lease is owned by anyone other than the state, this lease shall not be construed as authorizing any invasion of or trespass upon such other interest. The lessee hereby agrees and is obligated to save indemnify and hold the state harmless from all damages or losses caused directly or indirectly by operations under this lease, whether to land, timber, minerals, growing crops, or buildings, or to any person or other property, including damages suffered by that other owner of the surface or mineral rights, and the state shall not be liable for them.

26-28. Lessee to pay all taxes. The lessee agrees to pay when due all taxes, general and specific, personal and real that may be assessed against the mining unit and the improvements made on it, and the ore materials in it or mined from it, and any personal property on the mining unit owned, used, or controlled by the lessee. This covenant does not apply to taxes assessed against any part of the mining unit as a result of any other lease granted by the state to other parties. The cancellation, termination, or expiration of this lease does not relieve the lessee of the obligation to pay taxes assessed during the continuance of the lease, even though such taxes may be due or payable after the cancellation, termination, or expiration date.

27-29. State lien for unpaid sums due. The state reserves and shall at all times have a lien upon all ore mined from the mining unit, all ore concentrated from it, smelter returns due the lessee for the ore, and all improvements made under this lease for any sums not paid when due.

28-30. Lessee's right to terminate lease. The lessee may at any time deliver to the commissioner written notice of intention to terminate this lease, and this lease shall terminate 60 days after the delivery unless the notice is revoked by the lessee by further written notice delivered to the commissioner before the expiration of 60 days. On December 31 following the tenth anniversary date of this lease, and on any succeeding December 31, the lessee may surrender its rights and privileges granted in this lease on any governmental descriptions or on beds of public waters included in part or parts of the mining unit, by giving the lessor written notice of its intention so to do at least 60 days before the date of such surrender. For the purposes of this paragraph, "part of the mining unit" means a quarter section of a quarter section or a government lot as described by the public land survey, or a bed of public waters. All sums due to the state under this lease up to the effective date of termination must be paid by the lessee. Any sums not received within 20 days after the effective date of termination are subject to interest at the rate of six percent per year from the effective date of termination.

29-31. Lessor's right to cancel lease upon lessee's failure to meet production requirements. The state may cancel this lease as

provided in paragraph ~~30~~ 32 if the lessee has not met both of the following conditions by the end of the 20th full calendar year of this lease:

(a) The lessee must be actively engaged in mining ore under this lease from:

- i. the mining unit;
- ii. a metallic mineral mine within the government township in which the mining unit is located; or
- iii. a metallic mineral mine within a government township that has at least one point in common along its boundary line with the government township in which the mining unit is located.

(b) The lessee must have paid to the state at least \$100,000 in earned royalty under a metallic minerals lease. This amount must be paid during a single calendar year.

The state may exercise its option to cancel the lease during the 21st calendar year of the lease. If it does not do so, and if the conditions have not been met by the end of the 35th full calendar year of this lease, it may exercise its option to cancel during the 36th calendar year of the lease. The commissioner shall take the lessee's financing needs and the state's proportional ownership interest into consideration in determining whether the requirements of this paragraph have been met.

The lessee, at any time, may request a determination and the commissioner, at any time in response to such a request, may determine whether the state will exercise its option to cancel the lease. If the state decides in response to such a request not to exercise its option to cancel the lease, such a decision may require the lessee to meet additional conditions and may include the option to cancel at a time other than the times specified in this paragraph.

~~30- 32.~~ 32. Lessor's right to cancel lease upon default. This lease is granted upon the express condition that, if any sum owed under it by the lessee for rental, royalty, or otherwise remains unpaid after the time when it became due, or if the lessee or its agent or servant knowingly or willfully makes any false statement in any report, account, or tabulation submitted to the state or to the commissioner, or any of the commissioner's agents pertaining to any matter under this lease, or if the lessee fails to perform any of the conditions required by this lease, the commissioner may cancel this lease by mailing or delivering to the lessee 60 days' notice of the cancellation in writing, specifying such nonpayment or other default as the case may be. This lease shall terminate at the expiration of the 60 days, and the lessee and all persons claiming under the lessee shall be wholly excluded from the mining unit except as hereinafter provided in paragraph 31. Termination does not relieve the lessee from any liability for payment or other liability incurred under this lease. If the default consists of a nonperformance of an act required under this lease other than payment of royalty or rental, the lessee may perform within the period of 60 days and the lease continues in effect. If the correction of any such default requires more time than 60 days after the notice has been received by the lessee, the commissioner, upon written request of the lessee and for good cause shown, may, at the commissioner's discretion, grant an extension of the period of 60 days. If the default consists of a nonpayment of royalty or rental and the lessee performs within 15 days from the mailing or delivery of notice of cancellation, the lease continues in effect; and if the lessee performs at any time thereafter within the period of 60 days, the commissioner, at the commissioner's discretion, may continue the lease in effect.

~~31- 33.~~ 33. Rights of lessor and lessee during 180 day period following termination. Upon termination of this lease, whether by expiration of its term or by act of either party, except as necessary to comply with applicable mineland reclamation statutes and rules, the lessee has 180 days after termination in which to remove all equipment, materials, railroad tracks, structures and other property placed or erected by the lessee upon said mining unit. Property not removed within that time shall, at the discretion of the commissioner, either be removed by the state at the lessee's expense or become the property of the state. The lessee shall not remove or impair any supports placed in any mine or mines on the mining unit, or any timber or framework necessary to the use or maintenance of shafts or other approaches to such mine or mines or tramways within the mining unit, all of which become the property of the state. During the period of 180 days, the lessee shall, at its own expense, properly and adequately fence all pits, level banks, and refill all test pits and cave ins that may be deemed dangerous or are likely to cause damage to persons or property, and the lessee shall and do all other work which the commissioner deems necessary to leave the premises in a safe and orderly condition to protect against injury or damage to persons or property; and shall restore the premises as nearly as the commissioner deems practicable to the natural conditions of the surrounding area and shall reclaim the premises in accordance with the applicable mineland reclamation statutes and rules. Subject to the foregoing, upon the termination of this lease, whether by expiration of the term hereof or otherwise, the lessee shall quietly and peaceably surrender possession of the mining unit to the state. ~~During the period of 180 days, the lessee shall not be relieved of any obligation or liability resulting from the occupancy of the mining unit unless the lessee has wholly vacated the mining unit prior to the expiration of that period and has notified the commissioner thereof in writing.~~

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Proposed Rules

32-34. Recovery of expenses. If it is necessary for the state to incur expenses by court action or otherwise for the ejectment of the lessee, or removal from the leased premises of the lessee's property, or recovery of rent or royalties, or for any other remedy of the state under this lease, and the state prevails in the court action or otherwise, then the lessee shall pay to the state all expenses, including attorney's fees, thus incurred by the state.

33-35. Mining of minerals other than metallic minerals. If any ore found on or in the mining unit is primarily valuable for other than its metallic minerals content, the terms and conditions upon which the ore may be mined or products recovered from it shall be as may be agreed upon by the lessee and the commissioner and approved by the state executive council. This provision does not apply to iron ores, taconite ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances.

34-36. Agreements, assignments, or contracts. All assignments, agreements, or contracts affecting this lease must be made in writing and signed by all parties thereto, witnessed by two witnesses, properly acknowledged and must contain the post office addresses of all parties thereto, and when so executed must be presented in ~~quaduplicate~~ ~~triplicate~~ to the commissioner for record. No such instrument is valid until approved in writing by the commissioner and approved as to form and execution by the attorney general. No assignment or other agreement relieves the lessee of any obligation or liability imposed by this lease, and all assignees, sublessees, and subcontractors are also liable for all obligations or liabilities imposed by this lease.

35-37. Lease binding on assignees and successors. The covenants, terms, and conditions of this lease run with the land and extend to and bind all assignees and other successors in interest of the lessee.

