

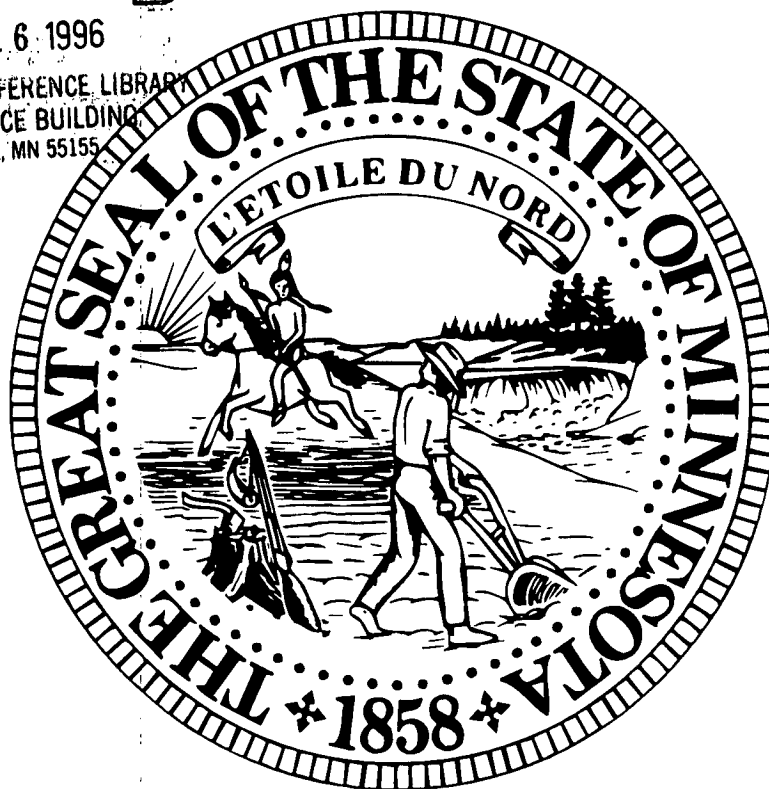
# The Minnesota State Register

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# State Register

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

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

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

### Printing Schedule and Submission Deadlines

Vol. 20 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 34	Tuesday 20 February	Monday 5 February	Monday 12 February
# 35	Monday 26 February	Monday 12 February	Friday 16 February
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# 37	Monday 11 March	Monday 26 February	Monday 4 February

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

#### SENATE

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

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

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

**This Week**—weekly interim bulletin of the House.

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

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

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Vendors interested in responding to the commodity and price contracts advertised in the *Contracts Supplement* should contact the Department of Administration **Materials Management Division Helpline** 612/296-2600.

# Minnesota Rules: Amendments and Additions

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

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

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

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

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## Proposed Rules

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

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

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

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

## Gambling Control Board

### Proposed Permanent Rules Relating to Gambling Managers

#### Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing; Notice of Hearing if 25 or More Persons Request a Hearing; and Notice of Cancellation of Hearing if 25 or More Persons Do Not Request a Hearing

1. Introduction. The Minnesota Gambling Control Board intends to adopt a rule without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28 and *Minnesota Rules* 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days, or by Thursday, March 21, 1996, a public hearing will be held at the Kelly Inn, I-94 & Marion Streets, St. Paul, MN starting at 9:00 AM on Tuesday, April 23, 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 March 21, 1996, the end of the 30-day comment period and before April 23, 1996, the scheduled hearing date.

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

Sharon A. Beighley, Rules Coordinator  
Minnesota Gambling Control Board  
1711 W County Rd B  
Suite 300 South  
Roseville, MN 55113  
Telephone: 612-639-4000  
Fax: 612-639-4032

3. Subject of Rule and Statutory Authority. The proposed rules relate to licensing qualifications for gambling managers, emergency gambling managers, length of a gambling manager license, contents of gambling manager license application, changes in gambling manager license application, gambling manager license fees, issuance and denial of a gambling manager license, renewal of a gambling manager license, assistant gambling managers, and proof of identification. The Board's statutory authority to adopt these rules is set out in *Minnesota Statutes*, section 349.151, subdivision 4(a) (1994), which lists the powers and duties of the Board. Section 349.151, subdivision 4(a), clause (1) authorizes the Board to regulate lawful gambling to ensure that it is conducted in the public interest; clause (5) authorizes the Board to make rules authorized by this chapter; and clause (17) authorizes the Board to take all necessary steps to insure the integrity of and public confidence in lawful gambling. *Minnesota Statutes* 349.151, subd. 13 (1994), authorizes the Board to adopt rules when necessary and proper in discharging the Board's powers and duties. *Minnesota Statutes* 349.167, subdivisions 2, 4, and 7, governing gambling managers, were amended by the Legislature in 1995.

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

4. Comments. You have until 4:30 PM on Thursday, March 21, 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 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. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

5. Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your

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## Proposed Rules

request for a public hearing must be in writing and received by the agency contact person by 4:30 PM on Thursday, March 21, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

6. **Withdrawal of Requests.** 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 enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

7. **Accommodation.** If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

8. **Modifications.** The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

9. **Cancellation of Hearing.** The hearing scheduled for Tuesday, April 23, 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 date on whether or not the hearing will be held. You may also call the agency contact person at 612-639-4091 after March 21, 1996 to find out whether the hearing will be held.

10. **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 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Howard L. Kaibel is assigned to conduct the hearing. Judge Kaibel can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite #1700, Minneapolis, Minnesota 55401-2138 (telephone 612-341-7608).

11. **Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have the opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence submitted should relate to the proposed rule. You may also submit 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. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information presented. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received by the Office of Administrative Hearings no later than 4:30 PM on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

12. **Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available from the agency contact person. This statement contains a summary of justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. The statement may also be reviewed and copies may be obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

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

14. **Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask

**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

to be notified of the date the rule is submitted to the office. If you want to be so notified, or want to receive a copy of the proposed rule, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

15. Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may ask to be notified of the date when the Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rule and files it with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

16. Order for Hearing. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 30 January 1996

Harry W. Baltzer, Executive Director  
Minnesota Gambling Control Board

### Rules as Proposed

#### 7861.0030 GAMBLING MANAGER.

Subpart 1. **License required.** No person shall act as a gambling manager without having obtained a license under this part. An individual shall make annual application to the board to be licensed as a gambling manager. Applications must be considered by the director pursuant to this part.

Subp. 2. **Licensing qualifications.** In addition to the qualifications in *Minnesota Statutes*, section 349.167, the director shall not issue or renew a gambling manager's license to:

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

E. a person who has not satisfactorily completed a course of instruction conducted by the board on the duties and responsibilities of the gambling manager, except that a gambling manager who replaces a previous gambling manager during the term of the organization's license due to the death, disability, or termination of the previous gambling manager shall receive a license if the new gambling manager completes the training within 90 days of being issued a license and is otherwise eligible for a gambling manager's license pursuant to this part and *Minnesota Statutes*, section 349.167; or

F. a person who is the gambling manager or an assistant gambling manager for another organization;

E. on or after January 1, 1996, to a person who has not completed at least one of the following education requirements:

(1) for gambling manager license renewal applications, 2.5 credit hour equivalents of board-provided continuing education during each year of the individual's two-year license period; or

(2) for new gambling manager license applications, within the last 12 months attended a board-provided, two-day gambling manager training seminar and passed an examination prepared and administered by the board that tests the gambling manager's knowledge of the responsibilities of gambling managers and lawful gambling procedures, laws, and rules; or

G. a person who:

(1) has ever been convicted of a felony or a crime involving gambling;

(2) has ever been convicted of:

(a) assault;

(b) a criminal violation involving the use of a firearm; or

(c) making terroristic threats;

(3) is or has ever been connected with or engaged in an illegal business;

(4) owes \$500 or more in delinquent taxes to the state of Minnesota;

(5) had a sales and use tax permit revoked by the commissioner of revenue within the past two years;

(6) after demand, has not filed tax returns required by the commissioner of revenue;

(7) has not complied with *Minnesota Statutes*, section 349.167, subdivision 4, clause (1);

(8) within the five years before the date of the license application, has committed a violation of law or board rule that resulted in the revocation of a license issued by the board;

(9) has ever been convicted of a criminal violation involving fraud, theft, tax evasion, misrepresentation, or gambling; or

(10) has engaged in conduct the board determines is contrary to the public health, welfare, or safety or the integrity of lawful gambling.



**Subp. 2a. Emergency gambling manager.** In the case of the death, disability, or termination of a gambling manager, a replacement gambling manager must receive the board-provided gambling manager training seminar and pass the examination within 90 days of being issued a gambling manager's license. The board shall revoke the replacement gambling manager's license if the replacement gambling manager fails to pass the examination as required in this subpart or fails to comply with the licensing qualifications of subpart 2.

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

**Subp. 4. Length of license.** The gambling manager's license ~~expires one year from the effective date of~~ runs concurrently with the license of the organization unless the gambling manager's license is suspended or revoked. If a licensed gambling manager discontinues employment with the licensed organization, the gambling manager's license expires on the date that the employment terminates.

**Subp. 5. Contents of gambling manager application.** The application must contain the following information with respect to the applicant:

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

E. the current status of the gambling manager's license and the dates of attendance at the board-provided gambling manager's training seminar;

F. the name of the insurance company and the bond number for the gambling manager's \$10,000 fidelity bond; ~~and~~

G. the signature of the gambling manager, a statement attesting that the applicant is in compliance with the restrictions in subpart 2;

H. an acknowledgment that the applicant agrees that suits and actions related to the gambling manager's license, or acts or omissions, may be commenced against the gambling manager;

I. an acknowledgment that the applicant authorizes the department of public safety to conduct a criminal background check;

J. for renewal applications, the date the applicant completed the board-provided continuing education classes for each license year of the gambling manager's current license; and

K. the notarized signature of the gambling manager.

Subp. 6. [See repealer.]

**Subp. 7. Changes in application information.** If any information submitted in the application changes after the application has been filed or during the term of the license, the organization must notify the board ~~must be notified~~ within ten days of the change.

**Subp. 8. License fees.** The fee for a gambling manager's license is \$100 as provided in Minnesota Statutes, section 349.167, subdivision 2. License fees are not prorated, refundable, or transferable.

[For text of subp 9, see M.R.]

**Subp. 10. Issuance and denial.** The following items apply to the issuance and denial of a gambling manager's license:

A. The director shall issue a gambling manager's license to a person who submits the information required by ~~subparts subpart 5 and 6~~ and pays the \$100 fee as provided in Minnesota Statutes, section 349.167, subdivision 2, pursuant to subpart 8 if that person is eligible to receive a license pursuant to subpart 2 ~~and, Minnesota Statutes, section 349.167, and board rules.~~ A license issued by the director pursuant to this part is effective on the first day of a month.

B. The director shall deny the ~~application of~~ issuance of a license to a person ineligible to hold a gambling manager's license pursuant to subpart 2 ~~or, Minnesota Statutes, section 349.167, or board rules.~~

C. A person who has never been licensed as a gambling manager or a person whose application for renewal of a gambling manager's license was submitted after the expiration of the license may appeal the denial of a gambling manager's license by notifying the board within 15 days of the date the person receives notice that the ~~application~~ issuance of the license has been denied. The appeal must be in writing and must contain a complete copy of the application and a statement describing the reasons the license should not be denied. The appeal is not a contested case under *Minnesota Statutes*, chapter 14.

The board shall refer the appeal to the executive committee which shall review the appeal within ten days of receipt. The executive committee shall issue a written decision within ten days of its consideration of the appeal. If the committee reverses the direc-

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## Proposed Rules

tor's decision, it shall instruct the director to issue a license to the organization effective the first day of the month following the committee's written decision. The executive committee's decision is a final agency decision.

D. When the board, or director if authorized to act on behalf of the board, determines that issuance of a license renewal should be denied under Minnesota Statutes, section 349.167, and board rules, the board or director shall promptly give a written notice to the licensee stating grounds for the action and giving reasonable notice of the rights of the licensee or applicant to request a hearing. A hearing must be held not later than 30 days after the board receives the request for the hearing unless the licensee or applicant and the board agree on a later date. If no hearing is requested within 30 days of the service of the notice, the denial becomes final. Hearings under this subpart must be conducted according to Minnesota Statutes, chapter 14. After the hearing, the board may enter an order making a disposition as the facts require. If the applicant fails to appear at the hearing after having been notified of it under this subpart, the applicant is considered in default and the proceeding may be determined against the person on consideration of the written notice of denial, the allegations of which may be considered to be true. All fees accompanying the license or renewal application are considered earned and are not refundable.

Subp. 11. **Renewals.** The following Items A to E apply to renewals of a gambling manager's license:

A. To renew a license at the end of a term, a licensed gambling manager must submit a complete renewal application on a form prescribed by the board to the board at least 60 days before the expiration of the gambling manager's existing license. A renewal application is not complete until it contains the information required by subparts subpart 5 and 6, the fee required by subpart 8, and Minnesota Statutes, section 349.167, subdivision 2.

Complete applications received by the board less than 60 days before the expiration of the applicant's existing gambling manager's license will be considered pursuant to this part but, if the applicant is entitled to a renewed license, the license will not be renewed by the director until the first day of the month following the expiration of 60 days after the board has received the complete application. A person shall not continue acting as a gambling manager after the expiration of the person's license and until the person has received a renewed license.

B. An application for The issuance of a renewal of a license must be denied if:

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

C. A gambling manager who has had an application the issuance of a renewal license denied pursuant to item B may reapply for renewal of the license once the portion of the renewal application which resulted in denial has been remedied. The reapplication must be accompanied by an additional fee pursuant to subpart 8. Nothing in this part prevents the board from pursuing disciplinary action against a licensee for violations of law or rule which warranted the denial of a renewal application but were later remedied in a sufficient manner to allow renewal of the gambling manager's license.

D. **Appeals:**

(1) A gambling manager whom the director determines has failed to submit a complete renewal application at least 60 days before the expiration of an existing license may appeal that determination by filing a written request for a contested case hearing with the board before the expiration of the gambling manager's existing license. The director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under *Minnesota Statutes*, section 14.61. The sole issue at the hearing is whether the applicant submitted a complete application at least 60 days before the expiration of the applicant's existing license.

(2) A gambling manager whose renewal application has been denied may appeal that denial by requesting a contested case hearing pursuant to *Minnesota Statutes*, chapter 14. The request must be made in writing and received by the board no later than ten days after the gambling manager receives the denial of a renewal application. Upon receipt of the request, the director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under *Minnesota Statutes*, section 14.61. A gambling manager who has had an application denied for failing to comply with the requirements in subpart 2, item E, may not apply for a renewal of a gambling manager's license or for an emergency replacement gambling manager's license, but may apply for a new gambling manager's license provided the individual has taken the board-provided gambling manager's seminar and passed the examination within the last 12 months before the new license is issued.

E. The board may not deny or delay the renewal of a gambling manager's license under Minnesota Statutes, section 349.167, because of the licensee's failure to submit a complete application by a specified date before the expiration of the license or permit unless the board has first:

(1) sent the applicant by registered mail a written notice of the incomplete application; and

(2) given the applicant at least five business days from the date of receipt of the notice to submit a complete application or the information necessary to complete the application.

## Proposed Rules

A gambling manager whom the director determines has failed to submit a complete renewal application may appeal that determination by filing a written request for a contested case hearing with the board before the expiration of the gambling manager's existing license. The director shall schedule a contested case hearing before an administrative law judge according to Minnesota Statutes, chapter 14. The hearing must be held less than 30 days after the service of a notice and order for hearing if allowed by the chief administrative law judge according to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota Statutes, section 14.61. The sole issue at the hearing is whether the applicant submitted a complete application after being duly notified of the incomplete application and prior to the director determining the application was incomplete.

Subp. 12. Assistant gambling managers. The following items apply to assistant gambling managers:

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

B. An organization may employ one or more assistant gambling managers if:

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

(3) no assistant gambling manager participates in the conduct of lawful gambling for more than one organization except as provided in item C.

C. An assistant gambling manager may be employed by more than one organization provided that the organizations concurrently lease space for the conduct of bingo in the same licensed bingo hall, and provided that the assistant gambling manager is not compensated directly or indirectly by the licensed bingo hall or its owner. Assistant gambling managers employed by more than one organization according to this item may oversee gambling employees of organizations during bingo occasions, and assist organizations' gambling managers with the duties contained in subpart 9. Nothing in this item diminishes the responsibilities and ultimate supervisory authority of a gambling manager contained in subpart 9.

An organization employing an assistant gambling manager according to this part shall submit to the board a list of the duties that the assistant gambling manager is authorized to perform on behalf of the organization. The list must be signed by the organization's chief executive officer and gambling manager, and must reflect that it conforms to the requirements of this part. Any changes to the list of authorized duties must be submitted to the board in writing 24 hours in advance of implementation of the change.

Notwithstanding items A and B, assistant gambling managers employed by more than one organization according to this item shall not:

(1) supervise licensing and reporting requirements as required by statute and rule for the organization;

(2) hire, fire, or impose permanent discipline on gambling employees of the organization, except for temporary disciplinary action that may be necessary during a bingo occasion and recommendations to the gambling manager regarding permanent disciplinary action;

(3) determine the program content or prize level requirements for the organization;

(4) determine the product to be purchased and put into play;

(5) be a gambling employee or volunteer at any other site where the organization by which the assistant gambling manager is employed conducts lawful gambling; or

(6) be a gambling employee or volunteer for any other organization conducting lawful gambling.

D. No license is required for an assistant gambling manager.

Subp. 13. **Proof of identification.** Proof of identification shall be required for all gambling manager examinations. Attendees at all board-provided seminars and continuing education classes shall be prepared to present proof of identification. Proof of identification may be established only by one of the following:

A. a valid driver's license or identification card issued by Minnesota, another state, or province of Canada, that includes the photograph and date of birth of the licensed person;

B. a valid passport;

C. a board-issued identification card; or

D. a valid military identification card issued by the United States Department of Defense.

**REPEALER.** Minnesota Rules, part 7861.0030, subpart 6, is repealed.

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## Proposed Rules

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# Gambling Control Board

## Proposed Permanent Rules Relating to Bingo

### Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing; Notice of Hearing if 25 or More Persons Request a Hearing; and Notice of Cancellation of Hearing if 25 or More Persons Do Not Request a Hearing

1. Introduction. The Minnesota Gambling Control Board intends to adopt a rule without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28 and *Minnesota Rules* 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request on the rule within 30 days, or by Thursday, March 21, 1996, a public hearing will be held at the Kelly Inn, I-94 & Marion Streets, St. Paul, MN starting at 9:00 AM on Wednesday, April 24, 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 March 21, 1996, the end of the 30-day comment period and before April 24, 1996, the scheduled hearing date.

