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**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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| # 26                       | Tuesday 26 December | Monday 11 December                                 | Monday 18 December  |
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# Minnesota Rules: Amendments and Additions

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## Proposed Rules

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

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

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

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

## Department of Agriculture

### Proposed Permanent Rules Relating to General Storage Warehouse Bonds

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

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

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

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

**Subject of Rules and Statutory Authority.** The proposed rules are about bond requirements for general storage warehouses. The statutory authority to adopt these rules is *Minnesota Statutes*, section 231.17. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. January 17, 1996, to submit written comment in support of or in opposition to the proposed rules or any subpart of the rules. 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 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 January 17, 1996. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

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

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available from the department contact person. This statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules.

**Small Business Considerations.** Some of the businesses affected by this rule would be defined as a small business according to *Minnesota Statutes*, section 14.115. The proposed rules would have no detrimental effect on small businesses because they would not add any new reporting requirements, deadlines or performance standards. The rules would make maintenance and filing of a bond easier.

**Adoption and Review of the Rules.** If no hearing is required, after the end of the comment period the department may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent that 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 wish to receive a copy of the adopted rules, submit your request to the department contact person listed above.

Dated: 17 November 1995

Gene Hugoson, Commissioner  
Department of Agriculture

### Rules as Proposed

#### 1560.8800 BONDS.

No surety bond required of a warehouse operator under *Minnesota Statutes*, section 231.17, will be acceptable to the department unless it is written by a surety company authorized to do business in Minnesota.

Warehouse operators shall file a surety bond and in an amount to be determined by the department as reasonable for warehouse operators in cities and villages subject to *Minnesota Statutes*, chapter 231, but not less than \$10,000.

A new surety bond must be filed with each application for a license to do business as a warehouse operator.

**Subpart 1. Requirement.** Before a license to store general merchandise is issued, the applicant for the license must file with the commissioner a bond or acceptable security in lieu of a bond in an amount prescribed by this part.

**Subp. 2. Duration of bond.** The bond must be continuous until canceled. To cancel a bond, the surety must provide 90 days' written notice of the bond's termination date to the licensee and the commissioner.

**Subp. 3. Acceptable security in lieu of bond.** In lieu of the bond required by this part, the license applicant may deposit with the state treasurer cash or a certified check, cashier's check, money order, assignable bond or note of the United States, certificate of deposit, or irrevocable bank letter of credit in the same amount as would be required for the bond.

**Subp. 4. Required bond amount.** The general merchandise storage bond amount is based on the warehouse storage capacity in square feet as follows:

- A. 10,000 square feet or less, \$10,000 bond;
- B. 10,001 to 20,000 square feet, \$20,000 bond;
- C. 20,001 to 100,000 square feet, \$30,000 bond;
- D. 100,001 to 200,000 square feet, \$40,000 bond; and
- E. more than 200,000 square feet, \$50,000 bond.

The warehouse operator may file one bond with the bond amount calculated on the total square footage for all cities where the operator has licensed warehouses.

## Department of Health

### Proposed Permanent Rules Relating to Aggregate Health Care Financial and Statistical Data

#### 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 Health intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on January 17, 1996, a public hearing will be held on Wednesday, January 31, 1996. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after January 17, 1996, and before January 31, 1996.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Kathleen Kuha, Minnesota Department of Health, Health Policy and Systems Compliance Division, P.O. Box 64975,

**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

121 East Seventh Place, Suite 400, St. Paul, Minnesota 55164-0975, 612/282-3822. TDD users may call the Minnesota Department of Health at 612/623-5522.

**Subject Of Rules And Statutory Authority.** The proposed rules govern the collection of aggregate financial and statistical data from health care providers. The statutory authority to adopt and amend the rules is *Minnesota Statutes*, section 62J.321, subdivision 6. A copy of the proposed rules is published in the *State Register* and attached to this Notice as mailed. A free copy of the rules is available upon request from Kathleen Kuha at the address or telephone number listed above. The rules apply to group and solo practices operated by medical doctors, doctors of osteopathy, chiropractors, and dentists. The data required by the rules includes statistical data about the provider and the provider's staffing levels, statistical data on patient encounters, and financial data on revenues and expenses. Proposed rule amendments that will apply to the collection of 1995 data include:

- clarification of some definitions;
- reduction in the number of medical doctors and doctors of osteopathy who must complete the report, namely some of these providers whose group or solo practice has total revenues of less than \$1,000,000 will not have to report if the Commissioner determines that statutory requirements will be met by using a statistically valid sample of these providers;
- deleting the requirement for chiropractors and dentists to report, except that the rules provide for reporting by a sample of these providers if the Commissioner determines that this is important for monitoring and trending of the access, utilization, quality, and cost of health care services or for estimating total health care expenditures and trends;
- addition of a question on system ownership;
- addition of a question regarding Medicare program participation by providers;
- refinement and clarification of some data categories such as source of insurance payments, clarification of patient out-of-pocket payments, and clarification that revenue data is necessarily estimated;
- elimination of a requirement to report employees by site and type, and elimination of reporting of physician specialty;
- addition of a question tracking trends related to capitated reimbursement;
- addition of a category to report payments that cannot reasonably be allocated elsewhere;
- elimination of a requirement to estimate the cost of complying with government reporting; and
- clarification that systems which include clinics may submit an aggregate report.

**Comments.** You have until 4:30 p.m., on Wednesday, January 17, 1996, 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 Kathleen Kuha at the address listed above 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 Kathleen Kuha at the address listed above by 4:30 p.m. on January 17, 1996. 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 rules 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 January 31, 1996, will be canceled if the Department does not receive requests from 25 or more persons that a hearing be held on the rules. If you request a public hearing, the Department will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Kathleen Kuha at 612/282-3822 after January 17, 1996, 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 rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on Wednesday, January 31, 1996, in Room LL56, Metro Square Building, 121 East Seventh Place, 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. (Note that Room LL56 is in the Lower Level of the Metro Square Building is in downtown St. Paul bounded by Robert, Jackson, and East Seventh Streets and East Seventh Place.) The Administrative Law Judge assigned to conduct the hearing is Phyllis A. Reha. Judge Reha can be reached at the Office of Administrative Hearings, 100

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## Proposed Rules

Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7611. If you need an accommodation to make this hearing accessible, please contact Kathleen Kuha at the address or telephone number listed above.

**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 Department may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the rebuttal period 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 rebuttal period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200, and *Minnesota Statutes*, sections 14.131 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. This 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 Department anticipates presenting at the hearing, if one is held. A free copy of the Statement may be obtained from Kathleen Kuha at the address or telephone number listed above. 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. These rules affect small businesses that are operated by medical doctors, doctors of osteopathy, chiropractors, or dentists. The rules set out the requirements for a provider report form that asks for aggregate financial and statistical data. The amendments to the rules reduce the impact of the rules on many of these providers. Anyone who wants to comment on the impact of the rules and ways to reduce this impact is encouraged to submit suggestions during the 30-day comment period. As stated earlier in this notice, one way that the rule amendments minimize the burden of the rules is that some medical doctors and doctors of osteopathy who operate clinics that are small businesses will not have to complete the report if the commissioner determines that statutory requirements will be met by using a statistically valid sample of these providers. Also as stated earlier in this notice, chiropractors and dentists will not have to complete the report, unless the Commissioner decides to collect data from a sample of these providers because it is important for certain statutory purposes. Solo and group practices that have less than \$1,000,000 of net revenues will continue to be able to file a simplified report. 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.

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

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement should be directed to the Ethical Practices Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612)-296-5148 or 1-800-657-3889.

**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 want to be so notified, or wish to receive a copy of the adopted rules, submit your request in writing to Kathleen Kuha at the address listed above.

**Adoption Procedure After A Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge

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## Proposed Rules

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 Department 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 Department'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 Kathleen Kuha at the address listed above at any time prior to the filing of the rules with the Secretary of State.

Dated 4 December 1995

Anne M. Barry, Commissioner  
Department of Health

### Rules as Proposed

#### 4651.0100 DEFINITIONS.

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

Subp. 2. **Bad debt.** "Bad debt" means the actual amounts of charges that were not collected from patients who were considered as patients with the ability to pay, when a collection attempt has been made.

Subp. 3. **Billing and collection costs.** "Billing and collection costs" means all costs incurred as a result of, or while performing, the various functions involved in the process of billing and collecting for patient care services including: preparation of billings, submission of claims, receipt of cash, posting of payment, and collection of past due accounts. Billing and collection costs includes costs of the personnel performing or supervising these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; and costs for space used for these functions. Billing and collection costs also includes costs for billing and collection systems, whether manual or computerized; electronic claims processing systems; payments to collection agencies; billing and collection forms and supplies; postage; payments to outside billing service bureaus; or any other costs related to the billing and collection function.

Subp. 4. **Charity care.** "Charity care" means the total amount of dollars ~~partially~~ written off for uninsured or underinsured individuals who cannot pay for total charges billed because of limited income or unusual circumstances.

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

Subp. 9. **Education-degree program costs.** "Education-degree program costs" means all costs associated with formally organized or planned programs of study approved by the governing body of the health care provider which result in the conferring of a degree or specialty designation. These activities must be licensed if required by state law or, if licensing is not required, then the program must be approved by the recognized national professional organization for that particular activity. Education-degree program costs also includes costs of the personnel performing or supervising these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other costs related to this function such as supplies and equipment.

Subp. 10. **Education-other costs.** "Education-other costs" means all costs incurred for educational programs, including continuing education programs, staff development seminars, and other training programs for health care professional staff and any other clinic personnel. Education-other costs also includes costs of the personnel performing or supervising these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other costs related to this function such as registration fees, travel expenses, lodging, and course materials.

Subp. 11. **Encounter.** "Encounter" means any visit or procedure provided as a service to a patient and for which the provider has a billing code a contact between a patient and a health care provider during which a service is rendered. Encounter also means an instance of the professional component of laboratory and radiology services. Patients may have more than one encounter per day. An encounter does not include failed appointments, telephone contacts, or the technical component of radiology or laboratory services.

Subp. 12. **Financial, accounting, and reporting costs.** "Financial, accounting, and reporting costs" means the cost of the accumulation of financial accounting information and the preparation and filing of internal and external financial, statistical, or utilization reports required by management; federal, state, county, or local governmental agencies; or other nongovernmental entities. Financial, accounting, and reporting costs includes general accounting, financial reporting, budgeting, cost accounting, payroll, accounts payable, inventory accounting, fixed assets accounting, or tax and government reporting, and costs of the personnel performing or supervising these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other costs related to this function such as supplies and equipment.

Subp. 13. [See repealer.]

[For text of subps 14 and 15, see M.R.]

Subp. 16. **Other patient care costs.** "Other patient care costs" means other costs necessary for direct patient care other than ~~health patient care professional personnel~~ costs as defined in subpart ~~13~~ 16a. Other patient care costs includes all expenses for ~~professional services purchased from other providers~~; drugs and medications; transportation of health care staff; laboratory, radiology, physical therapy, or optical supplies; costs for movable or nonmovable medical equipment, including depreciation on owned equipment or rental fees on leased equipment; medical equipment maintenance; information and communication systems that directly support health care professionals, such as laboratory information systems and paging systems; medical waste disposal, uniforms, linen service, and allocated occupancy expenses, including rent, depreciation, and utilities; and costs for space used for direct patient care services such as exam rooms, nurses stations, and laboratories.

Subp. 16a. **Patient care personnel costs.** "Patient care personnel costs" means all compensation costs for personnel involved in providing health care services directly to patients, including the costs of patient care personnel who own the reporting entity, who are employees of the reporting entity, or who are independent contractors. Patient care personnel costs includes salaries, benefits, fees, commissions, production bonuses, profit sharing, and any other form of compensation provided to patient care personnel.

Subp. 17. [See repealer.]

Subp. 18. **Patient registration, scheduling, and admissions costs.** "Patient registration, scheduling, and admissions costs" means all costs related to the processing of information necessary to provide care to patients, including costs for scheduling patient visits within and outside the provider's clinic, registering patients, maintaining medical records for patient visits, admissions, pre-certification, and other related functions. Patient registration, scheduling, and admissions costs also includes receptionists, appointment schedulers, medical transcriptionists, and preadmission review personnel, and costs of the personnel performing or supervising these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other related expenses such as supplies and equipment.

Subp. 19. **Patient and public health education costs.** "Patient and public health education costs" means the costs associated with health promotion, wellness education, and disease-specific patient information. Patient and public health education costs includes all costs associated with providing educational programs or materials intended for patients or the public at large, including patient education materials that are printed or on video, and seminars, workshops, or classes, that are used to educate or inform patients or the general public on enhancing or modifying health behavior and promoting healthier lifestyles. Patient and public health education costs also include the costs of the personnel performing or supervising these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other costs related to this function such as training materials, supplies, and equipment.

Subp. 20. **Promotion and marketing costs.** "Promotion and marketing costs" means all costs related to performing or supervising marketing activities such as advertising, printing, marketing, representative wages and fringe benefits, commissions, broker fees, travel, occupancy, and other expenses allocated to the marketing activity. Promotion and marketing costs does not include costs associated with health promotion, wellness education, and patient education programs.

Subp. 20a. **Provider identifier.** "Provider identifier" means the provider's unique provider identification number or, if the provider does not have a unique provider identification number, the provider's Minnesota license number. If the provider does not have a Minnesota license, then provider identifier means the provider's license number from another jurisdiction. After the federal Health Care Finance Administration implements a national provider identifier, provider identifier will mean the national provider identifier issued by the federal Health Care Finance Administration.

Subp. 21. **Research costs.** "Research costs" means the direct and general program costs for activities which are part of a formal program of medical or scientific research approved by the governing body of the health care provider. Research costs includes clinical, general health services, outcomes, and basic science research, and may or may not involve patients. Research costs includes the cost of the personnel performing or supervising these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other costs related to this function such as supplies and equipment.

[For text of subp 22, see M.R.]

Subp. 23. **Utilization review and quality assurance costs.** "Utilization review and quality assurance costs" means the costs of programs or activities specifically established or designated for the purpose of monitoring and measuring the use of health care resources and the quality of care provided to patients, including utilization review, quality assurance, quality improvement, and peer review. Utilization review and quality assurance costs includes the costs of individuals who dedicate their time or a portion of their

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## Proposed Rules

time to perform or supervise these functions, including salary and benefits; costs of occupancy expenses including rent, depreciation, and utilities; costs for space used for these functions; and any other related expenses such as supplies and equipment.

### 4651.0110 HEALTH CARE PROVIDER REPORTING.

Subpart 1. [See repealer.]

Subp. 2. **Health care providers shall report Medical doctor and doctor of osteopathy reporting; date for filing; reporting period.** ~~This subpart applies to health care providers who are medical doctors licensed under Minnesota Statutes, section 147.02, or doctors of osteopathy licensed under Minnesota Statutes, section 147.031. These health care providers listed in subpart 1 shall file with the commissioner a health care provider financial and statistical report on or before April 1 of each year. The report must be on forms or computer formats issued or approved by the commissioner and must contain data from the preceding calendar year.~~

~~The commissioner shall use a statistically valid sample of these providers whose solo practice or clinic has total revenues of less than \$1,000,000 instead of requiring all such providers to submit the report if the commissioner determines that this can be done without having a significant negative effect on monitoring and trending of the access, utilization, quality, and cost of health care services within Minnesota or on estimating total Minnesota health care expenditures and trends. For purposes of this subpart, total revenues are as specified in part 4651.0120, item K. Providers selected to be in the sample shall complete the report on or before April 1 of the year sampled. Providers not selected to be in the sample are not required to complete the report.~~

**Subp. 2a. Chiropractor and dentist reporting; date for filing; reporting period.** ~~This subpart applies to health care providers who are chiropractors licensed under Minnesota Statutes, section 148.06, or dentists licensed under Minnesota Statutes, section 150A.06. If the commissioner determines that collecting data from these health care providers is important for monitoring and trending of the access, utilization, quality, and cost of health care services within Minnesota or for estimating total Minnesota health care expenditures and trends, then the commissioner shall use a statistically valid sample of such providers. Providers selected to be in the sample shall file with the commissioner a health care provider financial and statistical report on or before April 1 of the year sampled. The report must be on forms or computer formats issued or approved by the commissioner and must contain data from the preceding calendar year. Providers not selected to be in the sample are not required to complete the report.~~

Subp. 3. **Clinic or group reporting.** Health care providers organized as a clinic or group may jointly file one report that meets the requirements of part 4651.0120 for the clinic or group.

Subp. 4. **Aggregate reporting.** An organization operating more than one clinic may report to the commissioner for all clinics. An organization may submit the data in the report for each clinic or in the aggregate for all clinics. If the data is submitted in the aggregate for all clinics, then the organization must include the name and address of, and number of encounters for each clinic covered by the report and average number of full-time equivalent employees by type of employee.

Subp. 5. **Small business providers.** ~~This subpart applies to health care providers who are required to report pursuant to subpart 2 or 2a. A health care provider who is a whose solo practitioner and practice or clinic has total revenues of less than \$1,000,000 may file a short report in lieu of filing a report that meets the requirements of part 4651.0120. Health care providers who practice in a clinic that has total revenues of less than \$1,000,000 may file a short report in lieu of filing a report that meets the requirements of part 4651.0120. For purposes of this subdivision, total revenues are as specified in part 4651.0120, item I K. The short report must include information required by part 4651.0120, items A through I and M through to K, O, and P. The short report must also include total expenses; as in the categories specified in part 4651.0120, item L N, subitem subitems (1), (3), (8), (9), (13), and (15).~~

### 4651.0120 REPORTING REQUIREMENTS.

The report must include:

A. the following statistical and demographic data: the clinic, group, or organization name, system ownership if applicable, county, telephone number, and federal tax identification number or employee identification number, as appropriate, and whether participating or nonparticipating in the Medicare program;

B. the name and specialty field of the health care provider providers furnishing services at the health care provider's location, including the each provider's unique provider identification number, or if a unique provider identification number is not available, the Minnesota license number identifier;

C. the total number of full-time equivalent employees by clinic site for the health care provider by type of employee, including medical doctors, doctors of osteopathy, chiropractors, dentists, physician assistants, nurse practitioners, nurse midwives, advanced practice nurses, registered nurses, licensed practical nurses, other nurses, other allied health providers patient care personnel, other personnel who do not provide patient care, and provider services under agreement;

D. the number of patients or encounters for the health care provider, broken down by Minnesota or non-Minnesota residency status;



E. the number of encounters by clinic site;

F. the type of accounting method, including accrual, cash, or modified cash, used to describe financial data on the form;

~~F. G.~~ the signature and telephone number of the person completing the report and certification that the contents of the report are true to the best of that person's knowledge and, if a person who is not an employee of the clinic is used to assist in the preparation of the report, the name, address, employer, and telephone number of the person;

~~G. H.~~ a statement of net patient receipts for the health care provider itemized by type of payer. Net patient receipt allocations may be calculated by making estimates based upon existing information and historical experience. Any reasonable method of allocation is acceptable. Net patient receipts may be calculated on historical experience using percentages applied to total revenue amounts. The provider of the data does not need to go back through all individual patient records from the previous year to sort out the information requested. The provider must indicate whether the net patient receipt data is based on actual or estimated data. Net patient receipts must be reported in the following categories:

(1) Medicare;

(2) medical assistance, general assistance medical care, and MinnesotaCare;

(3) other public payers;

(4) commercial insurers, preferred provider organizations, and nonprofit health plan corporations;

(5) health maintenance organizations, CISNs, and ISNs; and

(6) workers' compensation and automobile personal injury;

(7) patient pay, including out-of-pocket and deductibles, copayments, self-filed insurance, and services not covered by insurance; and

(8) revenues from contracts which cannot reasonably be allocated to the categories in subitems (1) to (7);

I. a statement of net patient receipts which are received on a contractual per-member per-month capitated basis, where the amount the provider is reimbursed is not directly related to the amount or coding of services provided. Net patient receipt allocations may be calculated by making estimates based on existing information and historical experience. Any reasonable method of allocation is acceptable. Net patient receipts may be calculated on historical experience using percentages applied to total revenue amounts. The provider of the data does not need to go back through all individual patient records from the previous year to sort out the information requested;

~~H. I.~~ a statement of other operating revenue for the health care provider itemized as follows:

(1) research revenue;

(2) education revenue;

(3) donations, grants, and subsidies, which are not for research or education;

(4) other operating revenues not captured in the categories in subitems (1) to (3); and

(5) the subtotal of other revenues which are the sum of subitems (1) to (4);

~~I. K.~~ total revenues, which are the sum of items ~~G H~~ and ~~H I~~, subitem (5);

~~J. L.~~ a statement of charity care and bad debt;

~~K. M.~~ an optional statement total of discounts, disallowed charges, and contractual adjustments;

~~L. N.~~ a statement of expenses for the health care provider. The expense allocations may be calculated by making estimates based upon existing information and historical experience. Any reasonable method of allocation is acceptable. Expenses may be allocated based on the number of full-time equivalent employees performing the specific categorical tasks, on a percentage basis, on a square footage basis when allocating costs for space, or on the basis of any other allocation. The provider of the data does not need to conduct time studies or keep detailed time records for the purpose of allocating costs. The expenses must be reported in the following categories:

(1) health patient care professional personnel costs;

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## Proposed Rules

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- (2) other patient care costs;
  - (3) malpractice costs;
  - (4) billing and collection costs;
  - (5) patient registration, scheduling, and admissions costs;
  - (6) financial, accounting, and reporting costs;
  - (7) utilization review and quality assurance costs; ~~if individuals dedicate their time or a portion of their time performing these functions;~~
  - (8) research costs;
  - (9) education-degree program costs;
  - (10) patient and public health education costs;
  - (11) education-other costs;
  - (12) promotion and marketing costs;
  - (13) MinnesotaCare tax;
  - (14) other costs not captured in subitems (1) to ~~(12)~~ (13); and
  - (15) total expenses, which are the sum of subitems (1) to (14);
- ~~M. Q.~~ the time spent to complete the report;
- ~~N.~~ an estimate of the health care provider's cost to comply with government reporting requirements; and
- ~~O. P.~~ a statement indicating whether or not the respondent received outside assistance to complete the report.

### **4651.0150 VARIANCES.**

Subpart 1. Data from other sources. On a request by a provider or on the commissioner's own initiative, the commissioner shall determine whether to use data from other sources instead of collecting data required by this chapter. To make this determination, the commissioner shall consider whether:

- A. the data from other sources are duplicative of data required under this chapter;
- B. the data from other sources are available at a reasonable cost;
- C. the commissioner has the resources readily available to use the data from other sources; and
- D. the commissioner will be able to use the data from other sources to meet all statutory data collection, analysis, and privacy requirements.

Subp. 2. Aggregate reporting for systems. An organization operating a clinic which is part of a system of clinics, hospitals, or group purchasers may request to report to the commissioner for all components of the system as an aggregate. If the commissioner determines that the commissioner will be able to use the data from the system as an aggregate to meet all statutory data collection, analysis, and privacy requirements, then the commissioner shall grant the request.

**REPEALER.** *Minnesota Rules*, parts 4651.0100, subparts 13 and 17; and 4651.0110, subpart 1, are repealed.

## Higher Education Services Office

### Proposed Permanent Rules Relating to Private Business, Trade, and Correspondence Schools

#### Notice of Intent to Adopt a Rule 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 Higher Education Services Office intends to adopt a permanent rule without a public hearing 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 rule within 30 days or by January 19, 1996, a public hearing will be held on February 5, 1996. 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 January 20, 1996 and before February 5, 1996.

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

Mary Lou Dresbach  
Minnesota Higher Education Services Office  
400 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-3974  
FAX: (612) 297-8880

**Subject of Rule and Statutory Authority.** The proposed rules are about the licensing of private business, trade, and correspondence schools operating in Minnesota. The statutory authority to adopt these rules is *Law of Minnesota* 1995, Chapter 212, Article 3, Section 9, to be codified as *Minnesota Statutes* 136A.01, subdivisions 1 and 2 (1995 Supp.); and *Minnesota Statutes* 141.23. The authority to establish fees related to this program is *Laws of Minnesota* 1995, Chapter 212, Article 3, Section 43, to be codified as *Minnesota Statutes* 141.25, Subd. 8. A copy of the proposed rule is published in the *State Register* and is attached to this notice as mailed.

**Comments.** You have until 4:30 P.M. on January 19, 1996 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 comments 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 person by 4:30 P.M. on January 19, 1996. 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 written 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 rules as attached and printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for February 5, 1996 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (612) 296-3974 after January 20, 1996 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 rules, a hearing will be held following the procedures in *Minnesota Statutes* Sections 14.14 to 14.20. The hearing will be held on February 5, 1996 at the Veterans Services Building, 20 West 12th Street, 5th Floor Conference Room, St. Paul, MN 55101 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 Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401, (612) 341-7645.

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**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing recorded 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. All interested and affected persons and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials or 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 respective final days of the written comment or response periods. No additional evidence may be submitted during the five-day response period. This rule hearing procedure is governed by *Minnesota Statutes*, Sections 14.14 to 14.20 and *Minnesota Rules*, Part 1400.0200 to 1400.1200. Questions about procedure may be directed to the administrative law judge.

**State of Need and Reasonableness.** Notice is hereby given that a statement of need and reasonableness is now available for review at the agency, through the agency contact person, and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held, justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the agency, through the agency contact person, or at the Office of Administrative Hearings. Copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

**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 the Centennial Office Building, 1st floor, 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 agency may adopt the rules. The rules and supporting documents will then be submitted to the attorney general for review as to the 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 want to be so notified, or wish to receive a copy of the adopted rules, submit your request to the agency contact person listed above.

**Adoption Procedure after the Hearing.** Notice: If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rules. Any person 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. Any person 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 November 1995

Joseph P. Graba  
Interim Director

### Rules as Proposed (all new material)

#### 4880.1500 SCOPE.

Parts 4880.1500 to 4880.2400 govern licensing of private business, trade, and correspondence schools.

#### 4880.1600 CONTRACTS BY UNLICENSED SCHOOLS.

When a contract with a student is deemed unenforceable pursuant to *Minnesota Statutes*, section 141.25, subdivision 2, a school must refund all tuition, fees, and other charges received from the student or prospective student within 30 days of written notification from the Minnesota Higher Education Services Office.