36-38. Notices. For the purposes of this lease, the addresses of the parties are as follows, unless changed by written notice to all parties: For the state — Commissioner of Natural Resources, State of Minnesota, 500 Lafayette Road, Saint Paul, Minnesota 55155-4037; for the lessee — _____

Exhibit A. Base Royalty Rate Table

<u>Net</u> <u>return</u> <u>value</u> <u>per ton</u>	<u>Base</u> <u>royalty</u> <u>rate (%)</u>	<u>Net</u> <u>return</u> <u>value</u> <u>per ton</u>	<u>Base</u> <u>royalty</u> <u>rate (%)</u>
\$ 0.01- 75	3.9500	\$ 75.01- 76	3.9574
\$ 76.01- 77	3.9650	\$ 77.01- 78	3.9728
\$ 78.01- 79	3.9808	\$ 79.01- 80	3.9890
\$ 80.01- 81	3.9974	\$ 81.01- 82	4.0060
\$ 82.01- 83	4.0147	\$ 83.01- 84	4.0237
\$ 84.01- 85	4.0329	\$ 85.01- 86	4.0422
\$ 86.01- 87	4.0518	\$ 87.01- 88	4.0615
\$ 88.01- 89	4.0715	\$ 89.01- 90	4.0816
\$ 90.01- 91	4.0919	\$ 91.01- 92	4.1025
\$ 92.01- 93	4.1132	\$ 93.01- 94	4.1241
\$ 94.01- 95	4.1352	\$ 95.01- 96	4.1465
\$ 96.01- 97	4.1580	\$ 97.01- 98	4.1697
\$ 98.01- 99	4.1816	\$ 99.01-100	4.1937
\$100.01-101	4.2060	\$101.01-102	4.2185
\$102.01-103	4.2311	\$103.01-104	4.2440
\$104.01-105	4.2571	\$105.01-106	4.2703
\$106.01-107	4.2838	\$107.01-108	4.2974
\$108.01-109	4.3113	\$109.01-110	4.3253
\$110.01-111	4.3395	\$111.01-112	4.3540
\$112.01-113	4.3686	\$113.01-114	4.3834
\$114.01-115	4.3984	\$115.01-116	4.4136
\$116.01-117	4.4290	\$117.01-118	4.4446
\$118.01-119	4.4604	\$119.01-120	4.4764
\$120.01-121	4.4926	\$121.01-122	4.5089
\$122.01-123	4.5255	\$123.01-124	4.5423
\$124.01-125	4.5592	\$125.01-126	4.5764
\$126.01-127	4.5938	\$127.01-128	4.6113
\$128.01-129	4.6290	\$129.01-130	4.6470
\$130.01-131	4.6651	\$131.01-132	4.6834
\$132.01-133	4.7020	\$133.01-134	4.7207

Proposed Rules

<u>Net return value per ton</u>	<u>Base royalty rate (%)</u>	<u>Net return value per ton</u>	<u>Base royalty rate (%)</u>
<u>\$134.01-135</u>	4.7396	<u>\$135.01-136</u>	4.7587
<u>\$136.01-137</u>	4.7780	<u>\$137.01-138</u>	4.7975
<u>\$138.01-139</u>	4.8172	<u>\$139.01-140</u>	4.8371
<u>\$140.01-141</u>	4.8571	<u>\$141.01-142</u>	4.8774
<u>\$142.01-143</u>	4.8979	<u>\$143.01-144</u>	4.9186
<u>\$144.01-145</u>	4.9394	<u>\$145.01-146</u>	4.9605
<u>\$146.01-147</u>	4.9817	<u>\$147.01-148</u>	5.0032
<u>\$148.01-149</u>	5.0248	<u>\$149.01-150</u>	5.0466
<u>\$150.01-151</u>	5.0687	<u>\$151.01-152</u>	5.0909
<u>\$152.01-153</u>	5.1133	<u>\$153.01-154</u>	5.1359
<u>\$154.01-155</u>	5.1587	<u>\$155.01-156</u>	5.1818
<u>\$156.01-157</u>	5.2050	<u>\$157.01-158</u>	5.2283
<u>\$158.01-159</u>	5.2519	<u>\$159.01-160</u>	5.2757
<u>\$160.01-161</u>	5.2997	<u>\$161.01-162</u>	5.3239
<u>\$162.01-163</u>	5.3482	<u>\$163.01-164</u>	5.3728
<u>\$164.01-165</u>	5.3976	<u>\$165.01-166</u>	5.4225
<u>\$166.01-167</u>	5.4477	<u>\$167.01-168</u>	5.4730
<u>\$168.01-169</u>	5.4986	<u>\$169.01-170</u>	5.5243
<u>\$170.01-171</u>	5.5502	<u>\$171.01-172</u>	5.5763
<u>\$172.01-173</u>	5.6027	<u>\$173.01-174</u>	5.6292
<u>\$174.01-175</u>	5.6559	<u>\$175.01-176</u>	5.6828
<u>\$176.01-177</u>	5.7099	<u>\$177.01-178</u>	5.7372
<u>\$178.01-179</u>	5.7647	<u>\$179.01-180</u>	5.7924
<u>\$180.01-181</u>	5.8202	<u>\$181.01-182</u>	5.8483
<u>\$182.01-183</u>	5.8766	<u>\$183.01-184</u>	5.9050
<u>\$184.01-185</u>	5.9337	<u>\$185.01-186</u>	5.9626
<u>\$186.01-187</u>	5.9916	<u>\$187.01-188</u>	6.0209
<u>\$188.01-189</u>	6.0503	<u>\$189.01-190</u>	6.0799
<u>\$190.01-191</u>	6.1098	<u>\$191.01-192</u>	6.1398
<u>\$192.01-193</u>	6.1700	<u>\$193.01-194</u>	6.2004
<u>\$194.01-195</u>	6.2310	<u>\$195.01-196</u>	6.2618
<u>\$196.01-197</u>	6.2928	<u>\$197.01-198</u>	6.3240
<u>\$198.01-199</u>	6.3554	<u>\$199.01-200</u>	6.3870
<u>\$200.01-201</u>	6.4188	<u>\$201.01-202</u>	6.4507
<u>\$202.01-203</u>	6.4829	<u>\$203.01-204</u>	6.5153
<u>\$204.01-205</u>	6.5478	<u>\$205.01-206</u>	6.5806
<u>\$206.01-207</u>	6.6135	<u>\$207.01-208</u>	6.6467
<u>\$208.01-209</u>	6.6800	<u>\$209.01-210</u>	6.7135
<u>\$210.01-211</u>	6.7473	<u>\$211.01-212</u>	6.7812
<u>\$212.01-213</u>	6.8153	<u>\$213.01-214</u>	6.8496
<u>\$214.01-215</u>	6.8841	<u>\$215.01-216</u>	6.9188
<u>\$216.01-217</u>	6.9537	<u>\$217.01-218</u>	6.9888
<u>\$218.01-219</u>	7.0241	<u>\$219.01-220</u>	7.0596
<u>\$220.01-221</u>	7.0953	<u>\$221.01-222</u>	7.1311
<u>\$222.01-223</u>	7.1672	<u>\$223.01-224</u>	7.2035
<u>\$224.01-225</u>	7.2399	<u>\$225.01-226</u>	7.2766

