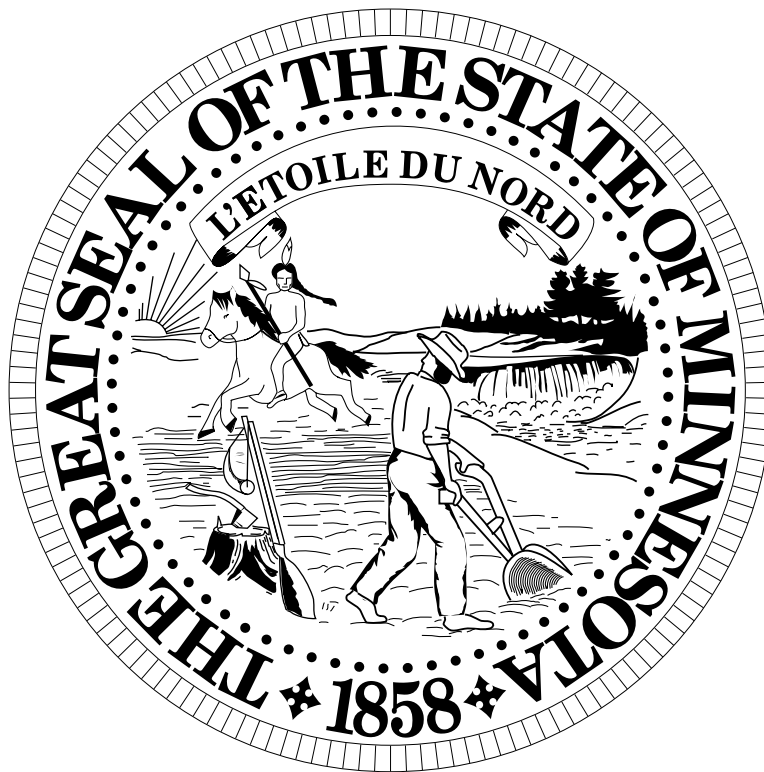


State of Minnesota

# State Register

Rules and Official Notices Edition



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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, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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#32	Monday 7 February	Noon Wednesday 26 January	Noon Tuesday 1 February
#33	Monday 14 February	Noon Wednesday 2 February	Noon Tuesday 8 February
#34	<b>TUESDAY 22 FEBRUARY</b>	Noon Wednesday 9 February	Noon Tuesday 15 February

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## FOR LEGISLATIVE NEWS

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

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Room 231 State Capitol, St. Paul, MN 55155

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 issue 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.

## Volume 24, Issues #27-31

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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*.

## Minnesota Racing Commission

### Proposed Permanent Rules Relating to Horse Racing

#### 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 Amendment to Definitions, *Minnesota Rules* Chapter 7869; Licensure, *Minnesota Rules* Chapter 7870; Televised Racing Days, *Minnesota Rules* Chapter 7871; Pari-Mutuel Rules, *Minnesota Rules* Chapter 7873; Direct Deposit, Reporting Payments, *Minnesota Rules* Chapter 7874; Facilities and Equipment, *Minnesota Rules* Chapter 7875; Class C Licenses, *Minnesota Rules* Chapter 7877; Security Officers, *Minnesota Rules* Chapter 7878; Horse Races, *Minnesota Rules* Chapter 7883; Horse Medication, *Minnesota Rules* Chapter 7890; Physical Examination of Horses, *Minnesota Rules* Chapter 7891; Medical Testing, *Minnesota Rules* Chapter 7892; Prohibited Acts, *Minnesota Rules* Chapter 7897.**

**Introduction.** The Racing Commission 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, 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 March 1, 2000, a public hearing will be held at the Minnesota Racing Commission Office, 1100 Canterbury Road, Shakopee, Minnesota 55379, starting at 9:30 a.m. on Monday, March 13, 2000. 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 March 1, 2000 and before March 13, 2000.

**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: Richard G. Krueger at Minnesota Racing Commission, P. O. Box 630, Shakopee, MN 55372, 612-496-7950, FAX 612-496-7954, and email: [richard.krueger@state.mn.us](mailto:richard.krueger@state.mn.us). TTY users may call the Racing Commission at 800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about the regulation of pari-mutuel horse racing. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 240.13, Subd. 6; 240.15, Subd. 2; 240.16, Subds. 3 and 4; 240.19; 240.23; and 240.24, Subd 1. A copy of the proposed rules is published in the *State Register*. The proposed rules cover a wide range of issues and practices regarding the regulation of horseracing and pari-mutuel wagering. Many are solely housekeeping in nature

**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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while a few others are new language written to conform to new technology and medical testing standards. All proposed rule amendments are intended to continue to assure the integrity of pari-mutuel horse racing and betting in Minnesota, to recognize the needs of the racetrack and horsemen and women, and to provide quality racing that is desired by wagering track patrons. *Minnesota Rule* 7874.0100, subpart 3 contains obsolete language regarding the payment of unredeemed tickets and is repealed. *Minnesota Rule* 7878.0100, subpart 5 contains obsolete reference to the Minnesota Bureau of Criminal Apprehension and is repealed. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on March 1, 2000, 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. on March 1, 2000. 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, 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 March 13, 2000, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 612-496-7950 after March 1, 2000 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 Steve M. Mihalchick is assigned to conduct the hearing. Judge Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-349-2544, 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 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 State 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: 11 January 2000

Richard G. Krueger  
Executive Director

#### **7869.0100 DEFINITIONS.**

[For text of subs 1 to 24, see M.R.]

Subp. 25. **Equipment.** "Equipment," as applied to a horse, means whips, blinkers, tongue straps, muzzles, hoods, nasal strips, nose bands, shadow rolls, martingales, breast plates, bandages, boots, plates (shoes), sulkies, head poles, and all other paraphernalia that is or might be used on or attached to a horse while racing.

[For text of subs 26 to 69, see M.R.]

#### **7870.0160 PERSONAL INFORMATION AND AUTHORIZATION FOR RELEASE.**

In an application for a Class A license the applicant must make its best effort, as defined in part 7870.0030, item E, to include the following with respect to each individual identified pursuant to part 7870.0030 as an applicant, partner, director, officer, other policymaker, or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of five percent or more in the applicant and each individual identified pursuant to part 7870.0100, item B or C:

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

B. an authorization for release of personal information, on a form prepared by the commission, signed by the individual and providing that he or she:

(1) authorizes a review by and full disclosure to an agent of the Minnesota Public Safety Department, ~~Bureau of Criminal Apprehension~~ Alcohol and Gambling Enforcement Division, of all records concerning the individual, whether the records are public, nonpublic, private, or confidential;

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

#### **7870.0330 PERSONAL INFORMATION AND AUTHORIZATION FOR RELEASE.**

In an application for a Class B license the applicant must make its best effort, as defined in part 7870.0030, item E, to include the following with respect to each individual identified pursuant to part 7870.0200 as an applicant, partner, director, officer, other poli-

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cymaker or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of five percent or more in the applicant and each individual identified pursuant to part 7870.0270, item B or C:

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

B. an authorization for release of personal information, on a form prepared by the commission, signed by the individual and providing that he or she:

(1) authorizes a review by and full disclosure to an agent of the Minnesota Public Safety Department ~~Bureau of Criminal Apprehension, Alcohol and Gambling Enforcement Division~~, of all records concerning the individual, whether the records are public, nonpublic, private, or confidential;

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

### 7870.0480 MEDICAL SERVICES.

A racetrack facility must provide the following medical facilities, equipment, and personnel:

A. a fully equipped first aid room with at least two beds;

B. a licensed physician or paramedic and certified emergency medical technician on duty in the first aid room on all days during which horse racing is conducted; and

C. an ambulance for humans with necessary equipment and staff whenever the facility is open for racing or exercising horses.

### 7870.0500 CONTRACT APPROVAL.

Subpart 1. **Contracts and subcontracts subject to prior commission approval.** All contracts entered into, renewed, or extended by Class A, B, and D licensees and their contractors for goods ~~and~~ services, and events occurring during the live race meeting are subject to prior approval by the commission. Licensees must submit contracts to the commission not less than seven days prior to a commission meeting. Contracts must include affirmative action plans establishing goals and timetables consistent with *Minnesota Statutes*, chapter 363, where the contractor affirms compliance with the ADA. All Class A, B, and D licensees must submit as soon as practicable to the commission the name and the address of the contractor or subcontractor, amount and duration of the contract or subcontract, and a description of the good or service provided. The commission shall determine whether the contract or subcontract may affect the integrity of pari-mutuel racing, and the commission shall notify the licensee whether the commission intends to review and approve or disapprove the contract or subcontract. In making a determination that a contract or subcontract may affect the integrity of racing, the commission shall consider the amount and duration; the extent to which the contractor or subcontractor will be on the premises of the licensee; the relationship of the contract or subcontract to security; opportunity for contact between the contractor or subcontractor and horses, horsepersons, or patrons; opportunity for the contractor or subcontractor to influence the management and conduct of pari-mutuel racing; contact with admission, pari-mutuel, concession, or purse money; and whether the commission has reason to believe that the contractor or subcontractor is incompetent, financially irresponsible, or not of good character. If notified of the commission's intention to review and approve or disapprove a contract or subcontract, the licensee shall promptly submit to the commission copies of any written contracts or subcontracts as well as any documentation, records, or information the commission may request with regard to the contract. If the commission notifies a licensee of the commission's intention to review and approve or disapprove a contract or subcontract, the contract or subcontract is not valid, nor is either of the parties bound by the contract until it has been approved by the commission. The commission shall approve or disapprove contracts and subcontracts within 30 days, as computed pursuant to *Minnesota Statutes*, section 645.15, after submission.

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

### 7871.0090 SIMULCAST WAGERING ON A TELEVISED RACING DAY.

Subpart 1. **Request.** Upon written request of a Class B licensee, the commission shall approve wagering on races televised to Minnesota from another licensed racing jurisdiction during a televised racing day. ~~A signed reciprocal agreement among the racetrack originating (hosting) the broadcast, the association representing the horsepersons at the host track, the Minnesota racetrack receiving the broadcast, and the association representing the horsepersons at the Minnesota racetrack receiving the broadcast must be filed with the commission prior to the broadcast.~~ The Class B licensee must file a certification form with the commission prior to the broadcast. The certification form must include, at a minimum, the beginning and end dates, pools, takeouts, and fees for each reciprocal agreement among the racetrack hosting the broadcast, the association representing the horsepersons at the host track, the Minnesota racetrack receiving the broadcast, and the association representing the horsepersons at the Minnesota racetrack receiving the broadcast. The Class B licensee must make the signed reciprocal agreement available for the commission to review prior to the first broadcast.

