

# The Minnesota State Register

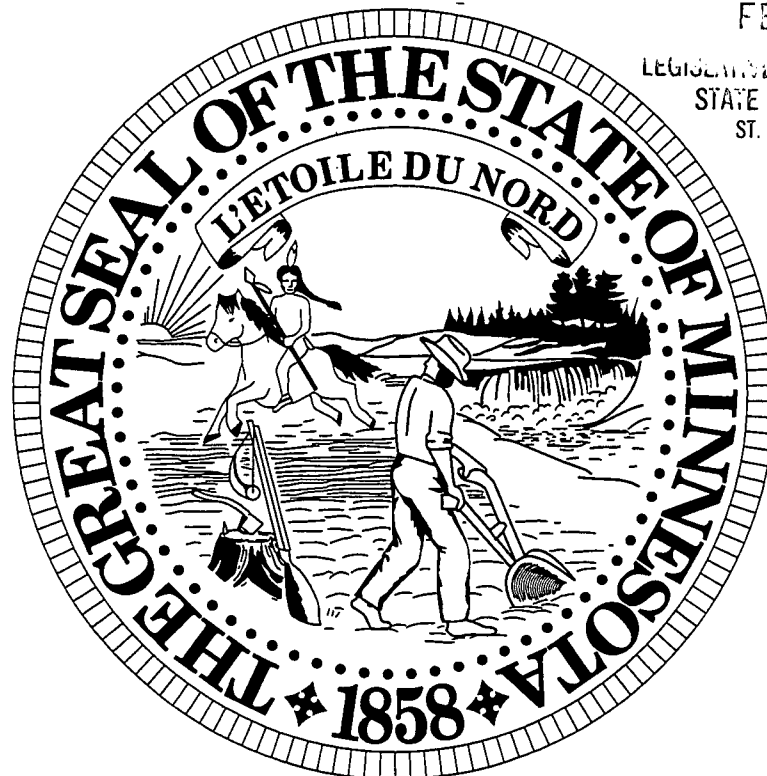
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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, 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.

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34	Tuesday 21 February	Monday 6 February	Monday 13 February
35	Monday 27 February	Monday 13 February	Friday 17 February
36	Monday 6 March	Friday 17 February	Monday 27 February

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**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

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Contact: House Information Office (612) 296-2146  
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## Minnesota Rules: Amendments & Additions

Volume 19, issues #27-33 (issues 1-26 cumulative in #26) .. 1690

### Proposed Rules

#### Agriculture Department

Fertilizer labeling ..... 1692 ✓

#### Natural Resources Department

Game and fish ..... 1702

### Adopted Rules

#### Accountancy Board

Licensing and reorganization of rules ..... 1732

#### Administration Department

Foundations ..... 1735

Plan reviews ..... 1735

### Emergency Rules

#### Natural Resources Department

Proposed emergency rules for closing waters to the taking of fish ..... 1736

### Withdrawn Rules

#### Administration Department

Withdrawal of proposed permanent rules for manufactured homes of the state building code ..... 1737

### Official Notices

#### Administration Department

1994 Minnesota Statutes available in print and CDROM ..... 1738

#### Agriculture Department

Special need registration for Divident 0.15 FS fungicide ..... 1738

#### Minnesota Comprehensive Health Association

Meeting of the enrollee appeal committee February 17 ..... 1739

Meeting of the actuarial committee March 1 ..... 1739

Meeting of the board of directors March 15 ..... 1739

#### Health Department

Published notice of requirement to provide patient access to health records practices and rights ..... 1739

#### Housing Finance Agency

#### Trade and Economic Development Department

#### Economic Security Department

HUD approval of the 1995 Minnesota consolidated plan and 1994 CHAS annual performance report ..... 1741

#### Human Services Department

Opinion sought on rules for removal of children in need of protection ..... 1741

#### Labor and Industry Department

Opinion sought on rules for medical services and supplies ... 1742

Prevailing wage certifications for commercial construction projects ..... 1743

## Water and Soil Resources Board

Regularly scheduled meeting of the board February 22 ..... 1744

### State Grants

#### Corrections Department

Proposals sought for programming for adult female offenders .... 1744

Proposals sought for providing sex offender-specific programming for juveniles and adults ..... 1744

#### Human Services Department

Proposals sought for refugee social adjustment/mental health services ..... 1745

Proposals sought for refugee social services ..... 1745

### Professional, Technical & Consulting Contracts

#### Agriculture Department

Proposals sought for Nutrient Management Data Analysis ... 1746

#### Office of Environmental Assistance

Proposals sought for computer software training ..... 1746

#### Gambling Control Board

Proposals sought for pull-tab dispensing device testing services. 1747

#### Iron Range Resources and Rehabilitation Board

Proposals sought for analysis of economic impact of relocating the Hibbing fairgrounds and raceway ..... 1748

#### Pollution Control Agency

Proposals sought to develop an awareness campaign in the Lake Superior basin, develop printed information materials and assist in project evaluation ..... 1748

#### Teachers Retirement Association

Proposals sought for actuarial professional/technical contract .... 1749

#### Transportation Department

Contract available for professional job analysis services ..... 1749

### Non-State Public Bids, Contracts & Grants

#### Minnesota Historical Society

Bids sought for manufacture of four book titles ..... 1750

#### Metropolitan Council Transit Operations

Correction to notice for proposals for services to conduct a comprehensive non-user survey ..... 1750

### State Contracts, RFPs & Advertised Bids:

Commodities and requisitions are advertised in the *State Register Contracts Supplement*, published every Tuesday, Wednesday and Friday.

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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.

## Volume 19, issues # 27-33 (issues 1-26 cumulative in # 26)

### Accountancy Board

1100.0100; .0600; .0650; .0700; .1000; .1100; .1200; .1300; .1500; .1900; .2110; .2115; .2120; .2150; .2200; .2500; .3200; .3250; .3300; .3400; .3550; .3600; .4000; .4100; .4200; .4300; .4400; .4500; .4650; .4700; .4800; .4900; .5100; .5800; .5850; .6100; .6400; .6500; .6700; .6800 (adopted) .	1732
1100.0100 s.5; .1500 s.1; .1600; .1902; .1905; .2000; .2100; .2300; .2600; .2700; .2750; .2800; .3000; .3100; .3500; .4200 s.2; .5000 (repealed).....	1732

### Administration Department

1300.6100 (adopted) .....	1735
1302.0100; .0200; .0500; .0600; .0700; .0850; .0950 (adopted).....	1735
1302.0300; .0500 s.2,3; .0800; .0900 (repealed) .....	1735
1350.0100; .0250; .0300; .0400; .0500; .0600; .0700; .0900; .1000; .1100; .1400; .2100; .2400; .2500; .2700; .2801; .3400; .3500; .6500; .6600; .6700; .6800; .8300; .8600 (proposed withdrawn) .....	1737
1350.0100 s.2,5,6,7,13,18,24,27,28,30,35,45,52,55,57,58,59; .2600; .2700 s.5,6,7; .2800; .2900; .3000; .3100; .3200; .3300; .3600; .3700; .5800 (proposed repealer withdrawn).....	1737

### Agriculture Department

1510.0410; .0411; .0412; .0413; .0414; .0416; .0417; .0419; .0420; .0421; .0422 (proposed).....	1692
1510.0415; .0416 s.4,5,7,8; .0418 (proposed repealer).....	1692
1558.0010-0090 (proposed).....	1481

### Commerce Department

2700.2460; .2470; .2480 (adopted).....	1581
--	------

### Electricity Board

3800.3600-.3603 (proposed).....	1539
---------------------------------	------

### Health Department

4617.0002; .0020; .0025; .0030; .0043; .0044; .0045; .0049; .0050; .0056; .0058; .0171; .0172; .0173; .0174 (proposed).....	1607
4617.0002 s.11; .0046; .0047; .0170; .0175; .0180 (proposed repealer) .....	1607
4625.2100; 4717.0150; .0250; .0275; .0310; .0375; .0450; .0650; .0750; .0775; .0950; .1050; .1250; .1350; .1450; .1550; .1575; .1650; .1750; .1850; .1950; .2150; .2250; .2350; .2450; .2550; .2560; .2570; .2580; .2590; .2595; .2610; .2620; .2630; .2650;	

.2750; 2850; .3050; .3150; .3250; .3350; .3450; .3475; .3550; 3650; .3675; .3850; .3870; .3875; .3950; .3970; .3975; .7000 (errata).....	1637
4651.0100; .0110; .0120; .0130; .0140 (adopted).....	1581
4652.0010-.0130 (adopted).....	1515
4653.0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170 - all emergency rules - (repealed) .....	1582

### Higher Education Coordinating Board

4815.0100-.0160 (adopted).....	1636
4830.0100 (adopted) .....	1491
4830.7100; .7200; .7300; .7400; .7500; .7710; .7720; .7800; . 7900 (adopted) .....	1636
4830.7100 s.3,4; .7400 s.8; .7500 s.1,3; .7600; .7700; .7720 s.2 (repealed).....	1636
4890.0100-.0900 (proposed).....	1441

### Labor and Industry Department

5205.0010 (adopted) .....	1459
5205.0010 (proposed) .....	1489

### Natural Resources Department

6125.0100; .0400; .0410; .0420; .0500; .0600; .0610; .0620; .0700 (proposed) .....	1615
6125.0300; .1000-.4100 (proposed repealer).....	1615
6200.0200; 6210.0100; 6212.1750; .1800; .2900; .3000; 6214.0500; 6230.0200; .0400; .0900; .1300; 6232.0100; .0200; .0300; .0700; .0800; .1200; .1250; .1300; .1800; .1950; .2000; .2100; .2450; .2500; .2900; .3000; .3700; .3800; .4000; .4700; 6234.0200; .0400; .2600; .3000; .3100; .3400; 6236.0100; .0900; 6240.0200; .0550; .0850; .0860; .0900; .1700; .1950; 6242.0200; .0500; .0900; .1000; .1200; 6252.0500; 6254.0200; .0500; .0510; 6262.0100; .0200; .0300; .0500; 6266.0100; .0300; .0400; .0500 (proposed).....	1702
6234.1300 s.3; 6262.0500 s.3 (proposed repealer) .....	1702
6236.0600; .0800; .1050 (adopted expedited emergency).....	1518
6262.0500 (emergency proposed).....	1736
6264.0300 (adopted exempt) .....	1517

### Nursing Board

6305.0500; 6310.2600; .2900; .3200; 6330.0350; 6340.0050; 6340.0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .0950; .1000; .1100 (proposed).....	1452
---	------



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## Minnesota Rules: Amendments and Additions

### Pollution Control Agency

7001.0560; .0650; 7035.2535; 7045.0020; .0065; .0120; .0121; .0125; .0131; .0135; .0143; .0145; .0206; .0208; .0221; .0225; .0230; .0240; .0243; .0248; .0292; .0310; .0320; .0450; .0454; .0456; .0478; .0518; .0528; .0541; .0552; .0556; .0558; .0562; .0584; .0594; .0610; .0620; .0628; .0629; .0644; .0665; .0692; .0790; .0795; .0800; .0805; .0810; .0815; .0820; .0825; .0830; .0835; .0840; .0845; .0855; .0865; .0875; .0885; .0895; .1300; .1339 (proposed) .....	1542
7007.0350 (adopted) .....	1666
7007.1075; 7011.0553; 7017.1020 (adopted) .....	1666
7045.0020 s.102b; .0102 s.3; .0528 s.5; .0628 s.5; .0695 (proposed repealer) .....	1542

### Public Safety Department

7507.0500 (adopted) .....	1637
---------------------------	------

### Public Utilities Commission

7813.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100 (adopted) .....	1518
--	------

### Gambling Control Board

7861.0080 (proposed) .....	1601
----------------------------	------

### Secretary of State

8271.0010-.0350 (proposed) .....	1659
----------------------------------	------

### Telecommunications Access to Communication-Impaired Persons Board

8775.0100; .0300; .0400; .0500; .0800 (adopted) .....	1666
8775.0100 s.13 (repealed) .....	1666

## Proposed Rules

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

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

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

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

## Department of Agriculture

### Proposed Permanent Rules Relating to Fertilizer Labeling

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

The Minnesota Department of Agriculture intends to adopt amendments to rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes* sections 14.22-14.28. You have 30 days to submit written comment on the proposed amendments and may also submit a written request that a hearing be held on the amendments.

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

Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107  
(612) 296-6906, Fax (612) 297-7678

**Subject of Rules and Statutory Authority.** The proposed amendments are about information required and allowed on fertilizer labels and methods for sampling and testing fertilizers. The statutory authority to adopt these amendments is *Minnesota Statutes*, section 18C.121, subd. 1. A copy of the proposed amendments is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. March 15, 1995, to submit written comment in support of or in opposition to the proposed amendments or any subpart of the amendments. Your comments 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 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 amendments. 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 15, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed amendments which caused your request, the reason for the request, and any changes you want made to the proposed amendments. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, section 14.131-14.20.

**Modifications.** The proposed amendments may be modified as a result of public comment. The modifications must be supported by the data and views submitted to the department and may not result in a substantial change in the proposed amendments as attached and printed in the *State Register*. If the proposed 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 from the department contact person. This statement describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments.

**Small Business Considerations.** Many of the businesses affected by this rule would be defined as a small business according to *Minnesota Statutes*, section 14.115. It is necessary for all fertilizer sold in Minnesota to be labeled according to a uniform set of criteria found in the rules, so no special consideration is given to small business. However, the proposed amendments primarily update existing rules and do not impose additional regulatory requirements.

## Proposed Rules

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

Dated: 18 January 1995

Elton Redalen, Commissioner  
Department of Agriculture

### Rules as Proposed

#### 1510.0410 AUTHORITY AND PURPOSE.

Parts 1510.0410 to ~~1510.0421~~ 1510.0422 are adopted by the commissioner pursuant to *Minnesota Statutes*, section ~~17.725~~ 18C.121, to prescribe conditions for labels and procedures for labeling fertilizers.

#### 1510.0411 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 1510.0410 to ~~1510.0421~~ 1510.0422, the terms defined in this part have the meanings given them, and "brand," "~~commercial fertilizer,~~" "commissioner," "~~compost,~~" "fertilizer material," "grade," "~~guaranteed analysis,~~" "guarantor," "label," "labeling," "~~mixed fertilizer,~~" "organic," "plant food," "~~sewage sludge,~~" and "specialty fertilizer," have the meanings given in *Minnesota Statutes*, section ~~17.713~~ 18C.005.

**Subp. 1a. Animal manure.** "Animal manure" means the excreta of animals together with whatever bedding materials are needed to follow good dairy barn, feedlot, and poultry house practices to maintain proper sanitary conditions.

**Subp. 1b. Continuous liquid feed.** "Continuous liquid feed" means the external application of water soluble nutrients in the irrigation water every time the plant requires water.

**Subp. 2. Department.** "Department" means the Department of Agriculture.

**Subp. 3. Fertilizer.** "~~Fertilizer~~" means a commercial fertilizer or a specialty fertilizer. **Filler.** "Filler" means a substance added to fertilizer to provide bulk, prevent caking, or serve some purpose other than providing essential plant nutrients.

**Subp. 4. Plant nutrient.** "Plant nutrient" has the meaning given to "plant food" in *Minnesota Statutes*, section ~~17.713~~, subdivision ~~15b~~. **Hydroponic.** "Hydroponic" means a system in which water soluble nutrients are placed in intimate contact with the plant's root system, being grown in an inert supportive medium which supplies physical support for the roots but which does not add or subtract plant nutrients.

**Subp. 5. Nitrogen stabilizer.** "Nitrogen stabilizer" means a substance added to a fertilizer that extends the time the nitrogen component of the fertilizer remains in the soil in the ammoniacal form.

**Subp. 6. Organic fertilizer.** "Organic fertilizer" means a material containing carbon and one or more elements other than hydrogen and oxygen essential for plant growth.

**Subp. 7. Peat.** "Peat" means the partly decayed vegetable matter of natural occurrence. It is composed chiefly of organic matter that may contain some nitrogen of low activity.

**Subp. 8. Physical manipulation.** "Physical manipulation" means fertilizers that are manufactured, blended, or mixed, or animal manures or compost that have been changed from their initial physical state by manipulations such as drying, cooking, chopping, grinding, shredding, ashing, or pelleting.

**Subp. 9. Plant nutrient.** "Plant nutrient" has the meaning given to "plant food" in *Minnesota Statutes*, section 18C.005, subdivision 26.

**Subp. 10. Potting soil.** "Potting soil" means a material suitable for holding and growing potted plants and made primarily from natural materials. It may include fertilizers, pesticides, and soil or plant amendments.

**Subp. 11. Primary plant nutrients.** "Primary plant nutrients" includes total nitrogen (N), available phosphate ( $P_2O_5$ ), and soluble potash ( $K_2O$ ).

**Subp. 12. Secondary and micro plant nutrients.** "Secondary and micro plant nutrients" includes those other than the primary

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

# Proposed Rules

nutrients that are essential for the normal growth of plants and that may need to be added to the growth medium. "Secondary plant nutrients" include calcium, magnesium, and sulfur. "Micro plant nutrients" include boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium, and zinc.

Subp. 13. Synthetic. "Synthetic" means any substance generated from another material or materials by means of a chemical reaction.

## 1510.0412 LABEL INFORMATION REQUIREMENTS.

Subpart 1. Information and format. Fertilizers offered for sale, sold, or distributed in this state, in bags or other containers, must have placed on or affixed to the container the following information in the following format and order except as provided in part 1510.0413:

A. net weight, provided that for specialty fertilizers that are custom applied, the net weight statement may be expressed as net weight per units treated or total weight of fertilizer applied;

B. brand and grade, provided that:

(1) the grade is not required if no primary nutrients are claimed;

(2) the grade on the label is optional if the fertilizer is used only for agricultural purposes and the guaranteed analysis statement is shown in the complete form as in Minnesota Statutes, section 18C.211 or 18C.215, subdivision 2, paragraph (a);

(3) no numerals that are misleading or confusing may be used in the brand name of a fertilizer; and

(4) if the name of a fertilizer material is used as part of its brand name, such as blood, bone, or fish, the nutrients guaranteed must be derived or supplied entirely by the material named;

C. guaranteed analysis, which is the minimum percentage of plant nutrients claimed in the following form:

Total Nitrogen (N)	_____ %
_____ % Ammoniacal Nitrogen	
_____ % Nitrate Nitrogen	
_____ % Water Insoluble Nitrogen	
_____ % Urea Nitrogen	
_____ % Other approved and determinable forms of Nitrogen	
Available Phosphoric Acid Phosphate (P <sub>2</sub> O <sub>5</sub> )	_____ %
Soluble Potash (K <sub>2</sub> O)	_____ %
Other Secondary and Micro plant nutrients (elemental basis)	_____ %

D. a derivative statement indicating the sources of plant nutrients, when shown on the label, listing the common or usual English name of all ingredients used in manufacturing or blending the commercial fertilizer must be placed immediately below the guaranteed analysis statement;

E. name and address of guarantor;

F. a direction for use statement.

Subp. 2. Secondary and micro plant nutrients permitted. The commissioner shall accept guarantees only for the additional secondary and micro plant nutrients listed in this subpart. These additional plant nutrients in a particular fertilizer may be guaranteed if they meet the following minimum content requirements:

<u>Plant Nutrient</u>	<u>Minimum Percent Allowed</u>
<u>Calcium (Ca)</u>	<u>1.00</u>
<u>Magnesium (Mg)</u>	<u>0.50</u>
<u>Sulfur (S)</u>	<u>1.00</u>
<u>Boron (B)</u>	<u>0.02</u>
<u>Chlorine (Cl)</u>	<u>0.10</u>
<u>Cobalt (Co)</u>	<u>0.0005</u>
<u>Copper (Cu)</u>	<u>0.05</u>

<u>Iron (Fe)</u>	<u>0.10</u>
<u>Manganese (Mn)</u>	<u>0.05</u>
<u>Molybdenum (Mo)</u>	<u>0.0005</u>
<u>Sodium (Na)</u>	<u>0.10</u>
<u>Zinc (Zn)</u>	<u>0.05</u>

Subp. 3. Procedures. If any of the plant nutrients in subpart 2 are guaranteed, the procedures in items A to F must be followed for labels and labeling.

A. The plant nutrients must be listed immediately following nitrogen, phosphorus, and potassium.

B. The plant nutrients must appear in the format listed in subpart 2.

C. The plant nutrients must appear in the order listed in subpart 2.

D. The plant nutrients must be stated on the elemental basis.

E. The percentages of each of the plant nutrients contained in the fertilizer must be stated.

F. Water soluble nutrients labeled for hydroponic or continuous feeding programs and guarantees for potting soils are exempt from the minimum guarantee requirement.

Subp. 4. Prohibition. If the minimum requirement stated in subpart 2 is not met for a particular plant nutrient, labels and labeling for the fertilizer may not contain any statement regarding that particular plant nutrient.

Subp. 5. Breakdown of plant food elements within the guaranteed analysis. When a plant nutrient guarantee is broken down into the component forms, the percentage for each component must be shown before the name of the form. Descriptive terms may be used to identify both the total nutrient and its components. Zero guarantees are not acceptable as noted in part 1510.0413, however, they are allowed in the nutrient breakdown guarantees.

<u>Total Nitrogen (N)</u>	<u>_____</u>	<u>%</u>
<u>    <u>    % Ammoniacal Nitrogen</u></u>		
<u>    <u>    % Nitrate Nitrogen</u></u>		
<u>Magnesium (Mg)</u>	<u>_____</u>	<u>%</u>
<u>    <u>    % Water Soluble Magnesium (Mg)</u></u>		
<u>Sulfur (S)</u>	<u>_____</u>	<u>%</u>
<u>    <u>    % Free Sulfur (S)</u></u>		
<u>    <u>    % Combined Sulfur (S)</u></u>		
<u>Iron (Fe)</u>	<u>_____</u>	<u>%</u>
<u>    <u>    % Chelated Iron (Fe)</u></u>		

Subp. 6. Mentioned plant nutrients. Plant nutrients, when mentioned in any form or manner on any label or labeling, must be listed and guaranteed.

Subp. 7. Additional nonplant food materials. Additional information that is not listed in subparts 1, item C; 2; and 5 may not appear in the guaranteed analysis statement, but may appear on the label if approved by the commissioner and if placed below and separate from the guaranteed analysis statement.

