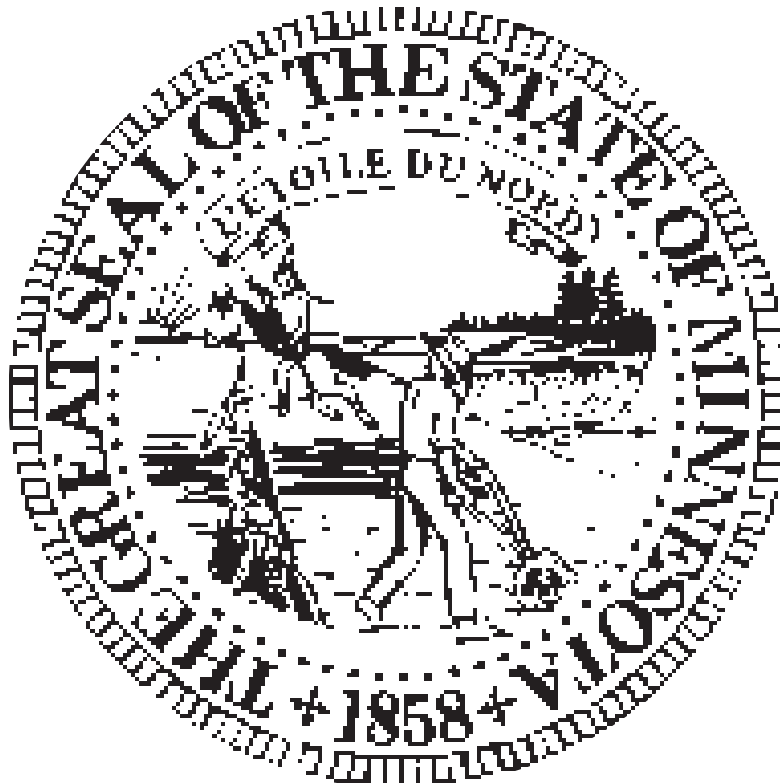


The Minnesota

# State Register

**Rules and Official Notices Edition**



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Department of Administration – Communications Media Division

**Monday 24 August 1998**  
**Volume 23, Number 8**  
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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.

### Printing Schedule and Submission Deadlines

Vol. 23 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
# 8	Monday 24 August	Noon Wednesday 12 August	Noon Tuesday 18 August
# 9	Monday 31 August	Noon Wednesday 19 August	Noon Tuesday 25 August
#10	Tuesday 8 September	Noon Wednesday 26 August	Noon Tuesday 1 September
#11	Monday 14 September	Noon Wednesday 2 September	Noon Tuesday 8 September
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Contact: House Information Office (651) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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# 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 80 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. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

## Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

## Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. 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*.

## Department of Public Safety

### Driver and Vehicle Services Division

### Proposed Permanent Rules Relating to Driver Licensing Agents

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for a Public Hearing are Received**

#### Proposed Rules Governing Driver's License Agents, *Minnesota Rules*, Chapter 7404.

**Introduction.** The Department of Public Safety intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on September 23, 1998 that are not subsequently withdrawn, a public hearing will be held in room 300 North of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota starting at 9 a.m. on October 5, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after September 23, 1998 and before October 5, 1998.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Jane A. Nelson, Minnesota Department of Public Safety, Driver and Vehicle Services Division, 445 Minnesota Street, Suite 196, St. Paul, Minnesota, 55101-5196. Phone (651) 296-2608. FAX (651) 296-3141. TTY users may call the Department of Public Safety at (651) 282-6555.

**Subject of Rules and Statutory Authority.** The proposed rules govern the appointment of individuals to be drivers license agents and to accept applications for state drivers licenses, provisional licenses, identification cards, driver's license permits, and motorized bicycle permits on behalf of the commissioner of public safety. The proposed rules govern the qualifications of an agent; establishment or movement of an agent's office; operation of offices; application transmission; inventory; deposits and disqualification of an agent. These rules do not govern the appointment of deputy registrars who accept and process motor vehicle titles and registrations. Statutory authority for these rules is contained in *Minnesota Statutes*, section 171.061, subdivision 6: *Laws of Minnesota 1997*, Chapter 250, section 13; and *Minnesota Statutes*, section 14.06 (a).

A copy of the proposed rules is published in the *State Register* and is attached to this notice as mailed. A free copy of the rules is also available on request from the agency contact person listed above.

**Comment.** You have until 4:30 p.m. on September 23, 1998, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comment you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for Hearing.** In addition to submitting comment, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on September 23, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. 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 rules.

**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.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified. They may be modified as a result of public comment without a public hearing or as a result of the rule hearing process. Modifications must be supported by data and views submitted in comment to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for October 5, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person after September 23, 1998 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Phyllis Reha is assigned to conduct the hearing. Judge Reha can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7602, and FAX (612) 349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. 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 submitted. 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 at the Office of Administrative Hearings no later than 4:30 p.m. 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 before 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.

**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 the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions about this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

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**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules 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 rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law 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 rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

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

Dated: 6 August 1998

Donald E. Davis, Commissioner  
Department of Public Safety

**CHAPTER 7404**  
**DEPARTMENT OF PUBLIC SAFETY**  
**DRIVER AND VEHICLE SERVICES DIVISION**  
**DRIVER LICENSING AGENTS**

### **7404.0100 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of this chapter, the following terms have the meanings given them.

Subp. 2. **Agent.** "Agent" means an individual appointed under this chapter, Minnesota Statutes, section 171.061, and Laws, chapter 250, section 13.

Subp. 3. **Applicant.** "Applicant" has the meaning given in Minnesota Statutes, section 171.061, subdivision 1, clause (1).

Subp. 4. **Application.** "Application" has the meaning given in Minnesota Statutes, section 171.061, subdivision 1, clause (2).

Subp. 5. **Approved office location.** "Approved office location" means a location that has been approved by the commissioner as meeting the requirements of part 7404.0300 but for which an agent appointment has not been made.

Subp. 6. **Bureau.** "Bureau" means a county licensing bureau established under Minnesota Statutes, section 373.33. A bureau includes all approved office locations established under the bureau to accept applications.

Subp. 7. **Certificate of appointment.** "Certificate of appointment" means the documents appointing the agent.

Subp. 8. **Collected or collection.** "Collected" or "collection" means the receipt of fees paid by an applicant less the filing fee specified in Minnesota Statutes, section 171.061, subdivision 4, paragraph (c).

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of public safety.

Subp. 10. **County board.** "County board" means the county board governed by the provisions in Minnesota Statutes, chapter 375.

Subp. 11. **Conviction of crime.** "Conviction of crime" means conviction of a felony, gross misdemeanor, or misdemeanor for which a jail sentence may be imposed.

Subp. 12. **Deputy registrar.** "Deputy registrar" means a person appointed under chapter 7406 and Minnesota Statutes, section 168.33.

Subp. 13. **Discontinuance or discontinued.** "Discontinuance" or "discontinued" means the immediate suspension, suspension, or revocation of an appointment.

Subp. 14. **Existing office.** "Existing office" means an agent office for which the location has been approved and the appointment of the agent has been made by or approved by the commissioner, as specified in a certificate of appointment. An existing office does not include state-operated application or examination sites.

Subp. 15. **Inventory.** "Inventory" means state-issued or required supplies and equipment necessary to process applications such as forms, vision-testing equipment, and photo identification equipment.

Subp. 16. **Metropolitan county.** "Metropolitan county" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 4.

Subp. 17. **Municipality.** "Municipality" means a statutory city, home rule charter city, town, or township.



Subp. 18. **Next working day.** “Next working day” means the 24-hour period following the daily close of the agent’s office. A working day does not include:

- A. a Saturday, Sunday, or legal holiday listed in *Minnesota Statutes*, section 645.44, subdivision 5;
- B. a nonbanking day of approved state depositories;
- C. a holiday authorized under *Minnesota Statutes*, section 373.052, subdivision 1, for agents who are county officers or employees; or
- D. a day that an office is not open for business, upon approval from the commissioner.

Subp. 19. **Office.** “Office” means an existing office unless otherwise specified.

Subp. 20. **Proposed office location.** “Proposed office location” means a location that has been submitted to the commissioner for consideration as an existing office under part 7404.0300, or a move under part 7404.0330.

Subp. 21. **Qualified newspaper.** “Qualified newspaper” means a newspaper that meets the requirements of *Minnesota Statutes*, chapter 331A.

Subp. 22. **Sufficient cause to believe.** “Sufficient cause to believe” means grounds that are put forth in good faith; that are not arbitrary, irrational, unreasonable, or irrelevant; that make the proposition asserted more likely than not; and that are based on at least one of the following sources:

- A. written information from an identified person;
- B. facts or statements by an applicant for appointment as an agent, or by an appointed agent;
- C. court documents, state records, and police records; or
- D. facts of which the commissioner or commissioner’s employees have personal knowledge.

#### **7404.0200 PURPOSE.**

The purpose of this chapter is to carry out the mandate of the legislature as set forth in *Minnesota Statutes*, section 171.061, with respect to the appointment and regulation of driver’s license agents.

### **OFFICE LOCATION**

#### **7404.0300 LOCATION OF AGENT OFFICE.**

Subpart 1. **General.** This part applies to:

- A. the establishment of an agent office not in existence; and
- B. the appointment of an agent when there has been a discontinuance of an agent or when the appointed agent resigns, discontinues service, retires, or dies.

Subp. 2. **State-operated application sites.** A state-operated application site is not considered an existing office when determining the distance or numbers of applications specified in this part.

Subp. 3. **Hennepin and Ramsey counties.** The conditions listed in items A to E must be met before a proposed office location for an agent is approved or continued in either Ramsey or Hennepin county.

- A. The proposed office location must not be within a five-mile radius of an existing office.
- B. The estimated number of applications a proposed office location will process annually must be at least 12,000 within two years after the establishment of the office. The number of applications will be estimated as 30 percent of the applications processed within the preceding calendar year by existing offices located within a radius of the proposed office location of over five miles and less than 9-1/2 miles.
- C. The proposed office location may not be established if the use of the percentage of applications processed by an existing office to establish a proposed office would reduce the number of applications to less than:
  - (1) 12,000 for an existing office located in either Hennepin or Ramsey county;
  - (2) 6,500 for an existing office located in an area under subpart 4; or
  - (3) 1,250 for an existing office located in an area under subpart 5.

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D. If a percentage of applications processed by an existing office was used to establish a new office, that percentage may not be used again in consideration of another proposed office within a two-year period. The two-year period starts from the date the agent was appointed.

E. A proposed office location may not be considered if the proposed office location is within a ten-mile radius of an existing office that was established within the last two years. The two-year period starts from the date the agent was appointed.

**Subp. 4. Other metropolitan counties; municipalities with over 50,000 population.** The conditions listed in items A to E must be met before a proposed office location is approved in a metropolitan county, not including Hennepin and Ramsey counties, or in a municipality with a population exceeding 50,000, not including municipalities in Hennepin and Ramsey counties.

A. The proposed office location must not be located within a five-mile radius of an existing office.

B. The estimated number of applications a proposed office location will process annually must be at least 6,500 within two years after the establishment of the office. The number of applications will be estimated as the largest number computed in subitem (1), (2), or (3):

(1) 30 percent of the applications processed within the preceding calendar year by existing offices located within a radius of the proposed office location of over five miles but less than 6-1/2 miles;

(2) 20 percent of the applications processed within the preceding calendar year by existing offices located within a radius of the proposed office location of at least 6-1/2 miles but less than eight miles; or

(3) ten percent of the applications processed within the preceding calendar year by existing offices located within a radius of the proposed office location of at least eight miles but less than 9-1/2 miles.

C. The proposed office location may not be established if the use of a percentage of applications processed by an existing office to establish a proposed office would reduce the number of applications to less than:

(1) 12,000 for an existing office located in an area under subpart 3;

(2) 6,500 for an existing office located in an area under this subpart; or

(3) 1,250 for an existing office located in an area under subpart 5.

D. If a percentage of applications processed by an existing office was used to establish a new office, that percentage may not be used again in consideration of another proposed office within a two-year period. The two-year period starts from the date the agent was appointed.

E. A proposed office location may not be considered if the proposed office location is within a ten-mile radius of the existing office that was established within the last two years. The two-year period starts from the date the agent was appointed.

**Subp. 5. Other areas.** In all other municipalities not included in subpart 3 or 4, the conditions listed in items A to E must be met before a proposed office location is approved.

A. The proposed office location must not be located within a 25-mile radius of an existing office, except that:

(1) in municipalities having a population of 25,000 to 50,000, a maximum of two existing offices may be established and the proposed office location must not be located within a three-mile radius of an existing office in that municipality; and

(2) the proposed office location must not be located in a municipality of less than 25,000 population if there is an existing office in that municipality.

B. The estimated number of applications that a proposed office location will process annually must be at least 1,250 within two years after the establishment of the office. The number of applications must be estimated as follows:

(1) 20 percent of the applications processed within the preceding year by existing offices located within a 20-mile radius of the proposed office location; or

(2) if there is no existing office located within a 20-mile radius of the proposed office location, 85 percent of the population of the municipalities that are closer to the proposed office location than to other existing offices.

C. The proposed office location may not be established if the use of the percentage of applications processed by an existing office, to establish a proposed office, would reduce the number of transactions to less than:

(1) 12,000 for an existing office located in an area under subpart 3;

(2) 6,500 for an existing office located in an area under subpart 4; or

(3) 1,250 for an existing office located in an area under this subpart.

D. If a percentage of applications processed by an existing office was used to establish a new office, that percentage may not be used again in consideration of another proposed office within a two-year period. The two-year period starts from the date the agent was appointed.

E. A proposed office location may not be considered if the proposed office location is within a 30-mile radius of an existing office that was established within the last two years. The two-year period starts from the date the agent was appointed.

**Subp. 6. Restriction on processing proposed office location.** When a request for a proposed office location is submitted to the commissioner, no other requests for a proposed office location may be made for that proposed office location or a location within a 25-mile radius of that proposed office location until:

- A. the commissioner determines that the proposed office location does not meet the requirements of this part; or
- B. the appointment of an agent for the approved office location under this chapter is completed.

#### **7404.0310 EXCEPTIONS.**

**Subpart 1. One agent per county bureau.** Pursuant to Minnesota Statutes, sections 373.33 and 373.35, if the county board appoints the county license bureau director as a licensing agent, the license bureau director is responsible for all bureau sites where applications are accepted in the county. Each bureau site where applications are accepted must meet the criteria for establishment of an office as specified in part 7404.0300.

**Subp. 2. Low volume existing office; county board decision.** Notwithstanding part 7404.0300, an agent may be appointed at an existing office location that does not comply with the application numbers for the establishment of an office specified in part 7404.0300, plus or minus two percent of the average application numbers in the preceding three years, only if:

A. the county board notifies the commissioner within one week of the next regularly scheduled county board meeting after the death, resignation, discontinuance, or retirement of the existing agent, that the county board wants to reappoint an agent and maintain that existing office location;

B. the county board appoints a new agent within 90 days from the time the notice was given to the state in item A;

C. there is not another existing office located within the distances specified in part 7404.0300; and

D. the county board or the new agent agrees to procure and maintain the photo identification and vision-testing equipment necessary to process applications.

**Subp. 3. Low volume location; commissioner's appointment.** If the county board declines to reappoint an agent at the existing location described in subpart 2, the appointment of the agent and all state-provided inventory reverts to the commissioner.

A. The commissioner shall decide whether to appoint another agent at the existing office within six months after notice by the county board that it will not appoint another agent or that an agent was not appointed within the deadline specified, whichever date comes first.

B. The commissioner shall appoint an agent at the existing office with a low application volume and procure and maintain the photo identification and vision-testing equipment for the site only if the office is not in a metropolitan county and there is not another application site, including state-operated sites, within 35 miles of the existing low volume office.

#### **7404.0330 MOVE OF EXISTING OFFICE LOCATION.**

**Subpart 1. In general.** A move of an existing office must meet the requirements of part 7406.0300, be within the same county, and be approved by the commissioner. This part does not apply to the location of state-operated application or examination sites.