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

### 7871.0150 EMERGENCY PROCEDURES WHEN POOLS ARE COMMINGLED AT THE CLASS A FACILITY OR AT AN ALTERNATIVE FACILITY.



Subpart 1. **Interruption of the audio/visual satellite signal from host racetrack.** In the event of an interruption of both the audio and video satellite signal from the host racetrack, the guest track's mutuel manager must:

- A. notify the tote wagering hub or host track of the loss of the signal; and
- B. notify the presiding official or designated commission representative of the interruption;

~~C. establish telephone linkup with the host track announcer to the PA system at the guest racetrack. The licensee may continue to accept wagering on the balance of the program and subsequent programs until the satellite downlink has been reestablished. In the event this telephone link cannot be established after the initial start up audio or visual signal had been established, the licensee may continue to accept wagering for a period of two races. The guest track must inform the public of the interruption, order of finish, and winning payoffs by announcements made over the public address system until the signal has been reestablished. In the event that the initial audio or visual signal is not established, the guest track must make an announcement to the public and refund any advanced wagers, until the signals are established.~~

The licensee may continue to accept wagering on the balance of the program and subsequent programs until the satellite downlink has been reestablished, if the wagering hub has an audio/visual feed from the host track and the on-track public is notified by public announcement. If the audio and video interruption will not be corrected before the end of the host track's racing program, betting must be stopped for the races that will not be televised but all advanced wagers must be honored. If the initial audio or visual signal is not established, the guest track must make an announcement to the public and stop betting until the signals are established. All advanced wagers made without an audio or video signal must be honored.

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

#### **7873.0120 PARI-MUTUEL BETTING.**

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

Subp. 2. **Telecasts.** A licensee may, with the approval of the commission, transmit telecasts of races the licensee conducts for wagering purposes to a location outside the state. The commission may allow the licensee to commingle its wagering pools with the wagering pools at a facility located outside of this state that is regulated by a state racing commission or pari-mutuel regulatory board, when it transmits telecasts under this subpart.

#### **7873.0188 SUPERFECTA.**

Subpart 1. **Scope.** The superfecta is a form of pari-mutuel wagering combining four horses in a single race. Each bettor selects horses that will finish in exact order, first, second, third, and fourth, in a designated superfecta race. Payment of the ticket must be made only to the purchasers who have selected the exact order of finish as officially posted, except as otherwise noted. All superfecta wagers are calculated on a separate superfecta pool, with no relation to any other pool.

Subp. 2. **Price of tickets.** Superfecta tickets must be sold singly in not less than \$2 denominations. A minimum of two \$1 combinations resulting in a minimum wager of \$2 may be made and will return to the bettor one-half of the minimum payoff.

Subp. 3. **Scratches.** If a horse is scratched or declared a nonstarter, no further superfecta tickets may be issued designating the horse and all previously issued superfecta tickets that include the scratched horse must be refunded at any time and the money deducted from the gross pool.

Subp. 4. **Failure to select winning combination.** Items A to E govern payoffs in races where the winning combination has not been selected.

A. If no ticket is sold correctly selecting the first four finishers, the net pool must be paid equally on those superfecta tickets selecting the horses finishing first, second, and third.

B. If no ticket is sold correctly selecting the first three finishers, the net pool must be paid equally on those superfecta tickets selecting the horses finishing first and second.

C. If no ticket is sold correctly selecting the first two finishers, the net pool must be paid equally on those tickets selecting the horse finishing first.

D. If no ticket is sold that would require distribution of the net superfecta pool as described in items A to C, a full refund of the superfecta pool for that race must be made.

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E. If less than four horses finish a superfecta race, payoff must be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

Subp. 5. Cancellation of superfecta race. If a superfecta race is canceled, a full refund of all superfecta tickets must be made.

Subp. 6. Dead heats. Items A to F govern payoffs in dead heats.

A. In the event of a dead heat for first, the winning combinations must be the horses finishing in the dead heat for first and the horses finishing third and fourth.

B. In the event of a dead heat for second, the winning combinations must be the horse finishing first, the horses finishing in the dead heat for second, and the horse finishing fourth.

C. In the event of a dead heat for third, the winning combinations must be the horse finishing first, the horse finishing second, and the horses finishing in the dead heat for third.

D. In the event of a dead heat for fourth, the winning combinations must be the horse finishing first, the horse finishing second, the horse finishing third, and the horses finishing in the dead heat for fourth.

E. In the event of a dead heat for first, second, third, or fourth where there is no winning ticket on the one dead heat combination, the entire pool must be paid to the other winning combination.

F. In all instances of multiple dead heats, the winning combinations must be paid proportionately from the net superfecta pool.

Subp. 7. Restrictions on superfecta races. In no event shall superfecta wagering be designated on a race with fewer than eight betting interests. If a designated superfecta race is reduced to seven betting interests after the horses in the designated superfecta race have left the paddock, superfecta wagering may be allowed. If a designated superfecta race is reduced to seven betting interests before the horses in the designated superfecta race have left the paddock, superfecta wagering must be canceled. In no event shall superfecta wagering be allowed with fewer than seven betting interests. If for any reason superfecta wagering is canceled, all superfecta wagers must be refunded.

Subp. 8. Displaying superfecta rules. Superfecta rules must be prominently displayed at each track conducting superfecta wagering. Printed copies of superfecta rules must be provided to patrons upon request.

### 7873.0190 PICK SIX.

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

Subp. 6. Calculation of pool. The pick six pari-mutuel pool shall must be calculated according to one of the two following methods as approved by the commission:

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

D. With the permission of the commission before the start of racing, a licensee may declare a mandatory payout (1) on the next consecutive race day after the pick six carryover pool has reached a previously approved amount or (2) on a day during which a special event has been scheduled. Should no distribution be made pursuant to item A or B, then the entire distributable pool and all money accumulated in the pool shall must be distributed to the holders of the tickets correctly designating the most winning selections of the six races comprising the pick six for that day. If, for any reason, the day of racing is canceled, or the pick six pool has not been distributed, the pool shall must be carried over and included in the pick six pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

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

### 7874.0100 GENERAL PROVISIONS.

Subpart 1. Scope. For the purpose of administering the direct deposit of taxes, and breakage, and unredeemed tickets pursuant to Minnesota Statutes, section 240.15, subdivisions 1, and 2, and 5, and subparts 2 to 4 shall apply.

Subp. 2. Payment of pari-mutuel tax, admissions tax, breakage, and breeders' fund. Taxes, breakage, and breeders' funds collected by an association must be remitted to the commission within seven days of the day on which it was collected. However, the amount allocated for purse supplements, pursuant to part 7895.0110, subpart 2, item C, may be deducted and retained by the association as reimbursement for purse supplements paid by it. The remittance must be accomplished by a direct deposit in a financial institution designated by the commissioner of finance and approved by the commission or by daily delivery to the commission office. On those days when the seventh day is a holiday or a weekend day, the payment must be made by the succeeding business day.

At the close of each month in which racing is conducted, the association must report to the commission all deposits of taxes and breakage for that month.

Subp. 3. [See repealer.]

Subp. 4. **Recapitulation.** On each day that deposits are made by the association, a report must be filed with the commission containing the following recapitulation:

- A. total takeout;
- B. pari-mutuel tax;
- C. ~~state and local admissions taxes;~~
- ~~D.~~ total breakage;
- ~~E.~~ D. state's share of breakage; and
- ~~F.~~ E. breeders' fund tax.

Separate recapitulations must be filed for each full card simulcast.

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

#### **7875.0100 FACILITIES.**

Subpart 1. **Facilities.** Each association must include a receiving barn, detention facility, paddock, room for jockeys and drivers, lighting, stabling, restrooms, medical facilities, racing officials' space, viewing room, commission office and parking space, space for the ~~Bureau of Criminal Apprehension~~ Alcohol and Gambling Enforcement Division, and complaint desk. The facilities must meet the needs of patrons, officials, horsepersons, other persons on the premises, and horses. The facilities must be in compliance with the requirements of the ADA.

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

#### **7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.**

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

Subp. 2. **Application content.** An application for a Class C license ~~shall~~ must include the following information with respect to the applicant:

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

F. a signed statement authorizing the release of information to the commission and the ~~Minnesota Bureau of Criminal Apprehension~~ Alcohol and Gambling Enforcement Division; and

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

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

#### **7877.0120 FEES.**

Subpart 1. **License fees.** Each application for a Class C license, or its renewal, shall be accompanied by the payment of an annual fee according to the following schedule:

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

- Y. association employees, ~~seasonal~~ temporary full time or temporary part time, \$15;
- Z. association staff, permanent full time, \$35;

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

Subp. 2. **Fingerprinting and licensing reciprocity.** The commission shall license persons holding valid permanent licenses issued by other racing jurisdictions in North America if the persons meet the criteria specified in this subpart. The licensee must be in good standing, have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous 36 months, file an application and/or affidavit as may be required by the commission, and pay the required applicable fees before participating in racing.

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

F. Provided the requirements in items A to E have been met, the commission shall issue ~~either~~ a license and/or a validation sticker. The validation sticker shall be affixed to ~~either~~ a license issued by the commission ~~or a valid license issued by another~~

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~~racing jurisdiction.~~ The validation sticker shall contain Minnesota's two-letter postal service abbreviation, the year of the validation, and may contain the audit trail code or serial number, if applicable. The validation sticker shall be constructed of an approved tamper-resistant material. The affixing of the validation sticker shall constitute licensing. The commission shall determine the period of time that the license is valid in Minnesota.

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

Subp. 3. **Jockey mount fees.** Except as otherwise specially agreed by the parties, the fees to be paid jockeys shall be according to the following fee scale:

Purse	Winning Mount	Second Mount	Third Mount	Other Mounts
\$499 and Under	\$27	\$19	\$17	\$16
500-599	30	20	17	16
600-699	36	22	17	16
700-999	10% of win purse	25	22	20
1,000-1,499	10% of win purse	30	25	22
1,500-1,999	10% of win purse	35	30	28
2,000-3,499	10% of win purse	45	35	33
3,500-4,999	10% of win purse	55	45	35
5,000-9,999	10% of win purse	65	50	40
10,000-14,999	10% of win purse	5% of place purse	5% of show purse	45
15,000-24,999	10% of win purse	5% of place purse	5% of show purse	50
25,000-49,999	10% of win purse	5% of place purse	5% of show purse	60
50,000-99,999	10% of win purse	5% of place purse	5% of show purse	75
100,000 and up	10% of win purse	5% of place purse	5% of show purse	100

For the purpose of this subpart, "purse" includes purse supplement money from the Minnesota Breeders' Fund pursuant to parts 7895.0110, subpart 4, item A, and 7895.0300, subpart 6.