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

Sharon A. Beighley, Rules Coordinator  
Minnesota Gambling Control Board  
1711 W County Rd B  
Suite 300S  
Roseville, MN 55113  
Telephone: 612-639-4000  
Fax: 612-639-4032

3. Subject of Rule and Statutory Authority. The proposed rules relate to the conduct of bingo by lawful gambling organizations in Minnesota. The proposed rules also define terms commonly used by the lawful gambling industry in regard to bingo. In addition, the proposed rules govern license application and operational procedures for bingo hall licensees as well as amending reporting requirements for manufacturers and distributors of bingo equipment. The proposed rules also amend the manufacturing requirements for bingo paper. The statutory authority of the Board to adopt the rule is *Minnesota Statutes*, section 349.151, subdivision 4(a) (1994), which lists the powers and duties of the Board. Section 349.151, subdivision 4(a), clause (1) authorizes the Board to regulate lawful gambling to ensure that it is conducted in the public interest; clause (5) authorizes the Board to make rules authorized by this chapter; and clause (17) authorizes the Board to take all necessary steps to insure the integrity of and public confidence in lawful gambling. *Minnesota Statutes* 349.151, subdivision 13 (1994), authorizes the Board to adopt rules when necessary and proper in discharging the Board's powers and duties.

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

4. Comments. You have until 4:30 PM on Thursday, March 21, 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 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. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

5. Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and received by the agency contact person by 4:30 PM on Thursday, March 21, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

6. Withdrawal of Requests. 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 enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

7. Accommodation. If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

8. Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted

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## Proposed Rules

rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

9. Cancellation of Hearing. The hearing scheduled for April 24, 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 date whether or not the hearing will be held. You may also call the agency contact person at 612-639-4091 after March 21, 1996 to find out whether the hearing will be held.

10. 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 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allen Klein is assigned to conduct the hearing. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite #1700, Minneapolis, Minnesota 55401-2138 (telephone: 612-341-7609).

11. Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have the opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence submitted should relate to the proposed rule. You may also submit 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. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information presented. No additional evidence may be presented during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received by the Office of Administrative Hearings no later than 4:30 PM on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

12. Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the agency contact person. This statement contains a summary of justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. The statement may also be reviewed and copies may be obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

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

14. Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rule is submitted to the office. If you want to be so notified, or want to receive a copy of the proposed rule, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

15. Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may ask to be notified of the date when the Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rule and files it with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

16. Order for Hearing. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 30 January 1996

Harry W. Baltzer, Executive Director  
Minnesota Gambling Control Board

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# Proposed Rules

## Rules as Proposed

### 7861.0010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the ~~meaning~~ meanings given them in this part. Where not otherwise defined in this chapter, terms have the ~~meaning~~ meanings given them in *Minnesota Statutes*, sections 349.11 to 349.23.

**Subp. 2. Bingo.** "Bingo" means a game where each player has a bingo hard card or bingo paper sheet, for which a consideration has been paid, which is played according to rules of the board for the conduct of bingo.

The term bingo does not include any game which is played via television, telephone, satellite dish, or any other telecommunications transmission or receiving device. Nothing in this definition prohibits an organization from using closed circuit television at its leased or owned premises in the conduct of its bingo occasions, provided that the closed circuit television signal shall not be capable of being transmitted between sites leased or owned by an organization.

**Subp. 3. Bingo leased premises.** "Bingo leased premises" means the area leased by an organization solely for the conduct of bingo and other forms of lawful gambling that an organization may be authorized to conduct. Bingo leased premises include bingo paper sheet and hard card sales areas, lawful gambling receipts accounting areas, participant playing areas, prize display areas, areas for the organization to draw, display, and post bingo numbers, restrooms, and the organization's gambling equipment storage areas. Other areas not used exclusively by bingo patrons or the organization's gambling employees are not included in bingo leased premises. Measurements of leased areas are to be taken from internal wall to internal wall.

**Subp. 4. Bingo occasion.** "Bingo occasion" means a single gathering at which 15 or more bingo games must be held, and which must continue for at least 1-1/2 hours but not more than four consecutive hours. A bingo occasion may have intermissions.

**Subp. 5. Bingo paper package.** "Bingo paper package" means a bingo paper sheet packet to which an organization has added individual bingo paper sheets or bingo paper sheets that an organization has fastened together to form a bingo paper package.

**Subp. 6. Bingo paper sheet.** "Bingo paper sheet" means a bingo sheet containing a face or faces that is manufactured from paper with or without preprinted numbers. A breakopen bingo paper sheet is considered a bingo paper sheet. The following also apply to bingo paper sheets:

**A.** Each bingo face must have 25 squares arranged in five vertical and five horizontal rows. The letters "B, I, N, G, O" must be preprinted above the five vertical columns, with one letter appearing above each column. The center space must be marked "free." Except for bingo paper sheets manufactured without preprinted numbers, the printed numbers on the bingo paper sheet face must correspond with the numbers and letters of the bingo balls, as follows:

- (1) numbers 1 to 15 in the "B" column;
- (2) numbers 16 to 30 in the "I" column;
- (3) numbers 31 to 45 in the "N" column;
- (4) numbers 46 to 60 in the "G" column; and
- (5) numbers 61 to 75 in the "O" column.

**B.** "Face number" refers to the number appearing on each bingo paper sheet face in a series, and allows for the verification of a winning bingo paper sheet face against a master book containing all of the faces in the series.

**C.** "Series" means a specific group of cards or faces that have been assigned consecutive card or face numbers by a manufacturer. Series are typically identified by the first and last card number in the group of cards, such as "1 to 9,000 series."

**D.** "ON's" means the number of bingo faces contained on a bingo paper sheet. For example, the term "twelve on" in reference to a bingo paper sheet means that the bingo paper sheet contains 12 bingo faces.

**Subp. 7. Bingo paper sheet packet.** "Bingo paper sheet packet" means a group of bingo paper sheets that is manufactured, collated, and sold by the manufacturer as a unit. Bingo paper sheet packets shall not be sold as individual bingo paper sheets. UP's apply to bingo paper sheet packets. "UP's" means the number of bingo paper sheets contained in a bingo paper sheet packet. For example, the term "twelve up" in reference to a bingo paper sheet packet means that the packet contains 12 bingo paper sheets.

**Subp. 8. Bingo pattern.** "Bingo pattern" means a predetermined and preannounced arrangement of spaces to be filled in on a bingo hard card or bingo paper sheet face by a player to win a game of bingo.

**Subp. 9. Bingo program.** "Bingo program" means a printed listing of all bingo games offered by an organization for a specific bingo occasion and includes the information required by part 7861.0070, subpart 5a, items A, subitem (4); and B, subitem (4).

**Subp. 10. Bingo session.** "Bingo session" means a group of bingo games conducted within a single bingo occasion that may be separated by an intermission.

**Subp. 11. Breakopen bingo.** "Breakopen bingo" means a form of bingo in which the organization calls and posts, either by

hand or by use of a flashboard, a predetermined quantity of randomly selected bingo balls from a bingo ball selection device, a separate tray within a bingo ball selection device, or a separate bingo ball container before the actual playing of the game. Only sealed breakopen bingo paper sheets are sold and used for breakopen bingo games.

Subp. ~~12~~. **Case paper.** “Case paper” means uncollated bingo paper sheets provided by the manufacturer in case lots. Case paper may be provided in either single bingo paper sheets or in a tablet from which the organization removes single bingo paper sheets.

Subp. ~~13~~. **Cash.** “Cash” means currency, money orders, or traveler’s checks. Cash does not include personal checks or credit cards.

Subp. ~~14~~. **Column.** “Column” means a container in the interior of a pull-tab dispensing device that holds pull-tabs prior to dispensing.

Subp. ~~2-~~ **15. Compensation.** “Compensation” means wages, salaries, and all other forms of remuneration for services rendered.

Subp. ~~2a-~~ **16. Consultant.** “Consultant” means a person, who is not an employee, who provides expert or professional advice on behalf of a licensed distributor or licensed manufacturer, or who receives compensation in any fashion from a licensed distributor or licensed manufacturer, for the sale or design of its lawful gambling equipment in Minnesota.

Subp. **17. Continuation bingo game.** “Continuation bingo game” means a bingo game where more than one pattern may be played concurrently on one bingo paper sheet face or bingo hard card, with the requirement that all completed winning patterns must be verified independently and no restrictions shall be placed on the order of completing the required patterns.

Subp. **18. Control number.** “Control number” means an alphanumeric or numeral code assigned by the organization which serves to uniquely identify a bingo paper sheet, bingo paper sheet packet, or bingo paper package as required by the board in part 7861.0070, subpart 7. The control number of the bingo paper sheet, bingo paper sheet packet, or bingo paper package may be the serial number printed on the bingo paper sheet or bingo paper sheet packet by the manufacturer.

Subp. ~~2b-~~ **19. E-PROM microchip.** “E-PROM microchip” means an erasable programmable read only memory microchip which holds a pull-tab dispensing device’s complete programming code.

Subp. ~~2e-~~ **20. Electronic currency validator.** “Electronic currency validator” means an electronic device in the interior of a pull-tab dispensing device that accepts valid currency, rejects invalid currency, and transmits the value of all currency accepted to the pull-tab dispensing device which permits the vending of pull-tabs from the pull-tab dispensing device.

Subp. **21. Fair market value.** “Fair market value” is what a willing buyer would pay a willing seller when neither has to buy or sell and both are aware of the conditions of the sale.

Subp. ~~2d-~~ **22. Family.** “Family” means a group of pull-tab, tipboard, or jar ticket games with the same name.

Subp. ~~2e-~~ **23. Family member.** “Family member” means a pull-tab, tipboard, or jar ticket game with the same name as another family member but with a different form number.

Subp. **24. Flashboard.** “Flashboard” means an electronic device which displays the numbers and letters of called bingo balls.

Subp. ~~2f-~~ **25. Form number or part number.** “Form number” or “part number” means an alphanumeric code assigned by the manufacturer which serves to uniquely identify those characteristics of a game as required by the commissioner of revenue.

Subp. ~~3-~~ **26. Fraternal organization.** “Fraternal organization” means a nonprofit organization which is a branch, lodge, or chapter of a national or state organization and exists for the common business, fraternal, or other interests of its members. The term does not include college and high school fraternities and sororities.

Subp. ~~3a-~~ **27. Fund raising costs.** “Fund raising costs” has the meaning given it in *Minnesota Statutes*, section 309.50, subdivision 12.

Subp. ~~3b-~~ **28. Gambling bank account.** “Gambling bank account” means all the accounts maintained by an organization at any banks, savings and loans, or credit unions located within Minnesota in which the organization deposits all gambling receipts and over which the organization has any control, including checking and savings accounts, certificates of deposit, and trust and escrow accounts.

Subp. ~~3e-~~ **29. Gambling equipment.** “Gambling equipment” means bingo hard cards and, bingo paper sheets, bingo paper packages, bingo paper sheet packets, devices for selecting bingo numbers, pull-tabs, jar tickets, paddlewheels, paddlewheel tables, pad-

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dletickets, paddleticket cards, tipboards, tipboard tickets, and pull-tab dispensing devices. Permanent gambling equipment consists of devices for selecting bingo numbers, paddlewheels, paddlewheel tables, and pull-tab dispensing devices.

**Subp. ~~30~~ 30. Gambling volunteer.** "Gambling volunteer" means an individual not compensated by an organization but who performs activities in the conduct of that organization's lawful gambling.

**Subp. ~~3d~~ 31. Immediate family.** "Immediate family" means spouse, children, parents, siblings.

**Subp. ~~3e~~ 32. Jar ticket.** "Jar ticket" means a single pull-tab ticket which is folded and banded.

**Subp. 4- 33. Lawful gambling.** "Lawful gambling" is the operation, conduct, or sale of bingo, raffles, paddlewheels, tipboards, and pull-tabs. Lawful gambling does not include the conduct of a combination of any of the five activities listed in this subpart where the outcome of one of the activities is dependent on the outcome of one of the other activities, except as otherwise permitted by law or rule. Lawful gambling does not include betting related to the outcome of an athletic event.

**Subp. ~~5-~~ 34. Leased premises.** "Leased premises" means a building or place of business, or a portion of a building or place of business not owned by a gambling organization, that is leased in its entirety by a gambling organization for the sole purpose of conducting lawful gambling.

**Subp. 35. Limiting ball count.** "Limiting ball count" means a bingo game in which a bingo player must complete an announced bingo pattern within a predetermined number of bingo balls drawn and called by the organization, and which conforms to the requirements of part 7861.0070, subpart 5a, item F.

**Subp. ~~5a-~~ 36. Management and general costs.** "Management and general costs" has the meaning given it in *Minnesota Statutes*, section 309.50, subdivision 11.

**Subp. ~~6-~~ 37. Master flare.** "Master flare" has the meaning given it in *Minnesota Statutes*, section 349.12.

**Subp. 7- 38. Net receipts.** "Net receipts" are gross receipts less prizes actually paid out.

**Subp. ~~8-~~ 39. Other nonprofit organization.** "Other nonprofit organization" means one of the following:

A. an organization other than a fraternal, religious, or veterans organization, whose nonprofit status is evidenced by a current letter of exemption from the Internal Revenue Service recognizing it as a nonprofit organization exempt from payment of income taxes or which is incorporated as a nonprofit corporation and registered with the secretary of state under *Minnesota Statutes*, chapter 317A; or

B. an affiliate, subordinate, or chapter of a statewide parent organization that meets the criteria of item A. This type of other nonprofit organization is recognized only for purposes of conducting lawful gambling pursuant to *Minnesota Statutes*, section 349.166.

**Subp. ~~9-~~ 40. Paddleticket.** "Paddleticket" has the meaning given it in *Minnesota Statutes*, section 349.12.

**Subp. ~~10-~~ 41. Paddleticket card.** "Paddleticket card" has the meaning given it in *Minnesota Statutes*, section 349.12.

**Subp. ~~11-~~ 42. Paddleticket card number.** "Paddleticket card number" has the meaning given it in *Minnesota Statutes*, section 349.12.

**Subp. ~~11a-~~ 43. Paddlewheel.** "Paddlewheel" is a mechanical vertical wheel marked off into sections containing numbers and which, after being spun, uses a pointer to indicate the winning number.

**Subp. ~~11b-~~ 44. Paddlewheel table.** "Paddlewheel table" is the table described in part 7861.0100, subpart 9, and used in the game of paddlewheels governed by part 7861.0100, subparts 2 to 7 and 9 to 16.

**Subp. 45. Progressive bingo game.** "Progressive bingo game" is a bingo game in which a prize level is established, and during which the prize level may be increased according to part 7861.0070, subpart 6a, item E.

**Subp. ~~11e-~~ 46. Pull-tab dispensing device.** "Pull-tab dispensing device" has the meaning given it in *Minnesota Statutes*, section 349.12.

**Subp. ~~11d-~~ 47. RAM microchip.** "RAM microchip" means a random access memory chip which holds a pull-tab dispensing device's accounting and game information.

**Subp. ~~12-~~ 48. Religious organization.** "Religious organization" means a nonprofit organization, church, body of communicants, or group gathered in common membership for mutual support and edification in piety, worship, and religious observances.

**Subp. ~~12a-~~ 49. Stacker box.** "Stacker box" means a component of the electronic currency validator that holds currency that has been accepted and validated by the electronic currency validator in the interior of a pull-tab dispensing device.

**Subp. ~~12b-~~ 50. Test vend.** "Test vend" means the intentional accepting of currency or vending of pull-tabs through a pull-tab dispensing device in order to properly calibrate a pull-tab dispensing device's columns to accept currency and vend paper pull-tabs of varying lengths, widths, and thicknesses.



Subp. ~~43~~ 51. **Veterans organization.** "Veterans organization" means any congressionally chartered organization within this state, or any branch, lodge, or chapter of a nonprofit national or state organization within this state, the membership of which consists of individuals who were members of the armed services or forces of the United States.

**7861.0040 PREMISES PERMITS.**

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

Subp. 4. **Attachments to application.** The following must be attached to the premises permit application:

A. A copy of the lease must be submitted. A lease must be on a form prescribed by the board and must contain at a minimum the following information:

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

(4) the term of the agreement, which must be concurrent with the term of the premises permit, unless terminated sooner by mutual consent of the parties or pursuant to subitem ~~(42)~~ (13);

[For text of subitems (5) to (8), see M.R.]

(9) for bingo leased premises an itemized listing, including the cost of any goods or services that the lessee purchases from the lessor or purchases from a third-party vendor pursuant to the items of the lease, including but not limited to, trash removal, snow removal, parking lot maintenance, or building maintenance. All goods or services included in the lease agreement shall be valued at their fair market value;

~~(10)~~ the days and hours that each pull-tab dispensing device will be in operation, if any;

~~(10)~~ (11) all obligations between the organization, its employees or agents, and the lessor and its employees or agents;

~~(11)~~ (12) an irrevocable consent from the lessor that:

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

(d) the lessor, the lessor's immediate family, and any agents or gambling employees of the lessor will not participate as players in the conduct of lawful gambling on the premises; and

(e) in addition to the requirements of subitem (9), the lessor shall maintain a record of all money received from the organization, and make the record available to the board and its agents, the commissioners of revenue and public safety and their agents upon demand. The record shall be maintained for a period of 3-1/2 years.

~~(12)~~ (13) a clause that provides for the termination of the lease if the premises is the site where illegal gambling has occurred;

~~(13)~~ (14) a clause stating that the lessor shall not modify, terminate, or refuse to renew the lease in whole or in part because the organization reported to a state or local law enforcement authority or the board the occurrence at the site of illegal gambling activity in which the organization did not participate; and

~~(14)~~ (15) any other agreements between the organization and the lessor.

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

[For text of subs 5 to 10, see M.R.]

**7861.0060 CONDUCT OF LAWFUL GAMBLING.**

Subpart 1. **General restrictions.** The following items are general restrictions on the conduct of lawful gambling:

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

B. All playing of lawful gambling must be on a cash basis, in advance of any play. Traveler's checks and money orders are acceptable considered cash.

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

Subp. 2. **Restrictions for gambling on leased premises.** The following items are restrictions for gambling on leased premises:

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

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E. Food and beverages may be dispensed within the bingo leased or permitted premises. Gambling employees of the organization working during that bingo occasion shall not provide this service. The organization shall not pay for the cost of the food and beverages from the organization's gambling accounts.

F. An organization shall not permit the lessor's business activities to be conducted on the leased premises, except for those activities permitted under item E.

F. G. An organization shall not permit the lessor, the lessor's immediate family, or the lessor's employees to participate as players in the conduct of lawful gambling on the leased premises.

G. Gambling employees of a licensed organization may not participate as players in any lawful gambling at the leased premises.

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

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

### 7861.0070 BINGO.

Subpart 1. **Restrictions.** The following items are restrictions on the conduct of bingo. For purposes of this part, the term "employee" includes a "volunteer." The requirements of item B shall not apply to a bingo volunteer who works for an organization with gross receipts from bingo of less than \$150,000 in its last fiscal year. For purposes of this part, the term "gross receipts from bingo of less than \$150,000" means the gross receipts from bingo after any coupon discounts have been applied by the organization.

A. An organization may not allow an employee who works during a bingo occasion to play in a bingo game conducted by that organization during that bingo occasion. A gambling employee of an organization shall not participate as a player at a bingo occasion during which the employee works. An organization may adopt in its house rules, internal controls, or otherwise, broader restrictions regarding employee participation as a player in bingo occasions conducted by the organization.

B. A gambling employee who works during a bingo occasion may not communicate or have direct contact regarding the play of bingo with the employee's immediate family members involving the play of bingo who participate as players during the bingo occasion. "Immediate family" is defined as consisting of the employee's spouse, child, parent, brother, or sister.