**Subp. 2. Variance.** An agent may apply to the commissioner for a variance from the requirements of subpart 1, except that no existing office is allowed to move to a different county.

A. An agent may apply for a variance by submitting a written request to the commissioner.

B. The variance request must specify and the commissioner shall consider the following factors when reviewing the variance request:

(1) each rule part from which the variance is requested and why the proposed office location does not meet requirements of part 7404.0300;

(2) the reasons for the request to move from the existing office location;

(3) the distance of the proposed office location from the agent's existing office;

(4) whether the proposed office location would serve the same community or neighborhood and is in close proximity to the original location;

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- (5) whether the proposed office location is in another county;
- (6) any comments in opposition or support from other existing agent offices of the proposed office location;
- (7) building considerations of the proposed office location including:
  - (a) parking space; and
  - (b) compliance with part 7404.0400;
- (8) destruction or other loss of the existing office building, including loss of building lease;
- (9) the number of previous moves of the existing office and the reasons for the moves;
- (10) whether the proposed move is a result of or in connection with misfeasance or malfeasance on the part of the agent; and
- (11) other information requested by the commissioner or supplied by the agent.

**Subp. 3. Commissioner's decision.** The commissioner shall review the request for a variance and grant or deny it within 60 days after its receipt or within 60 days after the date of the commissioner's request for additional information, whichever is later.

**A.** The commissioner shall give the agent written justification for a decision to deny the variance.

**B.** Failure to submit the required information under this subpart within 30 days of the commissioner's request for information is cause to deny an agent's request for a variance.

**Subp. 4. Right to review commissioner's decision.** An agent may contest the denial of a variance of the commissioner by requesting a hearing.

**A.** The agent shall submit, within 15 days of the receipt of the commissioner's decision, a request for a hearing.

**B.** The request for a hearing must set forth in detail the reasons why the agent contends the decision of the commissioner should be changed.

**C.** The hearing must follow the hearing procedures in parts 7406.1100 to 7406.2600.

### APPOINTMENT PROCEDURES

#### **7404.0350 AGENT APPOINTED BY COUNTY; COMMISSIONER'S APPROVAL.**

**Subpart 1. In general.** Upon request by an individual that has met the office location requirements under part 7404.0300, the commissioner shall begin the appointment process for an approved office location.

**A.** The request for appointment must be referred by the commissioner to the county board in the same county as the approved office location.

**B.** The county board shall choose one of the options listed in subpart 2 regarding the appointment.

**Subp. 2. County board appointment.** When the commissioner refers the appointment of an agent to the county board in the county in which the approved office location is located, the county board shall choose one of the options listed in items A to D. The county board shall:

**A.** appoint an employee or equivalent officer of the county to operate the approved office location and serve as the agent;

**B.** appoint an employee or equivalent officer of a statutory or home rule charter city within the county to operate the approved office location and serve as the agent;

**C.** appoint any other individual to operate the approved office location and serve as the agent; or

**D.** decline to appoint an agent.

**Subp. 3. Notice to commissioner required.** The county board shall notify the commissioner, in writing, of the option chosen under subpart 2 regarding the appointment of an agent for an approved office location. The notice must be received by the commissioner within 30 days of referral to the county board of the request for appointment of an individual as an agent and approval of an office location by the commissioner.

**Subp. 4. Failure to notify commissioner; consequences.** If the county board declines to appoint an agent or fails to notify the commissioner within 30 days of referral of the request for appointment to the county board, the appointment of the agent must then be considered by the commissioner under part 7404.0360.

**Subp. 5. Criteria and procedures.** When appointing an agent, the county board shall follow the procedures in part 7404.0360.

**Subp. 6. Change in county board-appointed agent.** A county board-appointed agent shall notify the county board and commissioner, in writing, no less than 30 days before the agent resigns, retires, or discontinues service. If the office is vacated upon the death of the agent, a county official authorized by the county board must notify the commissioner within ten days of the vacancy.

**Subp. 7. Transfer of appointment.** An agent appointment may not be transferred to another individual or office without the approval of the commissioner.

**7404.0360 APPOINTMENT PROCEDURE.**

Subpart 1. **In general.** An agent appointment may only be made for an approved office location that qualifies under part 7404.0300. The appointment procedures in this part apply to appointments made by a county board with the approval of the commissioner, and to appointments made by the commissioner.

Subp. 2. **Publication of vacancy notice.** After approval of an office location under part 7404.0300, notice of the agent vacancy for the approved office location must be published for two successive weeks in a qualified newspaper in the county where the approved office location is located.

A. For an appointment being made by a county board with the approval of the commissioner, the notice must be published by the county board within 30 days after the date the county board notified the commissioner that the county board intends to make an appointment under part 7404.0350, subpart 2.

B. For an appointment being made by the commissioner, the notice must be published within 30 days after notice of refusal of the county board to appoint an agent is received by the commissioner or 30 days after the deadline for the county board to respond to a referral for appointment of an individual to an approved office location.

C. The notice of agent vacancy must specify the:

(1) approved office location;

(2) county board's or commissioner's intent to appoint an agent at that location;

(3) responsibility of the agent to accept applications;

(4) authority under statute and rule to make the appointment;

(5) name, address, telephone and facsimile numbers, and E-mail address of the individual to contact about the appointment; and

(6) deadline for submission of a request for appointment, which must be received by the entity publishing the notice no later than 4:30 p.m. on the deadline date via United States mail, facsimile transmission, or E-mail communication.

Subp. 3. **Request for appointment.** A request for appointment as an agent must be submitted by the individual seeking appointment to the entity publishing the notice for appointment. The request must specify:

A. the individual's full name, address, states of residency for the last five years, date of birth, and telephone number;

B. whether the individual has or had any other license with a federal, state, or municipal government agency; the current status of that license; and an explanation of any cancellation, revocation, suspension, or other disciplinary proceeding in connection with the license;

C. whether the individual is employed by, owns, or has a financial interest in, and the percentage of that interest in, an entity that:

(1) operates a driver training or driver improvement clinic; or

(2) sells vehicle insurance;

D. the address of the proposed office location;

E. a floor plan of the proposed office, including the area and dimensions of the space allocated to process applications, public service area, and storage area;

F. information about the individual's prior education, work experience, and training;

G. a history of prior appointments as an agent, deputy registrar, or public official and the reasons for the denial, suspension, revocation, or cancellation of any prior appointment;

H. whether the individual is currently the subject of bankruptcy proceedings;

I. a certified copy of the individual's criminal history and, if the individual is a nonresident or if the individual has resided in Minnesota for less than five years, a certified copy of a criminal records check of the national criminal records repository including the criminal justice data communications network; and

J. the signature of the individual verifying that the information on the application is true. The signature must be notarized.

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**Subp. 4. Age of agent.** The agent and the manager at each office must be 18 years of age or older.

**Subp. 5. Criminal history check.** The commissioner may conduct a criminal history check at any time while an individual is serving as an agent.

**Subp. 6. Change in agent application conditions.** An agent shall report to the commissioner changes or anticipated changes of the information in subpart 3.

**A.** The changes must be reported to the commissioner within ten calendar days of the date the change is to occur or within ten calendar days of the date the agent learns the changes will occur, whichever occurs first.

**B.** Changes are subject to approval by the commissioner.

**C.** A change may be cause for discontinuance of an appointment if the change violates this chapter or *Minnesota Statutes*, section 161.061.

**Subp. 7. Reasons to deny agent appointment.** An agent appointment must be denied for any of the reasons listed in this subpart.

**A.** The request for appointment or an item filed with the request for appointment does not meet the requirements of subpart 3.

**B.** The individual requesting an appointment is employed by, owns, or has a five percent or greater financial interest in an entity that:

(1) operates a driver education, driver training, or driver improvement clinic; or

(2) sells vehicle insurance.

**C.** The individual has been convicted of a felony.

**D.** The individual has been convicted of a crime in Minnesota or in another jurisdiction that, if committed in Minnesota, would be a violation of a *Minnesota statute* of the following type:

(1) affecting a public officer or employee;

(2) theft or a related crime;

(3) forgery or a related crime; or

(4) directly relating to the position of an agent.

**E.** The proposed office location does not meet the requirements under part 7404.0300 or 7404.0400 and a variance has not been granted by the commissioner.

**F.** The commissioner of revenue notifies the commissioner, or the commissioner has sufficient cause to believe, that the individual owes delinquent taxes, penalties, or interest.

**G.** The individual is in the midst of bankruptcy proceedings.

**H.** The individual's request for appointment is incomplete or contains a statement that is false, misleading, fraudulent, or otherwise constitutes misrepresentation.

### **7404.0370 APPOINTMENT OF AGENT.**

**Subpart 1. In general.** An appointment must be based on information contained in the request for appointment, an interview, an inspection of the proposed office location for compliance with this chapter, and other relevant information or documentation.

**A.** The individual must possess communication and customer service skills.

**B.** The individual must possess or demonstrate knowledge or experience in the laws and rules pertinent to the acceptance of applications, office management, accounting, and recordkeeping.

**C.** The individual must indicate a willingness to successfully complete initial and annual training provided by the commissioner.

**Subp. 2. Certificate of appointment.** The commissioner shall execute a certificate of appointment that specifies the individual appointed as an agent, the location of the approved office, and the responsibility of the agent to accept applications.

**A.** The certificate of appointment must be signed by the individual appointed.

**B.** If the appointment is being made by the county board with the approval of the commissioner, the certificate must be signed by the authorized representative of the county board.

**C.** If the appointment is made directly by the commissioner, the commissioner shall sign the certificate.

**Subp. 3. Bond.** If an agent appointed under this chapter is not an officer or employee of a county or statutory or home rule charter city, the agent shall give a surety bond to the state to cover the application receipts accepted on behalf of the commissioner, and inventory provided and maintained by the commissioner.

- A. The bond must be conditioned upon the faithful discharge of duties as an agent.
- B. If an agent is also a deputy registrar, the bond must be in addition to the bond required to be held to cover the deputy registrar vehicle title and registration transactions.
- C. The bond must be a continuous bond in the amount of:
- (1) \$1,000 or the value of all state-issued inventory, whichever amount is greater; plus
  - (2) \$3,000 for every \$50,000 of annual application receipts or portion thereof.
- D. The amount of application receipts for an initial bond must be based on the highest projected amount of annual application receipts in the five years after an agent is appointed as the number of applications for a new office is estimated under part 7404.0300.
- E. The continuous bond must be adjusted every five years, starting with the date of initial issuance, to reflect the total annual application receipt amount and inventory value of the previous calendar year.

#### **OFFICE REQUIREMENTS**

##### **7404.0400 AGENT OFFICE REQUIREMENTS.**

Subpart 1. **In general.** A proposed office location must comply with this part.

A. For an existing office when there is a discontinuance of the agent appointment or death, resignation, or retirement of an agent, and for which a new appointment is requested, the requirements of this part apply.

B. An existing agent subject to reappointment by January 1, 1999, must have an office that complies with this part. However a variance may be granted under subpart 2 from compliance with subpart 8.

Subp. 2. **Variance.** An existing agent subject to appointment by January 1, 1999, may apply to the commissioner for a variance from compliance with subpart 8 within six months of January 1, 1999, if compliance constitutes a substantial hardship.

A. The agent may apply for a variance to the commissioner. The commissioner shall consider the following factors when reviewing the variance request:

- (1) why the office does not meet the requirements of subpart 8;
- (2) the options available to the agent to bring the office into compliance with subpart 8;
- (3) the financial cost for meeting the options listed in item B, estimated with reasonable efforts; and
- (4) other information requested by the commissioner or supplied by the agent.

B. The variance must expire upon the discontinuance, death, retirement, or resignation of the agent or a period specified within the variance, whichever period is less.

C. The commissioner's decision and the right to review of the decision must follow the procedures in part 7404.0330, subparts 3 and 4.

Subp. 3. **Area for applications.** An agent:

A. must have an office that contains a separate and distinct area used exclusively for taking and storing completed applications;

B. may not use the application area for living space or for transacting any other business, except that a deputy registrar authorized by the commissioner may process vehicle title and registration transactions, Department of Natural Resources transactions, and additional county transactions as specified under Minnesota Statutes, section 373.33; and

C. must install a counter or divider within the application area to separate the public from the application areas of the office.

Subp. 4. **Inventory.** Inventory must be maintained in a secure manner so it is not accessible to the public either during or after business hours.

A. The agent shall procure and maintain a dedicated telephone line for the transmission of license application data at each office site.

B. An agent who does not, as of the effective date of this chapter, have dedicated vision-testing equipment provided by the commissioner, shall procure or lease and maintain at least one dedicated vision-testing machine per office from a vendor specified by the department.

**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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C. Pursuant to Minnesota Statutes, section 171.061, subdivision 4, paragraph (b), an agent appointed before January 1, 1999, who does not have photo identification equipment provided by the department and any new agent appointed after December 31, 1998, shall procure or lease, and maintain, photo identification equipment from a vendor specified by the department. This equipment includes a dedicated computer and all software and security features provided by the vendor, and signature-capture equipment.

D. For an agent appointed before January 1, 1999, who has photo identification and signature-capture equipment provided by the department, the department shall continue to provide and maintain the equipment.

E. If the photo identification equipment is being provided and maintained by the department at a county license bureau, county office, or municipal office and the agent dies, retires, or discontinues service, the equipment must revert to the department unless:

(1) the county board notifies the commissioner within one week after the next scheduled board meeting that the county board wants to maintain the office and reappoint an agent;

(2) within 90 days of the date of the notice in subitem (1), the county board appoints another agent for the office; and

(3) the office location or locations comply with the criteria for establishment of an office for a driver licensing agent in part 7404.0300.

F. At a licensing agent office where the agent is responsible for the procurement of photo identification equipment, the agent is responsible for the procurement of any additional photo identification equipment.

G. Where photo identification or vision-testing equipment provided by the department reverts back to the department, the equipment must be distributed according to subitems (1) and (2).

(1) The equipment must be used at a state-operated examination or application site if initial or additional equipment is needed at that location.

(2) If there is no need for the equipment at a state-owned or state-operated examination or application site, the equipment must be sold or sublet to another approved office.

Subp. 5. **Size of office area.** The size of the office area includes the application area, the public service area, and the inventory storage area of the office.

A. The size of the office area must contain a minimum of 100 square feet.

B. If the agent office is adjacent to another nonconflicting use, the other use may not encroach on the office space of the agent office.

C. The agent office must be separate and distinct from any other business.

Subp. 6. **Accessibility.** The office must be accessible to the disabled.

Subp. 7. **Identification.** An indoor or outdoor sign must be prominently displayed to identify the office as a location where applications are taken.

Subp. 8. **Conflicting interests.** An agent may not be employed by, own, or have a financial interest as a partner, officer, or five percent shareholder in, an entity that sells vehicle insurance, or operates a driver education, driver training, or driver improvement clinic.

A. An agent's office may not be located in the same office area with an entity that sells or serves alcoholic beverages, issues vehicle insurance, or operates a driver training or driver improvement clinic.

B. An agent office that is located adjacent to an entity described in item A must be separated from that entity by floor-to-ceiling walls.

C. The agent's office must have:

(1) an entrance that is separate from the conflicting entity; and

(2) a door that can be shut and locked to close off the entire entrance.

### **7404.0450 REPORTING AND DEPOSITING PRACTICES.**

Subpart 1. **Reporting applications; fees.** An agent must report to the commissioner, on forms or electronically as prescribed by the commissioner, a summary report of the applications collected each day the office is open to the public, before the end of the next working day.

A. The summary report must contain:

(1) the applicant's full name, date of birth, or state driver's license number;

(2) the type of application;

(3) the application fees collected;

(4) the completed applications and required information as specified by the commissioner; and

(5) a report to the commissioner showing the total amount of application fees collected and deposited under subpart 2.



B. On the summary report submitted to the commissioner, the agent shall specify the day the applications were made and fees collected and the date and location where the fees were deposited in the state depository or by other approved method.

C. The agent shall provide the validated bank deposit slip or other written verification by the bank of the time of deposit.

D. All applications taken must be included with the summary report for the day the applications were taken at the office.