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

### 7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

[For text of subs 1 to 15, see M.R.]

Subp. 16. **Concessionaire or vendor.** Any person or entity that sells or distributes products or provides services at a Class A or D facility outside of the time of a live race meeting for longer than three consecutive days, or more than a total of ten days in a calendar year, and which products or services are sold or distributed in a restricted area or are necessary for the running of a horse race, must be licensed. The director of pari-mutuel racing shall request the director of the division of alcohol and gambling enforcement to investigate the background, financial responsibility, security, and integrity of any person or entity providing such products or services to a licensed racetrack.

### 7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

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

Subp. 3. **Change of employees.** At the time a Class C licensee changes employees, the licensee must notify the ~~association's validation~~ commission office of the change no later than by the end of the next racing day of that race meeting.

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

#### **7877.0165 CREDENTIALS.**

The commission shall issue an identification badge to each Class C licensee ~~which must be validated for each racetrack at which the licensee's work is conducted.~~

The licensee must wear the badge on outer apparel at all times he or she is within any restricted area unless the activity for which he or she is licensed renders wearing of the badge on outer apparel unsafe or creates a substantial risk of loss, destruction, or mutilation of the badge, in which case the badge shall be in possession of the licensee.

No licensee shall permit any other person to use his or her badge for identification, entrance to the racetrack, or for any other purpose on or off the racetrack grounds.

#### **7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.**

Subpart 1. **Owners.** Horse owners shall have the following responsibilities:

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

E. Upon receipt of a positive lab report, an owner is subject to part 7892.0150.

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

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

F. Each trainer must provide a list of all persons in his or her employ to the commission and must ensure that those persons are licensed by the commission no later than the next racing day after those employees arrive on the grounds of an association. Upon discharge of an employee, the trainer shall report that fact to the ~~association's validation~~ commission office by no later than the end of that racing day.

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

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

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

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

G. The jockey's weight shall include his or her clothing ~~(, excluding helmet and flak jacket)~~ safety vest, boots, saddle, and saddle attachments.

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

K. A jockey unable to fulfill his or her riding engagements because of illness or injury must pass a physical examination conducted by a licensed physician or paramedic before resuming race riding.

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

[For text of subps 4 to 10, see M.R.]

#### **7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.**

Subpart 1. **Racing secretary.** The racing secretary shall have the ~~following~~ responsibilities in items A to J.

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

Subp. 2. **Clerk of scales.** The clerk of scales shall have the ~~following~~ responsibilities in items A to I.

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

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

Subp. 4. **Paddock judge.** The paddock judge shall have the ~~following~~ responsibilities in items A to L.

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

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[For text of subps 5 to 7, see M.R.]

Subp. 8. **Commission veterinarian.** The commission veterinarian shall maintain a list of the following:

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

D. horses otherwise considered unfit to race in the professional judgment of the commission veterinarian or the association veterinarian.

The veterinarian's list shall be posted in the racing secretary's office, and any horse whose name is on the list shall be ineligible to start in a race for five calendar days, or until the commission veterinarian or association veterinarian removes it from the list, whichever is later. All workouts required by the commission veterinarian for the purpose of potentially removing a horse from the veterinarian's list must be conducted under the same medication requirements as those for race days. For purposes of this subpart, the five-day period during which a horse is ineligible to start begins to run on the first day the horse is placed on the list. The veterinarian's list is binding on all racetracks under the jurisdiction of the commission.

The commission veterinarian shall conduct racing soundness examinations pursuant to part 7891.0100. If the veterinarian finds that any horse is unfit to race he or she shall notify the stewards immediately.

The commission veterinarian shall supervise the operation of a barn for the detention and testing of horses after each race pursuant to chapter 7890.

The commission veterinarian shall have the authority to draw blood from any horse or pony on the grounds of an association for the purpose of ~~conducting an Agar Gel immunodiffusion (Coggins) test~~ testing for equine infectious anemia (EIA), and shall supervise the removal from the racetrack of any horse or pony having positive ~~Coggins~~ EIA test results.

In the event of a veterinary emergency where the owner's veterinarian is not on racetrack grounds, the commission veterinarian or association veterinarian may administer emergency treatment on the request of the owner or the owner's agent. In such cases the owner is responsible for any costs incurred.

[For text of subps 8a to 15, see M.R.]

### 7878.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the following words and phrases have the meanings given to them unless another intention clearly appears.

Subp. 1a. **A&GED.** "A&GED" means the Alcohol and Gambling Enforcement Division of the Minnesota Department of Public Safety.

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

Subp. 5. [See repealer.]

[For text of subps 6 to 11, see M.R.]

### 7878.0110 MINIMUM SELECTION STANDARDS.

Subpart 1. **Applicant must meet selection standards.** A person eligible to be licensed by the commission as a security officer must be an employee of a Class A, B, or D licensee and shall meet the following minimum selection standards prior to being appointed a security officer. The appointing authority may certify that the applicant has already completed certain of these standards and provide documentation to that effect pursuant to subpart 2. In all cases, the security officer must:

A. be a citizen of the United States;

B. complete a comprehensive written Minnesota racing commission license application;

C. submit to a thorough background search by the ~~BCA~~ A&GED to disclose the existence of any criminal record or conduct which would adversely affect the performance of the security officer's duties;

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

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

### 7878.0150 STANDARDS OF CONDUCT FOR SECURITY OFFICERS.

Subpart 1. **Certain licensees must be POST Board licensed or POST Board eligible.** Any security officer who carries a firearm or whose principal duty is to investigate violations of statutes or rules must be licensed or eligible to be licensed as a peace officer by the POST Board.

Subp. 1a. **Carrying of firearms.** The chief of police of the jurisdiction where the Class A or D facility is located must be notified in writing of and receive a copy of the request for a security officer to carry a firearm.

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

**7878.0160 SECURITY COOPERATION.**

Subpart 1. **Security officers must cooperate with law enforcement agencies.** Class A, Class B, and Class D licensees and all security officers must cooperate fully with federal, state, and local law enforcement agencies with jurisdiction to enforce criminal laws at horse racing facilities, and must report promptly all crimes suspected, investigated, or prevented at a licensed racetrack to the ~~BCA~~ A&GED.

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

**7883.0100 ENTRIES AND SUBSCRIPTIONS.**

[For text of subs 1 to 15, see M.R.]

Subp. 15a. **Approval for blinkers.** No horse, to which blinkers or nasal strips will be added or removed, may be entered in any race without the prior written authorization of the starter. This authorization must accompany the entry. Error in this procedure may be corrected with the permission of the stewards at no later than scratch time. Horses that are racing with a nasal strip must be so identified in the daily racing program.

Subp. 16. **Workout requirements.** In order to be eligible:

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

E. For all county fairs in which the average daily handle for the preceding year was less than \$150,000 all workout requirements shall be waived except that in the case of a horse that has not started for a period of one year, the owner or trainer must contact the commission veterinarian prior to entry for an examination and workout as determined by the commission veterinarian.

For the purposes of items D and E and removing a horse from the stewards' list, all workouts must be conducted under the same medication requirements as those for race days.

[For text of subs 17 and 18, see M.R.]

**7890.0100 DEFINITIONS.**

[For text of subs 1 to 12, see M.R.]

Subp. 13. **Medication.** "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. The term medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

A. Bute, provided that the test sample does not contain more than three micrograms of the substance or metabolites thereof per milliliter of blood plasma.

B. Lasix® a, provided, however, that it is administered pursuant to the provisions of part 7890.0140, subpart 7a, and further provided that the test sample does not contain:

(1) urine specific gravity less than 1.010; and

(2) more than 80 100 nanograms per milliliter of plasma furosemide;

(2) less than 40 milligrams creatinine per 100 milliliters urine; and

(3) urine furosemide, measured in micrograms per milliliter, in a quantity such that the ratio of urine furosemide to urine creatinine exceeds 0.15.

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

[For text of subs 14 to 21, see M.R.]

**7890.0140 BLEEDERS.**

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

Subp. 5. **Restrictions on confirmed bleeders.** Confirmed bleeders shall be subject to the following restrictions:

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## Proposed Rules

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A. For the first observed bleeding ~~in Minnesota~~, the horse shall be placed on the bleeder list and the veterinarian's list and shall not be removed from the veterinarian's list without the approval of the commission veterinarian. Such a horse shall be ineligible to race for at least 12 days following the observed bleeding.

B. When a horse has been observed bleeding for the second time in ~~Minnesota~~ the previous 12 months, the horse shall be placed on the veterinarian's list and shall not be removed from the list without the approval of the commission veterinarian. Such a horse shall be ineligible to race for at least 21 days following the observed bleeding.

C. When a horse has been observed bleeding for the third time in ~~Minnesota~~ the previous 12 months, the horse shall be placed on the veterinarian's list and shall not be removed from the list for at least six months, and not until the commission veterinarian has approved its removal.

D. When a horse is observed bleeding a fourth time in ~~Minnesota~~ the previous 12 months, the horse shall be ~~barred from further pari-mutuel racing in Minnesota unless the horse has not been observed bleeding in Minnesota for a period of at least one year immediately preceding the observation of a fourth bleeding. In such event, the horse shall be~~ placed on the veterinarian's list and shall not be removed from the list for at least ~~six~~ 12 months, and not until the commission veterinarian has approved its removal.

E. When a horse is observed bleeding a fifth time ~~in Minnesota~~, the horse shall be barred from further pari-mutuel racing in Minnesota.

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

[For text of subp 6, see M.R.]

Subp. 7a. **Conditions required for Lasix® administration.** Lasix® shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse. The Lasix® must be administered ~~at least a minimum of~~ at least no less than four hours before scheduled post time for any bleeder entered to race and the dose level of Lasix® must be ~~at least no less than~~ 150 milligrams and must not exceed 250 milligrams (no less than three nor more than five milliliters of a 50 milligram/milliliter or five percent solution) per administration.

The practicing veterinarian must deposit with the commission veterinarian an unopened supply of Lasix® and sterile hypodermic needles and syringes to be used for the administration. The Lasix® must be administered under the supervision of a person employed by the commission.

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

### **7890.0160 RESPONSIBILITY OF VETERINARIAN.**

No veterinarian may administer a medication or substance foreign to the natural horse to any horse that is scheduled to race within 48 hours, except as permitted in part 7890.0100, subpart 13, or in the case of a medical emergency requiring immediate treatment. No veterinarian may place a nasogastric tube in a horse that is scheduled to race within 48 hours, except in the case of a medical emergency requiring immediate treatment. No veterinarian may enter the stall of or otherwise handle a horse that is scheduled to race within four hours, except in the case of a medical emergency requiring immediate treatment. In emergency cases it is the responsibility of the attending veterinarian to notify the commission veterinarian of the nature of the emergency and the exact treatment provided. The notification must be made as soon as practical (within one-half hour of an emergency that occurs during training or racing hours or by 8:00 a.m. on the morning following an emergency which occurred during evening or night hours) and on a form prescribed by the commission. At the request of the commission veterinarian, the veterinarian must provide radiographs, laboratory tests, and results of other diagnostic procedures within 24 hours.

