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# STATE REGISTER

STATE OF MINNESOTA

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**Printing Schedule for Agencies**

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 5			
23	Monday Nov 24	Monday Dec 1	Monday Dec 8
24	Monday Dec 1	Monday Dec 8	Monday Dec 15
25	Monday Dec 8	Monday Dec 15	Monday Dec 22
26	Monday Dec 15	Monday Dec 22	Monday Dec 29

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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**How to Follow State Agency Rulemaking Action in the *State Register***

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

**The PROPOSED RULES section contains:**

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

**The ADOPTED RULES section contains:**

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
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# PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

If, during the 30-day comment period, seven 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 § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Public Hearings on Agency Rules December 8-12, 1980		
Date	Agency and Rule Matter	Time & Place
Dec. 11	Employee Relations Department Restoration of Seniority; and the Travel Rule Regarding Reimbursement for Special Expenses Hearing Examiner: Jon L. Lunde	9:30 a.m., Dept of Employee Relations Offices, Training Rm., 3rd Floor Space Center Bldg., 444 Lafayette Rd., St. Paul, MN

## Office of Administrative Hearings

### Proposed Adoption of Procedural Rules Governing Revenue Recapture Act Hearings

#### Notice of Intent to Adopt Rules without A Public Hearing

The Office of Administrative Hearings hereby gives notice that it intends to adopt rules governing procedures for hearings held pursuant to the Revenue Recapture Act, Laws of Minnesota 1980, Chapter 607, Article XII, to be codified as Minn. Stat. §§ 270A.01 to 270A.12 (1980). The Office has determined that this proposed adoption will be non-controversial, and has chosen to proceed without a public hearing pursuant to the provisions of Laws of Minnesota, 1980, Chapter 615, § 7, to be codified as Minn. Stat. § 15.0412, subd. 4(g) (1980). However, should seven or more persons submit a written request for a hearing in the manner provided below, the Office will hold a public hearing on its proposed adoption.

The proposed rules contain a complete set of procedures for the conduct of hearings to be held under the Revenue Recapture Act. That Act provides that if a person owes money to a state agency, or to a public agency responsible for child support enforcement, the claimant agency may request the Commissioner of Taxation to deduct the amount owing from the debtor's income tax refund or property tax credit or refund, and pay the amount deducted to the claimant agency. The Act provides for notice to the debtor and, in most cases, an opportunity for a contested case hearing where the debtor may contest the validity of the claim and the deduction. The rules being proposed by the Office govern procedures at such hearings.

The proposed rules are based upon the Office's existing Contested Case Rules, 9 MCAR §§ 2.201-2.222. However, they differ from those rules in many ways which can generally be described as simplifications and relaxations designed to provide a blend between procedures commonly followed in Conciliation Courts and procedures set forth in the Office's existing contested case rules. The rules contain provisions relating to scope, waiver, definitions, notice, default, intervention, prehearing procedures,

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## PROPOSED RULES

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discovery, subpoenas, continuance, hearing procedures, rights and obligations of parties, non-parties, and the hearing examiner, rules of evidence, burden of proof, the decision, the record, disruption of the hearing, rehearing, and miscellaneous other matters. In addition, the rules provide that they may be used for other contested cases if all parties agree to their use.

The Office has prepared a Statement of Need and Reasonableness in support of the proposed rules. Copies of the Statement may be obtained by contacting:

Eileen Gaiovnik  
Office of Administrative Hearings  
Room 300  
1745 University Avenue  
St. Paul, Minnesota, 55104  
(612) 296-8123

Interested persons are invited to submit written comments, views and data on the proposed rules to Allan W. Klein at the same address. Such comments should be submitted on or before January 2, 1981.

No public hearing will be held unless seven or more persons submit written requests for such a hearing. Such requests must be submitted on or before January 2, 1981, and should be directed to Mr. Klein at the address given above. If seven or more persons submit requests, the Office will publish a Notice of Hearing in the *State Register* and will follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4-4(f) (1980).

If no public hearing is required, the Office will review the comments, views and data submitted. The Office may modify the proposed rules if the modifications are supported by the data and views submitted, so long as the modifications do not result in a substantial change. The Office will then submit the rules as proposed for adoption, along with all comments and other materials required by statute, to the Attorney General. If any person desires to be informed of this submission to the Attorney General, they should submit a separate written request to Mr. Klein by January 2, 1981. If approved by the Attorney General, the rules will become effective upon publication in the *State Register* in the manner provided in Minn. Stat. § 15.0412, subd. 4(f) (1980).

Dated this 17th of November, 1980.

Duane R. Harves  
Chief Hearing Examiner

### Rules as Proposed (all new material)

#### 9 MCAR § 2.501 Scope and waiver of these rules.

A. Scope. These rules govern hearings between state agencies and citizens based on the Revenue Recapture Act, (Laws of Minnesota 1980, Chapter 607, Article XII, to be codified as Minnesota Statutes, §§ 270A.01 to 270A.12 (1980)). In addition, these rules may be used for any other hearings conducted by the State Office of Administrative Hearings if all parties to a particular hearing agree to use them. In the event that these rules are used for a proceeding other than one arising under the Revenue Recapture Act, the parties shall agree upon appropriate substitutions for terms in the rules which are peculiar to the Revenue Recapture Act (example: claimant agency, debtor, etc.).

B. Waiver and modification. Upon request of all parties, the hearing examiner shall waive or modify any of these rules.

#### 9 MCAR § 2.502 Definitions.

A. Agency, claimant agency: Agency or claimant agency means the state or agency asserting a claim to a tax refund.

B. Debtor: Debtor means a natural person whose tax refund is the subject of a claim by the claimant agency.

C. Party: Party means the claimant agency, the debtor, and any other persons granted permission to intervene pursuant to 9 MCAR § 2.506 of these rules.

D. Service, serve: Service or serve may be accomplished by either:

1. Delivering a document to an individual in person or by leaving a document at his/her home with some person of suitable age and discretion who resides in the same house. If a person is confined to a federal or state institution, a copy of the document must also be served upon the chief executive officer of the institution; or,

2. Mailing the document to the person by first class United States mail. Postage shall be prepaid. Mail to a person other than a state agency shall be addressed to the last known address of the person. Agencies of the State of Minnesota may also deposit the document with the Central Mailing Section, Publications Division, Department of Administration, addressed as above.

#### 9 MCAR § 2.503 Initiating a hearing.

A. Request for assignment. Any agency desiring to order a hearing shall first contact the Chief Hearing Examiner or his

designee and request the assignment of an examiner. The request shall include a proposed date, time and place for the hearing. If requested by the Chief Hearing Examiner or his designee, the agency shall file a copy of the Notice of Hearing proposed to be issued.

B. Assignment. Within ten days of the receipt of a request, the Chief Hearing Examiner or his designee shall assign an examiner to hear the case. Unless the Chief Hearing Examiner or his designee have already agreed with the agency, the examiner shall advise the agency as to the location, date and time for the hearing. In offering such advice, the examiner shall consider the location of known parties, witnesses and other participants so as to maximize convenience and minimize cost. After reaching agreement with the Chief Hearing Examiner or his designee or upon receiving advice from the examiner, the agency shall issue the Notice of Hearing.

**9 MCAR § 2.504 The Notice of Hearing.**

A. The Notice of Hearing shall be served at least 20 days before the hearing.

B. Content of notice. The Notice of Hearing shall be served upon all parties. The notice shall be worded in clear, nontechnical language and shall contain, at a minimum, the following:

1. The time, date and place for the hearing.
2. The name, address and telephone number of the hearing examiner.
3. A statement of the allegations or issues to be determined at the hearing, together with a citation to any relevant statutes and rules. If the debt arises from more than one event or transaction, each event or transaction shall be noted.
4. A citation to the statutory authority to hold the hearing and to take the action proposed.
5. A citation to these rules, and notification of how copies may be obtained.
6. A brief description of the procedure to be followed at the hearing.
7. The name, address and telephone number of the agency representative to be contacted to discuss informal disposition of the dispute, along with an explanation of the types of informal disposition which the agency might consider.
8. Notification that a party need not be represented by an attorney but may choose to be represented by an attorney or any other person of their choice.
9. A statement advising the parties to bring to the hearing all documents, records, and witnesses they need to present their position. In addition, a statement that subpoenas may be available to compel the attendance of witnesses or the production of documents and a reference to the rule relating to subpoenas, 9 MCAR § 2.509.
10. A statement advising parties that failure to appear at the hearing will result in the allegations of the Notice being taken as true, and a statement which explains the possible results if the allegations are taken as true.

**9 MCAR § 2.505 Default.**

A. A default occurs when a party fails to appear at a hearing.

B. If the claimant agency appears at a hearing but the debtor does not, the allegations in the Notice of Hearing shall be taken as true and deemed proved without further evidence. If the debtor appears at a hearing, but the claimant agency fails to appear, the examiner shall recommend that the hearing be dismissed with prejudice. If neither the claimant party nor the debtor appear at a hearing, the examiner shall recommend that the case be dismissed with prejudice.