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Proposed Rules

<u>Net return value per ton</u>	<u>Base royalty rate (%)</u>	<u>Net return value per ton</u>	<u>Base royalty rate (%)</u>
<u>\$226.01-227</u>	<u>7.3134</u>	<u>\$227.01-228</u>	<u>7.3505</u>
<u>\$228.01-229</u>	<u>7.3877</u>	<u>\$229.01-230</u>	<u>7.4251</u>
<u>\$230.01-231</u>	<u>7.4628</u>	<u>\$231.01-232</u>	<u>7.5006</u>
<u>\$232.01-233</u>	<u>7.5386</u>	<u>\$233.01-234</u>	<u>7.5768</u>
<u>\$234.01-235</u>	<u>7.6152</u>	<u>\$235.01-236</u>	<u>7.6538</u>
<u>\$236.01-237</u>	<u>7.6926</u>	<u>\$237.01-238</u>	<u>7.7316</u>
<u>\$238.01-239</u>	<u>7.7708</u>	<u>\$239.01-240</u>	<u>7.8102</u>
<u>\$240.01-241</u>	<u>7.8498</u>	<u>\$241.01-242</u>	<u>7.8895</u>
<u>\$242.01-243</u>	<u>7.9295</u>	<u>\$243.01-244</u>	<u>7.9697</u>
<u>\$244.01-245</u>	<u>8.0100</u>	<u>\$245.01-246</u>	<u>8.0506</u>
<u>\$246.01-247</u>	<u>8.0913</u>	<u>\$247.01-248</u>	<u>8.1323</u>
<u>\$248.01-249</u>	<u>8.1734</u>	<u>\$249.01-250</u>	<u>8.2147</u>
<u>\$250.01-251</u>	<u>8.2563</u>	<u>\$251.01-252</u>	<u>8.2980</u>
<u>\$252.01-253</u>	<u>8.3399</u>	<u>\$253.01-254</u>	<u>8.3820</u>
<u>\$254.01-255</u>	<u>8.4243</u>	<u>\$255.01-256</u>	<u>8.4668</u>
<u>\$256.01-257</u>	<u>8.5095</u>	<u>\$257.01-258</u>	<u>8.5524</u>
<u>\$258.01-259</u>	<u>8.5955</u>	<u>\$259.01-260</u>	<u>8.6388</u>
<u>\$260.01-261</u>	<u>8.6822</u>	<u>\$261.01-262</u>	<u>8.7259</u>
<u>\$262.01-263</u>	<u>8.7698</u>	<u>\$263.01-264</u>	<u>8.8138</u>
<u>\$264.01-265</u>	<u>8.8581</u>	<u>\$265.01-266</u>	<u>8.9025</u>
<u>\$266.01-267</u>	<u>8.9472</u>	<u>\$267.01-268</u>	<u>8.9920</u>
<u>\$268.01-269</u>	<u>9.0371</u>	<u>\$269.01-270</u>	<u>9.0823</u>
<u>\$270.01-271</u>	<u>9.1277</u>	<u>\$271.01-272</u>	<u>9.1733</u>
<u>\$272.01-273</u>	<u>9.2192</u>	<u>\$273.01-274</u>	<u>9.2652</u>
<u>\$274.01-275</u>	<u>9.3114</u>	<u>\$275.01-276</u>	<u>9.3578</u>
<u>\$276.01-277</u>	<u>9.4044</u>	<u>\$277.01-278</u>	<u>9.4512</u>
<u>\$278.01-279</u>	<u>9.4981</u>	<u>\$279.01-280</u>	<u>9.5453</u>
<u>\$280.01-281</u>	<u>9.5927</u>	<u>\$281.01-282</u>	<u>9.6403</u>
<u>\$282.01-283</u>	<u>9.6880</u>	<u>\$283.01-284</u>	<u>9.7360</u>
<u>\$284.01-285</u>	<u>9.7841</u>	<u>\$285.01-286</u>	<u>9.8325</u>
<u>\$286.01-287</u>	<u>9.8810</u>	<u>\$287.01-288</u>	<u>9.9298</u>
<u>\$288.01-289</u>	<u>9.9787</u>	<u>\$289.01-290</u>	<u>10.0278</u>
<u>\$290.01-291</u>	<u>10.0772</u>	<u>\$291.01-292</u>	<u>10.1267</u>
<u>\$292.01-293</u>	<u>10.1764</u>	<u>\$293.01-294</u>	<u>10.2263</u>
<u>\$294.01-295</u>	<u>10.2764</u>	<u>\$295.01-296</u>	<u>10.3267</u>
<u>\$296.01-297</u>	<u>10.3772</u>	<u>\$297.01-298</u>	<u>10.4279</u>
<u>\$298.01-299</u>	<u>10.4788</u>	<u>\$299.01-300</u>	<u>10.5299</u>
<u>\$300.01-301</u>	<u>10.5811</u>	<u>\$301.01-302</u>	<u>10.6326</u>
<u>\$302.01-303</u>	<u>10.6843</u>	<u>\$303.01-304</u>	<u>10.7361</u>
<u>\$304.01-305</u>	<u>10.7882</u>	<u>\$305.01-306</u>	<u>10.8404</u>
<u>\$306.01-307</u>	<u>10.8929</u>	<u>\$307.01-308</u>	<u>10.9455</u>
<u>\$308.01-309</u>	<u>10.9984</u>	<u>\$309.01-310</u>	<u>11.0514</u>
<u>\$310.01-311</u>	<u>11.1046</u>	<u>\$311.01-312</u>	<u>11.1580</u>
<u>\$312.01-313</u>	<u>11.2116</u>	<u>\$313.01-314</u>	<u>11.2654</u>
<u>\$314.01-315</u>	<u>11.3195</u>	<u>\$315.01-316</u>	<u>11.3736</u>
<u>\$316.01-317</u>	<u>11.4280</u>	<u>\$317.01-318</u>	<u>11.4826</u>
<u>\$318.01-319</u>	<u>11.5374</u>	<u>\$319.01-320</u>	<u>11.5924</u>
<u>\$320.01-321</u>	<u>11.6476</u>	<u>\$321.01-322</u>	<u>11.7029</u>
<u>\$322.01-323</u>	<u>11.7585</u>	<u>\$323.01-324</u>	<u>11.8143</u>
<u>\$324.01-325</u>	<u>11.8702</u>	<u>\$325.01-326</u>	<u>11.9264</u>
<u>\$326.01-327</u>	<u>11.9827</u>	<u>\$327.01-328</u>	<u>12.0392</u>
<u>\$328.01-329</u>	<u>12.0960</u>	<u>\$329.01-330</u>	<u>12.1529</u>

Proposed Rules

<u>Net return value per ton</u>	<u>Base royalty rate (%)</u>	<u>Net return value per ton</u>	<u>Base royalty rate (%)</u>
<u>\$330.01-331</u>	12.2100	<u>\$331.01-332</u>	12.2673
<u>\$332.01-333</u>	12.3249	<u>\$333.01-334</u>	12.3826
<u>\$334.01-335</u>	12.4405	<u>\$335.01-336</u>	12.4986
<u>\$336.01-337</u>	12.5569	<u>\$337.01-338</u>	12.6153
<u>\$338.01-339</u>	12.6740	<u>\$339.01-340</u>	12.7329
<u>\$340.01-341</u>	12.7920	<u>\$341.01-342</u>	12.8512
<u>\$342.01-343</u>	12.9107	<u>\$343.01-344</u>	12.9704
<u>\$344.01-345</u>	13.0302	<u>\$345.01-346</u>	13.0903
<u>\$346.01-347</u>	13.1505	<u>\$347.01-348</u>	13.2109
<u>\$348.01-349</u>	13.2716	<u>\$349.01-350</u>	13.3324
<u>\$350.01-351</u>	13.3934	<u>\$351.01-352</u>	13.4546
<u>\$352.01-353</u>	13.5161	<u>\$353.01-354</u>	13.5777
<u>\$354.01-355</u>	13.6395	<u>\$355.01-356</u>	13.7015
<u>\$356.01-357</u>	13.7637	<u>\$357.01-358</u>	13.8260
<u>\$358.01-359</u>	13.8886	<u>\$359.01-360</u>	13.9514
<u>\$360.01-361</u>	14.0144	<u>\$361.01-362</u>	14.0775
<u>\$362.01-363</u>	14.1409	<u>\$363.01-364</u>	14.2045
<u>\$364.01-365</u>	14.2682	<u>\$365.01-366</u>	14.3322
<u>\$366.01-367</u>	14.3963	<u>\$367.01-368</u>	14.4606
<u>\$368.01-369</u>	14.5252	<u>\$369.01-370</u>	14.5899
<u>\$370.01-371</u>	14.6548	<u>\$371.01-372</u>	14.7199
<u>\$372.01-373</u>	14.7852	<u>\$373.01-374</u>	14.8507
<u>\$374.01-375</u>	14.9164	<u>\$375.01-376</u>	14.9823
<u>\$376.01-377</u>	15.0484	<u>\$377.01-378</u>	15.1147
<u>\$378.01-379</u>	15.1812	<u>\$379.01-380</u>	15.2479
<u>\$380.01-381</u>	15.3147	<u>\$381.01-382</u>	15.3818
<u>\$382.01-383</u>	15.4491	<u>\$383.01-384</u>	15.5165
<u>\$384.01-385</u>	15.5842	<u>\$385.01-386</u>	15.6520
<u>\$386.01-387</u>	15.7201	<u>\$387.01-388</u>	15.7883
<u>\$388.01-389</u>	15.8567	<u>\$389.01-390</u>	15.9254
<u>\$390.01-391</u>	15.9924	<u>\$391.01-392</u>	16.0632
<u>\$392.01-393</u>	16.1324	<u>\$393.01-394</u>	16.2018
<u>\$394.01-395</u>	16.2714	<u>\$395.01-396</u>	16.3412
<u>\$396.01-397</u>	16.4112	<u>\$397.01-398</u>	16.4814
<u>\$398.01-399</u>	16.5518	<u>\$399.01-400</u>	16.6223
<u>\$400.01-401</u>	16.6931	<u>\$401.01-402</u>	16.7641
<u>\$402.01-403</u>	16.8352	<u>\$403.01-404</u>	16.9066
<u>\$404.01-405</u>	16.9781	<u>\$405.01-406</u>	17.0499
<u>\$406.01-407</u>	17.1218	<u>\$407.01-408</u>	17.1940
<u>\$408.01-409</u>	17.2663	<u>\$409.01-410</u>	17.3388
<u>\$410.01-411</u>	17.4115	<u>\$411.01-412</u>	17.4844
<u>\$412.01-413</u>	17.5576	<u>\$413.01-414</u>	17.6309
<u>\$414.01-415</u>	17.7044	<u>\$415.01-416</u>	17.7781
<u>\$416.01-417</u>	17.8519	<u>\$417.01-418</u>	17.9260
<u>\$418.01-419</u>	18.0003	<u>\$419.01-420</u>	18.0748
<u>\$420.01-421</u>	18.1494	<u>\$421.01-422</u>	18.2243