### **7891.0110 POSTMORTEM EXAMINATION.**

Subpart 1. **Horses that must undergo postmortem examination.** Every horse which suffers a breakdown at a licensed racetrack under the jurisdiction of the commission, in training or in competition, and which is euthanized, and every horse which expires while stabled at a licensed racetrack under the jurisdiction of the commission, shall undergo a postmortem examination to be conducted by the commission veterinarian or the veterinarian's designee to determine the injury or illness which resulted in euthanasia or natural death. A Class D license holder or the licensed trainer at a Class B license facility is responsible for furnishing transportation, within six hours of death, to deliver a horse to a postmortem site to be determined by the commission veterinarian.

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

### **7892.0130 TESTING.**

Subpart 1. **Chemist.** ~~The chemist responsible for detecting and identifying prohibited substances at an official laboratory must be a member in good standing of the Association of Official Racing Chemists. The official laboratory must have sufficient personnel to perform all analytical procedures required for the identification and forensic proof of a medication violation. The chemist responsi-~~



ble for the operation of the analytical testing laboratory must be a member in good standing of the Association of Official Racing Chemists.

Subp. 2. **Equipment.** ~~Every~~ The official laboratory must be equipped with the following sufficient laboratory equipment and personnel to perform:

A. ~~extraction apparatus consisting of:~~

~~(1) direct column;~~

~~(2) rotation apparatus;~~

~~(3) concentration distillation, and~~

~~(4) resin absorption apparatus, or any combination thereof;~~

~~B. at least one steam bath;~~

~~C. a hot water bath with a controlled temperature;~~

~~D. a water still;~~

~~E. a centrifuge;~~

~~F. a refrigerator;~~

~~G. an analytical balance;~~

~~H. laboratory scales;~~

~~I. a polarizing microscope;~~

~~J. a photomicrographic camera with attachments;~~

~~K. a paper strip chromatographic apparatus;~~

~~L. a thin layer chromatographic apparatus;~~

~~M. ultra violet lamps including short and long wave lamps;~~

~~N. a laboratory oven with a heat range of 93.3 degrees Celsius to 120 degrees Celsius, and a sensitivity of plus or minus 1 degree Celsius;~~

~~O. photographic equipment for the purpose of photographing color spot tests and chromatographs;~~

~~P. a pH meter;~~

~~Q. a gas chromatograph equipped with electron capture, flame ionization, and thermionic specific detectors;~~

~~R. a mass spectrometer interfaced to a gas chromatograph with solid probe capability and with a computer based data library storage system;~~

~~S. a microcrystal testing kit;~~

~~T. a color spot testing kit;~~

~~U. a high performance liquid chromatograph equipped with ultra violet and fluorescence detectors;~~

~~V. assorted laboratory glassware; and~~

~~W. other equipment the commission determines is necessary for the detection and identification of prohibited substances.~~

A. analytical screening procedures for the detection and identification of prohibited substances;

B. confirmation procedures to provide forensic analytical proof of a medication violation; and

C. quantitative analyses in those cases where an exact quantitative value is warranted.

Subp. 3. **Procedure.** ~~Procedures. The method for analysis of test samples by an official laboratory shall be:~~ Urine and blood samples must be subjected to sufficient analytical procedures to ensure that the medication rules of the Racing Commission are not

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## Proposed Rules

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violated. The exact analytical techniques performed must be determined by contract with the Racing Commission in consultation with the commission veterinarian and must include, at a minimum, the following:

~~A. process by extraction of a sample:~~

- ~~(1) using direct column apparatus;~~
- ~~(2) using rotation or other agitation apparatus;~~
- ~~(3) by concentration distillation;~~
- ~~(4) by resin absorption; or~~
- ~~(5) by any combination employing such solvents as are deemed appropriate by an official chemist; and~~

~~B. examination of the residue resulting from extraction by three separate tests selected from any of the following analytical methods:~~

- ~~(1) thin layer chromatography;~~
- ~~(2) ultra violet spectrophotometry;~~
- ~~(3) color spot test;~~
- ~~(4) gas liquid chromatography;~~
- ~~(5) high pressure liquid chromatography;~~
- ~~(6) mass spectrometry; or~~
- ~~(7) immunoassay.~~

~~If during a test an official chemist suspects the presence of a prohibited drug in a sample, the chemist shall continue analysis by any method he or she believes will ensure detection and identification of the substance.~~

~~A. analysis of blood samples for violations of the use of permitted medications;~~

~~B. screening analysis of blood samples for drugs of abuse, when applicable, as determined by the commission veterinarian;~~

~~C. analysis of urine samples for excessive dilution;~~

~~D. analysis of urine samples for drugs of abuse using a combination of immunoassay and chromatographic techniques; and~~

~~E. confirmation analysis of violations using mass spectral analysis.~~

~~Subp. 4. **Reports.** An official chemist shall report the results of tests promptly to the stewards and commission veterinarian. The official chemist shall report the results of the sample analyses to the commission veterinarian and the director as described by contract with the Racing Commission.~~

### **7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.**

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

Subp. 2. **Penalties imposed by stewards.** The stewards may suspend the license of the holder up to 90 days, ~~and/or~~ or impose a fine of up to \$2,000 in accordance with the schedule of fines in part ~~7897.0120~~ 7897.0130 or both; or they may order any other appropriate disciplinary or corrective action.

[For text of subps 3 to 9, see M.R.]

**REPEALER.** *Minnesota Rules*, parts 7874.0100, subpart 3; and 7878.0100, subpart 5, are repealed.

# 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.

# Pollution Control Agency

## Adopted Permanent Rules Relating to Water Quality Standards

The rules proposed and published at *State Register*, Volume 24, Number 1, pages 5-76, July 6, 1999 (24 SR 5), are adopted with the following modifications:

### 7050.0211 FACILITY STANDARDS.

Subp. 1a. **Total phosphorus effluent limits.** Where the discharge of effluent is directly to or affects a lake or reservoir, phosphorus removal to one milligram per liter shall be required. The limit must be a calendar month arithmetic mean unless the commissioner finds, after considering the ~~three~~ criteria listed in items A ~~to C~~ and B, that a different averaging period is acceptable. In no case shall the one milligram per liter limit exceed a moving mean of 12 monthly values reported on a monthly basis, or a simple mean for a specified period, not to exceed 12 months. Calendar month effluent limits in effect on the effective date of this part must remain in effect unless an assessment of the ~~following~~ criteria indicates listed in items A and B indicate a different averaging period is acceptable. A different averaging period is acceptable when:

A. the effects of the phosphorus loading from the facility on the receiving water or downstream water resources is generally not measurable; and

B. ~~the final recommendations to reduce total phosphorus loading to a watershed to achieve nutrient reduction goals established as part of a TMDL, or as part of an approved watershed plan, local water plan, or other equivalent planning process; and~~

C. ~~the overall treatment technologies being considered offer environmental, treatment process, financial, or other benefits offered by the relevant technologies.~~

In addition, removal of nutrients from all wastes shall be provided to the fullest practicable extent wherever sources of nutrients are considered to be actually or potentially detrimental to preservation or enhancement of the designated water uses. Dischargers required to control nutrients by this subpart are subject to the variance provisions of part 7050.0190.

### 7050.0220 SPECIFIC STANDARDS OF QUALITY AND PURITY BY ASSOCIATED USE CLASSES.

Subp. 3a. **Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5.**

#### C. ORGANICS SUBSTANCE OR CHARACTERISTIC

##### STANDARDS FOR USE CLASSES

2A	2A	2A	1B	3A/3B	4A	4B	5
CS	MS	FAV	DC	IC	IR	LS	AN

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## Adopted Rules

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(16) Chloroform (c) - Units: µg/l

53                    1392                    2784                    ~~100~~                    -                    -                    -                    -

Subp. 4a. **Water quality standards applicable to use Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5.**

C. ORGANICS SUBSTANCE OR CHARACTERISTIC

### STANDARDS FOR USE CLASSES

<b>2Bd</b>	<b>2Bd</b>	<b>2Bd</b>	<b>1B/1C</b>	<b>3A/3B</b>	<b>4A</b>	<b>4B</b>	<b>5</b>
<b>CS</b>	<b>MS</b>	<b>FAV</b>	<b>DC</b>	<b>IC</b>	<b>IR</b>	<b>LS</b>	<b>AN</b>

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(16) Chloroform (c) - Units: µg/l

53                    1392                    2784                    100                    -                    -                    -                    -

### 7050.0470 CLASSIFICATIONS FOR WATERS IN MAJOR SURFACE WATER DRAINAGE BASINS.

Subp. 5. **Minnesota River Basin.** The water use classifications for the listed waters in the Minnesota River Basin are as identified in items A, B, C, and D.

A. Streams:

~~(74) to (89)~~ [Renumber as ~~(76) to (91)~~]

~~(92) Lateral 5 of Judicial Ditch No. 3, (see Unnamed Ditch, Green Isle);~~

~~(90) to (139)~~ [Renumber as ~~(93) to (142)~~] (74) to (139) [Renumber as (76) to (141)]

~~(143)~~ (142) Unnamed Creek, Lake Town Township, (T.115, R.24, S.3, 10, 11; T.116, R.24, S.27, 34): 7;

(140) to (158) [Renumber as ~~(144)~~ (143) to ~~(162)~~ (161)]

~~(163)~~ (162) Unnamed Ditch, Arlington, (T.113, R.27, S.21): 7;

~~(164)~~ (163) Unnamed Ditch, Near Fernando, Round Grove Coop Cry., (T.113, R.30, S.5; T.114, R.29, S.19, 20, 30; T.114, R.30, S.25, 26, 27, 28, 29, 32): 7;

~~(165)~~ (164) Unnamed Ditch, (~~Lateral 5 of Judicial Ditch No. 3~~), Green Isle, (T.114, R.26, S.18, 19; T.114, R.27, S.11, 12, 13, 14, 24): 7;

(161) to (187) [Renumber as ~~(166)~~ (165) to ~~(192)~~ (191)]

Subp. 7. Lower **Mississippi River Basin.** The water use classifications for the listed waters in the Lower Mississippi River Basin are as identified in items A, B, and C.