C. For purposes of this subpart, the term "employee" includes a volunteer. An organization shall not duplicate or otherwise make copies of bingo hard cards or bingo paper sheet faces.

D. An organization shall not cut bingo paper sheets (cash paper), and an organization shall not separate or cut bingo paper sheet packets (collated paper).

E. An organization with annual gross receipts from bingo exceeding \$150,000 in its last fiscal year shall not use bingo hard cards, except for braille bingo hard cards as authorized in item F.

F. An organization may permit a legally blind player to bring and use a braille hard card. A braille hard card must reflect the letters and numbers required pursuant to *Minnesota Statutes, section 349.17, subdivision 6, paragraph (a)*, in braille, and in a form that can be verified by sight by a person who is not able to read braille. An organization may disallow the use of a braille hard card which does not comply with applicable requirements for bingo hard cards. An organization may charge a blind person the same price for the use of a personal braille hard card as that which is charged for use of a bingo hard card or bingo paper sheet face provided by the organization.

G. An organization shall not reserve bingo hard cards, bingo paper sheets, bingo paper sheet packets, or bingo paper packages for any person.

H. An organization shall not use two or more sets of bingo paper sheets or bingo paper sheet packets during a single bingo game if they have identical faces, except that identical faces may occur on breakopen bingo paper sheet faces during a breakopen bingo game.

I. An organization shall not offer for sale any bingo paper sheets, bingo paper sheet packets, or bingo paper packages that were sold at a previous bingo occasion or bingo session.

J. An organization shall not offer free or discounted bingo hard cards, bingo paper sheets, bingo paper sheet packets, or bingo paper packages and an organization shall not offer or redeem coupons for bingo hard cards, bingo paper sheets, bingo paper sheet packets, or bingo paper packages except as provided in subpart 5a.

K. An organization or employee of an organization shall not engage in or permit any person on its premises to engage in any act, practice, or course of operation that manipulates the outcome of any bingo game.

Subp. 2. **Bingo equipment to be used.** The conduct of bingo must include the following items:

A. A machine or other device from which balls are withdrawn bingo ball selection device approved by the board pursuant to part 7864.0030, subpart 2, item E.

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B. A set of 75 bingo balls bearing the numbers 1 to 75 and the letters B, I, N, G, O. Bingo balls bearing the letter "B" may only bear numbers 1 through 15; bingo balls bearing the letter "I" may only bear numbers 16 through 30; bingo balls bearing the letter "N" may only bear numbers 31 through 45; bingo balls bearing the letter "G" may only bear numbers 46 through 60; and bingo balls bearing the letter "O" may only bear numbers 61 through 75. Each bingo ball may bear no more than one letter and one number. The 75 bingo balls must be available for inspection and inspected by the players at least one player before a bingo occasion begins to determine that all are present and in operating condition. Each numbered bingo ball in the set must be equal in size, weight, shape, balance, and all other characteristics that control their selection, and must be free from any defects; and be present in the receptacle before each game begins. Except for continuation bingo games, each bingo ball must be present in the bingo ball selection device before each bingo game begins.

C. Video cameras and displays may be utilized.

D. An organization shall purchase all bingo hard cards, bingo paper sheets, and bingo paper sheet packets from a licensed distributor.

E. All equipment used in the conduct of a bingo game shall be maintained in sound working condition.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 5a. Manner of conducting bingo. A bingo game must be conducted in the following manner.

A. For organizations using bingo hard cards, the following shall apply.

(1) An organization shall prominently post a notice on each premises where bingo is conducted which includes the price for each bingo hard card and a statement indicating that only cash sales are permitted. The notice must be printed in letters large enough to be clearly legible.

(2) An organization shall prominently post its house rules. In addition to the requirements of part 7861.0060, subpart 4, the house rules must be clearly legible and include, at a minimum, the following information:

(a) the organization's policy on declaring bingo and last number called;

(b) the reasons for potentially canceling bingo occasions; and

(c) a statement indicating the state agencies from which a player may obtain a copy of the Gambling Control Board's rules governing bingo.

House rules must be posted in such a manner that players have access to the house rules prior to purchasing any bingo hard cards.

(3) An organization shall obtain, maintain, and keep the most recent copy of the applicable statutes and the Gambling Control Board's rules governing bingo, on each premises used for the conduct of bingo at all times that bingo is conducted there.

(4) Bingo programs for each bingo occasion or bingo session must be made available to all players prior to the start of the first game at each bingo occasion or bingo session and include, at a minimum, the following information:

(a) a written description of each bingo game to be offered, including an illustration of each winning pattern;

(b) the prizes to be offered, including consolation prizes, and any determining factors used by an organization in determining the prize payout structure for the occasion; and

(c) the date of implementation of the program.

An organization with gross receipts from bingo of less than \$150,000 in its last fiscal year shall include in its bingo programs the methods used to determine the value of prizes when the value of prizes will be less than the values listed in the program.

Each bingo program, including the list of occasions or sessions at which that program will be used, must be approved in advance by the membership of the organization. A copy of the approved bingo program, including the list of occasions or sessions at which that program will be used must be included with the minutes of the meeting. A copy of the approved bingo program, including the list of occasions or sessions at which that program will be used must also be submitted to the board and postmarked or delivered to the board office at least 24 hours in advance of implementation of the program.

(5) An organization may make changes to approved bingo programs, provided that:

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(a) the board must be notified in advance by the organization, which must submit to the board a copy of the amended bingo program, including any changes to the list of occasions or sessions at which the amended program will be used. The notification must be postmarked or delivered to the board office at least 24 hours in advance of implementation of the changes; and

(b) the amended bingo program, including any changes to the list of occasions or sessions at which the amended program will be used, must be approved by the organization's membership in advance of the changes, or at the next membership meeting, and included in the minutes of the meeting.

(6) An organization with gross receipts from bingo of less than \$150,000 in its last fiscal year may adjust the price of bingo hard cards through the use of coupons, provided that the organization retains all redeemed coupons for a period of 3-1/2 years. All redeemed coupons must bear the printed name and signature of the person redeeming the coupon. Any coupon issued by an organization shall bear a specific dollar value.

(7) All sales of bingo hard cards must be on a cash basis and take place during or immediately preceding the bingo occasion or bingo session for which the bingo hard cards are being sold. All sales of bingo hard cards must occur at the organization's leased or owned premises. Bingo hard cards must be paid for prior to the start of a specific game. Bingo hard cards shall be used during the bingo occasion or bingo session for which they were purchased.

(8) If an organization has duplicate bingo hard cards in play, the organization shall conspicuously post that fact or notify all players before their purchase of bingo hard cards for a game or number of games.

(9) An organization shall use one or more checkers for each bingo occasion or session. The checker or checkers shall record on a form prescribed by the board the number of bingo hard cards played in each game, the face number of each winning bingo hard card, and the prizes awarded to the recorded bingo hard cards. Each checker shall certify that the figures are correct to the best of the checker's knowledge.

B. For organizations using bingo paper sheets, bingo paper sheet packets, or bingo paper packages, the following shall apply.

(1) An organization shall prominently post a notice on each premises where bingo is conducted which includes the price for each bingo paper sheet, bingo paper sheet packet, or bingo paper package, and a statement indicating that only cash sales are permitted. The notice must be printed in letters large enough to be clearly legible.

(2) An organization shall prominently post its house rules. In addition to the requirements of part 7861.0060, subpart 4, the house rules must be clearly legible and include, at a minimum, the following information:

(a) the organization's policy on declaring bingo and last number called;

(b) the reasons for potentially canceling bingo occasions; and

(c) a statement indicating the state agencies from which a player may obtain a copy of the Gambling Control Board's rules governing bingo.

House rules must be posted in such a manner that players have access to the house rules prior to purchasing any bingo paper sheets, bingo paper sheet packets, or bingo paper packages.

(3) An organization shall obtain, maintain, and keep the most recent copy of the applicable statutes and the Gambling Control Board's rules governing bingo, on each premises used for the conduct of bingo at all times that bingo is conducted there.

(4) Bingo programs for each bingo occasion or bingo session must be made available to all players prior to the start of the first game at each bingo occasion or bingo session, and must include, at a minimum, the following information:

(a) a written description of each bingo game to be offered, including an illustration of each winning pattern;

(b) a description of the bingo paper sheets, bingo paper sheet packets, and bingo paper packages to be used, including:

i. the color of the paper, and a description of the border, if any;

ii. the number of bingo faces on each sheet;

iii. for bingo paper sheet packets, the number of sheets in each packet; and

iv. for bingo paper packages, the number and type of bingo paper sheets added by the organization to the bingo paper sheet packets;

(c) the prizes to be offered, including consolation prizes, and any determining factors used by an organization in determining the prize payout structure for the occasion; and

(d) the date of implementation of the program.

An organization with gross receipts from bingo of less than \$150,000 in its last fiscal year shall include in its bingo programs the methods used to determine the value of prizes when the value of prizes will be less than the values listed in the program.

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Each bingo program, including the list of occasions or sessions at which that program will be used, must be approved in advance by the membership of the organization. A copy of the approved bingo program, including the list of occasions or sessions at which that program will be used, must be included with the minutes of the meeting. A copy of the approved bingo program, including the list of occasions or session at which that program will be used, must also be submitted to the board and postmarked or delivered to the board office at least 24 hours in advance of implementation of the program.

(5) An organization may make changes to approved bingo programs, provided that:

(a) the board must be notified in advance by the organization, which must submit to the board a copy of the amended bingo program, including any changes to the list of occasions or sessions at which the amended program will be used. The notification must be postmarked or delivered to the board office at least 24 hours in advance of implementation of the changes; and

(b) the amended bingo program, including any changes to the list of occasions or sessions at which the amended bingo program will be used, must be approved by the organization's membership in advance of the changes, or at the next membership meeting, and included in the minutes of the meeting.

(6) An organization with gross receipts from bingo of less than \$150,000 in its last fiscal year may adjust the price of bingo paper sheets, bingo paper sheet packets, or bingo paper packages through the use of coupons, provided that the redeemed coupons bear the printed name and signature of the person redeeming the coupon, and the organization retains all redeemed coupons for a period of 3-1/2 years. All other organizations may adjust the price of bingo paper sheets, bingo paper sheet packets, or bingo paper packages through the use of coupons provided that the organization maintains a record of each person redeeming a coupon for each bingo occasion that it conducts. Any coupon issued by an organization shall bear a specific dollar value. The record shall be maintained for a period of 3-1/2 years. The record shall include, at a minimum, the following information:

(a) an impression or photocopy of the person's driver's license or other form of picture identification including the person's full name and full address. If the person does not have a driver's license or other form of picture identification, an impression or photocopy of a driver's license or other form of picture identification, including the full name and full address, telephone number, and the signature of another person playing bingo during that occasion or session shall be obtained to verify the identity of the person redeeming the coupon;

(b) the monetary difference between the price of the bingo paper sheets or bingo paper sheet packets appearing on the distributor's invoice for that bingo paper sheet or bingo paper sheet packets and the price being paid by the person redeeming the coupon; and

(c) the printed name and signature of the person redeeming the coupon.

(7) All sales of bingo paper sheets, bingo paper sheet packets, or bingo paper packages must be on a cash basis and take place during or immediately preceding the bingo occasion or bingo session for which the bingo paper sheets, bingo paper sheet packets, or bingo paper packages are being sold. All sales of bingo paper sheets, bingo paper sheet packets, or bingo paper packages must occur at the organization's leased or owned premises. Bingo paper sheets, bingo paper sheet packets, or bingo paper packages must be paid for prior to the start of a specific bingo game, except in the case of a breakopen bingo game as authorized by subpart 8, item D. An organization which sells bingo paper sheet packets or bingo paper packages after the first game in a bingo occasion or bingo session has begun shall deface those games contained in the bingo paper sheet packets or bingo paper packages for the games which have already been played or are in play, prior to the sale of the bingo paper sheet packet or bingo paper package.

(8) Bingo paper sheets, bingo paper sheet packets, and bingo paper packages shall be used during the bingo occasion or bingo session for which they were purchased. An organization shall not allow a player to carry over purchased but unused bingo paper sheets, bingo paper sheet packets, or bingo paper packages to a subsequent bingo occasion or bingo session.

C. An organization shall require a predetermined pattern to be completed in order to win a bingo game. The particular arrangement of spaces to be covered on a bingo hard card or marked with a liquid dauber on a bingo paper sheet face which must be completed in order to win the bingo game must be clearly described and verbally announced to the players immediately before each game is begun. In bingo games where players fill in the numbers on bingo paper sheet faces sold by the the organization, the numbers filled in by the players must correspond to the appropriate columns on a bingo paper sheet face and the required pattern as designated by the organization. Only the numbers 1 to 15 can be placed in the "B" column, 16 to 30 in the "I" column, 31 to 45 in the "N" column, 46 to 60 in the "G" column, and 61 to 75 in the "O" column.

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D. Continuation bingo games are permitted. For example, up to three patterns may be played on one bingo face. Each portion of the continuation game shall be considered a single bingo game, even though the bingo balls are not returned to the receptacle after a winner has been determined and verified.

E. Progressive bingo games are permitted. A progressive bingo game is one in which the established prize levels and/or number of bingo balls called may be increased from one occasion to the next occasion if no player completes the required pattern within the specified number of bingo balls drawn.

F. Bingo games with limiting ball counts are permitted. Limiting ball counts may be used by an organization for bingo games to establish prize levels in compliance with subpart 6a. All limiting ball counts must be prominently displayed prior to the start of the particular bingo occasion, announced prior to the start of the particular bingo game, and an explanation for the limiting ball counts must be included in the organization's bingo program for that bingo occasion or session. Bingo games which use limiting ball counts to determine prize levels must be played until a player declares bingo, the winning bingo hard card, or winning bingo paper sheet face is verified, and a prize is awarded.

G. Except for breakopen bingo games, a game of bingo begins with the first letter and number called. Each player must cover on the bingo hard card or mark with a liquid dauber the numbers on the bingo paper sheet face when bingo balls, similarly numbered, are randomly drawn, announced, and displayed to the players, either manually or with a flashboard or monitor. A bingo game is completed and won when:

- (1) a previously designated arrangement of numbers on a bingo hard card or bingo paper sheet face has been completed;
- (2) one or more players have declared bingo;
- (3) the winning bingo hard card or bingo paper sheet face has been verified by an organization employee; and
- (4) a prize has been awarded.

H. The letter and number of a drawn bingo ball must be called out before the drawing of the next bingo ball. Once a bingo ball has been drawn, the bingo ball shall not be returned to the receptacle until after the conclusion of the game or continuation game.

I. All numbers and letters announced shall be clearly and audibly called.

J. Immediately following the drawing of each bingo ball in a bingo game, the caller shall display that portion of the bingo ball which shows the letter and the number to the participants in the game. The organization shall ensure that the majority of players are at all times able to see the letter and number of each drawn bingo ball.

K. If the bingo caller discovers that a wrong letter or number has been called, the caller shall announce that a wrong letter or number has been called, shall call the correct letter or number, then correct the flashboard, if any, and continue with the game.

L. After the letter and number are called, the corresponding letter and number on the flashboard, if any, must be lit for player viewing.

M. When a bingo player declares a winning pattern of letters and numbers on a bingo hard card or bingo paper sheet face for a bingo game, the serial number and face number of the bingo paper sheet face, or the face number of the winning bingo hard card shall be read aloud by an employee of the organization. Every winning bingo hard card or bingo paper sheet face shall be verified by an organization employee and at least one neutral player, or by an electronic verification device. A neutral player is another player who is not an immediate family member of the player declaring bingo.

N. Each bingo game shall be closed with the following procedure:

- (1) the game shall be stopped after a player has declared bingo;
- (2) when a bingo player declares a bingo, the next bingo ball out of the machine shall be removed from the machine before shutting the machine off, and shall be the next bingo ball called in the event the bingo is declared not valid. In the case of a continuation bingo game, the bingo ball shall be held and used as the first bingo ball drawn for the next game;
- (3) the organization shall verify that the declared bingo is valid;
- (4) the organization shall require an organization employee on the floor to read off the manufacturer's serial number and face number on the winning bingo paper sheet or the face number on the winning bingo hard card. A prize shall not be awarded unless the serial number and face number of the winning bingo paper sheet or the face number on the winning bingo hard card was among those offered for sale at that occasion; and
- (5) the bingo caller shall then ask the players at least twice if there are any other bingos. If no one answers, the caller shall announce that the game is completed and the prize shall be immediately awarded to the winner.

Subp. 6. [See repealer.]

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Subp. 6a. Bingo prizes. Prizes for games won at a bingo occasion or session shall be awarded at that bingo occasion or session according to Minnesota Statutes, section 349.211, and the following procedures.

A. Except for bingo games conducted pursuant to item F, the value of a prize which may be won in a bingo game must be verbally announced to players prior to the start of a bingo game and included in the bingo program for that occasion. Value means the dollar amount of the cash prize or the fair market value for noncash prizes. A bingo prize may consist of coupons to redeem bingo hard cards, bingo paper sheets, bingo paper sheet packets, and bingo paper packages. Unless a prize receipt is completed pursuant to items F and L, a bingo prize shall not have its value established by any method where the value of the bingo prize cannot be determined and verbally announced to players at the beginning of a bingo game. A bingo prize shall not consist of lawful gambling equipment, except as provided in this item.

B. A bingo prize shall only be awarded after a player has successfully completed a preannounced pattern of spaces on a bingo hard card or bingo paper sheet face with the letters and numbers called by an organization employee.

C. A prize for a single bingo game shall not exceed \$100.

D. A prize for a cover-all bingo game may exceed \$100 provided that the aggregate value of all cover-all prizes in any bingo occasion does not exceed \$1,000.

E. A prize for a progressive bingo game may start at up to \$300 and be increased by up to \$100 for each occasion during which the progressive bingo game is played. If the progressive prize is not awarded at a particular bingo occasion, the progressive bingo game shall be continued at a future bingo occasion until such time as a winner is determined. The winning prize in a progressive bingo game does not have to be the full amount of the jackpot, but may be a consolation prize of up to \$100. If the progressive prize is not awarded at a particular occasion, it may be carried over to a future bingo occasion and increased in value, provided that the prize never exceeds \$1,000 for any progressive bingo game.

F. In bingo games where players have the opportunity to win one of various, alternative prize levels, the organization will not be able to identify and announce at the beginning of the bingo game the value of the prize that will be won until the game is completed. Such bingo games are permitted only if the organization completes a prize receipt form upon completion of the bingo game. According to subpart 5a, items A, subitem (4), and B, subitem (4), the organization must describe in its bingo program any bingo games where players have the opportunity to win one of various, alternative prize levels, including the factors that will be used to determine the prize level that is won and the value of the alternative prize levels.

G. Merchandise prizes awarded in any bingo game shall be valued at their fair market value and shall not be redeemed for cash or converted into cash.

H. Donated prizes shall be valued at their fair market value and shall be included in the determination of compliance with Minnesota Statutes, section 349.211.