**1510.0413 EXCEPTIONS TO LABEL INFORMATION REQUIREMENTS.**

Subpart 1. Zero percentages. If the percentage of any plant nutrient in specialty fertilizer is zero, the plant nutrient must be omitted from the guaranteed analysis statement.

Subp. 2. Chemical forms of nitrogen. Chemical forms of nitrogen must be listed, without limitation, when the fertilizer is a fish emulsion or when the nitrogen is organic or slowly released. Whenever the chemical forms of nitrogen are claimed, they must be claimed in the form indicated in part 1510.0412, item C, and add up to the total nitrogen guarantee.

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## Proposed Rules

Chemical forms of nitrogen may be listed, when the fertilizer is not a fish emulsion, or when the nitrogen is not organic or not slowly released.

**Subp. 3. Custom orders; bulk sales.** A distributor who blends or mixes a fertilizer to a customer's order without a guaranteed analysis of the final mixture or distributes a fertilizer in bulk must furnish each purchaser with an invoice or delivery ticket in written or printed form showing the net weight and guaranteed analysis of each fertilizer sold or used in the mixture and the name and address of the guarantor. Other information in part 1510.0412 is not required for blended, bulk, or mixed fertilizers.

### 1510.0414 LOCATION OF LABEL INFORMATION.

For packaged fertilizers, the information required in part 1510.0412 must be in a readable and conspicuous form and must meet one of the following requirements appear:

- A. appear on the front of the package or back side of the container;
- B. occupy at least the upper one-third of either side of the package on the upper one-third of the side of a container;
- C. appear on the upper end of the container; or
- D. be printed on a tag and attached to the package affixed to the upper end of the container.

### 1510.0416 SLOWLY RELEASED CONTROLLED RELEASE PLANT NUTRIENTS.

**Subpart 1. Prohibited statement on label.** A fertilizer label may not bear a statement that connotes or implies that certain plant nutrients contained in the fertilizer are released slowly over a period of time, unless the plant nutrients are identified and guaranteed controlled release components are identified and guaranteed at a level of at least 15 percent of the total guarantee for that nutrient.

**Subp. 2. Permitted labels.** The following types of plant nutrients may be labeled as slowly released controlled release plant nutrients:

- A. water insoluble nitrogen products, such as natural organics, ureaform materials, urea formaldehyde ~~BDU~~ products, isobutylidene diurea, and oxamide;
- B. coated slow controlled release plant nutrients such as sulfur coated urea and other encapsulated soluble fertilizers; and
- C. occluded slow controlled release plant nutrients, such as fertilizers mixed with waxes, resins or other inert materials and formed into particles; and
- D. products containing water soluble nitrogen such as ureaform materials, urea formaldehyde products, methylenediurea (MDU), dimethylenetriurea (DMTU), and dicyanodiamide (DCD).

**Subp. 3. Descriptive terms.** "Controlled release" is the preferred term, however the terms "water insoluble," "coated slow release," "slow release," "controlled release," "slowly available," "water soluble," and "occluded slow release" are accepted as descriptive of these products, provided that the manufacturer can show a testing program approved by the department substantiating the claim.

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

**Subp. 6. Methods.** Until more appropriate methods are developed, Association of Official Analytical Chemists (AOAC) International method number 2-074 in Official Methods of Analysis of the Association of Official Analytical Chemists (William Horwitz, ed.; 13th 970.04 (15th Edition; 1980), or the appropriate AOAC International method in a subsequent edition, must be used to confirm the coated slow controlled release and occluded slow controlled release plant nutrients and others whose slow release characteristics depend on particle size. The AOAC International method number 2-072 in Official Methods of Analysis of the Association of Official Analytical Chemists (William Horwitz, ed.; 13th edition; 1980) 945.01 (15th Edition), or the appropriate AOAC International method in a subsequent edition, must be used to determine the water insoluble nitrogen of organic materials.

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

**Subp. 9. Acceptable guaranteed analysis breakdown for coated controlled release or occluded controlled release nutrients.** When nutrients in a fertilizer are coated, or occluded to obtain controlled release properties, then the guarantees for those components must be shown as footnotes rather than as a component following each nutrient as indicated in items A to C.

A. A fertilizer with one coated material.

Fertkote 10-15-20  
Guaranteed Analysis

<u>Total Nitrogen (N)</u>	<u>10%</u>
<u>2.5% Ammoniacal Nitrogen</u>	
<u>2.5% Nitrate Nitrogen</u>	
<u>5.0% Urea Nitrogen*</u>	
<u>Available Phosphate (P<sub>2</sub>O<sub>5</sub>)</u>	<u>15%</u>
<u>Soluble Potash (K<sub>2</sub>O)</u>	<u>20%</u>
<u>Sulfur (S)</u>	<u>14%</u>
<u>Plant nutrients derived from:</u> _____	
<u>* _____% Controlled release urea nitrogen from _____</u>	

B. A fertilizer with all materials of one nutrient coated.

Fertkote 10-15-20  
Guaranteed Analysis

<u>Total Nitrogen (N)*</u>	<u>10%</u>
<u>2.5% Ammoniacal Nitrogen</u>	
<u>2.5% Nitrate Nitrogen</u>	
<u>5.0% Urea Nitrogen</u>	
<u>Available Phosphate (P<sub>2</sub>O<sub>5</sub>)</u>	<u>15%</u>
<u>Soluble Potash (K<sub>2</sub>O)</u>	<u>20%</u>
<u>Sulfur (S)</u>	<u>14%</u>
<u>Plant nutrients derived from:</u> _____	
<u>* _____% Controlled release nitrogen from _____</u>	

C. A fertilizer with two or more nutrients from coated materials.

Fertkote 10-15-20  
Guaranteed Analysis

<u>Total Nitrogen (N)*</u>	<u>10%</u>
<u>2.5% Ammoniacal Nitrogen</u>	
<u>2.5% Nitrate Nitrogen</u>	
<u>5.0% Urea Nitrogen</u>	
<u>Available Phosphate (P<sub>2</sub>O<sub>5</sub>)*</u>	<u>15%</u>
<u>Soluble Potash (K<sub>2</sub>O)*</u>	<u>20%</u>
<u>Sulfur (S)</u>	<u>14%</u>
<u>Plant nutrients derived from:</u> _____	

\* The nitrogen, phosphorus, and potassium materials in this product have been coated to provide 9.0 percent coated controlled release nitrogen (N), 13 percent coated controlled release available phosphate (P<sub>2</sub>O<sub>5</sub>), and 18 percent coated controlled release soluble potash (K<sub>2</sub>O).

Subp. 10. Acceptable guaranteed analysis breakdown for slowly available water soluble nitrogen. If a fertilizer material or

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## Proposed Rules

fertilizer mixture contains recognized and determinable forms of water soluble nitrogen with controlled release properties, the guarantees for those components, if claimed, should be shown as footnotes rather than as a component in the nitrogen breakdown, as indicated in items A and B.

A.

Slow Fertilizer 20-0-0  
Guaranteed Analysis

Total Nitrogen (N) 20%

8.0% Urea Nitrogen  
2.0% Other Water Soluble Nitrogen  
2.9% Slowly Available Water Soluble Nitrogen\*  
7.1% Water Insoluble Nitrogen

Plant nutrients derived from: \_\_\_\_\_

\* Controlled release nitrogen from \_\_\_\_\_

OR

B.

Slow Fertilizer 20-0-0  
Guaranteed Analysis

Total Nitrogen (N) 20%

8.0% Urea Nitrogen  
4.9% Other Water Soluble Nitrogen\*  
7.1% Water Insoluble Nitrogen

Plant nutrients derived from: \_\_\_\_\_

\* % Controlled release nitrogen from \_\_\_\_\_

Note: If other recognized forms of water soluble nitrogens are listed in the nitrogen breakdown, the term "other" must precede the "water soluble nitrogen\*" footnoted breakdown. The word "organic" may be used in the nitrogen breakdown where appropriate.

### 1510.0417 FISH EMULSIONS.

The following is an example of an acceptable breakdown of nitrogen for a fish emulsion fertilizer:

Total Nitrogen (N) 5%

0% 0.0% Nitrate Nitrogen  
0% 0.0% Urea Nitrogen  
0.5% Ammoniacal Nitrogen  
0.5% Water Insoluble Nitrogen  
4.0% Other Water Soluble Nitrogen

In the example given above, water insoluble nitrogen is guaranteed but no claims or statements, such as organic, slow acting or slow release, can be used since it is less than 15 percent of the total nitrogen.

Zero guarantees are not acceptable as noted in part 1510.0413; however, for this specific label they will be allowed so that the term "other water soluble nitrogen" will mean nitrogen that is soluble but is not nitrate, ammoniacal or urea nitrogen.

### 1510.0419 LABELING AND LABELS.

Subpart 1. Labeling and labels. Proposed labeling and labels with directions for use of the fertilizer shall must be furnished with the application for registration of a fertilizer.

Subp. 2. Foliar fertilizers. Any product labeled or advertised for foliar fertilization must be prominently labeled either with directions for use showing only the rates and conditions for use that have been scientifically documented as benefiting crops or other intended plants, or with the following statement: "Foliar fertilization is intended as a supplement to a regular fertilization program and may not, by itself, provide all the nutrients normally required by crops or other intended plants."



**Subp. 3. Animal manures.** If ingredients are added to animal manure, the ingredients must be specified on the principal label of the container. If the added ingredient exceeds the amount of manure, it must be the first ingredient listed on the principal label and the words, "manure," "cattle manure," "sheep manure," and similar terms must be in type noticeably smaller than that used for the added ingredient. If the packaging of a product features the picture of a designated animal, manure of that species of animal must comprise more than 50 percent of the material in the container.

**Subp. 4. Labeling standards.** The descriptive terms listed in items A to G may be used on a fertilizer label or labeling only if the fertilizer conforms to the following standards.

A. "Natural base fertilizer" is a mixed fertilizer in which more than one-half of the fertilizer material is natural and more than one-half of the sum of the guaranteed primary nutrient percentages is derived from natural fertilizers.

B. "Natural fertilizer" is a substance composed only of natural organic or natural inorganic fertilizers and natural fillers.

C. "Natural inorganic fertilizer" is a mineral fertilizer source that exists in or is produced by nature and may be altered from its original state only by physical manipulation.

D. "Natural organic fertilizer" is composed of fertilizer materials derived from either plant or animal products containing one or more elements, other than carbon, hydrogen, and oxygen that are essential for plant growth. These materials may be subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic or anaerobic/aerobic bacterial action, or combination of these. These materials may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by manipulations such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting.

E. "Organic base fertilizer" is a mixed fertilizer in which more than one-half of the fertilizer material is organic and more than one-half of the sum of the guaranteed primary nutrient percentages is derived from organic fertilizers.

F. "Sphagnum peat moss" is a peat source from a sphagnum moss peat deposit (bog) of which an oven-dried sample would contain a minimum of 66-2/3 percent sphagnum moss fiber by weight. The fibers must be stems and leaves of sphagnum that have recognizable fibrous and cellular structure.

G. "Stabilized nitrogen fertilizer" is a fertilizer to which a nitrogen stabilizer has been added.

**Subp. 5. Environmentally beneficial.** A claim that a product is "environmentally beneficial" or a similar claim must be accompanied by a statement of explanation of the rationale for the claim and a list of all ingredients in order to allow the consumer to determine the validity of the statement.

**Subp. 6. Safety.** Statements suggesting that a product is completely safe and nontoxic to humans, animals, or the environment are considered misbranding and must not appear on the label.

**Subp. 7. Potting soils.** If plant nutrients are mentioned in any form or manner on any label or labeling, they must be listed and guaranteed and the potting soil must be registered as a specialty fertilizer.

**Subp. 8. Organic nitrogen.** Only nitrogen derived from natural organic or synthetic organic fertilizers with slow release properties may be designated as organic.

A. If an amount of nitrogen is designated as organic, the water insoluble nitrogen or controlled release nitrogen guarantee or any combination of the two must not be less than 60 percent of the nitrogen so designated.

B. If a fertilizer product is designated as organic and no amount of nitrogen is specifically designated as organic, all of the nitrogen guaranteed must be derived from organic fertilizer materials and the water insoluble nitrogen or controlled release nitrogen guarantee or any combination of the two must not be less than 60 percent of the total nitrogen guarantee.

C. Coated urea may not be included in meeting the 60 percent controlled release nitrogen requirements.

D. If a fertilizer contains organic nitrogen derived from synthetic organic fertilizer materials and the term "organic" is used on the label or labeling, the label must bear a statement that the product contains synthetic organic nitrogen, followed by a list of the synthetic ingredients. For example: "This fertilizer contains synthetic organic nitrogen derived from ....." The statement must be printed following the derivative statement and be in type no smaller than that of the type of the derivative statement.

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## Proposed Rules

For example:

(1) Green Season Organic Fertilizer 10-1-1

<u>Total Nitrogen (N)</u>	<u>10%</u>
<u>3.6% Water Soluble Nitrogen</u>	
<u>6.4% Water Insoluble Nitrogen</u>	
<u>Available Phosphate (P<sub>2</sub>O<sub>5</sub>)</u>	<u>1%</u>
<u>Soluble Potash (K<sub>2</sub>O)</u>	<u>1%</u>
<u>Derived from: manure, blood meal, ureaform, and bone meal</u>	

This fertilizer contains synthetic organic nitrogen derived from ureaform.

(2) Organic Based Plant Food 15-2-4

<u>Total Nitrogen (N)</u>	<u>15%</u>
<u>1.5% Urea Nitrogen</u>	
<u>1.0% Other Water Soluble Nitrogen</u>	
<u>6.5% Slowly Available Water Soluble Nitrogen*</u>	
<u>6.0% Water Insoluble Nitrogen</u>	
<u>Available Phosphate (P<sub>2</sub>O<sub>5</sub>)</u>	<u>2%</u>
<u>Soluble Potash (K<sub>2</sub>O)</u>	<u>4%</u>
<u>Derived from: manure, bone meal, methylene urea, and potassium chloride</u>	
<u>*___ Controlled release nitrogen from methylene urea</u>	

This fertilizer contains synthetic organic nitrogen derived from methylene urea.

### 1510.0420 INVESTIGATIONAL ALLOWANCES.

Subpart 1. Primary plant nutrients. A commercial fertilizer is deficient if the analysis of any plant nutrient is below the guarantee by an amount exceeding the values in the following schedule, or if the overall index value of the fertilizer is below 97 percent.

<u>Guaranteed percent</u>	<u>Nitrogen percent</u>	<u>Available Phosphate percent</u>	<u>Potash percent</u>
<u>04</u>	<u>0.49</u>	<u>0.67</u>	<u>0.41</u>
<u>05</u>	<u>0.51</u>	<u>0.67</u>	<u>0.43</u>
<u>06</u>	<u>0.52</u>	<u>0.67</u>	<u>0.47</u>
<u>07</u>	<u>0.54</u>	<u>0.68</u>	<u>0.53</u>
<u>08</u>	<u>0.55</u>	<u>0.68</u>	<u>0.60</u>
<u>09</u>	<u>0.57</u>	<u>0.68</u>	<u>0.65</u>
<u>10</u>	<u>0.58</u>	<u>0.69</u>	<u>0.70</u>
<u>12</u>	<u>0.61</u>	<u>0.69</u>	<u>0.79</u>
<u>14</u>	<u>0.63</u>	<u>0.70</u>	<u>0.87</u>
<u>16</u>	<u>0.67</u>	<u>0.70</u>	<u>0.94</u>
<u>18</u>	<u>0.70</u>	<u>0.71</u>	<u>1.01</u>
<u>20</u>	<u>0.73</u>	<u>0.72</u>	<u>1.08</u>
<u>22</u>	<u>0.75</u>	<u>0.72</u>	<u>1.15</u>
<u>24</u>	<u>0.78</u>	<u>0.73</u>	<u>1.21</u>
<u>26</u>	<u>0.81</u>	<u>0.73</u>	<u>1.27</u>
<u>28</u>	<u>0.83</u>	<u>0.74</u>	<u>1.33</u>
<u>30</u>	<u>0.86</u>	<u>0.75</u>	<u>1.39</u>
<u>32 or more</u>	<u>0.88</u>	<u>0.76</u>	<u>1.44</u>

For guarantees not listed, calculate the appropriate value by interpolation.

The overall index value is calculated by comparing the commercial value guaranteed with the commercial value found. For example, when using a 2:2:1 ratio, assuming that the nitrogen and phosphorus are valued at twice the amount of potash:

<u>10.0 units N</u>	x	<u>2</u>	≡	<u>20.0</u>
<u>10.0 units P<sub>2</sub>O<sub>5</sub></u>	x	<u>2</u>	≡	<u>20.0</u>
<u>10.0 units K<sub>2</sub>O</u>	x	1	≡	<u>10.0</u>

Commercial Value Guaranteed ≡ 50.0

<u>10.1 units N</u>	x	<u>2</u>	≡	<u>20.2</u>
<u>10.2 units P<sub>2</sub>O<sub>5</sub></u>	x	<u>2</u>	≡	<u>20.4</u>
<u>10.1 units K<sub>2</sub>O</u>	x	1	≡	<u>10.1</u>

Commercial Value Found ≡ 50.7

Overall Index Value =  $100(50.7/50.0) = 101.4\%$

Subp. 2. Secondary and micro plant nutrients. Secondary and micro plant nutrients are deficient if any plant nutrient is below the guarantee by an amount exceeding the values in the following schedule:

<u>Plant Nutrient</u>	<u>Allowable Deficiency</u>
<u>Calcium (Ca)</u>	<u>0.2 unit + 5% of guarantee</u>
<u>Magnesium (Mg)</u>	<u>0.2 unit + 5% of guarantee</u>
<u>Sulfur (S)</u>	<u>0.2 unit + 5% of guarantee</u>
<u>Boron (B)</u>	<u>0.003 unit + 15% of guarantee</u>
<u>Cobalt (Co)</u>	<u>0.0001 unit + 30% of guarantee</u>
<u>Molybdenum (Mo)</u>	<u>0.0001 unit + 30% of guarantee</u>
<u>Chlorine (Cl)</u>	<u>0.005 unit + 10% of guarantee</u>
<u>Copper (Cu)</u>	<u>0.005 unit + 10% of guarantee</u>
<u>Iron (Fe)</u>	<u>0.005 unit + 10% of guarantee</u>
<u>Manganese (Mn)</u>	<u>0.005 unit + 10% of guarantee</u>
<u>Sodium (Na)</u>	<u>0.005 unit + 10% of guarantee</u>
<u>Zinc (Zn)</u>	<u>0.005 unit + 10% of guarantee</u>

The maximum allowance when calculated under this subpart is one unit (one percent).

Subp. 3. Analytical procedures. Sampling equipment, procedures, preparation, and analysis must be those adopted by the Association of Official Analytical Chemists. In cases not covered by those methods, or in cases where methods are available in which improved applicability has been demonstrated, the commissioner may adopt appropriate methods from other sources.

**1510.0421 1510.0422 ENFORCEMENT.**

The commissioner shall proceed in accordance with *Minnesota Statutes*, section ~~17.728~~ 18B.305, upon satisfactory evidence that a label or labeling of a fertilizer does not meet the provisions in parts 1510.0410 to ~~1510.0421~~ 1510.0422.

**TERM CHANGE.** In *Minnesota Rules*, part 1510.0432, subpart 2, change 1510.0421 to 1510.0422 in both places.

**RENUMBERER.** *Minnesota Rules*, part 1510.0420 renumbered as 1510.0421.

**REPEALER.** *Minnesota Rules*, parts 1510.0415; 1510.0416, subparts 4, 5, 7, and 8; and 1510.0418, are repealed.

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## Proposed Rules

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### Department of Natural Resources

#### Proposed Permanent Rules Governing Game and Fish

##### DUAL NOTICE:

##### Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And

##### Notice of Hearing if 25 or More Requests for Hearing are Received

**Introduction.** The Minnesota Department of Natural Resources intends to adopt permanent rules following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by March 15, 1995, a public hearing will be held on March 30, 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 15, 1995 and before March 30, 1995.

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

Richard Hassinger  
Department of Natural Resources  
500 Lafayette Road  
St. Paul, Minnesota 55155-4020  
Telephone: (612) 297-1308

**Subject of Rules and Statutory Authority.** The proposed rules are about various game and fish matters. The rules cover: the documentation to demonstrate the lawful possession of a wild animal; general provisions for use of wildlife management areas; permits for use of contraceptive chemicals on wild animals; general restrictions for permits to possess threatened and endangered species; insurance policy requirements for release of fish toxicants; commissioner's authority to terminate fish toxicant permits; clarification of the requirements for transportation of fish and labeling and packing of fish under a fish packer license; special provisions for wildlife management areas; special provisions for state game refuges; special provisions for Rice Lake National Wildlife Refuge; criteria for arrows used for taking big game; intensive harvest permits for taking additional deer; party hunting for antlerless deer; deer bag limit; alternative to blaze orange requirement during firearm deer season; archery deer of either sex during firearms season; archery special hunt areas and procedures; issuance of archery deer management permits; taking antlerless deer by archery under intensive harvest permits; antlerless deer permit area boundaries; antlerless deer permit and preference drawings; intensive harvest permits for taking deer by firearms; multizone buck license; muzzleloader season and areas; muzzleloader deer management permits; disability hunts; eligibility for bear quota permit drawing; bear quota areas; blaze orange requirement for moose hunters; moose hunting party size; application procedures for moose license; deer and bear registration block boundaries; pelt tagging and registration; certification for predator control; eligible predator controllers; compensation for predator control; use of retractable broadheads; special provisions for using decoys for taking turkeys; general restrictions for taking and possessing migratory game birds and migratory waterfowl; goose zone boundaries; additional game bird species for commercial shooting preserves; restrictions on disposal of game farm animals; record keeping and reporting for game farms; possession of threatened and endangered species from game farms; open season for taking whitefish and ciscoes at Sandy Lake, Beltrami County; waters in wildlife management areas open to taking minnows for commercial purposes; exemptions and identification requirements for taking minnows in traps and nets; use of traps, hoop nets, and trap nets for taking minnows; angling hours for taking fish; angling hours for trout streams south of U.S. Highway 12 on opening day; angling hours on Lake Superior tributaries; walleye and northern pike possession and size limits for Lake Superior; seasonal closing of Lake Christina, Douglas and Grant counties, for taking fish; license requirements and possession limits for taking fish on waters bordering other states; roughfish spearing and tackle restrictions on the Minnesota - North Dakota border waters; sturgeon fishing season on the Minnesota - South Dakota border waters; harvesting wild rice in Newstrom Lake Wildlife Management Area; repeal of tagging provisions for taking of red fox and gray fox; and repeal of walleye fishing closure on Black Bay of Rainy Lake.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 84.152, subdivision 1; 84.0895, subdivision 5; 86A.06; 97A.045, subdivision 4; 97A.091, subdivision 2; 97A.092; 97A.105; 97A.115, subdivision 2; 97A.137; 97A.255; 97A.418; 97A.431; 97A.501, subdivision 3; 97A.551; 97B.071; 97B.111; 97B.301; 97B.305; 97B.311; 97B.312; 97B.405; 97B.411; 97B.431; 97B.505; 97B.515; 97B.605; 97B.671; 97B.711; 97B.731; 97B.803; 97B.811, subdivision 5; 97B.901; 97C.005, subdivision 3; 97C.051, subdivisions 1 and 2; 97C.395, subdivision 1a; 97C.505, subdivision 1; and 97C.865.