#### 4880.1700 APPLICATION FOR LICENSURE.

Subpart 1. **Name of school.** The title or name of the school as it appears on the application for licensure shall be used in all advertising, catalogs, brochures, contracts, letterheads, and any other written or oral references made in Minnesota.

Subp. 2. **Schools at more than one location.** Schools offering programs at more than one location must provide all information required under *Minnesota Statutes*, section 141.25, subdivision 3, for each school location, on forms provided by the office. If this information is the same for each location, the school shall clearly indicate that on the forms.

Subp. 3. **Instructor and program administrator qualifications.** The school must provide the office with each instructor's name and academic degrees earned or applicable education and experience as specified in part 4880.1900, and must also indicate which courses each instructor teaches.

Subp. 4. **Program.** A program is a course or a grouping of courses that is advertised or listed in the school's catalog, brochures, or other publications, or for which the school grants a degree, diploma, or certificate. A program is the same as a "course of instruction." For each program, the school shall provide the following information:

- A. title of program and formal recognition awarded;
- B. geographic location;
- C. proposed implementation date;
- D. length of program in quarter or semester credits, lessons, or clock hours;
- E. number of graduates expected annually;
- F. curriculum required to complete the program, including:
  - (1) outline of each course and its objectives, subjects, and units in the course;
  - (2) type of work or skill to be learned; and
  - (3) approximate time, hours, or credits to be spent on each subject or unit;
- G. employment opportunities for graduates;
- H. physical resources needed, including equipment currently available;
- I. information services needed;
- J. academic and administrative mechanisms for monitoring the quality of the program; and
- K. documentation of availability, location, and supervision of clinical, internship, practicum, or externship sites, if applicable.

Subp. 5. **Licensure application fees.** The appropriate fee must accompany each application. Application fees are not refundable. The fees are as described in items A to E.

- A. An initial licensure fee of \$1,500 shall accompany each initial licensure application.
- B. A licensure renewal fee of \$750 shall accompany each annual licensure application for schools offering one program.
- C. A licensure renewal fee of \$1,000 shall accompany each annual licensure application for schools offering more than one program.
- D. Applications for licensure renewal received after the deadline date specified in the renewal materials provided by the office are subject to a late fee equal to 20 percent of the annual licensure renewal fee.
- E. A solicitor permit fee of \$250 shall accompany each solicitor permit application.

Subp. 6. **Changes after issuance of license.** If a change occurs in any of the information required by *Minnesota Statutes*, section 141.25, subdivision 3, during the licensure year, the school shall inform the office within 30 days of the change.

Subp. 7. **Change of ownership.** Within 30 days of a change in ownership or control, a school must submit a licensure renewal application with the appropriate fee to the office.

Subp. 8. **New program.** Prior to implementation of a new program, a school shall submit the information required under subpart 4 to the office. The office shall notify the school no later than 60 days after receipt of the required information whether the proposed new program meets the standards specified in *Minnesota Statutes*, section 141.25, subdivision 7, clause (e), and whether the proposed new program can be added to the list of programs offered by the school.

#### **4880.1800 STANDARDS FOR SCHOOL FACILITIES AND STUDENT HOUSING.**

Subpart 1. **Sanitation and safety.** The premises and conditions under which students work and study and the living quarters that are owned or approved for student housing by a school shall meet the sanitation and safety requirements of all local and state regulating agencies.

Subp. 2. **Inspection reports.** Copies of inspection reports by the local fire department, state fire marshal, or Minnesota Industrial Commission shall, if furnished to the school, be filed with the office.

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Subp. 3. **Clinical, internship, practicum, or externship sites.** The school shall obtain sites for students to complete clinical, internship, practicum, or externship requirements if the educational program requires it.

Subp. 4. **Library and information services.** The school shall furnish library resources and information services to support the educational programs it offers.

### 4880.1900 STANDARDS FOR INSTRUCTORS.

All instructors shall have:

A. recognized standing as a tradesperson or specialist supported by evidence from previous employers, or the possession of a baccalaureate degree;

B. a high school diploma or its equivalent; and

C. three years of full-time, trade, or professional experience in the trade or specialty taught, or successful completion of a college curriculum leading to a baccalaureate degree in that trade or specialty, or a combination of experience and education in the trade or specialty equivalent to three years of full-time experience.

### 4880.2000 STANDARDS FOR OUT-OF-STATE SCHOOLS.

All requirements, regulations, or standards approved and adopted by the office, including qualifications of instructors, are applicable to out-of-state schools required to be licensed pursuant to *Minnesota Statutes*, chapter 141.

### 4880.2100 CONTENTS OF CATALOG OR BROCHURE.

Subpart 1. **Refund policy.** The catalog or brochures of a school must state the refund policy that includes the requirements in *Minnesota Statutes*, section 141.271.

Subp. 2. **Clinical, internship, practicum, or externship sites.** The school must publish in its catalog or brochures the most current locations of the clinical, internship, practicum, or externship sites for programs that require this experience for completion of a program.

Subp. 3. **Supplementary pages.** If supplementary pages are used, they must be included as part of the catalog or brochures. The supplementary page or pages shall be clearly identified as affecting Minnesota students. If information on supplementary pages contradicts the catalog or brochures, it shall clearly indicate on these pages that the supplementary information supersedes information contained elsewhere in the catalog or brochures.

Subp. 4. **Submitting changes.** If a school proposes to change information required by *Minnesota Statutes*, section 141.25, subdivision 9, that is contained in the school catalog or brochures during the license year, the school must submit the revised catalog or brochures to the office for review and approval prior to distribution to students or prospective students. No later than 30 days after receipt of the submitted materials, the office shall notify the school whether the changes are approved.

### 4880.2200 PLACEMENT.

Subpart 1. **Standards.** For each program, the majority of graduates seeking employment must be able to secure at least entry level positions in the occupation for which they have been prepared, or a related occupation.

Subp. 2. **Report.** A certified copy of the school's placement record of students who graduated in the year prior to the year for which the license is to be issued shall be filed with the office with the licensure renewal application. In addition to the information specified in *Minnesota Statutes*, section 141.25, subdivision 10, the report must include the complete mailing address of each graduate's place of employment.

### 4880.2300 SOLICITORS.

A school shall not authorize a solicitor to engage in sales activities until the solicitor provides evidence of a solicitor's permit. A person obtaining a solicitor's permit shall be referred to orally and in writing as a "solicitor" or "representative." A school must not refer to a solicitor as a "counselor" or "registrar." A school may file a blanket surety bond to cover all of its solicitors instead of the solicitor's bond specified in *Minnesota Statutes*, section 141.26, subdivision 3, provided the amount of the blanket bond is not less than the amount specified in *Minnesota Statutes*, section 141.26, multiplied by the number of solicitors employed by the school.

### 4880.2400 LICENSURE REQUIREMENTS FOR AVOCATIONAL SCHOOLS.

A school that promises, makes reference to, or advertises preparation for gainful employment upon completion of one of its programs shall not be considered as engaged exclusively in the teaching of purely avocational or recreational subjects under *Minnesota Statutes*, section 141.35, clause (j), and shall be subject to licensure under parts 4880.1500 to 4880.2400.

## **Higher Education Services Office**

### **Proposed Permanent Rules Relating to Higher Education Programs; Financial Assistance In the Matter of the Proposed Adoption of the Rules of the Minnesota Higher Education Services Office Governing**

#### **Definitions for Higher Education Programs,**

#### **Definitions for Satisfactory Academic Progress, the State Grant Program, and**

#### **the Child Care Grant Program**

#### **Dual Notice**

#### **Notice of Intent to Adopt a Rule 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 Higher Education Services Office intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by January 19, 1996, a public hearing will be held on January 30, 1996. 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 January 20, 1996 and before January 30, 1996.

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

Mary Lou Dresbach  
Minnesota Higher Education Services Office  
400 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-3974  
FAX: (612) 297-8880

**Subject of Rule and Statutory Authority.** The proposed rule entitled "Definitions for Higher Education Programs" is about the meanings of terms as they are used in the agency's individual program rules governing state postsecondary financial aid programs. The proposed rule entitled "Definitions for Satisfactory Academic Progress" is about the meanings of terms as they are used in the statute governing satisfactory academic progress. The proposed rule for the State Grant Program is about state grants for postsecondary students. The proposed rule for the Child Care Grant Program is about child care grants for postsecondary students who are not receiving Aid to Dependent Children (AFDC). The statutory authority to adopt these rules is *Laws of Minnesota* for 1995, Chapter 212, Article 3, Section 9. Copies of the proposed rules are published in the *State Register* and are attached to this notice as mailed.

**Comments.** You have until 4:30 P.M. on January 19, 1996 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 comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the 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 January 19, 1996. 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 rule which caused your request, the reason for the written request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing

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process. Modifications must not result in a substantial change in the proposed rules as attached and printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for January 30, 1996 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 at (612) 296-3974 after January 20, 1996 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 January 30, 1996 at the Veterans Services Building, 20 West 12th Street, 5th Floor Conference Room, St. Paul, MN 55101 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 Steve M. Mihalchick. Judge Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401, (612) 349-2544.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed 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*, part 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.** Statements of need and reasonableness are now available from the agency contact person. These statements describes the need for and reasonableness of each provision of the proposed rules. They also include a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statements may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Office. Questions regarding this requirement may be directed to the Ethical Practices Office at the Centennial Office Building, 1st floor, 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 agency may adopt the rules. The rules and supporting documents will then be submitted to the attorney general for review as to the 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 rule. If you want to be so notified, or 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 rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 15 November 1995

Joseph P. Graba  
Interim Director

### Rules as Proposed

#### 4830.0100 DEFINITIONS FOR HIGHER EDUCATION PROGRAMS.

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

Subp. 1a. **Academic year.** "Academic year" means a period of time in which a full-time student is expected to complete:



A. the equivalent of at least two semesters, two trimesters, or three quarters at an institution that measures academic progress in credit hours and uses a semester, trimester, or quarter system;

B. ~~before July 1, 1992, at least 24 semester hours or 36 quarter hours at an institution that measures academic progress in credit hours but does not use a semester, trimester, or quarter system;~~

C. ~~after June 30, 1992, at least 30 semester hours or 45 quarter hours at an institution that measures academic progress in credit hours but does not use a semester, trimester, or quarter system; or~~

~~D. C.~~ at least 900 clock hours at an institution that measures academic progress in clock hours.

Subp. 2. ~~Board Office.~~ "Board Office" means the Higher Education ~~Coordinating Board Services Office.~~

Subp. 2a. **Certificate program.** ~~After June 30, 1992,~~ "Certificate program" means a program that is:

A. offered by an eligible school as defined in part 4830.0300, subpart 1;

B. at least 12 quarter credits or the equivalent, or 300 clock hours for clock hour schools; and

C. at least eight weeks long.

[For text of subs 3 to 5, see M.R.]

Subp. 6. ~~Executive Director.~~ "Executive Director" means the ~~executive~~ director of the board office, or board office staff who perform duties as assigned by the ~~executive~~ director.

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

Subp. 8. **Financial need analysis.** "Financial need analysis" means a system for analyzing a family's financial strength to determine the expected parental and student contributions to educational costs. The system is a federally approved system or an equivalent need analysis system adopted each year by the board office for the appropriate processing year.

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

Subp. 10. **Minnesota resident.** "Minnesota resident" means:

A. a dependent student whose parent or legal guardian resides in Minnesota on the date of application;

B. an independent student who has resided in Minnesota for other than educational purposes for at least 12 consecutive months without being enrolled at a postsecondary institution for more than five credits in any term prior to the date of application;

C. a student who graduated from a Minnesota high school, ~~unless the student is a resident of a bordering state while attending a Minnesota high school if the student was a resident of Minnesota during the student's period of attendance at the Minnesota high school;~~ ~~or~~

D. a student who, after residing in the state for a minimum of one year, earned a high school equivalency certificate in Minnesota; ~~or~~

E. an independent student who was initially a Minnesota resident as defined in item A and who has continued to reside in Minnesota.

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

Subp. 11. **Audit requirements.** Audit requirements means that the school must make available to the board office and its authorized representatives all pertinent books, documents, papers, and records for audit and examination for five years after the last day of a fiscal year, unless all audit exceptions for the period are resolved earlier.

Subp. 12. [See repealer.]

**REPEALER.** Minnesota Rules, part 4830.0100, subpart 12, is repealed.

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## Proposed Rules

### Proposed Permanent Rules Relating to Satisfactory Academic Progress

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

##### 4830.0110 DEFINITIONS FOR SATISFACTORY ACADEMIC PROGRESS.

Subpart 1. **Scope.** For the purposes of parts 4830.0200 to 4830.0700 and 4830.7000 to 4830.7900, the definitions in this part apply to satisfactory academic progress as defined in *Minnesota Statutes*, section 136A.101, subdivision 10.

Subp. 2. **Academic standing consistent with the institution's graduation requirements.** "Academic standing consistent with the institution's graduation requirements" means the student's cumulative grade point average must meet the cumulative grade point average required by the institution for graduation. The institution's graduation requirement may be a fixed cumulative grade point average which is the same for all grade levels or a graduated cumulative grade point average which progresses towards the grade point average required for graduation.

Subp. 3. **Academic year.** "Academic year" means the grade level as defined by the school.

Subp. 4. **Advisor.** "Advisor" means an individual employed by the institution who is qualified to advise students regarding the selection of a major and the requirements necessary for completion of that major.

Subp. 5. **A point between a student's first and second academic year of attendance at an institution.** "A point between a student's first and second academic year of attendance at an institution" means by the end of the first term of the student's second academic year.

Subp. 6. **Certify.** "Certify" means that the student's advisor has verified the student's satisfactory academic progress as specified in *Minnesota Statutes*, section 136A.101, subdivision 10, clause (2), subclauses (ii) and (iii), by providing the name of the advisor and the date the certification took place.

Subp. 7. **General education requirements.** "General education requirements" means those courses that are required by the institution for graduation in addition to the courses required for the student's major field of study.

Subp. 8. **Reviewed.** "Reviewed" means that the student has communicated to the advisor that the student understands the requirements in *Minnesota Statutes*, section 136A.101, subdivision 10, clause (2), subclauses (ii) and (iii).

Subp. 9. **Satisfactory progress.** "Satisfactory progress" means the student is meeting the requirements specified in the institution's written policy relating to completion of general education requirements.

### Proposed Permanent Rules Relating to State Grant Program

#### Rules as Proposed

##### 4830.0300 ELIGIBLE SCHOOLS.

Subpart 1. **Annual list.** Annually the ~~executive~~ director shall approve a list of schools at which a state grant may be used. Schools may be added to the list by the ~~executive~~ director anytime during the school year.

Subp. 2. **Requirements.** To be eligible a school must:

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

D. sign an institutional agreement with the ~~executive~~ director.

##### 4830.0400 APPLICATION DATES AND STUDENT ELIGIBILITY.

Subpart 1. **Date.** Annually the ~~board office~~ shall adopt by resolution a date after February 14, by which all applications must be filed to receive an award.

Subp. 2a. **Out-of-state housing.** A student's Minnesota residence is not lost if the student or parent must live outside of Minnesota for housing purposes ~~while attending an eligible school located within ten miles of the Minnesota border. The student must have moved to the out-of-state address within six months of beginning attendance at an eligible school of postsecondary education, military service, or missionary work, provided the student or parent continues to claim Minnesota as the state of legal residence for income tax purposes.~~

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

Subp. 5. **Renewal awards.** A grant is renewable for a maximum of six semesters, nine quarters, or the equivalent, but must not continue after the first of the following occurrences:

A. the recipient has obtained a baccalaureate degree; or

B. the recipient has been enrolled on a full-time basis for eight semesters, 12 quarters, or the equivalent, taking into account the exclusions specified in Minnesota Statutes, section 136A.121, subdivision 9.

To be eligible to renew a grant a student must apply each year and continue to meet the requirements for an initial grant, except for subpart 4, item D. A student must have made satisfactory academic progress as defined in *Minnesota Statutes*, section 136A.101, subdivision 10.

[For text of subp 5a, see M.R.]

Subp. 7. Minnesota correctional institution. "Minnesota correctional institution" means a federal or state penal institution located in Minnesota in which students are eligible for grants under this rule pursuant to Minnesota Statutes, section 136A.121, subdivision 6.

#### **4830.0600 AWARDS.**

Subpart 1. **Monetary awards.** The amount of a grant may not exceed an applicant's recognized cost of attendance, as defined in *Minnesota Statutes*, section 136A.121, subdivision 6, after deducting the following:

A. ~~A contribution by the applicant~~ The assigned student responsibility of at least 50 percent of the cost of attending the institution of the applicant's choosing.

B. For an applicant who is ~~not an independent~~ a dependent student, a contribution by the applicant's parents, as determined by the ~~financial~~ federal need analysis.

C. For an applicant who is an independent student, the ~~additional~~ student contribution as determined by the federal need analysis.

D. An estimate of the amount of a federal Pell grant award for which the applicant is eligible.

Subp. 1a. **Minimum.** The minimum award amount shall be ~~\$100~~ \$300.

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

#### **4830.0700 METHOD OF PAYMENT.**

Subpart 1. **Payments to schools.** After a grant award is determined, the award amount shall be sent by the ~~executive~~ director to the school chosen by the recipient or the school shall withdraw the award amount from its state grant account. The school shall apply the award to the recipient's educational costs in the following order: tuition, fees, books, supplies, and other expenses. The costs must be prorated for each term of the academic year. The school shall notify each recipient that the award ~~has been received by the school~~ is ready for disbursement.

Subp. 2. **Refunds.** A grant is awarded for full-time attendance at a specified school for ~~the academic year of nine months up to four quarters or three semesters~~ within the state fiscal year. If a recipient fails to enroll or reduces enrollment, the school must refund the unused portion of the award. If the ~~executive~~ director determines that a school has fraudulently handled grant money, the refund of the unused portion of the award is immediately due, and the ~~board~~ office may institute a civil action for recovery if necessary. Refunds to the ~~board~~ office are determined as follows:

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

B. calculate the total tuition refund amount using the ~~institution's refund policy or the~~ calculation required of schools participating in federal pro rata refund calculation Title IV programs;

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

Subp. 3. **School accounting requirements.** Schools shall maintain separate accounts for grant funds. Refunds to the ~~board~~ state grant program must be accompanied with a list stating the social security number, name, award type, amount of refund, term, and refund code for each student included in the refund. The refund must be made to the ~~board~~ program within 30 days from the end of the academic term, or 30 days from the date the school is notified of a student's withdrawal, whichever is less. Schools must provide evidence, prepared according to generally accepted accounting principles, that all awards have either been distributed or refunded to the ~~board~~ program.

Subp. 4. **Recovery of overpayments.** An overpayment occurs when a grant recipient receives more money than the recipient is eligible to receive under the award calculation. A grant recipient shall reimburse the ~~board~~ state grant program for overpayment

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## Proposed Rules

regardless of the cause. The overpayment amount is the difference between the amount received and the calculated award eligibility. The reimbursement amount includes any costs or expenses incurred by the board office in collecting the debt, including reasonable attorney fees. The reimbursement is recoverable from the recipient or the recipient's estate. The board office may institute a civil action for recovery if necessary.

The recipient must not receive additional awards until the overpayment is recovered or the recipient is making payments under an approved plan. Additional awards for which the recipient is eligible may be used to recover an unreimbursed overpayment.

## Proposed Permanent Rules Relating to Child Care Grants

### Rules as Proposed

#### 4830.7200 ELIGIBLE INSTITUTIONS.

Institutions eligible for child care grants are Minnesota public postsecondary institutions and Minnesota private baccalaureate degree granting colleges or universities or Minnesota nonprofit two-year vocational technical schools granting associate degrees that have signed a child care program agreement with the board office.

#### 4830.7400 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

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

Subp. 3. **Reallocation.** The board office shall reallocate available funds at least twice during the academic year to institutions requesting additional child care funds according to the following formula:

- A. the institution's share divided by the sum of the shares of institutions requesting additional funds; and
- B. multiplied by the amount of child care funds available for reallocation.

Subp. 4. **Administrative expense.** By July 1 of each year, the board office shall set the percentage of awarded child care grant funds that may be used for administration of the child care program by the board office and the institution. The percent of funds taken for the administration of the non-AFDC child care program shall be based on the net amount of funds disbursed to students spent on child care grant awards for that fiscal year.

Subp. 5. **Notification.** The board office shall notify each participating institution in writing of allocation and reallocation amounts.

Subp. 6. **Accountability.** Each participating institution shall be accountable for any funds disbursed to students for child care grants. Funds may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from the institution, the institution may use the funds for other eligible students or return them to the board office.

Subp. 7. **Unused funds.** An institution shall return funds that the institution determines will not be used within 30 days from the date of a request by the board office. The board office shall reallocate unused funds to other participating institutions requesting additional funds.

#### 4830.7500 AMOUNT AND TERM OF GRANTS.

Subp. 2. **Amount.** The amount of a grant must be based on:

- A. the cost of child care for all children 12 years old or younger, or 14 years old or younger if the child is handicapped as defined in *Minnesota Statutes*, section 120.03;
- B. the provider's charge up to a maximum rate established each year by the board office;
- C. the student's enrollment status;
- D. the age of the children; and
- E. the award chart prepared by the board office.

The institution shall estimate the amount of child care needed for the academic year and summer terms, and may add an amount up to that estimated cost to the institution's normal student budget used to calculate the student's financial need. The non-AFDC child care grant and other forms of financial aid may be used to pay for the child care if the expense is not covered by other funds.

Subp. 2a. **Academic year award.** The amount of the grant per eligible child for the academic year must be the amount shown on the following chart:

#### CHILD CARE GRANTS PER ELIGIBLE CHILD

## Proposed Rules

| Total Income less than                  | Family Size                          | Family Size                          | Family Size                          | Family Size                          | Family Size                          |
|---|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| 2                                       | 3                                    | 4                                    | 5                                    |                                      |                                      |
| \$10,000                                | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> |
| \$13,000                                | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> |
| \$16,000                                | <del>\$1,200</del><br><u>\$1,500</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> |
| \$19,000                                | \$900                                | <del>\$1,200</del><br><u>\$1,500</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> |
| \$22,000                                | \$600                                | <del>\$900</del><br><u>\$1,200</u>   | <del>\$1,200</del><br><u>\$1,500</u> | <del>\$1,200</del><br><u>\$1,500</u> | <del>\$1,500</del><br><u>\$1,700</u> |
| \$25,000                                | \$300                                | <del>\$600</del><br><u>\$900</u>     | <del>\$900</del><br><u>\$1,200</u>   | <del>\$900</del><br><u>\$1,200</u>   | <del>\$1,500</del><br><u>\$1,700</u> |
| \$28,000                                | \$0                                  | <del>\$300</del><br><u>\$600</u>     | <del>\$600</del><br><u>\$900</u>     | <del>\$600</del><br><u>\$900</u>     | <del>\$1,500</del><br><u>\$1,700</u> |
| \$31,000                                | \$0                                  | <del>\$0</del><br><u>\$300</u>       | <del>\$300</del><br><u>\$600</u>     | <del>\$300</del><br><u>\$600</u>     | <del>\$1,200</del><br><u>\$1,500</u> |
| \$34,000                                | \$0                                  | <del>\$0</del><br><u>\$300</u>       | <del>\$0</del><br><u>\$300</u>       | <del>\$0</del><br><u>\$300</u>       | <del>\$900</del><br><u>\$1,200</u>   |
| \$37,000                                | \$0                                  | <del>\$0</del><br><u>\$300</u>       | <del>\$0</del><br><u>\$300</u>       | <del>\$0</del><br><u>\$300</u>       | <del>\$600</del><br><u>\$900</u>     |
| \$40,000                                | \$0                                  | <del>\$0</del><br><u>\$600</u>       | <del>\$0</del><br><u>\$600</u>       | <del>\$0</del><br><u>\$600</u>       | <del>\$300</del><br><u>\$600</u>     |
| \$43,000                                | \$0                                  | <del>\$0</del><br><u>\$300</u>       | <del>\$0</del><br><u>\$300</u>       | <del>\$0</del><br><u>\$300</u>       | <del>\$0</del><br><u>\$300</u>       |
| \$46,000                                | \$0                                  | <del>\$0</del><br><u>\$300</u>       | <del>\$0</del><br><u>\$300</u>       | <del>\$0</del><br><u>\$300</u>       | <del>\$0</del><br><u>\$300</u>       |
| <del>\$49,000+</del><br><u>\$49,000</u> | <del>\$0</del><br><u>\$0</u>         | <del>\$0</del><br><u>\$0</u>         | <del>\$0</del><br><u>\$0</u>         | <del>\$0</del><br><u>\$0</u>         | <del>\$0</del><br><u>\$0</u>         |
| <del>\$52,000</del><br><u>\$55,000+</u> | <del>\$0</del><br><u>\$0</u>         | <del>\$0</del><br><u>\$0</u>         | <del>\$0</del><br><u>\$0</u>         | <del>\$0</del><br><u>\$0</u>         | <del>\$0</del><br><u>\$0</u>         |
| Total Income less than                  | Family Size                          | Family Size                          | Family Size                          | Family Size                          | Family Size                          |
| 6                                       | 7                                    | 8                                    | 9                                    | 9+                                   | 9+                                   |
| \$10,000                                | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> |
| \$13,000                                | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> |
| \$16,000                                | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> |
| \$19,000                                | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> |
| \$22,000                                | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> |
| \$25,000                                | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> | <del>\$1,500</del><br><u>\$1,700</u> |
| \$28,000                                | <del>\$1,500</del><br><u>\$1,500</u> | <del>\$1,500</del><br><u>\$1,500</u> | <del>\$1,500</del><br><u>\$1,500</u> | <del>\$1,500</del><br><u>\$1,500</u> | <del>\$1,500</del><br><u>\$1,500</u> |

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## Proposed Rules

|                  |                                  |                                  |                                  |                                  |                                  |
|------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| \$31,000         | <u>\$1,700</u><br><u>\$1,500</u> | <u>\$1,700</u><br><u>\$1,500</u> | <u>\$1,700</u><br><u>\$1,500</u> | <u>\$1,700</u><br><u>\$1,500</u> | <u>\$1,700</u><br><u>\$1,500</u> |
| \$34,000         | <u>\$1,700</u><br><u>\$1,200</u> | <u>\$1,700</u><br><u>\$1,200</u> | <u>\$1,700</u><br><u>\$1,500</u> | <u>\$1,700</u><br><u>\$1,500</u> | <u>\$1,700</u><br><u>\$1,500</u> |
| \$37,000         | <u>\$1,500</u><br><u>\$1,200</u> | <u>\$1,500</u><br><u>\$1,200</u> | <u>\$1,700</u><br><u>\$1,200</u> | <u>\$1,700</u><br><u>\$1,500</u> | <u>\$1,700</u><br><u>\$1,500</u> |
| \$40,000         | \$900                            | \$900                            | \$1,200                          | \$1,200                          | \$1,200                          |
| \$43,000         | \$600                            | \$600                            | \$900                            | \$900                            | \$1,200                          |
| \$46,000         | \$300                            | \$300                            | \$600                            | \$600                            | \$900                            |
| \$49,000+        | \$0                              | \$0                              | \$300                            | \$300                            | \$600                            |
| <u>\$49,000</u>  | <u>\$300</u>                     | <u>\$300</u>                     |                                  |                                  |                                  |
| <u>\$52,000</u>  | <u>\$0</u>                       | <u>\$0</u>                       | <u>\$0</u>                       | <u>\$300</u>                     | <u>\$300</u>                     |
| <u>\$55,000+</u> | <u>\$0</u>                       | <u>\$0</u>                       | <u>\$0</u>                       | <u>\$0</u>                       | <u>\$0</u>                       |

[For text of subs 2b to 3a, see M.R.]