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

Adopted Rules

<u>Net return value per ton</u>	<u>Base royalty rate (%)</u>	<u>Net return value per ton</u>	<u>Base royalty rate (%)</u>
<u>\$422.01-423</u>	<u>18.2994</u>	<u>\$423.01-424</u>	<u>18.3746</u>
<u>\$424.01-425</u>	<u>18.4501</u>	<u>\$425.01-426</u>	<u>18.5257</u>
<u>\$426.01-427</u>	<u>18.6016</u>	<u>\$427.01-428</u>	<u>18.6776</u>
<u>\$428.01-429</u>	<u>18.7538</u>	<u>\$429.01-430</u>	<u>18.8302</u>
<u>\$430.01-431</u>	<u>18.9069</u>	<u>\$431.01-432</u>	<u>18.9837</u>
<u>\$432.01-433</u>	<u>19.0607</u>	<u>\$433.01-434</u>	<u>19.1379</u>
<u>\$434.01-435</u>	<u>19.2153</u>	<u>\$435.01-436</u>	<u>19.2929</u>
<u>\$436.01-437</u>	<u>19.3707</u>	<u>\$437.01-438</u>	<u>19.4487</u>
<u>\$438.01-439</u>	<u>19.5268</u>	<u>\$439.01-440</u>	<u>19.6052</u>
<u>\$440.01-441</u>	<u>19.6838</u>	<u>\$441.01-442</u>	<u>19.7625</u>
<u>\$442.01-443</u>	<u>19.8415</u>	<u>\$443.01-444</u>	<u>19.9207</u>
<u>\$444.01 and above</u>	<u>20.0000</u>		

REPEALER. *Minnesota Rules*, parts 6125.0300, 6125.1000, 6125.1100, 6125.1200, 6125.1300, 6125.1400, 6125.1500, 6125.1600, 6125.1700, 6125.1800, 6125.1900, 6125.2000, 6125.2100, 6125.2200, 6125.2300, 6125.2400, 6125.2500, 6125.2600, 6125.2700, 6125.2800, 6125.2900, 6125.3000, 6125.3100, 6125.3200, 6125.3300, 6125.3400, 6125.3500, 6125.3600, 6125.3700, 6125.3800, 6125.3900, 6125.4000, and 6125.4100, are repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Child Care Grant Program

The rules proposed and published at *State Register*, Volume 19, Number 11, pages 579-585, September 12, 1994 (19 SR 579), are adopted as proposed.

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Youth Works (Postservice Benefit) Program

The rules proposed and published at *State Register*, Volume 19, Number 12, pages 623-626, September 19, 1994 (19 SR 623), are adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Relating to State Emergency Response Commission Due Date on Certain Fees

The rules proposed and published at the *State Register*, Volume 19, Number 12, pages 637-639, September 19, 1994 (19 SR 637), are adopted as proposed.

ERRATA

Department of Health

Division of Environmental Health

Correction to Adopted Permanent Rules Relating to Public Pools

The adopted public pool rules of the Minnesota Department of Health published in the *State Register* December 27, 1994 (Volume 19, page 1419) contained an error. The correct effective date of the adopted rules is January 4, 1995.

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.

Department of Administration

Notice of Regular Meetings of the Small Business Procurement Advisory Council

NOTICE IS HEREBY GIVEN that the Small Business Procurement Advisory Council now holds its regularly scheduled meeting at 10:00 a.m. on the third Thursday of each month in Room 200, State Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155.

For further information, please contact Wendy VanKuyk at 612-297-3996 (TTY/TDD ONLY 612-282-5799).

Department of Health

Health Care Delivery Policy Division

Notice Regarding Actual Growth Limits on Health Care Expenditures for 1995

Pursuant to *Minnesota Statutes* section 62J.04 Subdivision 1a, the commissioner of health is required to publish the actual growth limit on the rate of health care expenditures for the calendar year. The actual growth limit on the rate of health care expenditures is based upon the methodology described in *Minnesota Statutes* 62J.04 Subdivision 1. The adjusted growth limit must reflect the actual regional consumer price index for urban consumers for the previous calendar year.

The actual growth limit on health care expenditures for calendar year 1995 is 8.2 percent.

Department of Health

Health Care Delivery Policy Division

Notice Regarding Quarterly Change in the Regional and National Consumer Price Index

Pursuant to *Minnesota Statutes* section 62J.04 Subdivision 1, the commissioner of health is required to publish the quarterly change in the regional consumer price index for urban consumers. This publication is intended to monitor change in the general inflation as measured by the quarterly change in the North Central CPI-U index. The quarterly change in the U.S. city average CPI-U index is also published for comparative purposes.

The change in the average, unadjusted North Central CPI-U index for all items, from the 3rd quarter to the 4th quarter 1994, is 0.39 percent.

The change in the average, unadjusted U.S. city CPI-U index for all items, from the 3rd quarter to the 4th quarter 1994, is 0.47 percent.

The seasonally adjusted annualized rate of change in the average U.S. city CPI-U index, from the 3rd quarter to the 4th quarter 1994, is 2.25 percent.

Department of Human Services

Health Care Policy Division

Amended Notice of Solicitation of Outside Information or Opinions Regarding Proposed Repeal of Rules Governing Eligibility for Medical Assistance

The State Department of Human Services hereby gives notice that it seeks information or opinions from sources outside the agency in preparing to propose the repeal of the rule governing eligibility for medical assistance. The repeal of the rule is authorized by *Minnesota Statutes*, section 256B.04, which permits the department to make uniform rules for the administration of medical assistance.

During the rule repeal process the department will consider repeal of incorrect or outdated provisions in the medical assistance eligibility rule to conform to state and federal law. The rule will also be amended to comply with a statutory amendment to be effective July 1995. The proposed repeals will *not* change the current law on eligibility for medical assistance. The provisions proposed for repeal are: *Minnesota Rules*, part 9505.0015, subparts 7, 10, 15, 18, 22, 26, 29, 30, 35, 43; part 9505.0020; part 9505.0030; part 9505.0040; part 9505.0050; part 9505.0055; parts 9505.0058-9505.0065; part 9505.0071; part 9505.0110; and part 9505.0145.

The department will form an advisory task force to aid in the repeal of the rule. The department will invite the following persons or associations to join the advisory task force: county social workers, advocacy groups, legal aid attorneys, care providers, department program persons, and others. The department will appoint the advisory task force by March 1995. It is expected that the advisory task force will complete consideration of the rule by April 1995.

The department anticipates that the rule repeal process will take approximately nine months.

The department requests information and opinions concerning the subject matter of the rule. Interested person or groups may submit data or views on the subject matter of concern in writing or orally. Please address written statements to: Asha Sharma, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. She will receive oral statements during regular business hours over the telephone at (612) 282-9850 and in person at the above address.

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

Dated: 23 January 1995

Asha Sharma
Rules Division
Department of Human Services

Department of Human Services**Family and Children's Services Division****Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Protective Services for Children, *Minnesota Rules*, Parts 9560.0210 to 9560.0234**

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information and opinions from sources outside the agency in preparing to propose the adoption of amendments to the rule governing protective services for children. The rule is also known as "Rule 207", according to the informal numbering system used by the department. The amendment of the rule is authorized by *Minnesota Statutes*, sections 256.01, subdivisions 2, 4, and 12, which gives the commissioner authority to administer and supervise all child welfare activities; 256.991, which gives the commissioner authority to adopt rules to implement 256.01, subdivision 2; and 393.07, which assigns the commissioner supervisory authority over the child welfare program, including the child protection responsibilities of the state.