I. An organization conducting bingo in which any real or personal property prizes are awarded shall have paid for in full or otherwise become the owner without lien or interest of others of all the real or personal property prior to the bingo occasion or session at which the winners of the prizes are to be determined. For purposes of this subpart, savings bonds are not considered merchandise prizes and must be reported and announced at their purchase price value.

J. All prizes available to be won at a bingo occasion or session shall be won by a player based upon winning a bingo game and not by any other method which incorporates an element of chance. No prizes based on the result of a bingo game shall be awarded to anyone other than a player who has achieved the winning pattern of letters and numbers in the bingo game. An organization shall not award a secondary prize to a person based upon an outcome other than the selection of letters and numbers in a bingo game.

K. If there are multiple winners in any bingo game, the following shall apply:

(1) If the designated prize consists of cash, the total amount of the prize shall be divided equally, with an equal amount being awarded for each verified winning bingo face. The organization has the option of rounding fractional dollars to the nearest lower dollar. The total amount of the awarded prizes shall not exceed limits in Minnesota Statutes, section 349.211.

(2) If the designated prize consists of an item other than cash and the designated prize cannot be divided, the organization shall award substitute prizes to each verified winning bingo face. The substitute prizes must be of equal value to one another, with an equal prize awarded for each verified winning bingo face. The total value of the prizes must not exceed the limits in Minnesota Statutes, section 349.211.

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L. A prize receipt form shall be completed for a winning bingo prize valued at \$100 or more. A prize receipt form shall also be completed for all bingo games where the value of the prize is determined by the selling price of the bingo paper sheet packet or bingo paper package, and for all bingo games where players have the opportunity to win various, alternative prize levels. The prize receipt form shall include, at a minimum, the following information:

(1) an impression or photocopy of the winner's driver's license or other form of picture identification including the person's full name and full address. If the winner does not have a driver's license or other form of picture identification, an impression or photocopy of a driver's license or other form of picture identification, including the full name and full address, and the signature of another person playing bingo during that occasion or session shall be obtained to verify the receipt of the prize;

(2) the face number of the winning bingo hard card, or the serial number and face number of the winning bingo paper sheet face;

(3) the cash value of the prize;

(4) a full description of all noncash prizes;

(5) the signature of the organization employee or volunteer making the payment;

(6) the signature of the winner; and

(7) the name, address, license number, and premises permit number or exempt number of the organization sponsoring the occasion.

**Subp. 7. General bingo records and reports.** For each bingo occasion, The following records must be kept and reports shall be completed by the organization, and maintained for a period of 3-1/2 years. The records and reports shall be made available to the board, the commissioner of revenue, the commissioner of public safety, or their agents upon demand:

A. the total number of players in attendance;

B. the total amount wagered;

C. the total prizes, including cash and market value of noncash prizes, awarded;

D. a copy of the schedule of games and their prizes;

E. the number and price of cards or sheets sold by type;

F. the inventory of disposable bingo cards purchased by the organization; and

G. for any bingo game with a prize valued at \$100 or more, a prize receipt as provided in subpart 5 6a, item Q L.

Effective on the first day of the sixth month from the date of this part, items A to G shall no longer apply.

**H. Inventory records.**

(1) Effective on the first day of the 12th month from the effective date of this rule, an organization shall submit to the Department of Revenue an itemized inventory of all bingo paper sheets (case paper) and bingo paper sheet packets in inventory on hand on the day before the effective date of subitem (2).

(2) Effective on the first day of the sixth month from the effective date of this rule, each organization using bingo paper sheets, bingo paper sheet packets, or bingo paper packages shall maintain inventory records in a format prescribed by the board in accordance with subitems (2) to (6). A computer-generated form may be used with the approval of the board director if it complies with the requirements of this part. An organization using bingo paper sheets, bingo paper sheet packets, or bingo paper packages shall:

(a) record the serial number of each bingo paper sheet for case paper and the serial number of each bingo paper sheet in a bingo paper packet; or

(b) assign a control number to each case of bingo paper sheets and each bingo paper sheet packet;

(c) if the serial numbers of the bingo paper sheets in a bingo paper sheet packet are not tracked on the distributor's invoice, attach a bingo paper sheet packet from that shipment to the distributor's invoice. The distributor's invoice, with the bingo paper sheet packet attached, shall be retained by the organization according to Minnesota Statutes, section 349.18, subdivision 1a, paragraph (a).

(3) For each case of bingo paper sheets (case paper), the inventory records shall include, at a minimum, the following information:

(a) the serial number of the bingo paper sheets in the case;

(b) the color;

(c) the series;



- (d) the number of faces per sheet (ON's);
- (e) a description of the face patterns;
- (f) the organization name and premises permit number;
- (g) the distributor's name, invoice number, and date of invoice;
- (h) the distributor's invoiced bingo paper price, and number of bingo paper sheets being invoiced;
- (i) the retail selling price for each bingo paper sheet; and
- (j) perpetual inventory information for each case of bingo paper sheets (case paper).

(4) For each set of bingo paper sheet packets, the inventory records shall include, at a minimum, the following information:

(a) the serial number of each bingo sheet in the bingo paper packet, or the serial number from the top sheet in each bingo paper sheet packet if the distributor's invoice indicates that only the serial number from the top sheet is provided, and the control number the organization may have assigned to the bingo paper sheet packet;

- (b) the organization's name and premises permit number;
- (c) the distributor's name, invoice number, and date of invoice;
- (d) the distributor's invoiced bingo paper price, and number of bingo paper sheet packets being invoiced;
- (e) the number of sheets per packet (UP's);
- (f) the number of faces per sheet (ON's);
- (g) the color of each sheet in the packet, in the order of collation;
- (h) the retail selling price for each bingo paper sheet packet; and
- (i) perpetual inventory information for each set of bingo paper sheet packets.

(5) For each bingo paper package, if the organization uses bingo paper packages, a control number shall be assigned and all components of the bingo paper package shall be accounted for. The inventory records for bingo paper packages shall include, at a minimum, the following information:

(a) the serial number of each bingo paper sheet in the bingo paper sheet packet used to build the bingo paper package, or the control number assigned to the bingo paper sheet packet, or the serial number from the top sheet in the bingo paper sheet packet used to build the bingo paper package if the distributor's invoice indicates that only the top serial number is being tracked.

- (b) the color of each component of the bingo paper package;
- (c) the series number of each component of the bingo paper package;
- (d) the number of faces per sheet (ON's) for each component of the bingo paper package;
- (e) the number of sheets per packet (UP's) for each component of the bingo paper package;
- (f) the distributor's invoiced cost for each component of the bingo paper package;
- (g) the organization's retail selling price for the bingo paper package;
- (h) the organization's name and premises permit number;
- (i) the control number assigned to the bingo paper package; and
- (j) perpetual inventory information for each type of bingo paper package.

(6) For bingo paper sheets, bingo paper sheet packets, and bingo paper packages, a monthly physical inventory control summary including, at a minimum, the following information:

- (a) quantity, by type, of bingo paper sheets, bingo paper sheet packets, and bingo paper packages;
- (b) control numbers, if assigned, or the serial number from the top sheet in every case of bingo paper sheets;

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(c) the control number, if assigned, or the serial number of each bingo paper sheet in each bingo paper packet, or the serial number from the top sheet in each bingo paper package;

(d) distributor invoiced cost for bingo paper sheets and bingo paper sheet packets; and

(e) organization name and premises permit number.

I. Effective on the first day of the sixth month from the effective date of this rule, the following information shall be recorded for each bingo occasion conducted by an organization.

(1) For organizations using bingo hard cards:

(a) a copy of the caller verification form shall be attached to the bingo occasion record;

(b) a copy of the occasion's bingo program shall be attached to the bingo occasion record;

(c) the total number of players in attendance;

(d) the total number of bingo hard cards available in the organization's inventory;

(e) the total number of bingo hard cards sold for the occasion and the selling price of each card;

(f) the total amount of cash collected for all sales of bingo hard cards at the occasion;

(g) the cash value, or fair market value of noncash prizes awarded for each bingo game, and the face number and series number of each winning bingo hard card;

(h) for any bingo game with a prize valued at \$100 or more that is awarded to one individual, a prize receipt as provided in subpart 6a, item L;

(i) cash on hand at the beginning of the occasion, and cash on hand at the end of the occasion;

(j) all coupons redeemed at the occasion;

(k) signature of the checker for the occasion; and

(l) the name of each volunteer or employee working at the occasion.

(2) For organizations using bingo paper sheets, bingo paper sheet packets, or bingo paper packages, the following information shall be recorded in a format prescribed by the board for each bingo occasion conducted by an organization. A computer-generated form may be used with the approval of the board director if it complies with the requirements of this part:

(a) the total amount, by control number, of bingo paper packages available for sale at the occasion and the total amount, by control number, of bingo paper packages which are returned to inventory at the end of the occasion. A separate form must be completed by each seller working at the bingo occasion;

(b) a summary of total admission sales for the occasion, including total cash on hand at the beginning of the occasion, total cash receipts from admission sales, the quantity by dollar value of all coupons redeemed at the occasion, and the net admission sales for each occasion;

(c) for each bingo game conducted, the number of bingo paper sheets and the selling price of each bingo paper sheet, sold by each floor seller;

(d) the total value of prizes awarded for each game, including the cash value and fair market value for noncash prizes, and the serial number and face number of each winning bingo paper sheet face;

(e) a copy of the caller verification form;

(f) a copy of the occasion's bingo program shall be attached to the bingo occasion record;

(g) a bingo occasion summary, including the total number of players in attendance, total gross and net sales, total value of coupons redeemed, and total value including cash value and fair market value for noncash prizes awarded at the occasion;

(h) for any bingo game with a cash or merchandise prize valued at \$100 or more, a prize receipt as required in subpart 6a, item L; and

(i) for any bingo game where the value of the prize is determined by the selling price of the packet of bingo paper sheets or bingo paper package, a prize receipt as required in subpart 6a, item L.

I. A gross receipt and discrepancy report must be prepared for each bingo occasion conducted by an organization. The report shall be prepared on a form prescribed by the board, in accordance with the following procedures:

(1) For organizations using bingo hard cards, the gross receipts of each bingo occasion shall be compared to the checker's records by an employee or volunteer of the organization and verified by the organization's gambling manager. If a discrepancy of more than \$20 is found between the gross receipts as reported by the checkers and the gross receipts, reduced by the value of

coupons redeemed, if any, determined by totaling the cash receipts, a discrepancy report shall be provided to the board, on a form prescribed by the board, within five days of the bingo occasion.

(2) For organizations using bingo paper sheets, bingo paper sheet packets, or bingo paper packages, the gross receipts of each bingo occasion shall be reconciled to the occasion records by an employee or volunteer of the organization, and verified by the organization's gambling manager. If a discrepancy of more than \$20 is found between the gross receipts as verified, reduced by the value of coupons redeemed, if any, and the gross receipts determined by totaling the cash receipts, a discrepancy report shall be provided to the board, on a form prescribed by the board, within five days of the bingo occasion.

Subp. 8. ~~Break-open Breakopen~~ bingo. In addition to complying with subparts 1 to 7, ~~break-open breakopen~~ bingo is a bingo game that must also comply with the following:

A. A sealed bingo paper sheet is lawful gambling equipment in which the bingo face or faces are concealed by being sealed in a manner that prevents revealing any part of the bingo face. ~~Break-open Breakopen~~ bingo paper sheets must be constructed so that all 24 numbers on each face cannot be determined from the outside of a ~~break-open breakopen~~ bingo paper sheet using a high intensity lamp of up to and including 500 watts.

B. Only individually sealed bingo paper sheets may be sold for a ~~break-open breakopen~~ bingo game.

C. A ~~break-open breakopen~~ bingo game begins when, in the presence of players attending the bingo occasion, the conducting organization calls and posts, either manually or by use of a flashboard, a predetermined quantity of randomly selected bingo balls from a bingo ball selection device or a separate bingo ball container. The organization ~~must~~ shall use a separate set of bingo balls and either a separate bingo ball selection device, separate tray within a bingo ball selection device, or a separate bingo ball container for a ~~break-open breakopen~~ bingo game. If an organization uses a separate tray within a bingo ball selection device or a separate bingo ball container, the bingo balls must be in view of the players at all times during the conduct of the breakopen bingo game.

D. Sealed bingo paper sheets for a ~~break-open breakopen~~ game may be sold throughout the bingo occasion, however no additional sealed bingo paper sheets may be sold after the conducting organization resumes calling letters and numbers after the predetermined quantity has been called and posted.

E. After the predetermined quantity of randomly selected bingo balls has been called and posted, and immediately prior to the selection of the next bingo ball from the bingo ball selection device, a conducting organization ~~must~~ shall ask if any player has completed the required bingo pattern. All players who complete the game pattern within the predetermined number of balls called are considered winners, regardless of the last ball called. If a player or players declare bingo based on the predetermined quantity of balls selected and the bingo is verified, the player or players must be awarded the designated prize and the game ends. If no bingo is declared and verified, the organization ~~must~~ shall resume calling letters and numbers, and continue calling until one or more players declare bingo and the bingo is verified and the designated prize or consolation prize is awarded.

F. A ~~break-open breakopen~~ bingo game ~~must~~ shall be played in its entirety within the bingo occasion except for progressive breakopen bingo games played in accordance with subpart 5a, item E.

G. A conducting organization must mark each ~~break-open breakopen~~ bingo sheet to be used during the bingo occasion by validating the sheet with a unique symbol or the date of the occasion by using a device, rubber stamp, or other marking method. The symbol must be placed on the ~~break-open breakopen~~ bingo paper sheet in such a manner that the symbol appears on the part of the ~~break-open breakopen~~ bingo paper sheet that is in play. If the organization uses a unique symbol, the organization must maintain a record that identifies the a unique symbol with the particular date and bingo occasion for which the symbol was used.

H. A conducting organization may allow players to trade in ~~break-open breakopen~~ bingo paper sheets. The conducting organization must account for the trade-in of ~~break-open breakopen~~ bingo paper sheets in the following manner:

(1) The conducting organization ~~must~~ shall maintain two sets of ~~break-open breakopen~~ bingo paper sheets for each ~~break-open breakopen~~ bingo game conducted. One set, known as the "original set," ~~must be blue.~~ shall be a different color than the other second set, known as the "trade-in set," may be of any color except blue.

(2) All ~~break-open breakopen~~ bingo paper sheets in the original set are of equal value and must be sold to players for the same price as other ~~breakopen~~ bingo paper sheets in the original set. All ~~break-open breakopen~~ bingo paper sheets in the trade-in set are of equal value and must be sold to players for the same price as other ~~breakopen~~ bingo paper sheets in the trade-in set.

(3) After purchasing a ~~break-open breakopen~~ bingo paper sheet from the original set, players may continue to purchase

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~~breakopen bingo paper~~ sheets from the original set. Players may trade in ~~break-open breakopen~~ bingo paper sheets from the original set for ~~break-open breakopen~~ bingo paper sheets from the trade-in set. Players may also trade in ~~break-open breakopen~~ bingo paper sheets from the trade-in set for more trade-in ~~breakopen bingo paper~~ sheets.

(4) An organization ~~must shall~~ post a notice in its house rules stating that identical ~~break-open breakopen~~ bingo paper sheet faces may occur during the ~~break-open breakopen~~ bingo game.

(5) An organization ~~must shall~~ announce at the start of the ~~break-open breakopen~~ bingo game and state in its house rules that the color of all original ~~break-open breakopen~~ bingo paper sheets are blue. The organization ~~must shall~~ also announce and state in its house rules the price at which the original and trade-in, if any, ~~break-open breakopen~~ bingo paper sheets must be sold.

I. ~~Distributor invoices must identify the serial number of each set of break-open bingo paper sold to a conducting organization and whether each set is an original set or a trade-in set. The invoice must also state the price for which each break-open bingo sheet must be sold by the conducting organization.~~

### 7862.0010 BINGO HALL LICENSES.

Subpart 1. **Definitions.** For purposes of this chapter, the definitions contained in part 7861.0010 apply.

Subp. 2. **License required.** No person, including a licensed organization ~~and~~ or a local unit of government, may lease a facility in Minnesota to more than one organization to conduct bingo without ~~having obtained~~ a valid bingo hall license. A person may obtain a bingo hall license by making an application to the board. An application must be considered by the board pursuant to this part. ~~Annual application must be made for a bingo hall license.~~

Subp. 3. **Qualifications.** For purposes of this subpart, "director" means a member of the applicant's board of directors, "officer" means any person elected, appointed, or otherwise designated as an officer by the applicant's board of directors, and "other person in a supervisory or management position" means any person employed to direct or control the personnel and activities of an applicant's department or division. A bingo hall license shall not be issued to a person, or to an organization, corporation, limited liability company, firm, or partnership that is not the legal owner of the bingo hall or which has as an officer, director, partner, governor, or other person in a supervisory or managerial management position who:

- A. has ever been convicted of a felony;
- B. has ever been convicted of a crime involving gambling;
- C. has ever been convicted of:
  - (1) assault;
  - (2) a ~~crime~~ criminal violation involving the use of a firearm; or
  - (3) terrorist making terroristic threats;
- D. is or has ever been connected with or engaged in an illegal business;
- E. owes delinquent taxes in excess of \$500 or more in delinquent taxes to the state of Minnesota; or
- F. has had a sales and use tax permit revoked by the commissioner of revenue within the past two years; or
- G. after demand, has failed to file ~~not filed~~ tax returns required by the commissioner of revenue.

~~The board may deny or refuse to renew a license under this chapter, and may revoke a license under this chapter, if any of the conditions in this item are applicable to an affiliate or direct or indirect holder of more than a five percent financial interest in the applicant or licensee.~~

Subp. 4. **Restrictions.** For purposes of this subpart, the restrictions apply to the licensee's activities in Minnesota, or while conducting business with organizations authorized to conduct lawful gambling in Minnesota. For purposes of this subpart, the restrictions contained in items B, D, E, F, G, H, I, K, M, N, and P pertain only to organizations to whom the licensee may lease space for the conduct of lawful gambling, and not to the licensee's own organization that may also conduct lawful gambling activities at the licensed bingo hall. No bingo hall licensee, person holding a financial or managerial interest in a bingo hall, or any agent, affiliate, or employee of a bingo hall licensee may:

- A. be a licensed distributor or manufacturer of lawful gambling equipment or an affiliate of such distributor or manufacturer;
- B. be an officer, director, paid employee, or volunteer of a licensed, exempt, or excluded organization in its conduct of lawful gambling, or represent a licensed, exempt, or excluded organization in the purchase of, or influence the purchase of, lawful gambling equipment;
- C. be a wholesale distributor of alcoholic beverages, or an employee of a wholesale distributor of alcoholic beverages;
- D. provide any staff to conduct or assist in the conduct of bingo or any other form of lawful gambling on the premises;

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~~D. E.~~ acquire gambling equipment for use by an organization conducting lawful gambling on the premises;

~~E. F.~~ provide ~~storage for or~~ inventory control of gambling equipment used by an organization conducting lawful gambling on the premises;

~~F. G.~~ prepare ~~any or assist in the preparation of the~~ reports required ~~by to be submitted under~~ part 7861.0120, subpart 3, for an organization conducting lawful gambling on the premises;

~~G. H.~~ provide accounting services to an organization conducting lawful gambling on the premises;

~~H. I.~~ solicit, suggest, encourage, or make any expenditure of an organization's gross receipts from lawful gambling;

~~I. J.~~ charge any fee without which a person could not play bingo or participate in another form of lawful gambling on the premises;

~~J. K.~~ provide assistance or participate in the conduct of lawful gambling on the premises; ~~or~~

~~K. L.~~ permit more than 21 bingo occasions to be conducted on the premises in any week;

~~M.~~ recruit a person to become a gambling manager or an assistant gambling manager, or identify to an organization a person as a candidate to become a gambling manager or assistant gambling manager;

~~N.~~ be involved in the procurement of, or influence the procurement of, lawful gambling equipment for an organization which conducts lawful gambling on the licensee's premises;

~~O.~~ provide or permit an affiliate or person acting on behalf of the bingo hall licensee to provide any compensation, gift, gratuity, premium, contribution, or thing of value to a gambling control board employee or member of the gambling control board; or

~~P.~~ directly or indirectly give gifts, trips, prizes, loans of money, premiums, or other gratuities to gambling organizations, or their employees, other than nominal gifts not to exceed a fair market value of \$25 per organization in a calendar year. Nothing in this item prohibits a bingo hall licensee or employee of a bingo hall licensee from making a contribution of \$250 or less in any calendar year to an organization, or participating in a fundraising event for an organization, provided that the contribution or fundraising event is unrelated to the organization's conduct of lawful gambling.