A copy of the proposed rules is published in the *State Register* and a free copy of the rules is available upon request from the agency contact person.

**Comments.** You have until 4:30 p.m., March 15, 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 15, 1995. Your written request for a public hearing must include your name, address and telephone number. 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.

**Modifications.** The proposed rules 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 Department or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for March 30, 1995 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person after March 15, 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 March 30, 1995 in the 6th floor conference room of the Department of Natural Resources Building located at 500 Lafayette Road, St. Paul, Minnesota, beginning at 9:00 a.m., and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Allan W. Klein. Judge Klein can be reached at the Office of Administrative Hearings, 1700 100 Washington Square, Minneapolis, Minnesota 55401, (612) 341-7600.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota 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. The Statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of all the evidence and argument which the agency 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.** 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. Portions of the rules may have an impact on small businesses dealing with commercial minnow harvesting, private aquaculture, game farms and commercial shooting preserves.

Commercial minnow harvesters may be impacted by the rules because they will include specifications for gear used to take minnows. However, the impact should be minimal because the proposed gear specifications were developed in consultation with representatives of the minnow industry to insure that specifications and standards were acceptable.

Private fish hatchery and aquatic farm licensees may be impacted if they wish to use fish toxicants on licensed waters that may be accessed by the public. The proposed rules would increase coverage requirements for insurance policies before such use of fish toxicants could occur. The impact should be minimal because businesses with commercial general liability insurance would not have to purchase additional insurance to meet the requirements of the proposed rule.

Game farms may be impacted by these rules because of changes involving record keeping and reporting required by *Minnesota*

## Proposed Rules

*Statutes*, section 97A.425. The changes should have minimal impact because reporting forms are provided by the commissioner and two levels of reporting are provided based on the type of game farm.

Commercial shooting preserves may be impacted by these rules because of provisions designating additional game bird species for commercial shooting preserves. There will be no change for the operators of the preserves because the rule will simply list species in rule that have been previously allowed by a listing on the commercial shooting preserve licenses.

The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement of Need and Reasonableness.

**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 additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

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

**Departmental Charges.** In accordance with *Minnesota Statutes*, section 16A.1285, subdivision 5, pertaining to departmental charges, the Department has notified the Commissioner of Finance of the Department's intent to adopt rules in the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's comments and recommendations are included in the Statement of Need and Reasonableness.

**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 100 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 296-5148.

**Adoption Procedure if No Hearing.** 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.

**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 rules. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you 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 rules are adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rules are filed. If you want to be 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 rules with the Secretary of State.

Dated: 30 January 1995

Rodney W. Sando  
Commissioner of Natural Resources  
Gail Lewellan, Assistant Commissioner of  
Human Resources and Legal Affairs

### Rules as Proposed

#### 6200.0200 GAME AND FISH GENERAL PROVISIONS.

[For text of subs 1 to 8, see M.R.]

**Subp. 9. Documentation to demonstrate lawful possession from non-state jurisdiction.** The following documentation will provide evidence of lawful possession of a wild animal or fish from a non-state jurisdiction:

A. for wild animals or fish acquired in another state, province, or country, the appropriate license along with any required seals or tags for wild animals, or documentation showing the person is exempt from licensing; or

B. if a member of an Indian band, a band membership card with a picture of the band member, and:

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(1) for fish in a quantity of 25 pounds or less, the appropriate license or permit, along with any seals or tags required for wild animals; and

(2) for fish in a quantity of more than 25 pounds, a possession permit issued by the band with the possession permit listing:

(a) name and address of possessor;

(b) species and amount of fish in pounds;

(c) location to which fish may be transported or possessed; and

(d) date of issuance of permit.

**6210.0100 GENERAL PROVISIONS FOR USE OF WILDLIFE MANAGEMENT AREAS.**

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

Subp. 6. **Harvest of bait.** Taking minnows, leeches, and other live bait for noncommercial use is allowed. Harvest of live bait for commercial purposes within a wildlife management area is allowed only under permit issued by the wildlife manager.

[For text of subs 7 to 9, see M.R.]

**Subp. 10. General restrictions on vehicles.**

A. A person may not operate an all-terrain vehicle, hang glider, air boat, hover craft, or personal watercraft defined in *Minnesota Statutes*, section 86B.005, within the boundaries of a wildlife management area, except that an all-terrain vehicle may be used as provided in part 6232.0300, subpart 7, by a disabled hunter with a disability who has a permit approved by the regional area wildlife manager may use an all-terrain vehicle, and as provided in item C.

Without the written permission of the wildlife manager in charge, B. A person may not operate a snowmobile in a wildlife management area in that part of the state lying south and west of a the line described as follows in this item, except as provided in part 6232.0300, subpart 7, by permit from the area wildlife manager, as provided in item C, or as otherwise posted:

U.S. Highway 2 from East Grand Forks east to Bemidji; thence south along U.S. Highway 71 to Wadena; thence east along U.S. Highway 10 to Staples and U.S. Highway 210 to Carlton; thence east in a straight line to the easterly boundary of the state.

C. A person may use a motor vehicle, for ice fishing purposes only, on the following lakes:

(1) Rice Lake in the Rice-Skunk Wildlife Management Area, Morrison county;

(2) Marsh Lake and Lac qui Parle Lake in the Lac qui Parle Wildlife Management Area, Big Stone, Lac qui Parle, Swift, and Chippewa counties;

(3) Talcot Lake in the Talcot Lake Wildlife Management Area, Cottonwood county;

(4) Walnut Lake in the Walnut Lake Wildlife Management Area, Faribault county;

(5) North Lake in the Gores Pool Wildlife Management Area, Goodhue county; and

(6) Boot Lake in the Bootleg Lake Wildlife Management Area, Jackson county.

D. A vehicle may not be parked in a wildlife management area in front of a gate or in a manner that obstructs travel.

[For text of subs 11 to 13, see M.R.]

Subp. 14. **Firearms and target shooting.** Target, trap, skeet, or indiscriminate shooting is prohibited within a wildlife management area except as authorized by permit from the commissioner. A person may not possess an uncased or loaded firearm or an uncased and strung bow, except when lawfully taking a wild animal or by permit from the area wildlife manager. Discharge of firearms or bows and arrows or possession of uncased firearms or bows is prohibited in areas posted closed to discharge or possession of firearms and bows. A person training a dog on a wildlife management area may not use live ammunition or blank cartridges, including the use of blanks in dummy launchers or similar devices designed to use an explosive charge to propel a retrieving dummy or similar object.

[For text of subs 15 to 18, see M.R.]

Subp. 19. **Abandonment of trash and property.** The disposal or abandonment of garbage, trash, spoil, sludge, rocks, vehicles,

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## **Proposed Rules**

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carcasses, or other debris and the abandonment or storage of property within a wildlife management area is prohibited. Boats, decoys, or other property may not be left unattended overnight, except for as follows:

A. traps lawfully placed; and

B. ice houses on the following lakes:

(1) Rice Lake in the Rice-Skunk Wildlife Management Area, Morrison county;

(2) Marsh Lake and Lac qui Parle Lake in the Lac qui Parle Wildlife Management Area, Big Stone, Lac qui Parle, Swift, and Chippewa counties;

(3) Talcot Lake in the Talcot Lake Wildlife Management Area, Cottonwood county;

(4) Walnut Lake in the Walnut Lake Wildlife Management Area, Faribault county;

(5) North Lake in the Gores Pool Wildlife Management Area, Goodhue county; and

(6) Boot Lake in the Bootleg Lake Wildlife Management Area, Jackson county.

[For text of subs 20 to 23, see M.R.]

### **6212.1750 PERMITS FOR USE OF CONTRACEPTIVE CHEMICALS.**

Subpart 1. Contraceptive chemicals defined. "Contraceptive chemicals" are any drugs, vaccines, steroids, or other chemicals that, when administered to individual wild animals within a target species' population, produce a state of infertility or prevent the production of progeny, either temporarily or permanently.

Subp. 2. Application requirements. Permits may be issued by the commissioner for the administration of contraceptive chemicals to noncaptive wild animals under the conditions in items A and B.

A. Permits may only be issued to federal, state, or local government agencies, universities or colleges, or their agents.

B. A written request for the permit must be submitted prior to the planned application of the contraceptive chemical treatment. The request must be accompanied by a proposed management plan or research proposal that:

(1) is approved by the landowner or land manager responsible for the site;

(2) for a research proposal, is approved by the federal, state, or local government agency, university, or college responsible for the actions of the research investigator;

(3) includes a clear statement of the objectives of the management or research project including population objectives for management projects;

(4) includes an assessment of the anticipated effect of the chemical treatment on each target species' population on each site and on individual animals within each target population;

(5) documents potential impacts to nontarget wild animal populations;

(6) documents potential threats to human health and safety;

(7) includes a description of all planned or completed management actions and an evaluation of the costs, efficiency, effectiveness, and safety of alternative methods for managing each target species' population on each site; and

(8) includes a plan for monitoring short-term and long-term effects of the contraceptive chemical treatments on treated individual wild animals and each target species' population on each site.

The commissioner may request additional information if needed to determine the applicant's qualifications or to evaluate the proposed management plan or research proposal.

Subp. 3. Chemicals. Contraceptive chemicals used must have all required federal and state licensing, registration, or approvals for use on each noncaptive wild animal species for each site requested.

Subp. 4. Permit conditions. Authorized contraceptive chemicals, treatment methods, application devices and equipment, individual animal and population monitoring requirements, reporting requirements, and other applicable restrictions must be specified as conditions of the permit.

### **6212.1800 GENERAL RESTRICTIONS FOR PERMITS TO POSSESS THREATENED AND ENDANGERED SPECIES.**

Subpart 1. Permit requirements. A person may not take, import, transport, purchase, sell, dispose, or possess a threatened or endangered species of plant or animal without a permit from the commissioner. Permits for the taking, importation, transportation, purchase, sale, disposal, or possession of threatened or endangered species of plants or animals, whether dead or alive, or their parts, nests, or eggs will be issued as provided by parts 6212.1800 to 6212.2300 and 6242.1200. Applications for permits from individu-



als or institutions must be made in writing and must be submitted as specified. The commissioner will determine whether the applicant meets the criteria for issuance of the permit.

[For text of subps 2 to 8, see M.R.]

### **FISH TOXICANTS**

#### **6212.2900 INSURANCE POLICY REQUIRED WITH RELEASE OF FISH TOXICANTS.**

If the public has lawful access to a body of water to which fish toxicants will be applied, a permit for release of fish toxicants may not be issued until the commissioner has received a certificate of insurance evidencing the coverage from a company authorized to do business in this state. The certificate of insurance must show coverage for general liability for bodily injury and property damage. The amount of insurance coverage required shall be determined by the commissioner, but cannot exceed \$1,000,000 per occurrence or be less than \$100,000 per occurrence. The certificate of insurance must show that the policy cannot be canceled or terminated, except upon ten days' written notice to the commissioner.

#### **6212.3000 CANCELLATION OR TERMINATION OF FISH TOXICANT PERMIT.**

The commissioner may cancel or terminate a permit to release fish toxicants at any time for any violation of its provisions or of part 6212.2900.

### **TRANSPORTATION OF FISH**

#### **6214.0500 EXEMPTION FROM FISH TRANSPORTATION REQUIREMENTS.**

A person possessing fish taken under a commercial fishing license, or private aquatic life as defined in *Minnesota Statutes*, section 17.47, subdivision 7, is exempt from the provisions of parts 6214.0300 and 6214.0400 provided the person can show documentation that the fish were lawfully obtained.

#### **6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.**

Subpart 1. **Areas requiring a permit to trap.** The following wildlife management areas are open to trapping with a permit:

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

- G. ~~O~~rwell in ~~O~~tter Tail county;
- H. Roseau River in Roseau county;
- I. ~~H~~. Thief Lake in Marshall county;
- J. ~~R~~othsay in ~~W~~ilkin county; and
- K. ~~I~~. Whitewater in Olmsted, Wabasha, and Winona counties.

[For text of subps 2 to 5, see M.R.]

Subp. 6. **Areas closed to hunting only.** The Hearing Island Wildlife Management Area in St. Louis county ~~is~~ and the Pine City Wildlife Management Area in Pine county ~~are~~ closed to the hunting of all species.

[For text of subps 7 to 9, see M.R.]

#### **6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.**

[For text of subps 1 to 7, see M.R.]

Subp. 8. **East Minnesota River Game Refuge, Blue Earth and Le Sueur counties.** The East Minnesota River Game Refuge in Blue Earth and Le Sueur counties is open to deer and bear hunting by archery, ~~except during the firearms deer season.~~

[For text of subps 9 to 15, see M.R.]

Subp. 16. **Gopher Campfire Game Refuge, McLeod county.** The Gopher Campfire Game Refuge in McLeod county is open to:

- A. trapping; and
- B. ~~deer and bear hunting by archery.~~

[For text of subps 17 to 42, see M.R.]

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## Proposed Rules

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Subp. 43. **Schoolcraft Game Refuge, Hubbard county.** The Schoolcraft Game Refuge in Hubbard county is open to:

- A. small game hunting, except waterfowl, through the Thursday nearest November 4;
- B. trapping; and
- C. deer and bear hunting by archery ~~through the Thursday nearest November 4.~~

[For text of subps 44 to 50, see M.R.]

### 6230.0900 ELM LAKE AND ORWELL SPECIAL PROVISIONS.

Subpart 1. **Time period for special provisions.** In addition to the general regulations, the following subparts apply to all persons in the ~~Elm Lake Controlled Hunting Zone during the period from the opening date of the goose season to the Monday nearest October 22 and in the Orwell Controlled Hunting Zone during the regular goose season.~~

[For text of subps 2 to 5, see M.R.]

### 6230.1300 SPECIAL PROVISIONS FOR NATIONAL WILDLIFE REFUGES.

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

Subp. 4. **Rice Lake National Wildlife Refuge, Aitkin county and Pine counties.** Portions of Rice Lake National Wildlife Refuge in ~~Aitkin county and Pine counties~~ are open to firearm hunting of deer by special permit, archery hunting for deer in designated areas, cottontail rabbit, snowshoe hare, gray squirrel, fox squirrel, ruffed grouse, ~~and spruce grouse, woodcock, and snipe~~ in areas posted as "Public Hunting Area" or as shown on maps available at Refuge Headquarters.

[For text of subps 5 to 8, see M.R.]

### BIG GAME GENERAL RESTRICTIONS

#### 6232.0100 GENERAL RESTRICTIONS FOR TAKING BIG GAME.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Legal bows and arrows.** Bows and arrows used for taking big game must meet the criteria in items A to C.

A. Bows must have a pull of no less than 40 pounds at or before full draw.

B. Arrowheads must meet the requirements of Minnesota Statutes, section 97B.211, subdivision 2. Nonretractable arrowheads are barbless if the trailing edge of the blade creates a 90 degree or greater angle with the shaft of the arrow.

C. Retractable broadheads may be used if they meet the following criteria:

(1) they are at least seven-eighths of an inch in width and no more than two inches in width at or after impact with a big game animal; and

(2) they are a barbless design and function in a barbless manner. Retractable arrowheads are a barbless design if the trailing edge of each blade creates a 90 degree or greater angle with the shaft when the blades are fully retracted. Retractable arrowheads function in a barbless manner if, when withdrawn from a big game animal, the blades retract so that the trailing edge of each blade is at a 90 degree or greater angle to the arrow shaft.

#### 6232.0200 DEFINITIONS.

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

Subp. 5a. Intensive harvest permit. "Intensive harvest permit" means a license to take and tag deer by archery or firearms, in addition to deer authorized to be taken under regular archery or firearms licenses and deer management permits. It is available for one-half the cost of a regular license.

[For text of subps 6 to 8, see M.R.]

#### 6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER.

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

Subp. 3. **Party hunting.** A party is a group of two or more licensed deer hunters who are afield hunting together and are all using firearms or all using archery equipment. A member of a party may kill a deer for another member of the party who has an unused tag valid for that deer, except as provided by *Minnesota Statutes*, section 97B.301. A mixed-weapons group is considered two separate parties. Multizone buck licensees may party hunt with regular firearms licensees. Persons issued permits under Minnesota Statutes, section 97B.055, subdivision 3, who do not have an antlerless permit may not tag antlerless deer for another member of the party.

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

Subp. 8. Bag limit. A person may not tag more than one deer during a license year by any method, except as authorized in items A to D.

A. Archery and firearms deer management permits may be used to tag a second deer as provided in this chapter.

B. In Marshall, Kittson, Roseau, Lake of the Woods, and Pennington counties, a person may tag one deer with a regular archery license and another with a regular firearms license, including the muzzleloader option or multizone buck license. Both deer must be taken and registered in this five-county area.

C. A person may tag a third, fourth, or fifth deer by archery or firearms with an intensive harvest permit in specified areas as prescribed in this chapter.

D. In no case may a person tag more than five deer per year by firearms, archery, or both methods combined.

Subp. 9. Alternative color prescribed. Persons whose sincerely held religious beliefs do not permit them to wear the color prescribed in Minnesota Statutes, section 97B.071, may wear bright red as an alternative color in the same manner as the prescribed color.

#### **6232.0700 LEGAL DEER BY ARCHERY.**

Antlerless deer and legal bucks may be taken by archery except when the regular firearms season is open. Only legal bucks may be taken in a zone open during the regular firearms season, except that persons authorized under an archery deer management permit or special permit may take antlerless deer.

#### **6232.0800 ARCHERY SPECIAL HUNT AREAS AND PROCEDURES.**

Subpart 1. Procedures. The special bow and arrow hunt permit application procedure, except the Camp Ripley archery hunt, is described in this subpart.

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

Subp. 2. Areas. Special bow and arrow permits are valid in areas designated by the commissioner and published in the annual hunting regulations booklet.

#### **6232.1200 ARCHERY DEER MANAGEMENT PERMITS.**

The purchase of an archery deer management permit is authorized for any person who has purchased and presents ~~an~~ a valid archery deer license from the current year. Archery deer management permits may be purchased from county auditors' offices ~~and~~, the license bureau, and other authorized agents. The archery deer management permit authorizes taking an antlerless deer in the following areas:

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

#### **6232.1250 TAKING DEER BY ARCHERY UNDER INTENSIVE HARVEST PERMITS.**

Subpart 1. Purchase. The purchase of an intensive harvest permit is authorized for any person who has purchased and presents a valid archery deer license for the current year. Intensive harvest permits may be purchased from license vendors in Anoka, Washington, Ramsey, Hennepin, Scott, Carver, and Dakota counties, county auditor offices, the Department of Natural Resources license bureau, and other authorized agents.

Subp. 2. Restrictions. Intensive harvest permits may be used to take antlerless deer only in antlerless permit areas and special hunt areas prescribed by the commissioner.

#### **6232.1300 SEASONS FOR TAKING DEER BY FIREARMS.**

Subpart 1. **Zone 1.** Legal bucks may be taken in Zone 1 for a 16-day period beginning the Saturday nearest November 6. Antlerless deer may be taken only by permit throughout this season and only within the permit area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an antlerless permit and who is licensed for Zone 1 may take an antlerless deer without a permit in any Zone 1 antlerless permit area where permits are offered.

Subp. 2. **Zone 2.** Legal bucks may be taken in Zone 2 for a nine-day period beginning the Saturday nearest November 6. Antlerless deer may be taken only by permit throughout this season and only within the permit area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an

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# Proposed Rules

antlerless permit and who is licensed for Zone 2 may take an antlerless deer without a permit in any Zone 2 antlerless permit area where permits are offered.

Subp. 3. **Zone 3.** This subpart applies to season dates in Zone 3.

A. Legal bucks may be taken in the early season in Zone 3 for a nine-day period beginning the Saturday nearest November 6.

B. Legal bucks and antlerless deer may be taken during the late season in Zone 3 for a seven-day period beginning the Saturday nearest November 20. Antlerless deer may be taken only by permit and only within the permit area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an antlerless permit and who is licensed for Zone 3B may take an antlerless deer without a permit in any Zone 3B antlerless permit area where permits are offered.

Subp. 4. **Zone 4.** This subpart applies to season dates in Zone 4.

A. Legal bucks and antlerless deer may be taken in the early season in Zone 4 for a two-day period beginning the Saturday nearest November 6. Antlerless deer may be taken only by permit and only within the permit area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an antlerless permit and who is licensed for Zone 4A may take an antlerless deer without a permit in any Zone 4A antlerless permit area where permits are offered.

B. Legal bucks and antlerless deer may be taken in the late season in Zone 4 for a four-day period beginning the Saturday nearest November 13. Antlerless deer may be taken only by permit and only within the permit area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an antlerless permit and who is licensed for Zone 4B may take an antlerless deer without a permit in any Zone 4B antlerless permit area where permits are offered.

## **6232.1800 ANTLERLESS PERMITS AND PREFERENCE DRAWINGS.**

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

Subp. 2. **Preference drawing drawings for antlerless and special area permits.** If the number of applications for permits in an antlerless permit or special hunt area exceeds the quota set forth in the annual hunting regulations, a preference drawing will be used to select permit holders. Persons 12 years of age or older may enter the preference drawing by supplying their driver's license number, official state of Minnesota Identification Number, or 13-digit Firearms Safety Identification Number on the application, except that resident hunters under age 16 on the Saturday nearest November 6 may not apply for antlerless permits. All applicants who have reached their 18th birthday by the first Thursday following Labor Day must provide one of these three numbers to qualify. Applicants under 18 years of age who do not submit one of these numbers will be assigned a number and will be entered into the preference drawing. Applicants establish a preference rating based upon the number of times they have applied in previous years and have not obtained an antlerless or special area permit. The preference rating will increase each year the applicant applies unsuccessfully for either an antlerless or special area permit. Persons applying for the first time have no preference. Applicants receiving either antlerless or special area permits lose their accrued preference.