The proposed amendments will reflect the statutory changes related to protective services for children which were enacted during the 1993 and 1994 legislative sessions. During the course of the rule development process the following issues may be considered: require the local agency to send a summary of the disposition of a report filed under *Minnesota Statutes*, section 626.556 to the mandated reporter who filed the report, according to *Laws of Minnesota 1994*, chapter 434, section 8; add "neglect and endangerment" to the rule parts requiring coordination between law enforcement and social service agencies investigating a report of maltreatment, according to *Laws of Minnesota 1993*, chapter 306, section 18; extend the period for the retention of agency records from seven years to ten years in cases where maltreatment or a need for protective services was determined, according to *Laws of Minnesota 1993*, chapter 351, section 38; delete the requirement that the Department approve agency child protection worker training plans, according to *Laws of Minnesota 1993*, chapter 306, section 20; change the rule language regarding "placement preference" from the requirement that agencies give "due" consideration to the child's race or ethnic heritage to a requirement that agencies give "due, not sole," consideration to the child's race or ethnic heritage, according to *Laws of Minnesota 1993*, chapter 291, section 3; and require that agencies document that a change in the placement of a child, other than a change to a permanent placement, is because the change is in the best interest of the child or that the existing placement is not suitable for the child, according to *Laws of Minnesota 1993*, chapter 291, section 4.

The State Department of Human Services will not form an advisory task force to aid in the development of the rule.

The Department anticipates that the rule adoption process will take approximately five months.

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

Robert Klukas,
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816

Oral statements will be received by Robert Klukas during regular business hours over the telephone at (612) 296-2794 and in person at the above address.

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

Dated: 23 January 1995

Robert Klukas
Rules Division
Department of Human Services

Official Notices

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective January 30, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Brown: New Ulm Municipal Airport Terminal Building & Maintenance Hanger-New Ulm.

Hennepin: ISD #279 Sprinkler Retrofit-Osseo; Jefferson High School Remodeling & Reroofing-Bloomington.

Lake: Gooseberry Falls State Park Interpretative Center-Two Harbors.

Nicollet: South Elementary School Elevator Addition-St. Peter.

Rice: MAFB Accessibility Remodel-Faribault.

St. Louis: Duluth Technical College Addition & Remodeling Phase I-Duluth.

Stearns: MN/DOT Sauk Centre Maintenance Facility-Sauk Centre; St. Cloud State University Atwood Memorial Center Remodeling-St. Cloud.

Waseca: U of M Office Building Remodeling-Waseca.

Washington: 1995 Reroofing at Forest Lake Schools-Forest Lake.

Watsonwan: St. James High, Armstrong & Northside School Remodeling-St. James.

Winona: 1995 Far & Boiler Room Asbestos Abatement & Re-insulation-Winona; Winona State University Pasteur Hall Penthouse Rehabilitation-Winona.

Copies of the certified wage rate 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 charge 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

Pollution Control Agency

Air Quality Division

Notice of solicitation of Outside Information or Opinions Regarding Proposed Rules to Clarify Provisions of Chapter 7007 - Control Equipment - and Amend Chapter 7011 Performance Standards to Exempt Sources from Permitting

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from sources outside the MPCA in preparing to propose the adoption of rule amendments governing the following subjects:

1. Rule amendments to clarify and correct provisions of chapter 7007.
2. Rule amendments to address issues raised by the U.S. Environmental Protection Agency.
3. Rule amendments to amend stationary source performance standards to exempt small sources of emissions. For example, the MPCA intends to exempt sources with emergency generators that operate on a limited basis.

The MPCA does not intend to form an advisory task force for this rulemaking. The MPCA requests information and opinions concerning the subject matter of the proposed rule amendments. For a copy of the draft rule amendments when they become available, or to submit data or views on the subject matter in writing or orally contact:

Andrew Ronchak
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

Oral statements will be received during regular business hours over the telephone at (612) 296-3107 and in person at the above address.

All statements of information and opinions shall be accepted until February 28, 1995. Any written material received by the MPCA shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted. The MPCA anticipates the completion date to be in the summer of 1995.

Charles W. Williams
Commissioner

Minnesota Public Utilities Commission

Notice of Intent to Solicit Outside Information Regarding the Possible Amendment of Rules Governing the Resource Planning Process, Parts 7843.0100 to 7843.0600, Docket No. E-999/R-94-649

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing the resource planning process. The amendment of the rules is authorized by *Minnesota Statutes* §§ 216B.08 and 216B.2422 (Supp. 1993). Section 216B.08 authorizes the adoption of rules that further the purposes of chapter 216B. Section 216B.2422 establishes new requirements and standards for the development and review of utility resource plans.

This rulemaking may address the following issues:

1. Whether *Minnesota Statutes* §216B.2422 (Supp. 1993) requires any changes to the existing rules, including changes that relate to the following provisions of section 216B.2422:
 - (a) the definition of "refurbish" (subd. 1);
 - (b) the requirement that the Commission approve, reject or modify the plans of investor-owned utilities (subd. 2);
 - (c) the requirement that utilities include least cost plans to meet 50% and 75% of their need for new or refurbished capacity through conservation and renewable energy resources (subd. 2);
 - (d) the use of environmental externality values in resource selection (subd. 3);
 - (e) the renewable energy preference (subd. 4);
 - (f) the use of bidding as a means of resource procurement (subd. 5); and
 - (g) the possible consolidation of resource plan and certificate of need proceedings (subd. 6).
2. Whether any changes in the rules to implement *Minnesota Statutes* §216B.2422 should go beyond simply incorporating the relevant statutory language and, if so, what those changes should be and why.
3. Whether the rules should be changed to prescribe filing requirements for cooperative and municipal utilities that are different from the requirements applied to investor-owned utilities. If so, in what ways should the filing requirements for cooperative and municipal utilities differ from those applied to investor-owned utilities?
4. Whether the two-year interval for resource plan filings is appropriate for all of the filing utilities. If not, what would the appropriate interval be for given types of utilities and circumstances?
5. Whether the rules should prescribe a deadline for intervention in advance of the deadline for written comments. If so, what would be the appropriate interval between these two deadlines?
6. Whether a deadline for comments on completeness should be established to ensure the Commission has sufficient time to respond to such requests.
7. Whether other types of changes to the rules are necessary or desirable.

The Commission may form an advisory task force to assist in the development of these rule revisions, depending on the changes the Commission ultimately decides to pursue, the level of controversy anticipated and the complexity of the issues.

If a task force is created, the Commission intends to solicit membership that represents the interests of utilities; ratepayers, including large industrial consumers; environmental organizations; renewable energy suppliers; and fuel suppliers. Attached is a list of utilities, agencies and associations the Commission intends to invite to serve on a task force if one is used. The commission may invite others to serve in addition to or in place of those on the list based on further analysis, public input, and willingness to serve.

Official Notices

The Commission will select its task force members within 90 days after the end of the comment period specified in this notice. The Commission expects the rulemaking to be completed within approximately 18 months. The task force will meet, under staff direction, approximately three to six times. Meetings should begin sometime in August of this year and continue through the winter of 1996.

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

Dan Lipschultz
Minnesota Public Utilities Commission
121 7th Place East
Suite 350
St. Paul, MN 55101-2147
(612) 296-9617

Oral statements or comments will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion provided in response to this notice should be submitted to the Commission by 4:30 p.m. on March 31, 1995. Any written materials received by the Commission pursuant to this notice shall become part of the rule-making record.

The following is a list of those the Commission intends to invite to serve on an advisory task force to assist in amending the Commission's resource planning rules.

1. Northern States Power Company (NSP)
2. Otter Tail Power Company
3. Minnesota Power
4. Minnesota Rural Electric Association
5. Southern Minnesota Municipal Power Agency (SMMPA)
6. Lignite Energy Council
7. Minnesota Senior Federation
8. Department of Public Service
9. Attorney General's Office, Residential Utilities Division
10. Izaak Walton League
11. Minnesotans for an Energy Efficient Economy
12. Renewable Energy Society

Dated: 23 January 1995

Burl W. Haar
Executive Secretary

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.

Housing Finance Agency

Request for Proposals for the Low Income Housing Tax Credit Program

Introduction

The Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting first competition applications for reservation and allocation of the Low Income Housing Tax Credits, authorized by the Federal Tax Reform Act of 1986, as revised. Applications for the low income housing tax credits, administered by the MHFA, for the first competition must be received no later than 4:30 p.m. on Friday, March 31, 1995. Refer to application package for additional requirements.

The Low Income Housing Tax Credits offer a ten year reduction in tax liability to owners and investors in eligible low income, new construction, rehabilitation or existing rental housing with rehabilitation.

Credit Formula

The Minnesota Legislature designated the MHFA as the primary apportionment agency for low income housing tax credits for the state and also authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the *Minnesota Statutes* Section 462.A222, Subd. 1a,2.