Subp. 5. [See repealer.]

Subp. 6. **Contents of application.** The application must be on a form ~~prescribed~~ provided by the board and must contain the following information:

A. the complete name of the bingo hall, including any name that the bingo hall may be "doing business as," and the legal nature of the applicant (corporation, firm, partnership, limited liability company, or sole proprietorship);

B. the telephone number of the bingo hall;

C. ~~the county where the bingo hall is located;~~

~~D.~~ the street address of the bingo hall;

~~E. D.~~ the mailing address of the bingo hall if different than the street address;

~~F. E.~~ the name of the township or city, and county in which the bingo hall is located;

~~G. F.~~ the name names and telephone number numbers of the legal owners of the bingo hall;

~~G.~~ the Minnesota tax identification number, if any, of the applicant;

H. if the bingo hall is owned by an organization, corporation, firm, or partnership, a list of the officers, partners, directors, managers, ~~and supervisors, and persons or entities with a direct or indirect financial interest of five percent or more in the applicant;~~

I. ~~the legal nature of the applicant (corporation, partnership, or sole proprietorship) and the applicant's Minnesota tax identification number, if any;~~

J. a statement regarding the restrictions contained in subpart 4;

~~K.~~ a statement as to whether any officer, director, or other person in a supervisory or management position or holding a financial in the bingo hall is:

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- (1) a licensed distributor;
- (2) a licensed manufacturer; or
- (3) an affiliate of a wholesale distributor of alcoholic beverages;

L. the signature of the chief executive officer of the lessor;

M. J. a statement that a lease agreement between the bingo hall licensee and a lawful gambling organization will specifically identify any goods or services that the organization is required to purchase from the lessor or a third-party vendor, and that all goods and services furnished as part of the lease agreement will be valued at their fair market value;

K. an acknowledgment that the appropriate local unit of government under *Minnesota Statutes*, section 349.213, subdivision 2, received the license application;

N. L. the status of the bingo hall license; and

O. ~~such M.~~ The signature of the chief executive officer of the applicant.

Additional information as is necessary may be required by the Gambling Control Board or executive director to properly identify the applicant and to ensure compliance with *Minnesota Statutes*, sections 349.11 to 349.23.

Subp. 7. **Attachments to application.** The following items ~~apply to~~ must be included as attachments to a bingo hall license applications ~~application~~:

A. The bingo hall occasion list, which must be on a form ~~prescribed~~ provided by the board and which must contain at a minimum the following information:

- (1) the name of the bingo hall;
- (2) the ~~name~~ names and license numbers, exclusion authorizations, or exempt permit numbers of the organizations conducting bingo on the premises;
- (3) each organization's premises permit or ~~exemption~~ permit number; and
- (4) the days and hours of all bingo occasions, including starting and ending times for each organization conducting bingo on the premises.

B. A bingo hall personnel form must be ~~provided for~~ completed by the owners of the bingo hall and, if the bingo hall is owned by an organization, corporation, firm, limited liability company, sole proprietorship, or partnership, by ~~the officers, directors, managers, and supervisors. each:~~

- (1) ~~partner;~~
- (2) ~~member of the board of directors or board of governors;~~
- (3) ~~officer, including, but not limited to, president, vice-president, secretary, treasurer, controller, or general counsel;~~
- (4) ~~manager, and/or supervisor of personnel or security; and~~
- (5) ~~person or entity with a direct or indirect financial interest of five percent or more in the applicant.~~

The bingo hall personnel form ~~must be on a form prescribed~~ provided by the board and must contain the following information:

- (1) the full name, phone telephone number, and full address of the bingo hall and license number, if issued, of the bingo hall;
- (2) full name, home ~~or~~ business address, home telephone number, date of birth, place of birth, and social security number; ~~and full name of spouse of the individual completing the form;~~
- (3) driver's license number, including state of registration;
- (4) branch of military service, if any, and dates of service;
- (5) country of citizenship information;
- (6) position with bingo hall and work ~~phone~~ telephone number;
- (7) employment history for past ten years;
- (8) places of residence for past ten years;
- (9) criminal history statement, except petty misdemeanors;
- (10) name, address, and license number or exemption ~~exempt~~ permit number of any organization conducting lawful gambling in Minnesota of which the ~~applicant person~~ is a member, or the name and address of any excluded organization conducting lawful gambling in Minnesota of which the person is a member; and

- (11) Minnesota tax identification number of businesses that the individual has owned for the past ten years;
- (12) a statement regarding the provisions of subparts 3 and 4; and
- (13) notarized signature of person and date signed.

Additional information may be required by the Gambling Control Board or executive director to properly identify the person and ensure compliance with Minnesota Statutes, sections 349.11 to 349.23.

C. ~~A bingo hall personnel affidavit must be completed, signed, and notarized by the applicant.~~

~~D. A copy of the resolution of the local unit of government approving the application pursuant to subpart 10.~~

Subp. 8. **Changes in application information.** If any information submitted in the application changes during the term of the license period, the bingo hall applicant or licensee must notify the board and the appropriate local unit of government under Minnesota Statutes, section 349.213, subdivision 2, in writing within ten days of the change.

Subp. 9. **License fee.** The annual fee for a bingo hall license is \$2,500 as established by Minnesota Statutes, section 349.164, subdivision 4. License fees are not prorated or transferable.

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

Subp. 10a. **Investigation.** Before issuing or renewing a bingo hall license, the board shall conduct or request the director of gambling enforcement to conduct a background investigation which may include a review of the applicant's sources of financing, ownership, and organizational structure.

Subp. 11. **Issuance and denial.** The following items apply to the issuance and denial of bingo hall licenses:

A. ~~The board shall issue a bingo hall license to an applicant who submits the information required by subparts 6 and 7, pays the fee required by subpart 9, obtains the local approval required by subpart 10, and is eligible to be licensed pursuant to this part and Minnesota Statutes, section 349.164. A license issued by the board pursuant to this part shall be effective on the first day of a month.~~

B. ~~The board shall deny the application of a person ineligible to hold a license pursuant to this part or Minnesota Statutes, section 349.164.~~

C. ~~A person who has never held a bingo hall license or whose application for renewal of a bingo hall license was submitted after the expiration of the license is not entitled to an administrative appeal of the board's denial of the person's application.~~

A. The board shall issue a license to a bingo hall that submits the information required by subparts 6 and 7, and pays the fee required by Minnesota Statutes, section 349.164, subdivision 4, and who is eligible to receive a license pursuant to subpart 3, and Minnesota Statutes, section 349.164.

B. The board shall deny the application of a bingo hall ineligible to hold a license pursuant to subpart 3, or Minnesota Statutes, section 349.164.

C. Notwithstanding items A and B, the board may, by order, deny a bingo hall license if it finds that the order is in the public interest and that the applicant or licensee, or a director, officer, partner, governor, person in a supervisory or management position of the applicant or licensee, or direct or indirect holder of more than a five percent financial interest in the applicant or licensee:

(1) has violated or failed to comply with any provision of Minnesota Statutes, chapter 297E, 299L, or 349, or any rule adopted or order issued thereunder;

(2) has filed an application for a license that is incomplete in any material respect, or contains a statement that, in light of the circumstances under which it was made, is false, misleading, fraudulent, or a misrepresentation;

(3) has made a false statement in a document or report required to be submitted to the board or the commissioner of revenue, or has made a false statement to the board, the compliance review group, or the director;

(4) has been convicted of a crime in another jurisdiction that would be a felony if committed in Minnesota;

(5) is permanently or temporarily enjoined by any gambling regulatory agency from engaging in or continuing any conduct or practice involving any aspect of gambling;

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(6) has had a gambling-related license revoked or suspended, or has paid or been required to pay a monetary penalty of \$2,500 or more, by a gambling regulator in another state or jurisdiction;

(7) has been the subject of any of the following actions by the director of gambling enforcement or commissioner of public safety:

(a) had a license under *Minnesota Statutes*, chapter 299L, denied, suspended, or revoked;

(b) been censured, reprimanded, has paid or been required to pay a monetary penalty or fine; or

(c) has been the subject of any other discipline by the director or commissioner;

(8) has engaged in conduct that is contrary to the public health, welfare, or safety, or to the integrity of gambling; or

(9) based on past activities or criminal record, poses a threat to the public interest or to the effective regulation and control of gambling, or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gambling or the carrying on of the business and financial arrangements incidental to the conduct of gambling.

D. When the board, or director if authorized to act on behalf of the board, determines that a bingo hall license application or renewal application should be denied under *Minnesota Statutes*, section 349.155, subdivision 3 or 4, the board or director shall promptly give a written notice to the licensee or applicant stating the grounds for the action and give reasonable notice of the rights of the licensee or applicant to request a hearing. A hearing must be held no later than 30 days after the board receives the request for the hearing, unless the licensee or applicant and the board agree on a later date. If no hearing is requested within 30 days of the service of the notice, the denial becomes final. Hearings under this item must be conducted according to *Minnesota Statutes*, chapter 14. After the hearing, the board may enter an order making the disposition the facts require. If the applicant fails to appear at the hearing after having been notified of it under this item, the applicant is considered in default and the proceeding may be determined against the person on consideration of the written notice of denial, the allegations of which may be considered to be true. All fees accompanying the license or renewal application are considered earned and are not refundable.

Subp. 11a. Length of license. A bingo hall license expires one year from the effective date of the license.

Subp. 11b. License effective. A new license issued by the board pursuant to this part shall be effective on the first day of the month after board approval.

Subp. 12. License renewals. The following items apply to bingo hall license renewals:

A. To renew a license at the end of a term, a bingo hall licensee must submit a complete renewal application on a form prescribed provided by the board at least 75 days before the expiration of the licensee's existing bingo hall license. A renewal application is not complete until it contains the information required in subparts 6 and 7, the fee required by subpart 9 *Minnesota Statutes*, section 349.164, subpart 4, and the proof of local approval required by subpart 10. If a bingo hall's existing license expires on any day of a month other than the last day of a month, the bingo hall's license renewal shall be effective on the first day of the month preceding the date of expiration of its existing license.

Complete applications received by the board less than 75 days before the expiration of the applicant's existing license will be considered pursuant to this part but, if the applicant is entitled to a renewed license, the board will not issue that renewed license until the first day of the month following the expiration of 75 days after the board has received the complete application. A bingo hall shall not continue to operate after the expiration of its license unless and until it receives a renewed license.

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

### C. Appeals:

(1) An applicant that the board determines has failed to submit a complete renewal application at least 75 days before the expiration of an existing bingo hall license may appeal that determination by filing a written request for a contested case hearing with the board before the expiration of the existing bingo hall license. The director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under *Minnesota Statutes*, section 14.61. The sole issue at the hearing is whether the applicant submitted a complete application at least 75 days before the expiration of the applicant's existing license.

(2) A bingo hall owner whose renewal application has been denied may appeal that denial by requesting a contested case hearing pursuant to *Minnesota Statutes*, chapter 14. The request must be made in writing and received by the board no later than ten days after the bingo hall licensee receives the denial of the renewal application. Upon receipt of the request, the director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under *Minnesota Statutes*, section 14.61.



**Subp. 13. Records and reports required.**

A. In addition to complying with the notice requirements of subpart 8, a bingo hall licensee shall notify the board within 30 days of such action, if the bingo hall owner has:

(1) had a gambling-related license revoked or suspended or has been required to pay a monetary penalty of \$2,500 or more by a gambling regulator in another state or jurisdiction pursuant to Minnesota Statutes, section 349.155, subdivision 4, clause (6);

(2) been convicted of a crime in another jurisdiction which would be a felony if committed in Minnesota pursuant to Minnesota Statutes, section 349.155, subdivision 4, clause (4); or

(3) has been convicted of a felony or a crime involving gambling, pursuant to Minnesota Statutes, section 349.155, subdivision 3, paragraph (a), clause (1).

B. Each bingo hall licensee shall maintain and preserve for at least 3-1/2 years records of all remuneration it receives from organizations conducting lawful gambling on its premises. These records shall be made available to the board upon demand and include, at a minimum, the following information:

(1) a report of the days and times of all bingo occasions held at the bingo hall and the licensed, exempt, or excluded organizations which conducted the occasions; and

(2) all payments received by the bingo hall licensee from licensed, exempt, or excluded organizations who rent the bingo hall for the conduct of lawful gambling bingo occasions; and

(3) any and all other money received from licensed, exempt, or excluded organizations.

**7863.0020 DISTRIBUTOR OPERATIONS, ACCOUNTS, AND REPORTS.**

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

Subp. 2. **Sale of gambling equipment.** The following items apply to sales of gambling equipment:

A. Sales to organizations:

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

(4) Effective on the first day of the sixth month from the effective date of this rule, no distributor may sell or otherwise provide a partial series of bingo paper sheets or bingo paper sheet packets to a licensed organization; however, a partial series of bingo paper sheets or bingo paper sheet packets may be sold to an exempt or excluded organization.

B. The following items apply to a lease or sale of pull-tab dispensing devices by distributors to lawful gambling organizations.

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

(2) The minimum monthly lease cost of the pull-tab dispensing device shall be five percent of the purchase price of the pull-tab dispensing device that is reported on the distributor's monthly pricing report required by subpart 6 4, item C.

[For text of subitems (3) to (5), see M.R.]

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

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

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

B. ~~After March 12, 1996, all bingo paper sheet packets in any distributor's inventory, and all bingo paper sheets sold by any distributor, except that designated for sale to an Indian tribe, must have solid blue colored top sheets. The rest of the sheets in the packet may be any color except the solid blue that is used on the top sheet.~~

C. Permanent gambling equipment.

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

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

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Subp. 4. **Records and reports required.** The following items apply to records and reports of distributors:

A. Sales invoice.

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

(5) For bingo paper sheets, bingo paper sheet packets, bingo hard cards, and breakopen bingo paper sheets, the following information must appear on the sales invoice:

(a) the serial number and color of each set of breakopen bingo paper sheets sold to an organization, whether each set is an original or trade-in set, and the price for which the breakopen bingo paper sheet must be sold by the conducting organization;

(b) for bingo sheets and bingo paper sheet packets the serial number from the top sheet in each packet or the serial number per series for uncollated paper, the color, cut, and the quantity or series; and

(c) for bingo hard cards the price per face.

Effective on the first day of the sixth month from the effective date of this rule, unit (b) shall no longer apply.

(6) Effective on the first day of the sixth month from the effective date of this rule, for bingo paper sheets and sets of bingo paper sheet packets, the following information must appear on the sales invoice:

(a) for each set of bingo paper sheet packets:

i. the color of each sheet in the packet in the order of collation;

ii. the number of sheets per packet (UP's);

iii. the number of faces per sheet (ON's);

iv. the series;

v. the price for which the bingo paper sheet packet must be sold by the organization; and

vi. the serial number from each sheet in the packet if the serial numbers are not uniform throughout the packet, or the serial number from the top sheet in each packet if the serial numbers are uniform throughout the packet. The serial numbers may be recorded on a separate document which is attached to the invoice, provided that the invoice clearly states that the serial number listing is attached as a separate document; or

vii. the serial number from the top sheet in each packet. The serial numbers may be recorded on a separate document which is attached to the invoice, provided that the invoice clearly states that the serial number listing is attached as a separate document. The invoice must clearly indicate that only the serial number from the top sheet in the packet is being provided; and

(b) for bingo paper sheets (case paper):

i. the color;

ii. the number of sheets per case;

iii. the number of faces per sheet (ON's);

iv. the series;

v. the price for which the bingo paper sheets must be sold by the organization; and

vi. the serial number from the top sheet in the case.

~~(6)~~ (7) For permanent gambling equipment, such as bingo ball selection devices, paddlewheels, paddlewheel tables, and pull-tab dispensing devices, the following information must appear on the sales invoice:

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

~~(7)~~ (8) Each distributor who sells, leases, or otherwise provides gambling equipment must electronically report the sales made each month to the commissioner of revenue. The report is due by the 20th of the month following the month in which the sale was completed.

(9) Effective on the first day of the 12th month from the effective date of this rule, licensed distributors shall submit to the Department of Revenue an itemized inventory of all bingo paper sheets (case paper) and bingo paper sheet packets in inventory on hand on the day before the effective date of part 7861.0070, subpart 7, item H, subitem (2).

B. **Registration stamp number log.** A registration stamp number log in which the state disposable registration stamp numbers and the manufacturer's game serial numbers are recorded must be maintained by the distributor until February 1, 1996, on a standard form prescribed by the board, retained by the distributor for 3-1/2 years thereafter, and furnished to the board upon demand. After February 1, 1996, this item pertains only to permanent gambling equipment stamped by the distributor.

C. Monthly pricing reports.

(1) A licensed distributor must submit a monthly pricing report to the board in a format approved by the board and at a minimum must include:

[For text of units (a) to (d), see M.R.]

(e) for bingo paper sheets, bingo paper sheet packets, and breakopen bingo paper sheets the price per thousand faces, whether the bingo paper sheets are collated or uncollated, whether the equipment is subject to rebate, and volume discounted price, exclusive of transportation costs;

[For text of units (f) to (k), see M.R.]

[For text of subitems (2) and (3), see M.R.]

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

E. Returned gambling equipment report.

(1) A distributor who accepts returns from licensed, exempt, or excluded organizations of gambling equipment not manufactured in compliance with the standards in part 7864.0030, subpart 1, shall file a monthly report with the board. The report must be in a format approved by the board, and include the following information:

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

(d) for bingo hard cards, bingo paper sheets, bingo paper sheet packets, and breakopen bingo paper sheets, the number of cases, the serial number ~~or~~ and series number, the standards in part 7864.0030, subpart 1, which were not met, the manufacturer's name, and the name and license number or exempt number of the organization returning the equipment;

[For text of units (e) and (f), see M.R.]

[For text of subitem (2), see M.R.]