### 4830.7720 APPEAL PROCESS.

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

Subp. 3. **Appeal process.** Students must follow the normal appeal process established by the school to handle complaints about financial aid program decisions. If the student is not satisfied with the result of the appeal, the student may ask the school to forward the results to the ~~executive~~ director of the Minnesota Higher Education ~~Coordinating Board~~ Services Office for review. The ~~executive~~ director shall review the decision and accompanying documentation, and shall make a decision according to *Minnesota Statutes*, section 136A.125, and parts 4830.7000 to 4830.7900. The student and school shall be advised in writing of the ~~executive~~ director's decision. The ~~executive~~ director's decision is final.

### 4830.7800 REFUNDS.

If a recipient fails to enroll or reduces enrollment, the school must refund the unused portion of the award to the non-AFDC child care grant program. If the ~~executive~~ director determines that a school has fraudulently handled grant money, the refund of the unused portion of the award is immediately due to the office, and the ~~board~~ office may institute a civil action for recovery if necessary. Refunds to the ~~board non-AFDC child care grant program~~ are determined as follows:

- A. calculate the percentage that the child care grant award represents of the student's total financial aid package for the applicable term; excluding funds received from federal Title IV programs, United States Code, title 20, chapter 28, sections 1070 to 1099c-1;
- B. calculate the total tuition refund amount using the institution's refund policy or the federal pro rata refund calculation;
- C. subtract the federal aid programs' refund amount from item B to determine the remaining tuition refund amount; and
- D. multiply the percentage in item A by the amount calculated in item C to determine the amount to be refunded to the non-AFDC child care program.

Refunded money to the non-AFDC child care program is available for awards to eligible students.

### 4830.7900 REPORTS OF DATA.

Institutions must:

- A. collect demographic, educational, and financial data specified by the ~~board~~ office from eligible students requesting child care grants;
- B. provide the ~~board~~ office with individual student data upon request;
- C. upon the request of the ~~board~~ office, report information about students who receive awards, students who are on the waiting list, and students who were denied awards, including the institution's methods of prioritizing applicants if insufficient funds are available; and
- D. submit fiscal year program activity reports and student data reports to the ~~board~~ office.

Fiscal year program activity reports and student data reports are required by the ~~board~~ office. Institutions shall correctly complete and submit all required reports and any applicable refunds to the ~~board~~ office by the first working day after August 9. The ~~board~~ office shall withhold an institution's subsequent year's allocation if the deadline date is not met.

## Department of Natural Resources

### Proposed Permanent Rules Governing Game and Fish

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

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

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

**Subject of Rules and Statutory Authority.** Specifically, the proposed rules on various game matters will cover: technical correction on use of wildlife management areas; opening and closing special hunting and fishing provisions in the following state game refuges: Bemidji, Claremont, Lac qui Parle, Paul Bunyan, Pine County, Talcot Lake Waterfowl, Bellwood, and Anoka and Isanti Counties; closing an area of the Richard J. Dorer State Forest to firearms hunting; repealing bow and arrow casing and stand requirements that have been superseded by statute; adding the resident youth license established by statute to the firearms deer zone and date options; simplifying and standardizing deer registration requirements; extending archery deer season for most areas of state and changing archery zones; extending the time of day archery hunters are allowed in Camp Ripley; allowing ATV's in Camp Ripley by permit for hunters with disabilities; providing for use of handguns for deer hunting in shotgun zones; repealing Minnesota Valley alternative deer control program rules; providing for use of handguns for muzzle loader deer hunting in shotgun zones; changing bear quota areas; reducing distance restrictions for bear bait stations; prescribing an alternative color for moose hunters whose religious beliefs do not permit blaze orange; adding orientation session requirement for northwest zone moose hunters; changing northeast moose zone boundaries; extending open season for beaver trapping; extending open otter zone boundary; extending trap-tending interval for conibear-type traps to conform to statute change; changing carcass collection requirements for furbearers; changing pelting fee for accidentally trapped furbearers; changing turkey zones to turkey permit areas that comprise all or part of deer and bear registration blocks; prescribing open goose seasons in portions of the state; designating the hunting season for snow, blue and Ross' geese; opening the following game refuges for the taking of geese: Douglas County Goose, Fox Lake, Sauk Rapids-Rice Goose, St. James and Otter Tail County; and prescribing the late hunting season for Canadian geese.

The adoption of these rules is authorized by *Minnesota Statutes*, sections 86A.06; 97A.055, subd. 5; 97A.091, subd.2; 97A.431, subd. 2; 97A.535, subd. 2; 97B.035, subd 4; 97B.305; 97B.311; 97B.411; 97B.505; 97B.605; 97B.611; 97B.615; 97B.621; 97B.625; 97B.631; 97B.635; 97B.711; 97B.721; 97B.723; 97B.725; 97B.731; 97B.803; 97B.901; 97B.911; 97B.915; 97B.921; and 97B.925.

Specifically, the proposed rules on various fish matters will cover: amendment of the fish hatchery rules so that fish hatcheries are subject to the same laws as aquatic farms; changing minimum mesh size for taking of whitefish and ciscoes on Hanging Horn Lake; requiring individuals engaged in commercial mussel harvesting to have their own permit and removing the option of listing helpers on a commercial mussel harvest permit; allowing commercial fishing for ciscoes on Lake Superior in November under special permit; removing the size limit for lake trout taken under a commercial fishing permit on Lake Superior; adding specifications for setting pound, trap and gill nets on Lake Superior; changing reporting requirements for commercial operators using pound or trap nets on Lake Superior and St. Louis Bay; repealing prohibitions on commercial fishing operators releasing commercial fish species captured with licensed gear; changing specifications for use of crib nets for commercial fishing on inland waters; adding exceptions to rules restricting importation, transportation or stocking of live fish; closing sturgeon season on tributaries to the St. Croix River; extending the prohibition on possession of fish and prohibitions on the use of live minnows on Mink and Somers Lake in Wright County; prohibiting harvest of brown trout and restricting anglers to artificial lures on Little Rock Creek in Benton and Morrison counties and Bunker Hill Creek in Benton County; clarifying possession limits on boundary waters; changing catfish season on Minnesota-North Dakota boundary waters and their inland tributaries; adding waters to the Minnesota-South Dakota

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## Proposed Rules

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boundary waters area; changing catfish possession limits on Minnesota-South Dakota boundary waters and their inland tributaries; prohibiting use of certain species for bait and reducing possession limits for liberalized fishing on Minnesota-South Dakota border waters; technical correction for taking of fish on Minnesota-Wisconsin boundary waters; changing reciprocity provisions for commercial fishing operators on Wisconsin-Minnesota boundary waters; removing prohibition on commercial fishing operators returning carp to Minnesota-Wisconsin boundary waters; and restricting taking of minnows from parts of Minnesota-Wisconsin boundary waters.

The adoption of these rules is authorized by *Minnesota Statutes*, sections 97A.045, subds. 2 and 4; 97C.005, subd. 3; 97C.205; 97C.211, subd. 2; 97C.345, subd. 5; 97C.395; 97C.401, subd. 1; 97C.701, subd. 1; 97C.811, subd. 3; and 97C.835, subd. 3.

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., January 17, 1996 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 January 17, 1996. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Department will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available from the agency contact person. The Statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules. A free copy of the Statement may be obtained from the agency contact person at the address and telephone number listed above.

**Small Business Considerations.** In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The game portion of the rule changes are expected to have little or no effect on small businesses, with the exception of: (1) the turkey zone changes, which will allow an increase in turkey licenses which may result in a corresponding increase in sales of products and services associated with turkey hunting; and (2) allowing use of handguns for deer hunting statewide could increase sales of handguns and ammunition by firearms dealers.

The fisheries portion of the rule changes may have an impact on small businesses dealing with private fish hatcheries, commercial fishing, commercial mussel harvesting, and commercial minnow harvesting. The changes in the rules as to private fish hatcheries is expected to have little or no impact because current rule language is virtually identical to language in *Minnesota Statutes*, chapter 17, that would apply to private fish hatcheries under the proposed rule change.

The proposed changes regarding commercial fishing on Lake Superior will affect 33 commercial fishing operators. Under the proposed changes, special permits could be issued to harvest ciscoes herring in November, an activity which is currently prohibited. The removal of the size limit on lake trout will allow commercial operators to utilize fish that they are currently required to discard. These changes will benefit both the commercial fishing operators and associated businesses. Changes in mesh and twine sizes for pond and trap nets, changes in setting of and notification requirements for pound and trap nets and the increased minimum depth for gill nets set within one mile of the shoreline should have minimal economic impact and addresses the need to have safe and adequate gear for Lake Superior, reduce conflicts between sport anglers and commercial operators, and reduce the catch of non-target fish species. Changes in minimum mesh size for cribs will provide more flexibility for the 29 inland commercial fishing operators.

The proposed changes regarding commercial mussel harvest will eliminate the listing of "helpers" on harvest permits. Permits would still be issued at no charge to qualified applicants, including qualified applicants who were previously listed as helpers. In recent years, there have been 40 to 75 commercial mussel harvest permits issued annually. The proposed changes would likely result in about 100 harvest permits being issued annually. Approximately 5 to 10 fewer people will be participating in the commercial mussel harvest because they were previously listed as helpers but would not qualify for their own permit.

The proposed changes for commercial minnow dealers is not expected to have a significant impact because there is very little commercial harvesting that takes place in the restricted waters and other waters are available for commercial minnow harvesting.



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

Dated: 30 November 1995

Rodney W. Sando  
Commissioner of Natural Resources

By

Gail Lewellan, Assistant Commissioner of  
Human Resources and Legal Affairs

### Rules as Proposed

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

[For text of subps 1 to 16, see M.R.]

Subp. 17. **Commercial and private business prohibited.** A person may not conduct any commercial operation, solicit business, farm, or keep bees within a wildlife management area, except as provided in subpart 5 6 or by contract, lease, permit, or written agreement with the department.

[For text of subps 18 to 23, see M.R.]

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

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

Subp. 2. **Bemidji Game Refuge, Beltrami county.** The Bemidji Game Refuge in Beltrami county is open to:

- A. small game hunting, except waterfowl, through October 31;
- B. trapping for beaver, mink, and muskrat only; and
- C. deer and bear hunting by archery through the first Sunday in December.

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

Subp. 4. **Claremont Game Refuge, Dodge county.** The Claremont Game Refuge in Dodge county is open to:

- A. small game hunting, except ~~waterfowl~~ ducks and mergansers;
- B. trapping; and
- C. deer and bear hunting by archery.

[For text of subps 5 to 20, see M.R.]

Subp. 21. **Lac qui Parle Game Refuge, Chippewa and Lac qui Parle counties.** The following special provisions apply to the Lac qui Parle Game Refuge, Chippewa, and Lac qui Parle counties:

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## Proposed Rules

A. Those portions within the Lac qui Parle State Recreational Area, Mission Site, or that are posted to prohibit trespass are closed to hunting. The remainder of the refuge is open to:

(1) waterfowl hunting during the open goose season in the Lac qui Parle zone, only at designated hunting stations as provided by parts 6230.0500 and 6230.1100;

(2) deer hunting; and to

(3) small game hunting, except during the goose season in the Lac qui Parle Goose Zone where small game hunting is allowed only at designated hunting stations as provided by parts 6230.0500 to 6230.1100.

B. From September 20 to December 1, a person may not trespass on any part of the refuge which is posted with signs prohibiting trespass during this period, except that; beginning the day after the goose season closes fishing is permitted in the posted closed area within the Lac qui Parle Goose Zone; fishing is permitted in the posted area until the day before the opening day of the goose season and beginning again the day after the goose season closes.

C. A person may not trespass on Rosemoen Island at any time during the year.

[For text of subs 22 to 34, see M.R.]

Subp. 35. **Paul Bunyan Game Refuge, Hubbard county.** The Paul Bunyan Game Refuge in Hubbard county is open to:

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

D. deer and bear hunting by archery through the Thursday nearest November 4.

[For text of subp 36, see M.R.]

Subp. 37. **Pine County Game Refuge, Units 1, 2, and 3 Unit 2, Pine county.** The Pine County Game Refuge, Units 1, 2, and 3 Unit 2 in Pine county are is open to:

A. small game hunting;

B. trapping; and

C. deer and bear hunting by archery.

[For text of subs 38 to 47, see M.R.]

Subp. 48. **Talcot Lake Waterfowl Refuge, Cottonwood county.**

A. Waterfowl hunting, in an area adjacent to the Talcot Lake Waterfowl Refuge in Cottonwood county, is prohibited within the right-of-way of State Trunk Highway 62 from the Cottonwood-Murray county line on the west to the junction with County State Aid Highway 7, Cottonwood county, on the east.

B. The Talcot Lake State Waterfowl Refuge is open to goose hunting by persons with disabilities at designated hunting stations. Hunters with disabilities may reserve designated stations according to regulations available at the Talcot Lake Wildlife Management Area Headquarters. All other applicable controlled hunt regulations in parts 6230.0500 and 6230.1100 apply to persons hunting at these stations.

[For text of subs 49 and 50, see M.R.]

Subp. 51. **Bellwood Game Refuge, Dakota county.** The Bellwood Game Refuge in Dakota county is open to:

A. trapping; and

B. deer and bear hunting by archery.

Subp. 52. **Anoka and Isanti Counties Game Refuge, Anoka and Isanti counties.** The Anoka and Isanti Counties Game Refuge in Anoka and Isanti counties is open to firearms deer hunting by permit.

### **6230.1400 HUNTING RESTRICTIONS FOR RICHARD J. DORER MEMORIAL HARDWOOD STATE FOREST.**

A person may not hunt with firearms in those portions of the Brightsdale Management Unit of the Richard J. Dorer Memorial Hardwood State Forest surrounding the forest resource center in Fillmore county that are posted closed to firearms hunting.

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

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

Subp. 3. [See repealer.]

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

### **6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER.**

Subpart 1. **Zone and date options.** A firearm deer hunter may purchase a firearm license valid for the regular firearms deer

season or muzzleloader season, or a license to take antlered deer in more than one zone, or a resident youth license. A hunter purchasing a resident youth license or a regular firearm license, including a hunter choosing a muzzleloader option, must select only one of the zone and date options listed on the license. For the regular firearm season, this choice will be indicated by a punched hole at the time of purchase. A person may only hunt deer by firearms within the zone and date options indicated on the person's regular firearm license.

[For text of subs 2 to 9, see M.R.]

#### **6232.0400 REGISTRATION OF DEER.**

Subpart 1. [See repealer.]

Subp. 2. ~~Firearms deer Registration requirements.~~ Persons taking a deer by ~~firearms~~ must present the deer for registration at a designated deer registration station or agent of the commissioner and obtain a big game possession tag ~~before~~:

- A. ~~the deer is removed from the zone in which it is taken;~~
- B. ~~before~~ the deer is processed either privately or commercially; and
- C. ~~one day~~ B. within 24 hours after the close of the season ~~specified on the license in which the deer was taken.~~

~~Official registration stations located within the city limits through which a zone boundary passes or an official registration station across the road but adjacent to the zone in which a deer is legally taken meet the requirement for registration within a zone. Deer taken in firearms deer Zone 1 may be legally registered at registration stations in Cross Lake.~~

All deer taken in ~~firearms~~ special hunt areas must be registered as specified in the materials provided to all special hunt permittees.

Subp. 3. [See repealer.]

Subp. 4. **General provisions for registration of deer.** The deer license number and the year for which the possession tag is issued must be recorded in the appropriate place on the possession tag in indelible ink. If a mistake is made in writing the license number, the agent must reissue a correct possession tag. Registration agents are not required to inspect deer at registration stations. Legally registered deer may be transported anytime during or after the deer hunting season. No part of the carcass, except skin or entrails, may be removed until after the possession tag has been affixed. The possession tag must be affixed securely as described for the tag as provided by part 6232.0300, subpart 5. A person may not process a deer unless it has been registered as evidenced by an attached possession tag.

#### **6232.0600 SEASONS AND ZONES FOR TAKING DEER BY ARCHERY.**

Subpart 1. **Southwest Minnesota Zone Open dates.** The following provisions apply to the taking of deer by archery in the Southwest Minnesota Zone:

A. The open area consists of:

That part of Deer Zone 4 lying south of a line beginning at the intersection of Interstate 94 (I-94) and the western boundary of the state; thence along I-94 to State Trunk Highway (STH) 23; thence along STH 23 to the western boundary of Deer Zone 2.

B. ~~Open dates are from the Saturday on or nearest September 16 through the Sunday on or nearest December 6. Except as provided in subpart 2, the open dates for taking deer by archery are from the Saturday nearest September 16 through December 31.~~

Subp. 2. **Northern Minnesota Northeast Border Zone.** The following provisions apply to the taking of deer by archery in the Northern Minnesota Northeast Border Zone:

A. The open area consists of:

That part of Deer Zones 1 and 2 lying north and east of Deer Registration Blocks 246, 172, 173, 174, 182, 156, and 159, and that part of Deer Zone 4 lying north of a line beginning at the intersection of Interstate 94 (I-94) and the western boundary of the state; thence along I-94 to State Trunk Highway (STH) 23; thence along STH 23 to the western boundary of Deer Zone 2.

B. ~~Open dates are from the Saturday nearest September 16 through the Sunday nearest December 6; except that Deer Registration Blocks 115, 116, 117, 118, 127, 130, and 194,~~

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## Proposed Rules

B. Open dates are ~~open~~ from the Saturday nearest September 16 through the last day of the regular Zone 1 firearms deer season.

Subp. 3. [See repealer.]

### 6232.1100 SPECIAL RESTRICTIONS FOR CAMP RIPLEY ARCHERY HUNT.

Subpart 1. **Access to Camp Ripley.** This subpart applies to access into Camp Ripley during the archery hunt.

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

D. Permittees will be allowed beyond the department checkpoint only from one hour before sunrise to ~~one hour~~ 1-1/2 hours after sunset on each day open for hunting, or as otherwise authorized by the commissioner.

[For text of items E and F, see M.R.]

G. All-terrain vehicles are not permitted in Camp Ripley during the Camp Ripley archery hunt, except as authorized by permit for hunters with disabilities. All vehicles are restricted to operating only on designated roads, except as authorized by permit.

H. Vehicles in line at the checkpoint must be occupied. Permittees must stay with their vehicles.

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

### 6232.1500 ARMS USE AREAS AND RESTRICTIONS.

Subpart 1. **Shotgun use area.** During the firearms season in the shotgun use area, only legal shotguns loaded with single-slug shotgun shells, ~~and legal muzzleloading long guns, and legal handguns~~ may be used for taking deer. Legal shotguns include those with rifled barrels. ~~In the shotgun use area, disabled persons incapable of using a gun fired from the shoulder and possessing a physician's written statement verifying this condition may use legal handguns for taking deer during the regular firearms season.~~

The shotgun use area is that portion of the state lying within the following described boundary:

Beginning on the north boundary of the state at U.S. Highway 75; thence along U.S. Highway 75 to U.S. Highway 2; thence along U.S. Highway 2 to State Trunk Highway (STH) 9; thence along STH 9 to STH 102; thence along STH 102 to STH 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to County State Aid Highway (CSAH) 40, Douglas County; thence along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence along the east, south, west, and north boundaries of the state to the point of beginning.

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

### 6232.2200 ARMS USE AREAS AND RESTRICTIONS FOR MUZZLELOADERS.

Only legal muzzleloaders with metallic open or peep type sights may be used for taking deer during the muzzleloader season. ~~Within the shotgun zone, muzzleloading handguns may not be used for taking deer, except by disabled persons incapable of using a gun fired from the shoulder and possessing a physician's written statement verifying this condition.~~

### 6232.3000 BEAR QUOTA AREAS.

Subpart 1. **Quota area licenses.** Licenses for bear quota areas are limited in number and are issued through a drawing as provided in part 6232.2900. Quota area licenses are valid only in the quota area specified on the license.

Subp. 1a. Bear Quota Area 12. Bear Quota Area 12 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 72 and the northern boundary of the state; thence along STH 72 to the Tamarac River; thence along the southerly shore of said river to Upper Red Lake; thence along the southeasterly shore of said lake to the eastern boundary of the Red Lake Indian Reservation; thence along the easterly, southerly, and westerly boundaries of said Reservation to the point where the Clearwater River leaves the Reservation boundary; thence along the south shore of said river to County State Aid Highway (CSAH) 2, Polk County; thence along CSAH 2 to CSAH 27, Pennington County; thence along CSAH 27 to STH 1; thence along STH 1 to CSAH 28, Pennington County; thence along CSAH 28 to CSAH 54, Marshall County; thence along CSAH 54 to CSAH 6, Marshall County; thence along CSAH 6 to STH 89; thence along STH 89 to County Road (CR) 134, Marshall County; thence along CR 134 to STH 54; thence along STH 54 to CSAH 9, Roseau County; thence along CSAH 9 to CSAH 2, Roseau County; thence along CSAH 2 to STH 89; thence along STH 89 to STH 310; thence along STH 310 to the Roseau River; thence along the south shore of said river to STH 89; thence along STH 89 to the northern boundary of the state; thence along the northern boundary of the state to the point of beginning.

[For text of subs 2 to 10, see M.R.]

**6232.3100 BEAR NO-QUOTA AREA.**

Licenses for the no-quota area are not limited in number and may be purchased from a county auditor's office, county auditor's subagents in Pine, Kanabec, Roseau, and Marshall counties, or the license bureau. A person may not purchase a license for both a quota area and the no-quota area in the same year. No-quota licenses are valid only in the no-quota area.

**6232.3200 BAIT STATIONS AND GARBAGE DUMPS.**

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

Subp. 6. **Bear bait stations near previously baited areas.** A person may not establish a bear bait station within ~~500~~ 100 yards of a site where bait has been placed prior to the Friday nearest August 14.

[For text of subp 7, 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 blaze orange or be covered by blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each square foot. Persons whose sincerely held religious beliefs do not permit them to wear blaze orange may wear bright red as an alternative color in the same manner as blaze orange.

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

Subp. 6. **Orientation required.** Persons licensed for the ~~Northeast Area~~ to take moose must attend an orientation session and have their licenses validated prior to hunting. ~~The four licensees in~~ Members of a party need not attend the same orientation session.

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

**6232.4100 MOOSE ZONES.**

[For text of subs 1 to 23, see M.R.]

Subp. 24. **Moose Zone 25.** Moose Zone 25 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 2, Cook County, and Forest Road (FR) 166; thence along FR 166 to CSAH 7, Lake County; thence along CSAH 7 to FR 354; thence along FR 354 to the south shore of Kawishiwi Lake; thence in a ~~northwesterly~~ northeasterly direction ~~through the center~~ along the shore of Kawishiwi Lake to the ~~outlet of the Kawishiwi River;~~ thence in a ~~northerly~~ direction along the Kawishiwi River; through ~~Square and Kawasachong Lakes;~~ to Lake Polly; thence in an ~~easterly~~ direction through the center of Lake Polly to the Phoebe River; thence ~~upstream in an easterly direction~~ along the Phoebe River; through ~~Hazel and Knight Lakes;~~ to Phoebe Lake; thence along the eastern-most point on Kawishiwi Lake; thence overland in a northeasterly direction to a small bay on the southwestern shore of Watonwan Lake in the Northeast Quarter of the Northeast quarter of Section 21, Township 62 North, Range 6 West; thence in a southeasterly direction along the southwest shore of said lake to its southeastern-most point; thence overland in a northeasterly direction to Cat Eyes Lake; thence in an easterly direction through Cat Eyes Lake to the stream at the eastern-most point on the lake; thence in an easterly direction along said stream to Phoebe Lake; thence along the west and north shore of Phoebe Lake to the unnamed flowage which enters Phoebe Lake from Grace Lake; thence upstream in an easterly direction along the unnamed flowage to Grace Lake; thence along the southwest shore of Grace Lake to the portage connecting Grace and Beth Lakes; thence in an easterly direction along said portage to Beth Lake; thence in an easterly direction through the center of Beth Lake to the east shore and the portage connecting Beth and Alton Lakes; thence in an easterly direction along said portage to Alton Lake; thence in an easterly and northerly direction along the south and east shores of Alton Lake to the portage connecting Alton and Sawbill Lakes; thence in an easterly direction along said portage to Sawbill Lake; thence in a southerly direction along the west shore of Sawbill Lake to the Sawbill Campground and CSAH 2, Cook County; thence along CSAH 2 to the point of beginning.

[For text of subs 25 to 30, see M.R.]