Local Administration of Tax Credit

The following eligible cities and counties have the authority to administer the tax credits locally:

Duluth (218) 723-3357	St. Paul (612) 266-6616
St. Cloud (612) 252-0880	Bloomington (612) 887-9637
Rochester (507) 285-8224	Washington County (612) 458-6555
Minneapolis (612) 673-5067	Dakota County (612) 423-8104

Applicants with eligible buildings located within the jurisdiction of the above local governments must apply to the local administrators for allocation of the low income housing tax credit. Any suballocation to local governments that is not committed by the end of the first competition must be returned to the MHFA for statewide allocation. The MHFA will not make an allocation for projects located within the jurisdiction of the cities or counties that have elected to administer the credits until the amounts reserved have been allocated or returned to the MHFA for allocation, except for the nonprofit set-aside.

Total estimated 1995 tax credits available for the State of Minnesota are based on anticipated U.S. Census Bureau population figures (4,517,000 population x \$1.25 per capita credit amount = \$5,646,250).

MHFA Administration Tax Credits

Applicants with eligible buildings in the balance of the state, not within the jurisdiction of eligible local credit administrators, may apply to the MHFA for an allocation of low income housing tax credits.

In addition, the MHFA has been designated as the credit agency to provide low income housing credits for projects involving qualified 501(c)(3) and 501(c)(4) nonprofit organizations statewide. Ten percent of the state ceiling has been set aside for qualified non-profits as required by Section 42 of the *Internal Revenue Code of 1986*. Qualified non-profits can apply to the MHFA for the low income housing tax credit set-aside, regardless of the geographic location of the proposed low income housing building, as specified in the allocation plan.

For additional information or an application packet for buildings located in the MHFA jurisdiction, please write to MHFA at the following address or call (612) 297-3294.

Minnesota Housing Finance Agency
Multi-Family Underwriting
Low Income Housing Tax Credit Program
400 Sibley Street, Suite 300
St. Paul, MN 55101-1998

It is the policy of the Minnesota Housing Finance Agency (MHFA) to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to receipt of public assistance, disability, or familial status.

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.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Capitol Area Architectural and Planning Board

Competition Announcement for Design of the Minnesota Labor Interpretive Center

The Design Challenge

The State of Minnesota, the Capitol Area Architectural and Planning Board, and the Board of the Labor Interpretive Center announce an architectural design competition for the Labor Interpretive Center.

The Labor Interpretive Center (LIC) will enable Minnesotans and visitors to the state to participate in a range of experiences illustrating and interpreting this diverse and broad aspect in the continuing Minnesota story. The Center will express symbolically the honoring by the state of its legacy of working people and the labor movement. The Center will present work in a historical perspective and at the same time offer to the public a variety of forward-looking programs including theatrical presentations, exhibitions, lectures, workshops, and concerts, the goal of which is to examine current issues and topics that illuminate the ever-changing story of work and workers in Minnesota.

The Labor Interpretive Center Building will be located on the west side of Cleveland Circle. The site lies at the entry to the central business district of Saint Paul from major connectors with the International Airport (south on 35E) and Minneapolis (west on I94). Being highly accessible, this site also provides an exquisite setting — with a prominent visual exposure, an important civic space in front of it, a direct relationship to St. Paul's downtown and cultural corridor, and a visual tie to the State Capitol. The wide, landscaped thoroughfare southeast of the site is frequently animated by vibrant crowds streaming from and to the St. Paul Civic Center, located across this greenway. Another building across contiguous Cleveland Circle is the headquarters of St. Paul Companies, the architecture of which symbolizes the power of corporations and capital, thus challenging the new Labor Interpretive Center to be an equally effective representation of the creative power of work.

The combined area of the two development parcels allotted to the Center (Parcel 1) and its future expansion and interim parking (Parcel 2) is 89,000 SF, with the projected footprint area of the building of approximately 30,000 SF. In addition to the space needed for outdoor events and exhibits, future expansion, landscaping, parking and service access, the location of the building on the site and its height would be partially controlled by the established view corridors toward the Cathedral and the Capitol.

The Center is intended to be a facility delivering a variety of interpretive and educational programs and services to a diverse public on a six or seven-day weekly schedule during daytime and evening hours. It would invite and welcome people of all ages and from all walks of life — individually and in groups — to a place that is accessible, enjoyable, and intellectually challenging. The nucleus of the facility would be a universal Interpretive Theater for 300 to 350 spectators that would have to be equally well suited for multi-media presentations and for live performances. While the creation of this unique theater is the most challenging design task, the design of other project components should concentrate on their special character and roles in preparing educational materials for use in the theater, classrooms, and exhibits inside and beyond the confines of the Labor Interpretive Center.

The working assumption of the functional space program is that the building would be two to three stories high and contain some 40,000 SF of net usable space. Estimated construction cost of the building is \$13,000,000.

The Competition

The requirements for the submission of credentials will be sent to all registrants. Upon evaluation of all credentials submitted, the Competition Designer Selection Panel will select five firms or teams as finalists, who will be invited to prepare design submissions. The competition jury will select the winning design from the submissions of the finalists. Questions with regard to the competition or program must be submitted in writing by Monday, April 3, 1995, and will be answered by April 14. Finalists will have a 10 week period to prepare their design submissions.

The Capitol Area Architectural and Planning Board (CAAPB) is a Minnesota state agency responsible for all siting and development of the capitol area within Saint Paul. The CAAPB is chaired by the state's Lieutenant Governor and comprised of nine other members: four appointed by the Governor, three by the Mayor of Saint Paul, and one each by the state Senate and House of Representatives. The current chair of the CAAPB is Lt. Governor Joanne Benson.

The CAAPB's role is to organize the competition and to then monitor, review and approve any changes to the design as it evolves. In the larger scope, the CAAPB has the responsibility for the maintenance of the comprehensive plan and design coher-

Professional, Technical & Consulting Contracts

ence for the Capitol Area. Any substantial alteration or improvement to public buildings or plans for proposed public buildings in the Capitol Area must be approved by the board.

Members of the Designer Selection Panel and the Jury cannot have any affiliation with firms responding to this RFQ.

Compensation and Awards

Each of the five competitors will be provided \$18,000 to prepare their submissions. The competitors will receive \$7,500 at inception and the balance upon acceptance of the submission. The first place winner of the competition will be awarded a prize of \$20,000 and the second place winner will receive a prize of \$10,000.

The State of Minnesota, at its discretion, may agree to employ the winner of the design competition as architect for the Labor Interpretive Center upon the execution of a mutually acceptable contract and funding of the project by the Minnesota State Legislature. The prize money awarded to the competition winner is considered an advance payment on the professional fee, such that any proposed professional fee for the project will be reduced by \$20,000.

The design submission must be able to be implemented within the approved budget. All submissions, including all intellectual property rights in all materials submitted, become the exclusive property of the State of Minnesota and the Capitol Area Architectural and Planning Board.

Designer Selection Panel

The Competition Designer Selection Panel will consist of the following members:

- Design Professionals or professionals in related fields
- Advisor to Capitol Area Architectural and Planning Board
- Representative of the Capitol Area Architectural and Planning Board
- Representative of the Labor Interpretive Center Board of Directors
- Representative of the Administration Department, Division of State Building Construction

Eligibility

Architects experienced in designing buildings for interpretive and interactive activities, with theater and exhibition spaces, are invited to participate in the design competition. Affiliation with a Minnesota architectural firm is required for non-Minnesota firms or individual architects.

Inquiries regarding eligibility should be referred by letter to the Competition Coordinator at the address provided for registration.

The Jury

Members of the Design Competition Jury will be:

- Three architects
- One Interpretive Center specialist
- One Urban Designer or Landscape Architect
- Advisor to the Capitol Area Architectural and Planning Board
- Member of the Capitol Area Architectural and Planning Board
- Member of the Labor Interpretive Center Board of Directors
- Member of the Senate, Minnesota State Legislature
- Member of the House, Minnesota State Legislature

Competition Consultant

Larry Witzling, Associate Dean
University of Wisconsin-Milwaukee
School of Architecture and Urban Planning

The Capitol Area Architectural and Planning Board has appointed the Competition Consultant to act as an advisor for the design competition. The staff of the Capitol Area Board will assist the Competition Consultant.

The competitor is reminded that communications with the Competition Consultant must be in writing addressed to the competition address.