E. A minimum of one summary report must be completed for all applications taken during a working day.

F. More than one summary report may be submitted for one day with prior approval from the commissioner.

G. If an agent does not take any applications on a day the office is scheduled to be open, a summary report must still be filed with the commissioner indicating that no applications were taken that day.

H. The agent shall transmit the summary report to the commissioner before the end of the next working day following the receipt of the applications and application fees by:

(1) United States mail;

(2) a package delivery service;

(3) electronic transfer;

(4) hand delivery; or

(5) another method approved by the commissioner.

I. If the United States mail is used to transmit the summary report to the commissioner, the date of transmission by United States mail is the actual day on which the delivery is deposited in a United States mail receptacle, regardless of whether the date is the same as the date the summary report is postmarked.

**Subp. 2. Depositing application fees.** Before the end of each working day, an agent shall deposit an amount equal to the fees collected the previous working day, excluding the filing fees collected under *Minnesota Statutes*, section 171.061, subdivision 4.

A. The agent shall make all deposits in approved state depositories to the credit of the state.

B. The date of deposit is the actual day on which the deposit is made regardless of whether that date is the same as the date the deposit is recorded by the state depository.

C. Deposit may be made by any method acceptable to the state depository, including wire transfer.

**Subp. 3. Maintaining records.** At the agent's office, the agent shall keep complete records for deposits made to approved state depositories and the daily summary reports prepared under subpart 1.

A. The records must be maintained for three years.

B. Once an application is received by the agent, the application and the information contained on the application and any attached documents become the property of the state of Minnesota and are subject to the terms of the Data Practices Act under *Minnesota Statutes*, chapter 13.

C. The application information and summary report information may not be released by the agent without prior approval from the commissioner, except when authorized by statute for law enforcement personnel and by court order.

**Subp. 4. Late payment charge.** On discovering a violation of the depositing requirements specified in subpart 2, the commissioner shall send a notice to the agent.

A. The notice must identify the violation and tell the agent that if the agent violates the depositing requirements in subpart 2 again in the following calendar month, a late payment charge will be imposed.

B. For each calendar month immediately following a month for which the agent receives a notice or is issued a late payment charge, in which the agent violates subpart 2 again, the commissioner shall impose a late payment charge of \$30 or an amount computed by the following formula, whichever is greater:

(1) Days late x delinquent amount x daily rate = late payment charge, where:

(a) days late = actual number of days each deposit is delinquent;

(b) delinquent amount = actual amount each deposit is delinquent; and

(c) daily rate = interest on all state funds without authority to be invested separately, as determined by the Minnesota Department of Finance, for the month the deposit was due, divided by 365 days.

(2) In determining the number of days a deposit is late, weekends and holidays are included only if the deposit is determined by the commissioner to be already at least two days late.

(3) The commissioner shall continue to impose monthly late payment charges until the agent no longer is in violation of this part.

## Proposed Rules

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**Subp. 5. Notice of late payment charge.** The commissioner shall send a written notice of a late payment charge to the agent by certified mail.

A. The notice must identify the violations for which the late payment charge is imposed.

B. The notice must also inform the agent when the late payment charge is due, how the late payment charge must be paid, and how to obtain a review of the late payment charge.

**Subp. 6. Unpaid late payment charges.** If a late payment charge remains unpaid for 30 days from the date the commissioner mailed the notice of late payment charge and if no review is requested, the commissioner shall make a claim for payment against the agent's bond, or in the case of a public official or employee serving as an agent, the commissioner shall demand payment from the county treasurer.

**Subp. 7. Administrative review.** When the commissioner notifies an agent that a late payment charge has been imposed, the agent may ask the commissioner to review the late payment charge.

A. The agent may request a review by submitting a statement, together with written materials showing that the agent processed the applications in compliance with this chapter and *Minnesota Statutes*, chapter 171.

B. The request for review must be submitted within ten days from the date the notice of late payment charge was issued.

C. The commissioner shall review the request and notify the agent within ten days of receipt of the request for review, whether the late payment charge will be affirmed or rescinded.

D. An agent may withhold the late payment charge during the review period but must pay the late payment charge to the state depository account by the end of the working day following notice that the late payment charge is affirmed.

E. The commissioner shall affirm the late payment charge only if the charge was calculated correctly and the late deposit was the result of foreseeable circumstances within the control of the agent.

**Subp. 8. Discontinuance.** An agent who fails to comply with a late payment charge notice is subject to discontinuance of the agent's appointment under part 7404.0800.

### **7404.0500 GENERAL OPERATING PRACTICES.**

**Subpart 1. Management of office.** An agent shall manage the agent's office according to this part.

A. The agent:

(1) shall not delegate to another individual the authority or responsibility of operating the office; and

(2) shall designate a manager for the office.

B. The agent shall provide written notice to the commissioner of the name of the manager and of a change in the manager within ten calendar days of the change.

C. The manager must be an individual who actively participates in the acceptance of applications and who is in the office on a full-time basis.

D. The manager shall act as a liaison between the commissioner and the agent's office to discuss and address problems or questions that may arise on a daily basis.

**Subp. 2. Hours of operation.** An agent's office must be open to the public at least 40 hours each week.

A. The legal holidays listed in *Minnesota Statutes*, section 645.44, subdivision 5, and holidays authorized under *Minnesota Statutes*, section 373.052, subdivision 1, for county offices are included in the 40-hour calculation.

B. The agent shall provide the commissioner with an accurate written schedule of the hours the office is open to the public.

C. A written request for a change in office hours must be made to the commissioner at least ten calendar days before a change in hours.

D. The commissioner must approve changes in hours the office is open to the public before the hours become effective.

**Subp. 3. Closure of office; variance procedure.** An office must be open for at least 40 hours each week unless the commissioner grants a variance to allow an office to be closed for a specified period of time.

A. To request a variance for closure of an office for two days or more, the agent must submit a written request to the commissioner.

B. The commissioner shall consider the following factors before allowing an office to close:

(1) reason the closure is requested;

(2) length of time the closure is requested;

(3) day of the month and time of the year that the closure is requested;

(4) number of applications that an office processes on an annual basis and number of applications processed at the requested time of closure, if known;

(5) ability to keep the office open with current, additional, or temporary staff; and

(6) the number of variances granted that calendar year.

C. The commissioner shall review the information submitted with the variance request and grant or deny the variance within two working days after receipt of the request.

D. If a variance is granted for office closure, the agent must provide notice to the public at the agent's office of the dates and times of the office closure.

E. If the office is to be closed for four working days or less, the agent must post notice in a conspicuous place inside and outside the office for up to two consecutive weeks before closure.

F. If the office is to be closed for five or more working days, the notice must be posted at the office and also published in a qualified newspaper or aired on a radio station in the county or city in which the office is located.

(1) The notice must be published at least two weeks before the closing for two consecutive weeks, or a shorter time as approved by the commissioner.

(2) The notice of closure must contain the dates and times that the office will be closed and the location and address of the nearest office where alternative service may be obtained.

Subp. 4. **Emergency and short-term closure of office.** For requests of an office closure that is for one day or that is due to an emergency situation or illness, the agent must notify the commissioner by telephone or other means at the earliest opportunity to request a variance from the 40-hour work week.

A. The commissioner shall follow the criteria in subpart 3 when deciding to grant or deny the variance.

B. If a variance is granted for closure of an office, the agent must provide notice to the public, as soon as practicable, at the office of the dates and times of the office closure.

C. If the closure of an office is for more than one day, the agent must follow the variance procedures in subpart 3.

Subp. 5. **Application fees.** An agent shall charge and receive the full application fees specified by *Minnesota Statutes*, chapter 171.

A. Rebates are prohibited.

B. No application fee may be charged for a document returned for a refund due to an error made by the department or an agent.

Subp. 6. **Telephone use charges.** An agent may not charge a customer for long-distance telephone calls, unless:

A. the charge is for the exact per-minute charge of the telephone call and does not include any charges for other basic or optional telephone services;

B. the long-distance telephone call was made at the request of the customer; and

C. the agent maintains a record of the long-distance telephone calls made each day, which includes the charges assessed and the name and address of the customer for whom the telephone call was made.

Subp. 7. **Cash register.** A separate cash register or cash receptacle must be maintained for application funds.

A. No other funds from other activities may be kept with application funds, except funds from deputy registrar vehicle title and registration transactions, Department of Natural Resources transactions, or county license bureau transactions.

B. The agent must be able to determine at all times which funds are attributable to agent applications, deputy registrar vehicle transactions, Department of Natural Resources transactions, and county license bureau transactions.

C. Funds from other sources are permitted in the cash register other than those funds listed in items A and B if the agent's fee receipt system can differentiate funds from various sources and the agent has received written approval from the commissioner to use such a system.

**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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Subp. 8. **Imprest cash.** An agent shall maintain a verifiable and identical amount of start-up funds in the cash register or cash receptacle on a daily basis.

A. The agent shall inform the commissioner, in writing, of the amount of money that will be used during the day for start-up funds.

B. The amount of the start-up funds must not be changed without prior written notification to the commissioner.

Subp. 9. **Inventory to remain in office.** Inventory assigned to the agent by the commissioner must remain in the office, except in the following authorized circumstances:

A. return of inventory to the commissioner;

B. destruction or removal of inventory that is obsolete; or

C. other removal or transfer of inventory that is authorized by the commissioner such as approval to reassign inventory to another office or approval to remove inventory through other means such as through newly established technology.

Subp. 10. **State-issued property; accountability.** State-issued property provided to an office must be accounted for by submitting the property to the commissioner. If state-issued property is unaccounted for, the agent is responsible for the replacement cost of the state property.

### **7404.0800 ACTIONS FOR FAILURE TO COMPLY WITH LAWS OR RULES.**

The failure of an agent or employee of an agent to comply with applicable laws or rules governing the appointment of an agent and the operation of an office is cause for discontinuance of the agent appointment using the grounds specified for a deputy registrar under parts 7406.0900 to 7406.1000 and following the procedures specified in parts 7406.1100 to 7406.2600. The commissioner may issue a correction order according to the procedures in part 7406.1000. The grounds for discontinuance of an agent appointment or issuance of a correction order as specified in part 7406.1000 also include:

A. a violation or failure to comply with a provision of this chapter; *Minnesota Statutes*, chapter 171; or a correction order issued by the commissioner;

B. misappropriation, conversion, or illegal withholding of application fees required to be deposited in accordance with this chapter and *Minnesota Statutes*, chapter 171;

C. grounds for denial of an appointment under part 7404.0360, subpart 7; and

D. failure to successfully complete training required by the commissioner.

## Secretary of State

### Proposed Permanent Rules Governing Electronic Authentication

**DUAL NOTICE:** Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

**Proposed Rules Governing Electronic Authentication, *Minnesota Rules*, chapter 8275.**

**Introduction.** The Office of the Secretary of State intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. (CDT) on September 23, 1998, a public hearing will be held in Room 10, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155-1299, starting at 9:00 am (CDT) on Tuesday, October 6, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after September 23, 1998 and before October 6, 1998.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Katie Engler at Office of the Secretary of State, 180 State Office Building, 100 Constitution Avenue, St. Paul, MN, 55155-1299, (651) 297-5163 (voice) and (651) 296-9073 (facsimile), [katherine.a.engler@state.mn.us](mailto:katherine.a.engler@state.mn.us) (email). TTY users may call the Minnesota Relay Service at (800) 627-3529 and ask for Ms. Engler at (651) 297-5163.

**Subject of Rules and Statutory Authority.** The proposed rules are about electronic authentication of electronic messages and specifically digital signature technology. They are promulgated to implement the Minnesota Electronic Authentication Act, *Minnesota Statutes* chapter 325K. The purposes of the Act and these rules are to: (1) facilitate commerce by means of reliable electronic messages; (2) to minimize the incidence of forged digital signatures and fraud in electronic commerce; (3) to implement international standards created to ensure reliability and authenticity of electronic messages; and (4) to establish uniform rules with other states in the area. These rules establish how certification authorities become licensed and how repositories become recognized, the manner in which licensed certification authorities and recognized repositories must conduct and terminate their business and further to provide for the recognition of licenses issued outside of Minnesota. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 325K.01, subdivision 35(b)(4); 325K.03, subdivision 3; 325K.04; 325K.05, subdivisions 1 and 5; 325K.06 and 325K.07. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. (CDT) on Wednesday, September 23, 1998, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. (CDT) on September 23, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. 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 rules.

**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.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

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

**Cancellation of Hearing.** The hearing scheduled for October 6, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also ask the agency contact person by calling (651) 297-5163 or by sending an email message to [katherine.a.engler@state.mn.us](mailto:katherine.a.engler@state.mn.us) after September 23, 1998 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge George A. Beck is assigned to conduct the hearing. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7601, and fax (612) 349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. 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 submitted. 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 at the Office of Administrative Hearings no later than 4:30 p.m. (CDT) 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.

**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 the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Minnesota Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules 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 rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law 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 rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

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

Dated: 10 August 1998

Joan Anderson Growe  
Secretary of State

### **8275.0005 SCOPE AND PURPOSE OF CHAPTER.**

This chapter implements the Minnesota Electronic Authentication Act, codified as *Minnesota Statutes*, chapter 325K.

**8275.0010 DEFINITIONS.**

Subpart 1. **Scope.** For purposes of this chapter, the terms in *Minnesota Statutes*, chapter 325K, have the meanings given them in that chapter, and the terms in subparts 2 to 5 have the meanings given them in this part.

Subp. 2. **Business organization.** “Business organization” means any type of business association recognized under *Minnesota law*.

Subp. 3. **Interested party.** “Interested party” means a jurisdiction, certification authority, subscriber, relying party, or potential subscriber or relying party.

Subp. 4. **Operative personnel.** “Operative personnel” means one or more individuals acting as a certification authority or its agent, or in the employment of, or under contract with, a certification authority, and who have duties directly involving the issuance of certificates including the identification of persons requesting a certificate from a certification authority, creation of private keys, or administration of a licensed certification authority’s computing facilities.

Subp. 5. **X.509.** “X.509” means the Information Technology -Open Systems Interconnection - The directory authentication framework authored and published by the International Telecommunication Union which is incorporated by reference in part 8275.0060.

**8275.0015 APPLICATION FOR LICENSE AS CERTIFICATION AUTHORITY.**

To be licensed, a certification authority shall demonstrate compliance with the requirements of *Minnesota Statutes*, section 325K.05, by submitting the following:

A. a completed application containing:

(1) the applicant’s name as registered with the secretary;

(2) the registration number assigned by the secretary to the business registration;

(3) the applicant’s mailing address, including the country, if appropriate, and the zip or other postal code;

(4) the applicant’s electronic mailing address, which the applicant will monitor regularly for incoming mail to facilitate communication under this chapter;

(5) a Uniform Resource Locator (URL) for the applicant’s presence on the Internet; and

(6) the applicant’s telephone and facsimile numbers including area code and country code, if applicable.

B. the fee or fees provided by part 8275.0050;

C. a certificate issued by the secretary that shows the applicant as the subscriber and is published in a recognized repository;

D. a suitable guaranty, described by part 8275.0025, unless the applicant is the secretary, or a federal, state, or city governmental entity that is self-insured;

E. demonstration of sufficient working capital as required by part 8275.0030;

F. documentation, in the form of an information systems audit, establishing that the applicant has the use of a trustworthy system as defined by part 8275.0040. The audit required by this item must be performed according to part 8275.0070, except that it is not required to establish anything more than that the applicant has the use of a trustworthy system;

G. a statement that each person employed as operative personnel has qualified to act as operative personnel and that a criminal background check has been conducted;

H. registration of the underlying business organization with the secretary, unless the registration is prohibited by law, and in the event the registration is prohibited, the applicant shall provide to the secretary the name and address in Minnesota of an agent for the service of process; and

I. a written certification practice statement as described in part 8275.0045.

**8275.0020 ISSUANCE OF LICENSE OR RENEWAL.**

Subpart 1. **Requirements.** The secretary shall issue a license as a certification authority if the applicant has submitted all of the documentation required by part 8275.0015.