A. Streams:

~~(191) Wells Creek, (T.111, R.14, S.3, 4, 5, 6, 7, 8, 18; T.112, R.13, S.12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23; T.112, R.14, S.24, 25, 33, 34, 35, 36): 1B, 2A, 3B;~~

(188) to (198) [Renumber as ~~(192)~~ (191) to ~~(202)~~ (201)]

## Department of Revenue

### Adopted Permanent Rules Relating to Utilities; Valuation and Assessment of Electric, Gas Distribution, and Pipeline Companies

The rules proposed and published at *State Register*, Volume 24, Number 16, pages 577-581, October, 18, 1999 (24 SR 577), are adopted as proposed.

## 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.

## Perpich Center for Arts Education

### Adopted Exempt Permanent Rules Relating to Perpich Center for Arts Education

**REPEALER.** *Minnesota Rules*, part 3600.0040, subparts 3, 4, and 5, are repealed.

## Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

## Pollution Control Agency

### Findings of Fact, Conclusions, and Order in the Matter of the Petition to Create the Duluth/North Shore Sanitary District

The Township of Lakewood, the Township of Duluth, and the City of Duluth petitioned the Minnesota Pollution Control Agency (MPCA) requesting the formation of the Duluth/North Shore Sanitary District. The Chairmen of Lakewood and Duluth Township Board of Supervisors were authorized to sign the petition pursuant to resolutions passed by their respective bodies of government.

The MPCA published the Notice of Intent to Approve the Duluth/North Shore Sanitary District in the *State Register* on Monday, November 15, 1999. The MPCA also notified all property owners in the affected area by mail of the notification published in the *State Register*.

The MPCA, after having considered the petition, having published notice of the intent to approve the creation of the sanitary district in the *State Register*, having notified the affected landowners of the intent to create the district, having reviewed the comment letters received during the comment period, having not received 25 or more hearing requests requisite for a hearing, and being fully advised in this matter, hereby makes the following:

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### FINDINGS OF FACT

1. The area of the proposed sanitary district is located in St. Louis County, Minnesota, and includes portions of the Township of Lakewood, the Township of Duluth, and the City of Duluth.
2. The area proposed for formation of the sanitary district is specifically described as that part of Saint Louis County, Minnesota bounded on the West by the center line of the Lester River, as it is depicted in the United States Government Survey on file in the Office of the County Recorder in Saint Louis County, Minnesota; bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61; bounded on the East by the easterly border of Saint Louis County, Minnesota; and bounded on the Southeast by the Lake Superior shoreline. The legal description of the sanitary district is attached (Attachment 1).
3. On July 14, 1999, a public meeting was held at the Lakeview Castle to consider the proposed creation of a sanitary district. Notice of the public meeting was published at least once each week for two weeks in the *Duluth News Tribune*, a qualified newspaper published in the area. The Notice was published in July 1, 1999, and July 8, 1999, in the *Duluth News Tribune*. Notice of the meeting was also published in the *Budgeteer News* on July 11, 1999. The meeting Notice was posted at the Lakeview Castle on July 6, 1999, the Shorewood Supper Club on July 7, 1999, and the Duluth Township Hall on July 8, 1999. The public meeting regarding the proposed creation of the Duluth/North Shore Sanitary District was adequately publicized: 1) the meeting notice was mailed to owners of each parcel of land within the proposed territory of the sanitary district on July 7, 1999, and 2) the meeting notice and the materials provided at the public meeting were given to the Duluth Public Library, the Duluth City Clerk, the Duluth Township Clerk, and the Lakewood Township Clerk.
4. On July 26, 1999, the City Council of the City of Duluth adopted a resolution authorizing the approval of the creation of the sanitary district, authorizing the signing of the petition by the Mayor of the City of Duluth, and authorizing the submission of the petition to the MPCA for establishment of the Duluth/North Shore Sanitary District. The resolution was published in the *Duluth News Tribune* on August 2, 1999, and became effective forty (40) days after the date of publication.
5. On July 8, 1999, the Board of Supervisors of the Township of Duluth adopted a resolution authorizing the approval of the creation of the sanitary district, authorizing the signing of the petition by the Chair of the Township of Duluth, and authorizing the submission of the petition to the MPCA for establishment of the Duluth/North Shore Sanitary District. The resolution was published in the *Duluth News Tribune* on August 2, 1999, and became effective forty (40) days after the date of publication.
6. On July 19, 1999, the Board of Supervisors of the Township of Lakewood adopted a resolution authorizing the approval of the creation of the sanitary district, authorizing the signing of the petition by the Chair of the Township of Duluth, and authorizing the submission of the petition to the MPCA for establishment of the Duluth/North Shore Sanitary District. The resolution was published in the *Duluth News Tribune* on July 23, 1999, and became effective forty (40) days after the date of publication.
7. On October 19, 1999, a petition was filed with the MPCA requesting approval for the formation of the Duluth/North Shore Sanitary District. The Mayor of the City of the Duluth, the Chairperson of the Township of Duluth, and the Chairperson of the Township of Lakewood signed the petition for creation of the district as authorized by the resolutions. The petition requesting approval for formation of the sanitary district has met all the requirements of *Minnesota Statutes* § 115.20, subd. 1(a).
8. The proposed sanitary district will be within twenty-five (25) miles of the boundary of a city of the first class. The City of Duluth has approved the creation of the sanitary district.
9. On November 15, 1999, the MPCA published the Notice of Intent to Approve Creation of the Duluth/North Shore Sanitary District in the *State Register* at 24 SR 720 and mailed the notice to each of the property owners in the area of the proposed district using addresses provided by the county auditor. The public notice period lasted for 30 days and ended on December 15, 1999.
10. The mailing list of property owners within the area of the proposed sanitary district provided by the petitioners erroneously included 18 addresses of property owners that do not reside within the district. On November 23, 1999, those property owners were informed that they had received the notice in error and were not within the territory of the proposed sanitary district.
11. By December 15, 1999, the end of the public notice period, the MPCA had received no letters requesting a public hearing on the matter. *Minnesota Statutes* § 115.20, subd. 4(b) requires the MPCA to hold a contested case hearing if 25 or more written requests are received by the end of the public notice period. The MPCA received two (2) letters expressing opposition to the creation of the district, one (1) letter requesting more information, two (2) calls in support, seven (7) calls expressing opposition, and nine (9) calls requesting more information.
12. There is a need throughout the proposed district for an adequate and efficient means of treating and disposing of domestic sewage. In 1981, the Western Lake Superior Sanitary District (WLSSD) conducted a survey of septic systems in the territory. The results of that survey indicated that at least fifty (50) percent of the on-site septic systems were failing, according to rules set forth by the MPCA. In 1991, the WLSSD initiated another survey of the territory, and expanded the scope of the survey to include surface and drinking water samples. The results of that survey indicated that fifty-five (55) percent of the on-site

systems surveyed were failing according to Chapter 7080 of the Individual Sewage Treatment Systems Standards. Of the drinking water samples analyzed, seven (7) percent did not meet the Minnesota Department of Health Safe Drinking Water Standards. The WLSSD concluded that the problem with the drinking water was directly attributable to leaking septic systems.

13. Creation of the Duluth/North Shore Sanitary District will serve the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating, and disposing of domestic sewage within the district. The district will reduce or eliminate the use of on-site septic systems, and thereby abate pollution of surface water, ground water, and Lake Superior.
14. The creation and maintenance of the sanitary district will be administratively feasible, and will further the public health, safety, and welfare. The district will be administered by a five-member governing board who are voters within the sanitary district and who will be elected by the members of the related governing bodies. When formed, the Duluth/North Shore Sanitary District will adopt sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district.
15. Pursuant to *Minnesota Statutes* § 115.23, the City of Duluth has been designated as the central related governing body for the purpose of joint meetings of the Township of Lakewood, the Township of Duluth, and the City of Duluth.

### **CONCLUSIONS**

1. The Commissioner of the MPCA has subject matter jurisdiction over the petition and proposed establishment of the district pursuant to *Minnesota Statutes* §§ 115.18 to 115.37 (1999).
2. The petitioners have substantially complied with all the procedural requirements of *Minnesota Statutes* § 115.20, as well as other substantive and procedural requirements of law and rule. This matter, therefore, is properly before the Commissioner.
3. The conditions described in *Minnesota Statutes* § 115.19 for creation of a sanitary district do exist within the area identified in the legal description (Attachment 1).
4. Any of the foregoing Findings of Fact that might properly be termed Conclusions and Conclusions that might properly be termed Findings are hereby adopted as such.

**NOW THEREFORE**, the Commissioner hereby makes the following:

### **ORDER**

**It is ORDERED** that the Duluth/North Shore Sanitary District is hereby created to include portions of the City of Duluth, the Township of Duluth, and the Township of Lakewood as described in the legal description attached to the petition filed with the MPCA. For joint meeting purposes, the City of Duluth shall be designated as the central related governing body.

Dated this 25th day of January, 2000.

Lisa J. Thorvig  
Deputy Commissioner

## **ATTACHMENT 1**

### **LEGAL DESCRIPTION FOR THE DULUTH/NORTH SHORE SANITARY DISTRICT**

That part of Township 50 North, Range 13 West, Section 8, bounded on the West by the Center Line of the Lester River, as depicted in the United States Government Survey on file in the Office of the County Recorder in Saint Louis County, Minnesota, bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 50 North, Range 13 West, Section 9, bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 50 North, Range 13 West, Section 4, bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 50 North, Range 13 West, Section 3 bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 13 West, Section 33 bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61; and

that part of Township 51 North, Range 13 West, Section 34 bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

## Commissioner's Orders

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that part of Township 51 North, Range 13 West, Section 35 bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 13 West, Section 26 bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 13 West, Section 25 bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 13 West, Section 24 bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 12 West, Section 19 bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 12 West, Section 18 bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61; and

that part of Township 51 North, Range 12 West, Section 20 bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 12 West, Section 17 bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 12 West, Section 16 bounded on the South by the Lake Superior shoreline; and

that part of Township 51 North, Range 12 West, Section 8 bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61; and

that part of Township 51 North, Range 12 West, Section 9 bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 12 West, Section 10 bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 12 West, Section 4 bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61; and

that part of Township 51 North, Range 12 West, Section 3 bounded on the Northwest by the Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 12 West, Section 2 bounded on the Northwest by Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 51 North, Range 12 West, Section 1 bounded on the Northwest by Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline; and

that part of Township 52 North, Range 12 West, Section 36 bounded on the Northwest by Southeasterly right of way of Minnesota State Highway 61, and bounded on the Southeast by the Lake Superior shoreline.



## Official Notices

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 matters of public interest.