Competition Schedule

2/13/95	Deadline for receiving Statements of Interest
3/1/95	Deadline for the receipt of 7 copies of the responses to the RFQ (Receipt by 4:30 p.m., CST)
3/9/95 & 3/10/95	Responses to the RFQ are evaluated and competitors are selected; competition programs are mailed and design begins

Professional, Technical & Consulting Contracts

3/20/95	Predesign competition conference - on-site briefing
4/3/95	Question period closes (Receipt by 4:30 p.m., CST)
5/26/95	Design submissions due (Receipt by 4:30 p.m., CST)
6/2/95 & 6/3/95	Jury deliberations and selection of winners

Registration

The deadline for the full response to the RFQ is Wednesday, March 1, 1995. All responses must be accompanied by a check in the amount of \$25.00, made payable to the Capitol Area Architectural and Planning Board. Registrations should be addressed to:

Labor Interpretive Center Design Competition
Capitol Area Architectural and Planning Board
204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
(612) 296-6592

The proposal must conform to the following:

- 1) Seven (7) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound.
- 3) Mandatory Proposal contents in sequence:
 - a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
 - b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand.
 - c) A section containing graphic material (photos, plans, drawings, etc.) as avoidance of the firm's qualification for the work. It must be work in which the personnel listed in "b" have had significant participation and their roles must be clearly described.

The proposal shall consist of no more than twenty-five (25) faces.

4) Statutory Proposal Requirements

In accordance with the provisions of *Minnesota Statutes, 1981 Supplement*, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Department of Health

Maternal and Child Health

Request for Proposal for Conference Management Services

The MDH is seeking proposals from qualified individuals or organizations to provide conference management services for interdisciplinary staff training of school based/school linked clinic personnel. The training participants will include school nurses, social workers, nurse practitioners, physicians, clerical staff, psychologists, counselors and other staff involved in providing services to students in school based/school linked clinics.

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

The individual or organization must be able to provide the following conference management services:

- development of program format that will meet continuing education criteria for multiple disciplines

Professional, Technical & Consulting Contracts

- arrange for continuing education credit in several disciplines
- development of outcomes for continuing education purposes and collaboration with evaluation efforts
- development of a financial plan for training
- act as host of the training sessions
- coordinate faculty and participant scheduling, handout materials and audiovisual equipment
- process documents for honoraria and travel expense reimbursements
- negotiate with meeting site for registration, meeting space and food service

Responders may propose additional tasks or activities if they will substantially improve the results of the project.

The training will consist of 15 sessions (45 hours) and a final reunion event (4 hours) designed to provide critique of the training program, a post test/evaluation and an action plan review.

The amount of reimbursement for conference management will not exceed \$8050. This does not include room rental or refreshments.

All proposals must be sent to and received by:

Agency: Minnesota Department of Health
Name: Paula Nelson
Address: Maternal and Child Health Section
717 S.E. Delaware Street
P.O. Box 9441
Minneapolis, Minnesota 55440-9441
Phone: (612) 623-5166

Not later than 4:00 p.m., February 6, 1995, as indicated by the date and time indicated on each response package by Minnesota Department of Health, Maternal and Child Health Section. Late proposals will not be accepted.

Other department personnel are NOT allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

Submit three (3) copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly 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 any resulting contract.

All proposals received by the deadline will be evaluated by representatives of Minnesota Department of Health. In some instances, an interview may be part of the evaluation process.

It is expected that evaluation and selection will be completed by February 20, 1995.

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

Department of Health

Maternal and Child Health Section

Request for Proposal for Project Evaluator

The MDH is seeking proposals from qualified individuals or organizations to provide evaluation services of an interdisciplinary staff development training for school based/school linked personnel.

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

The project evaluator must be able to provide the following services:

- set up a project evaluation process and plan based on learner outcomes and process outcomes
- work with the coordinator to choose and design pre and post test instruments in order to measure both content and process learning objectives

Professional, Technical & Consulting Contracts

- provide ongoing support and assistance to the project coordinator in the gathering of information and interpretation of results
- process the collected data and submit the results in a final report to the project coordinator

Responders may propose additional tasks or activities if they will substantially improve the results of the project.

The evaluator will work with the project coordinator on all aspects of the evaluation and the project coordinator will write a project summary that contains a description of the measures and results.

The amount of reimbursement will not exceed \$20,000.00.

All proposals must be sent to and received by:

Agency: Minnesota Department of Health
Name: Paula Nelson
Address: Maternal and Child Health Section
717 S.E. Delaware Street
P.O. Box 9441
Minneapolis, Minnesota 55440-9441
Phone: (612) 623-5166

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Submit three (3) copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly 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 any resulting contract.

All proposals received by the deadline will be evaluated by representatives of Minnesota Department of Health. In some instances, an interview may be part of the evaluation process.

It is expected that evaluation and selection will be completed by February 20, 1995.

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

Department of Human Services

MinnesotaCare

Notice of Request for Expression of Interest and Information from Managed Care Enrollment Contractors or Brokers

Under the authority of *Minnesota Statutes* Section 256.9363, the Minnesota Department of Human Services (DHS) is soliciting formal letters of interest and additional information from managed care enrollment contractors or brokers that will conduct enrollment activities to assist MinnesotaCare members to enroll into managed care plans throughout Minnesota.

The RFI is the first step in identifying potential enrollment contractors for MinnesotaCare. Instituting managed care for all MinnesotaCare enrollees is consistent with the DHS Managed Care Plan for Medical Assistance (MA), General Assistance Medical Care (GAMC) and MinnesotaCare as submitted to and approved by the 1993 Minnesota Legislature. A copy of this document is available from DHS upon request.

A Request for Proposal (RFP) will be issued in 1995 after DHS has received and reviewed all the RFI responses.

MinnesotaCare, a state-subsidized health program administered by the Department of Human Services, was established by the 1992 MinnesotaCare Act (*Laws of Minnesota 1992, Chapter 549*). In order to participate, individuals must belong to an eligible group, meet income criteria, satisfy other eligibility requirements and pay a premium. Currently children, parents and dependent siblings residing in the same household as well as single adults and families without children may be covered if they meet the eligibility criteria.

Currently, there are 76,363 individuals enrolled in MinnesotaCare and the following table represents enrollment by county:

Professional, Technical & Consulting Contracts
MINNESOTACARE ENROLLMENT DECEMBER 1994

AITKIN	667	MARSHALL	461
ANOKA	3,684	MARTIN	472
BECKER	1,372	MEEKER	600
BELTRAMI	1,210	MILLE LACS	544
BENTON	497	MORRISON	1,393
BIG STONE	296	MOWER	587
BLUE EARTH	777	MURRAY	265
BROWN	389	NICOLLET	277
CARLTON	620	NOBLES	405
CARVER	597	NORMAN	382
CASS	1,063	OLMSTED	1,038
CHIPPEWA	387	OTTER TAIL	2,101
CHISAGO	919	PENNINGTON	432
CLAY	776	PINE	811
CLEARWATER	418	PIPESTONE	294
COOK	111	POLK	937
COTTONWOOD	338	POPE	425
CROW WING	1,649	RAMSEY	5,945
DAKOTA	3,138	RED LAKE	356
DODGE	324	REDWOOD	470
DOUGLAS	1,034	RENVILLE	589
FARIBAUT	346	RICE	806
FILLMORE	437	ROCK	242
FREEBORN	680	ROSEAU	312
GOODHUE	584	ST. LOUIS	3,678
GRANT	247	SCOTT	728
HENNEPIN	9,945	SHERBURNE	916
HOUSTON	253	SIBLEY	270
HUBBARD	801	STEARNS	1,572
ISANTI	791	STEELE	350
ITASCA	1,418	STEVENS	270
JACKSON	226	SWIFT	484
KANABEC	423	TODD	965
KANDIYOHI	1,257	TRAVERSE	198
KITSON	118	WABASHA	355
KOOCHICING	420	WADENA	703
LAC QUI PARLE	336	WASECA	280
LAKE	238	WASHINGTON	1,635
LAKE OF THE WOODS	150	WATONWAN	223
LE SUEUR	432	WILKIN	264
LINCOLN	282	WINONA	626
LYON	570	WRIGHT	1,557
NCLEOD	378	YELLOW MEDICINE	381
NASHOTWEN	166	STATE TOTAL	76,363

Non-State Public Bids, Contracts & Grants

To obtain a copy of the RFI, contact:

Pam Olson
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3854
Telephone: 612-282-6878; Fax: 612-282-9922
Internet: Pam.R.Olson@State.MN.US

Responses to the RFI must be received by March 10, 1995.