Subp. 2. **Term.** A license is valid for one year. To renew a license, the applicant must submit all of the documentation required by part 8275.0015. The license may be renewed for successive one-year periods. If information contained in the application changes, the certification authority has ten days to submit information to the secretary to update its record.

**8275.0025 SUITABLE GUARANTY.**

The suitable guaranty required for licensure as a certification authority under part 8275.0015, item D, may be in the form of a surety bond executed by an insurer lawfully operating in this state, an irrevocable letter of credit issued by a financial institution

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authorized to do business in this state, or a policy of insurance issued by an insurance company authorized by the commissioner of commerce to do business in this state. The suitable guaranty must be in an amount of at least \$100,000. The suitable guaranty must:

A. identify the insurer or financial institution upon which it is drawn, including the name, mailing address, and physical address, and identify by number or copy its licensure or approval as an insurer or financial institution in this state;

B. identify the certification authority on behalf of which it is issued;

C. be issued payable (1) for the benefit of persons holding qualified rights of payment against the licensed certification authority named as principal of the bond or customer of the letter of credit; or (2) based on claims made against the insured and resolved without first obtaining a qualified right to payment;

D. state that it is issued under the Minnesota Electronic Authentication Act, *Minnesota Statutes*, chapter 325K; and

E. specify a term of effectiveness of at least five years.

### **8275.0030 WORKING CAPITAL.**

Subpart 1. Generally. A certification authority's working capital is sufficient for licensing or renewal purposes if, at the time application for licensure or renewal is made, its current assets minus current liabilities exceeds \$50,000.

The existence of working capital must be demonstrated through an audited financial statement authenticated by a licensed certified public accountant and dated no more than 60 days before the date it is received by the secretary.

Subp. 2. Governmental entities. A federal, state, or city governmental entity is considered to have sufficient working capital without providing any documentation.

### **8275.0035 QUALIFICATION OF OPERATIVE PERSONNEL.**

The certification authority shall determine whether an individual employed or acting as operative personnel qualifies to act as operative personnel according to *Minnesota Statutes*, sections 325K.01, subdivision 21, and 325K.05, subdivision 1, clauses (2) and (3). The determination must be made after a criminal background check of the individual and based on the individual's knowledge of this chapter and *Minnesota Statutes*, chapter 325K. The certification authority shall continue to monitor the qualifications of operative personnel on an ongoing basis. If at any time operative personnel are determined to not be qualified as defined in this part, the individual's employment with the certification authority must be immediately terminated. The steps that a certification authority takes to assess an individual's qualification to be employed as operative personnel must be disclosed in the certification practice statement.

### **8275.0040 TRUSTWORTHY SYSTEM.**

The certification authority or repository must operate a trustworthy system. A system shall be regarded as trustworthy if it satisfies the most current adopted version of Common Criteria (CC) Protection Profile (PP) for Commercial Security 2 (CS2), (CCPPCS), developed and published by the National Institute of Standards and Technology (NIST). The determination whether a departure from CCPPCS is material is governed by part 8275.0070, subpart 2. For purposes of this chapter, CCPPCS shall be interpreted in a manner that is reasonable in the context in which a system is used and is consistent with other state and federal laws. Until the referenced standard is adopted by NIST, the standard applicable for purposes of this chapter shall be the draft of CCPPCS dated March 1998. The March 1998 draft and all subsequent revisions is incorporated by reference and is not subject to frequent change. The draft is available from the State Law Library and NIST at <http://csrc.nist.gov/nistpubs/cc/pp/pplist.htm/#cs2>.

### **8275.0045 CERTIFICATION PRACTICE STATEMENTS.**

Each licensed certification authority shall file with the secretary a certification practice statement demonstrating compliance with the requirements of *Minnesota Statutes*, chapter 325K. This statement must disclose:

A. the practices the certification authority uses in issuing, suspending, and revoking certificates. If certificates are issued by class or level of service, the necessary criteria for each class or level of service must also be disclosed;

B. any warnings, liability limitations, warranty disclaimers, and indemnity and hold harmless provisions on which the certification authority intends to rely;

C. any disclaimers and limitations on obligations, losses, or damages to be asserted by the certification authority;

D. a written description of all representations by the subscriber to the certification authority about the subscriber's responsibility to protect the private key;

E. any mandatory dispute resolution process, including choice of forum and choice of law provisions;

F. where the summary of the most recent report of the auditor may be found which may be in the form of a URL;

G. the method used to determine that operative personnel are qualified to act and have knowledge regarding this chapter and *Minnesota Statutes*, chapter 325K, both initially and periodically throughout employment;

H. the method used to initially determine that operative personnel have not been convicted within the past 15 years of a felony or a crime involving fraud, false statement, or deception and the method used to continue to evaluate the status of operative personnel; and



I. the method used to ensure the security of the subscriber's private key while it is in the custody of the certification authority for any reason, including creation of the key pair.

#### **8275.0050 FEES.**

Fees for services performed by the Secretary of State are established in the following amounts:

A. for application for a license as a certification authority, \$500; and

B. for recognition as a repository, in addition to the license issuance or renewal fee paid pursuant to this part, \$500.

#### **8275.0055 SERVICE OF PROCESS.**

A licensed certification authority is subject to service of process at the registered office address provided in its business registration with the secretary. If the licensed certification authority's business registration is as an assumed business name according to *Minnesota Statutes*, section 333.01, the business address is the registered office address for purposes of this chapter and *Minnesota Statutes*, chapter 325K. Service of process may be made according to *Minnesota Statutes*, section 5.25.

#### **8275.0060 FORM OF CERTIFICATES.**

Subpart 1. General standards. Certificates issued by licensed certification authorities must follow the basic certificate field standards specified in X.509. Certificate data extension fields are optional. If certificate extension fields are used, usage must conform to the required guidelines referenced in X.509 and may be displayed on the certificate.

Subp. 2. Acknowledgment standards. A certificate issued by a licensed certification authority that is to be used as an acknowledgment, as provided in *Minnesota Statutes*, section 325K.23, must include a certificate data extension field that specifies the reliance limit, if any, and a certificate data extension field that states that the certificate may be used as an acknowledgment. If certificate data extension fields are used in an acknowledgment, the usage must conform to the required guidelines referenced in X.509.

Subp. 3. Incorporation by reference. X.509, dated November 1993, and all subsequent amendments to it are incorporated by reference and are not subject to frequent change. It is published by the International Telecommunication Union and is available from the State Law Library and the International Telecommunication Union, Place des Nations, CH-1211 Geneva 20, Switzerland, telephone +41 22 730 5111 and electronic mail: itumail@itu.int. For purposes of this chapter, all references to X.509 shall be construed as referring to the most current version, which at the time this chapter was adopted was version 3. Compliance with a historical version will not be construed as compliance with X.509.

#### **8275.0065 RECORDKEEPING.**

Subpart 1. General requirement. A licensed certification authority shall make, keep, and preserve records that demonstrate compliance with:

A. *Minnesota Statutes*, section 325K.05, subdivision 1;

B. *Minnesota Statutes*, section 325K.10, including all notices of suspension of certificates according to *Minnesota Statutes*, section 325K.10, subdivision 4;

C. *Minnesota Statutes*, section 325K.14, subdivision 1;

D. *Minnesota Statutes*, section 325K.15; and

E. *Minnesota Statutes*, section 325K.18.

Subp. 2. Subscriber identity records. A licensed certification authority shall maintain a database file that contains:

A. records of the identity of the subscriber named in each certificate issued by the certification authority, including all the facts represented in the certificate other than the extension data referenced in X.509;

B. the date of issuance of the certificate; and

C. the certificate serial number as defined in X.509.

Subp. 3. Time stamp records. A licensed certification authority shall maintain a database file of certificate-related time-stamps issued by the certification authority, including the name of the subscriber, a reference to the certificate used in the transaction such as a serial number, and a description of the item being time-stamped.

Subp. 4. Retention period. All records retained under this part must be kept by the licensed certification authority for at least ten years.

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**Subp. 5. Form and accessibility.** Records may be inscribed on any tangible medium or stored in an electronic or other medium so long as they are retrievable, readable, accurate, complete, and accessible. The records must be indexed, stored, preserved, and reproducible so as to be authentic, reliable, complete, and accessible. Certificate extension data, referenced in X.509, is not required to be part of any publicly accessible record.

### **8275.0070 COMPLIANCE AUDITS.**

**Subpart 1. Frequency.** A licensed certification authority shall obtain a compliance and financial audit at least once every calendar year. The auditor shall issue an opinion evaluating the degree to which the certification authority conforms to the requirements of this chapter and Minnesota Statutes, chapter 325K and must also prepare financial statements. If the certification authority is also a recognized repository, the audit must include the repository.

**Subp. 2. Determination of compliance.** For purposes of the opinion required by this part, the auditor shall exercise reasonable professional judgment as to whether a condition that does not strictly comply with legal requirements is or is not material, taking into consideration the circumstances and context. Noncompliance as to any of the following must be considered material, in addition to any others the auditor may judge to be material:

A. a condition of noncompliance with a statute, rule, or the certification practice statement that relates to the validity of a certificate;

B. an employee performing the functions of operative personnel who has not qualified according to part 8275.0035; or

C. a material indication that the certification authority has used any system other than a trustworthy system.

Audited financial statements must state that they have been prepared according to generally accepted accounting principles.

**Subp. 3. Auditors.** The financial audit must be performed by a licensed certified public accountant or, in the case of a public agency, by the Minnesota state auditor or, in the case of a state agency, the Minnesota legislative auditor. The audit of the trustworthy system must be done by an individual who has been issued a current and valid certificate as either a certified information systems auditor by the Information Systems Audit and Control Foundation, or as a certified information systems security professional by the International Information Systems Security Certification Consortium. The names of all individuals possessing these certificates and participating in the audit must be disclosed in the audit report filed with the secretary.

**Subp. 4. Required filings.** The certification authority shall file the following information with the secretary before the date the certification authority must renew its license according to part 8275.0020: the auditor's name, the name of the auditor holding the certificate required to complete the trustworthy system audit, the name of the auditing firm, the address of the auditor, the date of the audit, and the categorization resulting from the audit. The information may be filed electronically if it is digitally signed by the auditor using a licensed certification authority. The secretary shall publish the information in the certification authority disclosure record it maintains for the licensed certification authority.

### **8275.0075 PROCEDURE ON DISCONTINUANCE OF BUSINESS.**

A licensed certification authority shall deposit the records required by part 8275.0065 in escrow once each calendar year with the organization conducting the audit required by this chapter. The escrowed records must also include a copy of the software needed to read the records or the records must be stored in a retrievable, readable, accurate, complete, and accessible manner. Escrowed records must be kept permanently by the auditor. A licensed certification authority that discontinues providing certification authority services without making other arrangements for preservation of the certification authority's records shall:

A. revoke all valid certificates and return all records concerning them to the appropriate subscriber; and

B. submit the escrowed records held by the auditor to another licensed certification authority or authorities designated by the secretary or to another certification authority or authorities not licensed, but recognized in this state, and designated by the secretary.

If the auditor goes out of business, it must transfer all of the escrowed records to an auditing firm designated by the secretary.

### **8275.0080 LICENSE REVOCATION OR SUSPENSION.**

**Subpart 1. Grounds.** The secretary may revoke or suspend a license according to Minnesota Statutes, chapter 325K, for failure to:

A. comply with any requirement of Minnesota Statutes, chapter 14 or 325K, or rules adopted pursuant to those chapters;

B. remain qualified for a license according to Minnesota Statutes, chapter 14 or 325K, or rules adopted according to those chapters; or

C. comply with a lawful order of the secretary.

**Subp. 2. Notice.** The secretary shall inform a licensed certification authority by a notice directed to the mailing address and the electronic mail address of a decision to revoke or suspend the license. If an electronic mail message is sent as the notice, it must be sent as a direct message and not as an attachment to electronic mail. The notification must state when the revocation or suspension will be effective, which may not be less than 30 days following the issuance of the order except in the case of a summary suspension.

Subp. 3. **Effective date.** If the licensee files an application for a contested case hearing according to *Minnesota Statutes*, chapter 14, before the effective date of revocation or suspension, the suspension or revocation will not take effect until so ordered by the administrative law judge, except in the case of a summary suspension.

Subp. 4. **Summary suspension.** The secretary may order the summary suspension of a license pending proceedings for revocation or other action as described in *Minnesota Statutes*, section 325K.14. A summary suspension of a license is effective from the date of the secretary's order.

#### **8275.0085 CERTIFICATE REVOCATION OR SUSPENSION.**

Subpart 1. **Grounds.** The secretary may order a licensed certification authority to suspend or revoke a certificate that the certification authority issued if, after giving any required notice and opportunity for the certification authority and the subscriber to be heard according to *Minnesota Statutes*, chapter 325K, the secretary determines that:

A. the certificate was issued that does not comply with *Minnesota Statutes*, section 325K.10; and

B. the noncompliance poses a significant risk to persons reasonably relying on the certificate. In determining whether the noncompliance poses a significant risk, the secretary shall consider:

- (1) the financial impact on the relying party;
- (2) the nonfinancial consequences on the relying party;
- (3) whether it is continuing in nature;
- (4) whether it involved criminal conduct; and
- (5) whether it impaired the reliability of the certificate or key pair.

Subp. 2. **96-hour emergency suspension.** The secretary may issue an order according to *Minnesota Statutes*, section 325K.10, suspending a certificate for a period not to exceed 96 hours on determining that an emergency requires an immediate remedy. The secretary shall issue an order, including a finding of an emergency, and mail it and send it via electronic mail to the licensed certification authority at the addresses listed in its application.

Subp. 3. **96-hour suspension for other circumstances.** The secretary may issue an order according to *Minnesota Statutes*, section 325K.10, suspending a certificate for a period not to exceed 96 hours under circumstances described by *Minnesota Statutes*, section 325K.14. If the person requesting suspension fails to provide a statement under oath or affirmation regarding the person's identity or authorization to request suspension, the secretary shall not issue an order suspending the certificate unless the secretary is satisfied that discretion to enter the order should be exercised because the circumstances provide a sufficient basis for confidence of the person's identity and authority.

#### **8275.0090 CIVIL PENALTIES.**

The secretary may, by order, impose and collect a civil monetary penalty against a licensed certification authority for a violation of *Minnesota Statutes*, chapter 325K, as provided by *Minnesota Statutes*, section 325K.07, subdivision 3.

#### **8275.0095 CRITERIA FOR DETERMINING PENALTY AMOUNTS.**

In determining the appropriate penalty amount against a licensed certification authority for violation of this chapter or *Minnesota Statutes*, chapter 325K, the secretary may consider the nature of the violation and the extent or magnitude of the severity of the violation, including:

A. the damages arising from the violation, including:

- (1) the financial impact of the violation to any subscriber, relying party, or other person;
- (2) the costs incurred by the state in enforcement, including reasonable investigative costs; or
- (3) the nonfinancial consequences of the violation, including harm to any subscriber, relying party, or other person;

B. the nature of the violation, including whether it was continuing in nature, involved criminal conduct, or tended to significantly impair the reliability of any certificate or key pair;

C. the presence of any aggravating circumstances, including whether the violator:

- (1) intentionally committed the violation with knowledge that the conduct constituted a violation;

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- (2) attempted to conceal the violation;
- (3) was untruthful or uncooperative in dealing with the secretary or the secretary's staff;
- (4) had committed prior violations found by the secretary; or
- (5) incurred no other sanction as a result of the violation;
- D. the presence of any mitigating circumstances, including whether the violator:
  - (1) had taken any prior action to correct the violation or mitigate its consequences;
  - (2) had previously paid damages to a party resulting from the violation;
  - (3) acted without intention to commit a violation; or
  - (4) acted reasonably in light of any other mitigating factors considered relevant by the secretary.

### **8275.0100 RECOVERY AGAINST SUITABLE GUARANTY.**

Subpart 1. **Judgment.** To recover a qualified right to payment against a surety or issuer of an irrevocable letter of credit as a suitable guaranty according to *Minnesota Statutes*, section 325K.18, the claimant shall file with the surety or issuer of an irrevocable letter of credit a certified copy of the judgment on which the qualified right to payment is based.