Subp. 3. **Antlerless permit areas.** Permit areas are comprised of partial, single, or grouped registration blocks described as follows:

A. Antlerless permit areas in Zone 1:

[For text of subitems (1) to (16), see M.R.]

(17) permit area 170-171-~~172-173-174~~ consists of registration blocks 170 ~~to 174~~ and 171;

(17a) permit area 172 consists of registration block 172;

(17b) permit area 173-174 consists of registration blocks 173 and 174;

[For text of subitems (18) to (21), see M.R.]

B. Antlerless permit areas in Zone 2:

[For text of subitems (1) to (4), see M.R.]

(5) permit area 244-245 consists of registration ~~blocks~~ block 244 and 245;

(5a) permit area 245 consists of registration block 245;

[For text of subitems (6) to (10), see M.R.]

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

**6232.1950 TAKING DEER BY FIREARMS UNDER INTENSIVE HARVEST PERMITS.**

**Subpart 1. Purchase.** The purchase of an intensive harvest permit is authorized for any person who has purchased and presents a regular firearms deer license, multizone buck license, or muzzleloader license for the current year. Intensive harvest permits may be purchased for one-half the cost of a regular license from license vendors in Anoka, Washington, Ramsey, Hennepin, Scott, Carver, and Dakota counties, county auditor offices, the Department of Natural Resources license bureau, and other authorized agents.

**Subp. 2. Restrictions.** Intensive harvest permits may be used to take antlerless deer only in antlerless permit areas and special hunt areas prescribed by the commissioner. Firearms hunters must have a regular firearms license validated for the appropriate zone and time option, including the muzzleloader option, or a multizone buck license to take deer under an intensive harvest permit in that zone and time period.

**6232.2000 MULTIZONE BUCK LICENSE.**

**Subpart 1. Season and open area.** A multizone buck license allows a hunter to hunt and tag a legal buck during any open firearms zone and time period except the late Zone 3B and the muzzleloader seasons.

**Subp. 2. Antlerless deer and special hunts.** Multizone buck license holders may not apply for antlerless permits or special permit areas. Multizone buck licensees may purchase and use intensive harvest permits to take antlerless deer in antlerless permit or special hunt areas prescribed by the commissioner. Intensive harvest permits for multizone buck hunters are valid during any open firearms zone or time period, except the late Zone 3B and the muzzleloader seasons. Multizone buck licensees may not take antlerless deer under Minnesota Statutes, section 97B.055, subdivision 3, or 97B.301, subdivision 6.

**6232.2100 MUZZLELOADER SEASON AND AREAS.**

**Subpart 1. Season.** The muzzleloader season is the 16-day deer season beginning the Saturday nearest November 27 in specified areas as provided by this chapter. Special permit areas may be open for less than 16 days. Persons selecting this season may not hunt deer by firearms during the regular firearms season.

**Subp. 2. Open zone.** The muzzleloader season is open statewide, except that the following antlerless permit areas are closed: permit areas 115-118, 122-130, and 194.

**Subp. 3. Legal deer by muzzleloader.** Antlerless deer and legal bucks may be taken by muzzleloader during the muzzleloader season.

**6232.2450 MUZZLELOADER DEER MANAGEMENT PERMITS.**

**Subpart 1. Issuance.** Deer management permits may be issued for muzzleloader hunting areas listed in the annual hunting regulations. Deer management permits may be purchased from the license bureau, county auditor, or other authorized agents. Permits may also be purchased at the headquarters for special hunt areas and prior to the permit holder hunting in the special area. Special hunt personnel are authorized to sell deer management permits.

**Subp. 2. Open areas.** Firearms deer management permits issued to persons with firearms deer licenses validated for the muzzleloader option may be used to tag antlerless deer in designated special permit areas and in designated antlerless permit areas that the commissioner anticipates will be undersubscribed.

**6232.2500 DISABLED HUNT.**

**Subpart 1. Requirements.** Hunters must be participants in a program for physically disabled hunters sponsored by a nonprofit organization and must be referred by an organization prior to being issued a permit. Permittees must purchase an archery or firearms deer hunting license. Each permittee may be accompanied by one or more assistants named by the nonprofit organizations and approved by the commissioner. Assistants are not required to purchase licenses and may assist permittees in taking deer. Both permittees and assistants must meet the ~~bright red~~ or blaze orange requirement for deer hunters.

**Subp. 2. Open areas.** Disability permittees may hunt in open areas and seasons as designated by the commissioner and published in the annual hunting regulations booklet.

**6232.2900 BEAR PERMIT PROCEDURES.**

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

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## Proposed Rules

Subp. 3. **Required identification number, eligibility.** A person who is at least 12 years old and has successfully completed a firearms safety course approved by the commissioner prior to September 1, and whose big game hunting privileges are not suspended, is eligible to purchase a bear license for the no-quota area or to enter a drawing for a permit area license. All applicants who will have reached their 18th birthday by September 1 must provide a driver's license number, a state of Minnesota identification card number issued by the Department of Public Safety, or a 13-digit Firearms Safety Certificate number. Eligible applicants under this age who do not submit one of these numbers will be assigned a number and entered into the preference drawing.

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

### 6232.3000 BEAR QUOTA AREAS.

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

Subp. 4. **Bear Quota Area 24.** Bear Quota Area 24 consists of that portion of the state lying within the following described boundary:

Beginning at the junction of U.S. Highway 2 and State Trunk Highway (STH) 65; thence along STH 65 to STH 1; thence along STH 1 to STH 135; thence along STH 135 to County State Aid Highway (CSAH) 21, St. Louis County; thence along CSAH 21 to the Soudan-Two Harbors Branch of the Duluth, Missabe and Iron Range Railway Company (DM&IR); thence along said railroad to County State Aid Highway (CSAH) 16, St. Louis County; thence along CSAH 16 to U.S. Highway 53; thence along U.S. Highway 53 to CSAH 133, St. Louis County; thence along CSAH 133 to CSAH 25, Itasca County; thence along CSAH 25 to U.S. Highway 2; thence along U.S. Highway 2 to the point of beginning.

[For text of subs 5 and 6, see M.R.]

Subp. 7. **Bear Quota Area 31.** Bear Quota Area 31 consists of that portion of the state lying within the following described boundary:

Beginning on U.S. Highway 53 at the eastern boundary of the state; thence along U.S. Highway 53 to County State Aid Highway (CSAH) 16, St. Louis County; thence along CSAH 16 to the Soudan-Two Harbors Branch of the Duluth, Missabe and Iron Range Railway Company (DM&IR); thence along said railroad to CSAH 21, St. Louis County; thence along CSAH 21 to State Trunk Highway (STH) 135; thence along STH 135 to STH 169; thence along STH 169 to the first Shagawa River bridge at Winton; thence along the northerly shore of said river to Fall Lake; thence along the westerly and northerly shores of Fall Lake to the southern boundary of the Boundary Waters Canoe Area (BWCA); thence easterly along said boundary of the BWCA to the northern boundary of the state at Magnetic Lake; thence easterly along the northern boundary of the state to the boundary of the BWCA on the south shore of North Lake; thence along the boundaries of this detached part of the BWCA to the northern boundary of the state at South Fowl Lake; thence along the northern and eastern boundaries of the state to the point of beginning.

[For text of subs 8 and 9, see M.R.]

Subp. 9a. **Bear Quota Area 44.** Bear Quota Area 44 consists of that portion of the state lying within the following described boundary:

Beginning at the junction of U.S. Highway 59 and the northern boundary of the White Earth Indian Reservation; thence along said boundary to State Trunk Highway (STH) 92; thence along STH 92 to U.S. Highway 2; thence along U.S. Highway 2 to STH 6; thence along STH 6 to County State Aid Highway (CSAH) 1, Crow Wing County; thence along CSAH 1 to CSAH 2, Cass County; thence along CSAH 2 to STH 371; thence along STH 371 to STH 87; thence along STH 87 to U.S. Highway 10; thence along U.S. Highway 10 to U.S. Highway 59; thence along U.S. Highway 59 to the point of beginning.

Subp. 9b. **Bear Quota Area 45.** Bear Quota Area 45 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 10 and State Trunk Highway (STH) 87; thence along STH 87 to STH 371; thence along STH 371 to County State Aid Highway (CSAH) 2, Cass County; thence along CSAH 2 to CSAH 1, Crow Wing County; thence along CSAH 1 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Highway 169; thence along U.S. Highway 169 to STH 23; thence along STH 23 to the Mississippi River; thence upstream along the Mississippi River along the easterly shore of said river to STH 27; thence along STH 27 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 10; thence along U.S. Highway 10 to the point of beginning.

[For text of subp 10, see M.R.]

### 6232.3700 GENERAL REGULATIONS FOR TAKING MOOSE.

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

Subp. 3. **Blaze orange requirement.** The visible portion of the hunter's cap, if worn, and outer garments, above the waist excluding sleeves and gloves, must be ~~bright red~~ or blaze orange or be covered by these colors blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each square foot.

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

Subp. 8. **License requirement.** A moose license is valid for a party of two, three, or four persons only for the zone selected.

Subp. 9. **Bag limit.** The bag limit of moose is one of any age or sex per licensed party of ~~four~~ hunters. Only one moose may be taken by a party.

#### **6232.3800 APPLICATION PROCEDURES FOR A MOOSE LICENSE.**

Subpart 1. **General procedures.** The provisions in this part apply to applications for moose licenses.

A. A person may apply for only one of the open zones.

B. A person may apply only once and must apply in a party of two, three, or four. All party members must apply for the same zone and personally sign the application.

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

F. An application fee of ~~\$12~~, as prescribed in Minnesota Statutes, section 97A.431, subdivision 3, in the form of a cashier's check, money order, or personal check must accompany each party's application. Any check returned to the department for non-payment invalidates the application and will be destroyed. Refunds of application fees may not be made for any reason.

G. Successful applicants will receive instructions for obtaining their licenses.

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

#### **6232.4000 NUISANCE MOOSE.**

Nuisance moose may be taken under special authorization by licensed moose hunters from September 1 to December 31 under the following conditions:

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

E. Authorization may only be granted to ~~parties a party~~ of ~~four~~ hunters ~~who have that has~~ a valid moose hunting license. Priority must be given to parties with licenses valid for the zone in which the damage is occurring. Authorization may be granted for nuisance moose outside zones open to hunting. Only one party may hunt under an authorization. Each authorization is restricted to a specified location.

#### **6232.4700 DEER AND BEAR REGISTRATION BLOCKS.**

[For text of subps 1 to 13, see M.R.]

Subp. 14. **Registration Block 120.** Deer And Bear Registration Block 120 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 53 and County State Aid Highway (CSAH) 23, St. Louis County; thence along CSAH 23 to CSAH 24, St. Louis County; thence along CSAH 24 to County Road (CR) 424, St. Louis County; thence along CR 424 to the public access to Crane Lake at Harding; thence along the east shore of Crane Lake and through King Williams' Narrows to Sand Point Lake; thence due north to the boundary of the state; thence along the north boundary of the state to the west boundary of the Boundary Waters Canoe Area (BWCA); thence along the west and south boundaries of the BWCA to the Little Indian Sioux River; thence south along said river to the boundary of the BWCA (Trout Lake Block); thence along the west boundary of the BWCA to the northeast corner of Section 28, Township 63 North, Range 16 West; thence south along the east line of said section to the north shore of Lake Vermillion; thence south across open water to the east of St. Mary's Island and St. Paul's Island to the east end of Moccasin Point; thence southeast, west of the island off Moccasin Point, passing east of the Isle of Pines, east of Moose Island, Cherry Island, and Echo Point to the boat landing at McKinley Park on the south shore of Lake Vermillion; thence along the only road from McKinley Park through Soudan to State Trunk Highway (STH) 1; thence along STH 1 to CR 361, St. Louis County; thence along CR 361 to CSAH 115, St. Louis County; thence along CSAH 115 to U.S. Highway 53; thence along U.S. Highway 53 to the point of beginning.

[For text of subp 15, see M.R.]

Subp. 16. **Registration Block 122.** Deer And Bear Registration Block 122 consists of that portion of the state lying within the following described boundary:

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## Proposed Rules

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Beginning at the intersection of State Trunk Highway (STH) 1 and STH 135; thence along STH 1 to County State Aid Highway (CSAH) 120, St. Louis County; thence along CSAH 120 to CSAH 21, St. Louis County; thence along CSAH 21 to CSAH 70, St. Louis County; thence along CSAH 70 to National Forest Route (NFR) 112; thence along NFR 112 to Erie Mining Company Railroad in Section 9, Township 60 North, Range 12 West; thence south and west along said railroad to its junction with the Duluth, Missabe and Iron Range Railroad (DM&IR); thence north along said railroad to CSAH 26 21, St. Louis County; thence along CSAH 26 21 to STH 135; thence along STH 135 to the point of beginning.

[For text of subs 17 to 41, see M.R.]

Subp. 41. **Registration Block 176.** Deer And Bear Registration Block 176 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of ~~State Trunk Highway (STH) 1~~ County State Aid Highway (CSAH) 115, St. Louis County and U.S. Highway 53; thence along CSAH 115 to County Road (CR) 361, St. Louis County; thence along CR 361 to State Trunk Highway (STH) 1; thence along STH 1 to STH 135; thence along STH 135 to County State Aid Highway (CSAH) 26 21, St. Louis County; thence along CSAH 26 21 to the Soudan-Two Harbors Branch of the Duluth, Missabe and Iron Range Railroad (DM&IR); thence along the DM&IR to Allen Junction; thence along County Road (CR) 565 to County State Aid Highway (CSAH) 110, St. Louis County; thence along CSAH 110 to CSAH 100, St. Louis County; thence along CSAH 100 to STH 135; thence along STH 135 to U.S. Highway 53; thence along U.S. Highway 53 to the point of beginning.

[For text of subs 42 to 157, see M.R.]

### 6234.0200 TAKING RUFFED GROUSE AND SPRUCE GROUSE.

Subpart 1. Open season. Ruffed grouse and spruce grouse may be taken by firearm or bow and arrow from the Saturday on or nearest September 16 to December 31.

Subp. 2. Bag limit. A person may not take more than an aggregate of five ruffed grouse and spruce grouse per day or possess an aggregate of more than ten ruffed grouse and spruce grouse at a time.

### 6234.0400 TAKING PHEASANTS.

Subpart 1. **Open season.** Only cock (male) pheasants may be taken by firearm or bow and arrow from the Saturday on or nearest October 13 to the Sunday on or nearest December 16 from 9:00 a.m. to sunset each day.

Subp. 2. **Bag limit.** A person may not take more than two cock pheasants per day or possess more than six cock pheasants at a time.

Subp. 3. **Firearm restriction.** A person may not take pheasants with a rifle or handgun other than a .22 caliber rimfire using short, long, or long rifle ammunition.

### 6234.2600 PELT TAGGING AND REGISTRATION.

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

Subp. 3. **Registration of pelts.** The pelt of each bobcat, fisher, pine marten, and otter and the whole carcass of each bobcat and pine marten must be presented, by the person taking it, to a conservation officer for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes for each species, respectively. The entire carcass of bobcat and pine marten and the lower jaw or head of fisher must be surrendered to the conservation officer. The pelt of bobcat, otter, fisher, and pine marten must have been removed from the carcass.

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

### 6234.3000 CERTIFICATION FOR PREDATOR CONTROL.

Subpart 1. **Certification required.** A person may not participate in the predator control program unless the person is certified.

Subp. 2. **Application process.** Application for certification as a predator controller may be made on forms provided by the commissioner to a conservation officer in the applicant's county of residence on forms provided by the commissioner. The application shall include a summary of the applicant's experience and skill as a trapper or hunter.

Subp. 3. **Predator controller qualification requirements.** A person will not be certified unless the person completes all information requested on the application and meets the following qualifications as determined by the commissioner:

A. skill in the use of firearms for three years prior to the date of application, the person must not have been convicted of a violation of Minnesota Statutes, sections 97B.601 to 97B.671 or 97B.901 to 97B.951, or a rule of the commissioner relating to furbearing animals; and

B. the person must either demonstrate or attest to the person's skill in hunting or trapping, including the ability to distinguish signs, tracks, and trails of predators; and



C. a reputation for reliability.

Subp. 4. **Revocation of certification.** A certificate issued to a predator controller may be revoked upon conviction for a violation of any provision of chapters 6200 to 6266 or *Minnesota Statutes*, chapters 97A to 97C may be revoked if the controller is inactive in the program for 24 consecutive months.

Subp. 5. **Inactivity in predator control program.** A certificate may be revoked if the controller is inactive in the program for two consecutive years.

#### **6234.3100 DESIGNATED CONTROL AREAS AND DATES OF OPERATION.**

Subpart 1. **Reporting of damage.** Predator damage must be reported to a conservation officer on forms provided by the commissioner.

Subp. 2. **Designation of corrective action.** If it is determined that corrective action in an area is necessary, a directive will be issued designating:

A. the predator control area. The open area may not exceed a one-mile radius surrounding the damage site for coyotes and a one-half mile radius for fox;

B. the species of predators to be taken;

C. ~~the predator controllers who are eligible to participate.~~ Eligible predator controllers may be limited to those living in the vicinity of the control area;

~~D.~~ the allowable methods of control; and

~~E. D.~~ the effective dates. Between October 1 and the last day of February no areas may be open for predator control for more than 30 days. All control activities must cease at the expiration of the date specified in the directive. If an earlier date is not specified, all open areas close on October 1.

Subp. 3. **Notification of eligible predator controllers.** When a predator control area has been opened, all certified predator controllers within 20 road miles of the control site will be notified. Additional predator controllers, more than 20 road miles from the control site, may be notified if necessary to abate the damage.

#### **6234.3400 COMPENSATION FOR PREDATOR CONTROL.**

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

Subp. 2. **Identification of sites and methods.** Controllers must, upon request, specifically identify the method used to take the predator and the site where each predator for which payment is claimed was taken.

Subp. 3. **Payment schedule.** The payments in items A and B will be made for predators taken according to this part.

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

B. For predators taken from October 1 through the last day in February:

(1) coyote (brush wolf), \$30; and

(2) fox, \$10.

#### **6236.0100 DEFINITIONS.**

[For text of subs 1 to 4, see M.R.]

Subp. 5. **Legal bow and arrow.** "Legal bow and arrow" means a bow that has a pull of no less than 40 pounds, at or before full draw, and that is not drawn, held, or released by a mechanical device. Arrowheads must be of a blunt head design or:

A. sharp and have a minimum of two metal cutting edges;

B. of a barbless broadhead design; and function, as follows:

(1) nonretractable arrowheads are barbless if the trailing edge of each blade creates a 90 degree or greater angle with the shaft of the arrow; and

(2) retractable arrowheads are a barbless design if the trailing edge of each blade creates a 90 degree or greater angle with

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## Proposed Rules

the shaft when the blades are fully retracted. Retractable arrowheads function in a barbless manner if, when withdrawn from a wild turkey, the blades retract so that the trailing edge of each blade is at a 90 degree or greater angle to the arrow shaft; and

- C. of a diameter of at least seven-eighths of an inch; or
- D. of a blunt head design at or after impact with a wild turkey.

Subp. 6. **Legal firearms.** "Legal firearms" means shotguns 20 gauge or larger, or muzzleloading shotguns 12 gauge or larger, using fine shot size No. 4, 5, or 6 or smaller diameter shot.

### 6236.0900 SPECIAL PROVISIONS FOR TAKING TURKEYS.

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

Subp. 3a. **Male decoys.** A person may not use a turkey decoy that:

- A. has a beard;
- B. has a predominately white or red head; or
- C. is in a strutting posture.

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

### 6240.0200 GENERAL RESTRICTIONS FOR TAKING AND POSSESSION OF MIGRATORY GAME BIRDS.

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

Subp. 3. **Blinds on public lands and public waters.** An unoccupied blind on public land or in public waters is available for use by the public and is not the property of the person who constructed it. A person may not use threat or force against another person to gain possession of a blind.

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

Subp. 5. **Possession and transportation of migratory game birds.** A person may not possess or transport unlawfully taken migratory game birds.

Subp. 6. **Opening day possession limit.** A person may not have in possession on the opening day of each of the established seasons any freshly killed migratory game birds in excess of the daily bag limit.

### MIGRATORY WATERFOWL

### 6240.0550 GENERAL RESTRICTIONS FOR TAKING MIGRATORY WATERFOWL.

A person may not take ducks, mergansers, geese, coots, or moorhens (gallinules) on any lands or waters within the state while possessing shotshells loaded with shot other than:

- A. steel shot;
- B. copper-plated, nickel-plated, or zinc-plated steel shot; or
- C. shot made of other nontoxic material approved by the director of the United States Fish and Wildlife Service.

### 6240.0850 TAKING GEESE AND BRANT IN THE WEST GOOSE ZONE.

The West Goose Zone is the area lying within the following boundary:

Beginning at the intersection of U.S. Highway 72 and Interstate Highway 94; thence west on Interstate Highway 94 to the west border of the state; thence south and east on the west and south borders of the state to U.S. Highway 71; thence north on U.S. Highway 71 to the point of beginning.

### 6240.0860 TAKING GEESE AND BRANT IN THE NORTHWEST GOOSE ZONE.

The Northwest Goose Zone is the area lying within the following boundary:

Beginning at U.S. Highway 2 on the North Dakota-Minnesota border; thence east on U.S. Highway 2 to State Trunk Highway (STH) 32; thence north on STH 32 to STH 92; thence east on STH 92 to County State Aid Highway (CSAH) 2, Polk County; thence north on CSAH 2 to CSAH 27, Pennington County; thence north on CSAH 27 to STH 1; thence east on STH 1 to CSAH 28, Pennington County; thence north on CSAH 28 to CSAH 54, Marshall County; thence north on CSAH 54 to CSAH 9, Roseau County; thence north on CSAH 9 to STH 11; thence west on STH 11 to STH 310; thence north on STH 310 to the north border of Minnesota; thence west and south on the Minnesota border to the point of beginning.