F. Report of delinquent organization required:

(1) A distributor shall notify the board in writing if a licensed, exempt, or excluded organization has not paid the distributor within ~~30~~ 35 days of shipment of gambling equipment for the gambling equipment, or for tax obligations. The notification shall include:

[For text of units (a) to (d), see M.R.]

[For text of subitems (2) to (4), see M.R.]

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

**7864.0030 MANUFACTURER OPERATIONS, ACCOUNTS, AND RECORDS.**

Subpart 1. **Standards for manufacture of gambling equipment.**The following items apply to lawful gambling equipment manufactured for sale in Minnesota:

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

C. All tipboards and tipboard tickets manufactured for sale in Minnesota must conform to the following standards:

(1) for tipboard games using multi-ply tickets, the manufacturing standards ~~set in subpart 1,~~ item A, apply;

(2) for tipboard games using folded or banded tickets, the manufacturing standards ~~set in subpart 1,~~ item B, apply;

[For text of subitems (3) to (7), see M.R.]

D. All bingo hard cards, bingo paper sheets, bingo paper sheet packets, and breakopen bingo paper sheets manufactured for sale in Minnesota must conform to the following standards:

(1) except as provided in ~~item D,~~ subitem (4), each bingo face must have 25 squares arranged in five vertical and five horizontal rows. The letters "B, I, N, G, O" must be preprinted above the five vertical columns, with one letter appearing above each column. The center space must be marked "free." The printed numbers on the bingo hard card or bingo paper sheet face must correspond with the numbers and letters of the bingo balls, as follows:

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

(2) bingo hard cards, bingo paper sheets, and breakopen bingo paper sheets must not have repeating numbers on the same face;

(3) each bingo paper sheet face must have imprinted on its face both its face number and serial number;

(4) all bingo paper sheets not preprinted but completed by the player must contain five horizontal rows of spaces with each row containing five spaces. The central row must have the word "free" marked in the center space. All spaces must be of uniform size and color; and

(5) ~~for packets of bingo paper sheets, the top sheet must be solid blue. The rest of the sheets in the packet may be of any color except the solid blue that is used on the top sheet. This item does not apply to packets of bingo paper sheets designated for an Indian tribe; and~~

(6) each breakopen bingo paper sheet must be constructed so that the bingo face or faces are concealed by being sealed in such a manner that prevents revealing any part of the bingo face, and so that all of the 24 numbers on each face cannot be determined from the outside of the breakopen bingo paper sheet by using a high intensity lamp of up to and including 500 watts, or cannot be determined by the naked eye.

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

**Subp. 2. Prior approval of gambling equipment required.** The following items apply to the approval of gambling equipment prior to sale in Minnesota. Before the sale of any gambling equipment in Minnesota, the manufacturer must submit to the board a sample of such equipment. All gambling equipment submitted for consideration must be received in the board's office on or before the 15th day of the month in order to ensure consideration at the board's meeting the following month. The board shall notify the manufacturer in writing no later than five days after a board meeting of the board's decision on whether the product is approved for sale in Minnesota. Board approval for sale of gambling equipment in Minnesota does not constitute approval of the bar code required by the commissioner of revenue.

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

D. Bingo hard cards, bingo paper sheets, bingo paper sheet packets, and breakopen bingo paper sheets submitted for approval must consist of the following:

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

(3) any changes to approved bingo hard cards, bingo paper sheets, bingo paper sheet packets, or breakopen bingo paper sheets must be submitted to the board for review and, if deemed appropriate by the board, submitted for approval pursuant to subitems (1) and (2).

E. Devices for selecting bingo numbers being submitted for approval must consist of the following:

(1) a catalog or brochure illustrating that the product meets the standards in ~~subpart 2~~; this item E;

[For text of subitems (2) and (3), see M.R.]

F. Paddlewheels and paddlewheel tables being submitted for approval must consist of the following:

(1) a catalog or brochure illustrating that the product meets the standards in ~~subpart 2~~; this item F;

[For text of items (2) and (3), see M.R.]

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

**Subp. 3. Sale of approved gambling equipment.** The following items pertain to the sale of approved gambling equipment in Minnesota:

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

C. the following items apply to leases or sales of pull-tab dispensing devices by licensed manufacturers to licensed distributors:

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

(4) if a distributor's license is suspended, revoked, not renewed, or otherwise terminated, the lease agreement shall be canceled pursuant to the terms of the lease agreement required by subitem (1);

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

G. any pull-tab dispensing devices provided by a licensed manufacturer to a licensed distributor for demonstration purposes must be clearly and permanently marked for use as a demonstration device only;

H. a manufacturer shall not provide more than four keys to any door or interior compartment of a pull-tab dispensing device. After the manufacturer has leased or sold a pull-tab dispensing device to a licensed distributor, no additional keys to that pull-tab dispensing device shall be provided; and

I. effective on the first day of the sixth month from the effective date of this rule, no manufacturer may sell or otherwise provide a partial series of bingo paper sheets or bingo paper sheet packets to a licensed distributor.

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

Subp. 7. **Records and reports.** The following items apply to manufacturer records and reports:

A. Pricing reports.

(1) A licensed manufacturer must submit a monthly pricing report to the board. The report must be in a format approved by the board and, at a minimum, include:

[For text of units (a) to (d), see M.R.]

(e) for bingo hard cards, bingo paper sheets, bingo paper sheet packets, and breakopen bingo paper sheets, the price per thousand faces, whether the equipment is subject to a rebate, and volume discounted price;

[For text of units (f) to (j), see M.R.]

[For text of subitems (2) and (3), see M.R.]

B. Sales invoice.

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

(5) For bingo paper sheets and breakopen bingo paper sheets, the following information must appear on the sales invoice:

(a) the serial number and color of each set of breakopen bingo paper sheets sold to a distributor; and

(b) for bingo paper sheets, the serial number from the top sheet in each packet, the serial number per series for uncollated paper, the color, cut, and the quantity.

Effective on the first day of the sixth month from the effective date of this rule, this subitem shall no longer apply.

(6) For bingo paper sheets and bingo paper sheet packets, effective on the first day of the sixth month from the effective date of this rule, the following information must appear on the sale invoice:

(a) for breakopen bingo paper sheets, the serial number and color of each set of breakopen bingo paper sheets sold to a distributor;

(b) for each set of bingo paper sheet packets:

i. the color of each sheet in the packet in the order of collation;

ii. the number of sheets per packet (UP's);

iii. the number of faces per sheet (ON's);

iv. the series; and

v. the serial number from each sheet in the packet if the serial numbers are not uniform throughout the packet, or the serial number from the top sheet in each packet if the serial numbers are uniform throughout the packet. The serial numbers may be recorded on a separate document which is attached to the invoice, provided that the invoice clearly states that the serial number listing is attached as a separate document; or

vi. the serial number from the top sheet in each packet. The serial numbers may be recorded on a separate document which is attached to the invoice, provided that the invoice clearly states that the serial number listing is attached as a separate document. If the serial numbers are not uniform throughout the packet, the invoice must clearly indicate that only the serial number from the top sheet in the packet is being provided.

Effective on the first day of the 12th month from the effective date of this rule, subunit vi shall no longer apply;

(c) for bingo paper sheets (case paper):

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- i. the color;
- ii. the number of sheets per case;
- iii. the number of faces per sheet (ON's);
- iv. the series; and
- v. the serial number from the top sheet in the case.

~~(6)~~ (7) For bingo hard cards, the price per face.

~~(7)~~ (8) For permanent gambling equipment such as bingo ball selection devices, paddlewheels, paddlewheel tables, and pull-tab dispensing devices, the sales invoice must include a complete description of the equipment being sold or leased, including the make, model number, and serial number of the permanent gambling equipment.

~~(8)~~ (9) Each manufacturer who sells, leases, or otherwise provides gambling equipment must electronically report the sales made each month to the commissioner of revenue. The report is due by the 20th of the month following the month in which the sale was completed.

### C. Returned gambling equipment report.

(1) A manufacturer who accepts returns from a distributor of gambling equipment not manufactured in accordance with the standards in subpart 1, shall file a monthly report with the board. The report must be in a format approved by the board, and include the following information:

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

(d) for bingo hard cards, bingo paper sheets, bingo paper sheet packets, and broken bingo paper sheets, the number of cases, the serial number, the series number for uncollated paper, the standards in subpart 1 which were not met, the actions taken by the manufacturer to bring the returned equipment into compliance with the standards in subpart 1 or a statement that the returned equipment was destroyed, and the name and license number of the distributor returning the equipment;

[For text of units (e) and (f), see M.R.]

[For text of subitem (2), see M.R.]

### D. Report of delinquent distributor required.

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

(4) No manufacturer may extend credit or sell gambling equipment to a distributor in violation of an order under ~~subitems~~ subitem (1) or (3) until the board has authorized such credit or sale.

[For text of subitem (5), see M.R.]

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

**REPEALER.** Minnesota Rules, parts 7861.0070, subparts 3, 4, 5, and 6; and 7862.0010, subpart 5, are repealed.

## Department of Human Services

### Proposed Permanent Rules Governing Chemical Dependency Care for Public Assistance Recipients

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

The Department of Human Services (DHS) 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. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to: Alice Weck, Minnesota Department of Human Services, 444 Lafayette Rd., St. Paul, MN 55155-3816, telephone (612) 297-4302, fax number (612) 297-3173.

**Subject of Rule and Statutory Authority.** The proposed rule is about changing two requirements in part 9530.6610 to reduce counties' administrative burdens. A pilot project in which four counties and DHS cooperated demonstrated that the changes could be made without reducing quality of service. The amendment, which affects only counties, removes requirements focused on documenting training plans and requesting variances. The statutory authority for adopting the proposed amendments is *Minnesota Statutes*, section 256E.05, subdivision 1a. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Thursday, March 21, 1996 to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your 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 rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Thursday, March 21, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or you must state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

**Withdrawal of Requests.** 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 enough requests are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. 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 attached rule as printed in the *State Register*. 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, identifies the data and information relied upon to support the proposed rule, and includes a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule.

**Adoption and Review of Rule.** If no hearing is required, the agency may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings (OAH) for review for legality. You may ask to be notified of the date the rule is submitted to OAH. If you want to be so notified or want to receive a copy of the adopted rule, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 31 January 1996

Maria R. Gomez  
Commissioner

**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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### Rules as Proposed

#### 9530.6610 COMPLIANCE PROVISIONS.

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

Subp. 2. **County records.** The commissioner shall ensure compliance with parts 9530.6600 to 9530.6655 by requiring each county to have available for review records that include the following information:

A. documentation of compliance with parts 9530.6600 to 9530.6655 for all clients seeking treatment for chemical abuse or dependency, including copies of placement policies and procedures;

B. documentation of the qualifications of assessors in accordance with the standards established under part 9530.6615, subpart 2; and

C. ~~documentation of a plan for that all assessors annually complete~~ eight hours of in-service training or continuing education concerning or related to assessment skills, treatment resources, or unique assessment and treatment needs of special populations ~~for all assessors on an annual basis.~~

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

Subp. 4. ~~County designee variance~~ **Exceptions.** The county may ~~request a variance from the commissioner to approve contract~~ with a county designee that does not meet the criteria under subpart 3 if the county documents that the conditions under item A or B exist. The request for a variance must be submitted in writing and must document that the conditions in item A or B exist. This documentation must be maintained at the local agency's offices and be current within the last two years.

A. A culturally specific service provider, or a service provider with a program designed to treat individuals of a specific age, sex, or sexual preference is available in the county and the service provider employs a qualified assessor.

B. The county does not employ a sufficient number of qualified assessors and the only qualified assessors available in the county have a direct shared financial interest or a referral relationship resulting in shared financial gain with a treatment provider.

A county designee providing assessments under a ~~variance granted under subpart 5~~ the exceptions in this subpart shall not place clients in treatment. The county designee shall gather information required under part 9530.6620 and provide the local agency with the documentation required under part 9530.6615, subpart 4, items A to D. The local agency must make all placement decisions for clients assessed by a county designee ~~under a variance on contract under the exceptions in this subpart.~~

Subp. 5. [See repealer.]

**REPEALER.** Minnesota Rules, part 9530.6610, subpart 5, is repealed.



## Adopted Rules

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

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

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

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

## Department of Health

### Adopted Permanent Rules Relating to Aggregate Health Care Financial and Statistical Data From Group Purchasers

The rules proposed and published at *State Register*, Volume 20, Number 14, pages 1030-1035, November 6, 1995 (20 SR 1030), are adopted with the following modifications:

#### Rules as Adopted

##### 4652.0100 DEFINITIONS.

Subp. 19. **Mental health services expenses.** "Mental health services expenses" means all costs related to inpatient and outpatient mental health services that are coded using one or more of the following codes or amended equivalent codes:

B. CPT codes: 90801, 90841, 90843, 90844, 90844.22, 90846, 90847, 90847.22, 90849, 90853, 98900, 98902, 98910, and 98912.

Mental health services expenses also means all costs related to inpatient and outpatient mental health services that are coded using codes from another coding system where the commissioner determines that the codes indicate diagnoses or procedures comparable to or consistent with codes listed in items A and B. A group purchaser may use a nationally recognized standardized reporting system to capture costs for ~~chemical dependency~~ mental health inpatient, outpatient, and other professional services. Mental health services expenses does not include prescription drugs or supplies administered or dispensed which are billed directly through a hospital or health care provider.

## Board of Water and Soil Resources

### Adopted Permanent Rules Relating to the State Cost-Share Program

The rules proposed and published at *State Register*, Volume 20, Number 17, pages 906-916, October 23, 1995 (20 SR 906), are adopted with the following modifications:

#### Rules as Adopted

##### 8400.0100 DEFINITIONS.

Subp. 13a. ~~Consolidated Farm Service Agency.~~ "Consolidation Farm Service Agency" means the Consolidated Farm Service Agency, an agency of the United States Department of Agriculture.

Subp. 14b. Farm Service Agency. "Farm Service Agency" means the Farm Service Agency, an agency of the United States Department of Agriculture.

##### 8400.0600 STATE BOARD ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS.

Subp. 4. **Grants to conservation districts.** The state board shall annually allocate cost-share funds to conservation district boards that have fully complied with all state cost-share program rules and comprehensive and annual planning guidelines as prescribed by the state board. At least 70 percent of the cost-sharing funds available statewide will be allocated to conservation dis-

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## Commissioners' Orders

districts in the form of grants for conservation practices addressing high priority erosion, sedimentation, or water quality problems. The remaining cost-share funds may be allocated by the board to conservation districts for conservation practices for lower priority erosion, sedimentation, or water quality problems and for technical and administrative assistance or to carry out special projects or programs, except not more than 20 percent of the total funds may be allocated for technical and administrative services.

### 8400.0900 CONSERVATION DISTRICT ADMINISTRATION OF PROGRAM FUNDS.

Subp. 2. **Maximum cost-share percentage.** Prior to considering any applications from land occupiers for cost-share assistance, the conservation district board shall establish cost-share rates for practices to be installed under the program, up to the maximum rates established by the state board. The maximum percent of the total eligible cost of the practices installed using state cost-share funds must not exceed 75 percent. Other state or federal funds from any source, when used in combination with cost-share funds of this program, must not exceed the maximum payment rate of 75 percent of the total eligible costs. The conservation district board shall establish cost-share rates based on the following factors:

C. cost-share rates currently in effect under the agricultural conservation program administered by the United States Consolidated Farm Service Agency and other assistance programs;

### 8400.1800 APPEALS.

Land occupiers may appeal a conservation district's action within 60 days of receiving notice of the action by submitting a written request to the conservation district board asking the board to reconsider its decision. Should the land occupier and the conservation district board reach an impasse, the land occupier may appeal the conservation district board's decision to the state board within 60 days of receiving notice of the district board's final decision. If an informal hearing is granted, the state board or its appointed mediator shall hear all testimony offered, and shall accept written testimony for ten days after the hearing. The mediator, if one is used, shall report the findings and recommendation to the state board. The state board shall make its decision on the appeal within 60 days of the hearing date or 60 days after receiving the mediator's report, upholding, reversing, or amending the decision of the conservation district board.

## Commissioner's Orders

### Department of Transportation

#### Order No. 81511: Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 80000, dated March 10, 1994, which order has been amended by Orders No's. 80212, 80246, 80580, 80861, 80881, 81000, 81092 and 81371 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

**IT IS HEREBY ORDERED** that Commissioner of Transportation Order No. 72156 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

#### COUNTY ROADS

##### WINONA COUNTY

- C.S.A.H. 32 from C.S.A.H. 54 TO T.H. 61 (12 Month).

Dated: 12 February 1996

James N. Denn  
Commissioner

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.

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## Department of Administration and Department of Agriculture

### Notice of Sale of Public Property

The Minnesota Departments of Administration and Agriculture intend to sell state-owned agricultural property in Martin County. Refer to the following advertisement to be placed in newspapers in the area:

#### Notice of Farm Land For Sale

The Commissioner of Administration and the Minnesota Department of Agriculture offer for sale by sealed bids approximately 154 acres (more or less) of land located in Sections 13 and 14, Township 103 N, Range 29 W, in Martin County.

The parcel will be sold on the basis of highest bid which meets all bid requirements, but not for less than the minimum bid of \$238,500. All bids must be received by 1:30 p.m., March 12 1996 at the Department of Administration, Real Estate Management Division; Room 309; 50 Sherburne Avenue; St. Paul, MN 55155.

Bids will be opened at 2:00 p.m. on March 12, 1996, at the Department of Administration (address listed above).

For bid information, forms, envelopes and legal description, contact Wayne Waslaski at the Department of Administration (address listed above) or call at (612) 296-2278. The terms and conditions of the sale will be included with the bid information.

## Department of Economic Security

### Request for Comments on Planned Repeal of Rules Governing Unemployment Benefits, Unemployment Compensation Procedures, and Employer Taxes, *Minnesota Rules* Parts 3305, 3310, and 3315

**Subject of Rule:** The department of Economic Security requests comments on its planned repeal of rules governing Unemployment Benefits, Unemployment Compensation Procedures, and Employer Taxes. The Department is considering repealing its rules that are obsolete as a result of statutory changes or redundant with statutes.

**Persons affected:** The repeal of the rules would likely affect all Minnesota employers and persons who will file for unemployment benefits. The department does not contemplate appointing an advisory committee to comment on the planned rule.

**Statutory Authority:** *Minnesota Statutes* §§ 268.021 and 268.0122, subd. 5 authorizes the department to adopt rules with respect to programs the commissioner administers under this chapter and other programs for which the commissioner is responsible under federal or state law.

**Public Comment:** Interested persons or groups may submit comments or information on this planned rule in writing or orally until April 22, 1996. The department does not anticipate that a draft of the rule repeal will be available before publication of the proposed rules. Written or oral comments, questions and requests for more information on this planned rule should be addressed to:

Mr. Lee Nelson, Appeals Judge  
Minnesota Department of Economic Security  
390 North Robert Street  
St. Paul, MN 55101  
Telephone: 612/296-6110  
Fax: 612/297-2046

Comments submitted in response to this notice will *not* be included in the formal rulemaking record when a proceeding to adopt a rule is started.