**9 MCAR § 2.506. Additional parties — intervention.**

A. Petition. Any person not named in the Notice of Hearing who desires to participate as a party shall submit a timely written petition to intervene to the examiner and shall serve a copy of the petition upon all existing parties and the agency. Timeliness will be determined by the examiner in each case based on circumstances at the time of filing. The petition shall show (1) how the petitioner's legal rights, duties, or privileges may be determined or affected by the proceeding, (2) shall set forth the grounds and purposes for which intervention is sought, and (3) shall indicate petitioner's statutory right to intervene if one should exist.

B. Objection. Any party may object to the petition for intervention by filing a written Notice of Objection with the examiner within seven days of service of the petition if there is sufficient time before the hearing. The Notice shall state the party's reasons for objection and a copy shall be served upon all parties, the person petitioning to intervene and the agency. If there is

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insufficient time before the hearing for such written objection, the objection may be made orally at the hearing.

C. Order. The examiner shall allow intervention upon a proper showing pursuant to paragraph A. above unless the examiner finds that the Petitioner's interest is adequately represented by one or more other parties participating in the case.

### 9 MCAR § 2.507 Prehearing procedures.

A. Prehearing conference. If the amount in controversy in any case exceeds \$1,000 upon the request of any party or upon his/her own motion, the examiner may hold a prehearing conference prior to the hearing.

1. Purpose. The purpose of the prehearing conference is to simplify the issues to be determined at the hearing; to consider amendment of the agency's Notice if necessary; to obtain agreements in regard to uncontested facts or admissibility of testimony or exhibits; to determine the identity and number of proposed witnesses for each party; to consider such other matters that may be necessary or advisable; and, if possible, to reach a settlement without the necessity for further hearing.

2. Procedure. A prehearing conference shall be an informal proceeding conducted expeditiously by the examiner. Agreements on the simplification of issues, uncontested facts, admissibility of evidence, or other matters shall be either entered on the record at the hearing or be made the subject of a written order by the examiner.

B. Prehearing motions. If a party desires the examiner to issue an order before the hearing or during a continuance in the hearing, (other than a request for a continuance or a subpoena), he/she shall make a request to the examiner in writing. The request shall state, in detail, the need for the order and what is being requested. A copy of the request shall be served upon all known parties. If a party is opposed to the granting of a motion, he should notify the examiner as soon as possible. Orders on motions may be either oral or written but the examiner shall notify all parties of record of the order.

### 9 MCAR § 2.508 Prehearing discovery.

A party may demand that any other party disclose the names and addresses of all witnesses that the other party intends to have testify at the hearing. The demand shall be in writing and shall be directed to the party or his/her attorney. Responses to the demand shall be served within ten days of receipt of the demand. Any witnesses unknown at the time of the disclosure shall be disclosed as soon as they become known. Any party unreasonably failing, upon demand, to make such disclosure shall be foreclosed from presenting any evidence at the hearing through an undisclosed witness.

### 9 MCAR § 2.509 Subpoenas.

A. Requests. A party desiring to compel the attendance of a witness or the production of documents shall file with the examiner a written request for a subpoena. The request shall indicate:

1. The name and address of the person upon whom the subpoena will be served;
2. A brief statement of the potential relevance of the testimony or documents sought;

3. If the subpoena request is for the production of documents, the documents sought should be identified with specificity.

B. Service of subpoenas. Subpoenas shall be served personally in the manner provided in 9 MCAR § 2.502 D.1. They shall not be served by mail. The fees provided for service of subpoenas in the District Courts by Minn. Stat. § 357.22 shall apply and shall be paid to the potential witness at the time of service. Such fees are \$10 per day for each day of attendance plus 12 cents per mile for travel going to and returning from the place of attendance, to be estimated from the witness' residence.

C. Objection to a subpoena. Any person served with a subpoena who has an objection to it may file an objection with the examiner. The objection shall be filed promptly, and in any event at or before the time specified in the subpoena for compliance. The examiner shall cancel or modify the subpoena if he/she finds that it is unreasonable or oppressive. Modification may include requiring the party requesting the subpoena to pay reasonable costs of producing documents, books, papers or other tangible things.

### 9 MCAR § 2.510 Changes in date, time or place.

A. Requests. Any party who desires to change the date, time or place from that announced in the Notice of Hearing shall contact the other known parties, or their representatives, and seek agreement regarding a new time, date or place. If the parties can agree, and if the examiner's schedule allows, the examiner shall approve the change.

B. Notice. If time permits, the agency shall send a written notice to all parties and the examiner setting forth the new time, date or place.

C. Continuances during a hearing. If it appears in the interest of justice that further evidence should be received, the examiner shall continue the hearing to a future date. Oral notice on the record shall be sufficient notice of the additional date.

### 9 MCAR § 2.511 Hearing procedures.

A. Conduct of the hearing. The hearing shall be conducted substantially in the following manner:

1. The examiner shall open the hearing by reading the title of the case, stating the amount claimed by the claimant agency and briefly stating the facts as alleged in the Notice of Hearing which give rise to the claim.

2. Any stipulations, settlement agreements or consent orders entered into by any of the parties prior to the hearing shall be entered into the record.

3. The claimant agency shall have the burden of proof and shall begin the presentation of evidence. It shall be followed by the other parties in a sequence determined by the examiner.

4. Testimony may be given in narrative fashion by witnesses rather than by question and answer format.

5. Cross-examination of witnesses shall be conducted in a sequence and in a manner determined by the examiner to expedite the hearing while ensuring a fair hearing. At the request of the party whose witness is being cross-examined, the examiner shall make such rulings as are necessary to prevent argumentative, repetitive or irrelevant questioning and to expedite the cross-examination to the extent consistent with the disclosure of all relevant testimony and information.

6. Any party may be a witness or may present other persons as witnesses at the hearing. All oral testimony at the hearing shall be under oath or affirmation.

7. A party may question an adverse party or any witness identified with an adverse party, by leading questions and contradict and impeach him/her on material matters.

8. When all parties and witnesses have been heard, the hearing shall be closed unless a continuance has been ordered under 9 MCAR § 2.410.

**9 MCAR § 2.512 Rights and obligations of parties.**

A. Be prepared. A party shall have all evidence to be presented, both oral and written, available on the date for hearing. Requests for subpoenas, depositions, or continuances shall be made within a reasonable time after their need becomes evident to the requesting party.

B. Respond to orders from the examiner. If the examiner orders that parties do an act, or not do an act, the parties shall comply with the order. If a party objects to an order, such objection shall be stated in advance of the order as part of the record.

C. Right to receive copies. The examiner shall send copies of all orders or decisions to all parties simultaneously. Any party sending a letter, exhibit, brief, memorandum, or other document to the examiner shall simultaneously send a copy to all other parties, provided, however, that this requirement shall not apply to requests for subpoenas.

D. Right to counsel and communication with represented party. A party need not be represented by an attorney. He/she may represent himself/herself, or may be represented by an attorney or any other person of his/her choice. If a party has notified other parties that he/she will be represented by an attorney, all communications shall be directed to that attorney.

**9 MCAR § 2.513 Rights and obligations of non-parties.**

A. Testify and offer evidence. Any person may offer testimony or other evidence relevant to the case. Any non-party offering testimony or other evidence may be questioned by parties to the proceeding.

B. Question witnesses. Generally, non-parties shall not be allowed to question witnesses, provided, however, that the examiner may allow such questioning if he/she deems it necessary for the development of a full and complete record.

**9 MCAR § 2.514 Rights and obligations of the examiner.**

A. Impartiality. An examiner assigned to a case shall be free of any personal, political or economic association that would impair his/her ability to function in a fair and objective manner. Should an examiner believe that he/she cannot comply with this rule, he/she shall withdraw from the case.

B. Communication with parties or others. The examiner shall not communicate, directly or indirectly, with any person or party concerning any issue of fact or law relevant to a pending case except upon notice to all parties and opportunity for them to participate. When these rules authorize communications contrary to this prohibition, such communications shall be limited to only those matters permitted by these rules.

C. Duties. Consistent with law and these rules, the examiner shall perform the following duties:

1. Receive, and recommend action to the Chief Hearing Examiner upon receipt of, requests for subpoenas.

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2. Hear and rule on motions.
3. Preside at the hearing.
4. Administer oaths and affirmations.
5. Grant or deny continuances.
6. Examine witnesses where deemed necessary to make a complete record.
7. Prepare findings of fact, conclusions and recommendations.
8. Make preliminary, interlocutory or other orders as deemed necessary to assure a fair hearing.
9. Recommend a summary disposition of the case or any part thereof where there is no genuine issue as to any material fact or recommend dismissal where the case or any part thereof has become moot or for other reasons.
10. Do all things necessary and proper to the performance of the foregoing.