Subp. 2. **Insurance claim.** If the suitable guaranty is a policy of insurance, the party who claims to have suffered damage must follow the claim process outlined in the policy.

### **8275.0105 CERTIFICATION AUTHORITY DISCLOSURE RECORDS.**

Subpart 1. **Content.** A certification authority disclosure record must include, at a minimum, the following:

A. the name, business registration number, mailing address, physical address, telephone number, facsimile number, and electronic mail address of the applicant;

B. the name, mailing address, physical address, telephone number, facsimile number, and electronic mail address of the issuer or surety of the certification authority's suitable guaranty;

C. a copy of the certification practice statement filed with the secretary according to part 8275.0015, item I;

D. the following information from the most recent audit performed according to *Minnesota Statutes*, section 325K.06: the certification authority's resulting categorization according to *Minnesota Statutes*, section 325K.06, subdivision 2, the date of the audit, and the auditor's name, firm name, and address; and the audited financial statements;

E. information as to the current status of the certification authority's Minnesota license, including the dates of original issuance and renewal and the dates of any expiration, revocation, suspension, or other lapse in licensing. If a suspension or revocation is currently subject to a pending administrative or judicial review, the record must note that fact;

F. the name, mailing address, physical address, telephone number, facsimile number, and electronic mail address of all recognized repositories that the certification authority operates or uses; and

G. a list of all judgments reported to the secretary according to *Minnesota Statutes*, section 325K.03, subdivision 2, within the previous five years.

Subp. 2. **Notice of change.** Within five days of a change in information contained on the disclosure record, the certification authority shall notify the secretary of the change and the secretary shall update a certification authority disclosure record on receipt of the notice. On receipt of a certified copy of a judgment against a certification authority, the secretary shall update the disclosure record to reflect the judgment. The requirement to update information does not apply to changes in the certification authority's financial condition. Updates of financial information are made only on receipt of audited financial statements.

Subp. 3. **Use of Secretary of State's records.** In compiling and maintaining certification authority disclosure records, the secretary shall use the records of the Office of the Secretary of State, and is not obligated to conduct any affirmative investigation or review beyond the face of those records.

### **8275.0110 RECOGNITION OF REPOSITORIES.**

A repository desiring to be recognized shall demonstrate compliance with *Minnesota Statutes*, section 325K.25, by submitting all of the following:

A. the name of the licensed certification authority, or applicant for licensure as a certification authority, requesting recognition of a repository;

B. the applicant's registration number assigned by the secretary to the business registration of the repository;

C. the applicant's mailing address, including the country, if appropriate, and the zip or other postal code;

D. the applicant's telephone and facsimile numbers, including the area code and country code, if appropriate;

E. the applicant's electronic mail address which the applicant will monitor regularly for incoming mail to facilitate communication under this chapter;

F. a URL for the applicant's presence on the Internet;

G. a description of the database and system architecture demonstrating that it satisfies the requirements of *Minnesota Statutes*, section 325K.25, subdivision 1, clause (3);

H. registration of the underlying business organization with the secretary unless the registration is prohibited by law, and in the event the registration is prohibited, the applicant shall provide the secretary the name and address of an agent for service of process; and

I. the fee required by part 8275.0050.

#### **8275.0115 REVOCATION OF RECOGNITION OF REPOSITORY.**

Subpart 1. **Grounds.** This part describes the secretary's procedure for revoking the recognition of a repository without also revoking the license of the certification authority that operates the repository. Because a valid license as a certification authority is a statutory requirement for recognition of a repository, the secretary shall automatically revoke the recognition of any repository operated by a certification authority whose license is revoked, expired, or otherwise inoperative.

The secretary may revoke recognition of a repository according to *Minnesota Statutes*, section 325K.25, subdivision 3, for failure to comply with any requirement of this chapter or *Minnesota Statutes*, section 325K.25, or for failure to comply with a lawful order of the secretary.

Subp. 2. **Notice.** The secretary shall inform a licensed certification authority that operates a recognized repository by a notice directed to the mailing address and the electronic mail address of a decision to revoke or suspend the license. If an electronic mail message is used, it must be sent as a direct message and not as an attachment to electronic mail. The notice must state when the revocation or suspension will be effective, which cannot be less than 30 days following the issuance of the order except in the case of a summary suspension.

Subp. 3. **Effective date.** If the licensee files an application for a contested case hearing before the effective date of revocation or suspension, the suspension or revocation will not take effect until so ordered by the administrative law judge, except in the case of a summary suspension. The secretary may order the summary suspension of a license pending proceedings for revocation or other action as described in *Minnesota Statutes*, section 325K.14. A summary suspension of a license is effective from the date of the secretary's order.

#### **8275.0120 CONTRACT FOR SECRETARY OF STATE REPOSITORY PUBLICATION.**

The secretary may either directly operate, or contract for the operation of, a repository including an on-line publicly accessible database described in *Minnesota Statutes*, section 325K.01, subdivision 6. If the secretary contracts for the operation of the repository, the contractor shall be a licensed certification authority and shall agree to operate according to all requirements of *Minnesota Statutes*, chapter 325K. The contract may be rescinded for any reason that would form a basis for revoking recognition of a repository.

#### **8275.0125 PUBLICATION IN SECRETARY OF STATE REPOSITORY.**

The secretary shall maintain, either directly or under contract, a repository for the purpose of publishing information required by statute. Information published in the secretary's repository must include:

A. the certification authority disclosure record for each certification authority licensed or certified in Minnesota;

B. a list of all judgments filed with the secretary within the previous five years pursuant to *Minnesota Statutes*, section 325K.03, subdivision 2; and

C. any other information necessary or appropriate for publication in the secretary's repository according to this chapter or *Minnesota Statutes*, chapter 325K.

#### **8275.0130 PROCEDURE UPON DISCONTINUANCE OF BUSINESS AS REPOSITORY.**

Each licensed certification authority that discontinues providing services as a recognized repository must deposit the records required by part 8275.0065 in escrow once each calendar year with the organization conducting the audit required by this chapter. The escrowed records must also include a copy of the software needed to read the records or the records must be stored in a retrievable, readable, accu-

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rate, complete, and accessible manner. Escrowed records must be kept permanently by the auditor. A licensed certification authority that discontinues providing services as a recognized repository without making other arrangements for preservation of the certification authority's records must submit the escrowed records held by the auditor to another recognized repository or repositories designated by the secretary or to another recognized repository not licensed but recognized in this state, but designated by the secretary.

If the auditor goes out of business, it must transfer all of the escrowed records to another auditing firm designated by the secretary.

### **8275.0135 USE OF FOREIGN LICENSED CERTIFICATION AUTHORITIES.**

Subpart 1. **Presumptions.** Digital signatures made pursuant to a certificate issued by a certification authority are entitled to the presumptions in *Minnesota Statutes*, sections 325K.19 to 325K.24:

A. if the parties mutually agree to the provisions in a contract;

B. if the certification authority obtains a license as a certification authority from the secretary; or

C. if the certification authority is licensed by a governmental entity other than the state of Minnesota and the secretary determines that the requirements for licensure in that jurisdiction are substantially similar to those in Minnesota as found in this chapter and *Minnesota Statutes*, chapter 325K. To make the determination, the secretary must receive from an interested party:

(1) a request stating the name; address; telephone number, including area code; and electronic mailing address of the interested party; and

(2) a copy, in English, of the applicable laws and rules under which the license has been issued.

Once the secretary has completed the determination, the interested party will be notified in writing, by mail, and electronic mail.

#### Subp. 2. **Publication of information.**

A. A list of the jurisdictions whose law has been determined to be substantially similar to that of Minnesota will be published in the secretary's repository and will be made available on request.

B. If a certification authority's approval is revoked following the procedures in subpart 3, notice of the revocation will be published in the secretary's repository and will be made available on request.

Subp. 3. **Loss of presumptions.** A digital signature made pursuant to a certificate issued by a certification authority licensed by a governmental entity whose law has been determined to be substantially similar to that of Minnesota is not entitled to the presumptions in *Minnesota Statutes*, sections 325K.19 to 325K.24, if:

A. a complaint about the certification authority is received by the secretary from a person whose transaction has been or will be performed in whole or in part in Minnesota;

B. an investigation is conducted by the secretary pursuant to the processes in this chapter for certification authorities licensed by the secretary; and

C. the secretary determines that denial of the presumptions is necessary due to the violation of the operating criteria in this chapter for licensed certification authorities and follows the procedures in *Minnesota Statutes*, chapter 14, to issue the revocation.

Subp. 4. **Application for renewed presumptions.** To regain the application of the presumptions in *Minnesota Statutes*, sections 325K.19 to 325K.24, a certification authority whose status has been revoked pursuant to subpart 3 must apply for and receive a license from the secretary and pay the reasonable costs of the investigation and hearing conducted under subpart 3.

## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *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 a 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.

### Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

### Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## Secretary of State

### Adopted Permanent Rules Relating to Elections

The rules proposed and published at *State Register*, Volume 22, Number 50, pages 2202-2248, June 15, 1998 (22 SR 2202), are adopted with the following modifications:

#### 8210.0200 ABSENTEE BALLOT APPLICATION.

Subp. 1c. **Military application form.**

#### ABSENTEE BALLOT APPLICATION

##### Who may use this application:

You may use this application for an absentee ballot if you (or the voter you are applying for) will be absent from your Minnesota residence on election day because you are

- . a member of the armed forces
- . a spouse or dependent of a member of the armed forces
- . temporarily outside the United States
- . permanently living outside the United States.

You may apply on behalf of another voter if you are the spouse, parent, brother, sister, or child age 18 or older of the voter. One application covers both the upcoming primary and general elections.

Please drop-off, mail, or fax this application to the county auditor's office in the county where you reside or resided in Minnesota. Allow enough time for the ballot to be mailed to you and for the ballot to arrive back to the county auditor by election day.

##### Please complete the following:

\_\_\_\_\_  
Voter's name

\_\_\_\_\_  
Voter's date of birth

\_\_\_\_\_  
Voter's Minnesota address (If the voter is living permanently outside the United States, please give the voter's former address of residence in Minnesota.)

\_\_\_\_\_  
City or township

MN

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

## Adopted Rules

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**Check the box that best describes why the voter will be absent from Minnesota on election day:**

- ☐ Voter is a member of the armed forces.
- ☐ Voter is the spouse or dependent of a member of the armed forces.
- ☐ Voter is temporarily outside the United States.
- ☐ Voter lives permanently outside the United States with no definite intention of returning to the United States (eligible to vote for president, vice-president, and members of Congress only).

**Mail the ballot(s) to this address:**

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**Applicant's signature:**

The voter expects to be absent from the precinct on election day. The information I provided on this application is true and correct.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Relationship to voter (if applicant is not voter)

**Please provide one of the following forms of identification (check one):**

Voter's military ID card number \_\_\_\_\_

or

Voter's passport number \_\_\_\_\_

or

Signature and title of a person authorized to administer oaths certifying that the applicant has attested to the truthfulness of the contents of this application under oath. (This person may be a military officer ranked sergeant or equivalent or above, a notary public, or any other person authorized to administer oaths.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title



**8210.3000 MAIL BALLOTING.**

Subp. 4a. **Form of instructions to mail voters.**

**INSTRUCTIONS TO MAIL BALLOT VOTERS**

**Follow these instructions carefully.**

Before you vote you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

- a. a United States citizen who is at least 18 years old, who lives in your county, and who is eligible to vote (your spouse or another relative who meets these qualifications may serve as your witness);
- b. a notary public; or
- c. any person having authority to administer an oath, such as a judge.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 4. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Place the tan colored ballot secrecy envelope into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 8. The ballot return envelope may be mailed or delivered in person by you or your designated agent to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person or through your designated agent to the auditor's office no later than 8:00 p.m. on election day.

If you have questions, please call ...-....

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the election official conducting the election. The number of voting stations set up in the office of the official conducting the election must be sufficient to accommodate the number of voters expected to vote in person on election day. On election day, the official conducting the election shall provide one or more secure drop boxes where voters can deposit return envelopes containing ballots. The governing body of the jurisdiction conducting the election shall designate a suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body of the jurisdiction conducting the election shall appoint election judges as provided in *Minnesota Statutes*, sections 204B.19 to 204B.21. For state elections, the county auditor shall appoint election judges for mail ballot precincts and shall apportion the cost of the election judges among the precincts voting by mail in that election. The county auditor may delegate the authority to appoint election judges for precincts voting by mail in state elections to the municipal clerk. During the day of the election at least ~~three~~ two election judges must be present at the office of the official conducting the election to accept mail ballots delivered in person and to process persons registering on election day. Additional judges may be appointed as needed. If the ballots are to be counted by hand and there are more than two questions or one office to be voted on, at least one judge must be appointed for the counting of ballots for every 500 persons from whom ballots are expected to be returned.

**8220.0350 APPLICATION.**

An application by a vendor pursuant to *Minnesota Statutes*, section 206.57, for examination of an electronic voting system must be accompanied by the following:

J. specifications for stickers for write-in votes that can be used with the system;

K. explanation of the level of technical expertise required to program or prepare the system for use at an election; and

~~K.~~ L. certification by an independent testing authority approved by the secretary of state of conformance to standards for voting equipment issued by the Federal Election Commission.

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

## Adopted Rules

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The vendor may submit additional material including test reports and evaluations by other states, election jurisdictions, and independent testing agencies. The secretary of state shall make a preliminary review of the application. If the secretary of state determines from the preliminary review that the system obviously does not meet provisions of Minnesota election laws, the vendor may withdraw the application and the secretary may refund the deposit.

### **8220.0700 PERIODIC REEXAMINATION OF SOFTWARE.**

After an electronic voting system has been certified by the secretary of state, the software necessary to operate the voting system, tabulate votes, and prepare ballot styles must be reexamined and reapproved by the secretary of state or an independent testing authority approved by the secretary of state at least once every four years and at any time that, in the opinion of the secretary of state, the voting system no longer complies with Minnesota election law. The certification or approval of a significant change to a voting system's software satisfies the requirements of this part. The secretary of state may waive the reexamination and reapproval requirement in this part if no changes have been made to a voting system's software or if, ~~in the opinion of the secretary of state,~~ the software continues to operate in conformance with Minnesota election law.

### **8220.0750 PREPARATION OF COMPUTER PROGRAMS.**

Computer programs must be prepared so as to tabulate accurately each voter's choices for all candidates, offices, and measures for which the voter is lawfully entitled to vote in conformity with the *laws of Minnesota* and parts 8220.0050 to 8230.4395.

Computer programs must require an electronically readable precinct identifier or ballot style indicator on all ballots.

The vote tabulation portion of the computer program must be prepared as follows:

J. If the counting equipment can examine and return a ballot to the voter before counting it, the computer program must check for and reject without counting any ballot with an overvote or, at a partisan primary, with votes cast for candidates of more than one party. When the ballot is returned to a voter, an error message must indicate the type of defect and may indicate the specific office or question where the defective condition was found. The error message must print on a paper tape or display electronically ~~while the voting system emits an audible signal.~~ If the voting system is capable of emitting an audible signal while electronically displaying the error message, it must do so.

### **8220.0825 CANDIDATE ROTATION ALGORITHM.**

Subpart 1. **Base rotation.** The secretary of state shall determine the base rotation of candidates' names for partisan offices voted on at the state primary election. The county auditor shall determine the base rotation of candidates' names for ~~each race~~ all other offices for which rotation is required. The county auditor may delegate the authority to determine the base rotation of candidates' names for municipal and school district offices to the municipal and school district clerks, respectively. The base rotation must be determined by assigning the initial order of the candidates' names by lot.

### **8230.0560 BALLOTS.**

Ballots must meet or exceed the specifications the equipment manufacturer has filed with the secretary of state. The election official responsible for preparing the ballots must supply to the ballot printer the equipment manufacturer's recommended standards and specifications for ballot printing. The equipment manufacturer must file recommended procedures and standards for checking ballot specifications with the secretary of state. The equipment manufacturer also must file specifications for stickers to be used for write-in votes on ballots with the secretary of state.