### Department of Administration

#### State Designer Selection Board (SDSB) Meeting Dates, Times and Agenda Items for February 2000

Pursuant to SDSB *Minnesota Rule* 3200.0400, below is the schedule of State Designer Selection Board meeting dates, times and agenda items as of January 21, 2000:

- **February 1, 9:00 a.m.**
  1. Shortlisting: Project 00-2 MnSCU/Pine Technical College, Building Renovation and Expansion
- **February 4** Board planning meeting at the **Kitchi Gammi Club in Duluth** (contact Lisa Blue at 651-297-5526 for further information)
- **February 15, 9:00 a.m.**
  1. Shortlisting: Project 00-1 Department of Transportation, Joint Public Works Facility
  2. Interviews/Selection: Project 00-2 MnSCU/Pine Technical College, Building Renovation and Expansion
- **February 29, 9:00 a.m.**
  2. Interviews/Selection: Project 00-1 Department of Transportation, Joint Public Works Facility

Unless otherwise stated, all meetings are held in the Administration Building, 50 Sherburne Avenue, St. Paul, Room G-10/Conference Room A. Other matters may come before the Board and be added to the agenda as needed. For additional information, contact Lisa Blue at 651-297-5526.

### Department of Agriculture

#### Rural Finance Authority

#### Notice of Meeting Schedule, Meeting via Conference Call

Future monthly meetings of the Rural Finance Authority Board are scheduled for 1:00 P.M. at 90 West Plato Blvd. on the following dates in 2000: February 2; March 1; April 5; May 3; June 7; July 5; August 2; September 6; October 4; November 1; December 6.

Some Members may participate in certain of these meetings by electronic means. In accordance with *Minnesota Statute* Sec. 471.705 (1997), the Agency, to the extent practicable, will allow a person to monitor those certain meetings electronically from a remote location. If such monitoring shall occur, the Agency may require the person making such a connection to pay for documented marginal costs that the Agency incurs as a result of the additional connection. For additional information, contact Wayne Marzolf, MN Dept. of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107 or call 651-296-1748.

Wayne Marzolf  
RFA Acting Director

### Minnesota Auto Theft Prevention Program

#### Notice of Meeting of the Board of Directors

The Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meeting on the following dates: February 10, 2000 and March 9, 2000. Meetings will begin at 9:00 a.m. and will be held at the Minnesota Auto Theft Prevention Program (MATPP) office located at 1110 Centre Pointe Curve, Suite 405, Mendota Heights, MN 55120 (Hwy 110 and Lexington Avenue, west of Hwy 35W (South) on the south side of the GNB Technologies Building). Meetings are open to the public. For more information you may contact the MATPP office at (651) 405-6155.

## Minnesota Gambling Control Board

### REQUEST FOR COMMENTS

#### Planned Amendment to Rules Governing:

**7861.0070 - Bingo**

**7861.0090 - Tipboards**

**7864.0030 - Manufacturer Operations, Accounts, and Records**

**Subject:** The Minnesota Gambling Control Board requests comments on its planned amendment to rules governing *Minnesota Rules* 7861.0070 (Bingo), *Minnesota Rules* 7861.0090 (Tipboards), and *Minnesota Rules* 7864.0030 (Manufacturer Operations, Accounts, and Records). The Board is considering amendments that:

- **Adjust the language** regarding prizes for progressive bingo games, to conform with legislative changes made in 1999;
- **Delete the requirement** that broken paper sheets be marked with a unique symbol or the date of the bingo occasion;
- **Consider the promulgation of rules** permitting tipboard games with multiple seals;
- **Consider cumulative or carryover prize levels** for tipboard games;
- **Consider standards** for the manufacture and approval of tipboard games with multiple seals;

**Persons Affected:** The amendment to the rules would likely affect:

- **Licensed organizations** that conduct bingo and/or tipboard games;
- **Persons who participate** as players in bingo and/or tipboard games;
- **Licensed manufacturers** of bingo paper sheets and/or tipboard games

**Statutory Authority:** *Minnesota Statutes* 349.151, subdivision 4(a)(5) authorizes that Board to make rules authorized by Chapter 349. *Minnesota Statutes* 349.1711, subdivision 4 authorizes the Board to adopt rules governing tipboard games with multiple seals and with cumulative or carryover prizes.

**Public Comment:** Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Board intends to adopt rules. The Board does contemplate appointing a Public Advisory Committee to comment on the planned rules. Persons who will likely be affected by the proposed rules and who wish to participate in the Public Advisory Committee are urged to contact the Agency Contact Person.

**Rules Drafts:** The Board has not yet prepared a draft of the planned rule amendments. A draft of the proposed rules will be available before publication of the proposed rules in the *State Register*. Contact the Agency Contact Person to request that your name be placed on the mailing list to receive copies of rule drafts specific to this rulemaking project.

**Agency Contact Person:** Written or oral comments, questions, requests to receive a draft of the rules, requests to participate in the Public Advisory Committee, or requests for more information on these planned rules should be directed to:

Sharon Beighly  
Minnesota Gambling Control Board  
1711 W County Rd B #300S  
Roseville MN 55113  
Telephone: (651) 639-4035  
Fax: (651) 639-4032  
E-Mail: [Sharon.Beighley@notes.mdor.state.mn.us](mailto:Sharon.Beighley@notes.mdor.state.mn.us)

**Alternative Format:** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the Agency Contact Person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 20 January 2000

## Housing Finance Agency

### REQUEST FOR COMMENTS

#### **Planned Amendment to Rules Governing the Definition of Persons and Families of Low and Moderate Income; *Minnesota Rules*, Part 4900.0010, Subpart 23, Paragraph C.**

**Subject of Rules.** The Minnesota Housing Finance Agency (the "Agency") requests comments on its planned amendment to rules governing the definition of Persons and Families of Low and Moderate Income. The Agency is considering a rule amendment that redefines income eligibility for residents of multifamily developments financed by the Agency. Federal income and rent limits for affordable rental housing have undergone several changes in the past twenty years, while the Agency's income and rent limits have remained the same and are based upon Section 8 New Construction and Substantial Completion Fair Market Rents, which are no longer being published by the U. S. Department of Housing and Urban Development (HUD). The Agency is proposing this change in order to reconcile its multifamily income and rent limits with current federal housing programs.

**Persons Affected.** The amendment to the rules would likely affect renter households who will reside in multifamily developments financed by the Agency. Will it affect owners or investors?

**Statutory Authority.** *Minnesota Statutes* section 462A.03, subdivision 10 requires the Agency to adopt rules to establish income limits for the purpose of defining low and moderate income persons.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on March 31, 2000. The Agency does not contemplate appointing an advisory committee to comment on the planned rules.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The Agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

**Rules Drafts.** The Agency has prepared a draft of the planned rule amendment.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to: Robert Odman, Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota, (651) 296-9821. TTY users may call the Agency at (651) 297-2361.

**Alternative Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the Agency contact person at the address or telephone number listed above.

Dated: 31 January 2000

Katherine G. Hadley, Commissioner  
Minnesota Housing Finance Agency

## Department of Human Services

### Health Care - Purchase and Service Delivery

#### **REQUEST FOR COMMENTS on Planned Amendments to Rules Governing the Procedures for Determining Medical Assistance and General Assistance Medical Care Rates for Inpatient Hospital Services, *Minnesota Rules*, parts 9500.1090 to 9500.1140 (informally known as DHS Rule 54)**

**Subject of Rules.** The Minnesota Department of Human Services requests comments on its planned amendments to rules governing the procedures for determining medical assistance and general assistance medical care rates under a prospective payment system for inpatient hospital services. Most of the amendments reflect current practice as mandated by changes to state statutes in recent legislative sessions; the amendments merely update the rule language to make it consistent with statute. Amendments that update rule language to make it consistent with statute are related to the following topics, areas, or issues: defining Minnesota local trade area hospitals; incorporating a change in the Consumer Price Index-All Items (United States City Average) into the hospital cost index; increasing the amounts paid to small rural hospitals by medical assistance; hospital payment adjustment for hospitals that do not qualify for the disproportionate population adjustment due to obstetric services requirements or specific exemptions; payment of admissions that directly precede an admission to a hospital under contract with the department to provide psychiatric inpatient hospital services to persons with serious and persistent mental illness who have been judicially committed; payment for

## Official Notices

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admissions classified to a neonate diagnostic category for a person greater than the age of one; payments of admissions of persons on waiver for respite care; payment for admissions to a diagnostic category that includes neonatal respiratory distress syndrome; payment for general assistance medical care mental health or chemical dependency admissions; and case mix appeals.

Only two of the amendments under consideration would change current practice. These changes relate to requiring a minimum of five admissions in the base year to establish a hospital-specific rate and establishing payment methodology for an admission's services that exceed one year.

**Persons Affected.** The rules revisions will likely affect consumers and providers of inpatient hospital services.

**Statutory Authority.** *Minnesota Statutes*, section 256.9685, subdivision 1 directs the commissioner of human services to adopt rules to establish procedures for determining medical assistance and general assistance medical care rates under a prospective payment system for inpatient hospital services.

**Public Comment.** Interested persons or groups may submit comments or information on the planned revisions in writing or orally until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. The department will convene an advisory committee to assist in developing the revised rules. The committee will represent consumer and advocate groups, hospital providers, and associations with an interest in inpatient hospital payment. The committee will likely be convened for the first time in March of 2000.

**Rules Drafts.** The department has completed a first draft of the planned amendments and free copies can be obtained from the agency contact person shown below.

**Agency Contact Person.** Written or oral comments, questions, requests to receive a free copy of the draft revision to the rule, and requests for more information on the planned revisions should be addressed to:

Richard Tester  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3853  
Phone: (651) 296-5596  
Fax: (651) 297-3230  
TTY users can call the department at (651) 297-3172

**Alternate Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

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

Dated: January 25, 2000

Michael O'Keefe, Commissioner  
Department of Human Services

## Department of Labor and Industry

### Labor Standards Unit

#### Notice of Addition to Commercial Prevailing Wage Rates

An additional rate in **Lyon County**, has been made to the Commercial Prevailing Wage Rates certified 12/06/99, for **Labor Code 418, Plasterers**.

Copies of the corrected certifications may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or by calling (651) 296-6452. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich  
Commissioner

## Northern States Power Company

### Notice of Acid Rain Program Alternate Designated Representatives

**NOTICE IS HEREBY GIVEN** that, pursuant to *Code of Federal Regulations* Title 40, Part 72, the following are the Alternate Designated Representatives for the indicated Acid Rain Program affected sources at Northern States Power Company, as of February 15, 2000: Allan R. Ness for Black Dog Plant units 1, 2, 3, 4 and 5, and Chris M. Olson for Sherburne County Plant units 1, 2 and 3. If there are questions, call Nancy Stafki at (612) 330-5520.