Department of Natural Resources

Division of Fish and Wildlife

Notice of Request for Proposals for Research to Determine Whether Eurasian Watermilfoil, *Myriophyllum Spicatum*, can be Managed in Minnesota by Biological Control with Native or Naturalized Organisms Found in North America

NOTICE IS HEREBY GIVEN that the Department of Natural Resources intends to engage the services of a researcher(s) to identify and evaluate native or naturalized organisms in North America that have potential to control Eurasian watermilfoil. A detailed description of the objectives of this research is included in the Request for Proposals (RFP). The formal RFP may be requested from, and inquiries addressed to:

Charles H. Welling
Coordinator, Eurasian Watermilfoil Program
Ecological Services Section, Box 25
Minnesota Department of Natural Resources
500 Lafayette Rd.
St. Paul, MN 55155-4025
(612) 297-8021 / FAX 296-1811

Proposals should be submitted no later than **4 p.m., 10 March 1995**. The estimated value of any contract(s) will not exceed \$150,000.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Transit Operations

Request for Proposals for Materials Management Software Package

NOTICE IS HEREBY GIVEN that the Metropolitan Council Transit Operations will receive proposals at the office of the Metropolitan Council Transit Operations, 560 Sixth Avenue North, Minneapolis, Minnesota 55411-4398, until **2:00 p.m., Wednesday, March 1, 1995**, for the purchase of a **Materials Management** application software package to include inventory management, inventory control, purchase order management, replenishment, and invoice matching components. A Pre-Proposal Conference will be held at the office of the Metropolitan Council Transit Operations on **Wednesday, February 8, 1995 at 1:00 p.m.**

All plans, specifications, and proposals are available from the Metropolitan Council Transit Operations at the above noted address or phone (612) 349-7637.

The Metropolitan Council Transit Operations reserves the right to reject all proposals. Contractor will be required to comply with all applicable Equal Employment Opportunity laws and regulations.

All proposers will be required to certify that they are not on the Comptroller General's List of Ineligible Contractors.

It is the MCTO's policy to award a reasonable portion of all procurements to Targeted Group Businesses (TGB's). "Targeted Group Business" means a small business designated by the Minnesota Department of Administration under *Minnesota Statute 16.B.19*, that is majority owned and operated by women, disabled persons, or minorities. The MCTO encourages all certified TGB's as well as DBE's, Disadvantaged Business Enterprises, to submit proposals for this contract.

The Metropolitan Council Transit Operations hereby notifies all proposers that in regard to any contract entered into pursuant to this Request for Proposals, Targeted Group Businesses and Disadvantaged Business Enterprises will be afforded full opportunity to submit proposals in response, and will not be subject to discrimination on the basis of race, color, sex or national origin in consideration for an award.

Dated: 5 January 1995

Yvonne Bryson
Division Administrator
Information Services Division
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Wastewater Services

Notice of Request for Centrifuge Prequalifications for MWWTP Centrifuge Full-Scale Demonstration Test and Potential Future MWWTP Centrifuge Equipment Procurement MCWS Project Number 930200

NOTICE IS GIVEN THAT Metropolitan Council Wastewater Services (MCWS) will receive prequalification submittals from centrifuge manufacturers or their authorized representatives (Centrifuge Vendors), for the purpose of procuring centrifuge equipment and appurtenant equipment (Goods), and special services (Services) for the Metropolitan Wastewater Treatment Plant (MWWTP). Prequalification submittals will be received at the MCWS's office at Mears Park Center, 230 E. 5th Street, Sixth Floor,

Non-State Public Bids, Contracts & Grants

St. Paul, MN 55101 until 2:00 p.m. on March 1, 1995. SUBMITTALS RECEIVED AFTER THIS TIME WILL BE RETURNED TO THE SUBMITTER UNOPENED.

The Centrifuge Vendors are expected to participate in a multi-phase procurement process for evaluation of high solids solid bowl centrifuges for dewatering raw primary and secondary sludges prior to incineration at a capacity of not less than 200 gallons per minute. The process will include, but not be limited to:

- A. Submittal of data for prequalification;
- B. Submittal of bids for Best Value Procurement from prequalified Centrifuge Vendors;
- C. Procurement of 1 set of Goods and Services each from 2 different prequalified Centrifuge Vendors;
- D. 12 month demonstration test and evaluation of the Goods and Services; and
- E. Potential procurement of up to 7 sets of Goods and Services from a single Centrifuge Vendor.

Goods will be installed by others under separate construction contracts with the MCWS for the MWWTP Centrifuge Full-Scale Demonstration Test and the potential future MWWTP Centrifuge Equipment Procurement.

The estimated range for the work of both the MWWTP Centrifuge Full-Scale Demonstration Test and the potential future MWWTP Centrifuge Equipment Procurement is \$5,000,000 to \$7,000,000.

Copies of the Prequalification Requirements and Documents may be obtained from the MCWS office referenced above, Attn: Contracts and Documents Division Administrative Assistant, at a non-refundable cost of \$25.00 per set. Documents will be available after January 27, 1995.

A Pre-submittal Informational Meeting is scheduled to be held at MCWS offices referenced above on February 8, 1995 at 10:00 a.m. All Centrifuge Vendors are encouraged to attend.

Direct inquiries to the MCWS's Technical Project Manager, Craig A. Christenson at (612) 778-9018.

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Prequalification Requirements and Documents, or any modifications to them. If a contract for this Project is awarded in excess of \$50,000, the requirements of *Minnesota Rules*, Part 5000.3530 "Notice of Requirements for Affirmative Action to Ensure Equal Employment Opportunity" will be applicable. Copies of the above statutes and rules are available upon request from the MCWS. Additional information is contained in the Prequalification Requirements and Documents.

The geographical area for this notice and contract is in the County of Ramsey, State of Minnesota.



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---Training Materials---

Long Term Care Nursing Assistant Course

Curriculum stresses the nursing assistant's role as part of a team of health care providers. Training program divided into 13 units covering care concerns-- personal care, communications, emergency measures, patient/resident rights, mental health and social service needs, et.al. (Binder not included.) (MN Tech. College System, 1991)

Instructor's Guide-- Stock No. 5-12 \$35.00

Looseleaf, 342pp. Includes guide, curriculum & skill sheets.

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Nurse Aide/Home Health Aide Course:

Curriculum developed to meet the 75 hour training requirement under state and federal regulations for aides providing home health care or nursing assistant facility. Comprehensive skill development. (Health 1993)

Instructor's Guide-- Stock No. 10-53 \$35.00

Looseleaf, 124pp. Binder and tabs included.

Student Handbook-- Stock No. 10-52 \$39.00

Looseleaf, 267pp. Binder and tabs included.

Student Skills Sheets-- Stock No. 10-54 \$9.95

Looseleaf, 108pp. (no binder)

---Laws & Rules---

Home Health Care/Hospice Rules

MN Statutes Chapter 144A and MN Rules Chapters 4668 and 4669. 61pp. Stock No. 3-82 \$6.95

Nursing & Boarding Care Home Rules

Chapters 4620.1200, 4638, 4655, and 4660 (1993). Licensing requirements for facilities where nursing, personal or custodial care is provided. 215pp. Stock No. 3-12 \$14.00

---Patient & Family Education---

A Guide to Home Care & Hospice Services

Handy "flip chart" booklet provides an overview of home care and hospice services in Minnesota. Topics covered include regulation of providers, agency licensing, services available, patient bill of rights, reporting abuse and neglect, and more. 8-1/2" x 11" (Health, 1993)

Stock No. 10-47 \$6.95/pkg. of 5



Bridging the Gap: A Training Manual for Respite Care Volunteers

Program assistance for the project director, coordinator of volunteers, or anyone associated with the training of volunteers in a respite care program for caregivers of chronically ill, frail, and elderly individuals. The manual offers ideas, plans, and resources to recruit, train, place and retain volunteers in a respite care program. Provides flexibility/options that enable the trainer to pick and choose training activities that are appropriate for the participants, the time available, and the trainer's skills.

Topics covered include:

- * Recruiting volunteers
- * Orientation
- * Understanding the caregiver
- * Handouts and forms
- * Dealing with care receiver's concerns, i.e. grief and loss
- * Practical tips for volunteers
- * Guidelines for trainers
- * Ice breaker activities
- * Resources
- * Communications skills

Looseleaf, 237pp. (MN Dept. of Human Services, 1993)
Stock No. 10-50 \$35.00

A Time for Choices

A compact booklet offering assistance in making decisions about death arrangements. Reviews burial, cremation, entombment, and ceremony options PLUS an itemization of costs and consumer protection services. 24pp., 15 copies/pkg. (Health, 1992)

Stock No. 10-14 \$15.00/pkg.

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