Subp. 31. **Moose Zone 61.** Moose Zone 61 consists of that portion of the state lying within the following described boundary:

**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

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Beginning on the south shore of Sea Gull Lake at a point where Sea Gull Lake touches the midpoint of the section line between Sections 14 and 15 of Township 65 North, Range 5 West (T. 65N, R. 5W); thence in a southeasterly direction along the shore of Sea Gull Lake to the stream entering Sea Gull Lake from Loop Lake; thence in a southerly direction along said stream through Loop Lake to the southern shore of Elusion Lake; thence in a southerly direction along the portage trail to Glee Lake; thence in a southeasterly direction through Glee Lake to its outlet stream to Fay Lake; thence in a southeasterly direction along said stream to Fay Lake; thence in a westerly direction through Fay Lake and along Chub River through Warelab and Seahorse Lakes to the southern tip of Seahorse Lake; thence in a southerly direction along the stream to French Lake; thence in a southeasterly direction along the northeast shore of French Lake at the western-most point on Round Lake in Section 33, Township 65 North, Range 4 West, Cook County, and the portage trail to West Round Lake; thence in a westerly direction along said portage trail to West Round Lake; thence in a northwesterly direction through West Round Lake to the portage trail to Edith Lake; thence in a westerly direction along said portage trail to Edith Lake; thence in a westerly direction through Edith Lake to the portage trail to Brant Lake; thence in a westerly direction along said portage trail to Brant Lake; thence in a northwesterly direction through Brant Lake to the portage trail to Gotter Lake; thence in a westerly direction through Gotter Lake to the portage trail to Flying Lake; thence along said portage trail to Flying Lake; thence in a northwesterly direction through Flying Lake to the portage trail to Green Lake; thence in a southeasterly direction along said portage trail to Green Lake; thence in a westerly direction through Green Lake to the portage trail to Bat Lake; thence along said portage trail to Bat Lake; thence in a southwesterly direction through Bat Lake to the portage trail to Gillis Lake; thence in a southerly direction across said portage to Gillis Lake; thence along the northern, eastern and southern shores of Gillis Lake to the stream to Crooked Lake; thence in a southeasterly direction along said stream to Crooked Lake; thence along the eastern shore of Crooked Lake to the stream to Tarry Lake; thence in a southerly direction along said stream to Tarry Lake; thence along the northern, eastern and southern shores of Tarry Lake to the stream to Mora Lake; thence in a southerly direction along said stream to Mora Lake; thence along the eastern and southern shores of Mora Lake to the stream to Time Lake; thence in a southeasterly direction along all streams and through Time, Whipped, Fente, and Afton Lakes to Frost River; thence in an easterly direction along Frost River, through Pencil, Chase, and Octopus Lakes to the eastern end of Octopus Lake; thence in a southeasterly direction along an unnamed flowage to Noodle Lake; thence in a southwesterly direction along an unnamed flowage to Wing Lake; thence in a southeasterly direction through Wing Lake to its easternmost tip; thence overland and across Guard Lake for approximately 1,800 feet total in an easterly direction to Ranger Lake; thence in a southeasterly direction through Ranger Lake to its outlet to Cherokee Lake, thence in an easterly direction along said outlet to Cherokee Lake; thence in a northeasterly direction through Cherokee Lake and along all streams through Town and Cash Lakes to the southeast corner of Cash Lake; thence in an easterly direction along an unnamed flowage to the center of the South Half of Section 32 of T. 64N, R. 3W; thence overland for approximately 0.6 miles in an easterly direction to the unnamed lake in the Southwest Quarter of Section 33, T. 64N, R. 3W; thence in an easterly direction through said unnamed lake and along its outlet stream to Davis Lake; thence in an easterly direction and along all streams and portages through Davis, Pup, Winchell, Gaskin, and Icicle Lakes to the east end of Icicle Lake; thence overland approximately 0.1 mile in an easterly direction to Snack Lake; thence in an easterly direction through Snack Lake and its outlet stream to Vista Lake; thence in a northerly direction along all streams and portages between Vista, Horseshoe, Caribou, and Lizz Lakes to Poplar Lake; thence in a westerly direction along the southern and western shores of Poplar Lake to the stream to Skipper Lake; thence in a westerly direction along said stream and other streams or swamps through Skipper, Little Rush, Rush, Banadad, Sebeka, Ross, George, Lower George, Rib, Cross Bay, and Snipe Lakes to the northwest corner of Snipe Lake; thence overland approximately 0.4 miles in a northwesterly direction to the northeast corner of Missing Link Lake; thence in a westerly direction along the northern shore of Missing Link Lake to the portage to Round Lake; thence in a northeasterly direction along said portage to Round Lake; thence in a northwesterly direction along the southwest shore of Round Lake to the flowage to West Round Lake; thence in a westerly direction across said flowage, along all streams, and through West Round, Edith, Brant, then in a northerly direction through Gotter, Flying, Bingshaek, and Honker Lakes to the center of the north shore of Honker Lake; thence overland for approximately 0.3 miles in a northerly direction to a swamp flowing northerly to Squat Lake; thence in a northerly direction through said swamp to Squat Lake; thence in a northeasterly direction through Squat Lake to the outlet to the unnamed lake in the Northeast Quarter of Section 19 of T. 65N, R. 4W; thence in a northerly direction along said outlet to said unnamed lake; thence in a northerly direction through said unnamed lake and along all streams and ponds to the north shore of the unnamed pond in the Northwest Quarter of the Southwest Quarter of Section 18 of T. 65N, R. 4W; thence overland for approximately 200 feet in a northerly direction to Are Lake; thence in a northeasterly direction to the northern end of Are Lake; thence overland for approximately 0.3 miles in a northerly direction to an unnamed stream to Sea Gull Lake; thence in a northerly direction along said stream to the south shore of Sea Gull Lake; thence in a southeasterly direction along the south shore of Sea Gull Lake to the point of beginning.

Subp. 32. **Moose Zone 62.** Moose Zone 62 consists of that portion of the state lying within the following described boundary:

Beginning at the Sawbill Campground at the southern end of Sawbill Lake; thence in a westerly direction across Sawbill Lake to the portage connecting Sawbill and Alton Lakes; thence in a westerly direction along said portage to Alton Lake; thence in a southwesterly direction through Alton Lake to the portage to Beth Lake; thence in a westerly direction along said portage to Beth Lake; thence in a westerly direction through Beth Lake to the portage to Grace Lake; thence in a westerly direction along said

portage to Grace Lake; thence in a northwesterly direction along the southwest shore of Grace Lake to the unnamed flowage which leads to Phoebe Lake; thence in a westerly direction along said unnamed flowage to Phoebe Lake; thence in a westerly direction along the north shore of Phoebe Lake to Phoebe River; thence in a northwesterly direction along Phoebe River, through Knigh and Hazel along all portage trails and through Beth and Grace Lakes to Phoebe Lake; thence along the east and south shores of Phoebe Lake to an unnamed flowage in Section 13 of Township 62 North, Range 6 West entering Phoebe Lake from the south; thence in southerly and westerly directions along said flowage to Cat Eyes Lake; thence in a westerly direction through Cat Eyes Lake to its western-most point; thence overland in a southwesterly direction to the southeastern end of Watonwan Lake; thence in a northwesterly direction along the southwestern shore of Watonwan Lake to a bay in the Northeast Quarter of the Northeast Quarter of Section 21 of Township 62 North, Range 6 West; thence overland in a southwesterly direction to the eastern-most point on Kawishiwi Lake; thence in a southwesterly direction along the shore of Kawishiwi Lake to the public access at the south end of Kawishiwi Lake; thence in a northwesterly direction through the center of Kawishiwi Lake to its outlet, the Kawishiwi River; thence in a northerly direction along the Kawishiwi River through Square and Kawasachong Lakes to Lake Polly; thence in a northwesterly direction through Lake Polly to the Kawishiwi River; thence in a northerly direction along the Kawishiwi River, through Koma Lake, to Malberg Lake; thence in a northwesterly direction through Malberg Lake to the portage trail in the northwest corner of Malberg Lake leading to Kawishiwi River; thence in a northwesterly direction along said portage to Kawishiwi River; thence in a northeasterly direction along Kawishiwi River through Kivaniva, Kivandeba, and John Ek Lakes to the south end of John Ek Lake; thence overland for approximately 100 feet in an easterly direction to an unnamed flowage; thence in an easterly direction along said unnamed flowage across the South Half of the North Half of Section 31 of Township 64 North, Range 5 West (T. 64N, R. 5W) to an unnamed lake in the Northeast Quarter of the Northeast Quarter of said Section 31, T. 64N, R. 5W; thence overland for approximately 600 feet in a southeasterly direction to an unnamed pond in the Southwest Quarter of the Northwest Quarter of Section 32, T. 64N, R. 5W; thence overland for approximately 0.3 miles in an easterly direction to an unnamed flowage leading to Teat Lake; thence in an easterly direction along said unnamed flowage through Teat and Lawless Lakes to the eastern end of Lawless Lake; thence overland and all waters for approximately 0.8 miles in a southeasterly direction to Mesaba Lake; thence in a northeasterly direction through Mesaba Lake to an unnamed stream to Hub Lake; thence in a northerly direction along said unnamed stream to Hub Lake; thence along the east and south shores of Hub Lake to the stream leading to Chuck Lake; thence in an easterly direction along said stream, through Chuck and Florence Lakes to the northeast tip of Florence Lake; thence overland for approximately 100 feet in a northeasterly direction to Caper Lake; thence in a northerly direction through Caper Lake and along the unnamed flowage to the north to Frost River; thence in an easterly direction along Frost River, through Pencil, Chase and Octopus Lakes to the eastern end of Octopus Lake; thence in a southeasterly direction along an unnamed flowage to Noodle Lake; thence in a southwesterly direction along an unnamed flowage to Wing Lake; thence in a southeasterly direction through Wing Lake to its easternmost tip; thence overland and across Guard Lake for approximately 1,800 feet total in an easterly direction to Ranger Lake; thence in a southeasterly direction through Ranger Lake to its outlet to Cherokee Lake; thence in an easterly direction along said outlet to Cherokee Lake; thence in a northeasterly direction through Cherokee Lake and along all streams through Town and Cash Lakes to the southeast corner of Cash Lake; thence in an easterly direction along an unnamed flowage to the center of the South Half of Section 32 of T. 64N, R. 3W; thence overland for approximately 0.6 miles in an easterly direction to the unnamed lake in the Southwest Quarter of Section 33, T. 64N, R. 3W; thence in an easterly direction through said unnamed lake and along its outlet stream to Davis Lake; thence in an easterly direction and along all streams and portages through Davis, Pup, Winchell, Gaskin, and Icicle Lakes to the east end of Icicle Lake; thence overland approximately 0.1 mile in an easterly direction to Snack Lake; thence in an easterly direction through Snack Lake and its outlet stream to Vista Lake; thence in a southerly direction through Vista Lake, along its inlet from Misquah Lake, and through Misquah Lake to its southern tip; thence overland approximately 0.6 miles in a southerly direction to Little Trout Lake; thence in a southerly direction and along all streams through Little Trout, Slough, Iota, Dugout, Swede, and Dane Lakes to the southern tip of Dane Lake; thence overland approximately 800 feet in a southerly direction to Ball Club Lake; thence in a westerly direction through Ball Club Lake and along Ball Club Creek through Cleaver Lake to the unnamed lake in the West Half of Section 27 of T. 63N, R. 2W; thence in a northwesterly direction along the north shore of said lake to its inlet stream at the northern extremity of the lake; thence upstream in a northwesterly direction along said stream to Fishhook Lake; thence in a westerly direction to the westernmost point of Fishhook Lake; thence overland for approximately one-tenth mile in a southwesterly direction to the unnamed lake in the Southeast Quarter of Section 20, T. 63N, R. 2W; thence in a westerly direction through said unnamed lake to its outlet stream; thence in a westerly direction along said outlet stream to Brule Lake; thence in a westerly direction along the south shore of Brule Lake to Jock Mock Bay of Brule Lake; thence in a westerly direction along the south shore of Jock Mock Bay to the portage trail to Juno Lake; thence in a southerly direction across said portage to Juno Lake; thence in a westerly direc-

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tion through Juno Lake to the portage to Vern Lake; thence in a southeasterly direction through Vern Lake to East Pipe Lake; thence in a westerly direction across all portages and through Pipe Lake to Pipe Creek; thence in a westerly direction along Pipe Creek to Temperance River (Kelly Lake); thence in a southwesterly direction along Temperance River to the portage to Burnt Lake; thence in a northwesterly direction across said portage to Burnt Lake; thence in a northwesterly direction through Burnt Lake, across all portages and through Smoke Lake to the east shore of Sawbill Lake; thence in a southerly direction along the east shore of Sawbill Lake to Sawbill Campground, to the point of beginning.

Subp. 33. **Moose Zone 63.** Moose Zone 63 consists of that portion of the state lying within the following described boundary:

Beginning at the point where the Cook and Lake County boundaries meet the United States-Canada international boundary; thence in a southwesterly direction along the U.S.-Canada international boundary through Swamp, Cypress, and Knife Lakes to the section line between Sections 28 and 29 of Township 65 North, Range 7 West (T. 65N, R. 7W) in Knife Lake; thence in a southerly direction along said section line to the shore of Knife Lake; thence overland for approximately 0.6 miles in a southerly direction to Skoota Lake; thence in a southerly direction to the south shore of Skoota Lake; thence overland for approximately 0.1 miles in a southerly direction through Grubstake Lake; thence in an easterly direction through Grubstake Lake to its easternmost tip; thence in an easterly direction along a swampy flowage to Kekekabic Lake; thence in an easterly direction along the south shore of Kekekabic Lake to the stream to Strup Lake; thence in a southerly direction along said stream through Strup and Wisini Lakes to the southernmost tip of Wisini Lake; thence in a southerly direction across the portage trail to Ahmakose Lake; thence in a southwesterly direction through Ahmakose Lake and its outlet stream to Gerund Lake; thence in a southeasterly direction through Gerund Lake and its outlet stream to Fraser Lake; thence in an easterly direction through Fraser Lake to the portage trail to Sagus Lake; thence along said portage trail and along all streams through Sagus, Roe, and Cap Lakes to the eastern end of Cap Lake; thence overland for approximately 0.4 miles in a south-southeasterly direction to Boulder Lake; thence in a southwesterly direction through Boulder Lake and along its outlet stream to Adams Lake; thence in a southerly direction to the southwest tip of Adams Lake; thence overland for approximately 0.25 miles in a southwesterly direction to Beaver Lake; thence in southwesterly and southeasterly directions through Beaver Lake to the stream entering Beaver Lake from the east near the southern tip of Beaver Lake; thence in an easterly direction along said stream to the unnamed lake approximately 0.1 miles to the east; thence in a southerly direction through said unnamed lake and the stream connecting it to Kawishiwi River; thence in a southerly direction along Kawishiwi River, through River Lake, to the unnamed flowage to the east in the Southeast Quarter of Section 14 of T. 63N, R. 7W; thence in an easterly direction along said unnamed flowage across Sections 14 and 13 of T. 63N, R. 7W, and part of Section 18 of T. 63N, R. 6W, to Record Lake; thence in a northeasterly direction through Record Lake to the Northeast corner of Record Lake; thence overland for approximately 1200 feet in a northeasterly direction to Malberg Lake; thence in a northwesterly direction through Malberg Lake to the portage trail in the northwest corner of Malberg Lake leading to Kawishiwi River; thence in a northwesterly direction along said portage to Kawishiwi River; thence in a northeasterly direction along Kawishiwi River through Kivaniva, Kivandeba, and John Ek Lakes to the south end of John Ek Lake; thence overland for approximately 100 feet in an easterly direction to an unnamed flowage; thence in an easterly direction along said unnamed flowage across the South Half of the South Half of Section 31 of T. 64N, R. 5W, to an unnamed lake in the Northeast Quarter of the Northeast Quarter of said Section 31 of T. 64N, R. 5W; thence overland for approximately 600 feet in a southeasterly direction to an unnamed pond in the Southwest Quarter of the Northwest Quarter of Section 32 of T. 64N, R. 5W; thence overland for approximately 0.3 miles in an easterly direction to an unnamed flowage leading to Teat Lake; thence in an easterly direction along said unnamed flowage through Teat and Lawless Lakes to the eastern end of Lawless Lake; thence overland and all waters for approximately 0.8 miles in a southeasterly direction to Mesaba Lake; thence in a northeasterly direction through Mesaba Lake to an unnamed stream to Hub Lake; thence in a northerly direction along said unnamed stream to Hub Lake; thence along the east and south shores of Hub Lake to the stream leading to Chuck Lake; thence in an easterly direction along said stream, through Chuck and Florence Lakes to the northeast tip of Florence Lake; thence overland for approximately 100 feet in a northeasterly direction to Caper Lake; thence in a northerly direction through Caper Lake and along the unnamed flowage to the north to Frost River; thence in a northwesterly direction along Frost River, and all streams, through Afton, Fente, Whipped, and Time Lakes to Mora Lake; thence along the southern and eastern shores of Mora Lake to the stream to Tarry Lake; thence in a northerly direction along said stream to Tarry Lake; thence along the eastern shore of Tarry Lake to the stream to Crooked Lake; thence in a northerly direction along said stream to Crooked Lake; thence along the eastern shore of Crooked Lake to the stream to Gillis Lake; thence in a northwesterly direction along said stream to Gillis Lake; thence along the southern, eastern, and northern shores of Gillis Lake to the portage trail to French Lake; thence in a northerly direction along said portage trail to French Lake; thence along the northeastern shore of French Lake to the stream to Seahorse Lake; thence in a northerly direction along said stream to Seahorse Lake; thence in northerly and easterly directions through Seahorse, Warelub, and Fay Lakes to the stream to Glee Lake; thence in a northwesterly direction along said stream through Glee Lake to its northwesternmost corner; thence in a northerly direction along the portage trail to Elusion Lake; thence in a northwesterly direction along all streams through Elusion and Loop Lakes and a series of unnamed ponds to Sea Gull Lake on the section line between Sections 14 and 15 of T. 65N, R. 5W; thence in westerly and northerly directions along the south and west shores of Sea Gull Lake to its junction with Alpine Lake in the Northeast Quarter of Section 9 of T. 65N, R. 5W; thence along the northeastern shore of Alpine Lake to the portage to Red Rock Lake; thence in a



northeasterly direction along said portage to Red Rock Lake; thence in a northerly direction through Red Rock Lake to Red Rock Bay; thence in a northerly direction along the west shore of Red Rock Bay to Rocky Point on American Point of Saganaga Lake; thence in a northerly direction from Rocky Point and eastern shores of Gillis Lake to the portage trail to Bat Lake; thence in a northerly direction along said portage trail to Bat Lake; thence in a northeasterly direction, and along all portage trails, through Bat and Green Lakes to Flying Lake; thence in a northerly direction, and along all streams, through Flying, Bingshack, and Honker Lakes to the center of the north shore of Honker Lake; thence overland for approximately 0.3 miles in a northerly direction to a swamp flowing northerly to Squat Lake; thence in a northerly direction through said swamp to Squat Lake; thence in a northeasterly direction through Squat Lake to the outlet to the unnamed lake in the Northeast Quarter of Section 19 of Township 65 North, Range 4 West; thence in a northerly direction along said outlet to said unnamed lake; thence in a northerly direction through said unnamed lake and along all streams and ponds to the north shore of an unnamed pond in the Northwest Quarter of the Southwest Quarter of Section 18 of Township 65 North, Range 4 West; thence overland for approximately 200 feet in a northerly direction to Arc Lake; thence in a northeasterly direction to the northern end of Arc Lake; thence overland for approximately 0.3 miles in a northerly direction to an unnamed stream to Sea Gull Lake; thence in a northerly direction along said stream to the southeastern shore of Sea Gull Lake; thence along the southeastern, eastern, and northeastern shores of Sea Gull Lake to Gull Lake; thence in a northerly direction through Gull Lake and along the Sea Gull River to Saganaga Lake; thence along the east shore of Saganaga Lake to Saganaga Falls in Section 4 of Township 66 North, Range 4 West; thence easterly to the United States-Canada international boundary; thence in a southwesterly direction along the international boundary through Saganaga and Swamp Lakes to the point of beginning.

Subp. 34. **Moose Zone 70.** Moose Zone 70 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 16, Cook County, and Swamp River; thence in an easterly direction along Swamp River to Jackson Creek; thence in easterly and northeasterly directions along Jackson Creek, through Jackson Lake, to the unnamed creek entering Jackson Lake; thence in an east-northeasterly direction along said unnamed creek, adjoining swamp and upland, to an unnamed lake in the Northeast Quarter of Section 13 of T. 63N, R. 4E; thence in an easterly direction to the Reservation River and the Grand Portage Indian Reservation Boundary; thence in a northwesterly direction point where the Brule River crosses Minnesota Highway 61; thence northeasterly along Minnesota Highway 61 to the Grand Portage Indian Reservation boundary at the Range line between Ranges 4 and 5 East; thence in a northerly direction along the Grand Portage Indian Reservation boundary to Swamp Lake; thence in a northwesterly direction along the Grand Portage Indian Reservation Boundary to Pigeon River and the United States-Canada international boundary; thence in a northwesterly direction along the United States-Canada international boundary on the Pigeon River and South Fowl Lake to North Fowl Lake and Royal River; thence in a westerly direction along Royal River to John Lake; thence in a westerly direction along the south shore of John Lake to the outlet of Little John Lake; thence in a southerly direction through Little John Lake to McFarland Lake; thence in a westerly direction through McFarland Lake to Pine Lake; thence in a westerly direction through Pine Lake to the range line between Range 2 East and Range 3 East; thence in a southerly direction along said range line across land and the waters of Long Lake and Stump Lake to Fault Lake; thence in a westerly direction through Fault Lake, Bronco Lake, and the stream flowing into Bronco Lake from the west to Puff Creek; thence in a southwesterly direction along Puff Creek to its junction with an unnamed creek on the section line between Sections 14 and 15 of Township 64N, Range 2 East (T. 64N, R. 2E); thence in a southeasterly direction along said unnamed creek to Tittle Lake; thence in a southeasterly direction through swamp for approximately one-half mile to the unnamed lake in the Southwest Quarter of Section 13 of T. 64N, R. 2E; thence in a southwesterly direction through approximately one-half mile of swamp to Greenwood Lake at a location in the Southeast Quarter of the Northeast Quarter of Section 23, T. 64N, R. 2E; thence in a southwesterly direction through Greenwood Lake to its outlet at Greenwood River; thence in a southerly direction along Greenwood River to its junction with Brule River; thence in a southeasterly direction along Brule River to the section line between Sections 9 and 10 of T. 62N, R. 3E; thence overland in an easterly direction for approximately 800 feet to Flute Reed River; thence in a northeasterly direction along Flute Reed River, through its headwaters swamp, to the flowage entering it from Moosehorn Lake; thence in an easterly direction along said flowage from Moosehorn Lake to Grand Portage State Forest Road (GPSFR) 2, Cook County; thence along GPSFR 2 to CSAH 16, Cook County; thence along CSAH 16 to the point of beginning.

[For text of subps 35 and 36, see M.R.]

Subp. 37. **Moose Zone 73.** Moose Zone 73 consists of that portion of the state lying within the following described boundary: Beginning at the intersection of County State Aid Highway (CSAH) 12, Cook County, and CSAH 8, Cook County; thence along

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CSAH 8 to CSAH 27, Cook County; thence along CSAH 27 to Forest Road (FR) 323; thence along FR 323 to Ball Club Lake; thence in a northeasterly direction across Ball Club Lake to the opposite shore; thence northwesterly and westerly along said shore to the easterly tip of the bay; thence in a northerly direction overland from the tip of said bay for approximately 800 feet to Dane Lake; thence in a northerly direction through Dane Lake to its outlet stream; thence in a northwesterly direction along said stream to Swede Lake; thence in northeasterly and easterly directions through Swede Lake to its outlet stream; thence in easterly and northerly directions along said outlet streams to South Brule River at Dugout Lake; thence in an easterly direction along South Brule River through Dugout, Marshall and Bower Trout Lakes to its junction with the North Brule River to form Brule River; thence in a southeasterly direction along the Brule River to the unnamed stream entering the Brule River near the center of the eastern edge of Section 9, Township 62 North, Range 3 East (T. 62N, R. 3E); thence along said unnamed stream to a trail (abandoned roadbed) in the Northwest Quarter of Section 9, T. 62N, R. 3E; thence in a southerly direction along said trail for approximately 1.6 miles to its junction with a second trail (abandoned roadbed); thence in a westerly direction along said second trail for approximately 1.5 miles to its junction with a third trail (abandoned roadbed); thence in a southerly direction along said third trail for approximately 2.25 miles to CSAH 14, Cook County; thence along CSAH 14 and through Northern Light Lake to Minnesota Highway 61; thence in a southwesterly direction along Minnesota Highway 61 to Devil Track River; thence northeasterly along Devil Track River to CSAH 60, Cook County; thence along CSAH 60 to CSAH 12, Cook County; thence along CSAH 12 to the point of beginning.