### 6240.0900 TAKING GEESE AND BRANT IN LAC QUI PARLE GOOSE ZONE.

The Lac qui Parle Goose Zone is the area lying within the following boundary:

Beginning at the intersection of U.S. Highway 212 and County State Aid Highway (CSAH) 27, Lac qui Parle County; thence

north along CSAH 27 to CSAH 20, Lac qui Parle County; thence west along CSAH 20 to State Trunk Highway (STH) 40; thence north along STH 40 to STH 119; thence north along STH 119 to CSAH 34, Lac qui Parle County; thence west along CSAH 34 to CSAH 19, Lac qui Parle County; thence north along CSAH 19 to CSAH 38, Lac qui Parle County; thence west along CSAH 38 to U.S. Highway 75; thence north along U.S. Highway 75 to STH 7; thence south and east along STH 7 to CSAH 6, Swift County; thence east along CSAH 6 to County Road 65, Swift County; thence south along County Road 65 to County Road 34, Chippewa County; thence south along County Road 34 to CSAH 12, Chippewa County; thence east along CSAH 12 to CSAH 9, Chippewa County; thence south along CSAH 9 to STH 7; thence south and east along STH 7 to Montevideo; thence south and west along the municipal boundary of Montevideo to U.S. Highway 212; thence west along U.S. Highway 212 to the point of beginning.

**6240.1700 TAKING GEESE IN FERGUS FALLS/ALEXANDRIA FALLS/BENSON CANADA GOOSE ZONE.**

Subpart 1. **Open season.** Canada geese may be taken in the Fergus Falls/Alexandria Falls/Benson Canada Goose Zone during the ten-day period beginning the first Saturday in September.

Subp. 2. **Daily limit.** A person may not take more than two Canada geese per day during the early season.

Subp. 3. **Zone description.** The Fergus Falls/Alexandria Falls/Benson Canada Goose Zone is described as follows:

Beginning at the intersection of State Trunk Highway (STH) 55 and the western border of Minnesota; thence south along the Minnesota border to a point due south of the intersection of STH 7 and County State Aid Highway (CSAH) 7, Big Stone County; thence due north to CSAH 7; thence north along CSAH 7 to CSAH 6, Big Stone County; thence east along CSAH 6 to CSAH 21, Big Stone County; thence south along CSAH 21 to CSAH 10, Big Stone County; thence east along CSAH 10 to CSAH 22, Swift County; thence east along CSAH 22 to CSAH 5, Swift County; thence south along CSAH 5 to U.S. Highway 12; thence east along U.S. Highway 12 to CSAH 17, Swift County; thence south along CSAH 17 to the south border of Swift County; thence east along the south border of Swift County to the east border of Swift County; thence north along the east border of Swift County to the south border of Pope County; thence east along the south border of Pope County to the east border of Pope County; thence north along the east border of Pope County to STH 28; thence east on STH 28 to County State Aid Highway (CSAH) 33, Pope County; thence north along CSAH 33 to CSAH 3, Douglas County; thence north along CSAH 3 to CSAH 69, Otter Tail County; thence north along CSAH 69 to CSAH 46, Otter Tail County; thence east along CSAH 46 to the eastern boundary of Otter Tail County; thence north along the east boundary of Otter Tail County to CSAH 40, Otter Tail County; thence west along CSAH 40 to CSAH 75, Otter Tail County; thence north along CSAH 75 to STH 210; thence west along STH 210 to STH 108; thence north along STH 108 to CSAH 1, Otter Tail County; thence west along CSAH 1 to CSAH 14, Otter Tail County; thence north along CSAH 14 to CSAH 44, Otter Tail County; thence west and north along CSAH 44 to CSAH 35, Otter Tail County; thence north along CSAH 35 to STH 108; thence west along STH 108 to CSAH 19, Wilkin County; thence south along CSAH 19 to STH 55; thence east and south along STH 55 to the point of beginning.

**6240.1950 TAKING GEESE IN FERGUS FALLS/ALEXANDRIA CANADA GOOSE ZONE.**

The Fergus Falls/Alexandria Canada Goose Zone is the area lying with the following boundary:

Beginning at the intersection of State Trunk Highway (STH) 55 and STH 28; thence east on STH 28 to County State Aid Highway (CSAH) 33, Pope County; thence north along CSAH 33 to CSAH 3, Douglas County; thence north along CSAH 3 to CSAH 69, Otter Tail County; thence north along CSAH 69 to CSAH 46, Otter Tail County; thence east along CSAH 46 to the eastern boundary of Otter Tail County; thence north along the east boundary of Otter Tail County to CSAH 40, Otter Tail County; thence west along CSAH 40 to CSAH 75, Otter Tail County; thence north along CSAH 75 to STH 210; thence west along STH 210 to STH 108; thence north along STH 108 to CSAH 1, Otter Tail County; thence west along CSAH 1 to CSAH 14, Otter Tail County; thence north along CSAH 14 to CSAH 44, Otter Tail County; thence west and north along CSAH 44 to CSAH 35, Otter Tail County; thence north along CSAH 35 to STH 108; thence west along STH 108 to CSAH 19, Wilkin County; thence south along CSAH 19 to STH 55; thence east and south along STH 55 to the point of beginning.

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# Proposed Rules

CHAPTER 6242  
DEPARTMENT OF NATURAL RESOURCES  
SHOOTING PRESERVES AND GAME FARMS  
SHOOTING PRESERVES

## 6242.0200 GENERAL PROVISIONS FOR SHOOTING PRESERVES.

[For text of subs 1 to 6, see M.R.]

Subp. 7. Other species for commercial shooting preserves. In addition to the species authorized in Minnesota Statutes, section 97A.115, subdivision 2, the following species are designated for commercial shooting preserves:

- A. gray partridge; and
- B. unprotected birds.

## GAME FARMS

## 6242.0500 GAME FARM LICENSE REQUIREMENTS, DEFINITION.

Subpart 1. Species specified on license. The game farm license must specify the species which may be propagated or sold.

Subp. 2. Definition. For purposes of game farm record keeping, "upland game birds" means the birds identified in Minnesota Statutes, section 97B.711, subdivision 1, except turkeys.

## 6242.0900 RESTRICTIONS ON SALE OR DISPOSAL OF GAME FARM ANIMALS.

Subpart 1. Sales receipt requirement. For every sale or disposal of an animal, animal parts, or products, the game farm licensee must complete a sales receipt, provided by the commissioner, containing the following information:

- A. name, address, and game farm license number of licensee;
- B. name and address of purchaser or person to whom sale or disposal is made;
- C. species, number, and kinds of animals, parts, or products sold or disposed of; and
- D. identification numbers, if the animals sold or disposed of are marked with numbered tags, bands, or tattoos.

Subp. 2. Department receives original Routing of sales receipt receipts. The original copy of the sales receipt of a game farm animal must be mailed to the Division of Enforcement within 48 hours of completion of the transaction. A second copy must be given to the purchaser at the time the transaction is made. A third second copy must be retained by the licensee and be subject to inspection by the commissioner. A fourth third copy must be submitted to the local conservation officer.

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

## 6242.1000 REQUIRED GAME FARM RECORDS.

Subpart 1. Record keeping. Game farm licensees must keep complete and current business records for all species, except upland game birds, in a record book provided by the commissioner. These records must include the following:

A. for each animal acquired other than by birth on the licensee's game farm, the sex (if known), species, name and address of the source from which acquired, date of acquisition, and number of any band, tag, or tattoo attached to the animal before or after acquisition;

B. for each animal born on the licensee's game farm, the sex (if known), species, date of birth, and number of any band, tag, or tattoo subsequently attached to the animal;

C. for each animal sold or disposed of other than by death, the same information required by part 6242.0900; and

D. for each animal which dies or is destroyed on the licensee's game farm, the sex (if known), species, date of death, and number of any band, tag, or tattoo attached to the animal.

Subp. 2. Retention of receipts. The licensee's copies of all sales and disposal receipts required to be retained must be kept with and are considered part of the record book.

Subp. 3. Entry, retention, and inspection of records. Records required to be kept by this part must be entered into the record book within 48 hours of the birth, transaction, acquisition, death, or disposal of the animal, animal part, or product. Records must be maintained for three years following the year of creation. All records and receipts required to be retained must be open to inspection by the commissioner at any reasonable time.

## 6242.1200 THREATENED OR ENDANGERED SPECIES.

Subpart 1. Game farm licensees. A game farm license is not a license to possess, breed, propagate, sell, or dispose of any

## Proposed Rules

threatened or endangered species, unless the threatened or endangered species is specifically listed on the game farm license and has been lawfully obtained.

Subp. 2. Permit for purchaser. For purposes of Minnesota Statutes, section 84.0895, the game farm sales receipt showing lawful acquisition of a threatened or endangered species shall serve as a permit to possess the threatened or endangered species.

### 6252.0500 OPEN SEASONS FOR TAKING WHITEFISH AND CISCOES.

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

Subp. 3. **Schedule II.** All bodies of water listed in this schedule are open during the dates indicated by one of the following symbols:

A = Second Friday of October through the first Sunday of December;

B = First Friday of November through the second Sunday of December; or

C = Second Friday of November through the second Sunday of December.

	County	Whitefish minimum mesh size 3-1/2 inches allowed	Ciscoe minimum mesh size 1-3/4 inches allowed	Open dates
Ball Club, T.144, R.25, 26; T.145, R.26	Itasca	X		B
Bass, T.137, R.28	Crow Wing	X		B
Bass, north basin and Snyder Bay to the narrows, T.56, R.26	Itasca	X		B
Bass, Big, T.140, R.26, S.27 + Various	Cass		X	B
Beltrami, T.148, R.32, 33	Beltrami	X		B
Bemidji, Little, T.142, R.39, S.23 + Var.	Becker	X		B
Benedict, T.142, R.32	Hubbard	X		B
Black Bear, T.46, R.29, 30; T.47, R.29, 30	Crow Wing		X	B
Blackduck, T.149, R.31	Beltrami	X		B
Blackwater, T.140, R.29, S.25 + Var.	Cass	X		B
Bowstring, T.146, R.25, 26; T.147, R.25, 26	Itasca	X		B
Bowstring, Little, T.58, R.27, S.23 + Var.	Itasca	X		B
Boy, T.142, R.27, 28	Cass	X		B
Buffalo, T.140, R.40, 41; T.141, R.40	Becker	X		C
Burgen, T.127, 128, R.37	Douglas	X		B
Buzzle, Big, T.148, R.35	Beltrami		X	B
Caribou, T.65, R.1E	Cook	X		A
Carr, T.146, R.33	Beltrami	X		B
Cass, T.145, 146, R.30, 31	Beltrami			

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# Proposed Rules

	County	Whitefish minimum mesh size 3-1/2 inches allowed	Ciscoe minimum mesh size 1-3/4 inches allowed	Open dates
Clear, T.137, R.28	Cass	X		B
Clearwater, T.149, R.35, 36	Crow Wing		X	B
	Beltrami			
	Clearwater	X		B
Cotton, T.139, 140, R.40	Becker	X		B
Crane, T.67, R.16, 17	St. Louis		X	A
Crooked, T.144, R.31	Cass	X		B
Crooked, T.45, R.28, S.16 + Var.	Crow Wing	X		B
Crow Wing, Fifth and Sixth Lakes (channel between), T.140, R.33, S.20	Hubbard	X		B
Crow Wing, Seventh and Eighth Lakes (channel between), T.140, R.33, S.12 + Var.	Hubbard	X		B
Crow Wing, Ninth, T.140, 141, R.32	Hubbard	X		B
Crystal, T.136, R.42	Otter Tail	X		C
Curfman, T.138, R.41	Becker	X		B
Cut Foot Sioux, T.146, 147, R.27	Itasca	X		B
Deer, T.148, R.34	Beltrami	X		B
Deer, T.64, R.1E, S.4 + Var.; T.65, R.1E, S.32 + Var.	Cook	X	A	
Deer, T.62, R.24, S. Var.	Itasca	X		B
Detroit, T.138, 139, R.41	Becker	X		B
Eagle, T.45, R.29	Crow Wing		X	B
Elbow, Big, T.142, R.38, 39	Becker	X		C
Eunice, T.138, R.42, S.26 + Var.	Becker	X		B
Fish, T.137, R.42	Otter Tail	X		C
Fish Hook, T.140, R.34, 35	Hubbard	X		B
Floyd, Big, T.139, R.41	Becker	X		B
Fox, East, T.138, R.27	Crow Wing	X		B
Fox, West, T.138, R.27	Crow Wing	X		B
Franklin, T.136, 137, R.42	Otter Tail	X		C
Gilstad, T.148, 149, R.30	Beltrami	X		B
Graham, T.137, 138, R.40	Becker			
	Otter Tail	X		B
Grant, T.146, 147, R.34	Beltrami		X	B
Graves, T.58, R.26	Itasca	X		B
Gull, T.134, R.29, 30; T.135, R.29	Cass			
	Crow Wing	X		B
Gull, Upper, T.135, R.29	Cass	X		B
Hanging Horn, Big, T.46, R.19	Carlton	X		B
Howard, T.141, R.31	Cass		X	B
Ice Cracking, T.141, R.38, 39	Becker	X		C
Isabella, T.61, R.8; T.62,	Lake			

## Proposed Rules

	County	Whitefish minimum mesh size 3-1/2 inches allowed	Ciscoe minimum mesh size 1-3/4 inches allowed	Open dates
R.7, 8		X		A
Island, T.141, R.35	Hubbard	X		B
Island, T.150, R.28	Itasca	X		B
Jack, T.141, 142, R.30	Cass		X	B
Jessie, T.147, 148, R.25	Itasca	X		B
Jessie, Little, T.147, R.25	Itasca		X	B
Jewett, T.134, R.43	Otter Tail	X		C
Kabekona, T.142, R.32; T.143, R.32, 33	Hubbard	X		B
Kabetogama, T.69, 70, R.19-22	Koochiching St. Louis		X	A
Kimble, T.137, R.28	Crow Wing		X	B
Kitchie, T.146, 147, R.30	Beltrami	X		B
Lake of the Woods	Lake of the Woods			
	Roseau	X		A
Latoka, T.128, R.38	Douglas	X		B
Leaf, East, T.134, R.37, 38	Otter Tail	X		C
Leaf, Middle, T.134, R.38	Otter Tail	X		C
Leaf, West, T.134, R.38	Otter Tail	X		C
Leavitt, T.139, R.25, 26	Cass	X		B
Leech, including Kabekona Bay and all other bays, T.141, R.29, 31; T.142, R.28, 29, 30, 31, 32; T.143, R.28, 29, 30, 31; T.144, R.28, 29, 30	Cass Hubbard			
		X		A
Lida, T.135, 136, R.42	Otter Tail	X		C
Lizzie, T.136, 137, R.42	Otter Tail	X		C
Long, T.138, 139, R.41	Becker	X		B
Long, T.139, 140, R.34	Hubbard	X		B
Long, T.134, R.42, 43	Otter Tail	X		C
Long, Lower South, T.44, R.29, 30	Crow Wing			
		X		B
McCraney, T.143, R.40, S.25 + Var.	Mahnomen	X		B
Many Point, T.141, R.38; T.142, R.38, 39	Becker	X		B
Maple, T.60, R.27	Itasca	X		B
Margaret (Kilpatrick), T.135, R.29	Cass	X		B
Marquette, T.146, R.33	Beltrami	X		B
Maud, T.138, R.42	Becker	X		B

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# Proposed Rules

	County	Whitefish minimum mesh size 3-1/2 inches allowed	Ciscoe minimum mesh size 1-3/4 inches allowed	Open dates
Melissa, T.138, R.41	Becker	X		B
Mitchell, T.138, R.27	Crow Wing	X		B
Moore, T.142, R.38, S.5; T.143, R.38, S.32	Becker			
Movil, T.147, 148, R.33	Clearwater	X		B
Murphy, T.137, R.39, S.6; T.138, R.39, S.31	Beltrami	X		B
Namakan, T.68, R.17, 18; T.69, R.17, 18, 19, except the narrows between Namakan and Sand Point Lakes	Becker	X		B
Net (Burnett), T.142, R.40, S.17 + Var.	Becker		X	A
Nisswa, T.135, R.29	Becker	X		B
Oak (Mud), T.143, R.32, S.27	Crow Wing	X		B
Osakis, T.128, R.35, 36; T.129, R.35	Hubbard	X		B
Ossawinamakee (Long), T.136, 137, R.28	Douglas			
Pelican, T.135, R.27, 28; T.136, R.27, 28	Todd	X		B
Pelican, Big, T.137, R.42, 43	Crow Wing	X		B
Pike, T.142, R.38	Otter Tail	X		B
Pike, East, T.65, R.2E, 3E	Becker	X		C
Pike Bay, T.145, R.30, 31	Cook		X	B
Pillager, T.133, 134, R.30	Cass	X		A
Pimushe, T.147, 148, R.30, 31	Cass		X	B
Pine, Big, T.136, 137, R.38	Beltrami	X		B
Pine, Little, T.136, R.39; T.137, R.38, 39	Otter Tail	X		B
Pine Mountain, T.138, R.30; T.139, R.30, 31	Otter Tail	X		C
Plantaganette, T.145, R.33, 34; T.146, R.33	Cass		X	C
Pokegama, T.54, R.25, 26; T.55, R.25, 26	Beltrami			B
Portage, T.141, R.31	Hubbard	X		B
Portage, T.45, R.28, S.29 + Var.	Itasca			B
Potato and Eagle Lakes (channel between), T.141, R.35, S.22	Cass		X	B
Prairie, T.50, R.20	Crow Wing	X		X
Pug Hole Lake, T.140, R.26, S.2 + Var.	Hubbard			B
Rainy, T.69-71, R.17-24	St. Louis	X		B
Round, T.141, R.38, 39	Cass	X		B
	Koochiching			
	St. Louis		X	A
	Becker	X		B



## Proposed Rules

	County	Whitefish minimum mesh size 3-1/2 inches allowed	Ciscoe minimum mesh size 1-3/4 inches allowed	Open dates
Round, T.134, R.28, 29; T.135, R.28, 29	Crow Wing	X		B
Round, T.148, R.27, 28	Itasca		X	B
Roy, T.135, R.29	Cass			
	Crow Wing	X		B
Rush Island, T.148, R.26, S.15 + Var.	Itasca	X		B
Sand, Big, T.147, 148, R.26	Itasca	X		B
Sand Point, T.67, R.16, 17; T.68, R.16, 17, except the narrows between Sand Point and Namakan Lakes and Sand Point and Little Vermillion Lakes	St. Louis			
			X	A
Sandy, T.149, R.35	Beltrami	<u>X</u>	<del>X</del>	B
Sandy, Big, T.49, R.23, 24; T.50, R.23, 24	Aitkin	X		B
Sauk, Big, T.126, 127, R.34	Stearns			
	Todd	X		B
Serpent, T.46, R.28, 29	Crow Wing		X	B
Silver Island, T.60, R.6; T.61, R.6, 7	Lake	X		A
Snyder (Snider), T.143, R.39, 40	Mahnomen	X		B
Stalker, T.132, R.41	Otter Tail	X		C
Star, T.137, R.28	Crow Wing	X		B
Star, T.135, R.40, 41; T.136, R.41	Otter Tail	X		C
Steamboat, T.144, R.31, 32	Cass			
	Hubbard	X		B
Strawberry, T.141, 142, R.40	Becker		X	B
Sucker, Lower (Big Sucker), T.144, R.30; T.145, R.29, 30	Cass	X		B
Swan, T.55, 56, R.22, 23, S. Var.	Itasca		X	B
Ten Mile, T.140, R.30, 31; T.141, R.30, 31	Cass		X	C
Thunder, Big, T.140, R.26	Cass	X		B
Tulaby, T.142, 143, R.39	Becker			
	Mahnomen	X		B

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# Proposed Rules

	County	Whitefish minimum mesh size 3-1/2 inches allowed	Ciscoe minimum mesh size 1-3/4 inches allowed	Open dates
Turtle, Big, T.148, R.33	Beltrami	X		B
Turtle, Big, T.59, R.26, 27; T.60, R.26, 27	Itasca		X	B
Turtle, Little, T.148, R.31, 32	Beltrami	X		B
Turtle River Lake, T.147, 148, R.32	Beltrami	X		B
Twin Lakes, T.56, R.23, 24	Itasca	X		B
Victoria, T.128, R.37	Douglas	X		B
Wabedo, T.140, R.28	Cass	X		B
Washburn, T.139, 140, R.26	Cass	X		B
White Earth, T.142, 143, R.40	Becker Mahnommen	X X		B B
Wilson Bay, T.134, R.29, 30	Cass	X		B
Wimer, T.137, R.40	Otter Tail	X		C
Winnibigoshish, T.145, R.27, 28, 29; T.146, R.27, 28, 29; T.147, R.27, 28	Cass Itasca	X X		B
Winnibigoshish, Little, T.145, R.26, 27; T.146, R.26, 27, except those portions within one-fourth mile of river channels	Cass Itasca		X	B
Wolf, Big, T.145, 146, R.32, S. Var.	Beltrami Hubbard	X X		B B
Woman, T.140, R.28, 29; T.141, R.28, 29	Cass	X		B

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

## 6254.0200 WATERS OPEN TO TAKING MINNOWS.

Minnows may be taken from all waters of the state, except that minnows may be taken from the waters described in items A to E only if the taker possesses a permit issued by the commissioner:

- A. waters within the boundaries of wildlife management areas when taking for commercial purposes;

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

## 6254.0500 ALLOWABLE METHODS, DEFINITIONS, EXEMPTIONS, AND IDENTIFICATION REQUIREMENTS FOR TAKING MINNOWS IN TRAPS AND NETS.

Minnows may be taken in traps subject to the conditions in items A to C:

A. Minnow traps must be identified in a permanent and legible manner. The traps of persons licensed to take minnows must display the name, town of residence, and aquatic farm or private fish hatchery license number of the minnow dealer to whom they belong. The traps of persons other than dealers and aquatic farm and private fish hatchery operators must display the name, full street address, and town of residence of the person to whom they belong. The required information must be displayed on a water-proof tag securely attached to the trap or be branded or stamped into a permanent portion of the trap. On leech traps, the required information may also be painted on the trap with oil base paint or indelible ink. Identification on nonsubmerged traps must be unobscured and located above the water surface.

- B. A single string of minnow traps, attached together, may not extend across more than one-half the width of any stream; nor

may a single string of minnow traps be placed within 50 feet in any direction of any portion of another single string. In open water, an individually placed minnow trap may not be placed within 20 feet in any direction of any portion of another such trap, except that submerged traps may be set four traps at one site, set side by side within 12 inches of one another, at intervals of not less than 20 feet in any direction of any portion of other such minnow trap sets. A minnow dealer may not set a trap within 50 feet in any direction of any portion of another minnow dealer's trap.