### 9 MCAR § 2.515 Rules of evidence.

A. General rules. The examiner shall admit all evidence which logically tends to prove or disprove an important fact, including hearsay, if it is the type of evidence on which reasonable prudent persons are accustomed to rely in the conduct of their serious affairs. The examiner shall give effect to the rules of privilege recognized by law. Evidence which is incompetent, irrelevant, immaterial, or unduly repetitious shall be excluded.

B. Evidence must be offered to be considered. All evidence to be considered in the case, including all records and documents in the possession of the claimant agency or a true and accurate photocopy thereof, shall be offered and made a part of the record in the case. No other factual information or evidence shall be considered in the determination of the case.

C. Documentary evidence. Documentary evidence may be introduced in the form of copies or excerpts or may be incorporated by reference into the record. Copies of a document shall be received to the same extent as the original document unless (1) a genuine question is raised as to the accuracy or authenticity of the copy or (2) in the circumstances, it would be unfair to admit the copy in lieu of the original.

D. Notice of facts. The examiner may take notice of judicially cognizable facts but shall do so on the record and with the opportunity for any party to contest the facts so noticed.

9 MCAR § 2.516 Burden and standard of proof. The claimant agency shall have the burden of proving the amount and existence of the debt and its right to collect the debt by a preponderance of the evidence. If the debtor asserts any affirmative defenses, the debtor shall have the burden of proving the existence of any such defense by a preponderance of the evidence.

9 MCAR § 2.517 Timing of the decision. Following the close of the record, the examiner shall make his/her report pursuant to Minn. Stat. §§ 15.0412, subd. 4d, and 15.052, subd. 3, and, upon completion, a copy of said report shall be served upon all parties.

### 9 MCAR § 2.518 The record.

A. The examiner shall maintain the official record in each case until the issuance of the report, at which time the record (except for the audio-magnetic recordings thereof) shall be sent to the agency.

B. What the record shall contain. The record shall contain:

1. The Notice of Hearing and all motions and orders which have been reduced to writing;
2. Evidence received or considered;
3. An audio-magnetic recording of the hearing;
4. The examiner's report;
5. All memoranda or data submitted by any party in connection with the case;
6. The transcript of the hearing, if one was prepared.

C. The record of the contested case proceeding shall be closed upon the completion of the testimony, receipt of the final written memorandum or transcript, if any, or late-filed exhibits which the parties and the examiner have agreed should be received into the record, whichever occurs latest.

D. The transcript. The audio-magnetic recording of the hearing shall be transcribed if requested by a party or if ordered by the Chief Hearing Examiner. If a transcription is made, the Chief Hearing Examiner shall require the requesting person and other persons who request copies of the transcript from him to pay a reasonable charge therefor. The charge shall be set by the Chief Hearing Examiner and all monies received for transcripts shall be payable to the State Treasurer and shall be deposited in the State Office of Administrative Hearings' Account in the State Treasury.

**9 MCAR § 2.519 Disruption of the hearing.**

A. Cameras. Television, newsreel, motion picture, still or other cameras may be operated in the hearing room during the course of the hearing unless the examiner determines that such operation is disrupting the hearing.

B. Recordings. The official audio-magnetic recording of the hearing shall be made by the examiner. Any party may also record all or part of the proceedings. Non-parties may record all or part of the proceedings unless the examiner determines that such recording is disrupting the hearing. In the event of failure of recording equipment, the examiner may direct any person or party to provide the examiner with the original or a copy of any recording of the proceeding upon payment of the cost of the recording medium.

C. Other conduct. Pursuant to and in accordance with the provisions of Minn. Stat. § 624.72, no person shall interfere with the free, proper and lawful access to or egress from the hearing room. No person shall interfere with the conduct of, disrupt or threaten interference with or disruption of the hearing. In the event of such interference or disruption or threat thereof, the examiner shall read this rule to those persons causing such interference or disruption and thereafter proceed as is deemed appropriate.

**9 MCAR § 2.520 Rehearing.** Any agency Notice of and Order for Rehearing shall be served on all parties in the same manner prescribed for the Notice of and Order for Hearing, provided that the examiner shall permit service of the Notice and Order for Rehearing less than 20 days prior to rehearing if the parties agree to such earlier service. The rehearing shall be conducted in the same manner prescribed for a hearing.

**9 MCAR § 2.521 Severability.** If any provision of these rules is held invalid, such invalidity shall not affect any other provisions of the rules which can be given effect without the invalid provision, and to this end, the provisions of these rules are declared to be severable.

[Not to be Codified] Effectiveness. Five working days after final publication in the *State Register*, these rules shall be applied to all hearings to be commenced thereafter and commenced previously, but not yet completed, provided that for cases in progress, only those portions of the rules shall apply to the portion of the hearing process not yet completed.

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

# ADOPTED RULES

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The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, 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 strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

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## Higher Education Coordinating Board Office of the Executive Director

### Amendments to Rules Governing Scholarships and Grants-in-aid, Private College Contracts, Work-study Grants, Minnesota Medical and Osteopathic Loans, Minnesota Foreign Student Assistance, Minnesota Veterans' Dependents Student Assistance, Part-time Student Grants, Private Institutions Registration, and the Area Vocational-technical Institute Tuition Subsidy Program

The rules published and proposed at *State Register*, Volume 4, Number 51, pp. 1967-1971, June 23, 1980 (4 S.R. 1967) are now adopted, with the following amendments.

#### Amendments as Adopted

##### Chapter One 5 MCAR §§ 2.0101-2.0108

##### 5 MCAR § 2.0102 Definitions.

G. "Undergraduate" shall be any full-time post-secondary student enrolled for a maximum of eight semesters or 12 quarters, or their equivalent, ~~for the completion of a baccalaureate degree.~~ For purposes of the Minnesota Scholarship and Grants-in-Aid Program, a student is no longer an "undergraduate" after obtaining a baccalaureate degree or after completing the number of semesters or quarters herein specified, whichever occurs first.

H. "Uniform methodology" is ~~a nationally recognized standard, established by the United States Department of Education, which provides educational institutions with a uniform and systematic method of determining an applicant's need for financial assistance from various financial aid programs;~~ any of the needs analysis methodologies which existed on March 28, 1980, and was recognized and approved by the Department of Education in 45 Federal Register, p. 20567. In implementing any of those methodologies, the benchmarks established by the Department of Education, 44 Federal Register, p. 56938 must be used.

##### Chapter Three: 5 MCAR §§ 2.0301-2.0310

##### 5 MCAR § 2.0302 Definitions.

J. "Minnesota resident" shall be defined as a person who either:

1. is dependent upon the financial support of his parents or guardians who reside in and are legal residents of the State of Minnesota at the time of his application for a loan, or

2. is independent of his parental or guardian's financial support and has resided in Minnesota, for purposes other than obtaining an education, for not less than twelve consecutive months immediately prior to his application for work-study.

K. "Uniform methodology" is ~~a nationally recognized standard, established by the United States Department of Education, which provides educational institutions with a uniform and systematic method of determining an applicant's need for financial assistance from various financial aid programs;~~ any of the needs analysis methodologies which existed on March 28, 1980, and was recognized and approved by the Department of Education in 45 Federal Register, p. 20567. In implementing any of those methodologies, the benchmarks established by the Department of Education, 44 Federal Register, p. 56938 must be used.

##### Chapter Ten: 5 MCAR §§ 2.1001-2.1008

##### 5 MCAR § 2.1002 Definitions.

K. "Uniform methodology" is ~~a nationally recognized standard, established by the United States Department of Education,~~

which provides educational institutions with a uniform and systematic method of determining an applicant's need for financial assistance from various financial aid programs; any of the needs analysis methodologies which existed on March 28, 1980, and was recognized and approved by the Department of Education in 45 *Federal Register*, p. 20567. In implementing any of those methodologies, the benchmarks established by the Department of Education, 44 *Federal Register*, p. 56938 must be used.

5 MCAR § 2.0702 D. "Private Minnesota institution" shall be defined as any Minnesota institution of higher education or any Minnesota technical or vocational school which is eligible under the State Student Loan Program as defined in Minn. Stat. § 136A. 15, and which is not included under 5 MCAR § 2.0702 C.

## Department of Transportation Aeronautics Division

### Adopted Rules Governing Aeronautics Operations

The above-captioned rules (14 MCAR §§ 1.3001 to 1.3029) which were proposed and published at *State Register*, Volume 4, Number 16, pp. 628-670, on October 22, 1979 (4 S.R. 628) and at *State Register*, Volume 4, Number 34, pp. 1393-1394, on February 25, 1980 (4 S.R. 1393) are now adopted, with the following amendments.

#### Rules as Adopted

Minnesota Code of Agency Rules  
Department of Transportation  
Contents

#### Rule

(14 MCAR § 1)

#### Chapter One §§ 1.3001-1.3005: Definitions, Procedural Rules, Contested Cases, Taxation, Applications for Financial Aid

- § 1.3001 Definitions.
- § 1.3002 Procedural rules as to structure heights.
- § 1.3003 Hearings in contested cases.
- § 1.3004 Taxation of converted military aircraft.
- § 1.3005 Applications for state and federal aid.