Subp. 38. **Moose Zone 74.** Moose Zone 74 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 12, Cook County, and Forest Road 146; thence in a northerly direction along CSAH 12 to the stream connecting Road Lake to Poplar Lake; thence in a westerly direction along said stream to Poplar Lake; thence in a westerly direction along the southern and western shores of Poplar Lake to the stream to Skipper Lake; thence in a westerly direction along said stream and other streams or swamps through Skipper, Little Rush, Rush, Banadad, Sebeka, Ross, Seal, George, Lower George, Rib, Cross Bay, and Snipe Lakes to the northwest corner of Snipe Lake; thence overland approximately 0.4 miles in a northwesterly direction to the northeast corner of Missing Link Lake; thence in a westerly direction along the northern shore of Missing Link Lake to the portage to Round Lake; thence in a northeasterly direction along said portage to Round Lake; thence in a northwesterly direction along the southwest shore of Round Lake to the flowage to West Round Lake; thence in a westerly direction across said flowage, along all streams, and through West Round, Edith, Brant, then in a northerly direction through Gotter, Flying, Bingshack, and Honker Lakes to the center of the north shore of Honker Lake; thence overland for approximately 0.3 miles in a northerly direction to a swamp flowing northerly to Squat Lake; thence in a northerly direction through said swamp to Squat Lake; thence in a northeasterly direction through Squat Lake to the outlet to the unnamed lake in the Northeast Quarter of Section 19 of Township 65 North, Range 4 West (T. 65N, R. 4W); thence in a northerly direction along said outlet to said unnamed lake; thence in a northerly direction through said unnamed lake and along all streams and ponds to the north shore of the unnamed pond in the Northwest Quarter of the Southwest Quarter of Section 18, T. 65N, R. 4W; thence overland for approximately 200 feet in a northerly direction to Arc Lake; thence in a northeasterly direction to the northern end of Arc Lake; thence overland for approximately 0.3 miles in a northerly direction to an unnamed stream to Sea Gull Lake; thence in a northerly direction along said stream to the south shore of Sea Gull Lake; thence in westerly and northerly directions along the south and west shores of Sea Gull Lake to its junction with Alpine Lake in the Northeast Quarter of Section 9, T. 65N, R. 5W; thence along the northeastern shore of Alpine Lake to the portage to Red Rock Lake; thence in a northeasterly direction along said portage to Red Rock Lake; thence in a northerly direction through Red Rock Lake to Red Rock Bay; thence in a northerly direction along the west shore of Red Rock Bay to Rocky Point on American Point of Saganaga Lake; thence in a northerly direction from Rocky Point thence along the southeastern, eastern, and northeastern shores of Sea Gull Lake to Gull Lake; thence in a northerly direction through Gull Lake and along Sea Gull River to Saganaga Lake; thence along the east shore of Saganaga Lake to Saganaga Falls in section 4 of Township 66 North, Range 4 West; thence in an easterly direction to the United States-Canada international boundary; thence in easterly and southerly directions along the international boundary through Saganaga, Maraboeuf, Gneiss, Granite, Clove, Magnetic, Gunflint, Little Gunflint, North, South, Rat, and Rose Lakes to the east end of Rose Lake; thence in a southeasterly direction along the stream leading to Daniels Lake; thence in a southwesterly direction through Daniels Lake to an unnumbered road bed in the Northwest Quarter of the Northwest Quarter of Section 35, T. 65N, R. 1W; thence in an easterly direction along said unnumbered road bed to CSAH 66, Cook County; thence overland in an easterly direction across CSAH 66, Cook County, for approximately 100 yards to Clearwater Lake; thence in an easterly direction through Clearwater Lake to the portage to Caribou Lake; thence along the southwest shore of Caribou Lake to the portage to Deer Lake; thence in a southerly direction along said portage to Deer Lake; thence in a southwesterly direction to the south shore of Deer Lake; thence in a southeasterly direction overland approximately 1,000 feet to Moon Lake; thence along the western shore of Moon Lake to the stream to Flour Lake; thence in a westerly direction along said stream to Flour Lake; thence along the eastern shore of Flour Lake to the portage trail to East Bearskin Lake; thence in a southerly direction along said portage to East Bearskin Lake; thence in a westerly direction through East Bearskin Lake to the public access and Forest Road 146; thence along Forest Road 146 to the point of beginning.

[For text of subps 39 to 42, see M.R.]

Subp. 43. **Moose Zone 79.** Moose Zone 79 consists of that portion of the state lying within the following described boundary: Beginning at the intersection of State Trunk Highway 1 and U.S. Highway 61; thence along State Trunk Highway 1 to County State Aid Highway (CSAH) 7, Lake County; thence along CSAH 7 to Forest Road (FR) 166; thence along FR 166 to the ~~Temperance River; thence in a southerly direction along Temperance River~~ CSAH 2, Cook County; thence in a northerly direction along CSAH 2, Cook County, to Sixmile Creek; thence in a northeasterly direction along Sixmile Creek to the Range Line between Range 3 West and Range 4 West of Township 60 North; thence in a southerly direction along said Range Line to the unnamed creek in Section 19 of Township 60 North, Range 4 West; thence in an easterly direction along said unnamed creek to Poplar River; thence in a northeasterly direction along Poplar River to Caribou Creek; thence upstream in a northeasterly direction along Caribou Creek through Caribou and Bigsby Lakes to Murrum Creek; thence in a northeasterly direction along Murrum Creek to FR 332; thence in an easterly direction along FR 332 to CSAH 45, Cook County; thence in an easterly direction along CSAH 45, Cook County, to the Cascade River; thence in a southerly direction along the Cascade River to U.S. Highway 61; thence along U.S. Highway 61 to the point of beginning.

[For text of subp 44, see M.R.]

#### **6234.1900 TAKING BEAVER.**

Subpart 1. **Open season and bag limits for beaver in North Zone.** Beaver may be taken and possessed without limit by trapping from 9:00 a.m. on the Saturday nearest October 26 to ~~April 30~~ May 15.

Subp. 2. **Open season and bag limits for beaver in South Zone.** Beaver may be taken and possessed without limit by trapping from 9:00 a.m. on the Saturday nearest October 30 to ~~April 30~~ May 15.

#### **6234.2000 TAKING OTTER.**

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

Subp. 2. **Open season and area for otter in South Zone.** Otter may be taken by trapping from 9:00 a.m. on the Saturday nearest October 30 to the Sunday nearest January 6 only in that portion of the zone lying north of ~~U.S. Highway 10~~ by trapping from 9:00 a.m. on the Saturday nearest October 30 to the Sunday nearest January 6 Interstate Highway 94 beginning at the west boundary of the state; thence along Interstate Highway 94 to U.S. Highway 10; and thence along U.S. Highway 10 to the east boundary of the state.

[For text of subs 3 and 4, see M.R.]

#### **6234.2200 USE OF TRAPS.**

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

Subp. 2. **Trap-tending interval; nondrowning sets.** Any trap, except a body-gripping or "conibear" type trap, capable of capturing a protected wild animal and not capable of drowning the animal must be tended at least once each calendar day and any animal captured must be removed from the trap. A body-gripping or "conibear" type trap need not be tended more frequently than once every third calendar day and any animal captured must be removed from the trap.

[For text of subs 3 to 12, see M.R.]

#### **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 the entire head of 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.]

#### **6234.2800 PAYMENT OF PELTING FEES.**

If a person recovers, treats, preserves, or transports the pelt of any fur-bearing animal that was accidentally killed, or lawfully killed while causing or threatening injury or damage, the person may be entitled to a pelting fee equal to ~~25~~ 50 percent of the

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average value of a pelt in the lot of fur in which the pelt was sold or ~~25~~ 50 percent of the proceeds of the sale of the pelt if not sold in a lot of fur. A pelting fee will not be paid on muskrats.

### 6236.0100 DEFINITIONS.

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

Subp. 2. **Agricultural land or grazing land.** "Agricultural land" or "grazing land" has the meaning given "agricultural land" under *Minnesota Statutes*, section 97B.001.

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

Subp. 7. **Wild turkey permit area.** "Wild turkey permit area" means an area of the state comprised of partial, single, or grouped deer and bear registration blocks where taking wild turkeys is authorized by permit.

### 6236.0300 TURKEY HUNT DRAWING.

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

Subp. 2. **Participation in application drawings.** Applicants may complete an application form for either the spring or fall turkey hunt or both. Qualifying individuals may apply for the resident landowner-tenant turkey drawing. All of the following information in items A to G must be supplied on the application forms:

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

D. An applicant must choose one of the zones wild turkey permit areas and one of the time periods.

E. Up to four persons desiring to hunt together as a group may apply by submitting their drawing applications in one envelope. Applications by a group must all be for the same zone wild turkey permit area and time period. The person within a group with the lowest preference rating will determine the preference rating of the group. Properly completed applications which are submitted in one envelope will either all be selected or none selected. Mixing landowner-tenant applications with general applications will not be permitted for purposes of applying as a group.

[For text of items F and G, see M.R.]

Subp. 3. **Landowner-tenant drawing.** A landowner-tenant license application drawing will be held subject to the following restrictions: in items A to E.

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

C. For each zone wild turkey permit area and time period, no more than 20 percent of the successful participants will be drawn from the special landowner-tenant applications.

D. An individual participant in the landowner-tenant drawing may submit only one application and only for the turkey zone wild turkey permit area in which the participant resides.

[For text of items E and F, see M.R.]

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

Subp. 6. **Undersubscribed zones wild turkey permit areas.** A second preference drawing may be held for undersubscribed time periods. All unsuccessful applicants for the zone wild turkey permit area that includes the undersubscribed time period will be eligible for the second drawing.

### 6236.0500 TURKEY HUNT LICENSE RESTRICTIONS.

Turkey hunters licensed for the same zone wild turkey permit area and time period may assist other licensed turkey hunters but each hunter may not shoot or tag a turkey for another hunter.

### 6236.0600 SPRING TURKEY SEASON.

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

Subp. 4. **Open areas.** Fourteen Wild turkey zones, numbered between 1 and 30, permit areas are open during for the spring turkey season as prescribed by the commissioner.

[For text of subp 5, see M.R.]

### 6236.0700 FALL TURKEY SEASON.

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

Subp. 4. **Open areas.** Wild turkey Zones 1 through 5 permit areas are open for the fall turkey season as prescribed by the commissioner.

[For text of subp 5, see M.R.]

**6236.0810 WILD TURKEY PERMIT AREA DESCRIPTIONS.**

Wild turkey permit areas are comprised of partial, single, or grouped deer and bear registration blocks, as established in part 6232.4700, and are described as follows:

- A. wild turkey permit area 152 consists of registration block 152;
- B. wild turkey permit area 157 consists of registration block 157;
- C. wild turkey permit area 158 consists of registration block 158;
- D. wild turkey permit area 221 consists of registration block 221;
- E. wild turkey permit area 222 consists of registration block 222;
- E. wild turkey permit area 223 consists of registration block 223;
- G. wild turkey permit area 224 consists of registration block 224;
- H. wild turkey permit area 225 consists of registration block 225;
- I. wild turkey permit area 226 consists of registration block 226;
- J. wild turkey permit area 227 consists of registration block 227;
- K. wild turkey permit area 228-236 consists of registration blocks 228 and 236;
- L. wild turkey permit area 235 consists of registration block 235;
- M. wild turkey permit area 244 consists of registration block 244;
- N. wild turkey permit area 251 consists of registration block 251;
- O. wild turkey permit area 286 consists of registration block 286;
- P. wild turkey permit area 297-298 consists of registration blocks 297 and 298;
- Q. wild turkey permit area 337-338 consists of registration blocks 337 and 338;
- R. wild turkey permit area 339-462 consists of registration blocks 339 and 462;
- S. wild turkey permit area 341-342 consists of registration blocks 341 and 342;
- T. wild turkey permit area 343-347 consists of registration blocks 343 and 347;
- U. wild turkey permit area 344 consist of registration block 344;
- V. wild turkey permit area 345-348 consists of registration blocks 345 and 348;
- W. wild turkey permit area 346 consists of registration block 346;
- X. wild turkey permit area 349 consists of registration block 349;
- Y. wild turkey permit area 402 consists of registration block 402;
- Z. wild turkey permit area 405 consists of registration block 405;
- AA. wild turkey permit area 406 consists of registration block 406;
- BB. wild turkey permit area 407 consists of registration block 407;
- CC. wild turkey permit area 408 consists of registration block 408;
- DD. wild turkey permit area 409 consists of registration block 409;
- EE. wild turkey permit area 410 consists of registration block 410;
- FF. wild turkey permit area 411 consists of registration block 411;
- GG. wild turkey permit area 412 consists of registration block 412;
- HH. wild turkey permit area 413 consists of registration block 413;

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II. wild turkey permit area 414 consists of registration block 414;

JJ. wild turkey permit area 415 consists of registration block 415;

KK. wild turkey permit area 416 consists of registration block 416;

LL. wild turkey permit area 417 consists of registration block 417;

MM. wild turkey permit area 418 consists of those portions of registration block 418 described as follows:

Beginning at the intersection of Interstate Highway 94 and County State Aid Highway (CSAH) 10; thence along CSAH 10 in a southerly direction to State Trunk Highway (STH) 23; thence along STH 23 to STH 55, Stearns County; thence along STH 55 to STH 15; thence along STH 15 to Interstate Highway 94; thence along Interstate Highway 94 to the point of beginning;

NN. wild turkey permit area 419 consists of registration block 419;

OO. wild turkey permit area 420 consists of registration block 420;

PP. wild turkey permit area 421 consists of registration block 421;

OO. wild turkey permit area 422 consists of registration block 422;

RR. wild turkey permit area 423 consists of registration block 423;

SS. wild turkey permit area 424 consists of registration block 424;

TT. wild turkey permit area 425 consists of registration block 425;

UU. wild turkey permit area 426 consists of registration block 426;

VV. wild turkey permit area 427 consists of registration block 427;

WW. wild turkey permit area 428 consists of registration block 428;

XX. wild turkey permit area 429 consists of registration block 429;

YY. wild turkey permit area 431 consists of registration block 431;

ZZ. wild turkey permit area 433 consists of registration block 433;

AAA. wild turkey permit area 435 consists of registration block 435;

BBB. wild turkey permit area 440 consists of registration block 440;

CCC. wild turkey permit area 442 consists of registration block 442;

DDD. wild turkey permit area 443 consists of registration block 443;

EEE. wild turkey permit area 446 consists of registration block 446;

FFF. wild turkey permit area 447 consists of registration block 447;

GGG. wild turkey permit area 448 consists of registration block 448;

HHH. wild turkey permit area 449 consists of registration block 449;

III. wild turkey permit area 450 consists of registration block 450;

JJJ. wild turkey permit area 451 consists of registration block 451;

KKK. wild turkey permit area 452 consists of registration block 452;

LLL. wild turkey permit area 453 consists of registration block 453;

MMM. wild turkey permit area 454-455-456-458 consists of registration blocks 454, 455, 456, and 458;

NNN. wild turkey permit area 459 consists of registration block 459;

OOO. wild turkey permit area 461 consists of registration block 461;

PPP. wild turkey permit area 463 consists of registration block 463;

OOO. wild turkey permit area 464-465 consists of those portions of registration blocks 464 and 465 described as follows:

Beginning at the intersection of U.S. Highway 218 and U.S. Highway 14, Steele County; thence along U.S. Highway 14 to State Trunk Highway (STH) 13; thence along STH 13 to County State Aid Highway (CSAH) 15, Waseca County; thence along CSAH 15 to CSAH 4, Steele County; thence along CSAH 4 to CSAH 45; thence along CSAH 45 to the point of beginning; and

Beginning at the intersection of County State Aid Highway (CSAH) 12, Steele County and Interstate Highway 35 (I-35); thence along I-35 to U.S. Highway 14; thence along U.S. Highway 14 to CSAH 16; thence along CSAH 16 to STH 30; thence

along STH 30 to CSAH 13, Dodge County; thence along CSAH 13 to U.S. Highway 14; thence along U.S. Highway 14 to STH 57; thence along STH 57 to CSAH 24, Dodge County; thence along CSAH 24 to CSAH 12, Steele County; thence CSAH 12 to the point of beginning; and

RRR. wild turkey permit area 466-467 consists of registration block 467 and those portions of registration block 466 described as follows:

Beginning at the intersection of County State Aid Highway (CSAH) 29 and State Trunk Highway (STH) 22, Faribault County; thence along STH 22 to the South Boundary of the State; thence along the South Boundary of the State to STH 105; thence along STH 105 to Interstate 90 (I-90) in Austin; thence along I-90 to the point of beginning.

#### **6236.1000 TURKEY REGISTRATION.**

A person taking a turkey must register the turkey at a designated registration station within the time specified for that season. The feathers, head, and feet must remain on the turkey until it is registered. An unregistered turkey may not be possessed outside the ~~zone~~ wild turkey permit area where taken unless it is being transported in a direct route to a registration station. Registration stations will be listed in materials provided to all licensees.

#### **6236.1100 LICENSE REQUIREMENTS FOR GUIDES.**

A person is qualified to obtain a turkey hunting guide license only in the ~~zone~~ wild turkey permit area and during the dates that their turkey hunting license is valid.

#### **6240.1000 TAKING GEESE IN SOUTHEAST GOOSE ZONE.**

Subpart 1. Zone. The Southeast Goose Zone is comprised of Isanti, Chisago, Washington, Anoka, Hennepin, Carver, Scott, Ramsey, Dakota, Rice, Goodhue, Wabasha, Winona, Olmsted, Dodge, Steele, Freeborn, Mower, Fillmore, and Houston counties.

Subp. 2. Seasons. Canada and white-fronted geese and brant may be taken during the 70-day period beginning the Saturday on or nearest October 1. In Olmsted County and in the Twin Cities Metropolitan Goose Zone, Canada geese may also be taken in the late season as provided in part 6240.1900, subpart 3.

#### **6240.1100 TAKING GEESE IN REMAINDER OF STATE.**

The remainder of the state consists of all areas not within the Southeast, Northwest, and West Goose Zones. Canada and white-fronted geese and brant may be taken during the 50-day period beginning the Saturday on or nearest October 1.

#### **6240.1150 TAKING SNOW, BLUE, and ROSS' GEESE.**

Snow, blue, and Ross' geese may be taken statewide during the 80-day period beginning the Saturday on or nearest October 1, except that the season in the Lac qui Parle Goose Zone will be closed when the season for Canada and white-fronted geese is closed.

#### **6240.1850 GAME REFUGES OPEN TO THE TAKING OF GEESE.**

The Douglas County Goose Refuge in Douglas County and, the Otter Tail County Goose Refuge in Otter Tail County ~~are open to Canada goose hunting during the early and regular goose seasons,~~ the Fox Lake Game Refuge in Martin County, the Sauk Rapids-Rice Goose Refuge in Benton County, and the St. James Game Refuge in Watonwan County are open to Canada goose hunting during the early goose season and as follows:

A. The Douglas County Goose Refuge, the Otter Tail County Goose Refuge, and the Sauk Rapids-Rice Goose Refuge are open to goose hunting during the 50-day period beginning the Saturday on or nearest October 1. Those portions of the Douglas County Goose Refuge and Otter Tail County Goose Refuge south of Interstate Highway 94 are closed to Canada goose hunting when the West Goose Zone is closed. Taking waterfowl from public roads and their rights-of-way is prohibited.

B. The Fox Lake Game Refuge and the Saint James Game Refuge are open to goose hunting during the last eight days of the goose season in the remainder of the state as described in part 6240.1100.

C. The Douglas County Goose Refuge and the Otter Tail County Goose Refuge are open to Canada goose hunting during the late goose season in the Fergus Falls/Alexandria Zone as described in part 6240.1900, subpart 3. Taking waterfowl from public roads and their rights-of-way is prohibited.

#### **6240.1900 LATE SEASON FOR TAKING GEESE.**

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

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Subp. 3. Seasons. Canada geese may be taken in the Twin Cities Metropolitan Canada Goose Zone and in Olmsted County from December 15 through December 24. Canada geese may be taken in the Fergus Falls/Alexandria Goose Zone during the ten-day period beginning the second Saturday in December. Taking Canada geese on or within 100 yards of all surface waters, excluding ice, is prohibited in the Twin Cities Metropolitan Canada Goose Zone during the late season.

### 6250.0101 PRIVATE FISH HATCHERY OPERATIONS.

Private fish hatcheries are subject to the provisions for aquatic farms in Minnesota Statutes, chapter 17, to the extent they are now and in the future consistent with statutes pertaining specifically to private fish hatcheries.

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

[For text of subps 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<br>minimum<br>mesh<br>size<br>3-1/2<br>inches<br>allowed | Ciscoe<br>minimum<br>mesh<br>size<br>1-3/4<br>inches<br>allowed | Open<br>dates |
|---|------------------|--|---|---------------|
| Ball Club, T.144, R.25, 26;<br>T.145, R.26                        | Itasca           | X  |   | B             |
| Bass, T.137, R.28   | Crow Wing        | X  |   | B             |
| Bass, north basin and Snyder<br>Bay to the narrows, T.56,<br>R.26 | Itasca           | X  |   | B             |
| Bass, Big, T.140, R.26,<br>S.27 + Various                         | Cass             |  | X   | B             |
| Beltrami, T.148, R.32, 33   | Beltrami         | X  |   | B             |
| Bemidji, Little, T.142,<br>R.39, S.23 + Var.                      | Becker           | X  |   | B             |
| Benedict, T.142, R.32   | Hubbard          | X  |   | B             |
| Black Bear, T.46, R.29, 30;<br>T.47, R.29, 30                     | Crow Wing        |  | X   | B             |
| Blackduck, T.149, R.31  | Beltrami         | X  |   | B             |
| Blackwater, T.140, R.29,<br>S.25 + Var.                           | Cass             | X  |   | B             |
| Bowstring, T.146, R.25, 26;<br>T.147, R.25, 26                    | Itasca           | X  |   | B             |
| Bowstring, Little, T.58,<br>R.27, S.23 + Var.                     | Itasca           | X  |   | B             |
| Boy, T.142, R.27, 28  | Cass             | X  |   | B             |
| Buffalo, T.140, R.40, 41;<br>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<br>Cass | X  |   | B             |
| Clear, T.137, R.28  | Crow Wing        |  | X   | B             |
| Clearwater, T.149, R.35, 36                                       | Beltrami         |  |   | B             |



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|  | County     | Whitefish<br>minimum<br>mesh<br>size<br>3-1/2<br>inches<br>allowed | Ciscoe<br>minimum<br>mesh<br>size<br>1-3/4<br>inches<br>allowed | Open<br>dates |
|--|------------|--|---|---------------|
| Cotton, T.139, 140, R.40   | Clearwater | X  |   | B             |
| Crane, T.67, R.16, 17  | Becker     | X  |   | B             |
| Crooked, T.144, R.31   | St. Louis  |  | X   | A             |
| Crooked, T.45, R.28, S.16  | Cass       | X  |   | B             |
| + Var.   | Crow Wing  | X  |   | B             |
| Crow Wing, Fifth and Sixth<br>Lakes (channel between),<br>T.140, R.33, S.20              | Hubbard    |  |   |               |
| Crow Wing, Seventh and<br>Eighth Lakes (channel<br>between), T.140, R.33,<br>S.12 + Var. | Hubbard    | X  |   | B             |
| Crow Wing, Ninth, T.140,<br>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,<br>R.27  | Itasca     | X  |   | B             |
| Deer, T.148, R.34  | Beltrami   | X  |   | B             |
| Deer, T.64, R.1E, S.4 + Var.;<br>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<br>+ 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     |  |   |               |
| Grant, T.146, 147, R.34  | Otter Tail | X  |   | B             |
| Graves, T.58, R.26   | Beltrami   |  | X   | B             |
| Gull, T.134, R.29, 30;<br>T.135, R.29  | Itasca     | X  |   | B             |
| Gull, Upper, T.135, R.29   | Cass       |  |   |               |
| Hanging Horn, Big, T.46, R.19  | Crow Wing  | X  |   | B             |
|  | Cass       | X  |   | B             |
|  | Carlton    | <del>X</del>   | <del>X</del>  | B             |

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# Proposed Rules

|   | County               | Whitefish<br>minimum<br>mesh<br>size<br>3-1/2<br>inches<br>allowed | Ciscoe<br>minimum<br>mesh<br>size<br>1-3/4<br>inches<br>allowed | Open<br>dates |
|---|----------------------|--|---|---------------|
| 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,<br>R.7, 8  | Lake                 | 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;<br>T.143, R.32, 33   | Hubbard              |  |   |               |
| Kabetogama, T.69, 70,<br>R.19-22  | Koochiching          | X  |   | B             |
| Kimble, T.137, R.28   | St. Louis            |  | X   | A             |
| Kitchie, T.146, 147, R.30   | Crow Wing            |  | X   | B             |
| Lake of the Woods   | Beltrami             | X  |   | B             |
|   | Lake of the<br>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<br>Bay and all other bays,<br>T.141, R.29, 31; T.142,<br>R.28, 29, 30, 31, 32;<br>T.143, R.28, 29, 30, 31;<br>T.144, R.28, 29, 30 | Cass<br>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,<br>R.29, 30  | Crow Wing            |  |   |               |
|   |                      | X  |   | B             |
| McCraney, T.143, R.40, S.25<br>+ Var.   | Mahnomen             |  |   |               |
|   |                      | X  |   | B             |
| Many Point, T.141,<br>R.38; T.142, R.38, 39   | Becker               |  |   |               |
|   |                      | X  |   | B             |
| Maple, T.60, R.27   | Itasca               | X  |   | B             |
| Margaret (Kilpatrick),<br>T.135, R.29   | Cass                 | X  |   | B             |
| Marquette, T.146, R.33  | Beltrami             | X  |   | B             |
| Maud, T.138, R.42   | Becker               | X  |   | B             |
| Melissa, T.138, R.41  | Becker               | X  |   | B             |
| Mitchell, T.138, R.27   | Crow Wing            | X  |   | B             |
| Moore, T.142, R.38, S.5;  | Becker               |  |   |               |

## Proposed Rules

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

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# Proposed Rules

|   | County      | Whitefish<br>minimum<br>mesh<br>size<br>3-1/2<br>inches<br>allowed | Ciscoe<br>minimum<br>mesh<br>size<br>1-3/4<br>inches<br>allowed | Open<br>dates |
|---|-------------|--|---|---------------|
| Rainy, T.69-71, R.17-24   | Koochiching |  |   |               |
|   | St. Louis   |  | X   | A             |
| Round, T.141, R.38, 39  | Becker      | X  |   | B             |
| Round, T.134, R.28, 29;<br>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,<br>S.15 + Var.  | Itasca      | X  |   | B             |
| Sand, Big, T.147, 148, R.26   | Itasca      | X  |   | B             |
| Sand Point, T.67, R.16, 17;<br>T.68, R.16, 17,<br>except the narrows<br>between Sand Point<br>and Namakan Lakes<br>and Sand Point and<br>Little Vermillion<br>Lakes | St. Louis   |  |   |               |
|   |             |  | X   | A             |
| Sandy, T.149, R.35  | Beltrami    | X  |   | B             |
| Sandy, Big, T.49, R.23, 24;<br>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;<br>T.61, R.6, 7   | Lake        | X  |   | A             |
| Snyder (Snider), T.143,<br>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;<br>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),<br>T.144, R.30;<br>T.145, R.29, 30  | Cass        |  |   |               |
|   |             | X  |   | B             |
| Swan, T.55, 56, R.22, 23,<br>S. Var.  | Itasca      |  | X   | B             |
| Ten Mile, T.140, R.30, 31;<br>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             |
| Turtle, Big, T.148, R.33  | Beltrami    | X  |   | B             |
| Turtle, Big, T.59, R.26, 27;<br>T.60, R.26, 27  | Itasca      |  | X   | B             |

## Proposed Rules

|  | County             | Whitefish<br>minimum<br>mesh<br>size<br>3-1/2<br>inches<br>allowed | Ciscoe<br>minimum<br>mesh<br>size<br>1-3/4<br>inches<br>allowed | Open<br>dates |
|--|--------------------|--|---|---------------|
| Turtle, Little, T.148, R.31,<br>32   | Beltrami           | X  |   | B             |
| Turtle River Lake, T.147,<br>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<br>Mahnomon |  |   |               |
| Wilson Bay, T.134, R.29, 30  | Cass               | X  |   | B             |
| Wimer, T.137, R.40   | Otter Tail         | X  |   | C             |
| Winnibigoshish, T.145, R.27,<br>28, 29; T.146, R.27, 28,<br>29; T.147, R.27, 28  | Cass<br>Itasca     |  |   |               |
| Winnibigoshish, Little,<br>T.145, R.26, 27;<br>T.146, R.26, 27,<br>except those<br>portions within<br>one-fourth mile of<br>river channels | Cass<br>Itasca     |  |   |               |
| Wolf, Big, T.145, 146,<br>R.32, S. Var.  | Beltrami           |  | X   | B             |
| Woman, T.140, R.28, 29;<br>T.141, R.28, 29   | Hubbard<br>Cass    | X  |   | B             |
|  |                    | X  |   | B             |

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

### 6258.0300 COMMERCIAL PERMITS FOR COMMERCIAL HARVEST OF MUSSELS.

Subpart 1. **Harvest Commercial permit required.** A person may not take or, possess, buy, sell, or transport more than 24 live whole or 48 shell halves of freshwater mussels, or assist another person in such taking, without first obtaining a written commercial mussel permit, from the commissioner, ~~to commercially harvest mussels.~~

Subp. 2. **Harvest Commercial permit issuance.** Commercial harvest mussel permits may be issued subject to the following criteria: in items A to C.