Pamela K. Graika  
 Designated Representative;  
 Director, Environmental Affairs and  
 Production Services  
 Northern States Power Company

## Department of Revenue

### Presumed Legal Cigarette Prices

The presumed prices for wholesalers and retailers, as provided for by *Minnesota Statutes*, chapter 325D, are shown in this schedule. The computations are based on manufacturers' list prices available as of January 21, 2000. All cigarettes in a wholesaler's or retailer's inventory must be priced to reflect the new presumed prices within seven (7) calendar days after the manufacturer's price change is reflected on a purchase invoice. A wholesaler or retailer may sell for less if they can show that their actual costs of doing business are lower than the presumed minimum.

	<b>Presumed Minimum Wholesale Price Per Carton</b>	<b>Presumed Minimum Retail Price Per Carton</b>	<b>Presumed Minimum Retail Price Per Pack</b>
Major Brands (Kings , Regulars 100's , 120's ) Examples of major brands: Marlboro, Winston, Merits, Virginia Slims , Kools, Capri, Kent, Newport, Carlton	\$28.57	\$30.86	\$3.09
Players Lights 25's (Kings, 100's)	\$28.57	\$30.86	\$3.09
Marlboro 25's (Kings)	\$28.57	\$30.86	\$3.67
Old Gold , Richland 20's, Best Value, GPC'S, Basics, Misty's, Raleigh Extra, Viceroy, Doral, Riviera, Magna, Sterling, Cambridge, Am Light, Montclair, Pyramid, Bristol, Alpine, Bucks, Stars & Bars, Quality Lights, Class A, Black and Yellow (Kings, Regulars 100's, 120's)	\$25.75	\$27.81	\$2.78
Ligget Private Label (Kings, Regulars, 100's,)	\$25.75	\$27.81	\$2.78

## Teachers Retirement Association

### Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, February 18, 2000 at 11:30 a.m., 5th floor conference room, Veteran's Building, 20 West 12th Street, St. Paul, MN to consider matters which may properly come before the Board.

## Official Notices

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### Teachers Retirement Association, Public Employees Retirement Association, and Minnesota State Retirement System

#### Joint Board Meeting, Notice of Meeting

A Joint Meeting of the Boards of the Minnesota Teachers Retirement Association, Public Employees Retirement Association, and Minnesota State Retirement System is scheduled to be held on Friday, February 18, 2000, at 9:30 a.m., 5th floor conference room, Veteran's Building, 20 West 12th Street, Saint Paul, Minnesota.

### State Grants & Loans

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.

### Minnesota Department of Health

#### Office of Rural Health and Primary Care Minnesota Community Health Center Program

#### Notice of Grant Opportunity

The Minnesota Department of Health (MDH) is seeking applications from community-controlled nonprofit organizations and government entities interested in planning and operating Community Health Centers in rural areas of Minnesota.

The purpose of these grants is to improve or preserve access to primary care by attracting essential health care professionals and services into medically underserved rural communities. In order to qualify for Community Health Center Program funding, an applicant must:

- **Be located in a rural shortage area** (Medically Underserved Area, Federal Health Professional Shortage Area or Governor Designated Shortage Area). Rural is defined as outside the seven county Twin Cities metropolitan area, and outside the census defined urbanized areas of Duluth, St Cloud, East Grand Forks, Moorhead, Rochester, and La Crosse.
- **Represent or propose the formation** of a nonprofit corporation with local governance or be a governmental or tribal entity.
- **Result in a locally owned** and operated community health center which includes primary and preventive health care services, and incorporates quality assurance, regular review of clinical performance and peer review.
- **Demonstrate community support.**

\$250,000 is available to fund applications in this grant cycle. The Office of Rural Health and Primary Care expects that successful applicants will be able to begin their grant projects by July, 1999. The Minnesota Department of Health can provide technical assistance to grantees in addition to grant support.

Prospective applicants who have questions, and/or would like a copy of the complete Request for Applications and application form may contact:

Mark Schoenbaum  
Office of Rural Health and Primary Care  
Division of Community Health Services  
Minnesota Department of Health  
P.O. Box 64975  
St. Paul, MN 55164-0975  
Phone: (651) 282-3859  
Toll Free: 1-(800) 366-5424 (inside Minnesota only)

Applications are due by *April 7, 2000 at 4:00 P.M.* to the address above. An additional copy of the application must be submitted to the Community Health Board in which the proposed Community Health Center is located no later than *April 7, 2000.*

## **Department of Human Services Continuing Care Administration**

### **Notice of Withdrawal of RFP for the Demonstration Project for People with Disabilities**

The Department of Human Services (DHS) announces that effective immediately it is withdrawing the Request for Proposals (RFP) for the Demonstration Project for People with Disabilities. DHS is not accepting any proposals in response to this RFP. For further information, please contact Asha Sharma at:

Demonstration Project for People with Disabilities  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3872  
phone: (651) 582-1931

## **Department of Human Services Health Care Purchasing and Service Delivery Division**

### **CHANGE OF DEADLINE for Request for Proposals for New and Innovative Service Delivery Models from Qualified Proposers for Minnesota Health Care Programs Recipients in Cass, Crow Wing, Morrison, Todd and Wadena Counties**

The DUE DATE for responses to the above captioned grant funds has been changed to 4:30 p.m., February 22, 2000. Refer to the notice first published last week at *State Register*, Vol. 24 #30, Monday 24 January 2000 (24 S.R. 1077).

## **Department of Labor and Industry Workplace Safety Consultation Unit**

### **Notice of Safety Grants for Employers**

The Department of Labor and Industry (DLI) announces another round of its safety hazard abatement matching grant program under *Minnesota Statutes*, section 79.253, and *Minnesota Rules*, parts 5203.0010 through 5203.0070. The deadline for filing of applications for this round is May 15, 2000. Employers covered by workers' compensation insurance, and those approved as self-insured employers, are eligible to apply for safety/health matching grants to abate safety hazards in their workplace. The safety/health hazards must have been identified in an on-site survey conducted by one of the following: 1) MNOSHA safety/health investigator, 2) DLI Workplace Safety Consultation safety/health consultants, 3) in-house employee safety/health committee, 4) workers' compensation underwriter, 5) private safety/health consultant, or 6) a person under contract with the Assigned Risk Plan. The on-site safety/health survey must have resulted in specifically recommended safety practices or equipment designed to reduce the risk of injury to employees. Costs eligible for program participation are all or apart of the cost of purchasing and installing recommended safety/health equipment, the cost of operating or maintaining safety/health equipment, and/or the cost of purchasing or renting real property, if necessary, to meet criteria established by the on-site safety/health survey. Program development, training and education, and employee costs will not be covered by this round of grants.

Grants are limited to a total maximum match of \$10,000 per project, and per state fiscal year if the same worksite submits more than one grant application in a given state fiscal year. The state fiscal year runs from July 1 of one year through June 30 of the following year. The employer must provide at least \$1.00 (one dollar) in project costs for every dollar awarded. No grant will be awarded for more than half the amount of the approved project. Projects will be judged according to the criteria established by the rule. Qualified projects having the greatest impact and feasibility will be given priority. Eligible applicants who seek assistance must submit their proposals to: James Collins, OSHA Management Team Director, Workplace Safety Consultation Unit, 443 Lafayette Road, St. Paul, MN 55155.

## State Grants & Loans

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After the current round of grants the department will be modifying its grant application process. After the May 15, 2000, deadline, the Department will accept grant applications for only two grant rounds per year. After the May 15 deadline, the next notice will state that grant applications will be accepted for the next round only from September 1, 2000 until the November 15, 2000 deadline. Grants will be processed and approvals will be announced approximately two months after each deadline.

For further information or to request a grant application, please call Tracey Josephson, Grants Administrator, Workplace Safety Consultation Unit, at (651) 215-1097, 1-800-731-7232 or e-mail at [tracey.josephson@state.mn.us](mailto:tracey.josephson@state.mn.us)

### 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 to printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute. In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals are prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

## Department of Agriculture

### Laboratory Services Division

#### Notice of Request for Vendor Presentation of LIMS Functionality

**Description:** The Minnesota Department of Agriculture (MDA) is soliciting information and cost estimates from Laboratory Information Management Systems (L.I.M.S.) vendors for the implementation of a L.I.M.S. to manage the day-to-day activities of the Laboratory Services Division. The system must track information, daily activities, billing information and produce administrative and analysis-based reports related to samples and processes overseen by laboratory and related personnel.

**Eligible Applicants:** Eligible applicants are vendors of Laboratory Information Management Systems. Experience with a wide range of laboratory disciplines in a governmental organization is desirable. The objective for the presentations is to gain information on product functionality for the Laboratory Services Division. There is no contractual obligation on the part of the Laboratory Services Division to any of the presenting parties. Responses to this notice are due through February 8, 2000. As many presentations as can be reasonably scheduled within the month of February 2000 will be accommodated. Presentations will be heard only during the month of February since this is strictly a Request for Information.

**Contract Period and Payment:** Based on the information gathered through the Request for Information process, the MDA-Laboratory Services Division may develop a formal Request for Proposal (RFP). The anticipated RFP time line includes an issue date of spring to early summer 2000. All parties responding to this Request for Information will receive the formal RFP, if one is issued, at their request.

For a copy of the Request for Information and system requirements, phone: Neil Palosaari, (651) 296-6250, Fax: (651) 297-8787 or e-mail: [Neil.Palosaari@state.mn.us](mailto:Neil.Palosaari@state.mn.us). This is the only person designated to answer questions regarding this request for interested vendors.

## Colleges and Universities, Minnesota State (MnSCU)

### Request for Proposals for the Minnesota State Colleges and Universities (MnSCU) for Instructional Management Systems

The Minnesota State Colleges and Universities (MnSCU) is requesting proposals for instructional management systems (IMS) to encourage and support faculty engaged in technology-enhanced teaching and to make it easier for more faculty to develop web-enhanced and fully on-line courses. IMS products are packages that offer core stand-alone course development features ("core features" proposals), as well as those that additionally offer the option of interfacing with the MnSCU records system ("ISRS interface option" proposals).

Responses to this RFP are due no later than March 3, 2000, when sealed responses will be opened and the names of responders read. The IMS RFP web site, from which vendors may download a copy of the RFP, will provide vendors with current information, including announcement of a vendors' conference. Vendors are expected to check this site on a daily basis to be aware of any



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## Professional, Technical & Consulting Contracts

changes, addenda, or additional information. If problems accessing this site are experienced, vendors should immediately contact John O'Brien (contact information given below).