## Department of Health

### Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Application of Waseca Ambulance Service, Inc., Waseca, Minnesota

**PLEASE TAKE NOTICE** that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from Waseca Ambulance Service, Inc., Waseca, Minnesota for an upgrade to advanced ambulance service in a portion of their primary service area within Waseca and LeSueur Counties.

**IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes* §§ 14.57 - 14.69 and *Minnesota Statutes* § 144.802 a public hearing will be held on March 27, 1996, at the East Annex Building, Courthouse, 300 North State Street, Waseca, Minnesota, commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set forth in *Minnesota Statutes* § 144.802, subd. 3(g).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 - 144.8093, *Minnesota Statutes* § 14.57 - 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100-1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. Diane Townsend-Anderson, Office of Administrative Hearings, 625 Northwest Third Avenue, Faribault, Minnesota 55021, telephone: (507) 332-6706, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* 1400.6200 on or before March 12, 1996. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to, or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be received by the administrative law judge on or before March 21, 1996.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rule* 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if nonpublic data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statute* § 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statute* § 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

## Judicial - Law Library

### Notice of Fillmore County Law Library Filing Fees

Pursuant to *Minnesota Statutes* 134A.10, effective January 1, 1996, the Fillmore County Law Library fee on civil/family/probate filings increased from \$8 to \$10 to conform to all other counties, except Houston County, in the Third Judicial District.

## Department of Labor and Industry

### Labor Standards Division

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

Effective February 20, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Blue Earth:** Sprinkler System for Mankato East High School-Blue Earth.

**Carlton:** Fond Du Lac Reservation Cloquet Headstart Facility-Cloquet.

**Hennepin:** M.P.S. North Community High School Addition, Alterations and Deferred Maintenance-Minneapolis; M.P.S. Patrick Henry High School Alterations and Deferred Maintenance-Minneapolis; Pillsbury Housing U of M-Minneapolis; Elk River School District 728 Rogers Elementary-Rogers; Morris Park Elementary School Renovation, Special School District Mpls Public School-Minneapolis; Asbestos Abatement Associated with Wilson Library Fire & Life Safety Project-Minneapolis; Holland School Asbestos Abatement-Minneapolis; Municipal Bldgs Lighting City of Brooklyn Park-Brooklyn Park; Pleasant Street Campus Entry-Minneapolis.

**Kandiyohi:** Maccray Junior High Additions & Renovations-Clara City; Maccray West Elementary Additions & Renovations-Maynard.

**Morrison:** MN State Veterans Cemetery Maint Bldg, Fencing & Roadwork-Little Falls.

**Ottertail:** Parkers Prairie City Hall/Fire Hall-Parkers Prairie.

**Pennington:** Reroofing and Tuck Pointing of Lincoln High School-Thief River Falls.

**Ramsey:** MWWTP Stip Asbestos Abatement Compressor Building-St Paul; Media Center Addition and Related Remodeling Ramsey Junior High School ISD 625-St Paul; Asbestos Abatement 1996, 740 York-St Paul; 1996 Reroofing/Wall Repair Alderman Hall-St Paul; 1996 Reroofing/Exterior Wall Repair Snyder Hall-St Paul; River Front Education Center Remodeling of Floors 6, 7 & 8-St Paul; Eisenmenger Addition Hancock Elementary School-St Paul; Telecommunications Retrofit Franklin Elementary School.

**Scott:** MWWTP Stip Asbestos Abatement Lift Station L-16-Shakopee.

**Sherburne:** Elk River School District 728-Zimmerman, Elk River, Otsego.

**Stearns:** Sauk Centre Civic Arena/Mechanical & Electrical-Sauk Centre.

**Washington:** Washington County Courts Renovation-Stillwater.

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

## Metropolitan Council

### Notice of Public Hearing on Proposed Regional Trails Policy Amendment

The Metropolitan Council will conduct a public hearing on a regional trails policy amendment in the Council's *Recreation Open Space Development Guide/Policy Plan*. Additions of regional trails to the Regional Recreation Open Space System may affect the standards for determining projects of metropolitan significance in the Metropolitan Significance Rules.

## Official Notices

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Public Hearing on Regional Trails Policy Plan Amendment to *Recreation Open Space Development Guide/Policy Plan*  
12 Noon, Monday, April 1, 1996  
Conference Room 1A  
Metropolitan Council  
Mears Park Centre  
230 East Fifth Street  
St. Paul, Minnesota

Interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Ellie Porter at 291-6312 or 291-0904 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities.

Comments may be made several ways in addition to speaking at the hearing. Written comments, which must be received by 4:30 p.m., April 15, should be sent to Arne Stefferud, Metropolitan Council, 230 East Fifth St., St. Paul, Minnesota 55101. Comments may be faxed to Mr. Stefferud at 291-6442. Comments may be recorded on the Public Comment Line at 291-6536. Comments also may be sent by e-mail to: [data.center@metc.state.mn.us](mailto:data.center@metc.state.mn.us)

Copies of the public hearing document on the regional trails policy amendment (Publication No. 32-96-011) are available for review at major public libraries in the seven-county Twin Cities Metropolitan Area or by calling the Council's Data Center at 291-8140 or 291-0904 (TTY).

## Minnesota Comprehensive Health Association

### Notice of Actuarial Committee Meeting

**NOTICE IS HEREBY GIVEN** that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 1:00 p.m. on Thursday, February 29, 1996 at Blue Cross Blue Shield of Minnesota, RiverPark Building, 3400 Yankee Drive, Eagan, Minnesota, in room "B."

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

## Minnesota Comprehensive Health Association

### Notice of Actuarial Committee Meeting

**NOTICE IS HEREBY GIVEN** that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 1:00 p.m. on Thursday, March 7, 1996 at Blue Cross Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota. The meeting will be in the sixth floor dining room.

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

## Department of Natural Resources

### Bureau of Real Estate Management

### Notice of Proposed Conveyance for the Purpose of Correcting Legal Descriptions of Boundaries Affecting the Ownership Interests of the State and Adjacent Landowners

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources intends to correct a boundary discrepancy which affects land presently owned by the State and land owned by Raymond and Sharon Braun (*Minnesota Statutes* 84.0273, 1993). The State originally acquired its property by Warranty Deed recorded in the Office of the Otter Tail County Recorder June 21, 1965 in Book 392 of Deeds, page 441. The State will exchange quit claim deeds with the adjacent owner in order to resolve the boundary discrepancy. The deed from the State to Raymond and Sharon Braun will contain the following legal description:

That part of Government Lot 3 of Section 24, Township 132 North, Range 43 West, Otter Tail County, Minnesota, described as follows:

Commencing at the South Quarter Section corner of said Section 24; thence East (Assumed Bearing) along the South Line of said Section 24 a distance of 2355.68 feet; thence on a bearing of North a distance of 459.51 feet; thence on a

bearing of East a distance of 81.00 feet; thence North 03° 33' 17" East a distance of 224.16 feet to the point of beginning; thence continuing North 03° 33' 17" East a distance of 74.72 feet; thence on a bearing of East a distance of 136 feet more or less to the shoreline of Swan Lake; thence southerly along said shoreline a distance of 76 feet more or less to its intersection with a line that bears East from the point of beginning; thence on a bearing of West a distance of 124 feet more or less to the point of beginning. (Formerly described as Sublot 7 of Government Lot 3) Containing 9,675 Square Feet More or Less.

Subject to any Easements or Restrictions of record.

Together with: That part of Government Lot 3 of Section 24, Township 132 North, Range 43 West, Otter Tail County, Minnesota described as follows:

Commencing at the South Quarter Section corner of said Section 24; thence East (Assumed Bearing) along the South Line of said Section 24 a distance of 2355.68 feet; thence on a bearing of North a distance of 459.51 feet; thence on a bearing of East a distance of 81.00 feet; thence North 03° 33' 17" East a distance of 298.88 feet to the northwest corner of Sublot 7 of Government Lot 3 and the point of beginning; thence on a bearing of West a distance of 33.00 feet; thence on a bearing of North a distance of 105.00 feet; thence South 78° 00' 00" East a distance of 188 feet more or less to the shoreline of Swan Lake; thence southerly along said shoreline a distance of 68 feet more or less to its intersection with a line that bears East from the point of beginning; thence on a bearing of West a distance of 136 feet more or less to the point of beginning. Containing 15,200 Square Feet More or Less.

Subject to any Easements or Restrictions of record.

Together with: That part of Government Lot 3 of Section 24, Township 132 North, Range 43 West, Otter Tail County, Minnesota described as follows:

Commencing at the South Quarter Section corner of said Section 24; thence East (Assumed Bearing) along the South Line of said Section 24 a distance of 2355.68 feet; thence on a bearing of North a distance of 459.51 feet; thence on a bearing of East a distance of 81.00 feet; thence North 03° 33' 17" East a distance of 298.88 feet to the Northwest Corner of Sublot 7 of said Government Lot 3; thence on a bearing of West a distance of 33.00 feet to the point of beginning; thence continuing on a bearing of West a distance of 100.00 feet; thence South 03° 33' 17" West a distance of 75.00 feet; thence on a bearing of East a distance 100.00 feet; thence North 03° 33' 17" East a distance of 75.00 feet to the point of beginning. Containing 7,485 Square Feet.

Subject to any Easements or Restrictions of record.

The three afore described parcels have a combined total of 32,350 Square Feet More or Less.

For further information, contact Martha Bonneville at the Bureau of Real Estate Management, DNR, 500 Lafayette Road, St. Paul, MN 55155, (612) 296-0636.

## **Pollution Control Agency**

### **Notice to Solicit Outside Information and Opinion in the Matter of Proposed Rule Amendments to Minnesota Rule ch 7076; Governing the Clean Water Partnership Financial Assistance**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is seeking opinions, information and comments from sources outside the MPCA to assist in the preparation of proposed amendments to *Minnesota Rule ch 7076*. *Minnesota Rule ch 7076* governs the administration of the Clean Water Partnership Financial Assistance Program (CWP) and the federal nonpoint source management program as provided by United States Code, title 33, section 1329. Parts 7076.0100 to 7076.0290 implement these programs by establishing the substantive criteria and procedural conditions under which the MPCA may award state matching grants and provide technical assistance for the development and implementation of nonpoint source projects, and also award low-interest loans from the state Water Pollution Control Revolving Fund for the implementation of nonpoint source projects. *Minnesota Statute § 103F.745* allows the agency to adopt rules governing requirements and administrative procedures necessary to implement the CWP.

The MPCA plans to propose rule amendments that allow local units of government to secure CWP loans by establishing dedicated sources of revenue for loan repayment. The current rule requires that a loan be secured with a general obligation promissory note.

The amendment to the rule would likely affect local units of government that are unable, through statutory limitations, to secure a general obligation promissory note. These local units of government are primarily watershed districts.

The agency does not intend to form an advisory committee for this rulemaking. Under this Notice, interested persons or groups may submit comments and information on the subject matter of the rule in writing or orally. All statements of information and opinion will be accepted until 4:30 P.M. (CST) on March 20, 1996. All statements received by the MPCA during this comment

## State Grants

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period will become part of the official rulemaking record. In the event that the proposed rule amendments are adopted, all statements received will be submitted to an administrative law judge as required by law. The MPCA has prepared a draft of proposed rule amendments. Written or oral comments, questions and requests to receive a draft of proposed rule amendments should be addressed to:

Jeanne Eggleston, PSC Sr.  
Minnesota Pollution Control Agency  
Water Quality Division  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
Telephone: (612) 296-9192  
Fax: (612) 297-8683

Charles W. Williams  
Commissioner

## State Grants

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

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

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## Office of Environmental Assistance

### Proposals Sought for a Variety of Waste Prevention and Resource Conservation Programs

The Minnesota Office of Environmental Assistance (OEA) is a state agency that works to protect Minnesota's environment and assure a sustainable economy through waste prevention and resource conservation.

This notice is issued by the Director of the OEA under authority provided in *Minnesota Statutes* § 115A.0715, which allows the OEA to consolidate and jointly administer several of its grant and loan programs.

*The purpose of this notice is to solicit proposals for projects that meet the objectives of the following financial assistance programs: waste education under Minnesota Statutes § 115A.072; pollution prevention and source reduction under Minnesota Statutes §§ 115D.05, 115A.154 and 115A.55; market development under Minnesota Statutes § 115A.48; and waste separation under Minnesota Statutes § 115A.53.*

Grant program areas are described below.

**Waste Separation:** Projects that develop and implement waste separation and collection of household hazardous waste, problem materials, recyclables and/or compostable materials. An eligible applicant may apply on its own behalf or on behalf of other persons or organizations who are not otherwise eligible, but the eligible applicant will be the recipient of the grant. *Eligible applicants are cities, counties, solid waste management districts, and sanitary districts.*

**Waste Education:** Projects that develop and distribute waste education information, or projects that develop or implement programs for waste reduction and recycling in school operations. *Eligible applicants are persons (excluding state agencies and the Metropolitan Council) who propose to develop and/or distribute waste education information in Minnesota, or formal or informal education facilities.*

**Market Development:** Projects that develop markets or end uses for recyclable materials, including problem materials. *Eligible applicants are counties, research institutions and private organizations.*

**Pollution Prevention and Source Reduction:** Projects that develop or implement practices that eliminate or reduce at the source the quantity or toxicity of toxic pollutants, hazardous substances, or hazardous waste used, generated, or released, and projects that eliminate or reduce the generation of solid waste or industrial waste. Projects that provide information or outreach programs on pollution prevention and source reduction are also eligible. *Eligible applicants are persons who use, generate, or release*



*toxic pollutants, hazardous substances, hazardous wastes, solid wastes or industrial wastes in Minnesota, or individuals or organizations in Minnesota who provide assistance to such persons.*

**Sustainable Communities:** Projects must focus primarily on pollution prevention, source reduction, waste education, market development, or waste separation and must meet the criteria for at least one of these areas. In addition, projects must develop or implement innovative, participatory, community-based activities which can lead to environmental, economic and social benefits for present and future generations. *Eligible applicants include public-private teams (composed of, for example, non-profit organizations, local governments, educational institutions and business partners) or individual organizations that meet eligibility criteria for one of the areas listed above.*

**Proposed grant projects may address a specific grant program area or multiple areas.**

The OEA has budgeted a minimum of \$1.5 million for its 1996 financial assistance programs. Grant program funds will be awarded up to a maximum of \$100,000 per project. A diversity of grant funding requests and projects are encouraged. Grant applicants must be able to provide a match as specified in the Request for Proposal. The match may be in the form of cash or in-kind contributions.

The OEA has prepared a Request for Proposal (RFP) that provides application forms and detailed information on priority project areas for grant funding, proposal evaluation criteria, review procedures, and other information specific to each project area, for applicants. Interested persons may obtain a copy of the RFP by contacting:

Erin Barnes-Driscoll  
Minnesota Office of Environmental Assistance  
520 Lafayette Road, 2nd Floor  
St. Paul, MN 55155-4100  
612/215-0211 or 1-800-657-3843 (toll-free in Minnesota)

*PLEASE NOTE, applications must be postmarked by April 15, 1996 to be considered for funding.*

## **Department of Public Service**

### **Energy Division**

#### **Request for Proposals on Expansion of Selected Alternative Fuel Vehicles in Minnesota**

##### **Purpose of Solicitation**

The Energy Division of the Minnesota Department of Public Service (DPS), through the *Clean Fuels Minnesota* program, is soliciting proposals from private businesses, units of local government, and state government agencies to accelerate the use of alternative fuel vehicles of four selected types: high concentration ethanol (E85) vehicles, compressed natural gas (CNG) vehicles, liquefied petroleum gas (LPG) vehicles, and electric vehicles. The purpose of these grant projects is replacing existing gasoline and diesel vehicles with Alternative Fuel Vehicles (AFVs). Grant funds can be used for incremental vehicle costs, incremental fuel costs, and/or costs associated with installing refueling capacity, but all proposals must result in increasing the number of alternative fuel vehicles and increasing the amount of alternative fuel use. Research and technical studies are not eligible for grants under this solicitation.

Up to \$80,000 will be awarded through this solicitation. The Department anticipates awarding one or more grants totaling up to \$20,000 for each of the four selected alternative fuel technologies.

##### **Proposal Requirements:**

- 1) Proposals must be based on a single alternative fuel: E85, CNG, LPG, or electric. Organizations interested in demonstrating multiple alternative fuel technologies may submit more than one proposal.
- 2) Proposals must clearly identify the type of alternative fuel vehicles that will be used under the grant, the incremental number and type of alternative fuel vehicles including make and model, anticipated annual mileage, the vehicle conversion company used if applicable; the amount of gasoline and/or diesel fuel that will be displaced by the AFVs annually; how and where alternative fuel will be procured for these vehicles.
- 3) Proposals can be based on either original equipment manufacturer (OEM) vehicles or after market conversion. Dedicated, dual, and flexible fueled vehicles are eligible. Re-conversion, converting standard vehicles with alternative fuel equipment from existing vehicles, is not eligible for funding under this proposal.

## State Grants

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- 4) Proposals must include a complete project budget identifying all planned expenditures and the source of funding for these expenditures.
  - a) No more than \$20,000 will be awarded toward any single fuel type or project.
  - b) A minimum 1:1 match is required for all proposals.
  - c) Administrative and staff cost are not eligible expenditures for grant funds under this solicitation.
- 5) Proposal must include a project implementation schedule identifying all major project milestones. All proposals must agree to provide a final report to the DPS on the experiences and results of the demonstration no later than six months after initial operation of the new vehicles.
- 6) Proposals must be prepared on 8 1/2 x 11 inch paper and cannot exceed 12 pages in length.

### Evaluation and Selection of Grant Recipients:

A proposal review team of *Clean Fuels Minnesota* members and DPS staff will review all grant proposals. No *Clean Fuels Minnesota* member affiliated with an organization that is part of a submitted proposal will participate on the review team. The proposal review team will select projects based on the following considerations.

1. **Maximizing gasoline or diesel fuel displacement. 35 points** (Proposals displacing 10,000 gallons annually will qualify for maximum score. Lower annual displacements will be prorated accordingly.)
2. **Leveraging other financial resources. 25 points** (Proposals containing 5:1 local match will qualify for maximum score. 1:1 local match is required.)
3. **Cooperative partnerships between businesses, governmental units, and fuel providers. 15 points** (Proposal with five partners qualifies for maximum points.)
4. **Publicly accessible fueling capacity. 10 points** (Proposals that develop or utilize publicly accessible fueling will receive maximum points.)
5. **Disseminating AFV experiences. 5 points** (Proposals that clearly identify how experiences of the demonstration will be shared with other potential AFV users will receive maximum points.)
6. **Dedicated OEM vehicles. 5 points** (Proposals based on dedicated OEM vehicles will receive maximum points.)
7. **Timeliness of implementation. 5 points** (Proposals which can be implemented within six months - 5 points; 1 year - 4 points; 18 months - 3 points; etc.)

Three copies of the completed proposal must be submitted to the Department of Public Service, 121 7th Place East, Suite 200, St. Paul, MN 55101, no later than 4:30 on Friday, April 19, 1996. All grant proposals should be clearly marked as *Clean Fuels Minnesota* Alternative Fuel Vehicle Proposal. Several *Clean Fuels Minnesota* members have expressed willingness to assist outside businesses and organizations in supplying information and developing funding proposals. People seeking assistance in developing a grant proposal or having questions concerning this grant solicitation should contact Mike Roelofs, *Clean Fuels Minnesota* coordinator at the address above or by calling (612) 297-2545 during normal business hours.