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

Subp. 3. **Harvest Commercial permit duration.** A commercial mussel permit ~~to harvest mussels~~ may be issued annually and may be issued for periods shorter than one season, at the discretion of the commissioner.

Subp. 4. **Harvest Commercial permit termination to protect resource.** The commissioner may terminate a commercial mussel permit ~~to harvest mussels~~ upon 48 hours ~~hours'~~ written notice to protect aquatic resources.

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## Proposed Rules

### 6258.0400 SPECIES FOR COMMERCIAL HARVEST.

Only three ridge (*Amblema plicata*) mussels may be harvested under a commercial harvest mussel permit. Additional species may be requested for harvest from specific sites by special permit. Three ridge mussels may lawfully be harvested, as live whole mussels or shell halves, provided that they cannot pass through a 2-3/4 inch diameter hole.

### 6258.0500 HARVEST SITES FOR PERMITTEES.

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

Subp. 2. **Harvesting restricted outside of permitted site.** The taking of mussels by a permittee or crew member from a place outside the permitted harvest site is prohibited.

### 6260.1800 COMMERCIAL FISHING ON LAKE SUPERIOR.

Subpart 1. **Species, seasons, and limits.** The species of fish in this subpart may be taken in Lake Superior by licensed commercial operators in accordance with according to this subpart.

A. ~~Ciscoes~~, Chubs, alewives, whitefish, menominee whitefish, smelt, and rough fish may be taken at any time; ~~except that lake herring~~. Ciscoes may be taken from December 1 through October 31, except that ciscoes may be taken from November 1 through November 30 under a special permit approved by the commissioner.

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

C. Lake trout may not be taken by commercial fishing except by permit ~~and no lake trout less than 17 inches in length may be possessed, bought, or sold~~. Lake trout legally taken under permit must be sealed with a tag, provided by the commissioner, affixed through the mouth and out the gill. The tag must be affixed immediately upon removal from the water and before the boat is brought to shore. No untagged lake trout may be possessed, bought, or sold by licensed commercial operators. Lake trout of lawful size incidentally taken to commercial operations and dead when removed from the water may be possessed only if sealed with a tag, provided by the commissioner, affixed through the mouth and out the gill. Untagged incidentally taken lake trout may not be possessed, bought, or sold by licensed commercial operators. All incidentally taken live lake trout and all untagged dead lake trout must be returned to the water immediately.

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

Subp. 3. **Use of pound or trap nets.** Hoops and center leads of pound or trap nets used on Lake Superior may be of any dimensions or mesh size length and diameter. The webbing for pound or trap nets, including leads, may not exceed 2-1/2 inch stretch measure, or be of twine size less than 18 gauge or 150 pound strength. Pound or trap nets may not be set within one-quarter mile of the mouth of any stream unless approved by the commissioner. Pound or trap nets may not be set in harbors from May 25 through March 31, except for St. Louis Bay, unless approved by the commissioner. Commercial operators must notify the Lake Superior Fisheries Office within 48 hours if they are unable to lift and empty pound or trap nets at least once every 48 hours. All net stakes, lines, and anchors must be removed from the lake bed within ten days of removing pound and trap nets. Commercial operators must notify the Lake Superior Fisheries Office prior to setting pound or trap nets and at the beginning of each week that pound or trap nets are used. The commissioner may deny the use of pound or trap nets during periods when such use would conflict with fisheries management activities. Pound or trap nets must be marked with a tag which is at least 2-1/2 inches by five-eighths inch permanently bearing the owner's name and address and attached to the top rope of the back side of the pound or crib. Trap nets set with anchors must have attached to the end farthest from shore one fluorescent orange or fluorescent red marker buoy constructed so that a minimum of 18 inches of buoy surface is visible above water in the absence of current or under the weight of nets and line. The number of the owner's Lake Superior commercial fishing license must be plainly marked, in black, on the marker buoy. The marker buoy must be marked with a fluorescent orange or fluorescent red flag, at least one foot square, attached to the top of a flag staff at least five feet long, and the buoy constructed so that the flag staff is supported in a vertical position. All buoys and floats used in pound or trap net sets must be constructed of styrofoam, plastic, rubber, or other materials nonhazardous to navigation.

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

Subp. 6. **Net locations.** Gill nets may not be set within one-quarter mile of the shore in the area extending from the Superior entrance to Pigeon River, except under permit issued by the commissioner. Gill nets set on the bottom may not be in water shallower than 50 fathoms if closer than one mile from the Minnesota shore and 40 fathoms if farther than one mile from the Minnesota shore except under permit.

Subp. 7. **Required reporting.** Commercial fishing operators must submit a record of their commercial fishing operations for each month of the calendar year. These reports must be submitted within ten days after the end of the month for which the report is made. Reports must be made regardless of whether fish are taken and regardless of whether any fishing operations have taken place. Separate records must be kept for each pound or trap net used in Lake Superior and St. Louis Bay. Reports for pound or trap nets must include the number of game fish kept and released, and must be submitted to the Lake Superior Office by the tenth day of each month for the preceding month, whether or not pound or trap nets were fished.

**6260.2000 COMMERCIAL FISHING ON INLAND WATERS.**

Subpart 1. [See repealer.]

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

Subp. 5. **Use of crib nets.** Crib net design for inland waters is at the discretion of the operator, except that mesh size in cribs may not be larger than ~~two 2-1/2 inches~~, stretch measure for cribbing of bullheads and three inches stretch measure for cribbing of other rough fish species, or be of twine size smaller than 18 gauge or 150 pound strength. Wooden cribs must be constructed so that the sides and bottoms have no openings larger than ~~one inch 1-1/4 inches for bullheads and 1-1/2 inches for other rough fish species~~.

[For text of subs 6 to 10, see M.R.]

**6262.0100 GENERAL RESTRICTIONS ON TAKING FISH.**

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

Subp. 4. **Importation, transportation, or stocking of live fish.** Except as provided in ~~part 6212.2600, subpart 3, and Minnesota Statutes, sections 17.4985, subdivision 3; 97C.505, subdivision 1; 97C.515, subdivision 3; and 97C.525, subdivision 1; and 97C.821, and part 6250.0400, subpart 3~~, a person may not import, transport, or stock in any waters of the state live fish eggs, fish spawn, or immature or adult fish of any species without a permit issued by the commissioner. An angling license does not authorize a person to import, transport, or stock live fish.

**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 items A to K, see M.R.]

L. Catfish.

~~Continuous, except on tributaries to the Red River of the North the season is the first Saturday in May through the last day in February.~~

5. No more than 1 may be over 24 inches on tributaries to the Red River of the North, and on tributaries to Minnesota-South Dakota border waters.

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

Minimum length is tributaries of the St. Croix Saturday in September through

O. Sturgeon.

~~+ per season.~~  
The season is open only in 50 inches ~~Q.~~  
River and runs from the first October 15 Closed.

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

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

**6262.0500 WATERS CLOSED TO TAKING FISH.**

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

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## Proposed Rules

**Subp. 2a. Waters closed to possession of fish.** The following waters have restrictions on the possession of fish:

**A. 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, are closed to the possession of all fish through February 28, 1998, except that the daily and possession limit for sunfish is five. Possession and use of minnows as bait, except processed minnows in a dried, frozen, or pickled condition, is prohibited.**

**B. Little Rock Creek from the outlet dam at the Sartell Wildlife Management Unit to the bridge crossing at Township Road 438: S.3, 4, 10, 15, 22, R.31, T.38 in Benton county, and S.22, 27, 33, 34, R.31, T.39 in Morrison county, and the tributary Bunker Hill Creek in Benton county, S.10, 11, R.31, T.38, are closed to the possession of brown trout through April 13, 2001. Only artificial lures may be used during the closed period.**

**Anglers must immediately return to the water the fish species noted for each water. It shall be unlawful for anyone to have in possession or under control, regardless of where taken, fish species noted for each water while on or fishing on these waters. Possession includes personal possession and possession in a vehicle.**

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

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

**Subp. 2. Possession limits on boundary waters.** Licensed anglers, or those exempt from licensing, may ~~take~~ possess only one limit of fish ~~in~~ while on the adjacent 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 subpart 1, see M.R.]

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

| Species                       | Open Season   | Daily and Possession Limits |
|-------------------------------|---|-----------------------------|
| A. Walleye and sauger         | First Saturday in May through last day in February. | 6<br>In aggregate.          |
| B. Northern pike              | First Saturday in May through last day in February. | 3                           |
| C. Small and large mouth bass | First Saturday in May through last day in February. | 6<br>In aggregate.          |
| D. Crappie                    | Continuous.   | 30                          |
| E. Sunfish and bluegill       | Continuous.   | 30                          |
| F. Rock bass                  | Continuous.   | 20                          |
| G. Bullhead                   | Continuous.   | 100                         |
| H. Perch                      | Continuous.   | 50                          |



## Proposed Rules

|    |  |   |                                  |
|----|--|---|----------------------------------|
| I. | Catfish  | <u>Continuous</u><br><u>First Saturday in</u><br><u>May through last</u><br><u>day in February.</u> | 5 with only 1<br>over 24 inches. |
| J. | Sturgeon   | Closed.   | -0-                              |
| K. | Carp, buffalo<br>sheepshead,<br>sucker, redhorse,<br>bowfin, burbot,<br>gar, and white<br>(striped) bass | Continuous.   | No limit.                        |

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

[For text of subps 3 to 7, see M.R.]

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

Subpart 1. **Specified waters.** The provisions of this part apply to all parts of the following named Minnesota-South Dakota boundary waters:

- A. Lake Hendricks;
- B. Big Stone Lake;
- C. Lake Traverse;
- D. Mud Lake; ~~and~~
- E. Bois de Sioux River; and
- E. Mustinka River from the mouth to the Minnesota State Highway 117 bridge.

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<br>Possession<br>Limits |
|-------------------------------|---|-----------------------------------|
| A. Walleye and sauger         | Last Saturday in April<br>through last day in February. | 6                                 |
| B. Northern pike              | Last Saturday in April<br>through last day in February. | 6                                 |
| C. Small and large mouth bass | Last Saturday in April<br>through last day in February. | 6                                 |
| D. Crappie                    | Continuous.   | 30                                |
| E. Sunfish and bluegill       | Continuous.   | 30                                |

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## Proposed Rules

|    |   |             |  |
|----|---|-------------|--|
| F. | Rock bass   | Continuous, | 20   |
| G. | Bullhead  | Continuous, | 100  |
| H. | Perch   | Continuous, | 50   |
| I. | Catfish   | Continuous, | 8 <u>5</u> with<br>only 1 over<br>24 inches. |
| J. | Sturgeon  | Closed,     | 0  |
| K. | Carp, buffalo,<br>sheepshead,<br>sucker, redhorse,<br>bowfin, burbot,<br>gar, and white<br>(striped) bass | Continuous, | No limits,                                   |

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

[For text of subps 3 to 8, see M.R.]

Subp. 9. **Liberalized fishing.** When oxygen levels are reduced to the point of endangering fish life and the waters are posted to indicate that liberalized fishing is in effect, a person may take any fish on Minnesota-South Dakota boundary waters ~~without limit by angling~~ with up to six lines, snagging, spears, dip nets and legal minnow seines within the dates identified on the posted sign. The daily and possession limits during liberalized fishing are three times the normal daily and possession limits for Minnesota-South Dakota boundary waters.

However, Mud Lake, Traverse county, T.127, 128, R.47, 48, Sections various, will be open to liberalized fishing each winter from December 1 through the last day of February, including March 1 if the last day of February falls on Saturday, without posting the dates on a sign.

[For text of subps 10 and 11, see M.R.]

Subp. 12. **Species prohibited for use as bait.** On Minnesota-South Dakota boundary waters, carpsucker and buffalo species may not be used for bait and live mussels and clams may be used for bait only on the body of water where taken.

### 6266.0500 TAKING OF FISH ON MINNESOTA-WISCONSIN BOUNDARY WATERS.

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

Subp. 2. **Definitions.** The terms used in parts 6266.0500 and 6266.0600 have the following meanings.

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

E. "Rough fish" means carp, bowfin, redhorse, sheepshead suckers, burbot, gar, buffalo, quillback, mooneyes, goldeyes, shad, eels, bullheads, and grass carp; and, In addition, catfish, except that eatfish 15 inches or over in length when taken under commercial license with commercial fishing gear downstream from the Taylors Falls Dam shall be considered rough fish.

[For text of subps 3 to 10, see M.R.]

### 6266.0600 MINNESOTA-WISCONSIN BOUNDARY WATERS COMMERCIAL REGULATIONS.

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

Subp. 2. **Landing of Territorial restrictions for commercial operations.** ~~Commercial operators licensed in either Minnesota or Wisconsin may land their commercial gear or turtle traps on either the Minnesota or Wisconsin banks of those parts of Lake Pepin, the Mississippi River, Lake St. Croix and the St. Croix River in which that commercial gear landed is permitted.~~ On Minnesota-Wisconsin boundary waters, a commercial operator may not operate only in the bayous and sloughs beyond the defined boundary territorial waters of the Mississippi River, Lake Pepin, Lake St. Croix or the St. Croix River, except in the state of licensure.

Subp. 3. **Commercial fishing restrictions.** The following restrictions apply to commercial fishing on Minnesota-Wisconsin boundary waters:

A. Game fish taken in any commercial fishing operation must be returned to the water immediately. Grass carp taken ~~in~~ during commercial fishing operations may not be returned to the water. ~~Carp may not be returned to the water, except as provided by subpart 7.~~

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

[For text of subps 4 to 6, see M.R.]

Subp. 7. **Taking of minnows.** The following provisions apply to the commercial taking of minnows on Minnesota-Wisconsin boundary waters:

A. Minnows may not be taken in Minnesota-Wisconsin boundary waters, except in the St. ~~Louis Croix~~ River upstream of the Taylors Falls Dam, by seine, dip net, or trap. Seines may not exceed 50 feet in length or five feet in depth, nor have mesh exceeding one-half inch, stretch measure. Dip net frames may not exceed six feet in diameter nor have a net bag more than four feet deep. A trap may not exceed 24 inches in length or 16 inches in diameter or have an opening at its throat exceeding 1-1/2 inches in diameter. All traps used in taking minnows must have securely attached a label or tag legibly and permanently bearing the name and address of the operator. All minnow traps must be raised and the minnows removed at least once every 24 hours.

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

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

**REPEALER.** Minnesota Rules, parts 6232.0100, subpart 3; 6232.0400, subparts 1 and 3; 6232.0600, subpart 3; 6232.1700; 6236.0800; 6250.0100; 6250.0200; 6250.0300; 6250.0400; 6250.0500; 6250.0600; 6250.0700; 6250.0800; 6250.0900; 6250.1000; 6250.1100; 6250.1200; 6258.0700, subparts 2 and 3; and 6260.2000, subpart 1, are repealed. The emergency amendment to Minnesota Rules, part 6262.0500, subpart 4, is repealed.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Procedural Rules

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

**Introduction.** The Minnesota Pollution Control Agency (Agency) intends to adopt a permanent rule without a public hearing following procedures set forth in the Administrative Procedures Act, *Minnesota Statutes* sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

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

Placida L. Venegas  
Hazardous Waste Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 297-8370  
TDD: (612) 297-5353 or 1-800-627-3529  
Facsimile: (612) 297-8676

**Subject of Rule and Statutory Authority.** The proposed rule is about procedures before the Minnesota Pollution Control Agency Board. The statutory authority to adopt the rule is found in *Minnesota Statutes* section 116.07 (1994) and in *Minnesota Statutes* section 14.06 (1994). A copy of the proposed rule is published immediately after this notice.

**Copy of the Rule.** A free copy of the proposed rule is also available upon request from the Agency contact person listed above.

**Comments.** You have until 4:30 p.m., on January 17, 1996, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the Agency contact person by the

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## Proposed Rules

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due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the 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 January 17, 1996. 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 rule which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Agency will follow the procedures in *Minnesota Statutes* sections 14.131 to 14.20.

**Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Agency and may not result in a substantial change in the proposed rule as printed immediately after this notice. If the proposed rule affects 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 Agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

**Small Business Considerations.** *Minnesota Statutes* section 14.115, subdivision 4 requires that the notice of rulemaking include a statement of the impact of this proposed rule on small businesses. The proposed amendments will not significantly affect small businesses. To the extent the existing procedural rules already create some burden on interested persons, including small businesses, to participate in Agency matters, the proposed amendments will not change this burden. Moreover, the burden flows from the authority of the Agency rather than from the procedural rules of the Agency. For these reasons, the Agency concludes that the proposed amendments to its procedural rules will not affect small businesses adversely.

**Expenditure of Public Money by Local Public Bodies.** *Minnesota Statutes* section 14.11, subdivision 1 requires the Agency to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. The Agency has determined that adoption of the proposed amendments will not require the expenditure of public money by local public bodies in any way different than that required by existing rules, if at all.

**Impact on Agriculture Lands.** *Minnesota Statutes* section 14.11, subdivision 2, requires that if the rule would have a direct and substantial adverse impact upon agricultural lands in the state, the Agency shall comply with specified additional requirements. The Agency has determined that adoption of the proposed amendments will not have an impact on agricultural land in any way different than required by existing rules, if at all.

**Economic Factors.** *Minnesota Statutes* section 116.07, subdivision 6, requires the Agency to give due consideration to economic factors in exercising its powers. In proposing these amendments, the Agency has given due consideration based on available information to the economic impacts the amendments may have. The Agency has concluded that the proposed amendments will have no adverse economic impact.

**Farming Operations.** *Minnesota Statutes* section 116.07, subdivision 4 requires the Agency to hold public meetings in agricultural areas of the state if a proposed rule affects farming operations. The Agency has determined that this rule will not affect transportation in any way different than required by existing rules, if at all.

**Transportation.** *Minnesota Statutes* section 174.05 requires the Agency to notify the Commissioner of Transportation of all rules that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The Agency has determined that this rule will not affect transportation in any way different than required by existing rules, if at all.

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

Dated: 4 December 1995

Charles W. Williams  
Commissioner

**Rules as Proposed****7000.0100 DEFINITIONS.**

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

Subp. 2. **Agency or agency members.** "Agency" or "agency members" means the ~~nine~~ commissioner and the eight persons appointed to the Minnesota Pollution Control Agency, pursuant to *Minnesota Statutes*, section 116.02, subdivision 1.

[For text of subs 2a to 14, see M.R.]

**7000.0400 OFFICERS, COMMITTEES, AND DUTIES.**

Subpart 1. **Officers.** The officers of the agency are the ~~chair~~ commissioner, who serves as the agency chair as prescribed in Minnesota Statutes, section 116.02, subdivision 4, and vice-chair, and commissioner.

Subp. 2. [See repealer.]

Subp. 3. **Electing and term of the vice-chair.** Each year, at its annual meeting, the agency shall elect a vice-chair to serve a one-year term. The ~~chair~~ vice-chair must be elected by a majority of all agency members. No member elected to the office of vice-chair may serve in that capacity more than two full terms consecutively.

Subp. 4. **Duties.** The ~~chair~~ commissioner shall preside at all agency meetings ~~and shall assist the commissioner in proposing dates, times, and agendas for agency meetings and in coordinating agency actions.~~ The vice-chair shall discharge the duties of the commissioner as chair during the absence or disability of the commissioner in carrying out the duties of the chair. The commissioner shall also have the duties prescribed by statute or by rule or delegation of the agency.

Subp. 5. **Vacancies.** If a ~~permanent~~ vacancy occurs in the office of ~~chair~~ commissioner of the agency ~~and no successor is appointed or no temporary commissioner is available or designated as prescribed in Minnesota Statutes, section 15.06,~~ the vice-chair shall ~~become the chair until such time as new officers are elected at the next annual meeting~~ preside and carry out the duties as chair at agency meetings. If a permanent vacancy occurs in the office of vice-chair, the agency shall, as soon as possible after the permanent vacancy, elect a new vice-chair to fill out the term of the vacated office of vice-chair.

Subp. 6. **Removal.** The ~~chair or~~ vice-chair may be removed from office by an affirmative vote of two-thirds of all agency members. The vote to remove a ~~chair or~~ vice-chair shall be made at the next regular meeting of the agency following the meeting at which the removal motion is made.

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

Subp. 8. **Execution of documents.** Contracts, stipulation agreements, and other documents approved by the agency pursuant to law shall be executed on the agency's behalf by the ~~chair~~ commissioner and the ~~commissioner~~ vice-chair unless the agency authorizes some other form of signing.

**7000.0500 AGENCY MEETINGS.**

Subpart 1. **Regular and annual meetings.** Twelve regular monthly meetings of the agency shall be held each calendar year. ~~A date for each regular meeting shall be set by the agency.~~ The annual meeting, also conducted as a regular meeting, shall be held during the month of July of each year. The ~~date, time, and place of each regular meeting, including the annual meeting, shall be designated by the commissioner after consultation with the chair.~~ The ~~chair~~ commissioner may direct that a regular meeting be postponed or advanced to accommodate a state holiday, weather emergency, or scheduling conflicts of agency members.

Subp. 2. **Special meetings.** Upon concluding that a special meeting would assist the agency in accomplishing its work or upon receiving a request for a special meeting from three agency members, the commissioner shall call a special meeting of the agency. The ~~date, time, and place of the special meeting shall be designated by the commissioner after consultation with the chair.~~ In setting the time and place of a special meeting, the commissioner shall consider the extent to which time is of the essence and whether it would be unreasonable or unfair to interested persons for the agency to postpone consideration of the agenda for the special meeting to allow as much notice as would be required for a regular meeting of the agency.

Subp. 3a. **Committee meetings.** The committee chair or the commissioner shall call a committee meeting when ~~the commissioner~~ either concludes that a committee meeting would assist the agency in accomplishing its work or upon receiving a request for a committee meeting from a member of the agency committee. The ~~date, time, and place of the committee meeting shall be designated by the commissioner after consultation with the committee chair.~~

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## Proposed Rules

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Subp. 3b. **Informational meetings.** Part 7001.0120 addresses informational meetings on permits. For all other matters, the agency or commissioner shall call a public informational meeting upon concluding that a public informational meeting would provide the agency with information that would assist it in accomplishing its work or would otherwise be in the public interest. The date, time, and place of the informational meeting shall be designated by the commissioner after consultation with the chair.

[For text of subp 8, see M.R.]

Subp. 9. **Presiding officer.** The ~~chair~~ commissioner shall preside at all regular and special meetings of the agency. The vice-chair shall preside in the ~~chair's~~ commissioner's absence. If the ~~chair~~ commissioner and vice-chair are both absent, the remaining members shall designate one of the agency members present to preside over the meeting until the ~~chair~~ commissioner or vice-chair arrives.

[For text of subs 10 to 17, see M.R.]

Subp. 18. **Continuation or recess of agency meetings.** The agency may continue or recess an agency meeting to a later time or date if necessary to allow for the drafting of findings of fact as directed by agency members or further discussion or deliberation concerning a matter on a meeting agenda. If an agency meeting is continued or recessed and the time, date, and place for reconvening is announced and recorded at the time the meeting is recessed or continued, no further notice of the reconvening is necessary. If the agency provided an opportunity for public comments on a specific matter before a meeting is recessed or continued, the ~~chair~~ commissioner may rule that no further comments will be heard when the meeting is reconvened. However, agency members may ask questions of agency staff and interested persons even when no further public comment is to be taken.

### 7000.0650 PUBLIC PARTICIPATION IN AGENCY MEETINGS.

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

Subp. 5. **Oral presentations at agency meetings.** Consistent with the provisions of part 7000.0500, subpart 18, the agency shall afford interested persons a reasonable opportunity to make oral statements concerning matters on an agency meeting agenda. To ensure an opportunity for full and fair consideration of all views, the ~~chair~~ commissioner may limit the time and scope of each speaker's presentation and may require speakers with similar views to select a spokesperson. Oral statements must be relevant to the matter before the agency. Oral presentations following a rulemaking or contested case hearing must be limited to the record for the matter.