#### Chapter Two §§ 1.3006-1.3016: Airport Licensing, Airport Zoning, Obstructions to Air Navigation

- § 1.3006 General provisions for airport licensing.
- § 1.3007 Licensing of a public airport.
- § 1.3008 Licensing of a public seaplane base.
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- § 1.3010 Licensing of a private airport.
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- § 1.3012 Licensing of a private heliport.
- § 1.3013 Licensing of personal-use airports, seaplane bases and heliports.
- § 1.3014 Unlicensed landing areas.
- § 1.3015 Criteria for determining obstructions to air navigation.
- § 1.3016 Airport zoning standards.

#### Chapter Three §§ 1.3017-1.3018: Seaplane Operations

- § 1.3017 Seaplane operations.
- § 1.3018 Seaplane operations within the seven-county metropolitan area.

#### Chapter Four §§ 1.3019-~~1.3028~~ 1.3027: Licensing of Commercial Operations

- § 1.3019 General commercial operations rules.

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

## ADOPTED RULES

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- § 1.3020 Flight school.
- § 1.3021 Ground school and aeronautical correspondence school.
- § 1.3022 Aircraft charter.
- § 1.3023 Aircraft rental or leasing.
- § 1.3024 Air ambulance service.
- § 1.3025 Aerial spraying or dusting.
- § 1.3026 Aircraft servicing, maintaining and repairing.
- § 1.3027 Commuter air carriers.
- ~~§ 1.3028 Commercial parachuting.~~

Chapter Five ~~§ 1.3029~~ 1.3028: Flying Clubs

~~Chapter Six § 1.3030: Parachuting and Skydiving~~

Chapter ~~Seven~~ Six ~~§ 1.3031~~ 1.3029: Repealer

Chapter One §§ 1.3001-1.3005: Definitions, Procedural Rules, Contested Cases, Taxation, Applications for Financial Aid

14 MCAR § 1.3001 Definitions.

A. Aeronautics instructor. Any individual engaged in giving instruction or offering to give instruction in aeronautics either in flying or ground subjects, or both, for hire or compensation, without advertising such occupation, without calling facilities an "air school" or anything equivalent thereto, and without employing or using other instructors and without operating an aircraft for compensation or hire for the purpose of flight instruction.

B. Airport. An area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

C. Airport elevation. The established elevation of the highest point on the usable landing area measured in feet above mean sea level.

D. Airport hazard. Any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

E. ~~ATCO (Air Taxi/Commercial Operator)~~ Air Carrier Operating certificate. A certificate issued by the Federal Aviation Administration that entitles the holder to conduct charter operations according to the operating specifications in the certificate.

F. Balloon. A lighter-than-air aircraft that is not engine driven.

G. Edge marker. An object or device clearly visible from traffic pattern altitude under normal conditions during daylight hours, which is used to outline the perimeter of a landing area.

H. CAB (Civil Aeronautics Board). The agency of the federal government that has regulatory authority over scheduled supplemental and charter air carriers providing air transportation.

I. Commissioner. Any reference to the term "Commissioner" in these rules shall mean the Commissioner of the Minnesota Department of Transportation.

~~J. Drop Zone. That area of land or water on which a parachute should reasonably expect to land.~~

~~J. K.~~ Dwelling. Any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

~~K. L.~~ FAA. The capital letters "FAA" shall mean the Federal Aviation Administration of the United States.

~~L. M.~~ Flight instructor. A pilot who possesses a valid flight instructor's rating as issued by the FAA.

~~M. N.~~ Glider. A heavier-than-air aircraft that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

~~N. O.~~ Gradient. The angular degree, from horizontal, of an ascending or descending uniformly smooth slope. With regard to runways:

1. Transverse gradient refers to the degree of slope across the width of the runway, and

2. Longitudinal gradient refers to the degree of slope along the length of the runway.

~~O. P.~~ Height. For the purpose of determining the height limits set forth in these rules, the datum shall be mean sea level elevation as determined by U.S. Geological Survey.

P. ~~Q.~~ Helicopter. A rotorcraft, that for its horizontal motion, depends principally on its engine-driven rotors.

Q. ~~R.~~ IFR. The symbol used to designate instrument flight rules.

R. ~~S.~~ Letter of authority. "Letter of authority" shall be included in the term "license" as used herein.

S. ~~T.~~ Night. The time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time.

T. ~~U.~~ Nonprecision instrument runway. A runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities planned or indicated on an approved planning document.

~~V.~~ Parachute. A device used or intended to be used to retard the fall of a body or object through the air.

U. ~~W.~~ Passenger. An occupant of an aircraft who is not assigned to perform duty necessary for operating the aircraft.

V. ~~X.~~ Person. The term "person" when used herein shall include an individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

W. ~~Y.~~ Planned. As used in these rules, refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the commissioner.

X. ~~Z.~~ Precision instrument runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR). Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

Y. ~~AA.~~ Rotorcraft. A heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

Z. ~~BB.~~ Runway. Any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and taking off of aircraft.

AA. ~~CC.~~ Slope. An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

BB. ~~DD.~~ Structure. An object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, earth formations and overhead transmission lines.

CC. ~~EE.~~ Sunset and sunrise. The mean solar times of sunset and sunrise as published in the American Air Almanac, converted to local time.

DD. ~~FF.~~ Traffic pattern. The traffic flow that is prescribed for aircraft landing at, taxing on, or taking off from an airport.

EE. ~~GG.~~ Traverse ways. Roads, railroads, trails, waterways, or any other avenue of surface transportation.

FF. ~~HH.~~ Tree. Any object of natural growth.

GG. ~~I.~~ Utility runway. A runway that is constructed for and intended to be used by aircraft of 12,500 pounds maximum gross weight and less.

HH. ~~J.~~ VFR. The symbol used to designate visual flight rules.

I. ~~KK.~~ Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

JJ. ~~LL.~~ Water surfaces. For the purpose of these rules, water surfaces shall have the same meaning as land.

#### 14 MCAR § 1.3002 Procedural rules as to structure heights.

A. When a permit is required under Minn. Stat. §§ 360.81-360.91, and amendments made subsequent hereto, application shall be made to the commissioner on a form furnished by him.

B. The commissioner shall make such investigation as may be necessary.

C. Any person interested in the granting or denial of a permit may intervene in the matter of the application. A person desiring intervention shall notify the commissioner of his interest. Such notification shall be in writing.

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## ADOPTED RULES

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D. Before issuing or denying a permit, the commissioner may request an informal appearance of the applicant or any person who has intervened in the matter of the application.

E. All hearings, notices, orders, and other procedural rules, regarding this subject shall be in accordance with Chapters 360 and 15 of the Minn. Stat., these rules, and any other applicable law.

### 14 MCAR § 1.3003 Hearings in contested cases.

A. This rule does not include hearings in rule making and is supplementary to statutory provisions concerning the subject of contested cases.

B. Hearings in contested cases shall be in conformance with Chapters 360 and 15 of the Minn. Stat. and in conformance with the "Rules for Contested Cases" then in effect as promulgated by the Office of the Attorney General Administrative Hearings of the State of Minnesota.

**14 MCAR § 1.3004 Taxation of converted military aircraft.** When a military aircraft is purchased for civilian use and enters the State of Minnesota, it will be given a base value for taxation purposes according to its age, condition, weight, and performance characteristics.

### 14 MCAR § 1.3005 Applications for state and federal aid.

A. The commissioner will make a substantive decision as to merit or necessity of each project and project application. A substantial aeronautical requirement must be shown by the municipality whereby the contemplated or existing airport is a necessary part of a system of public airports adequate to meet the present and anticipated needs of civil aviation in Minnesota.

B. The airport must be able to handle air traffic safely and adequately. The public interest and aeronautical progress of the state must be reflected in each project and project application.

C. The municipality must show that sufficient funds are available for that portion of the project costs to be borne by the municipality and that the project will be completed without undue delay, and that the municipality submitting the project application has legal authority to engage in the development as proposed.

### Chapter Two\* §§ 1.3006-1.3016: Airport Licensing, Airport Zoning, Obstructions to Air Navigation

#### 14 MCAR § 1.3006 General provisions for airport licensing.

A. Airport. The term "airport" as used herein shall also include seaplane bases, heliports, and all other designated areas.

B. License. Every airport, before operating as such, shall be approved and licensed by the commissioner. (Airports owned or operated by public corporations formed pursuant to the Metropolitan Airports Commission Act need not be licensed.)

1. Application. Application for license shall be made on forms supplied by the commissioner and accompanied by the appropriate fee and renewed annually.