Each ballot must have printed on it both the name of the precinct and an electronically readable precinct identifier or ballot style indicator. Only an electronically readable precinct identifier or ballot style indicator is required on a presidential or federal absentee ballot.

Voting instructions must be printed at the top of each side of the ballot that contains one or more offices or questions to be voted on. The instructions must include an illustration of the proper mark to be used to indicate a vote. Lines for the initials of at least two election judges must be printed on one side of the ballot.

The vendor must deliver ballots in shrink-wrapped packages of 50 or 100 ballots. The ballots must be stored in a manner to protect against moisture.

The local election official must certify to the county auditor the number of ballots received for each ballot style. The local election official or county auditor shall package the ballots for each precinct in groups of 50 or 100 and seal or place the ballots into a package or transfer case. The package or transfer case must contain a certificate stating the number of ballots it contains. All ballots not issued to a precinct or assigned for absentee voting must be secured and accounted for by the official conducting the election. The official conducting the election must maintain a record of the number of ballots issued to each precinct. The ballots must be delivered to the chief election judge of each precinct.

### **8230.3850 DUPLICATION OF BALLOTS.**

Any ballots requiring duplication at the polling place or central counting center must be duplicated in the following manner:

E. All original ballots which require duplication must be placed in an envelope marked "ballots for which duplicates were or are to be made." The ~~duplicate~~ duplicated ballot must be placed with the other valid ballots to be tabulated.

**8230.4365 PRECINCT COUNT VOTING SYSTEM EQUIPMENT AND PROCEDURES.**

Subp. 3. **Procedures during voting hours.** Ballot counters must be programmed to return to the voter a ballot having an over-vote or votes for candidates of more than one political party in a partisan primary election. Ballot counters must be programmed to print a message describing the error on a paper tape or to display the error message electronically ~~while the voting system emits an audible signal.~~ If the voting system is capable of emitting an audible signal while electronically displaying the error message, it must do so. Election judges monitoring the depositing of ballots into the ballot counters must be stationed no closer than six feet from the ballot counter. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance or it is necessary to determine what style of replacement ballot must be given to the voter.

If the voter wants to change the rejected ballot, the election judge shall treat the rejected ballot as a spoiled ballot, place the rejected ballot in the spoiled ballot envelope, and issue the voter a new ballot.

If the voter does not want to change the rejected ballot, the election judge shall override the rejection of the ballot. No means of overriding the rejection of a ballot having defects may be used that does not meet the conditions in items A to C.

**8230.4375 WRITE-IN VOTES.**

A. At a general election, after the ballot counter has been secured against receiving additional ballots, the election judges shall open the write-in compartment and remove the ballots. ~~The election judges shall verify that the number of ballots taken from the write-in compartment is equal to the number of write-in votes counted by the voting system.~~

**8230.4380 SUMMARY STATEMENT.**

One unbroken tape that includes the zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the official conducting the election. In the event of equipment or power failure, the election judges and any technicians working on the equipment shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. ~~The official conducting the election judges shall prepare one the number of summary statement for each jurisdiction canvassing the results of statements directed by the official conducting the election.~~ For state elections, the county auditor shall forward a summary statement to the secretary of state together with two copies of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state.

**8250.0350 FORM OF STATE PRIMARY BALLOT.**

The state partisan primary paper ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot preparation for the state partisan primary ballot used with optical scan voting systems must conform to this part as much as practicable. The columns containing the names of candidates must be no less than ~~2-3/4~~ 2-1/2 inches wide. If fewer than three major political parties appear on the ballot, the center column containing instructions must be ~~2-3/4~~ 2-1/2 inches wide.

The statements required by *Minnesota Statutes*, section 204D.08, subdivision 4, must be printed in upper case in as large as practicable but not smaller than 10-point type. Directly above the statement preceding the party names the words "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold face in as large as practicable but not smaller than 12-point type.

**8250.0365 FORM OF PINK BALLOT.**

Subp. 4. **Designation by number.** Each constitutional amendment must be designated by a number. Each constitutional amendment must be preceded by the ~~words word~~ "AMENDMENT ~~NUMBER~~" and the number assigned to the amendment.

**8250.0395 FORM OF BUFF BALLOT.**

Subp. 2. **Ballot offices.** The words "SCHOOL DISTRICT BALLOT" must be printed at the top of the ballot in upper case letters. The school district clerk may add the name and/or number of the school district and the type of election directly under the heading of the buff ballot. School district offices must be identified on the buff ballot as follows in upper case letters:

SCHOOL BOARD MEMBER

The name and/or number of the district that the person elected will represent must be printed directly under the title of the office.

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## Exempt Rules

School district offices elected at large must be listed before other offices of the same type elected by district. Where school board offices are designated by number, the offices must be listed in numerical order. Vacant offices being filled by special election must be listed with offices of the same type but after any offices for which a candidate will be elected for a full term.

### 8250.1200 TYPE STYLES AND SIZES.

The words "Put an (X) in the square opposite the name of each candidate you wish to vote for" must be printed in upper and lower case in as large as practicable but no smaller than 8-point bold type.

The words "STATE GENERAL ELECTION BALLOT" must be printed in upper case in as large as practicable but no smaller than 18-point type.

The office and its identification must be printed in upper case in as large as practicable but no smaller than 10-point bold type.

The words "VOTE FOR ONE" must be printed in upper case in as large as practicable but no smaller than 8-point bold type.

The names of the candidates must be printed in upper case in as large as practicable but no smaller than 8-point bold type.

The party designation or political principle must be printed in upper and lower case in as large as practicable but no smaller than 8-point bold type.

The words "OFFICIAL BALLOT" on the back of the ballot must be printed in upper case in as large as practicable but no smaller than 18-point bold type, the date in upper case in as large as practicable but no smaller than 8-point type, and the word "Judge" in upper and lower case in as large as practicable but no smaller than 10-point type.

### 8250.1800 FORMAT OF BALLOTS FOR OPTICAL SCAN SYSTEMS.

Subp. 5. **Two-sided ballots.** On two-sided ballots, the words "VOTE FRONT AND BACK ~~SIDES~~ OF BALLOT" must be printed in upper case 10-point bold type at the bottom of both sides of the ballot.

## Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

## Department of Natural Resources

### Adopted Exempt Permanent Rules Relating to Special Management Designation for Cass Lake

#### 6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subps 1 to 9, see M.R.]

Subp. 10. **Cass Lake spearing ban.** While on or fishing in Cass Lake, a person may not take fish by spearing and may not possess a spear.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Cass Lake</u>	<u>T.145,146, R.30,31, S.Various</u>	<u>Cass, Beltrami</u>

**EFFECTIVE DATE.** Minnesota Rules, part 6264.0400, subpart 10, is effective December 1, 1998.

## Office of the Governor

### Emergency Executive Order # 98-10: Providing for Assistance to the Kittson County Sheriff

I, JOANNE E. BENSON, LIEUTENANT GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

**WHEREAS**, on July 29, 1998, a 16-year-old girl never came home after rollerblading on a rural road in Hallock; and

**WHEREAS**, since July 30 hundreds of local authorities and volunteers including the FBI, BCA, State Patrol, U.S. Border Patrol, firefighters and ambulance crews have been searching countywide in aircraft, on foot, on horseback, with search dogs and in four-wheel-drive vehicles; and

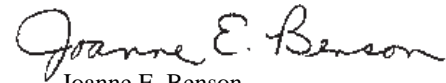
**WHEREAS**, the city of Hallock and the Kittson County Sheriff's Department do not have adequate local resources for conducting an extensive, deliberate air and ground search;

**NOW, THEREFORE**, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on August 14, 1998, in the service of the State, such elements and equipment of the military forces of the State as required and for such period of time as necessary to conduct an air and ground search of the Hallock area of Kittson County.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay, and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1996, sections 192.49, subd. 1; 192.51, and 192.52.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order shall be effective immediately, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

**IN TESTIMONY WHEREOF**, I have set my hand this seventeenth day of August, 1998.

  
Joanne E. Benson  
Lieutenant Governor

Filed According to Law:

  
Joan Anderson Growe  
Secretary of State

# Revenue Notices

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

## Department of Revenue

### Revenue Notice # 98-15: Sales and Use Tax - Capital Equipment - Generation of Electricity

*Minnesota Statutes*, § 297A.25, subdivision 42, provides a sales and use tax exemption for qualifying purchases of capital equipment. *Minnesota Statutes*, § 297A.01, subdivision 16, provides that capital equipment includes machinery and equipment used in manufacturing, which includes the generation of electricity to be sold at retail.

The Minnesota Supreme Court in the case of *Northern States Power Company, et al., v. Commissioner of Revenue*, 571 N.W. 2d 573 (Minn. 1997), held that step-down, load tap and line transformers qualify as capital equipment. The Court held that the transformers are an integral part of the manufacturing process since they transform electricity into a "finished product" that is in a "completed state" usable by the ultimate consumer.

For purposes of the capital equipment exemption, machinery and equipment used in the generation of electricity includes machinery and equipment used to manufacture electricity into a finished product. The manufacturing process begins at the generating plant and ends with the line transformer. Qualifying capital equipment includes step-up transformers as well as poles and wires used after the electricity is generated at the plant but before it passes through the last line transformer.

Dated: 24 August 1998

Terese Koenig, Director  
Appeals, Legal Services and Criminal Investigation Division

## Department of Revenue

### Revenue Notice # 98-16: Sales and Use Tax & Solid Waste Management Tax - Charges for Using Waste Compactors and Containers

Pursuant to *Minnesota Statutes*, Chapter 297H, a solid waste management tax is imposed on waste management services. "Waste management services" means waste collection, transportation, processing, and disposal. "Waste management service provider" means any party that directly bills the waste generator for waste management services. This includes waste haulers, waste management facilities, utility services, and political subdivisions of the state. "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, and community activities that the waste generator aggregates for collection.

#### Compactors or Waste Collection Containers Used for Mixed Municipal Solid Waste

In general, when waste management service providers provide compactors or waste collection containers to generators in connection with mixed municipal solid waste management services, the compactors or containers are considered part of the waste management services. Consequently, the total charge for the services provided including any charges for compactors or containers is subject to the solid waste management tax.

Separately stated charges on bills to generators for compactors or containers used for mixed municipal solid waste are not subject to sales or use tax but are subject to the solid waste management tax. In addition, the waste management service provider must pay sales or use tax on their purchase of compactors or containers, even if there is a separate agreement for the lease or rental of the compactor or container between the waste management service provider and the generator.

#### Compactors or Waste Collection Containers Used for Non-Mixed-Municipal Solid Waste

"Non-mixed-municipal solid waste" means construction and demolition waste, infectious and pathological waste, and industrial waste that is collected, transported, processed and disposed of separately from mixed municipal solid waste. Separately stated charges on bills to generators for compactors or containers used for non-mixed-municipal solid waste are not subject to the solid waste management tax. The charge to the generator for the compactor or container is also not subject to the sales or use tax. However, the waste management service provider must pay sales or use tax on their purchase of compactors or containers used for non-mixed-municipal solid waste.

**Compactors or Waste Collection Containers Used Alternately for Either Mixed Municipal Solid Waste or Non-Mixed-Municipal Solid Waste**

If a compactor or container is used alternately for either mixed municipal solid waste or non-mixed-municipal solid waste, the provider of the waste management service must pay sales or use tax on their purchase of compactors or containers and charge the solid waste management tax rate when it is used for mixed municipal solid waste.

**Compactors or Waste Collection Containers Used for Recycling**

Since a separately stated charge for recycling is exempt from the solid waste management tax, if the recycling service includes the use of a compactor or container, a separately stated charge for the compactor or container used for recycling is also exempt from the solid waste management tax. The charge to the generator for the compactor or container is also not subject to the sales or use tax. However, the provider of the recycling service must pay sales or use tax on their purchase of compactors or containers used for recycling.

**Exception # 1: Separate Legal Entity**

If a generator receives a bill from a separate legal entity other than the waste management service provider for the rental or lease of a compactor or container for any use, the compactor or container charges are not subject to the solid waste management tax. However, the charges are subject to the sales and use tax as the rental of tangible personal property. The container provider may purchase the compactors or containers exempt from sales and use tax for the purpose of resale.

**Exception # 2: Sales of Compactors or Containers**

If a waste management services provider sells a compactor or container to a waste generator for any use by the generator and bills the generator a separately stated charge for the compactor or container, the provider may purchase the compactor or container from their supplier exempt for the purpose of resale. While the charge is not subject to the solid waste management tax, the provider must charge sales tax on the sale of the compactor or container to the generator.

**Exception # 3: Conditional Sales of Compactors or Containers**

If a contract designated as a lease of a compactor or container exists between the waste management services provider (lessor) and waste generator (lessee) and (1) the contract binds the lessee for a fixed term, and (2) the lessee is to obtain title at the end of the term of the agreement, or (3) has the option at that time to purchase the compactor or container for a nominal amount, the contract is regarded as a sale and not as a lease. Nominal amount means one percent or less of the value of the full contract amount for the compactor or container at the time the contract is signed.

Consequently, the lessor may purchase the compactor or container from their supplier exempt for the purpose of resale and the charge will not be subject to the solid waste management tax, provided the lessor charges sales tax on the entire contract amount for the compactor or container at the time the contract is signed.

Dated: 24 August 1998

Terese Koenig, Director  
Appeals, Legal Services and Criminal Investigation Division

## **Department of Revenue**

**Revenue Notice # 98-17: Sales and Use Tax - Biosolids Processing Equipment Introduction**

Beginning July 1, 1998, exemptions are provided in *Minnesota Statutes*, § 297A.25, subdivision 73, for the gross receipts from the sale of and the storage, use, or consumption of equipment designed to process, dewater, and recycle biosolids for wastewater treatment facilities of political subdivisions and materials incidental to installation of that equipment.

Generally, this exemption includes equipment used to process, dewater, and recycle biosolids. The exemption also includes all materials necessary for the installation of this equipment or attached to this equipment, such as piping and pipelines, conduit, electrical wiring, instrumentation, and electrical systems. Also exempt are repair and replacement parts for qualifying equipment.

This revenue notice defines some of the terms used for administering this exemption, discusses some common processes used for processing biosolids, and gives examples of equipment used in these processes which qualify for exemption. Contact the Department of Revenue, Sales and Use Tax Division, for information on how this exemption applies to equipment used in biosolids processes which are not included in this revenue notice.

## Revenue Notices

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### Biosolids

For purposes of administering this exemption, the term **biosolids** means sewage sludge which has been processed to meet federal and state regulations for beneficial use by land application. Biosolids are the primarily organic byproduct of wastewater treatment which can be beneficially recycled on land as a soil conditioner and nutrient source.

Biosolids do not include untreated wastewater or sewage sludge that does not conform to regulated pollutant and pathogen treatment requirements. It also does not include grit and screenings from preliminary treatment of wastewater and ash generated from the burning of sewage sludge.

**Sewage sludge** has the meaning given in *Minnesota Statutes*, § 115A.03, subdivision 29.

### Processing of biosolids

The following provides general information on biosolids processing, on four processes used for processing biosolids, and gives examples of equipment used in those processes which qualify for the biosolids processing equipment exemption.

The processing stage in which sewage sludge becomes a biosolid is **stabilization**. **Biological and chemical stabilization** reduce harmful bacteria and odors and hasten decomposition of organic compounds. After stabilization, **biosolids** are acceptable for use as a soil conditioner and nutrient source.

### Biological stabilization

Biological stabilization reduces the organic content of solids through controlled decomposition by biological agents. Biological stabilization processes include anaerobic (without oxygen) and aerobic (with oxygen) digestion. **Digestion** is the breakdown of complex organic substance through the action of bacteria or other microorganisms.

### Anaerobic Digestion Process

The processing and recycling of biosolids using an anaerobic digestion process begins at digestion and ends with the application of the biosolids to the land. Equipment used in the following activities qualifies for the biosolids processing equipment exemption: pre-digestion thickening provided the thickener exclusively serves digesters, anaerobic digestion, chemical conditioning, biosolid transfer pumping, solids processing, storage, and land application of biosolids.