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# 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].

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## Department of Human Services

### Notice of Request for Proposals—Alternative Payment for Nursing Facility Services

1995 *Laws of Minnesota*, Chapter 207, Article 7, Section 32 (hereinafter *Minnesota Statutes* Section 256B.434) authorizes the Commissioner of the Department of Human Services to establish a contractual alternative payment system as an alternative way to pay for nursing facility services under the Medical Assistance (MA) program. In order to implement this legislation, the Department established the "Nursing Home Contract Project." The purpose of the Project is to explore a contract-based reimbursement system as an alternative to the current cost-based system for reimbursement of nursing facility services under *Minnesota Statutes* Section 256B.431.

As part of the legislation, the Commissioner is authorized to issue three request for proposals (RFPs) prior to July 1, 1997. This is the second of the three RFPs. The Commissioner may select the number of proposals that can be adequately supported with state resources except that the Commissioner may not contract with more than 40 nursing facilities as part of any RFP.

The purpose of this RFP is to solicit proposals from eligible nursing facilities to enter into contracts with the Department to provide nursing facility services to MA recipients. Facilities selected to participate in this project will be eligible to contract with the Department for up to four years.

Requests for copies of the complete RFP, "Alternative Payment for Nursing Facility Services," should be directed to Maren Valley at 612/296-2666. The original and seven (7) copies of the proposal in response to the RFP must be submitted to the Nursing Home Contract Project, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3836, no later than 4:00 p.m. on Monday, April 8, 1996.

The State of Minnesota reserves the right to reject any and all proposals submitted.

## Minneapolis Technical College

### Graphic Design Services Sought

Minneapolis Community College and Minneapolis 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 the above two colleges. Requests for proposals can be obtained by calling Kathleen Pyne, Director of Marketing and Public Relations at Minneapolis Technical College, at 370-9497. The deadline for submitting proposals is **4:30 p.m., Thursday, March 14, 1996.**

Thank you,

Kathleen Pyne  
Director of Marketing and  
Public Relations  
1415 Hennepin Avenue South  
Minneapolis, Minnesota 55403  
Phone 612 • 370-9400 1-800 • 247-0911 (MN only)  
Fax 612 • 370-9428

## Professional, Technical & Consulting Contracts

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### Department of Public Safety

#### State Patrol Division

#### Request for Proposals for Assessment and Evaluation of the State Trooper Recruitment and Selection Process, Recruit Training Academy, and Field Training Officer Program

The Minnesota Department of Public Safety - State Patrol Division is seeking proposals to plan and conduct an evaluation of State Trooper recruitment efforts, selection process including psychological testing and background investigations, recruit training academy, and field training officer program (FTO). Details are contained in a Request For Proposals which may be obtained by writing, or calling:

Colonel Mike Chabries  
Minnesota State Patrol  
Department of Public Safety  
Suite 100-A, Town Square  
444 Cedar Street  
St. Paul, Minnesota 55101-2156  
(612) 296-5936

The estimated cost of the contract is \$40,000.00. Final date for submission of proposals is April 1, 1996, by 4:00 PM.

### Minnesota Racing Commission

#### Notice of Request for Proposal for Equine Drug Testing Services

**NOTICE IS HEREBY GIVEN** that the Minnesota Racing Commission is requesting proposals for the on-going testing of equine body fluids for the presence of prohibited medications for the years 1996 through 1998. This request does not obligate the State to make any changes in the service provider, and the State reserves the right to cancel the solicitation if it is considered in its best interests.

Proposals or questions should be directed to the attention of Richard G. Krueger, Executive Director, Minnesota Racing Commission, 7825 Washington Avenue South, #800, Bloomington, Minnesota and must be received on or before 4:30 PM on Friday, March 15, 1996. Note: Mr. Krueger is the only employee authorized to answer questions regarding this proposal.

The proposal must conform to the following:

1. Three copies of the proposal will be required; One copy must be signed, in ink, by an authorized member of the firm submitting the proposal.
2. All data must be on 8-1/2 x 11 sheets, soft bound;
3. The cover sheet of the proposal must be clearly labeled with the testing laboratory name, address, telephone number, and the name of the contact person.

#### Mandatory Proposal Contents in Sequence:

1. Identity of the organization and an indication of its legal status, i.e., corporation, partnership, etc.
2. Names of the persons who would be directly responsible for the major elements of the work; including consultants, together with a brief description of their qualifications and an estimate of the extent of the involvement of each in the testing and/or the documentation process, as well as a statement of membership of at least one of these persons with the Association of Official Racing Chemists or of intent to gain such membership.
3. A listing of laboratory equipment available for the testing of samples.
4. A description of the security system of the laboratory.
5. A listing of licenses, permits, certifications, and the like held by the entity, and a statement that the entity is in good standing with all applicable state and federal regulatory agencies.
6. A brief listing of present and previous clients for which similar services have been provided and an indication of the relative length of such service.
7. A brief description of the testing lab's affirmative action plan, including reference to the Americans with Disabilities Act.
8. A detailed plan for the manner in which the testing lab intends to serve the needs of the Minnesota Racing Commission as outlined in the following sections.

### Scope of Services Required:

1. Anywhere from 1,500 to 2,000 cases are to be tested within the months of May, June, July and August, 1996. It is anticipated that this number might increase if additional pari-mutuel racing meets are permitted in future years, and would expand the testing period accordingly. Racing sites will be in Wheaton, Minnesota, where there will be three days of standardbred racing and at Canterbury Park in Shakopee, Minnesota, where there will, at this time, be 51 days of Thoroughbred racing.
2. Each case ideally will consist of a urine sample of 250 ml. or larger and a 15 ml. sample of whole blood obtained from a horse following a race. These samples are collected at county fairs conducting pari-mutuel racing and at Canterbury Downs.
3. Each sample must be subjected to testing to make the following determinations:
  - A. Quantity of phenylbutazone reported in micrograms per milliliter of plasma;
  - B. Quantity of any metabolites of phenylbutazone reported in micrograms per milliliter of plasma;
  - C. Quantity of any other non-steroidal anti-inflammatory agent detected in the plasma, reported in micrograms per milliliter;
  - D. Quantity of furosemide in plasma, determined by high power liquid chromatography, reported in milligrams per 100 milliliters;
  - E. Quantity of creatinine in urine, reported in milligrams per 100 milliliters;
  - F. Quantity of furosemide in urine, determined by high power liquid chromatography, reported in milligrams per 100 milliliters;
  - G. Whether there are indications from initial screening tests, including immunoassays, that the sample may contain a prohibited substance (including non-steroidal anti-inflammatory agents as in item C. above) and, if so, the possible identity or type of substance indicated;
  - H. The results of further testing on such samples.

In cases where the testing results would indicate a possible violation of the administrative rules governing horse racing or any applicable *Minnesota Statute*, the testing entity will be expected to provide to the Minnesota Racing Commission a complete copy of test data and documentation to support their findings and to document the chain-of-custody followed while in possession of the sample in question. Such documentation must be available to be transmitted with 24 hours of notification of test results. On request, and at the expense of the Minnesota Racing Commission, the chief chemist and/or the laboratory director must be available to travel to any adjudicatory hearings for the purpose of giving testimony or must be available for a conference call or other means of communication.

The time period between receipt of samples by the Contractor and reporting of the preliminary results, i.e., items A. through G. above, may not exceed five days. Barring unforeseen circumstances, final results should be available within five additional days. Results are to be transmitted by facsimile machine and data packets by express mail.

A testing entity beyond a 30-mile radius of the site of collection (racetrack) will be required to include within its proposal a plan for the transport of samples from the site of collection to the testing locations. Attention should be given to the costs of containers, seals, transport boxes, postage, and transportation, as these costs are borne by the testing entity and should be reflected in the proposal.

The testing entity must agree to perform testing of quality assurance samples provided to it as a result of the Minnesota Racing Commission's involvement with the Association of Racing Commissioners International Quality Assurance Program.

### Necessary Cost Information:

Proposals should quote costs to the Minnesota Racing Commission on a case basis for the testing, communication, and transportation described above. Included in this per case cost should be an indication of the number and types of immunoassay tests to be performed on each sample for that basic cost. The testing entity should also include the per case cost for any additional immunoassays should the Minnesota Racing Commission desire to have more performed than those included in the basic cost figures.

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

In accordance with the provisions of *Minnesota Statutes*, Section 363.073, for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action

## Professional, Technical & Consulting Contracts

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plan approved by the commissioner of human rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

- A. A copy of your current certificate of compliance;
- B. A notarized letter of affidavit certifying that your firm has not had more than 20 full-time employees at any time during the previous 12 months.

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.

## Minnesota Racing Commission

### Notice of Contractual Position for State Veterinarian and Assistant State Veterinarian

**NOTICE IS HEREBY GIVEN** that the Minnesota Racing Commission (MRC) is accepting applications for the contractual positions of State Veterinarian and Assistant State Veterinarians for 1996 through 1998 including a three (3) day county fair pari-mutuel race meet and a 51 day race meet at Canterbury Park during 1996. Potential applicants may separate those meets in their proposal and apply for only those meets which fit into their schedule. Approximate dates of contracted services would be various weekends in May, June, July and August of 1996 as well as some week-days. The Traverse County Agricultural Association will conduct three days of pari-mutuel harness racing this year, August 23 through August 25. Canterbury Park's Thoroughbred race meet will begin on May 25 and conclude on August 18, thereby including 51 days. For the majority of the weeks during that time there will be four days of racing (Thursday through Sunday). Per diem compensation for the State Veterinarian is \$300.00 per race day worked, and \$125.00 for each non-race day worked. Per diem compensation for Assistant State Veterinarians will be \$250.00 per race day worked and \$100.00 for each non-race day worked.

Preference will be given to qualified providers who have served in a regulatory veterinary capacity in previous years, and providers must be licensed to practice veterinary medicine in the State of Minnesota.

Representative duties include, but are not limited to:

- Securing samples of blood, urine and/or saliva or other substances from racehorses, as directed by the Board of Stewards of the MRC;
- Supervising licensed personnel and activities within the secure testing area;
- Providing expert testimony as may be required by the MRC during hearings regarding testing procedures;
- Maintaining all data relevant to each horse which is registered to race or which enters the stable area;
- Processing medical examination cards for all horses;
- Reporting drug test results to the MRC stewards;
- Handling or referring inquiries into Commission-related veterinary functions;
- Preparing and disseminating bleeding certificates, notification of placement on vet's list, medication information for horses shipping to other locations, notification of expired Coggins' test certificates, violations reports to the stewards and other reports as needed;
- Coordinating the transportation of blood, urine or saliva and/or other substance samples to the MRC's contracted testing laboratory.

Proposals should be sent to Richard G. Krueger, Executive Director, Minnesota Racing Commission, 7825 Washington Avenue South, #800, Bloomington, Minnesota 55439. Note: Mr. Krueger is the only employee authorized to answer questions regarding this proposal. Proposals must be received by 4:30 PM on Friday, March 15, 1996.

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.

## Minnesota Racing Commission

### Notice of Contractual Position for State Stewards

**NOTICE IS HEREBY GIVEN** that the Minnesota Racing Commission (MRC) is accepting applications for the contractual positions of State Steward for 1996 through 1998 which includes a 51 day race meet at Canterbury Park in 1996. In addition, the Traverse County Agricultural Association will conduct three (3) days of pari-mutuel harness racing in 1996. Approximate dates of contracted services would be various weekends in May, June, July and August, as well as some week-days. A harness race meet will be conducted in Wheaton, Minnesota; August 23 through August 25, 1996. Canterbury Park's race meet will begin on May 25 and conclude on August 18 thereby including 51 days. The majority of the weeks there will be racing 4 days a week (Thursday - Sunday). The race meet, at this time, is a Thoroughbred meet. Per diem compensation for contracted service is \$1440.00 per week for the Chief Steward and \$1380.00 per week for the Associate Stewards at Canterbury Park. The per diem will be \$200.00 for each day of contracted service at a county fair, as assigned by the Executive Director of the Commission.

Preference will be given to qualified providers who have served in a regulatory official capacity in previous years, candidates who are licensed by the U.S.T.A. as a Judge, and candidates who have received accreditation from the Association of Racing Commissioners International.

Representative duties include, but are not limited to:

- Exercising immediate supervision, control and regulation of racing at each licensed race meeting according to MRC rules;
- Determining all questions, disputes, protests, complaints, or objections concerning racing matters which arise during a race meeting and enforcing such determinations;
- Interpreting and enforcing MRC rules and determining all questions pertaining to racing matters in conformity with applicable law and the "customs of the turf";
- Issuing decisions or rulings pertaining to racing matters;
- Conducting hearings on all questions, disputes, complaints, or objections concerning racing matters.
- Considering and reviewing all allegations of misconduct or rule infractions and, when warranted, initiating investigations of the allegations and conducting necessary hearings, or taking the action necessary to prevent rule infractions.

Proposals and letters should be sent to Richard G. Krueger, Executive Director, Minnesota Racing Commission, 7825 Washington Avenue South, #800, Bloomington, Minnesota 55439. Note: Mr. Krueger is the only employee authorized to answer questions regarding this contract position. Proposals must be received by 4:30 PM on Friday, March 15, 1996.

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.

## Professional, Technical & Consulting Contracts

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### Department of Transportation

#### Request for Proposals Sought for Employee Survey Project

The Minnesota Department of Transportation (Mn/DOT) is seeking an individual or institution/organization to develop, implement, administer and report on an employee survey for all of Mn/DOT's approximately 5000 employees. Half are located in the metro area and half in Greater Minnesota. Mn/DOT is organized into 7 rural districts and approximately 30 offices. The survey will be administered within 30 days of the award of the contract, preferably in April 1996. Results will be reported in written form to various organizational units within Mn/DOT and a formal presentation is required to be made to Executive Management of Mn/DOT.

This request for proposals does not obligate Mn/DOT to complete the proposed project, and Mn/DOT reserves the right to cancel the solicitation if it is considered in its best interest.

For a copy of the complete request for proposals, please contact Sue Stein, Mn/DOT Human Resources, 612-296-4390.

Written proposals are due at 4:00 p.m. Central Standard Time on March 12, 1996 in the Office of Human Resources. Proposals should be addressed as follows:

Linda Bjornberg, Director  
Office of Human Resources  
Minnesota Department of Transportation  
295 John Ireland Boulevard  
Mail Stop 200 - Room 515  
St. Paul, MN 55155-1899

### Department of Transportation

#### Transportation Research & Investment Management Division

#### Notice of Availability of Contract for "Traffic Edit Procedures"

The Department of Transportation is requesting proposals for the purpose of consolidating and enhancing traffic data screening and editing techniques used by various departments of transportation and other firms that produce traffic volume, classification and vehicle weight data. The primary outcome of this contract will be computer software that evaluates traffic data using the best methods possible within the context of today's traffic monitoring systems and defined data elements. The project is a pooled fund study and will be directed by a panel of technical experts representing fifteen different states and representatives of the Federal Highway Administration.

The products will be designed to be used by states and other agencies as they choose to integrate them into their traffic monitoring programs. A final timeline for task completion will be determined during the development of the contract associated with this RFP. The anticipated contract period will be two years.

Details of the scope of the project, an entire list of tasks, and anticipated outcomes of this contract are included in the complete Request for Proposal.

A Disadvantaged Business Enterprise (DBE) goal of .0% has been established for this project. If prime consultant seeks to hire subconsultants for this project, they are required to affirmatively seek out DBE firms.



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## Professional, Technical & Consulting Contracts

For further information, or to obtain a copy of the complete Request for Proposal, contact:

Mark Flinner  
Research Analyst Specialist Senior  
Traffic Forecast and Analysis Section  
Minnesota Department of Transportation  
Room 220 Transportation Building, MS 450  
395 John Ireland Boulevard  
St. Paul, MN 55155  
Phone: (612) 297-1466  
Fax: (612) 296-3311

Proposals must be received at the above address no later than 3:00 P.M. (C.D.T.), March 22, 1996.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred responding to this notice shall be borne by the responder.

## Department of Transportation

### Transportation Research and Investment Management Division

#### Notice of Availability of a Request for Proposal to Develop a Communications Infrastructure

Mn/DOT is requesting proposals from the private sector to construct and maintain a fiber optics and/or wireless communication system for as much of the State of Minnesota as possible, and to address specific Mn/DOT communication needs. In turn, Mn/DOT is offering to barter long term access to Mn/DOT Right of Way and exclusive access to the 1000 miles of state freeways for both linear (fiber optics lines) and spot locations (towers for wireless communications).

All information required for the preparation and submission of a proposal is contained in the RFP. A pre-proposal conference to be held on March 5, 1996, is also detailed in the RFP. Consultant proposals must be received by April 5, 1996.

To obtain a copy of the Request for Proposal, send or fax a request to Jerry Skelton, (612) 297-5205, Fax (612) 296-3311, MS 445, Minnesota Department of Transportation, 395 John Ireland Boulevard, St. Paul, Minnesota 55155.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

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.

# 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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## Metropolitan Council

### Notice of Request for Projects Under the Twin Cities Water Quality Initiative Grant Program

**PURPOSE:** The Twin Cities Water Quality Initiative Grant Program focuses on abating, controlling and preventing sources of pollution to the Mississippi, St. Croix and Minnesota Rivers. Projects that reduce phosphorus and Biochemical Oxygen Demand (BOD) substances will be given priority.

**ELIGIBLE PROJECT SPONSORS:** Public entities including state, federal, county and city government; soil and water conservation districts; watershed management organizations; public schools; or trade and professional organizations. The project must be located in whole or in part within the seven-county metropolitan area. The sponsor of a project located only partly in the metro area must be a state agency, or a governmental entity with jurisdiction in the metro area.

**PROPOSAL SUBMISSION DATES:** Completed grant applications must be received by 4 p.m., Friday, March 29, 1996, in the offices of the Metropolitan Council. An informational meeting to discuss the grant program will be held at 2 p.m., Thursday, February 29, 1996, at the Eden Prairie City Hall, Heritage Room, 8080 Mitchell Road, Eden Prairie, MN 55344. Please RSVP to Patti Holmes at 612/291-6401 or TDD 612/291-0904. Upon request, the Metropolitan Council will provide reasonable accommodation to persons with disabilities.

**GRANT REQUEST MAXIMUM:** Two categories, with maximums of \$100,000 or \$0.5 million for multi-year block grants. A match of 25 percent in cash or in-kind matching funds is required for both categories.

**TO RECEIVE AN APPLICATION:** Call the Metropolitan Council Data Center at 612/291-8140 or TDD 612/291-0904.

**SUBMITTAL ADDRESS:** Metropolitan Council, 230 East Fifth St., St. Paul, MN 55101-1634; Attention Jack Frost, Project Manager.

**FOR MORE INFORMATION:** Call Jack Frost, Project Manager, 612/291-6519 or Sunny Emerson, Grant Administrator, 612/291-6499 or TDD 612/291-0904.

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