Type of License	Fee
Public Airport (privately or publicly owned)	\$5.00
Private Airport (restricted use)	\$5.00
Personal-use Airport	None

2. Inspection. The applicant for any license shall offer full cooperation in respect to any inspection which may be made of the airport premises upon proper demand at reasonable hours by any authorized representative of the commissioner, prior to or subsequent to the issuance of a license.

3. Ownership. The applicant shall show that he has right of access to and control of the land, or right of access to the water area to be licensed, as owner, co-owner, tenant, or by any other right of entry.

4. Agency approvals. No airport shall be licensed unless the applicant meets the requirements of other federal or state government agencies or their political subdivisions.

C. Restricted operation. A letter of authority granting temporary or restricted operation may be issued pending full compliance with the provisions of these rules and shall have an expiration date.

D. License display. The license issued under this section shall be posted in a prominent place at the airport.

E. Nontransferability. Licenses shall not be transferable.

F. Alteration or change of operational status. The licensee shall immediately notify the commissioner of any proposed construction, alteration, or change in the operational status of the airport. The licensee is also responsible for properly notifying the Federal Aviation Administration of such alterations or changes.

G. Danger area or closed airport. Any part of the landing strip or runway which has become temporarily unsafe, or for any reason is not available for use, shall be marked by suitable warning flags and/or flares which shall clearly show the boundaries of

the danger area. Upon the closing, abandonment or cessation of any airport, the licensee shall immediately notify the commissioner, return the current license, and mark the landing area in a manner that clearly indicates that the airport is closed to air traffic. All markings indicating a usable runway must be obliterated. An "X" must be placed at a central location, the minimum size to be 3' x 30', and of contrasting colors to the surrounding surface where the "X" is placed. In the event that the licensee fails to do the above, then and in such case, and without excusing the licensee, the commissioner may go upon the premises and remove the markings that indicate a usable runway and may also mark the airport as indicated above.

H. Exceptions. In any case where it is determined that the public interest and safety will not be adversely affected, the commissioner may waive any of the requirements stated in 14 MCAR §§ 1.3006-1.3016 subject to such conditions or limitations as may be necessary. Conversely, where it is determined that the public interest and safety will be adversely affected, the commissioner may deny the issuance of a license, despite compliance with rules herein.

#### 14 MCAR § 1.3007 Licensing of a public airport.

A. Public airport. A public airport is any airport, whether privately or publicly owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the owner or person having right of access and control. The requirements of this section do not apply to the licensing of public seaplane bases or public heliports. Specific requirements for the licensing of a public seaplane base are found in 14 MCAR § 1.3008. Specific requirements for the licensing of a public heliport are found in 14 MCAR § 1.3009.

B. Requirements. A public airport shall be granted a license when it has shown that it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

1. Size. At least one runway with a minimum usable length of 2,500 feet. The minimum width of a turf runway shall be 75 feet. The minimum width of a hard-surfaced runway shall be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in 14 MCAR § 1.3015 that are or may create an airport hazard.

2. Surface. The landing surface shall be smooth and free from hazards or obstructions.

a. The longitudinal gradient on any part of the landing area shall not exceed 2%.

b. The transverse gradient shall not exceed 3%.

c. In addition, runway grade changes ~~should~~ shall be such that any two points 5 feet above the runway centerline will be mutually visible for the entire runway length:

3. Obstructions. The minimum obstruction clearance requires that no structure, tree or mobile object which creates a hazard, other than those necessary and incidental to airport operation, shall penetrate the imaginary airspace surfaces described in 14 MCAR § 1.3015, paragraphs E.1., E.4., and E.5. The standards of this section shall also apply to traverse ways only after their heights have been increased as described in 14 MCAR § 1.3015 B.

4. Edge markers. Turf runways shall be outlined with effective edge markers and end markers which shall be constructed of a durable material and installed in such a manner ~~approved by the Commissioner~~ so as to be clearly visible from traffic pattern altitude.

5. Buildings. Buildings and structures on a public airport shall not be closer than 250' to the centerline of the runway. For height limitations see 14 MCAR § 1.3015 E.

6. Wind indicator. All public airports shall be equipped with a wind sock, 3' x 12', blaze orange in color, ~~or other indicator as approved by the Commissioner~~, which must be operable and clearly visible from the pattern altitude when within one mile of the airport during daylight hours. If the airport is lighted for night operations, the wind indicator must also be lighted.

7. Fencing. Such adequate fencing or barriers shall be constructed as will prevent all persons not engaged in flight activities from having access to a position of danger with relation to aircraft in the vicinity of building areas and on the flight line.

8. Lighting. If the airport is lighted for night operations and is advertised as lighted for night operations, the lights shall be kept on from dusk to dawn. Any object in the approach zone of a lighted visual utility runway that extends above a slope of 30:1, shall be marked and lighted in accordance with the standards for obstruction marking and lighting where requested by the commissioner in the interest of safety.

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## ADOPTED RULES

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9. Tiedowns. Facilities must be furnished for at least three more aircraft than regularly use the facilities. The tiedowns are to be marked and maintained so as to be readily located.

10. Toilets. A sanitary public toilet facility shall be provided at all public airports, except where it can be demonstrated that it is impracticable to install such a facility. An enclosed portable chemical toilet, properly maintained and serviced, shall be acceptable.

11. Aviation fuel. All aviation fuel dispensed on any airport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

12. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or on the flight line if fuel is dispensed. It must be a minimum of ~~10 pounds of carbon dioxide~~ 20 B. rating or equivalent.

13. Telephone. When feasible, a telephone shall be made available for public use. Telephone numbers for the appropriate Flight Service Station, for emergency assistance, and for aircraft servicing shall be prominently posted.

14. Bulletin board. A weather-protected bulletin board shall be prominently located on the airport. Posted thereon shall be the airport license, safety and traffic rules, and an area map showing danger or restricted areas.

### 14 MCAR § 1.3008 Licensing of a public seaplane base.

A. Public seaplane base. A public seaplane base shall mean any seaplane base, whether privately or publicly-owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the operator or the person having right of access and control.

B. Operation. In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal port or other authority, the operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority, to the extent that such rules and regulations do not interfere with the safe operations of aircraft.

C. Separate licenses. The license issued to a seaplane base shall apply to the land area from which operations are conducted. Where two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate seaplane base license.

D. Use. The use of such body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of these public waters.

E. Requirements. A public seaplane base shall be granted a license when it has shown it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

1. Size. The body of water shall have a minimum usable length of at least one mile and shall be of sufficient width and depth to permit the safe operation of aircraft on the surface. All approaches to the landing area shall be sufficiently clear of obstructions to permit a 20:1 glide angle to the nearest point of the usable landing area, provided that if any structure on the land is located within 300 feet of the centerline of the approach path, such glide angle shall be computed so as to provide a clearance of at least 100 feet above such structure.

2. Boundary markers. The outline of that part of the area available for landing, takeoff and taxiing when required in the interest of safety, shall be marked. All hazards, including underwater obstructions in the landing, approach, departure and taxi areas shall be marked. All such markers shall be constructed and displayed in a manner approved by the Commissioner of a durable material and in such a manner so as to be clearly visible from traffic pattern altitude.

3. Wind indicator. Each public seaplane base shall be equipped with a wind sock 3' × 12', blaze orange in color, ~~or other wind indicator approved by the commissioner,~~ which must be operable and clearly visible from the pattern altitude when within one mile of the seaplane base during daylight hours. If night operations are conducted at the base, the wind sock must be lighted.

4. Dock. A dock or float, suitable for the loading and unloading of seaplanes, shall be so located as to afford the maximum degree of operational safety.

5. Ramp. A ramp, or equivalent substitute, for beaching of aircraft, shall be provided. Tie-down or storage area shall be so arranged that the ramp is normally clear for the beaching of incoming aircraft.

6. Toilets. A sanitary public facility shall be provided at all public seaplane bases, except where it can be demonstrated that it is impracticable to install such facility. An enclosed portable chemical toilet, properly maintained and serviced shall be acceptable.

7. Telephone. When feasible, a telephone should be made available for public use. Telephone numbers for the appropriate Flight Service Station, for emergency assistance, and for aircraft servicing will be prominently posted.

8. Bulletin board. A weather-protected bulletin board shall be prominently located on the seaplane base. Posted thereon shall be the seaplane base license, safety and traffic rules, and an area map showing danger or restricted areas.

9. Beaching or mooring. Beaching or mooring facilities must be provided for at least three more seaplanes than regularly use the facilities.

10. Life preserver. At least one life preserver shall be immediately available for use at all times.

11. Boat. A boat and operable motor shall be immediately available for use at all times that flights are in progress.

12. Lines. An adequate supply of lines for heaving, towing, securing and rescue operations shall be kept available.

13. Fuel filters. All aviation fuel dispensed at a public seaplane base shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

14. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or at the ramp or dock. It must be a minimum of ~~ten pounds of carbon dioxide~~ 20 B. rating or equivalent.

#### 14 MCAR § 1.3009 Licensing of a public heliport.

A. Public heliport. A public heliport is any heliport, whether privately or publicly owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the owner or person having right of access and control.