Examples of qualifying equipment used in these activities include dissolved air floatation thickeners, belt thickeners, hot water boilers, hot water pumps, recirculation pumps, heat exchangers, valves, fixed covers, floating covers, reclamation pumps, polymer feeding equipment, ferric chloride storage and feed pumps, transfer pumps, dewaterers, mixing equipment, compressors, control equipment, truck loading equipment, storage equipment including tanks, scales, and land applicators. Also exempt are sludge inflow pipes from thickeners to digesters and concrete and materials used to build an anaerobic digester.

### Aerobic Digestion Process

The processing and recycling of biosolids using an aerobic digestion process begins at digestion and ends with the application of the biosolids to the land. Equipment used in the following activities qualifies for the biosolids processing equipment exemption: pre-digestion thickening provided the thickener exclusively serves digesters, air heating, sludge heating, aerobic digestion, curing/storage, centrifuge/dewatering, biosolids storage, and land application of biosolids.

Examples of qualifying equipment used in these activities include thickeners, blowers, aluminum covers, mechanical aerators, diffused aeration systems, lift-out header systems, floor-mounted header systems, valves, heat exchangers, sludge recirculation pumps, hot water boilers, hot water pumps, transfer pumps, mixing equipment, centrifuges, dewatering equipment such as belt filter presses and plate and frame filter presses, storage equipment including tanks, and land applicators. Also exempt are sludge inflow pipes from thickeners to digesters and concrete and materials used to build an aerobic digester.

### Chemical stabilization

Chemical stabilization creates conditions that inhibit microorganisms in order to slow the decomposition of organic materials and reduce odor. The most common chemical stabilization process is to treat sewage sludge with alkaline chemicals such as lime.

### Advanced Alkaline Stabilization Process

The processing and recycling of biosolids for an advanced alkaline stabilization system begins at the stage where the alkaline chemical is added to or mixed with the sewage sludge and ends with the application of the usable soil product to the land. Equipment used in processes where stabilization of the sewage sludge by the alkaline chemical results in land application of the resulting biosolid qualifies for the biosolids processing equipment exemption. Such processes may include: unit control room, thickening and dewatering exclusively for the alkaline process, polymer blending, mixing, truck loading, odor control, pasteurization monitoring, windrowing, storage, and land application of the soil product.



Examples of qualifying equipment include unit control room equipment, thickeners, dewaterers, polymer feeding equipment, chemical storage and feeding equipment, mixing equipment, conveyor belts, truck loading equipment, odor control equipment, air scrubbers, automated sensors, moveable floors and covers for trailers if sold separately from the trailer, windrow turning machines, front end loaders if used exclusively for product storage, and land applicators used exclusively to apply the useable soil product. Also exempt are sludge inflow pipes from thickeners to the stabilization unit.

### **Heat Drying Process**

Heat drying processes remove virtually all water from biosolids and can stabilize biosolids to meet regulatory standards. An example of a heat drying process is a drum drying system

### **Drum Drying System**

The processing and recycling of biosolids using a drum drying system begins at sludge heating and ends with the application of the usable granular material to the land. Equipment used in the following activities qualifies for the biosolids processing equipment exemption: thickening and dewatering prior to sludge heating provided the thickeners/dewaterers exclusively serve the drying process, process air heating, sludge drying, cooling and cleaning water from hot air, materials sorting, conveying materials through the process, materials screening, coarse materials grinding, fine and wet materials mixing, materials discharge, sacking and weighing, storage, and land application of the granular material.

Examples of qualifying equipment include thickeners, dewaterers, furnaces, drying drums, preseparators, polyclones, delivery fans, rotary valves, screw conveyors, vibrating screens, roller mills, elevators, fine material recycling silos, fine material closing screws, fine material stock silos, wet material closing screws, mixers, granulate product silo, sacking system, heat exchangers, saturator/scrubbers, sensors, storage equipment, and land application equipment used exclusively to apply the granular material.

### **Non-qualifying Equipment**

Equipment which does **not** qualify for the biosolids processing equipment exemption includes motor vehicles (trucks, trailers) subject to the sales tax on motor vehicles under *Minnesota Statutes*, Chapter 297B and equipment used in the preliminary and secondary treatment of wastewater.

Equipment used in the disposal of sewage sludge is not included in this exemption. Disposal includes landfilling and incineration. Disposal also includes storing sewage sludge in lagoons for more than two years. Other non-qualifying equipment includes equipment used in disposing of biosolids by shipment to landfills, equipment used to incinerate sewage sludge, and equipment used in processing or disposing of incinerator ash.

This exemption also does not include building materials and supplies used to construct buildings which house qualifying equipment and for space heating, ventilation, and lighting of buildings.

### **To claim exemption**

The purchaser must furnish their supplier with a properly completed Certificate of Exemption, Form ST-3 (Exemption Code 20), indicating the equipment qualifies for the biosolids processing equipment exemption as explained above.

Dated: 24 August 1998

Terese Koenig, Director  
Appeals, Legal Services and Criminal Investigation Division

# Official Notices

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Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and mat-

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C for Approximately 30 Acres of Bare Farmland in Medo Township, Blue Earth County

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on September 11, 1998, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 30 acres of bare farmland located in Section 29, Medo Township, Blue Earth County, Minnesota on behalf of Christopher A. & Renae L. Schenk, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$53,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 5 August 1998

Jim Boerboom  
RFA Director

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C for Approximately 160 Acres of Farmland in Holt Township, Fillmore County

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on September 11, 1998, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 160 acres of farmland located in Section 33, Holt Township, Fillmore County, Minnesota on behalf of David and Lori Bakke, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$160,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 5 August 1998

Jim Boerboom  
RFA Director

## **Department of Agriculture**

### **Minnesota Rural Finance Authority**

#### **Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C for Approximately 112 Acres of Bare Farmland in Rheiderland Township, Chippewa County**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on September 11, 1998, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 112 acres of bare farmland located in Section 25, Rheiderland Township, Chippewa County, Minnesota on behalf of Todd & Darci Post, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$131,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 5 August 1998

Jim Boerboom  
RFA Director

## **Minnesota Comprehensive Health Association**

### **Notice of Meeting of the Finance Committee**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Finance Committee will be held at 1:30 p.m. on Wednesday, August 26, 1998. The meeting will be at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park.

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

## **Executive Council**

## **State Board of Investment**

## **Land Exchange Board**

## **Investment Advisory Council**

### **Notice of Meetings**

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, September 2, 1998 at 8:30 A.M. in Room 125, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, September 1, 1998 at 2:00 P.M. in Suite 105, 55 Sherburne Avenue, St. Paul, MN.

## Department of Health

### Health Policy and Systems Compliance Division

#### Notices Related to Essential Community Provider Designation

**NOTICE IS HEREBY GIVEN** that an application for Essential Community Provider designation have been received from the applicants listed below. Pursuant to *Minnesota Statutes* section 62Q.19, subdivision 1, the public has 30 days from the date of this publication to submit written comments regarding this application. Written comments should be submitted to: Tom Johnson, Minnesota Department of Health, Health Policy and Systems Compliance Division, 121 East Seventh Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975. Telephone inquiries may be directed to Mr. Johnson at (612) 282-6333.

**Project Turnabout**

660 — 18th Street  
Granite Falls, Minnesota 56241-1099

**Amherst Wilder Foundation**

**Child Guidance Clinic**

919 Lafond Avenue  
St. Paul, Minnesota 55104

**West Suburban Teen Clinic**

478 Second Street  
Excelsior, Minnesota 55331

**St. Paul Rehabilitation Center**

709 University Avenue West  
St. Paul, Minnesota 55104

**Todd County Public Health**

119 Third Street South  
Long Prairie, Minnesota 56347-1353

**Sibley County Public Health Department**

112 Fifth Street, P.O. Box 166  
Gaylord, Minnesota 55334

**Storefront/Youth Action**

6425 Nicollet Avenue South  
Richfield, Minnesota 55423

**Teen Age Medical Service**

(of Children's Hospitals and Clinics)  
2425 Chicago Avenue South  
Minneapolis, Minnesota 55404

**Aitkin Community Hospital, Inc.**

**d/b/a/ Riverwood Healthcare Center**

301 Minnesota Avenue South  
Aitken, Minnesota 56431

**Lutheran Social Service of Minnesota**

**Counseling and Family Resources**

424 West Superior Street, #500  
Duluth, Minnesota 55802

**African American Family Services**

2616 Nicollet Avenue South  
Minneapolis, Minnesota 55408

**Face to Face Health and Counseling Service, Inc.**

1165 Arcade Street  
St. Paul, Minnesota 55106

**Cass County Health and Human Services**

**Public Health Division**

110 Michigan Avenue, P.O. Box 40  
Walker, Minnesota 56484

**Earthstar Project, Inc.**

579 Wells Street  
St. Paul, Minnesota 55101

**North End Medical Center**

135 Manitoba Avenue  
St. Paul, Minnesota 55117

**The Family Tree, Inc.**

1619 Dayton Avenue  
St. Paul, Minnesota 55104

**Wadena County Community Health/Public Health**

22 Dayton Avenue Southeast  
Wadena, Minnesota 56482-1592

**Morrison County Public Health**

200 East Broadway  
Little Falls, Minnesota 56345

**Planned Parenthood of Minnesota/South Dakota**

1965 Ford Parkway  
St. Paul, Minnesota 55116

**Central Minnesota Mental Health Center**

1321 — 13th Street North  
St. Cloud, Minnesota 56303

**North Suburban Youth Health Clinic, Inc.**

**d/b/a/ Annex Teen Clinic**

4915 — 42nd Avenue North  
Robbinsdale, Minnesota 55422

**Mental Health Resources, Inc. —**

**Mental Health Outreach Clinic**

1821 University Avenue, Suite N-464  
St. Paul, Minnesota 55104

**Side by Side Institute of Minnesota/**

**Institute for Minority Development/**

**Adolescent Community Health and Behavioral Service**

251 Portland Avenue South  
Minneapolis, Minnesota 55415

## **Bureau of Mediation Services**

### **Notice of Acceptance of Applications for Placement on the Bureau Arbitration Roster**

**NOTICE IS HEREBY GIVEN** that the Bureau of Mediation Services is now accepting applications for placement on the Bureau Arbitrator Roster pursuant to *Minnesota Statutes* 179.02, subd. 4; *Minnesota Statutes* 179A.04, subd. 3(a) (13), and *Minnesota Rules* parts 5530.0100 to 5530.1300.

This Roster is used to provide names of arbitrators to employers and labor organizations to hear and decide grievance and interest disputes. Referrals from the roster will be made to employers and unions in both the public and private sectors in Minnesota. Members of the Roster must be willing and able to arbitrate both grievance and interest cases.

Roster members must maintain a principal place of residence in Minnesota or one of its contiguous states. The maintenance of a mail box or mail delivery point is not sufficient to satisfy this requirement.

The Statute states: "Each person on the list must be knowledgeable about collective bargaining and labor relations in the public sector, well versed in state and federal labor law, and experienced in and knowledgeable about labor arbitration. To the extent practicable, the commissioner shall appoint members to the list so that the list is gender and racially diverse."

The following standards for appointment to the Arbitration Roster are required:

- A. knowledge and understanding of labor relations and collective bargaining processes and dynamics;
- B. knowledge and understanding of applicable contract, employment, and labor relations law and rules;
- C. ability to hear and decide complex labor relations issues in a fair and objective manner;
- D. ability to communicate, both orally and in writing, in a clear and concise manner;
- E. ability to conduct orderly and effective arbitration hearings in a variety of settings and locations throughout Minnesota; and
- F. reputation in the labor-management community for high professional standards of competence, ethics, and integrity.

Evidence of an applicant's qualifications may be advanced in one or a combination of the following ways:

- A. submission of six or more arbitration awards or contested case decisions that were authored and signed by the applicant in the 24-month period preceding application;
- B. a minimum of six years' experience as a full-time labor relations advocate and submission of six arbitration awards in which the applicant acted as the principal representative for either labor or management;
- C. a minimum of six years' experience as a full-time labor mediator, including substantial grievance mediation experience;
- D. a minimum of six years' experience as a practitioner or full-time instructor of labor law or industrial relations, including substantial content in the area of collective bargaining, labor agreements, and contract administration;
- E. membership in the National Academy of Arbitrators; and
- F. Completion of an internship program that has been approved by the commissioner.

No applicant or roster member may have served within the preceding 12 months as an advocate for any public or private sector employer, employee, or employee organization in any phase of labor-management relations. This prohibition applies to employee discharge or disciplinary appeal proceedings, whether or not the employee is represented by an exclusive representative.

Persons meeting these standards may secure an application form and applicable rules from:

Carol S. Clifford  
Bureau of Mediation Services  
1380 Energy Lane, Suite Two  
St. Paul, MN 55108  
(612) 649-5423

In accordance with *Minnesota Statutes* 179A.04, subd. 3(a)(13), applications from women and racial/ethnic minorities are encouraged.

Applications will be accepted until further notice.

Dated: 24 August 1998

Lance Teachworth  
Commissioner

## State Grants & Loans

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### Teachers Retirement Association

#### Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Tuesday, September 15, 1998 at 9:30 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

## State Grants & Loans

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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 grants and loans available through any agency or branch of state government. Although some grant and loan 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 and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Administration

### STAR Program

#### Notice of Availability of Technology Related Assistance Grants

A System of Technology to Achieve Results (STAR) is offering Regional Assistive Technology Resources (RATR) grants. The STAR Program is accepting proposals from Minnesota based non-profit or for-profit organizations who wish to establish or expand projects that provide technology related assistance to unserved, underserved or under-represented people with disabilities. This includes minorities, persons with low incomes, and persons with limited English proficiency. Project examples include, but are not limited to, assistive technology (AT) equipment loan or AT recycling programs. A pool of \$25,000 is available, preference will go to projects serving greater Minnesota. Grants may be up to \$10,000 depending on the scope of the project. Proposals must be received by Friday, October 16, 1998, 4:30 PM in the format specified in the application packet. Previous winners of RATR or other STAR grants are not eligible. These funds may not be used to supplant activities or services mandated by other federal or state legislation. Materials detailing the process can be obtained by contacting STAR at (651) 296-8817, (651) 296-9478 (TTY), (800) 657-3862, (800) 657-3895 (TTY). No FAX copies will be accepted. Questions should be directed to the Program Specialist at (651) 296-9718.

#### Community Action Networks (CAN)- Rural Delivery of Assistive Technology Services and Devices Grants

A System of Technology to Achieve Results (STAR) is offering grants to Minnesota based non-profit or for-profit organizations who wish to establish or expand projects that guarantee rural delivery of assistive technology (AT) services and devices to unserved, underserved or under-represented people with disabilities. This includes minorities, persons with low incomes, and persons with limited English proficiency. Each CAN should be comprised of a majority of individuals with disabilities and immediate family members of individuals with disabilities from your region. Such projects should include, but are not limited to, assessment, evaluation and consultation for mobility, seating, positioning, augmentative communication, environmental controls, as well as aids to provide sensory or cognitive access to assistive technology; provide training, and help develop advocacy skills with the goal of developing regional capacity to provide access to technology by individuals with disabilities. A pool of \$60,000 is available for regional grants of up to \$10,000 (based on "McKnight" regions 1-6). Proposals must be received by Friday, October 16, 1998, 4:30 PM in the format specified in the application packet. Previous winners of RATR, CAN or other STAR grants **are eligible**. These funds may not be used to supplant activities or services mandated by other federal or state legislation. Materials detailing the process can be obtained by contacting STAR at (651) 296-8817, (651) 296-9478 (TTY), (800) 657-3862, (800) 657-3895 (TTY). No FAX copies will be accepted. Questions should be directed to the Program Specialist at (651) 296-9718.

## **Department of Agriculture**

### **Ag Marketing and Development Division**

#### **Notice of Authority to Make Grants**

The Minnesota Department of Agriculture announces its authority for fiscal year 1999 to make agricultural market development grants to help farmers finance new cooperatives that organize for the purposes of operating agricultural product facilities and for marketing activities related to the sale and distribution of processed agricultural products as provided for in *Minnesota Statutes*, sections 17.101, subd. 2 and subd. 5, and *Minnesota Rules*, chapter 1552.