*Copies of this RFP* can be downloaded at the IMS RFP web site: [http://clearinghouse.mnscu.edu/oit/ims\\_rfp.htm](http://clearinghouse.mnscu.edu/oit/ims_rfp.htm)

*Opening Date & Time:* 1:00 pm Central Standard Time, March 3, 2000

*MnSCU RFP Contact:* John O'Brien, Interim Associate Vice Chancellor for Instructional Technology, Minnesota State Colleges and Universities (MnSCU), 500 World Trade Center, 30 E. 7th St., St. Paul, MN 55101. E-Mail: [john.obrien@so.mnscu.edu](mailto:john.obrien@so.mnscu.edu). Phone: 651-297-5546.

## College and Universities Minnesota State (MnSCU)

### Bemidji State University

#### Request for Proposals for Construction of a Rock Climbing Wall

##### Background Information

Bemidji State University, a MnSCU agency, is requesting proposals to design and build a rock climbing wall in the Gillett Recreation-Fitness Center. Designing and constructing rock climbing walls is a highly specialized and technical process and we are seeking contractors who have proven performance in design and construction. This request for proposals does not obligate BSU to complete the proposed project and BSU reserves the right to cancel the solicitation if it is considered to be in its best interest. The climbing wall is to be constructed in the Gillette Recreation and Fitness Center. It is anticipated that construction of the wall will be completed by May 15, 2000.

##### For Further Information

Prospective responders who would like a full copy or have any questions regarding this request for proposal may call or write:

Frank Moe, Director of Outdoor Program Center, Hobson Memorial Union  
1500 Birchmont Drive NE, Bemidji State University, Bemidji, MN 56601-2699  
(218) 755-3900

All proposals must be sent to

Belinda Lindell, Director, Logistical Services  
1500 Birchmont Drive NE, Bemidji State University, Bemidji, MN 56601-2699

and received not later than 4:00 p.m. on February 18, 2000 as indicated by the date and time shown on each response package. Late proposals will not be accepted. It is expected that evaluation and selection will be completed by 4:00 p.m. Friday, March 3, 2000. Other department personnel are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposed submission deadline.

## Colleges and Universities, Minnesota State (MnSCU)

### St. Cloud State University

#### Advertisement for Bid for an NMR Spectrometer

Sealed proposals for items hereinafter described will be received by St. Cloud State University at the Business Office, Administrative Services Room 122, St. Cloud Minnesota until **3:00 PM on February 15, 2000** and will be publicly opened and read aloud. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

Bids are requested for an **NMR Spectrometer** as per plans and specifications available in the Business Office, St. Cloud State University.

For further information contact:

Lisa Sparks  
Director of Purchasing  
St. Cloud State University - AS 122  
720 4th Ave. South  
St. Cloud, MN 56301-4498  
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## Professional, Technical & Consulting Contracts

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### Department of Commerce

#### Intention to Issue a Request for Proposals for Occupational License Examinations, Applications and Processing

The Minnesota Department of Commerce announces its intention to issue a Request for Proposals (RFP) related to occupational license examinations, applications and processing.

Notice of the anticipated RFP will be published during the month of March, 2000.

### Department of Corrections

#### Notice of TIME EXTENSION for Proposals for Food Services for Minnesota Correctional Facilities

The submission deadline for the proposals for food services for Minnesota Correctional Facilities as published in the January 3, 2000 *State Register* has been changed from February 7, 2000 to February 22, 2000.

There will be mandatory pre-response tours scheduled for February 8 through February 10, and a mandatory meeting on February 11, 2000 at the Minnesota Department of Corrections (DOC) offices. Potential responder must provide its own transportation, but must register attending individuals by February 4, 2000 to be able to attend.

Potential responders interested in submitting a proposal on this project should write, e-mail, or fax for the full RFP which will be sent free of charge to interested vendors. Proposals must be submitted to the contact listed below. Other personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

Proposals must be received by the contact person listed below no later than 2:30 PM CST Tuesday, February 22, 2000.

Contact Person: Paul Stembler, Assistant Director  
Materials Management Division  
Department of Administration  
112 Administration Building  
St. Paul, MN 55155  
Fax: 651-297-3996  
E-mail: [paul.stembler@state.mn.us](mailto:paul.stembler@state.mn.us)

### Office of the Governor

#### Governor's Office Seeking Services of an Executive Search Firm

The Governor's Office is seeking the services of a firm to identify, recruit and screen nationwide for appropriate candidates for the position of Commissioner of the Department of Employee Relations.

The successful applicant will:

- Have the capacity to conduct a search that is national in scope
- Have immediate access to a pool of qualified candidates
- Have the capacity to support all the clerical and support functions associated with the search
- Complete all work associated with the search by March 15, 2000

Firms interested in being considered will:

- Provide information on the firm and its activities
- Discuss the approach to be used in conducting the search
- Detail the tasks to be performed in association with the search
- Indicate the fees associated with the completion of a successful search

Firms interested in being considered should contact Rachel Wobschall prior to February 4, 2000, with the requested information at:

Rachel Wobschall  
Director of Citizen Outreach  
Office of Governor Jesse Ventura  
130 State Capitol  
St. Paul, MN 55155  
Phone: 651-296-0039  
Fax: 651-296-2089  
email: [rachel.wobschall@state.mn.us](mailto:rachel.wobschall@state.mn.us)

## **Minnesota Historical Society**

### **Notice of Request for Bids for Printing Services**

The Minnesota Historical Society is seeking bids from qualified presses to provide printing services for the Society All-Site Travel Guide. Bids are being requested for quantities of 400,000; 450,000; 500,000 and pricing per additional 50,000's. The guide will be a 24-page or 28-page, self cover, 3.875" x 9" finished size, saddle stitch on spine. Paper stock: 70# Somerset Text Matt Recycled.

The Request for Bids is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102. Telephone: 651/297-5863 or e-mail [chris.bonnell@mhhs.org](mailto:chris.bonnell@mhhs.org). Complete specifications, bid format and details concerning submissions requirements are included.

Sealed bids must be received no later than 2 p.m. Local Time, Thursday, February 24, 2000. No late bids will be accepted.

## **Department of Revenue**

### **Notice of Request for Professional Services to Perform a High Level Assessment of Automated Data Capture for Tax Processing**

The MN Department of Revenue needs to obtain information for its reporting to the Legislature for its Income Tax Re-engineering project, specifically regarding "Automated Data Capture for Tax Processing" (scanning, imaging and workflow). The purpose of this high level assessment is to answer several important questions:

- What is the approximate cost to implement a solution?
- What is the timeframe to implement the technology effectively with a minimum of risk?
- What are the appropriate next steps?
- Are there particular vendors that are likely to meet the business requirements? (includes software OEMs and prime contractors)

A minimal amount may be paid to several vendors for this effort. Responses should be submitted by Feb 11, 2000. Submit responses in writing to Larry Collette, Director, Administrative Management, MN Dept. of Revenue, 600 N. Robert, St. Paul, MN, 55146-1400. Telephone #651-296-3454, fax# 651-282-2423.

# 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 *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Metropolitan Airports Commission

### Notice of Call for Bids for Baggage Claim System Maintenance Agreement at Minneapolis-St. Paul International Airport

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 28th Avenue South, Minneapolis, MN 55450-2799, until 2:00 PM, Local Time, THURSDAY, FEBRUARY 10, 2000, **for the procurement of BAGGAGE CLAIM SYSTEM MAINTENANCE AGREEMENT AT MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT.**

At that time and place the bids will be publicly opened and read aloud. If mailed the Commission's mailing address is 6040 28th Avenue South, Minneapolis, MN 55450-2799, **and bids to be considered must be received by the Commission by the date and hour set for opening of proposals.**

A **MANDATORY** pre-bid conference and site visit will be conducted on THURSDAY, FEBRUARY 3, 2000, at 10:30 am. Failure to attend this meeting will result in rejection of the bid. Prospective bidders will meet at the following locations:

MAC CONFERENCE ROOM #339  
LINDBERGH TERMINAL BUILDING  
MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT

Plans and specifications are on file for inspection at the offices of the:

Metropolitan Airports Commission  
Purchasing Office  
6040 28th Ave. S.  
Mpls., MN 55450  
Phone: (612) 726-8146

Architectural Alliance  
Lindbergh Terminal Building - Room 344  
MSP International Airport  
St. Paul, MN 55111  
Phone: (612) 794-9225

MAC Facilities Management Center  
Lindbergh Terminal Building - Room 325  
MSP International Airport  
St. Paul, MN 55111  
Phone: (612) 726-5225

Minneapolis & St. Paul Builders Exchange

F.W. Dodge Corporation

Construction Market Data

Bidders desiring drawings and specifications for personal use may secure a complete set with a \$100.00 deposit that is refundable from:

Architectural Alliance  
Lindbergh Terminal Building - Room 344  
MSP International Airport  
St. Paul, MN 55111

Make check payable to: Architectural Alliance. Requests for sets to be shipped shall include a separate check for \$15.00 for shipping and handling. Deposits will be refunded upon return of drawings, specifications and addenda in good condition within ten (10) days of opening of bids.

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein.

Dated: 25 January 2000

Metropolitan Airports Commission  
JoAnn Brown/Buyer-Administration

## **Prime West Health System**

### **Request for Proposals from Vendor to Provide Optical Laboratory Services**

**NOTICE IS HEREBY GIVEN** that the Counties of Big Stone, Douglas, Grant, McLeod, Meeker, Pipestone, Pope, Renville, Stevens and Traverse are undertaking a project whereby they will be responsible for providing health care goods and services to their Medical Assistance (MA) and General Assistance Medical Care (GAMC) populations on a prepaid basis. The term for this new county responsibility is "County-Based Purchasing" (CBP).

In order to facilitate the day-to-day operations of this new prepaid model, the CBP Project is seeking a vendor to provide optical laboratory services. This vendor will serve at the direction of the CBP Project's governing board and chief executive officer.

Core responsibilities of the laboratory will include furnishing prescription eyewear (lenses, frames and associated materials) to the individuals in Minnesota that are eligible under Medical Assistance programs.

The project's enrollee base will be approximately 8,000 to 12,000 persons, and the projected annual budget of the CBP Project is approximately \$28 million. Care delivery is scheduled to begin September 1, 2000 with enrollment to start three months prior.

Responses are due by February 7, 2000. Interested parties should submit a bid for the projected cost of delivering the requested services. Full copies of the RFP can be obtained by calling Kathy Hungness, Office Manager, at 320-762-2910 or e-mailed at [Kathy.Hungness@mail.co.douglas.mn.us](mailto:Kathy.Hungness@mail.co.douglas.mn.us). We intend to convene a meeting of our Vision Care Provider Advisory Committee on February 9 to select finalists.

## **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 Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call the BIS Coordinator at 612-625-5534.

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



# Admin MINNESOTA

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