B. Requirements. A public heliport shall be granted a license when it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

1. Landing and takeoff area. That specific area in which the helicopter actually lands and takes off, including the touchdown area. The minimum landing and takeoff area length shall be 2.0 times the overall length of the largest helicopter expected to use the heliport, and the width of the area shall be 1.5 times the overall length of the largest helicopter expected to use the heliport.

2. Touchdown area. The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport.

3. Peripheral area. A peripheral area surrounding the landing and takeoff area, with a minimum width of one-quarter the overall length of the largest helicopter expected to use the heliport, but not less than 10 feet, is recommended as an obstruction-free safety zone.

4. Obstructions. An object will be considered an obstruction to a public heliport if it is of greater height than any of the following heliport imaginary surfaces.

a. Heliport primary surface. The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

b. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

c. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

5. Approach-departure paths. Approach-departure paths are selected to provide the most advantageous lines of flight to and from the landing and takeoff area. These paths begin at the edge of the landing and takeoff area and should be aligned as directly as possible into the prevailing winds.

a. Approach-departure paths coincide in size with the imaginary surfaces described in B.4. above, except that an approach-departure path may be curved.

(1) If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet.

(2) If the approach-departure path is curved, the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area.

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b. A public heliport must have at least two approach-departure paths which must be separated by an arc of at least 90 degrees. These two paths must be obstruction-free.

c. Emergency landing areas must be available along the approach-departure paths.

6. Fuel filters. All aviation fuel dispensed on any public heliport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

7. Fire extinguishers. At least one properly maintained fire extinguisher shall be available. It must be a minimum of ~~ten~~ 20 B. pounds of carbon dioxide rating or its equivalent.

8. Wind indicator. All public heliports shall be equipped with an operable wind sock, 3' × 12' blaze orange in color, ~~or other indicator as approved by the Commissioner.~~ If the heliport is lighted for night operations, the wind indicator must also be lighted.

9. Safety barriers. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors shall be prominently displayed in pedestrian access areas. If a fence is used, it shall not penetrate the heliport imaginary surfaces described in B.4. above.

10. Rooftop egress. Rooftop heliports should have two exits, one at each side of the landing and takeoff area, which should be provided in accordance with local building codes.

C. Applicability. The regulations contained in B.3., 4., and 5. above, are predicated upon VFR operations by helicopters certificated in the normal category. The Commissioner may set additional requirements for heliports which will conduct IFR operations and/or operations by transport category heliports.

### 14 MCAR § 1.3010 Licensing of a private airport.

A. Private airport. A private airport is a restricted airport. The persons who may use the airport are determined by the owner of the airport. The private airport shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

B. Requirements. A private airport shall be granted a license when it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements.

1. Size. At least one runway with a minimum usable length of 2,000 feet. The minimum width of a turf runway shall be 75 feet. The minimum width of a hard-surfaced runway shall be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in 14 MCAR § 1.3015 that are or may create an airport hazard.

2. Surface. The landing surface shall be smooth and free from hazards or obstructions.

3. Obstructions. The minimum obstruction clearance requires that no structure, tree or mobile object which creates a hazard, other than those necessary and incidental to airport operation, shall penetrate the imaginary airspace surfaces described below:

a. Primary surface. An imaginary surface longitudinally centered on a runway and:

(1) At the same elevation as the elevation of the nearest point on the runway centerline.

(2) Extending to the ends of each runway.

(3) The width of the primary surface is 200 feet.

b. Approach surface. An imaginary surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of:

(1) 20:1 for a horizontal distance of 10,000 feet.

(2) Expanding uniformly to a width of 2,250 feet.

4. Edge markers. Turf runways shall be outlined with effective edge markers and end markers which shall be constructed of a durable material and installed in such a manner ~~approved by the Commissioner~~ so as to be clearly visible from traffic pattern altitude.

5. Wind indicator. All private airports shall be equipped with a wind sock ~~or other approved wind indicator.~~

6. Aviation fuel. All aviation fuel dispensed for sale shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

7. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or on the flight line if fuel is dispensed for sale. It must be a minimum of ~~10 pounds of carbon dioxide~~ 20 B. rating or equivalent.

C. Hazards. A private airport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

D. Use. A private airport may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

#### 14 MCAR § 1.3011 Licensing of a private seaplane base.

A. Private seaplane base. A private seaplane base is a restricted seaplane base. The persons who may use this seaplane base are determined by its owner. The private seaplane base shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

B. Requirements. A private seaplane base will be granted a license when it has shown that it has met the following minimum requirements.

1. Operation. In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal port or other authority, the operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority, to the extent such rules and regulations do not interfere with the safe operation of aircraft.

2. Separate licenses. The license issued to a seaplane base shall apply to the land area from which operations are conducted. Where two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate seaplane base license.

3. Use. The use of such body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of public waters.

4. Size. The body of water shall be of sufficient length, width and depth to permit safe operation by the aircraft intended to use it. The approaches to the landing area shall be sufficiently clear of obstructions to permit a 20:1 glide angle to the nearest point of the usable landing area, provided that if any structure on the land is located within 300 feet of the centerline of the approach path, such glide angle shall be computed so as to provide a clearance of at least 100 feet above such structure.

5. Markers. All hazards in the approach or landing area, including underwater obstructions, shall be marked.

6. Wind indicator. All private seaplane bases shall be equipped with a wind sock ~~or other wind indicator~~.

7. Fuel filters. All aviation fuel dispensed for sale shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

8. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or at the ramp or dock. It must be a minimum of ~~ten pounds of carbon dioxide~~, 20 B. rating or equivalent.

C. Hazards. A private seaplane base shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

D. Use. A private seaplane base may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

#### 14 MCAR § 1.3012 Licensing of a private heliport.

A. Private heliport. A private heliport is a restricted heliport. The persons who may use this heliport are determined by its owner. The private heliport shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

B. A private heliport shall be granted a license when it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements.

1. Landing and takeoff area. That specific area in which the helicopter actually lands and takes off, including the touchdown area. The minimum landing and takeoff area length shall be 2.0 times the overall length of the largest helicopter expected to use the heliport, and the width of the area shall be 1.5 times the overall length of the largest helicopter expected to use the heliport.

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2. Touchdown area. The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport.

3. Peripheral area. A peripheral area surrounding the landing and takeoff area, with a minimum width of one-quarter the overall length of the largest helicopter expected to use the heliport, but not less than 10 feet, is recommended as an obstruction-free safety zone.

4. Obstructions. An object will be considered an obstruction to a private heliport if it is of greater height than any of the following heliport imaginary surfaces.

a. Heliport primary surface. The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

b. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

c. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

5. Approach-departure paths. Approach-departure paths are selected to provide the most advantageous lines of flight to and from the landing and takeoff area. These paths begin at the edge of the landing and takeoff area and should be aligned as directly as possible into the prevailing winds.

a. Approach-departure paths coincide in size with imaginary surfaces described in B.4. above, except that an approach-departure path may be curved.

(1) If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet.

(2) If the approach-departure path is curved, the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area.

b. A private heliport must have at least two approach-departure paths which must be separated by an arc of at least 90 degrees. These two paths must be obstruction-free.

c. Adequate emergency landing areas must be available along the approach-departure paths.

6. Fuel filters. All aviation fuel dispensed on any private heliport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

7. Fire extinguishers. At least one properly maintained fire extinguisher shall be available. It must be a minimum of ~~ten pounds of carbon dioxide~~ 20 B. rating or its equivalent.

8. Wind indicator. ~~All private heliports shall be equipped with an operable wind sock, 3' x 12' blaze orange in color, or other indicator as approved by the Commissioner. If the heliport is lighted for night operations, the wind indicator must also be lighted.~~ All private heliports shall be equipped with a wind sock.

9. Safety barriers. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors shall be prominently displayed in pedestrian access areas. If a fence is used, it shall not penetrate the heliport imaginary surfaces described in B.4. above.

C. Hazards. A private heliport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

D. Use. A private heliport may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

### 14 MCAR § 1.3013 Licensing of personal-use airports, seaplane bases and heliports.

A. Personal-use airport. A personal-use airport shall mean any landing area on land or water from which aircraft are, or will be, regularly based or operated. There are three types of licenses:

1. Personal-use Airport License.
2. Personal-use Seaplane Base License.
3. Personal-use Heliport License.

B. Requirements. Personal-use airports shall be granted a license when they have met the general provisions of 14 MCAR § 1.3006 and the following general requirements.

1. Size. A personal-use airport shall be of sufficient length and width and the approaches shall be sufficiently clear of obstructions to permit safe operations by the aircraft intended to use it.

2. Surface. The landing surface shall be smooth and free from hazards or obstructions.

C. Operation. A personal-use airport shall not interfere with the safe operation of any public airport or with the safety of any federal airways.