C. Minnow traps must be lifted and emptied of minnows and other fish as frequently as necessary to prevent the loss of minnows or other fish, provided that under no circumstances may minnow traps be emptied less frequently than once every 72 hours between April 1 and October 31 and once every seven days between November 1 and March 31. All traps must be removed from the water and shoreline immediately upon ceasing trapping operations.

**Subpart 1. Scope.** Minnows may be taken in traps and nets subject to the conditions in this part and part 6254.0510.

**Subp. 2. Definitions.**

A. A "minnow trap" is any device, other than a hoop net or trap net, used for the capture of minnows or leeches.

B. A "hoop net" is a cylindrical or conical net distended by two or more hoops, and may have one or two wings or a leader of webbing attached.

C. A "trap net" is a modified hoop net that has a framed rectangular opening with one or two wings or a leader of webbing attached.

**Subp. 3. Exemptions.** The provisions of part 6254.0510 do not apply to aquatic farm or private fish hatchery licensees taking minnows in waters listed on their aquatic farm or private fish hatchery licenses.

**Subp. 4. Ownership required to be displayed.**

A. Minnow traps of persons not licensed as minnow dealers or aquatic farm or private fish hatchery operators must display the name, full street address, and town of residence of the person to whom they belong.

B. Minnow traps, hoop nets, and trap nets used by persons licensed as minnow dealers or aquatic farm or private fish hatchery operators must display the name, town of residence, and minnow dealer, aquatic farm, or private fish hatchery license number of the licensee.

C. Required information must be legible and must be displayed on a waterproof tag securely attached to the trap, or be branded or stamped into a permanent portion of the trap. Identification on nonsubmerged minnow traps, hoop nets, and trap nets must be unobscured and located above the water surface.

## **6254.0510 USE OF MINNOW TRAPS, HOOP NETS, AND TRAP NETS.**

**Subpart 1. Setting minnow traps, hoop nets, and trap nets.**

A. A minnow trap, string of minnow traps, hoop net, or trap net, including the wings or leads, may not extend across more than one-half the width of any stream.

B. A person may not set a minnow trap, hoop net, or trap net, including the wings or lead, within 50 feet in any direction of any portion of another person's minnow trap, hoop net, or trap net.

C. A person setting their own minnow traps, single string of minnow traps, hoop nets, or trap nets is subject to the provisions in subitems (1) and (2):

(1) A hoop net, trap net, or single string of minnow traps attached together, including the wings or leads, may be set at intervals of not less than 50 feet in any direction of any portion of another hoop net or trap net or single string of minnow traps.

(2) An individual minnow trap, including the lead, may be set at intervals of not less than 20 feet in any direction of any portion of another minnow trap, single string of minnow traps, trap net, or hoop net, except that submerged minnow traps may be set up to four at one site, side by side, within 12 inches of one another.

**Subp. 2. Tending minnow traps, hoop nets, and trap nets.** Minnow traps, hoop nets, and trap nets must be lifted and emptied of fish as frequently as necessary to prevent the loss of minnows or other fish, provided that under no circumstances may they be emptied less frequently than once every 72 hours from April 1 through October 31, and once every seven days from November 1

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## Proposed Rules

through March 31. All minnow traps, hoop nets, and trap nets, and any associated gear, must be removed from the water and shoreline immediately upon ceasing operations.

### Subp. 3. Minnow trap specifications for persons not licensed as minnow dealers.

A. A person not licensed as a minnow dealer may use minnow traps not exceeding 30 inches in width or length or 15 inches in height. The diameter or width of the opening must not exceed 1-1/2 inches and mesh size may not exceed one-half inch bar mesh.

B. A person not licensed as a minnow dealer may not use minnow traps with leads.

### Subp. 4. Minnow trap, hoop net, and trap net specifications for licensed minnow dealers.

A. Licensed minnow dealers may take minnows using minnow traps not exceeding four feet in width, four feet in height, and eight feet in length. The diameter or width of the opening may not exceed 1-1/2 inches and mesh size may not exceed one-half inch bar mesh. Leads used in conjunction with minnow traps may not exceed 50 feet in length.

B. Licensed minnow dealers may take minnows with hoop nets or trap nets. Trap net frames may not exceed four feet in height and six feet in width, and hoops for hoop nets and trap nets may not exceed four feet in diameter. The length of hoop nets or trap nets from the front of the entrance to the rear of the net (cod end) may not exceed 25 feet. Leads used in conjunction with hoop nets or trap nets may not exceed 50 feet in length. Mesh size for hoop nets and trap nets may not exceed three-fourths inch bar measure. Trap nets or hoop nets used to take minnows must have a screen with openings not exceeding 1-1/2 inches placed across the entrance of the net.

C. A licensed minnow dealer must notify the area fisheries supervisor or local conservation officer 24 hours prior to setting any trap nets or hoop nets.

## 6262.0100 GENERAL RESTRICTIONS ON TAKING FISH.

Subpart 1. **Angling hours.** Angling hours on all streams and rivers from Lake Superior upstream to posted boundaries, including Lake Superior tributaries with no posted boundaries, are from one hour before sunrise to one hour after sunset during the open season; provided that angling hours on the St. Louis River in St. Louis and Carlton counties and the Pigeon River in Cook county are continuous during the open season except as provided by Minnesota Statutes, section 97C.415, subdivision 1.

Angling hours for trout in streams south of U.S. Highway 12 begin at 10:00 a.m. on the opening day.

Angling hours for all other species on all inland waters are continuous during the open season, except as provided by Minnesota Statutes, section 97C.415, subdivision 1, and except for certain waters which are subject to experimental or special regulations.

[For text of subs 2 to 4, see M.R.]

## 6262.0200 FISHING REGULATIONS FOR INLAND WATERS.

Subpart 1. **General inland fishing regulations.** Fish may be taken in inland waters by angling during the time specified for each of the following species, however, certain waters of the state are subject to experimental regulations, special regulations, or are closed for the taking and possession of fish:

Species and Open Season

Daily and Possession  
Limits

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

- B. Brook, brown and rainbow trout, and splake.

[For text of subitems (1) and (2), see M.R.]

- (3) Fishing is allowed from June 1 through August 31 in the following posted sanctuaries: in the entire length of Gauthier Creek which is a tributary to the Brule (Arrowhead) River; in the Devil Track River from 1.1 to 1.6 miles above the mouth; in Kadunce Creek from 0.2 to 0.4 miles above the mouth; in the Little Knife River from the weir upstream to

5 in aggregate. Not more than 3 may be over 16 inches in length, except the bag limit for rainbow trout, including steelhead, is 3, only 1 of which can be unclipped. Minimum size limit for

the source, and in between the two cabled areas on the Knife River in Lake county. Fishing is allowed from May 15 through September 30 in that portion of the Knife River and tributaries lying upstream from County Road 9, Sections 4 and 5, Township 52, Range 11. In the St. Louis River from the Fond du Lac Dam downstream for one-half mile to the Minnesota-Wisconsin boundary cable, no fishing is allowed at any time. All areas will be posted no fishing.

unclipped rainbow trout is 28 inches and minimum size limit for clipped rainbow trout is 16 inches. Clipped rainbow trout have their adipose fin removed and must show a healed scar. Minimum 10-inch length limit for all species other than rainbow trout.

- (4) In all other streams ~~south of U.S. Highway 42.~~

5 in aggregate. No more than 1 may be over 16 inches in length.

~~10:00 a.m. on Saturday nearest April 15 through September 30.~~

~~In all other streams north of U.S. Highway 42.~~

~~Saturday nearest April 15 through September 30.~~

- (5) In lakes only:

5 in aggregate. No more than 3 may be over 16 inches in length.

Statewide.

Saturday two weeks prior to Saturday of Memorial Day weekend through October 31.

All lakes entirely within the Boundary Waters Canoe Area Wilderness except Ram Lake.

Saturday nearest January 1 through March 31.

All lakes entirely or partly outside the Boundary Waters Canoe Area Wilderness and exceptions.

Saturday nearest January 15 through March 15.

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## Proposed Rules

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~~Stream trout~~ Lakes lying partly outside the Boundary Waters Canoe Area Wilderness and exceptions include Ram, Meditation, and Lizz Lakes.

~~Stream trout~~ Lakes in Aitkin, Becker, Beltrami, Cass, Crow Wing and Hubbard counties.

Closed for the winter season.

C. Lake trout.

3

~~Summer Season:~~ Statewide.

Saturday two weeks prior to Saturday of Memorial Day weekend through September 30.

~~Winter Season:~~ All lakes entirely within the Boundary Waters Canoe Area Wilderness except Saganaga and Ram Lakes.

Saturday nearest January 1 through March 31.

All ~~waters lakes~~ lying entirely or partly outside the Boundary Waters Canoe Area Wilderness and exceptions.

Saturday nearest January 15 through March 15.

~~Lake trout~~ Lakes partly outside the Boundary Waters Canoe Area Wilderness and exceptions include Snowbank, Magnetic, Ram, Seagull, Clearwater, and Saganaga.

All streams and rivers from Lake Superior upstream to posted boundaries, including the St. Louis River upstream to the Minnesota-Wisconsin boundary Cable and Lake Superior tributaries with no posted boundaries.

December 1 through September 30.

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

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

**6262.0300 FISHING REGULATIONS FOR LAKE SUPERIOR.**

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

Subp. 6. **Lake Superior open season, daily and possession limits.** Angling season and daily and possession limits for Lake Superior are as follows:

Species	Open Season	Daily and Possession Limits
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[For text of items A to D, see M.R.]

E. <u>Walleye</u>	<u>Saturday two weeks prior to Saturday of Memorial Day weekend through March 1</u>	<u>2. All must be at least 15 inches in length.</u>
F. <u>Northern Pike</u>	<u>Saturday two weeks prior to Saturday of Memorial Day weekend through March 1</u>	2

All other species may be taken as allowed by inland regulations.

**6262.0500 WATERS CLOSED TO TAKING FISH.**

Subpart 1. **Waters permanently closed to taking fish.** The following waters or designated portions are closed to the taking of all fish at all times:

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

~~F. Douglas and Grant counties: Lake Christina, S.3-11,17,18, T.130, R.40, and S.1,12,13, T.130, R.41.~~

~~G. Goodhue county: Mississippi River, within 150 feet below U.S. Lock and Dam No. 3 near Red Wing, S.10, T.113, R.15; except that fishing from shore within 150 feet below the lock and dam and from boats that remain outside the 150-foot restricted zone is permitted.~~

~~H. G. Hennepin county: Mississippi River, within 150 feet below the St. Anthony Falls dam at Minneapolis, S.23, T.29, R.24.~~

~~I. H. Hennepin and Ramsey counties: Mississippi River, within 150 feet below U.S. Lock and Dam No. 1 (Ford Dam), between Minneapolis and St. Paul, S.17, T.28, R.23.~~

~~J. I. Houston county: Mississippi River, within 150 feet below U.S. Lock and Dam No. 8 near Reno, S.7, T.101, R.3; except that fishing from shore within 150 feet below the lock and dam and from boats that remain outside the 150-foot restricted zone is permitted.~~

~~K. J. Itasca county:~~

~~(1) Mississippi River, within 300 feet below the Pokegama Reservoir Dam, S.13, T.55, R.26.~~

~~(2) Mississippi River, from 500 feet upstream to 300 feet downstream of the Blandin Dam, S.21, T.55, R.25.~~

~~L. K. Itasca and Cass counties: Winnibigoshish Lake. See Cass and Itasca Counties for area closed.~~

~~M. L. Otter Tail county:~~

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## Proposed Rules

(1) Stream between East and West Battle Lakes, S.33,34, T.133, R.39.

(2) Area between West Battle and Clitherall Lakes, S.2,11, T.132, R.40.

(3) Pelican River from bridge in Trunk Highway 59 to Lake Lizzie, S.20, T.137, R.42.

~~N. M.~~ Pine county: Kettle River, within 200 feet below the Sandstone Power Dam, both channels, S.22, T.42, R.20.

~~O. N.~~ Ramsey county:

(1) Charles Lake, including inlet and outlet channels, S.12, T.30, R.23.

(2) Deep Lake, including inlet and outlet channels, S.5,6,7, T.30, R.22.

(3) Pleasant Lake, including inlet and outlet channels, S.7,8,18,19, T.30, R.22, and S.12,13, T.30, R.23.

~~P. O.~~ Ramsey and Anoka counties: Wilkinson Lake, including inlet and outlet channels. See Anoka and Ramsey counties.

~~Q. P.~~ Ramsey and Hennepin counties: Mississippi River. See Hennepin and Ramsey counties for area closed.

~~R. Q.~~ St. Louis county: French River, between Lake Superior and the new Highway 61, S.17, T.52, R.12.

~~S. R.~~ St. Louis and Carlton counties: St. Louis River, from the Fond du Lac Dam downstream for one-half mile to the Minnesota-Wisconsin boundary cable, S.6, T.48, R.15.

~~T. S.~~ Wabasha county: Mississippi River, within 150 feet below U.S. Lock and Dam No. 4 near Kellogg, S.17, T.110, R.9; except that fishing from shore within 150 feet below the lock and dam and from boats that remain outside the 150-foot restricted zone is permitted.

~~U. T.~~ Washington and Dakota counties: Mississippi River. See Dakota and Washington counties for area closed.

~~V. U.~~ Winona county: Mississippi River, within 150 feet below the following U.S. Locks and Dams: No. 5, S.17, T.108, R.8; No. 5A, S.9, T.107, R.7; No. 6, S.8, T.106, R.5, near Winona; and No. 7, S.28, T.105, R.4, near Dresbach; except that fishing from shore within 150 feet below these locks and dams and from boats that remain outside the 150-foot restricted zone is permitted.

Subp. 2. **Waters seasonally closed to taking fish.** The following waters in the portions designated are closed to the taking of all fish during the periods specified:

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

D. Douglas and Grant counties: Lake Christina, S.3-11,17,18, T.130, R.40, and S.1,12,13, T.130, R.41. The dates of closure are from April 1 through November 30.

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

### 6266.0100 GENERAL REGULATIONS FOR TAKING FISH ON BOUNDARY WATERS WITH ADJACENT STATES.

Subpart 1. **License requirements on boundary waters.** Residents may fish a adjacent states' boundary water with an adjacent state waters listed in parts 6266.0200, subpart 1; 6266.0300, subpart 1; 6266.0400, subpart 1; and 6266.0500, subpart 1, only if in possession of a valid resident angling license or otherwise authorized to angle in this state. Residents of an adjacent state may fish the boundary waters between this state and that state only if in possession of a valid resident angling license of that state or otherwise lawfully authorized to angle in that state. Residents of nonadjacent states and foreign countries may fish the boundary waters lying between this state and an adjacent state only if in possession of a valid nonresident angling license issued by this state or the adjacent state or otherwise authorized to angle in this state or the adjacent state.

Subp. 2. **Possession limits on boundary waters.** Licensed anglers, or those exempt from licensing, may take only one limit of fish in the described adjacent state state's boundary waters listed in parts 6266.0200, subpart 1; 6266.0300, subpart 1; 6266.0400, subpart 1; and 6266.0500, subpart 1, regardless of the number of licenses held. Where regulations differ between this state and an adjacent state on such boundary waters, the exercise of the more liberal regulations is limited to persons licensed by the more liberal state and confined to the territorial waters of the more liberal state, except that persons licensed to angle in this state or adjacent states who are angling from fish houses placed by them must comply with the law relating to licensing and identification of fish houses of the state in which they are licensed to angle.

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

### 6266.0300 TAKING OF FISH ON MINNESOTA-NORTH DAKOTA BOUNDARY WATERS.

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

Subp. 3. **Spearing and archery restrictions.** The taking of fish by spearing or archery is prohibited on Minnesota-North Dakota boundary waters, except that carp, buffalo, sheepshead, suckers, redhorse, bowfin, and gar may be taken by spearing or archery from May 1 through December 31 between sunrise and sunset each day. There is no possession limit on the listed species of fish. A



person may not have in possession in a shelter house on or near the water or ice any of Minnesota-North Dakota boundary waters a spear, spring gaff, or bow and arrow, or dip net at any time, except during the open season for spearing and archery. Possession includes personal possession and possession in a vehicle. The taking of fish by spearing from or within a darkhouse or fish house is prohibited on Minnesota-North Dakota boundary waters.

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

Subp. 6. **Number of lines allowed.** A person may not angle with more than two lines or more than ~~one hook~~ two hooks on each line on Minnesota-North Dakota boundary waters.

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

**6266.0400 TAKING OF FISH ON MINNESOTA-SOUTH DAKOTA BOUNDARY WATERS.**

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

Subp. 2. **Species, seasons, and limits on Minnesota-South Dakota boundary waters.** The following applies to the species, seasons, and limits for taking fish on Minnesota-South Dakota boundary waters:

Species	Open Season	Daily and Possession Limits
	[For text of items A to I, see M.R.]	
J. Sturgeon	<u>Continuous</u> <u>Closed</u>	<u>1</u> <u>0</u>

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

When the closing falls on a Saturday, the season will extend through the following Sunday.

[For text of subs 3 to 11, see M.R.]

**6284.0500 HARVESTING WILD RICE IN WILDLIFE MANAGEMENT AREAS.**

All wildlife management areas are closed to the harvest of wild rice, except for the following:

- A. Mud-Goose, Cass county;
- B. Kettle Lake, Carlton county;
- C. Hubbel Pond, Becker county; ~~and~~
- D. Duck Lake, Crow Wing county; ~~and~~
- E. Newstrom Lake, Aitkin county.

**REPEALER.** Minnesota Rules, parts 6234.1300, subpart 3; and 6262.0500, subpart 3, are repealed.

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## 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.

## Board of Accountancy

### Adopted Permanent Rules Relating to Licensing and Reorganization of Rules

The rules proposed and published at *State Register*, Volume 19, Number 18, pages 909-925, October 31, 1994 (19 SR 909), are adopted with the following modifications:

#### Rules as Adopted

##### 1100.0100 DEFINITIONS.

Subp. 7a. **Licensee.** "Licensee" means a CPA or LPA holding an active, or inactive, ~~or government~~ license issued under *Minnesota Statutes*, section 326.20, subdivision 1.

##### 1100.1100 QUALIFYING EXPERIENCE FOR CPA EXAMINATION AND GRANTING OF LICENSE FOR CPA.

Subp. 6. **Qualifying self-employment.** In accordance with *Minnesota Statutes*, section 326.19, subdivision 4, clause (3), the board shall grant a license to an applicant who shows to the satisfaction of the board that the applicant has ~~experience or education~~ in:

A. experience or education in applying a variety of auditing procedures and techniques to the usual and customary financial transactions recorded in accounting records;

B. experience or education in preparation of audit working papers covering the examination of the accounts usually found in accounting records;

C. experience or education in planning programs of audit work including the selection of procedures to be followed;

D. experience in preparation of written explanations and comments on the findings of an examination and on the content of accounting records; and

E. experience in preparation and analysis of financial statements together with explanations and notes.

##### 1100.1900 LICENSURE REQUIREMENT FOR CPAS AND LPAS.

Subp. 3. ~~Governmental licenses.~~ Applicants for a governmental license have 90 days after meeting the experience requirement to apply. Applicants who have held an active or inactive CPA or LPA license and who join government as described in *Minnesota Statutes*, section 326.19, subdivision 4, have 90 days to apply for a governmental license rather than an active or inactive license.

Subp. 4. **Penalties.** Failure to apply for licensure within the 90 days specified in subpart 2 ~~or 3~~ constitutes practicing without a license.

Subp. 5. ~~4.~~ **Notification.** The board shall notify each current active, or inactive, and ~~governmental~~ licensee of the licensing requirements for the succeeding year as required in subpart 6 ~~5~~. Each licensee shall apply for a license, pay the appropriate fee as required in part 1100.3600, and inform the board of any address changes within 60 days of the date of occurrence.

Subp. 6 ~~5~~. **Applications; fees.** A license application shall be submitted on a form provided by the board and shall be accompanied by the appropriate fee in the form of a money order or check payable to "Minnesota Board of Accountancy."

Subp. 7 ~~6~~. **Granting of license.** A license shall be granted to any individual who:

##### 1100.2110 TYPES OF LICENSES; EXEMPTIONS.

Subp. 3. **Exemption for age and disability.** Licensees who are at least 60 years of age and no longer performing professional accounting services for a fee within the state, or who are permanently disabled, as defined by the United States Social Security Administration in Code of Federal Regulations, title 20, part 416.905, and no longer performing professional accounting services

for a fee within this state, may request an exemption from paying the annual licensing fees and being licensed. Upon the showing of proper documentation, the board shall grant the request.

Subp. 4. ~~Governmental license.~~ CPAs and LPAs who work for government organizations described in *Minnesota Statutes*, section 326.19, subdivision 4, and who do not perform professional accounting services for fees within the state outside their governmental positions, shall maintain governmental licenses. CPAs and LPAs who work for government organizations described in *Minnesota Statutes*, section 326.19, subdivision 4, and who do perform professional accounting services for fees within the state outside their governmental positions, shall maintain regular active licenses.

Subp. 5. **Temporary license.** CPAs who are licensed in other states, who are in good standing in these other states, and who come into Minnesota for a single engagement engagements that will last more than 30 days ~~but less than a year~~ in any 12-month period, ~~may~~ shall apply for and be granted a temporary license. The temporary license expires at the end of 12 calendar months from the date it was granted.

Subp. 6. 5. **Exemption for incidental practice.** CPAs who are licensed in other states, who are in good standing in those states, who come into Minnesota to perform professional accounting services, and who are in Minnesota for less than 30 days in any ~~36-month~~ 12-month period need not apply for or maintain a temporary license.