Subp. 6. **Written materials.** The agency shall consider timely, relevant written materials that interested persons submit concerning a matter on an agenda for an agency meeting. Recessing or continuing a meeting as provided under part 7000.0500, subpart 18, does not create a new opportunity to submit written comments, unless the ~~chair~~ commissioner states otherwise and establishes a schedule for submittal of additional written materials. Written statements will be considered timely and relevant only if they meet the following conditions:

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

C. for matters for which a contested case hearing has not been held but a permit comment period has been established under chapter 7001 or 7007, any additional written permit comments must be served on the agency at least five days before the agency meeting, and must be limited to permit procedural mistakes or irregularities, errors of law, or newly discovered material issues of fact that could not have been discovered prior to the close of the permit comment period;

D. for all matters ~~except those under items A to C~~, the ~~chair~~ commissioner may establish a reasonable schedule for submitting written comments. If a schedule is established under this item and the commissioner serves notice of the schedule on interested persons, service is timely if made within the established deadlines; and

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

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

### 7000.0750 AGENCY RECORDS AND FINAL DECISION MAKING.

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

Subp. 4. **Record upon which the agency makes other decisions.** The record upon which the agency shall make a final decision in all matters other than rulemaking and contested case hearings consists of the following:

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

D. written documents containing relevant information, data, or materials ~~compiled~~, referenced, and relied upon by the ~~commissioner~~ commissioner and agency staff in recommending a proposed action or decision; and

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

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

Subp. 9. **Stay of decision.** A person may petition for a stay of an agency decision. Petitions must comply with the requirements of part 7000.2100 relating to timing, serving of a petition, and petition contents. ~~The agency's grounds for granting or denying a petition and the agency's consideration of the petition are the same as the requirements of part 7000.2100.~~

#### **7000.0850 DELEGATION PROCEDURE.**

The agency may delegate the exercise of specified authority or duties to the commissioner as follows:

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

D. the ~~chair~~ commissioner and the vice-chair must sign and date the delegation once it is given;

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

#### **7000.1300 CONFIDENTIAL INFORMATION.**

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

Subp. 3. **Agency use.** Certified records, information, and objects, when approved by the commissioner if required, are only for the confidential use of the agency. However, confidential information may be used by the agency and agency staff in compiling or publishing analyses or summaries relating to the general condition of the state's water, air, and land resources so long as these analyses or summaries do not identify any owner or operator who has so certified.

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

#### **7000.1750 CONTESTED CASE HEARINGS.**

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

Subp. 4. **Parties.** Any person whose legal rights, duties, or privileges are to be determined in the matter for which the contested case hearing is to be held is a party. When a contested case hearing is held pursuant to a petition for a hearing, the person or persons petitioning for the hearing are parties to the matter. In any hearing on an application for a permit or variance, the applicant is a party. The deputy commissioner is a party in any hearing ordered by the agency. Any person who has properly intervened in the contested case under part 1400.6200 is a party.

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

#### **7000.1800 PETITION FOR CONTESTED CASE HEARING.**

Subpart 1. **Petition for contested case hearing.** Any person may petition the agency to hold a contested case hearing. To be considered by the agency, a petition must be submitted in writing, must contain the information specified in subpart 2, and must be timely. Timeliness shall be determined as follows:

A. for permit matters, a petition for a contested case hearing must be submitted during the public comment period established under parts 7001.0100 and 7007.0850;

B. for matters other than those covered by item A, ~~the chair of~~ the commissioner may establish deadlines for persons to petition for a contested case hearing. If the ~~chair of~~ commissioner establishes deadlines to petition for a contested case hearing, petitions for a contested case hearing will be considered timely if they are served on all agency members ~~and~~, including the commissioner within the established deadlines; and

C. if item A does not apply and no deadlines are established as provided in item B, a petition for a contested case shall be considered timely as follows:

(1) for regular meetings of the agency and special meetings noticed ten or more days before the meeting, service is timely if all agency members ~~and~~, including the commissioner, are served five days before the meeting; and

(2) for special meetings of the agency noticed less than ten days before the meeting, service is timely if all agency members ~~and~~, including the commissioner, are served personally or by facsimile before the agenda item is scheduled to be heard.

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

Subp. 3. **Written responses to petitions for contested case hearings.** Any person may serve timely responses to a petition for a contested case hearing. Timeliness shall be determined as described in items A and B.

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A. If the ~~chair or~~ commissioner has established a schedule as provided in subpart 1, item A or B, responses to a petition for a contested case hearing must be submitted within the deadlines established.

B. If no schedule has been established, responses to a petition for a contested case hearing must be personally served on or facsimiled to all agency members ~~and, including~~ the commissioner, at any time prior to the time at which the matter will be considered by the agency.

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

### 7000.2000 FINAL DECISIONS AND ORDERS IN CONTESTED CASES.

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

Subp. 2. **Service of comments and exceptions.** Any person who serves written comments on or exceptions to the administrative law judge's report shall serve these comments or exceptions upon each agency member, including the commissioner, and upon all parties.

Subp. 3. **Appearance at agency meeting.** Any party may appear at the agency meeting at which the matter will be considered for final decision and present oral comments and arguments, limited to evidence in the record, subject to time limitations and conditions that the ~~chair~~ commissioner prescribes in accordance with part 7000.0650, subpart 5.

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

Subp. 8. **Notice.** The commissioner must serve a copy of every final decision or order in a matter for which a contested case hearing has been held must be served on all parties to the matter and on all interested persons who have submitted to the agency a request to be notified of the decision.

### 7000.2100 PETITION FOR STAY AND REOPENING OF AGENCY'S FINAL DECISION FOLLOWING CONTESTED CASE HEARING.

Subpart 1. **Petition for a stay and reopening.** At any time up to ten days after the agency's final decision, any party to a contested case hearing may petition in writing the agency for an order that the agency's final decision be stayed and that the matter be reopened and, if necessary, remanded to the administrative law judge. The petition must be served upon all agency members, including the commissioner, and parties. Any response to the petition by other parties must be served any time up to seven days after receipt of the petition on all the agency members and parties to the matter.

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

Subp. 3. **Grounds for granting or denying the petition.** The petition shall be granted upon a showing that there are irregularities in the hearing, errors of law, or newly discovered material ~~issue~~ issues of fact or facts that could not have been discovered prior to the agency's final decision and of such importance as are likely to have altered the outcome of the decision.

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

### 7000.5000 DECLARATION OF EMERGENCY.

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

Subp. 2. **Notification to agency.** If the commissioner anticipates that emergency conditions may be approaching, the commissioner shall keep the agency members informed of these conditions by any means practicable. Upon declaration of an emergency by the commissioner, the commissioner shall immediately notify all agency members ~~that an emergency has been declared, and shall poll the members on the action taken by the commissioner.~~ Notification may be by telegram, telephone, or any other means practicable. ~~The unavailability of any agency member shall not postpone the implementation of any emergency orders. If, pursuant to the poll, a majority of all members of the agency disapprove of the declaration of emergency, the declaration and the action taken shall be discontinued immediately. If, pursuant to the poll, a majority of all members of the agency disapprove of the action taken by the commissioner, but agree that an emergency exists, the action of the commissioner shall remain in effect until the agency orders different action to be taken.~~ The commissioner shall schedule a special meeting of the agency as soon as practicable, but no later than the next scheduled regular meeting of the agency after the declaration of an emergency. At the special meeting the agency shall determine whether to continue the emergency declaration and, if continued, under what conditions.

Subp. 3. **Duration.** Any action taken by the commissioner pursuant to the declaration of emergency shall remain effective according to the following provisions:

A. ~~for not to exceed three days, unless approved by a majority of the members of the agency pursuant to the poll required in item B;~~

B. ~~if extended beyond three days, as provided in item A; then the period until the date of the next agency special meeting; unless extended and thereafter, until the date determined by the agency at the meeting;~~



~~C.~~ items B. item A and B notwithstanding, until notice, hearing, and determination are effected pursuant to law; or  
~~D.~~ C. until discontinued by the declaration of the commissioner or by majority vote of the agency.

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

#### **7000.7000 VARIANCES.**

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

Subp. 9. **Notification.** The commissioner must serve every decision of the agency on a variance application ~~shall be served~~ on the applicant and upon all interested persons who have submitted to the agency a request to receive a copy of the decision.

[For text of subps 10 to 13, see M.R.]

#### **7000.9100 PROHIBITED EX PARTE COMMUNICATIONS.**

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

Subp. 3. **Disclosure of ex parte communication.** If a person or party makes a prohibited oral ex parte communication to an agency member, the agency member must advise the person or party who makes the communication that the communication is prohibited and shall immediately terminate the communication. If a prohibited written or oral ex parte communication is received by an agency member, that agency member must promptly disclose the following information to the commissioner or ~~agency chair~~ vice-chair prior to any decision regarding the contested case or rulemaking proceeding that is the subject of the ex parte communication:

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

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

**REPEALER.** Minnesota Rules, part 7000.0400, subpart 2, is repealed.

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

## Adopted Rules

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.

## Department of Health

### Adopted Permanent Rules Relating to Emergency Medical Technician Certification Expiration Dates

The rules proposed and published at *State Register*, Volume 20, Number 15, pages 821-823, October 9, 1995 (20 SR 821), are adopted as proposed.

## Department of Revenue

### Adopted Permanent Rules Relating to Lawful Gambling; Annual Audits and Reviews

The rules proposed and published at *State Register*, Volume 20, Number 7, pages 292-302, August 14, 1995 (20 SR 292), are adopted with the following modifications:

#### Rules as Adopted

#### 8122.0250 DUE DATE; EXTENSIONS.

The annual audits and annual reviews required are due on or before the last day of the sixth month following the organization's fiscal year end or on an extended due date.

A written request to file the annual audit or annual review after the required due date must be submitted to the Department of Revenue by the required annual audit or annual review due date. The request must be signed by the organization's chief executive officer, ~~general~~ gambling manager, or the independent accountant performing the audit. The request must include the:

- A. organization's name;
- B. organization's license number;
- C. organization's fiscal year end;
- D. reason for the request; and
- E. expected completion date.

An automatic 30-day extension will be granted in each fiscal year. Second requests for an extension or requests for extensions exceeding 30 days will be granted only upon a showing of reasonable cause. "Reasonable cause" shall mean cases where the reasons for the filing delay are beyond the control of the organization. Acceptable reasons for granting an additional extension include, but are not limited to:

(1) delay or failure to file was due to serious illness or death of the accountant or a key member of the accountant's staff;

(2) delay or failure to file was due to erroneous information given the organization by a department of revenue employee;

or

(3) delay or failure to file was caused by the destruction by fire or other casualty of the organization's place of business or business records.

#### 8122.0400 ACCOUNTANT'S WORKPAPERS AND COMMUNICATIONS; ACCESS AND RETENTION.

Subpart 1. Workpapers. Workpapers are the records kept by the independent CPA or independent LPA of the procedures followed, tests performed, information obtained, and conclusions reached pertinent to the examination and review of the financial statements of a licensed gambling organization. Workpapers must include, but are not limited to, work programs, analyses, memo-

randa, letters of confirmation and representation, management letters, abstracts of organization documents, and schedules or commentaries prepared or obtained by the accountant in the course of the audit and that support the accountant's opinion or assurance.

**Subp. 2. Communications.** Communications are written documentation or notes of oral contacts between the independent CPA or independent LPA and an organization. The communication with the organization must include, but is not limited to, matters relating to the auditor's responsibility, significant accounting policies, the process used in obtaining management judgments, significant audit adjustments, auditor responsibilities for other information, auditor disagreements with organization's management, auditor views on auditing and accounting matters for which other auditors were contacted, major issues discussed with management prior to retention, and any difficulties encountered while performing the audit.

**Subp. 3. Access and retention.** Every licensed gambling organization required to file an audit or review shall require the accountant, through the licensed gambling organization, to make available for review by the Department of Revenue the workpapers and communications with the organization prepared in the conduct of the audit. The licensed gambling organization shall require that the accountant retain the workpapers for a period of not less than 3-1/2 years after the opinion date of the audit report.

**8122.0550 AUDIT.**

**Subp. 2. Opinion.** An audit opinion expressed in accordance with generally accepted auditing standards regarding the fairness of the presentation of the financial statements must be properly signed and dated by the ~~individual~~ CPA or LPA ~~from the accounting firm who performed the audit.~~ The ~~name and~~ address of the accounting firm must be listed.

**Subp. 3. Financial statements.** The financial statements must be comparative financial statements showing the current year and previous year's financial information, unless it is a first year engagement for the accounting firm in which case the preparation of comparative statements is optional. The statements must be presented in a format prescribed by and acceptable to the commissioner of revenue. The financial statements required are as follows:

**Subp. 4. Supplemental schedules.** The annual audit must include the following supplemental schedules:

B. The annual audit must include a reconciliation of the gambling operations bank accounts to the reported profit carryover. The reconciliation must include, at a minimum:

- (1) ~~all assets and liabilities as required in the statement of assets, liabilities, and fund balance as noted in subpart 3, item A;~~
- (2) a comparison of the audited fund balance (profit carryover) made to the Department of Revenue's fund balance (profit carryover) as of the fiscal year end;
- (3) (2) any difference between the adjusted gambling fund balance and the fund balance (profit carryover) is a variance; and
- (4) (3) any or all of the items that identify the variance if known.

**Subp. 5. Sampling and testing; closed games.** Closed games and occasions must be tested independently by the CPA or LPA based upon criteria set by the CPA or LPA within professional standards. The sampling and testing of tipboard, pull-tab, paddleticket, bingo, and raffle closed games must meet the following requirements:

A. When a minimum sample size is required, the random or systematic method of sampling will be used. When a minimum sample is expanded, the expanded portion of the sample may use random, systematic, or haphazard methods. When a minimum sample is not required, the sample method may be random, systematic, or haphazard. The following chart of gross receipts will be used to determine the minimum size of a sample for closed pull-tab and tipboard games.

| Gross Receipts   |    | Minimum Sample Size |                               |
|------------------|----|---------------------|-------------------------------|
| \$0              | to | \$999,999           | 10 games                      |
| \$1,000,000      | to | \$2,499,999         | 20 games                      |
| \$2,500,000      | to | <u>\$4,499,999</u>  | <u>40 games</u>               |
|                  |    | <u>\$4,999,999</u>  | <u>30 games</u>               |
| over \$5,000,000 |    |                     | <del>60</del> <u>40</u> games |

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

## Adopted Rules

There is no minimum sample size requirement for testing paddletickets, bingo, and raffles. Closed games and occasions will be sampled independently by the CPA or LPA using judgment based on professional standards.

### Subp. 6. Report on internal control structure and other matters.

A. A report about internal control structure reportable conditions observed, or evidenced by testing, during the course of an audit, that could affect the organization's ability to record, process, summarize, and report financial data must be submitted. The report ~~may~~ shall elevate a condition to that of a material weakness, when the magnitude of the condition ~~may be~~ is considered material in relation to the financial statements being audited. This report must follow and the department adopts and incorporates by reference the most recent ~~edition~~ edition of the internal audit standards as provided by audit section 325.11 of the American Institute of Public Accountants - "The Standards of Field Work - Communication of Internal Control Structure Related Matters Noted in an Audit," published June 1, 1994. This incorporation is not subject to frequent change and is available to the public through the Minitex interlibrary loan system. If no reportable conditions or material weaknesses are detected, a report must be submitted stating that no material weaknesses were detected. This report is required under subpart 1.

A list of the types of gambling audit reportable condition or material weakness to include in this report follows in subitems (1) to (12). This list is illustrative, and not all-inclusive:

### 8122.0600 REVIEW.

Subp. 2. **Limited assurance.** An expression of limited assurance regarding the financial statements must be submitted ~~which~~ and must be properly signed and dated by the ~~individual~~ CPA, or LPA, ~~or~~ firm who performed the review. The expression of limited assurance must also include the ~~name~~ and address of the accounting firm that performed the review.

Subp. 3. **Financial statements.** The financial statements must be comparative financial statements showing the current year and previous year's financial statements, unless it is a first year engagement for the accounting firm in which case the preparation of comparative statements is optional. The financial statements required are as follows:

Subp. 4. **Supplemental schedules.** The annual review must include the following supplemental schedules:

B. The annual review must include a reconciliation of the gambling operations bank accounts to the reported profit carryover. The reconciliation must include, at a minimum:

(1) ~~all assets and liabilities as required in the statement of assets, liabilities, and fund balance as noted in part 8122.0550, subpart 3, item A;~~

(2) a comparison of the audited fund balance (profit carryover) made to the Department of Revenue's fund balance (profit carryover) as of the fiscal year end;

(3) (2) any difference between the adjusted gambling fund balance and the fund balance is a variance; and

(4) (3) any or all of the items that identify the variance, if known.

C. The list of games in ending inventory must include all pull-tab, tipboard, and paddlewheel games in play and unused as of the last day of the fiscal year ~~audited~~ reviewed.

### 8122.0650 FAILURE TO FILE OR FAILURE TO MEET REQUIREMENTS.

Subpart 1. **Failure to file.** If an organization fails to file the required annual audit or review, the Department of Revenue will request the delinquent items. If the organization fails to respond to the request and correct the delinquency, the Gambling Control Board will be informed and a suspension of the organization's gambling activity will be requested. An organization may also be ineligible for relicensing until the delinquent reports are submitted. The Gambling Control Board may also issue fines for noncompliance with the annual audit and review requirements. See Minnesota Statutes, sections 349.151, subdivision 4, paragraph (a), clause (9), and 349.155, subdivision 4.

Subp. 2. **Failure to meet requirements.** If the audit or review fails to comply with all or part of the audit or review requirements, the audit or review will be deemed deficient and not satisfying the annual audit or review requirements. If an organization fails to file the required annual audit or review or fails to comply with any part of the requirements for the annual audit or review, the Department of Revenue will request the delinquent items. If the organization fails to respond to the request and correct the delinquency, the Gambling Control Board will be informed and a suspension of the organization's gambling activity will be requested. An organization may also be ineligible for relicensing until the delinquent reports are submitted. The Gambling Control Board may also issue fines for noncompliance with the annual audit and review requirements. See Minnesota Statutes, sections 349.151, subdivision 4, paragraph (a), clause (9), and 349.155, subdivision 4.

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

## Department of Revenue

### Revenue Notice #95-10: Sales and Use Tax - Natural Gas Pipelines and Transporter Use Gas

#### Taxation

Natural gas that is purchased, consumed or used by a natural gas pipeline company in its operations or during the course of its operations in Minnesota is subject to sales or use taxation under *Minnesota Statute* Chap. 297A. If the gas is transferred to the pipeline company as reimbursement in-kind or as part of the consideration for the pipeline transportation services, the transaction will be considered a taxable transaction of pipeline services for natural gas and subject to sales or use tax.

#### Valuation

A record of the price paid or credited to the shipper constitutes the sales price of the natural gas for use tax purposes. If there is no record of the price paid or credited to the shipper, the Department of Revenue will accept the "30-Day Spot Price" from any major natural gas price publication which reflects the Hub of origin that the shipper purchased the natural gas from and the dates of transfer of the natural gas. If the Hub of origin cannot be determined, the Department will accept a regional average price which reflects the Hub of origin of the natural gas. If the Hub of origin cannot be determined regionally, the Department will accept a national average price. The averages shall be determined by reference to major natural gas price publications which compute averages based upon 30-Day Spot Prices.

If it can be demonstrated that the natural gas was purchased by the shipper directly from the wellhead, the Department will accept the "wellhead price" from any major natural gas publication which reflects the location of the wellhead.

Dated: 18 December 1995

Patricia A. Lien  
Assistant Commissioner for Tax Policy

Pursuant to the provisions of *Minnesota Statutes* §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

## Department of Commerce

### Notice Regarding Actuarial Equivalence - Values and Factors for Comprehensive Health Insurance

#### I. Determination of Average Semiprivate Hospital Room and Board Level of Surgical Charges.

Pursuant to *Minnesota Rules* Part 2740.9914, the Commissioner of Commerce publishes the following values and factors for 1996:

|                 | Base Year |       |       |       |
|-----------------|-----------|-------|-------|-------|
|                 | 1984      | 1994  | 1995  | 1996  |
| Surgical Value  | 4,000     | 6,263 | 6,749 | 7,096 |
| Surgical Factor | 1,000     | 1,566 | 1,687 | 1,774 |
| ASP Value       | 170       | 401   | 450   | 473   |
| ASP Factor      | 1,000     | 2,359 | 2,647 | 2,782 |
| Comp. Factor    | 1,000     | 1,994 | 2,205 | 2,318 |

## Official Notices

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### II. Test for Actuarial Equivalence for Plans Others than Medicare Supplement Plans.

Pursuant to *Minnesota Rules* Part 2740.9949, the Commissioner of Commerce publishes the following revised point values used to determine plans which are actuarially equivalent to qualified plans 1, 2 and 3 for 1996:

| Qualified Plan Number  | If plan has the indicated number points, then plan is actuarially equivalent to the qualified plan identified. |
|------------------------|--|
| 3 (\$ 150 Deductible)  | 1,359 points   |
| 2 (\$ 500 Deductible)  | 1,203 points   |
| 1 (\$1,000 Deductible) | 1,043 points   |

III. Historical values, factors and points with respect to Items I and II above for years 1984 through 1994 were published in the *State Register* on December 27, 1993 (18 S.R. 1577).

Dated: 12 December 1995

Patrick L. Nelson  
Acting Commissioner of Commerce

## Judicial - Law Library

### Notice of Le Sueur County Law Library Filing Fees

Pursuant to *Minnesota Statutes* 134A.10, effective January 1, 1996, there shall be imposed upon all fines payable for petty misdemeanor and misdemeanor offenses convictions and gross misdemeanor Driving Under the Influence convictions in Le Sueur County, a \$5 law library surcharge. The Le Sueur County law library fees for civil and conciliation court filings remain unchanged.

## Minnesota Health Data Institute, Minnesota Center for Healthcare Electronic Data Interchange and Department of Health,

### Health Policy and Systems Compliance Division

### Notice Of Solicitation Of Outside Information Or Opinions Regarding An Implementation Guide For The ANSI ASC X12 837 Claim Transaction, For Institutional Services; Per *Minnesota Statutes*, section 62J.56, Subdivision 3

**Introduction.** Notice is hereby given that the Minnesota Health Data Institute (MHDI) and the Minnesota Department of Health (MDH) are seeking information or opinions from sources outside MHDI in reviewing an implementation guide developed by the Minnesota Center for Healthcare Electronic Data Interchange (MCHE) and its implementation guide work group. The work group, consisting of representatives of payers, providers, software vendors and state agencies, has been meeting since April 1995. The draft implementation guide, which is a description of the conventions of use for electronic commerce in the 837 transaction (for institutional but not professional services), that has been developed by the work group will be available for comment by interested parties.

Additional guides, for the ANSI ASC X12 835 health care claim payment/advice, ANSI ASC X12 834 health care enrollment, and the ANSI ASC X12 270/271 eligibility transaction sets as listed in *Minnesota Statutes* 62J.56, will be available in the future. Each implementation guide will be announced as it is ready for public comment and review. The first guide, the ANSI ASC X12 837 claim transaction for professional services, was announced in the *State Register* on October 23, 1995.

**Contact Person.** MHDI and MDH request information and opinions concerning the applicability and functionality of the implementation guide. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to Sue Chapin-Strike at MCHE, 910 Piper Jaffray Plaza, 444 Cedar Street, St. Paul, MN 55101, fax 612/222-4209, and

Internet at Sue.Chapin-Strike@MedNet.org. Oral statements will be received during regular business hours over the telephone at 612/228-4381 and in person at the above address.

**Summary Of Issues.** *Minnesota Statute 62J* outlines the advantages of uniform health care electronic data interchange standards, to participants in the health care system. Further, the statute requires participants in the health care system who use electronic billing, enrollment or eligibility transactions to support the ANSI ASC X12 standards. The statute requires MCHE to provide technical assistance in the development of implementation guides. MCHE has convened an implementation guide work group to develop these guides and seeks additional work group members, as well as opinions and information on the work products of the group.

The statute also requires that the Commissioner of Health, with the advice of the Minnesota Administrative Uniformity Committee and MCHE, shall review and recommend the use of guides to implement the core transaction sets as listed in *Statute 62J.56* subdivision 2, parts 1 through 4. Six months from the date the Commissioner of Health formally recommends the use of guides to implement core transaction sets, all category I and category II industry participants (defined in *Statute 62J.51* subdivisions 4 and 5), except pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 transaction sets listed. The statute does not require a group purchaser, health care provider or employer to use electronic data interchange or to have the capability to do so. This section applies only to the extent that a group purchaser, health care provider or employer chooses to use electronic data interchange.

**Review Process.** MDH will provide copies of the draft implementation guides for each of the above transactions in paper, diskette or electronic http format to persons and organizations interested in reviewing them against their current data requirements. The second draft implementation guide, which will be available as of November 30, 1995, will be for the 837 claim transaction, for institutional services only. Comments and suggestions for improvements on this document will be accepted at the above address until Wednesday, January 31, 1996. On or before February 28, 1996, persons or organizations commenting on the draft implementation guide will be invited to a meeting to address substantive issues raised. If a functional business requirement has been overlooked, the document may be amended to support that functional need. This amendment process will be repeated for each of the transaction implementation guides as they are developed by MCHE and the work group.

**How To Obtain The Draft Implementation Guide Document.** Persons who wish to obtain a paper copy or diskette should call Denine Casserly at MDH, 612/282-5651, or fax a request to 612/282-5628 or write at the address above. The diskette format will be in Adobe Acrobat portable data file format with an included reader. Persons requesting this format must specify whether they want a Windows, DOS or Unix reader. The document and the readers will also be available on the World Wide Web at <http://www.mhdi.com>.

Dated: 29 November 1995

Dale V. Shaller  
Executive Director, MHDI

Anne M. Barry  
Commissioner of Health

## **Labor and Industry Department**

### **Labor Standards Division**

#### **Notice of Correction to Prevailing Wage Rates**

Highway and Heavy Prevailing Wage Rates Certified 10/16/95 have been adjusted for various Labor Codes due to errors in calculation in the following Counties:

Beltrami; Big Stone; Fairbault; Hubbard; Lac Qui Parle; Lincoln; Pipestone; Renville; Rock; Wotonwan; and Wabasha.

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452.