D. Restrictions. A personal-use airport shall not be operated except in accordance with the restrictions set forth below:

1. A personal-use airport shall not be held out as available for public use, nor shall the public use of a personal-use airport be invited, permitted, or tolerated.

2. A personal-use airport shall not be used for commercial activities which include the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, aircraft rental and/or leasing or other operations deemed similar in character by the Commissioner. However, a personal-use airport may be used for commercial activities which include the operation of aircraft for the purpose of aerial spraying and dusting, banner towing, balloon operations, aerial photography, pipeline/powerline patrol or other operations deemed similar by the commissioner.

3. A personal-use airport shall not be displayed on any chart for public distribution.

E. Hazards. A personal-use airport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

F. In addition to the general requirements listed heretofore for the licensing of personal-use airports, the following specific requirements must be met before a personal-use airport license can be granted for a personal-use seaplane base or a personal-use heliport:

1. Personal-use Seaplane Base License.

a. A personal-use seaplane base license shall apply to the land area from which operations are conducted.

b. When two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate personal-use seaplane base license.

c. A personal-use seaplane base license will not be granted for those lakes upon which seaplane operations are prohibited by 14 MCAR § 1.3018.

2. Personal-use heliport license.

a. 14 MCAR § 1.3009 ~~b.~~ B. except that the landing and takeoff area minimum length and width shall be 1.5 times the overall length of the helicopter expected to use the heliport.

b. 14 MCAR § 1.3009 C., D.

c. 14 MCAR § 1.3009 F., except that a personal-use heliport must have as a minimum one approach-departure path meeting those requirements.

d. Safety barrier. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas.

**14 MCAR § 1.3014 Unlicensed landing areas.**

A. Unlicensed landing area. An unlicensed landing area shall mean any area of land or water, other than a licensed airport which is used or is made available for the landing and takeoff of aircraft for the purpose and in the manner described herein. No person shall use or make available such unlicensed landing area except in compliance with the provisions of this section.

B. Temporary operations. Any area of land or water may be used as an unlicensed landing area for temporary operations by the following for the purpose designated:

1. A person holding a private pilot's certificate, or higher rating, for private use for temporary operations.

2. A person, firm or corporation holding a license as a commercial operator for temporary operations in connection with commercial operations.

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C. Requirements for use of unlicensed landing areas. No person shall use or make available the use of an unlicensed landing area except in conformity with the following conditions:

1. Aircraft shall not be stored or regularly based at an unlicensed landing area.
2. The landing area proposed to be used shall be of sufficient length and width and free from obstructions, and the surface shall be in suitable condition to permit the safe operation of the type of aircraft to be used thereon.
3. The aircraft owner or operator shall have the permission of the landowner to use the landing area or any facilities that will be used in his operation for the purpose and time intended.
4. The use of the landing and operating area shall in no way endanger persons or property, and suitable safeguards necessary to protect the safety of passengers and public shall be provided.
5. Where it uses an unlicensed water landing area, the aircraft shall carry an approved type of life preserver for the pilot and each passenger.

D. Hazards. An unlicensed landing area shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

**14 MCAR § 1.3015 Criteria for determining obstructions to air navigation.** (NOTE: See Minn. Stat. §§ 360.061 *et seq.*, for airport zoning statutes and Minn. Stat. §§ 360.81 *et seq.*, for regulations of structure heights.)

A. Obstruction. An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the heights or surfaces established herein.

B. Traverse ways. Except for traverse ways whose activities are coordinated with adjacent controlled airports, the standards of this section apply only after the heights of traverse ways are increased by:

1. 17 feet for interstate highways.
2. 15 feet for all other public roadways.
3. 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads.
4. 23 feet for railroads.
5. For waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

C. Notification. Any sponsor who proposes any construction or alteration that would exceed a height of 200 feet above ground level at the site, or any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 100:1 from the nearest point of the nearest runway of a public airport shall notify the Commissioner at least 30 days in advance.

D. General obstructions. The following objects will be considered general obstructions to air navigation:

1. Objects extending more than 500 feet above ground level at the site of the object.
2. Objects more than 200 feet above the ground or more than 200 feet above the established airport elevation, whichever gives the higher elevation, within three nautical miles of the nearest runway of an airport, and increasing in height in the proportion of 100 feet for each additional nautical mile of distance from the airport but not exceeding a maximum of 500 feet above ground.
3. Objects which would increase the minimum obstruction clearance altitude of a federal airway or approved off-airway route.
4. Objects whose elevation will increase a precision or nonprecision instrument approach flight altitude minimum or flight visibility minimum.

E. Obstructions to public airports. An object will be considered an obstruction to a public airport (excluding heliports) if it is of greater height than any of the following airport imaginary surfaces:

1. Primary surface. An imaginary surface longitudinally centered on a runway and:
  - a. Extending 200 feet beyond each end of a runway with a specially prepared hard surface or planned hard surface; or
  - b. Coinciding with each end of other runways. The width of the primary surface is:
    - c. 250 feet for visual utility runways; or
    - d. 500 feet for nonprecision instrument runways and for visual runways other than utility; or

e. 1,000 feet for precision instrument runways and for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile.

The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

2. Horizontal surface. An imaginary horizontal surface with its height 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

a. 10,000 feet for precision instrument runways and for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile, or

b. 6,000 feet for all other runways.

When a 6,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 6,000-foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.

3. Conical surface. An imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.

4. Approach surface. An imaginary surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of:

a. 20:1 for a horizontal distance of 10,000 feet for visual utility runways; or

b. 40:1 for a horizontal distance of 10,000 feet for nonprecision instrument runways and for all visual runways other than utility.

The approach surface expands uniformly to a width of:

c. 2,250 feet for other visual utility runways (10:1 flare ratio); or

d. 2,500 feet for visual runways other than utility (10:1 flare ratio); or

e. 3,500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile (20:3 flare ratio); or

f. 4,000 feet for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile (20:3 flare ratio).

5. Precision instrument approach surface. An imaginary surface longitudinally centered on the extended centerline at the end of a precision instrument runway. The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward for a horizontal distance of 10,000 feet at a slope of 50:1, expanding uniformly to a width of 4,000 feet, then continues upward and outward for an additional horizontal distance of 40,000 feet at a slope of 40:1, expanding uniformly to an ultimate width of 16,000 feet.

6. Transitional surface. An imaginary surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface. Transitional surface for those portions of the instrument approach surface which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the sides of the approach surface and at right angles to the extended instrument runway centerline.

F. Obstructions to public heliports. An object will be considered an obstruction to a public heliport if it is of greater height than any of the following heliport imaginary surfaces:

1. Heliport primary surface. The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

2. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

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3. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

G. The standards for marking and lighting structures are contained in FAA Advisory Circular 70/7460-1D, Obstruction Marking and Lighting, and any subsequent changes, except that spherical markers shall be a diameter of not less than 30 inches, and except that the colors of the markers shall be aviation orange, white, and chrome yellow, and be installed in that sequence.

14 MCAR § 1.3016 Airport zoning standards. [Number change only, adopted at 3 S.R. 2265.]

### Chapter Three §§ 1.3017-1.3018: Seaplane Operations

14 MCAR § 1.3017 Seaplane operations.

A. Compliance with marine traffic rules and regulations. All seaplanes must comply with marine traffic rules and regulations to the extent that such ~~if such~~ rules and regulations do not interfere with the safe operations of aircraft.

B. Approaches and take-offs. All approaches to and take-offs from the water area shall be made in such a manner as to clear all structures on the land by at least 100 feet, and wherever the area of the body of water will permit, such landing and take-offs shall be made at a distance of not less than 300 feet, both laterally and vertically, from any boat or person on the surface of the water, or as near to 300 feet as the area of the water will permit.