#### **1100.2115 LICENSING BY RECIPROCIITY AND TRANSFER OF GRADES.**

Subp. 3. **Need.** Application for a reciprocal CPA certificate or license must be supported by a passing score in Minnesota ethics examination and ~~a statement that the applicant is currently, has been within the preceding 90 days, or will be within the next 90 days: a resident of Minnesota, attending a school in Minnesota, or working in Minnesota.~~ It must be accompanied by:

#### **1100.2120 VALIDITY OF LICENSES.**

B. Once licensed, a licensee shall maintain an active, or inactive, ~~or governmental~~ license by annually paying the appropriate fee, unless the licensee:

#### **1100.2150 TIMELINESS OF INDIVIDUAL LICENSE RENEWAL.**

Subp. 1a. **Late processing fee.** A licensee who applies for an active, or inactive, ~~or governmental~~ license, after the license has expired but before January 31 of the renewal year, shall pay a late processing fee in addition to an annual license fee as required in part 1100.3600, subpart 2a. For the purposes of this subpart, license renewals are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 2. **Reinstatement fee.** An individual who applies for an active, or inactive, ~~or governmental~~ license, after the license has expired and after January 31 of the renewal year, shall pay a reinstatement fee per year of nonrenewal in addition to the annual license fees as required in part 1100.3600, subpart 2a. For the purposes of this subpart, license renewal applications are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

#### **1100.2500 INITIAL LICENSING OF FIRMS.**

Subp. 4. **Foreign corporations.** To qualify under this part, a corporation incorporated in another state shall be incorporated as a corporation under the laws of that state ~~provided the laws are at least equivalent to the Minnesota Professional Corporations Act, Minnesota Statutes, chapter 319A.~~

A foreign corporation, incorporated as a business corporation under laws other than Minnesota laws, shall amend its articles, bylaws, and buy and sell agreements in accordance with the Minnesota Professional Corporations Act, *Minnesota Statutes*, chapter 319A.

#### **1100.3400 ADMITTING ADDITIONAL SHAREHOLDER.**

Before admittance of a second or additional shareholder to a corporation, the proposed written agreement binding shareholders to purchase any share offered for sale by a qualified shareholder shall be submitted to the board as required by part 1100.2500, item E.

Upon the death of a partner or shareholder, the deceased's estate shall ~~have 90 days to~~ sell the deceased's interest in the CPA or LPA partnership, corporation, PLC, or PLLP to a qualified buyer as provided for in Minnesota Statutes, section 319A.12, subdivision 2.

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## Adopted Rules

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### 1100.3550 NAMES.

Subpart 1. **Use of CPA and LPA designation by individuals certificate holders not holding active licenses.** An individual may use the designation "certified public accountant" or "licensed public accountant" as a credential only on business cards and resumes and may display a CPA or LPA certificate if the individual:

Subp. 3. **Firm names.** A licensee shall not practice under a firm name which includes any name other than that of the licensee or licensees that own the firm; indicates specialization; or is misleading as to the type of organization (~~sole proprietorship, partnership, corporation, LLC, or LLP~~), the ownership of the organization, or the ability, resources, or size of the organization. The name of a sole proprietorship shall be the first name, middle initial, and last name of the individual who owns the sole proprietorship.

### 1100.3600 FEES.

Subpart 1. **Initial application fees.** Applications shall be accompanied by fees payable to the "Minnesota Board of Accountancy" as follows:

- I. application for temporary license, \$50; ~~and~~
- J. application for initial governmental license, \$50; ~~and~~
- ~~K.~~ application for initial partnership license, \$35.

Subp. 2. **Annual license renewal fees.** Annual license renewal fees shall be as follows:

- ~~C.~~ governmental individuals, \$15;
- ~~D.~~ partnerships, \$35;
- ~~E.~~ D. corporations, \$35;
- ~~F.~~ E. PLCs and PLLPs, \$35; and
- ~~G.~~ E. temporary individuals, \$50.

Subp. 2a. **Annual license late processing fees.** Annual license late processing fees shall be as follows:

- B. inactive individuals, \$10; ~~and~~
- C. ~~governmental individuals, \$10; and~~
- ~~D.~~ partnerships, corporations, PLCs, and PLLPs, \$25.

### 1100.4200 SCOPE OF CODE OF PROFESSIONAL CONDUCT.

Subpart 1. **Limitations.** Parts ~~1100.3800~~ 1100.4000 to ~~1100.6200~~ 1100.6100 apply to all services performed in the practice of public accounting including tax and management advisory services except:

B. that a licensee who is practicing outside the United States shall not be subject to discipline for departing from parts ~~1100.3800~~ 1100.4000 to ~~1100.6200~~ 1100.6100 so long as the licensee's conduct is in accord with the rules of the organized accounting profession in the country in which the licensee is practicing. However, where a licensee's name is associated with financial statements in such a manner as to imply that he or she is acting as an independent public accountant and under circumstances that would entitle the reader to assume that United States practices were followed the licensee shall comply with the requirements of parts 1100.4800 and 1100.4900.

A licensee with an active license shall observe all the rules of professional conduct. An individual with an inactive license, a certificate holder, or a retiree not engaged in the practice of public accounting shall observe only parts 1100.0600, 1100.4300, 1100.4500, and 1100.4900 since all other rules of professional conduct relate only to the practice of public accounting.

### 1100.4400 INDEPENDENCE.

Subpart 1. **Independence.** A licensee, all persons with a managerial position in the licensee's office, and all partners and shareholders in the licensee's firm shall be independent when the licensee ~~or the licensee's firm~~ performs:

### 1100.4650 INCORPORATION BY REFERENCE.

For the purposes of parts 1100.4300, 1100.4400, 1100.4700, 1100.4800, and 1100.4900, the following documents are incorporated by reference, are subject to frequent change, and are available through the state law library:

- B. Current Text, Accounting Standards, published by the Financial Accounting Standards Board (June 1, 1994); ~~and~~
- C. Government Auditing Standards, ~~Standards for Audit of Governmental Organizations, Programs, Activities, and Functions~~, by the Comptroller General of the United States, published by the United States General Accounting Office (~~1988~~ 1994 Revision); ~~and~~

D. Codification of Governmental Accounting and Financial Reporting Standards, Governmental Accounting Standards Board (June 30, 1992).

#### **1100.4800 AUDITING STANDARDS.**

Licensees shall not permit their names to be associated with financial statements in such a manner as to imply that they are acting as independent public accountants unless they have complied with AICPA Professional Standards or Government Auditing Standards incorporated by reference in part 1100.4650, item A or C.

#### **1100.4900 ACCOUNTING PRINCIPLES.**

Subpart 1. **Prohibited statements.** A licensee shall not:

B. state that the licensee is not aware of any material modifications that should be made to such statements or data in order for them to be in conformity with generally accepted accounting principles if the statements contain any departure from generally accepted accounting principles as described in AICPA Professional Standards, Volume 1 and 2, or Current Text, Accounting Standards, as of June 1, 1994, or Codification of Governmental Accounting and Financial Reporting Standards, as of June 30, 1992, incorporated by reference in part 1100.4650, item A or B, or D, which has a material effect on the statements taken as a whole. If the licensee can demonstrate that due to unusual circumstances the financial statements would otherwise have been misleading, the licensee's report shall describe the departure, the approximate effects, if practicable, and the reasons why compliance with the principle would result in an otherwise misleading statement.

#### **1100.6400 STATUTORY AUTHORITY; PURPOSE.**

Under *Minnesota Statutes*, section 214.12, the board prescribes parts 1100.6400 to 1100.7800 to establish requirements of continuing professional education (CPE) to be met from time to time by active and governmental licensees in order to maintain their professional knowledge and competence, as a condition to continuing to practice as licensed certified public accountants or licensed public accountants.

#### **1100.6500 CONTINUING PROFESSIONAL EDUCATION REQUIREMENT.**

Subp. 4. **Annual minimum CPE report.** Before July 1 of each year, every active and governmental licensee shall report a minimum of 20 continuing professional education credits to the board on the required form.

#### **1100.6700 COMPLIANCE AND EXCEPTIONS.**

Subp. 7. **Governmental license status.** Those licensees holding governmental licenses shall take and report 60 hours of continuing professional education during each three-year cycle instead of the 120 hours required for active licensees. These 60 hours shall be taken and reported under the same rules and reporting methods as the 120 hours.

Subp. 8. **Temporary licensees.** Temporary licensees must be current with their continuing professional education in their home states before being allowed to practice temporarily in Minnesota.

## **Department of Administration**

### **Adopted Permanent Rules Relating to Plan Reviews**

The rules proposed and published at *State Register*, Volume 19, Number 23, pages 1246-1259, December 5, 1994 (19 SR 1246), are adopted as proposed.

## **Department of Administration**

### **Adopted Permanent Rules Relating to Foundations**

The rules proposed and published at *State Register*, Volume 19, Number 23, pages 1246-1259, December 5, 1994 (19 SR 1246), are adopted as proposed.

**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.

# Emergency Rules

## Proposed Emergency Rules

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

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

## Adopted Emergency Rules

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

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

## Continued/Extended Emergency Rules

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

## Department of Natural Resources

### Proposed Emergency Game and Fish Rules; Waters Closed to the Possession of Fish

#### Notice of Intent to Adopt an Emergency Rule

**Introduction.** The Minnesota Department of Natural Resources intends to adopt an emergency rule following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.29 to 14.36. You may submit written comments on the proposed emergency rule within 25 days.

**Agency Contact Person.** Comments or questions on the rule must be submitted to:

Steven Hirsch  
Department of Natural Resources  
500 Lafayette Road  
St. Paul, Minnesota 55155-4012  
Telephone: (612) 296-0791

**Subject of Emergency Rule and Statutory Authority.** The proposed emergency rule is about closing Mink Lake and Somers Lake in Wright County to the possession of all fish. The statutory authority to adopt these rules is *Minnesota Statutes*, section 97A.045, subdivision 2. A copy of the proposed rule is published in the *State Register* and attached to this Notice as mailed.

**Comments.** You have until 4:30 p.m., March 10, 1995 to submit written data and views on the proposed emergency rule or any part or subpart of the emergency rule. Your comment must be in writing and received by the agency contact person by the due date.

**Modifications.** The proposed emergency rule 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 emergency rule as attached and printed in the *State Register*. If the proposed emergency rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Expenditures of Public Money by Local Public Bodies.** *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of the rule 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 adoption of the rule will not have an impact on agricultural land.

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

**Adoption and Review of Emergency Rules.** After the end of the comment period, the Department may adopt the emergency 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 be notified of the attorney general's decision on the rule. If you wish to be so notified, or you wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

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## Withdrawn Rules

**Effective Period for Emergency Rule.** The emergency rule will take effect five working days after approval by the attorney general and be effective for 18 months.

Dated: 2 February 1995

Rodney W. Sando, Commissioner  
Department of Natural Resources

Gail Lewellan, Assistant Commissioner of  
Human Resources and Legal Affairs

### Rules as Proposed

#### 6262.0500 WATERS CLOSED TO TAKING FISH.

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

Subp. 4. Waters closed to possession of fish. The following waters are closed to the possession of all fish: Mink Lake in Wright county, S.23-25, T.121, R.27, and Somers Lake in Wright county, S.24-25, T.121, R.27.

All fish caught in these waters by anglers during the effective period of this part must be returned to the water immediately. It shall be unlawful for anyone to have in possession or under control, regardless of where taken, any fish while on or fishing on these waters. Possession includes personal possession and possession in a vehicle.

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## Withdrawn Rules

### Department of Administration

#### Notice of Withdrawal of Proposed Permanent Rules Relating to the Manufactured Home Rules of the Minnesota State Building Code

**NOTICE IS HEREBY GIVEN** that the proposed permanent rules amending the Minnesota State Building Code, *Minnesota Rules* chapter 1350 — Manufactured Home Rules — in the December 5, 1994, *State Register* on pages 1246 to 1248 and 1253 to 1259 (19 S.R. 1246) are withdrawn.

Dated: 2 February 1995

Elaine S. Hansen, Commissioner  
Department of Administration

# Official Notices

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

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

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## Department of Administration

### Print Communications Division

#### Notice of Publication and Availability of the 1994 Minnesota Statutes in Print and on CD Rom

**NOTICE IS HEREBY GIVEN** that the 1994 Minnesota Statutes are now available through Minnesota's Bookstore.

The entire set is available on CD Rom for \$225.00 plus tax. Be sure to leave your names/addresses/telephone numbers for supplements. Order Code # 18-8.

The 1994 set in printed form, perfect bound in 15-volumes, costs \$180.00 plus 7% sales tax of \$12.60 if purchasing at the bookstore counter, or 6.5% sales tax of \$11.70 if ordering through the mail from outside St. Paul.

Individual volumes cost \$20.00 plus tax, 7% sales tax at the bookstore is \$1.40, or 6.5% sales tax of \$1.30 if ordering through the mail from outside St. Paul.

The Office of the Attorney General has determined that materials cannot be issued without pre-payment. Credit card orders are accepted over the phone or FAX. Make checks payable to "Minnesota's Bookstore."

If ordering individual volumes please contact the Bookstore, (612) 297-3000 or 296-0931 for volume number containing the chapters you are requesting. Relationship between chapter numbers and volume numbers has changed since the 1992 set.

For more information, or to order, contact:

Minnesota's Bookstore  
117 University Avenue  
St. Paul, Minnesota 55155  
(612) 297-3000  
Toll-free nationwide: 1-800-657-3757  
FAX: (612) 296-2265

## Department of Agriculture

### Agronomy Services Division

#### Notice of Special Local Need Registration

On February 2, 1995, the Minnesota Department of Agriculture issued Special Local Need (SLN) registrations for Dividend 0.15 FS and 0.31 FS fungicide manufactured by Ciba-Geigy Corporation, Greensboro, NC 27419, for use as on farm seed treatments for disease control in wheat. A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the Special Local Need registration. Objections may be submitted to: John C. Sierk, Minnesota Department of Agriculture, Agronomy Services Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is March 15, 1995.



## Minnesota Comprehensive Health Association

### Notice of Meeting of the Enrollee Appeal Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association (MCHA), Enrollee Appeal Committee will be held at 1:00 p.m. on Friday, February 17, 1995 at Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan. The meeting will be in Room "A" on the third floor.

Portions of this meeting may be closed to the public.

For additional information please call Lynn Gruber at (612) 593-9609.

## Minnesota Comprehensive Health Association

### Notice of Actuarial Committee Meeting

**NOTICE IS HEREBY GIVEN** that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 1:00 p.m. on Wednesday, March 1, 1995 at Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, in the sixth floor dining room.

For additional information please call Lynn Gruber at (612) 593-9609.

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Board of Directors

**NOTICE IS HEREBY GIVEN** that the Minnesota Comprehensive Health Association (MCHA) Board of Directors will meet on Wednesday, March 15, 1995 at 2:00 p.m. at Blue Cross and Blue Shield of Minnesota, RiverPark Building, 3400 Yankee Drive, Eagan. The meeting will be in room "A."

For additional information please call Lynn Gruber at (612) 593-9609.

## Department of Health

### Notice of Patient Access to Health Records Practices and Rights

#### Requirement to Provide Notice to Patients and Copy of Notice

**Introduction.** The Minnesota Department of Health has developed the Notice of Patient Access To Health Records Practices And Rights. The Notice informs patients how they may access and obtain copies of their health records, and that, at times, their health records can be disclosed without their consent. A copy of the Notice is published in this *State Register*. An early draft of the Notice was published at 19 S.R. 27. The early draft of the Notice was amended in response to comments received to arrive at the final draft of the Notice that is published in this *State Register*. The Notice was developed and is being published as required by *Minnesota Statutes*, section 144.335, subdivision 5a, which was enacted by the 1994 Minnesota Legislature.

**No New Rights Created.** It is important to note that this Notice does not create any new rights to access a patient's health records without the patient's consent; it merely lists many, but not all, circumstances under which health records may be released under current law. It is also important to note that the entities listed on the Notice as having access to patient records do not have unlimited access. Access by these entities applies only in specific, legally defined situations.

**Health Care Providers Are Required To Provide This Notice.** If you are a health care provider, you are required by *Minnesota Statutes*, section 144.335, subdivision 5a, to provide this Notice to patients in a clear and conspicuous manner. This requirement is satisfied if either:

- this Notice is included with the notice and copy of the patient and resident bill of rights, OR
- this Notice is displayed prominently in your place of business.

**Additional Copies?** If you need additional copies of this Notice, you may photocopy the Notice or write to the Department of Health at: The Minnesota Health Information Clearinghouse, Minnesota Department of Health, P.O. Box 64975, Saint Paul, MN 55164-0975.

Dated: 3 February 1995

Anne Barry, Acting Commissioner  
Department of Health



## ACCESS TO HEALTH RECORDS PRACTICES AND RIGHTS

A health care provider or a person who gets health records from a provider may not release a patient's health records without a signed and dated consent from that patient. Sometimes the law makes exceptions.

### RELEASE OF HEALTH RECORDS AND CONFIDENTIALITY:

Certain federal and state laws protect patients' rights to confidentiality of their health records.


Under Minnesota law, a patient may review any information in his or her health records, regarding any diagnosis, treatment and prognosis. If a patient asks in writing, a provider must give the patient copies of either the records or copies of a summary of the information in the records unless the provider has determined that the information is detrimental to the physical or mental health of the patient, or is likely to cause the patient to inflict self harm, or to harm another. If such a determination had been made, then the information can be given to another provider or appropriate third party. Minnesota statute sets a maximum charge for finding and copying records.

### RELEASE OF HEALTH RECORDS WITHOUT PATIENT CONSENT:

In circumstances specified in statute, health record information may or must be released without the patient's consent. The following are some, but not all, examples:

- In a medical emergency
- When a federal law requires it
- When someone receives a court order or a federal grand jury subpoena requiring release of health information
- Under Minnesota law to the following persons or organizations for specific purposes:
  - Department of Health
  - Department of Human Services
  - Department of Public Safety
  - Department of Commerce
  - Department of Employee Relations
  - Department of Labor and Industry, insurers and employers in worker's compensation cases
  - Office of Mental Health Practices
  - Ombudsman for Mental Health and Mental Retardation
  - State Fire Marshal
  - Health Boards
  - Community Action Agencies
  - Health professional licensing boards or agencies
  - Schools and childcare facilities may transfer immunization records without consent
  - Law enforcement agencies
  - Public or private post-secondary education institutions
  - Local welfare agencies
  - Medical examiners or coroners
  - Medical or scientific researcher
  - Minnesota Health Data Institute
  - Potential victims of serious threats of physical violence
  - Guardians or conservators of incompetent persons
  - Parents/ legal guardians of a minor who is being treated where failure to inform could create serious health problems
  - Insurance companies and other payors paying for independent medical examinations
  - Proxies, ombudsmen, attorneys-in-fact

If you have any questions or require additional information, call the

 Minnesota Department of Health at (612) 282-6314.

This notice may be photocopied.

2/3/95  
M.S. 144.335, Subd.5a

## **Housing Finance Agency Department of Trade and Economic Development Department of Economic Security**

### **Notice of HUD Approval of the 1995 Minnesota Consolidated Plan and 1994 CHAS Annual Performance Report**

The Minnesota Housing Finance Agency (MHFA), the Minnesota Department of Trade and Economic Development, and the Minnesota Department of Economic Security announce the approval of the 1995 Consolidated Plan and the Comprehensive Housing Affordability Strategy (CHAS) Annual Performance Report (FY 1994) by the U.S. Department of Housing and Urban Development (HUD).

The 1995 Consolidated Plan is an application to HUD to receive funding for three FFY 1995 block grants. These grants are: the Community Development Block Grant, HOME Investment Partnership, and the Emergency Shelter Grant. The Consolidated Plan sets the sending priorities for these three grants.

The Annual Performance Report provides information on housing and community development assistance in Minnesota that was made available through state agencies during the 1994 program year (10/1/93 through 9/30/94).

As of February 28, 1995, copies of the 1995 Consolidated Plan and 1994 Annual Performance Report may be obtained from:

MHFA  
400 Sibley Street, Suite 300  
St. Paul, MN 55101  
phone: 612/296-7608, 1/800/657-3769  
Telecommunications Device for the Deaf (TDD): 612/297-2361  
fax: 612/296-8139

## **Department of Human Services**

### **Family and Children's Services Division**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules and Amendments Governing the Removal of Children in Need of Protection, currently Governed by *Minnesota Rules*, part 9560.0220, subparts 6, 7**

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 amendment and adoption of the rule governing standards for removal of children in need of protection. The amendment and adoption of the rule is authorized by *Minnesota Statutes*, sections 256.01, subdivisions 2 (1) (b), 2 (3); 256E.05, subdivisions 1, 1a; and 257.175, which permit the agency to adopt and amend standards for the protection of children and the provision of community social services.

During the course of the rule development process the department may consider the following issues: the criteria governing removal of children in emergency and nonemergency situations and how detailed these criteria should be.

The department formed an advisory task force to aid in the development of standards governing foster care and has decided to place some of the foster care provisions into the child protection rule. The department invited legal aid attorneys, attorneys representing families, advocates for children, county social workers, advocates for relatives, advocates for minority groups, and others to join the advisory task force. The advisory task force completed consideration of the foster care rule in January 1995. The department will not be convening a new advisory committee to consider criteria for removal of children because the foster care advisory task force made recommendations on these criteria.

The department anticipates that adoption of the criteria for removal of children will take approximately six months.

The department 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. 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.

## Official Notices

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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 rule is adopted.

Dated: February 6, 1995

Asha Sharma  
Rules Division  
Department of Human Services

## Department of Labor and Industry

### Workers' Compensation Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Amendment of Proposed Rules Governing Medical Services and Supplies *Minnesota Rules* 5221.0100 to 5221.4070

**NOTICE IS HEREBY GIVEN** that the State Department of Labor and Industry is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rules governing medical services and supplies (sometimes referred to as the medical rules of practice and the relative value fee schedule). The amendments are authorized by *Minnesota Statutes*, sections 176.135, subdivision 7, 176.136 and 176.83, subdivisions 1, 4, 8 and 15, which permit the agency to adopt rules governing medical services and fees.

Although all parts of the rules governing medical services and fees not specified in this notice may be considered for amendment, specific areas for amendment that have been identified include the following: update the Common Procedural Terminology (CPT) codes and descriptions, the relative value units and corresponding rules in the medical fee schedule consistent with recent changes to the CPT manual and Medicare fee schedule; clarify terms found in the global surgical, physical medicine and chiropractic sections; clarify billing procedures and reimbursements for unlicensed and allied health care providers, facilities, pharmacies, and entities that provide medical supplies; clarify billing codes for supplementary reports and return to work services by health care providers; clarify the change of doctor rule; and update *Minnesota Rules*, part 5221.0700, subp. 1a to reflect changes to the federal laws governing prohibited health care provider referrals.

Formation of a task force is not anticipated at this time. However, the Medical Services Review Board, an advisory body to the Commissioner of Labor and Industry formed under *Minnesota Statutes*, section 176.103, may make recommendations on these issues.