Gary W Bastian, Commissioner

## Official Notices

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# Department of Labor and Industry

## Labor Standards Division

### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective December 18, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

- Beltrami:** DNR Vault Toilets.
- Big Stone:** DNR Vault Toilets; High School Addition to Clinton/Graceville High School-Graceville.
- Cass:** DNR Vault Toilets; DNR Vault Toilets Near Deer River.
- Carlton:** DNR Vault Toilets.
- Chisago:** DNR Vault Toilets.
- Clearwater:** DNR Vault Toilets.
- Clay:** DNR Vault Toilets.
- Cook:** DNR Vault Toilets.
- Crow Wing:** DNR Vault Toilets.
- Douglas:** DNR Vault Toilets.
- Faribault:** MN Dot Rest Area ADA Modifications.
- Fillmore:** DNR Vault Toilets.
- Freeborn:** DNR Vault Toilets.
- Hennepin:** Electrical Maintenance Annual Contract-Minneapolis; ISD 281 1996 Reroofing Robbinsdale Area Schools; Asbestos Abatement Within Hennepin County Facilities; 1996 Masonry Wall Repair at U of M Centennial Hall-Minneapolis; Champlin Community Ice Arena-Champlin; Stream Bundle Replacement Minneapolis Veterans Home-Minneapolis.
- Houston:** DNR Vault Toilets.
- Itasca:** DNR Vault Toilets.
- Jackson:** MN Dot Rest Area ADA Modifications.
- Kandiyohi:** DNR Vault Toilets Near New London.
- Kittson:** DNR Vault Toilets.
- Koochiching:** DNR Vault Toilets.
- Lake:** DNR Vault Toilets; DNR Vault Toilets Near Two Harbors.
- Lake of the Woods:** DNR Vault Toilets.
- Marshall:** DNR Vault Toilets.
- Mille Lacs:** DNR Vault Toilets.
- Morrison:** DNR Vault Toilets.
- Nobles:** MN Dot Rest Area ADA Modifications.
- Ottertail:** DNR Vault Toilets.
- Pine:** DNR Vault Toilets; DNR Vault Toilets Near Hinckley.
- Pope:** DNR Vault Toilets.
- Rock:** DNR Vault Toilets; MN Dot Rest Area ADA Modifications.
- St. Louis:** DNR Vault Toilets.
- Scott:** DNR Vault Toilets; Shakopee School Dist ISD 720-Shakopee.
- Steele:** DNR Vault Toilets.
- Wadena:** DNR Vault Toilets.
- Washington:** DNR Vault Toilets.



**Watonwan:** Farmland Wildlife Research Center-Near Madelia; MN Dot Rest Area ADA Modifications.

**Winona:** DNR Vault Toilets; Remodeling of Room 218 Winona Technical College-Winona.

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

Gary W. Bastian, Commissioner

## **Pollution Control Agency**

### **Water Quality Division**

#### **Notice of Proposed Reallocation of Federal Clean Water Act (CWA) Section 604b Funds Provided to Minnesota for Water Quality Management Planning through Section 205j(1) of the CWA: Solicitation of Comments in Consultation with Regional Public Comprehensive Planning Organizations**

**Background.** The Minnesota Pollution Control (MPCA) annually receives Section 604b funds provided to Minnesota through Section 205j(1) of the CWA. Since 1987, under Section 205j3, the CWA has required that at least 40 percent of 604b funds be allocated ("passed-through") to regional public comprehensive planning organizations to undertake comprehensive water quality management planning. For Federal Fiscal Year 1994, the MPCA has received a pass-through allocation of \$88,566.

Due in part to the absence of a comprehensive statewide water quality management planning initiative into which local efforts could be integrated, the pass-through projects funded through Section 205j3 have not proven to be a significant vehicle for accomplishing statewide comprehensive water quality management planning. Instead they have tended to address specific, limited or local issues or provide educational as opposed to planning initiatives. While these projects have been useful, they have generally been only tangentially related to the overall CWA goal of comprehensive statewide water quality management planning.

The MPCA now proposes to allocate Federal Fiscal Year 1994 Section 205j3 funds to accelerate its statewide basin planning initiative. This is allowed under the CWA with the approval of the U.S. Environmental Protection Agency Regional Administrator, and after the Governor has consulted with regional public comprehensive planning organizations. The Governor must determine that the allocation of these funds to such organizations will not result in significant participation by such organizations in water quality management planning and not significantly assist in development and implementation of the comprehensive water quality management planning goals of the CWA.

The MPCA's basin planning initiative is a cogent and comprehensive approach to water quality management. It will focus on the state's major hydrologic units and address regional water quality planning by providing a much needed comprehensive framework for the integration of local water quality planning initiatives into a basin-wide and statewide plan. The basin planning initiative will also address both point and nonpoint sources of pollution and their interrelationships.

**Solicitation of Comments.** The MPCA now requests comments, input, and consultation with all interested regional public comprehensive planning organizations regarding water quality management under the Clean Water Act.

Information may be submitted in writing or verbally. Written statements should be addressed to:

Mr. James R. Anderson  
Watershed Assistance Section  
Water Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
Saint Paul, Minnesota 55155-4194

Oral statements will be received during regular business hours over the telephone at (612) 296-8140 or toll-free at 1-800-657-3864, and in person at the above address. Such information shall be accepted up until 5:00 p.m. on January 18, 1996.

## Official Notices

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### Pollution Control Agency

#### Notice of Order to Create The Crane Lake Water and Sanitary District

On November 28, 1995, the Minnesota Pollution Control Agency took action pursuant to *Minnesota Statutes* §§ 115.18 through 115.37 and approved the creation of the Crane Lake Water and Sanitary District. The order to establish the district was issued that same day.

The Territory affected by this action is located in St. Louis County and is further described as follows:

- 1) All of Unorganized Township 67 North, Range 17 West; and
- 2) Part of Unorganized Township 67 North, Range 16 West, i.e., all of Section 18 and the SE 1/4 of the SW 1/4 of Section 7.

Charles W. Williams  
Commissioner

### Department of Transportation

#### Office of Motor Carrier Services

#### Notice of Solicitation of Comments in the Matter of the Proposed Adoption of the Rule of the State Department of Transportation Relating to Personal Transportation Service

This notice supplements a Notice of Solicitation of Outside Information or Opinions published by the department in the *State Register* on June 8, 1992.

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Transportation is seeking comments from sources outside the department in preparing to propose the adoption of the rule relating to personal transportation service. The adoption of the rule is authorized by *Minnesota Statutes*, section 221.85, subdivision 1, which requires the department to adopt rules governing the issuance of permits and furnishing of personal transportation service.

**How to obtain a rule draft.** Persons who wish to receive a draft of the proposed rule should send a written request to the department's contact person identified below.

**Persons that might be affected.** Groups and individuals expected to be affected by the proposed rule include persons who provide or wish to provide personal transportation service as defined in *Minnesota Statutes*, section 221.011, subdivision 34. That subdivision states that personal transportation service is service that (1) is not provided on a regular route; (2) is provided in a personal transportation service vehicle as defined in section 168.011, subdivision 36; (3) is not metered for the purpose of determining fares; (4) provides pre-arranged pickup of passengers; and (5) charges more than a taxicab fare for a comparable trip. *Minnesota Statutes*, section 168.011, subdivision 36 states that a personal transportation service vehicle is a passenger vehicle that has a seating capacity of up to six persons excluding the driver, or a van or station wagon with a seating capacity of up to 12 persons excluding the driver.

**Subject matter of the rulemaking.** The rules will include provisions for: issuing permits and vehicle decals to personal transportation service operators; vehicle requirements; annual vehicle inspections; driver qualifications (including requiring a criminal history check); insurance requirements; advertising regulation; record keeping requirements; issuing administrative penalties; suspending or revoking permits; allowing agreements with political subdivisions for sharing enforcement costs; and other requirements deemed necessary by the commissioner of transportation.

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

Ward Briggs  
Office of Motor Carrier Services  
151 Livestock Exchange Building  
100 Stockyard Road  
South St. Paul, MN 55075  
Telephone Number: (612) 297-7656  
Fax Number: (612) 297-1908

Verbal statements will be received during regular business hours over the telephone and in person at the above address. Comments will be accepted until January 15, 1996.

Dated: 4 December 1995

James N. Denn, Commissioner  
Department of Transportation

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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## Minnesota Housing Finance Agency

### Notice of Request for Proposals for Single Family Combined Program(s) Application (Super RFP)

The Minnesota Housing Finance Agency (MHFA) is seeking proposals from eligible organizations interested in participating in one or more of the following six programs: Community Activities Set-Aside Program, Community Fix-Up Fund, Community Rehabilitation Fund Program, Entry Cost Homeownership Opportunity Program, Full Cycle Homeownership Services and Partnership for Affordable Housing.

This single application will allow eligible participants to apply for one or more of these programs using the same application package. The Community Rehab Fund, Full Cycle Homeownership Services Program and Partnership for Affordable Housing Program are limited resource programs and applications for these programs will be competitive in nature. These three programs may be used in conjunction with the other non-limited resource programs under this application. The remaining programs, Community Activity Set-Aside Program, Community Fix-Up Fund and Entry Cost Homeownership Opportunity Program are not competitive and these programs may be applied for at any time. Final RFP selections for limited fund programs will be submitted to the Agency's Board in March 1996.

The following information is a brief description of each program.

#### ***Community Activity Set-Aside Program (CASA)***

Provides lenders, local governments and/or non-profit housing providers with set-asides of MHFA mortgage revenue bond funds to enable them to meet the homeownership objectives/needs of their communities. Below market interest rate funds are available for set-asides (that may be directed) for use by local governments, non-profits, community organizations and other housing providers.

*Eligible Program Applicants:* Lenders who are currently participating in the MHFA Minnesota Mortgage Loan Program (MMP).

*Funds Available:* Ongoing program.

*Contact Person:* Eleanor Northrop

*Telephone Number:* (612) 296-1795; 1-800-657-3802

#### ***Community Fix-Up Fund***

This program provides participating Fix-Up Fund lenders and local partners with a source of funds to address the home improvement needs/objectives of their communities. Below market-rate home improvement loans are available for low to moderate income households in a designated community. The maximum income limit, loan amount and loan term exceed those of the Fix-Up Fund Program.

*Eligible Program Applicants:* Applications must be submitted by participating Fix-Up Funds lenders or lender consortium.

*Funds Available:* \$10 million, with 50% available in the 11 county metro area, and the other 50% available outstate.

*Contact Person:* Terri Black

*Telephone Number:* (612) 296-8275; 1-800-657-3802

#### ***Community Rehabilitation Fund Program (CRF)***

Provides grants to cities for the purpose of acquisition, construction, demolition, rehabilitation, permanent financing, refinancing or gap financing single family housing. The Community Rehab Fund encourages partnership efforts between MHFA, cities, local lenders, nonprofit organizations, local governments, community organizations and other participants by providing grants to assist communities in improving and preserving designated neighborhoods and other geographical areas.

*Eligible Program Applicants:* Cities. (excluding Minneapolis and St. Paul)

*Funds Available:* \$2,000,000 for 1996.

*Contact Person:* Reed Erickson

*Telephone Number:* (612) 296-8843; 1-800-657-3802

## State Grants

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### ***Entry Cost Homeownership Opportunity Program (ECHO)***

This program was established to encourage the development of community lending initiatives by private lenders with community partners. Under this program, interest free, deferred loans are provided to low income home buyers who would be otherwise unable to afford homeownership. Lenders are required to contribute a portion of the loan through their own resources. This activity provides homeownership opportunity throughout the state.

*Eligible Program Applicants:* Private or public sector direct mortgage lenders.

*Funds Available:* Ongoing program.

*Contact Person:* Eleanor Northrop

*Telephone Number:* (612) 296-1795; 1-800-657-3802

### ***Full Cycle Homeownership Services***

The objective of this program is to provide funds to build and/or maintain capacity for eligible entities which are providing comprehensive home buyer training and support on either a pre-or post-purchase basis for low to moderate income home buyers.

*Eligible Program Applicants:* Experienced 501 (C)(3) non-profit housing providers, HRAs, CAPs and EDAs who are engaged in comprehensive home buyer training and who are supported by and have received training from the Home Ownership Center or MHFA's Home Stretch Program or have been in the business of providing home buyer training for at least two years.

*Funds Available:* \$250,000; 50% to the seven county metropolitan area and 50% to the balance of the state. Maximum application \$25,000 per year, per applicant.

*Contact Person:* Becky Landon

*Telephone Number:* (612) 296-3029; 1-800-657-3802

### ***Partnership For Affordable Housing (PAH)***

This program provides experienced 501 (C)(3) non-profit housing providers, Housing Redevelopment Authority (HRA), Community Action Program (CAP) and Economic Development Authority (EDA) with a six month set aside of below market interest rate interim financing to enable them to meet their homeownership objectives/needs of their community. Both new construction and rehabilitation of single family homes are eligible for financing. The Partnership for Affordable Housing program requires a partnership between MHFA, non-profit housing providers and local lenders. Specific purchase price and income limits apply. If funding is available, applications will be accepted again late summer.

*Eligible Program Applicants:* Experienced 501 (C)(3) non-profit housing providers, HRAs, CAPs and EDAs.

*Funds Available:* \$5,000,000 estimated for 1996.

*Contact Person:* Nancy Slattsveen

*Telephone Number:* (612) 296-7994; 1-800-657-3802

### ***Application Process***

**Application packets must be requested from MHFA.** To request an application contact:

Jean Warne, Housing Program Technician  
(612) 296-7620 in the metro area or  
1-800-657-3802 outside the metro area

Completed applications must be received at MHFA by 4:30 p.m. on Thursday, **February 15, 1996**. Applications should be mailed to:

Minnesota Housing Finance Agency  
Attn: Jean Warne  
400 Sibley Street, Suite 300  
St. Paul, MN 55101-1988

**Applicants are encouraged to contact MHFA to discuss their proposal prior to submission of their application.**

For general RFP information contact:

John Silvis, Housing Development Officer  
(612) 297-3127 in the metro area or  
1-800-657-3802 outside the metro area

MHFA reserves the right to modify or withdraw this request for proposal at any time and will not reimburse any applicants for cost incurred in the preparation and/or submission of proposals.

# 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].

## Arts Board

### Request for Qualifications for Folk Arts Fieldworker

The Minnesota State Arts Board is accepting applications for a folklore fieldworker to prepare materials for *Minnesota Folk*, a statewide festival of Minnesota folklife held annually in August. The individual will be supervised by Peg Korsmo-Kennon of the Minnesota Historical Society Education Department. Work should begin by February 15, 1996 and be completed by May 1, 1996. Total pay will not exceed \$3,500.

Fieldworker qualifications include postgraduate study in folklore, photographic skills, and ethnographic experience. The work entails contacting members of diverse Minnesota communities, and documenting through photography and interviewing, the work of living folk artists whose work visually represents their communities. Including the making of contacts, planning specific documentary sessions, doing documentation, and writing reports, the fieldworker will work approximately 17 days, at \$200 per day, a figure which includes mileage, lodging when necessary, and meals. The researcher will be paid \$100 for phone calls made during the project.

Submit a resume and letter of interest before February 1, 1996 to Robert Booker, Assistant Director, Minnesota State Arts Board, 400 Sibley Street, Suite 200, Saint Paul, MN 55101, (612) 215-1600.

## Department of Children, Families and Learning

### Office of District Organization

### Request for Proposal for Nutrition Education and Promotional Material Development

The Minnesota Department of Children, Families and Learning (STATE) is seeking proposals from qualified agencies and individuals to design and develop a nutrition education and promotional communication plan for students, parents and teachers that will describe the nutritional benefits of the school meals program. The plan will include the design and development of five nutritional behavioral messages, a poster, a parent brochure, five point-of-selection messages for the cafeteria line, two newsletters for fourth grade students with a teacher's guide and two newsletters for eighth grade students with a teacher's guide. Six focus groups may be used to obtain feedback on the messages and products proposed. Copies of the complete Request for Proposal may be obtained and questions answered by contacting:

Barbara Kalina, Nutrition Education and Training Coordinator  
Minnesota Department of Children, Families and Learning  
550 Cedar Street  
St. Paul, MN 55101  
612/296-0192

All proposals must be received by 4:00 PM, on January 19, 1996.

The STATE estimates that the cost of this project shall not exceed \$15,000. This Request for Proposal does not obligate the STATE to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

## Professional, Technical & Consulting Contracts

### Department of Children, Families & Learning

#### Resources and Services Division

#### Proposal Readers Wanted for Indian Education Grant Programs

Readers are being sought to read proposals for the Fiscal Year 1997:

- American Indian Language and Culture Education Program (AILCE)
- Post-Secondary Preparation Program (PSPP)

Number of readers sought: 4 (AILCE) and 4 (PSPP)

Time obligation: 2.5 Days (overnight included) in St. Paul for meetings **plus** proposal reading on your own (2 weeks) **plus** travel time to St. Paul.

Compensation: \$450.00 plus reimbursement for expenses

#### Eligibility / Qualifications:

- Parents of children eligible to be enrolled in American Indian education programs;
- American Indian language and culture education teachers and aides;
- Representative from American Indian communities or Tribal governments;
- Person experienced in the training of teachers for American Indian education programs;
- Persons involved in programs for American Indian children in American Indian schools;
- Persons knowledgeable in the field of American Indian education; and
- Students enrolled in post-secondary education programs in American Indian education.

#### **\*All readers should have experience in reading grant proposals\***

Duties: Readers will be given 1/2 day of in-service for instructions and orientation. AILCE readers will meet February 16, 1996 and PSPP readers will meet March 8, 1996. They will have 2 weeks to read approximately 28-36 proposals, each approximately 20 pages in length. They will evaluate each proposal against State Board of Education adopted Selection Criteria and rate each criterion by assigning points to each proposal. AILCE readers will meet again on March 4 & 5, 1996 and PSPP readers will meet again on March 25 & 26, 1996 to assign team points to proposals. How to apply: Send letter stating interest to serve as a reader. Briefly describe your experience reading proposals or grant application and/or your background in American Indian education programs. Include a current resume.

Letters must be received no later than January 15, 1996 for AILCE and PSPP readers. AILCE and PSPP readers will be notified by January 30, 1996. Proposal reading must be completed before you return to St. Paul for your second meeting.

Send letters to: Indian Education Section  
Minnesota Department of Children, Families & Learning  
740 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101

Office phone number: (612) 296-6458  
FAX number: (612) 297-7895

## Department of Human Services

### Mental Health Division and State Operated Services

#### Request for Proposals to Conduct Evaluation Research for Compulsive Gambling Treatment

The Minnesota Department of Human Services is soliciting proposals from qualified evaluation consultants to design and conduct treatment evaluation research relating to treatment programs for compulsive gamblers in Minnesota. The evaluation research will also determine and examine the core components of the State's six treatment programs and the impact of each component on treatment outcomes and cost effectiveness. In addition the research will determine the similarities and differences in program components, client characteristics, outcomes and cost effectiveness between state funded and non-state funded programs.

The Department has estimated that the cost of this contract will not exceed \$200,000. The project is expected to begin by March 1, 1996 and end June 30, 1997. There will not be a pre-application conference.

The Request for Proposals does not obligate the State to complete the project, enter into a contract or to accept the lowest cost proposal. The State also reserves the right to cancel the solicitation if it is considered to be in the best interest of the State. Applicants must meet Human Rights Compliance requirements of *Minnesota Statutes*, section 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600.

In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

For a copy of a more detailed explanation of this request for proposals and the Human Rights Compliance information contact: Jay Bambery, 612-296-3923 or the address below.

All applicants must provide eight (8) copies of their completed proposal to the Mental Health and State Operated Services Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3828 no later than the close of business (4:00 p.m.) on January 8, 1996.

## **Professional, Technical & Consulting Contracts**

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### **Lakewood Community College and Northeast Technical College**

#### **Graphic Design Services Sought**

Lakewood Community College and Northeast Metro Technical College are seeking to contract with a qualified graphic designer to develop an identity program that will be used by the "new" college created by the consolidation of Lakewood and Northeast Metro.

Requests for proposals can be obtained by contacting Sue Banovetz, Director of Public Relations and Marketing, Lakewood-Northeast Metro, 779-3222. The deadline for submitting proposals is January 5, 1996.

## **Department of Natural Resources**

### **Division of Fish and Wildlife**

#### **Request for Proposals to Solicit and Sell Advertising Space in the Minnesota Department of Natural Resource's 1996 Hunting and Trapping Regulations Handbook and the 1997 Fishing Regulations Handbook**

The Minnesota Department of Natural Resources (DNR) is requesting proposals from qualified individuals or firms to solicit and sell advertising space in the DNR 1996 Hunting and Trapping Regulations handbook and the 1997 Fishing Regulations handbook.

Copies of the Request for Proposals may be obtained at the Department of Natural Resources, Bureau of Information and Education, 500 Lafayette Road, St. Paul, MN 55155. Final date for submitting proposals is Monday, January 8, 1996, at 4 P.M.

For more information contact Sheila Gebhard, Bureau of Information and Education, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155. (612) 296-6038.



## Department of Natural Resources

### Bureau of Real Estate Management

#### Departments of Administration, Agriculture, Trade and Economic Development, Finance, Human Services, Natural Resources, Transportation, and Metropolitan Council: Notice of Request for Resumes from Licensed Fee Appraisers

The State of Minnesota and the Metropolitan Council are continuing a list of qualified licensed appraisers who wish to be considered for appraisal assignments by the State or other public entities for the period of September 1, 1995 through August 31, 1996. Although the State's fiscal year ends on June 30, the September 1 to August 31 date is given to coincide with the Appraiser License term.

Those appraisers whose names are on the current list and have a State Appraisal License are qualified through their license expiration date.

#### I. Requirement

To be included on this list of licensed appraisers, the State invites appraisers to submit such requests together with the following:

1. A copy of his/her **current** appraiser license expiring in 1996 or 1997.
2. An updated resume of his/her:
  - Education
  - Experience
  - Clientele
  - Affiliation(s)

#### II. Deadline

Continuous education credits for appraisal licensure have to be submitted to the Department of Commerce. *The Deadline for 1 REQUIREMENT is January 1, 1996.*

#### III. Standards of Professional Practice

All appraisers must comply with "Uniform Standards of Professional Appraisal Practice" published by the Appraisal Foundation, 1029 Vermont Avenue NW, Suite 900, Washington, D.C. 20005.

Written complaints regarding an appraiser should be mailed to the address below. Any complaint received will be investigated by at least 2 members of the above agencies who will determine whether an appraiser should be removed from the State's List of Qualified Appraisers or not. Appraisers will be advised of the complaint and the determination made.

#### IV. Assignments

Appointment to the State's List of Qualified Real Estate Appraisers is not a guarantee of subsequent assignments. The State of Minnesota reserves the right to assign appraisers at the discretion of the assigning agency, depending on the qualifications of the appraisers, geographic location, and fee requirements.

NOTE: Appraisers may reject any assignments offered.

Mail requests and other material to:

Department of Natural Resources  
Bureau of Real Estate Management  
Appraisal Review Unit  
500 Lafayette Road, Box 30  
St. Paul, MN 55155-4030

Phone calls may be directed to:

George Bekeris 612-297-4930  
George Eckenroth 612-296-8329

# Non-State Public Bids, Contracts & Grants

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

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

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## University of Minnesota

### Twin Cities Campus Facilities Management

#### Request for Qualifications (RFQ) for Design/Build at the University of Minnesota

The University of Minnesota Facilities Management Department is seeking qualified design/build firms or design/build teams for the design and construction of a new sixty (60) unit housing facility on the Minneapolis, East Bank Campus. The proposed site is on University Avenue S.E. at 13th Avenue Southeast on the vacant parcel east of Sanford Hall. Representatives of the University of Minnesota will make the selection following a brief and informal selection interview.

A discovery interview for interested teams has been scheduled at the University of Minnesota Donhowe Building (old Shops Building), 319 15th Avenue S.E./Suite 400, Minneapolis, MN, for 10:00 a.m., local time, on Thursday, December 21, 1995. All firms intending to submit a response to the RFQ should attend this meeting. Representatives of the University of Minnesota will be available to answer questions. The complete RFQ Package will be available from the University's Agent, NORTHCO Corporation, 4900 Viking Drive, Edina, MN 55435-5314. Contact Mr. Dennis Zylla at (612) 820-1600 or 332-2212.

In general, the project will involve identifying design alternatives to maximize the number of studio, one and two bedroom multiple housing units compatible with the design and cost objectives of the University on the Sanford site. The interested firms must provide design/build services on an "open book, full cost disclosure basis". The University's preferred schedule is for completion by September 15, 1996 for occupancy. Deadline for submittal of your qualifications for selection consideration is 4:00 p.m., local time, December 28, 1995 in the offices of NORTHCO Corporation.

## Activity and Coloring Books---

### Puzzles & Mazes and Games, Oh My!

New!

Fun-packed coloring and activity book about Minnesota wildlife. Perfect for young grade-schoolers. 48pp.

(DNR, 1993)

Stock No. 9-4 \$3.25

### Nature Explorer Activity Book

A fun way for parents to introduce children (age 8-12) to the wonders of nature. Over 30 fun activities (both outdoor and indoor) designed for children to do with adults. 72pp. (DNR, 1989)

Stock No. 9-49 \$3.95

### 'Forestry for You & Me'

Eight page coloring book about forests, conservation, safety, forest jobs and products, animals and recreation.. 8pp. (DNR, 1989)

Stock No. 9-39 \$ .80

### 'Minnesota A to Z'

New!

A fun 'alphabet soup' coloring book teaches elements of Minnesota history. 34pp. (MHS Press, 1992)

Stock No. 17-10 \$3.50



### Charles Lindbergh

New!

Color as you learn about the great Minnesota-born aviator. 32pp. (MHS Press, 1987)

Stock No. 17-17 \$2.50

### Dakota Indian

Travel back in time while you color the costumes, games and foods of the Sioux and Eastern Dakota Indian during the early 19th century. 32pp.

(MHS Press, 1979) Stock No. 17-2 \$3.95

### Fur Trade

Coloring book features the story of the fur traders--their life, environment, animals. 28pp.

(MHS Press, 1981) Stock No. 17-4 \$2.50

### Kelley Farm Activity Book

History of Kelley Farm includes pictures for coloring, games, songs, craft projects and other fun activities for children. 32pp. (MHS Press, 1985)

Stock No. 17-47 \$3.50

### Lumberjack

Have fun coloring pictures of the early logging industry and the colorful characters of frontier times. 28pp. (MHS Press, 1982)

Stock No. 17-31 \$2.50

### Ojibway Indian

Coloring book depicts the Ojibway/Chippewa Indians of the Western Great Lakes region during the mid-1800's. 30pp. (MHS Press, 1978)

Stock No. 17-1 \$2.50



STATE OF MINNESOTA  
Department of  
Administration



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