Grant applications may be received throughout the fiscal year. Publication of this notice does not obligate the Minnesota Department of Agriculture to award grant funds. Copies of the rules governing the program and other related application materials are available. The rules describe eligibility criteria, application content, application procedures. The grant award for any project may not exceed \$50,000.

Application packet and rules may be obtained by contacting:

Chris Canaday  
Ag Marketing and Development Division  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
(612) 297-4648

## **Minnesota Higher Education Services Office**

### **Request for Proposal for Grant Funding under the Federal Higher Education Eisenhower Professional Development Program**

The Minnesota Higher Education Services Office (MHESO) requests proposals from Minnesota post-secondary institutions and nonprofit organizations of demonstrated effectiveness for the provision of sustained and intensive high quality professional development so that K-12 teachers will provide challenging learning experiences for their students. The program supports projects in the following subject areas: mathematics, science, English, civics and government, foreign languages, arts, geography, history, and economics. The funding formula requires that the primary emphasis be placed on the subjects of mathematics and science. However, for the 1998-99 academic year a portion of the Eisenhower funds has been designated to support professional development in reading.

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

The total amount available to support grant activities during the 1999 fiscal year is \$786,603.

A copy of the RFP is posted on the agency website at: <http://www.heso.state.mn.us/www/federal/fedprog.htm> or by contacting:

Dr. Nancy B. Walters, Eisenhower Program Manager  
Higher Education Services Office  
400 Capitol Square  
550 Cedar St.  
St. Paul, MN 55101  
e-mail: [walters@heso.state.mn.us](mailto:walters@heso.state.mn.us)

**Proposals must be submitted by 4:00 p.m., Thursday, November 17, 1998.**

## Professional, Technical & Consulting Contracts

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### Department of Public Safety

#### Minnesota Auto Theft Prevention Program

##### Grant Availability

The Board of the Minnesota Auto Theft Prevention Program announces the availability of over \$1,865,000.00 in grant funds accessible for the July 1, 1999 through June 30, 2000 grant period. Applications will be accepted from State, County, Local Police Departments, Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. This reimbursement grant program must be for projects dedicated to the area of auto theft. Grant application packets may be obtained by contacting Dennis Roske at the Auto Theft Prevention Program Office at (612/405-6153 or 405-6155). To be considered, applications must be received in the MATPP office in Mendota Heights by 4:30 p.m. on December 31, 1998.

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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, and final submission date of completed contract proposal.

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

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### Colleges and Universities, Minnesota State (MnSCU)

#### Northland Community & Technical College, Thief River Falls, MN

##### Notice of Request for Proposals (RFP) for Computer Hardware & Software

Northland Community & Technical College is requesting proposals for thirty-two (32) computers. Proposals are to be submitted to: Northland Community & Technical College, 1101 Highway 1 East, Thief River Falls, MN 56701. ATTN: Dennis Paesler, Computer Bid. All proposals must be received no later than 1:00 P.M. September 8, 1998.

Copies of the RFP are available only by contacting Dennis Paesler at (218) 681-0847 or by FAX (218) 681-0724.

### Colleges and Universities, Minnesota State (MnSCU)

#### Winona State University

##### Request for Bid for Image Research Development Marketing Plan

**NOTICE IS HEREBY GIVEN** that Winona State University will receive sealed bids for an Image Research Development Marketing Plan.

Bid specifications will be available August 24, 1998 from Sandra Schmitt, Purchasing Director, PO Box 5838, 205 Somsen Hall, Winona State University, Winona, MN 55987 or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt, PO Box 5838 or Somsen 205C, Business Office, Winona State University, Winona, MN 55987 by 2:00 PM on September 8, 1998.

Winona State University reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in proposals received.



## Department of Employee Relations

### Announcement of extension of deadline for response to DOER Request for Qualifications (RFQ) for Care Systems

The Minnesota Department of Employee Relations (DOER) published an announcement of a Request for Qualifications (RFQ) for Care Systems in the July 6, 1998 *State Register*. The original deadline for responses was Monday, October 12, 1998. The RFQ response deadline has been extended to 4:00 p.m., Friday, October 16, 1998. All responses must be received by DOER no later than 4:00 p.m., Friday, October 16, 1998, as indicated on each response package by our mail room or front desk. Late responses will not be accepted.

If you have other questions regarding the RFQ, please contact David K. Haugen at the address below:

David K. Haugen  
Minnesota Department of Employee Relations  
200 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
Tel.: (651) 296-3159  
FAX.: (651) 296-5445  
E-mail: [david.haugen@state.mn.us](mailto:david.haugen@state.mn.us)

## Department of Employee Relations

### Request for Information (RFI) from Managed Behavioral Health Organizations (MBHOs) and other Behavioral Health Services

The Minnesota Department of Employee Relations (DOER) administers the State Employee Group Insurance Program (SEGIP), which arranges health care benefits on behalf of State and University of Minnesota eligibles — a total of more than 150,000 covered lives. We are currently exploring possible modifications in our current health plan-based managed competition health care purchasing model, as well as an alternative model of health care delivery through primary care-centered health systems known as care systems.

As part of our planning process, we are seeking information from Managed Behavioral Health Organizations (MBHOs) and other vendors of behavioral health services. The information will aid us in exploring a potential carve out of behavioral health services for our population, to be administered by one or more Managed Behavioral Health Organizations (MBHOs) or other entities under the proposed care systems model. We are also exploring offering additional mental health and substance abuse providers under a possible Point of Service (POS) option or through other arrangements as part of our program.

The RFI is preliminary and non-binding. It is being issued only to obtain information from potential behavioral health service vendors of all types and to communicate our interest in this area to the vendor community. We will likely prepare a formal Request for Proposals (RFP) at a later date to request actual proposals from MBHOs and other entities.

Copies of the RFI may be obtained by contacting David K. Haugen at the address below.

David K. Haugen  
Minnesota Department of Employee Relations  
200 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
Tel.: (651) 296-3159  
FAX.: (651) 296-5445  
E-mail: [david.haugen@state.mn.us](mailto:david.haugen@state.mn.us)

Responses to the RFI are due to Mr. Haugen at the above address by 4:00 p.m., Monday, September 28, 1998.

## Professional, Technical & Consulting Contracts

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### Department of Health

#### Disease Prevention and Control Division

#### AIDS/STD Prevention Services Section

### Notice of Request for Proposals to Coordinate a Conference for People Living With HIV

The AIDS/STD Services Section of the Minnesota Department of Health (MDH) requests proposals from agencies interested in competing for one contract for conference coordination services to plan, schedule, administer, and evaluate a conference for approximately 300 people living with HIV (PLWH).

Retreat goals established by the Minnesota HIV Services Planning Council include:

- An event to provide time and space for PLWH to network with each other, to learn from each other and to develop an informal support system with one another.
- An event to provide education to PLWH about HIV resources & services by arranging breakout sessions with speakers who are knowledgeable in subjects selected for the HIV continuum of care.
- An event to provide emotional support to PLWH from other PLWH and care providers to help ease the feeling of isolation when living with a disease that has complicated treatment and social issues.
- An opportunity to have an information exchange center for HIV services and treatments by providing a resource or exhibit area for services and care providers to display information and discuss their programs on an informal basis with participants.
- An opportunity to obtain information from PLWH about HIV services through needs assessments and/or program evaluations.

Fifty Thousand dollars (\$50,000) is available for the contract period November 1, 1998 through March 31, 1999. The conference must be held before March 31, 1999.

Letters of Intent are due at MDH no later than 4:00 p.m., Friday, September 11, 1998. Full proposals are due at the Minnesota Department of Health no later than 4:00 p.m., Friday, October 2, 1998.

Call or write for the full Request for Proposal document which will be sent free of charge to interested vendors.

For more information contact:

Sherry Gjonnes  
HIV Services Specialist  
AIDS/STD Prevention Services Section  
717 Delaware Street S.E., P.O. Box 9441  
Minneapolis, MN 55440-9441  
(612) 623-5083

### Department of Health

#### Division of Family Health

#### Minnesota Healthy Beginnings

### Request for Proposals (RFP) for Evaluation of Phase One of Minnesota Healthy Beginnings

**Purpose:** The Minnesota Department of Health (MDH) is soliciting proposals for an evaluation contractor to design and implement the evaluation of Phase One of Minnesota Healthy Beginnings (MHB). MHB is a universally offered home visiting program for families with newborns that is offered prenatally or as soon after birth as possible. It was established by the Minnesota Legislature in 1997 with the passage of *Minnesota Statutes* § 145A.16. Its overall purpose is to strengthen families and promote positive parenting and healthy child development.

**Contractor Duties:** Contractor duties include: defining the conceptual framework and evaluation questions; determining and/or developing the evaluation methods, both qualitative and quantitative, and data collection instruments; advising on data management, database development, and data reporting formats that can be easily updated as needed; providing state and local MHB staff with training and technical assistance; monitoring data quality; analyzing, interpreting and presenting findings to state and local MHB staff and major stakeholders; and preparing evaluation-related portions of statutorily-required reports for the Minnesota Legislature.

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## Professional, Technical & Consulting Contracts

**Eligibility:** Any individual or public or private agency may apply.

**Contract Duration:** The evaluation contract is for two calendar years, January 1, 1999 through December 31, 2000, with the option to extend for three additional years, to December 31, 2003.

**Funds Available:** A total of \$100,000 is available for two calendar years for this evaluation contract. An additional \$50,000 is available for each contract extension year. Funding allocations after 1999 are dependent upon the continuation, at least at the current level, of legislative appropriations to MDH for this purpose.

**Application Deadline:** The completed proposal must be submitted on or before 4:30 p.m., Friday, October 9, 1998.

**Award Notification:** Applicants will be notified about the final award decision after Friday, November 20, 1998. A formal contract will be executed prior to initiation of contractor duties.

**Additional Information and Questions:** A complete RFP packet is available from Junie Svenson, who can be reached by phone at (612) 623-5411, by FAX at (612) 623-5442, by e-mail at [junie.svenson@health.state.mn.us](mailto:junie.svenson@health.state.mn.us), or by mail at:

Junie Svenson, M.P.H.  
Minnesota Department of Health  
Division of Family Health  
717 Delaware Street S.E., P.O. Box 9441  
Minneapolis, MN 55440-9441

Junie Svenson is the only MDH employee authorized to answer questions regarding this RFP. Other department personnel are not allowed to discuss the RFP with anyone including responders before the submission deadline.

## Department of Natural Resources

### Division of Fish and Wildlife

#### Notice of Request for Proposals for Photographic Survey

**NOTICE IS HEREBY GIVEN** that the Department of Natural Resources (DNR), through its Division of Fish and Wildlife, requests proposals to provide premium quality professional photographic survey of thirty-one (31) Scientific and Natural Areas (SNA's) across Minnesota. Each location will be visited at three (3) different times/seasons. The photography is intended to showcase the natural communities, management techniques, interpretive possibilities, and selected native species found at each site.

The contractor will provide, as a final product, original color transparencies including 35mm slide and large format 4x5's. The contractor may also be asked to supply images on Kodak PhotoCD or drum scanned for use digitally. Some prints or negatives may be needed as well. This survey requires complete 35mm camera capabilities with a large range of lens, panoramic capabilities, and 4x5 camera capabilities for large film formats. Having a darkroom for film processing, Macintosh and Windows computer capabilities with Adobe PhotoShop software, and a very flexible schedule will also determine selection of the contractor. Demonstrated biological experience will be given preference in selection of the contractor. The contractor must have an understanding of the natural communities, plant/animal species, microhabitants, geological features, and landscapes that are found throughout the state.

Sample tasks include taking photographic shots of the natural communities, specialty communities, microhabitants, and species. Additionally, tasks will include the photography of management activities, including three prescribed burns, and people actively using a natural area.

The DNR has estimated that the cost of this contract should not exceed \$55,000. Copyrights to any and all images made will be co-owned by the SNA program and the contractor. This proposal does not obligate the agency to spend the estimated dollar amount.

The contract will begin as soon as possible and will be completed October 1, 1999.

Call or write for the full Request for Proposal which will be sent free of charge to interested vendors. Please contact:

Bob Djupstrom, Scientific and Natural Areas Supervisor  
Minnesota Department of Natural Resources  
500 Lafayette Road, Box 25  
St Paul, MN 55155 - 4025  
Phone (651) 297-2357  
FAX (651) 297-1811

## Professional, Technical & Consulting Contracts

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

In accordance with *Minnesota Rules*, part 1230.1810, subpart B, and *Minnesota Rules*, part 1230.1830, 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, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Helpline at (612) 296-2600 TTY (612) 282-5799.

All proposals must be received or post-marked not later than 4:00 PM on Monday September 14, 1998.

Dated: 30 July 1998

Gail Lewellan  
Asst. Commissioner/Human Relations and Legal Affairs  
Department of Natural Resources

## Minnesota World Trade Center Corporation

### Notice of Intent to Solicit Outside Information from Independent Sales Organizations (ISO) to Develop TradeCard™ in Minnesota

The Minnesota World Trade Center Corporation is a membership-based organization with affiliates in 300 cities in more than 80 countries.

TradeCard™ is a one-stop electronic system that allows creditworthy exporters to benefit from trade financing, nearly paperless trade, a faster business cycle, and services such as EDI messaging, inspection services, insurance, and supply-chain management.

**NOTICE IS HEREBY GIVEN** that the Minnesota World Trade Center Corporation (MWTCC) is developing a list of interested companies that could provide the services necessary to market the TradeCard™ system in Minnesota in partnership with the MWTCC.

Services needed by the MWTCC include, but are not limited to, providing all necessary technical expertise, installation of software and hardware, liaison with the World Trade Centers Association, and Full Service Trade Systems Ltd. (the developers and licensors of TradeCard™), administration of the system following installation, and identification and recruitment of potential users.

For more information contact:

Noor Doja  
President  
World Trade Center Corporation  
400 World Trade Center Corporation  
30 East 7th Street  
St. Paul, MN 55102  
(651) 297-4658

**This is the only person designated to answer questions regarding the request for interested vendors.**

Interested parties should submit a letter of interest to this office by 4:30 on Tuesday 10 September 1998

Dated: 24 August 1998

Noor Doja, president  
World Trade Center Corporation

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## Non-State Public Bids, Contracts & Grants

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

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

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### Metropolitan Council

#### Invitation for Bids on Compaq Proliant Servers

Sealed bids for two Compaq Proliant Servers, configured with Microsoft Terminal Server and Citrix MetaFrame Enterprise, plus other accessories, and assembly, installation, training and other services, will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on September 9, 1998, at 2:00 P.M.

Bid specifications may be obtained from the offices of the Metropolitan Council or by calling (651) 602-1499 or via FAX request at (651) 602-1083. All bids to be considered must be submitted on Metropolitan Council approved forms.

The award will be based upon, but not necessarily limited to, factors of price, agreement to the Metropolitan Council's terms and conditions, product availability and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

### Metropolitan Council

#### Invitation for Bids on Elevator Maintenance

Sealed bids for elevator maintenance and repair for various locations will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on September 9, 1998, at 3:00 P.M.

Bid specifications and information on **MANDATORY** pre-bid site visits may be obtained from the offices of the Metropolitan Council or by calling (651) 602-1499 or via FAX request at (651) 602-1083. All bids to be considered must be submitted on Metropolitan Council approved forms.

The award will be based upon, but not necessarily limited to, factors of price, agreement to the Metropolitan Council's terms and conditions, product availability and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

### Metropolitan Council

#### Invitation for Bids on Roof Maintenance Services

Sealed bids for roof maintenance and emergency repair services for various locations will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on September 9, 1998, at 4:00 P.M., at which time they will be publicly read.

Bid specifications may be obtained from the offices of the Metropolitan Council or by calling (651) 602-1499 or via FAX request at (651) 602-1083. All bids to be considered must be submitted on Metropolitan Council approved forms.

The award will be based upon, but not necessarily limited to, factors of price, agreement to the Metropolitan Council's terms and conditions, product availability and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

## Non-State Public Bids, Contracts & Grants

### University of Minnesota

#### Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.

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651.297.3000 or  
1.800.657.3757