The State Department of Labor and Industry requests information and opinions concerning the subject matter of the rule. Other 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 Gloria Gebhard, 443 Lafayette Road, St. Paul, Minnesota 55155. Oral statements will be received during regular business hours over the telephone at (612) 297-5213, 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*. It is anticipated that once evaluation of the necessary amendments is completed, the rulemaking process will take approximately six months, unless a hearing is required. Any written material received by the State Department of Labor and Industry 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: 1 February 1995

Gary W. Bastian, Acting Commissioner

**Department of Labor and Industry****Labor Standards Division****Notice of Prevailing Wage Certifications for Commercial Construction Projects**

Effective February 13, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** 1440 Bunker Lake Blvd. Salt Storage/Handling Facility-Andover; Centennial Jr. High School Food Service Alterations-Circle Pines.

**Chisago:** Chisago Lakes Area High School ISD #2144-Lindstrom.

**Crow Wing:** City Hall Renovation ADA-Ironton.

**Dakota:** Byrne & Neill Elementary Additions & Remodeling-Burnsville.

**Douglas:** 1995 Alexandria Jefferson High School Office Remodel-Alexandria.

**Hennepin:** Hennepin County Main Welfare Building, County Health Services Building ADA Corrections, Hennepin County Chemical Dependency Building Remodeling, Hiawatha and Dowling Schools 1995 Deferring Maintenance-Minneapolis.

**Itasca:** Warba Community Center-Warba; Grand Rapids National Guard Armory Install Phase 3 Electrical Outlet-Grand Rapids.

**Le Sueur:** Henderson High School Elevator Addition-Le Sueur.

**Nicollet:** Monroe School ISD #77 Inside Drain Tile & Sump Pump-Mankato.

**Pennington:** Thief River Falls Regional Airport Ground Storage Reservoir-Theif River Falls.

**Pine:** Pine City National Guard Armory M-COFT Pad Site Preparation & Phase 3 Outlet Installation-Pine City.

**Ramsey:** St. Paul Public Schools District Kitchen Refrigerator Repair at 1930 Como Ave., 3 Cooling Tower Replacement at 390 Robert Street, MWWTP Stormwater/Underseepage Pumping Station Modifications, MWWTP SCI Stack and Scrubber Demolition, MN/DOT Maryland Ave. Truck Station-St. Paul; Ramsey County Community Correctional Facility-Maplewood.

**St. Louis:** National Guard Armory Install Phase 3 Electrical Outlet-Duluth; NGA/OMS Exhaust System Rehabilitation & Phase 3 Outlet Installation-Hibbing; National Guard Armory Install Phase 3 Electrical Outlet-Chisholm.

**Stearns:** St. Cloud State University Hill Hall Window Replacement-St. Cloud; New Elementary School-Avon; New Elementary School, Albany Jr./Sr. High School Addition & Remodel-Albany.

**Swift:** Murdock Elementary School Brick Restoration-Murdock.

**Washington:** Waste Water Treatment Plant Demolition-Bayport; Northeast Metro TC Exterior Access Improvements Project-Mahtomedi; Lake Elmo Elementary Fire Protection Phase II-Lake Elmo; Remodel First Floor Operations Building MCF-Stillwater.

**Winona:** Winona State University Shepard Hall Shower/Toilet-Winona.

**Yellow Medicine:** 1995 Canby Sr. High Accessibility Improvements-Canby.

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.

Gary W. Bastian  
Acting Commissioner

## State Grants

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### Board of Water and Soil Resources

#### Notice of Regularly Scheduled Meeting of the Board

The Board of Water and Soil Resources (BWSR) will hold their regularly scheduled monthly meeting on Wednesday, February 22, 1995, at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul, Minnesota.

## State Grants

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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.

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## Department of Corrections

### Request for Proposals for Grants for Programming for Adult Female Offenders

The Minnesota Department of Corrections, Office of Planning for Female Offenders, is requesting proposals for grants for programming for adult female offenders. Forty nine thousand five hundred dollars (\$49,500) is available each year of the biennium for a number of grants. Program parameters are not defined for these grants in order to allow counties and agencies to address the needs they are experiencing in their areas. Selection criteria will give priority to non-CCA counties, gender and culturally specific programming. For more information or a copy of the RFP, call Ethel Jackman at 612/642-0450.

**Proposals must be received by 4:30 p.m. on Monday, April 24, 1995 by:**

Ethel Jackman  
Minnesota Department of Corrections  
Office of Planning for Female Offenders  
450 North Syndicate Street, Room 300  
St. Paul, Minnesota 55104-4107

## Department of Corrections

### Sex Offender/Chemical Dependency Services Unit

#### Notice of Request for Proposals for Grants for Providing Sex Offender-Specific Programming for Juveniles and Adults

Contingent upon legislative approval, the Minnesota Department of Corrections, Sex Offender/Chemical Dependency Services Unit, announces the availability of grant funds for provision of new, enhanced, and expanded sex offender-specific programming across the state. The grant period will be the two fiscal years of 1996 and 1997, beginning July 1, 1995 and ending June 30, 1997.

This funding is authorized under *Minnesota Statutes* 1992, as amended in 1993, 241.67, Subd. 1 and Subd. 8, and 242.195. In the past, the DOC has issued separate Requests for Proposals for these funds. This announcement combines these sources and constitutes the major sex offender-specific program grant award RFP for fiscal years 1996 and 1997 by the DOC.

Private, for-profit and non-profit organizations, public human service agencies, community corrections agency, and other governmental agencies are eligible to apply.

The deadline for proposals is Monday, April 3, 1995 at 4:30 p.m.

The Request for Proposals contains detailed requirements and instructions for application. To receive a copy of the Request for Proposals, contact:

Amy Maki  
Minnesota Department of Corrections  
Sex Offender/Chemical Dependency Services Unit  
300 Bigelow Building  
450 North Syndicate Street  
Saint Paul, Minnesota 55104  
(612) 642-0264

## **Department of Human Services**

### **Self-Sufficiency Programs Division Refugee and Immigrant Services Section**

#### **Request for Proposals for Refugee Social Adjustment/Mental Health Services**

**NOTICE IS HEREBY GIVEN** that the Refugee and Immigrant Services Section, Self-Sufficiency Programs Division, Minnesota Department of Human Services, is seeking proposals to provide Social Adjustment/Mental health services to refugees in Minnesota.

We are seeking proposals for one-year projects that begin July 1, 1995.

Funding is from the federal Office of Refugee Resettlement. The estimated amount of funds available is \$180,000.

To be considered for funding, proposals must be post-marked or hand-delivered to the Refugee and Immigrant Services Section by 4:20 P.M., CDT, March 20, 1995. We reserve the right not to act on this Request for Proposals.

Please direct all questions and requests for copies of the full Requests for Proposals to:

Minnesota Department of Human Services  
Self-Sufficiency Programs Division  
Refugee and Immigrant Services Section  
Human Services Building  
444 Lafayette Road  
Saint Paul, Minnesota 55155-3837  
Phone: 612-296-1383

## **Department of Human Services**

### **Self-Sufficiency Programs Division Refugee and Immigrant Services Section**

#### **Request for Proposals for Refugee Social Services**

**NOTICE IS HEREBY GIVEN** that the Refugee and Immigrant Services Section, Self-Sufficiency Programs Division, Minnesota Department of Human Services, is seeking proposals to provide social services to refugees in Minnesota.

We are seeking proposals for one-year projects that begin July 1, 1995.

Funding is from the federal Office of Refugee Resettlement. The estimated amount of funds available is \$1.5 million.

To be considered for funding, proposals must be post-marked or hand-delivered to the Refugee and Immigrant Services Section by 4:20 P.M., CDT, March 20, 1995. We reserve the right not to act on this Request for Proposals.

Please direct all questions and requests for copies of the full Requests for Proposals to:

Minnesota Department of Human Services  
Self-Sufficiency Programs Division  
Refugee and Immigrant Services Section  
Human Services Building  
444 Lafayette Road  
Saint Paul, Minnesota 55155-3837  
Phone: 612-296-1383

# 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].

## Department of Agriculture

### Agronomy Services Division

#### Notice of Request for Proposal for Nutrient Management Data Analysis

The Minnesota Department of Agriculture is seeking proposals from qualified firms and institutions to provide analysis of existing sets of data concerning current management practices of about 200 farms. Application rates of nitrogen and phosphorus, inputs from commercial fertilizer, manure, and past crop contributions; timing of applications, tillage and other pertinent factors affecting crop response and water quality are important aspects. Data are to be summarized in table format suitable for LCMR reports required of the Department. A second phase will merge data from phase one with other existing data collected from previous projects to develop a statewide report to serve as a baseline for evaluating voluntary adoption of BMPs. Future educational needs, methodologies and protocols, and promotion of findings to educators and the public are to be addressed.

The request for proposal is available by calling or writing Bruce Montgomery, Project Coordinator, Agronomy Services Division, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107-2094. Telephone: (612) 297-7178 TDD: MN Relay Service - Twin Cities Metro 297-5353; Greater Minnesota 1-800-627-3529.

Estimated cost of the project should not exceed \$45,000.

Proposals must be received no later than February 28, 1995 by 4:00 p.m.

Details concerning submission requirements are included in the request for proposal.

## Minnesota Office of Environmental Assistance

### Notice of Request for Proposals for Computer Software Training

The Minnesota Office of Environmental Assistance (OEA) is requesting proposals for service to complete its near term goals for computer software training. The OEA requires training services as a means to fulfill its responsibility to provide environmental assistance to citizens, local governments and businesses throughout Minnesota. Given the demands on present staff and the lack of suitable substitutes for training, the OEA intends to contract for computer training services.

#### Goal

It is the goal of the OEA to ensure that all staff members have the requisite skills to utilize our licensed software. Likewise this contract will enable the OEA to achieve full staff training in a timely and cost-effective manner, thus minimizing any loss of staff time spent in training and supporting staff productivity in the near term.

Prospective responders who wish to receive a copy of the complete request for proposal or who have any questions regarding this request for proposal may call or write:

Agency: Minnesota Office of Environmental Assistance  
Name: Jonathan J. Hubschman  
Title: Policy Analyst, Research and Planning Unit  
Address: 520 Lafayette Avenue, Second Floor  
St. Paul, MN 55155  
Phone: 612-215-0262

OEA personnel are NOT permitted to discuss the request for proposal with anyone, including responders before the proposal submission deadline.

All proposals must be received no later than 4:00 p.m., February 23, 1995 as indicated by the date and time marked on each response package by the OEA Front Desk or by the MPCA mail room staff.



## Minnesota Gambling Control Board

### Notice of Request for Proposal for Pull-Tab Dispensing Device Testing Services

The Minnesota Gambling Control Board (State) is requesting proposals for the on-going testing of pull-tab dispensing devices to insure that the dispensers meet the minimum technical standards established by rule. This request does not obligate the state to select any service provider, and the state reserves the right to cancel the solicitation if it is considered in its best interests.

Proposals or questions should be directed to the attention of Harry W. Baltzer, Executive Director, Minnesota Gambling Control Board, 1711 W County Rd B, Suite 300S, Roseville, Minnesota 55113 and must be received on or before 4:30 PM on Friday, March 31, 1995. Note: Mr. Baltzer is the only employee authorized to answer questions regarding this proposal.

The proposal must conform to the following:

1. Three copies of the proposal will be required; one copy must be signed, in ink, by an authorized member of the firm submitting the proposal.
2. All data must be on 8-1/2 x 11 sheets, soft bound;
3. The cover sheet of the proposal must be clearly labeled with the testing laboratory name, address, telephone number, and the name of the contact person.

#### Mandatory Proposal Contents In Sequence:

1. Identity of the responder and an indication of its legal status, i.e., corporation, partnership, etc.
2. Names of the persons who would be directly responsible for the major elements of the work, including any consultants, together with a brief description of their qualifications and an estimate of the extent of the involvement of each in the testing and/or the documentation process.
3. A listing of laboratory equipment available for testing of samples.
4. A description of the security system of the laboratory.
5. A listing of licenses, permits, certifications, and the like held by the entity, and a statement that the entity is in good standing with all applicable state and federal regulatory agencies.
6. A brief listing of present and previous clients for which similar services have been provided and an indication of the relative length of such service.
7. A detailed plan for the manner in which the testing laboratory intends to serve the needs of the Minnesota Gambling Control Board as outlined in the following sections.

#### Scope of Services Required:

1. Approximately 15 to 20 prototypes of pull-tab dispensing devices are to be tested during the period July 1, 1995 to June 30, 1996. It is anticipated that this number might increase in future years.
2. Each pull-tab dispensing device to be tested will be shipped to the testing laboratory by the manufacturer of the device.
3. Each pull-tab dispensing device must be subject to testing to insure that it meets the minimum technical standards set forth in rule by the Minnesota Gambling Control Board. A copy of the administrative rules relating to minimum technical standards for pull-tab dispensing devices can be obtained free of charge from the contact person stated above.
4. In cases where the test results would indicate a possible violation of the administrative rules governing pull-tab dispensing devices or any applicable Minnesota Statute, the testing entity will be expected to provide to the Minnesota Gambling Control Board a complete copy of test data and documentation to support their findings. Such information must be available to be transmitted within 24 hours of notification of test results. On request of the Minnesota Gambling Control Board, the laboratory director or person who supervised the testing must be available to travel to any adjudicatory hearings for the purpose of providing testimony or must be available for conference call or other means of communication.
5. The time period between receipt of pull-tab dispensers and reporting of preliminary results, i.e., items 1 through 4 above, may not exceed thirty (30) days. Barring unforeseen circumstances, final results should be available within five additional days. Results are to be transmitted by facsimile machine and data packets by express mail.

#### Necessary Cost Information:

Proposals should quote costs to the Minnesota Gambling Control Board on a unit basis for the testing and communication costs described above. Included in this unit cost should be an indication of the number and types of tests to be performed on each pull-tab dispensing device for that basic cost. The laboratory should also include the per unit cost for any additional tests should the Minnesota Gambling Control Board desire to have additional tests performed over and above those included in the basis cost figures.

## Professional, Technical & Consulting Contracts

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### Iron Range Resources and Rehabilitation Board

#### Notice of Request for Proposals for Analysis of Economic Impact of Relocating the Hibbing Fairgrounds and Raceway

The Iron Range Resources and Rehabilitation Board is seeking proposals for an in depth analysis of the economic impact of the relocation of the fairgrounds and raceway located in Hibbing, Minnesota, to include identification of the potential components of a new complex, with an economic feasibility for construction of each, and preparation of a site plan and management structure.

A complete proposal can be obtained by contacting:

Richard Nordvold  
IRRRB  
P.O. Box 441  
Eveleth, Minnesota 55734  
(218) 749-7721

by Tuesday, February 21, 1995.

### Pollution Control Agency

#### Hazardous Waste Division

#### Request for Proposal to Develop an Awareness Campaign in the Lake Superior Basin, Develop Printed Information Materials and Assist in Project Evaluation

The Minnesota Pollution Control Agency (MPCA), Hazardous Waste Division is requesting proposals from qualified individuals or firms interested in developing and implementing an information campaign targeted at small business hazardous waste generators. The resulting contractor activities will support the MPCA's Lake Superior Basin Hazardous Waste Initiative and will include promoting MPCA services and events, graphic design and evaluation of the Initiative's effectiveness. The area served will be the Minnesota portion of the Lake Superior Basin which includes Duluth, the "North Shore" to the Canadian border, and parts of the "Iron Range."

Pre-proposal informational meetings will be held Wednesday, February 22, 1995, at 10:30 a.m. at the MPCA Duluth Office, 320 West Second Street, Government Services Center Suite 704, Duluth, Minnesota and Thursday, February 23, 1995, at 10:30 a.m. in Conference Room 1 on the fourth floor, MPCA Central Office, 520 Lafayette Road, St. Paul, Minnesota.

For a copy of the Request For Proposals, contact:

Diane Jacobs  
Minnesota Pollution Control Agency  
320 West Second Street, Suite 704  
Duluth, Minnesota 55803  
218/723-2356

The cost of the proposal must not exceed \$68,500. All proposals must be received no later than 10:00 a.m., March 6, 1995.

Charles W. Williams  
Commissioner

## Teachers Retirement Association

### Request for Proposal for Actuarial Professional/Technical Contract

**NOTICE OF AVAILABILITY – ACTUARIAL PROFESSIONAL/TECHNICAL CONTRACT** – 7-1-95 to 6-30-97, Minnesota Teachers Retirement Association, Suite 500, Gallery Building, 17 West Exchange St., St. Paul, MN 55102 – Tel. (612) 296-2409. Contact Person: John Gardner.

Provide actuarial consulting services to the Association; perform two annual actuarial valuations and a quadrennial experience study as provided by *Minnesota Statutes* 354.06, Subd. 2a., Clause (6); the valuations must be performed according to the requirements of *Minnesota Statutes* 356.215; consult with the Executive Director and staff of the Association on any matters of an actuarial nature; make any necessary special cost or statistical studies for the information of the Board of Trustees; prepare cost estimates for up to ten legislative proposals relating to benefit changes; recommend to the Board any administrative actions or plan modifications needed to maintain the Association's IRC 401(a) qualification status; recommend to the Board actuarially equivalent forms of optional annuity plans; review the appropriateness of the assumptions used in the annual actuarial valuations and recommend changes if needed; and perform any other services of an actuarial nature that the Executive Director or Board may request. Final Submission Date – March 31, 1995.

## Department of Transportation

### Finance and Administration Division

### Notice of Availability of a Contract for Professional Job Analysis Services

The Department of Transportation is requesting proposals for a qualified job analysis vendor to identify physical requirements of essential functions and job tasks for the job classes of **Highway Maintenance Worker** and **Bridge Worker**. The department estimates that the cost of this project need not approach but shall not exceed \$60,000.00 (sixty thousand dollars.) It is anticipated that the contract period will begin on May 1, 1995 and continue through November, 1995.

For further information, or to obtain a copy of the completed Request for Proposal contact:

Linda Bjornberg, HR Director  
Mail Stop 200, 395 John Ireland Boulevard  
St. Paul, MN 55155

Phone: 612-296-1897

FAX: 612-297-7944

An information session concerning this contract is set for March 3, 1995 from 2:00 - 4:00 p.m. Please call or write Ms. Bjornberg to establish your interest in attending. Proposals must be received at the above address no later than 4:00 p.m. on March 10, 1995. This request does not obligate the State of Minnesota, Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

# 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.

## Minnesota Historical Society

### Notice of Request for Bids for Manufacture of Four Book Titles *The Emigrants* Tetralogy by Moberg

The Minnesota Historical Society is seeking bids from qualified firms to manufacture a set of four book titles: *The Emigrants*; *Unto a Good Land*; *The Settlers*; and *Last Letter Home*, all by Wilhelm Moberg.

Approximately 3000 paper cover copies of each book will be manufactured.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received not later than 2:00 P.M. Central Time March 2, 1995. Late bids will not be considered.

Complete Specifications and details concerning submission requirements are included in the Request for Bids.

## Metropolitan Council

### Transit Operation

#### Correction to Advertisement for Bids

*Please be notified that the advertisement for bids that ran in the State Register on Monday, February 6, 1995 listed an incorrect date for submittal of sealed bids. The correct date is listed below.*

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council Transit Operations will receive sealed bids **TO OBTAIN SERVICES TO CONDUCT A COMPREHENSIVE NON-USER SURVEY** at the office of the Metropolitan Council Transit Operations, 560-6th Avenue North, Minneapolis, MN 55411-4398, until 2:00 p.m., **Wednesday, February 15, 1995**, central standard time.

Bids shall be on the forms provided for that purpose and according to the contract documents prepared by the Metropolitan Council Transit Operations, 560-6th Ave. North, Minneapolis, MN 55411 (Phone: 612-349-7682).

Bid forms and contract documents including scope of services may be obtained at the office of the Metropolitan Council Transit Operations on or after February 10, 1995.

Bids will be reviewed by representatives of the Metropolitan Council Transit Operations in the Marketing Department of the Metropolitan Council Transit Operations.

Contractor will be required to comply with all applicable Equal Employment Opportunity laws and requirements.

All bidders will be required to certify that they are not on the Comptroller General's list of ineligible contractors.

The Metropolitan Council Transit Operations hereby notifies all bidders that in regard to any contract entered into pursuant to this notification for bids, disadvantaged (minority) and women businesses will be afforded full opportunity to submit bids in response, and will not be subject to discrimination on the basis of race, color, sex or national origin in consideration for an award.



# Minnesota's Bookstore

117 University Avenue St. Paul, MN 55155

Open 7am-5:30pm, Mon-Thurs and 7am-4:30pm, Fri

**Phone:**  
8am-4:30pm, M-F  
612/297-3000  
1-800/657-3757

**TDD:** telecommunications  
device for the deaf  
612/282-5077  
1-800/657-3706

**Fax:**  
24 hour  
612/296-2265

**Online Service:**  
24-hour, free access  
612/821-4096  
Parameters: 8-N-1  
1200-2400 bps

## Volunteer Program Development Tools

### The Power and Potential of Youth in Service to Communities

Comprehensive guide to developing and sustaining a successful and meaningful youth volunteer program. Learn what it takes--- from developing a mission, vision and management philosophy to identifying skill and ability experiences suitable for youth age 5-24; from defining a program structure and outcomes to understanding common concerns and issues. Includes information on model programs throughout the state. 96pp. (MOVS, 1993)  
Stock No. 10-48 \$16.00



### Planning it Safe: How to Control Liability & Risk in Volunteer Programs

Offers concrete suggestions, clear definitions, and a preventive approach to managing legal risk and liability concerns of volunteer programs. Discusses liability for personal injury, business liability, possible protection from liability, basic concepts of risk management, and specific risks your organization may face. 112pp. (MOVS, 1992)  
Stock No. 10-45 \$17.95

### Promise of the Future/Responsibility Today

Report sites findings of the Governor's Blue Ribbon Committee on Mentoring and Your Community Service (1989-90). Includes recommendations for mentoring programs/youth community service as a means to match caring responsible individuals with youth to encourage and guide their personal growth and development. 56pp. (MOVS, 1991)  
Stock No. 10-16 \$15.00

### 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
- \* Resources
- \* Handouts and forms
- \* Practical tips
- \* Guidelines for trainers
- \* Ice breaker activities
- \* Understanding the caregiver
- \* Communications skills
- \* Dealing with grief and loss

Looseleaf, 200pp. (MN Dept. of Human Services, 1994) Stock No. 10-50 \$35.00