14 MCAR § 1.3018 Seaplane operations within the seven-county metropolitan area.

A. Scope. 14 MCAR § 1.3018 covers seaplane operations on all public waters within the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

B. Seaplane operations are permitted only on the following public waters within the seven-county metropolitan area.

1. Anoka County
  - a. Centerville Lake
  - b. Clear Lake
  - c. Coon Lake
  - d. George Watch Lake
  - e. Ham Lake
  - f. Howard Lake
  - g. Lake George
  - h. Linwood Lake
  - i. Martin Lake
  - j. Mississippi River
  - k. Mud Lake
  - l. Otter Lake
- m. Peltier Lake
- n. Pickerel Lake
- o. Reshenav Lake
- p. Rice Lake
- q. Round Lake
2. Carver County
  - a. Goose Lake
  - b. Hazeltine Lake
  - c. Lake Minnewashta
  - d. Lake Pettersen
  - e. Lake Riley
  - f. Lake Waconia

- g. Lundsten Lake
  - h. Mud Lake
  - i. Oak Lake
  - j. Parley Lake
  - k. Pierson Lake
  - l. Tiger Lake
3. Dakota County
- a. Alimagnet
  - b. Byllesby Reservoir
  - c. Crystal Lake
  - d. Lake Marion
  - e. Mississippi River
  - f. Orchard Lake
  - g. St. Croix River
4. Hennepin County
- a. Bryant Lake
  - b. Diamond Lake
  - c. Eagle Lake
  - d. Fish Lake
  - e. French Lake
  - f. Lake Independence
  - g. Lake Minnetonka, except the following areas: Black Lake, Emerald Lake, French Lake, Forest Lake, Gray's Bay, Libb's Lake, Peavy Lake, Seton Lake, Tanager Lake
  - h. Lake Sarah
  - i. Medicine Lake
  - j. Mississippi River
  - k. Schmidt Lake
  - l. Whaletail Lake
5. Ramsey County
- a. Bald Eagle Lake
  - b. Lake Owasso
  - c. Lone Lake
  - d. Mississippi River
  - e. Turtle Lake
  - f. White Bear Lake
6. Scott County
- a. Cedar Lake
  - b. Geis Lake

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## ADOPTED RULES

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- c. Pleasant Lake
- d. Prior Lake East
- e. Prior Lake West
- f. Spring Lake
- 7. Washington County
  - a. Big Carnelian Lake
  - b. Big Marine Lake
  - c. Forest Lake
  - d. Lake Elmo
  - e. Mississippi River
  - f. Oneka Lake
  - g. St. Croix River

C. Prohibited operations. Seaplane operations are prohibited on all public waters within the seven-county metropolitan area not listed in paragraph B. of this section. NOTE: See paragraph E. of this section.

D. Further restrictions. All seaplane operations are prohibited from 11 a.m. (CDST) to 6 p.m. (CDST) on Saturdays, Sundays, and national legal holidays between June 1 and September 15 on the following public waters:

- 1. Lake Minnetonka and all bays and lakes therein.
- 2. White Bear Lake and all bays and lakes therein.
- 3. Lake Owasso and all bays and lakes therein.

However, this restriction contained in D. shall not apply to the holder of a Private or Personal-use Seaplane Base License issued under 14 MCAR §§ 1.3011 and 1.3013 while operating to and from his licensed base subject to the following conditions:

- 1. Such operations are limited to a maximum of one takeoff and one landing during these restricted hours; and
- 2. Such operations are authorized only when lake traffic and use permit such operations to be conducted in a safe and reasonable manner.

E. Emergency use. Nothing in 14 MCAR § 1.3018 shall be construed to prohibit the landing or taking off of a seaplane in case of a bona fide emergency.

F. Ski-equipped aircraft. When lakes are frozen, aircraft equipped with either wheels or skis may operate on the lakes if such operations can be conducted in a safe and reasonable manner relative to lake traffic and use.

### Chapter Four §§ 1.3019-1.3028: Licensing of Commercial Operations

#### 14 MCAR § 1.3019 General commercial operations rules.

A. Commercial operations. "Commercial Operations" means any operation of an aircraft for compensation or hire, or any services performed incidental to the operation of any aircraft for which a fee is charged or compensation received, ~~including but not limited to~~, the servicing, maintaining and repairing of aircraft, the rental or charter of aircraft, the operation of flight or ground schools, the operation of aircraft for the application or distribution of chemicals or other substances, aerial photography and surveys, air shows or expositions, ~~parachute-jumping~~ and the operation of aircraft for fishing. "Commercial Operations" also means brokering or selling of any of the aforesaid services but does not include any operations of aircraft as common carriers by the federal government or the services incidental thereto. NOTE: Shared expense flights as defined in the Federal Aviation Regulations are not commercial operations as defined in this chapter.

B. License. Every person who does in fact provide or who advertises, represents or holds themselves out as giving or offering to provide such service, must be licensed by the commissioner. The license shall contain endorsements showing the type or types of commercial operations the licensee is authorized to perform. Such persons must be licensed by the commissioner before they advertise, represent or hold themselves out as giving or offering to provide such service or services.

C. Application. Application for license shall be made on forms supplied by the commissioner.

D. Fee. The fee shall be \$10.00 annually and must accompany the application.

E. Duration and renewal. The license issued under this section shall be effective for one year from the date of issuance thereof and shall be renewed annually. Application for renewal shall be made 30 days before the expiration of the current license.

F. Nontransferability. The license shall not be transferable to other persons.

G. Display. The license issued under this section shall be posted in a prominent place in the office of the licensee.

H. Notice of change. The licensee shall immediately notify the Department of Transportation in writing of any change in the status of such commercial operation relating to ownership, activities, aircraft or key personnel.

I. Place of business.

1. Each applicant for a commercial operations license must have a place of business.

2. In addition, if the commercial activity includes the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, aircraft rental and/or leasing, then such applicant's base of operations shall be on:

a. An airport licensed for public use by the commissioner as provided by law or an airport owned by the Metropolitan Airports Commission, or:

b. A private airport licensed by the commissioner if that airport meets the requirements of 14 MCAR § 1.3007, § 1.3008 and § 1.3009.

3. If the commercial activity is limited to aircraft servicing, maintaining and repairing, then such base of operation may be on a public or private airport licensed by the commissioner as provided by law.

4. A personal-use airport licensed by the commissioner may be used for commercial operations which are not included in paragraphs 2. and 3. above.

J. Airport authorization. If the applicant does not own the airport, he or she must submit evidence from the owner that he or she meets the airport owner's minimum standards for such commercial operation and is authorized to operate from such airport.

K. Aircraft. Each aircraft used by a licensee for commercial operations shall be currently registered with the Department of Transportation, or be taxed as flight property by the Department of Revenue, as required by laws of this state. Such flight property tax payments must be current.

L. Records. Each licensed commercial operator shall maintain basic records which must be kept up-to-date as follows:

1. Each flight made in equipment owned by a licensee shall be recorded. The register shall show the pilot's name, identification of the aircraft, and the date, time and duration of the flight.

2. An accurate list of airman personnel employed by the commercial operator, together with the airman certificate type, number of ratings, address and ~~where necessary~~, date of last physical examination.

3. A list of aircraft used in the commercial operation and the current Minnesota Department of Transportation registration decal number.

M. Compliance with the law. A person engaged in commercial operations shall comply with all laws, rules and regulations of the State of Minnesota and the Federal Government.

N. Aircraft maintenance. An applicant whose commercial activity includes the operation of an aircraft and who is also not licensed to perform aircraft servicing, maintaining, and repairing must have a contract or agreement with a commercial operator licensed to perform these services for all aircraft used in the commercial activity, or employ a mechanic certificated by the FAA for the type of servicing, maintaining and repairing to be performed.

O. Cooperation. The applicant for a commercial operations license shall offer full cooperation with respect to any inspection which may be made of his operation upon proper demand at reasonable hours by the Commissioner or any authorized representative of the commissioner prior to or subsequent to the issuance of a license.

P. Endorsements. To receive an endorsement to a commercial operations license, the applicant must meet and comply with the requirements of 14 MCAR § 1.3019, unless specifically exempted therefrom, and must also comply with the appropriate regulation for the type or types of commercial operations applied for.

Q. Insurance.

1. Unless otherwise specified in this chapter, the applicant for a commercial operations license, whose operation will involve the use of aircraft must hold insurance contracts valid and in force for the duration of the license which provide

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## ADOPTED RULES

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coverage for each aircraft in the types and amounts as specified in the appropriate rule for the type or types of commercial operations applied for.

2. The applicant shall ensure that the insurance company or companies which hold the insurance contracts are authorized by the Insurance Commissioner to do business in the State of Minnesota.

3. Any contract of insurance to be approved by the Commissioner shall carry an endorsement stating that such contract cannot be cancelled by the insurer until five days' notice in writing of such cancellation has been given the Commissioner by the insurer. In any case, where an insurance contract is cancelled, notice of such cancellation shall immediately thereafter be given to the Commissioner by the insurer.

### 14 MCAR § 1.3020 Flight school.

A. Flight school. Any person engaged in giving or offering to give dual flight instruction leading to a pilot's certificate or rating or giving or offering to give solo flight instruction leading to a pilot's certificate or rating for hire or compensation, or advertising, representing, or holding himself out as giving or offering to give such instruction, shall be considered to be operating a flight school, except:

1. Company instruction. A company engaged in flight operation giving flight instruction to its own employees in furtherance of their duties in conjunction with that flight operation.

2. Public schools. Any public school, the University of Minnesota, or any institution of higher learning accredited by the North Central Association of Colleges and Secondary Schools and approved by it for carrying on collegiate work.

3. Aeronautics instructor. Any individual engaged in giving flying or ground subjects, or both, for hire or compensation, without advertising such occupation, without calling facilities an "air school" or anything equivalent thereto, without employing or using other instructors and without operating an aircraft for compensation or hire for the purpose of flight instruction.

B. Minimum requirements. To be eligible for a flight school endorsement, an applicant shall show compliance with the following minimum requirements:

1. Office. The flight school operator shall show that he or she has an office of adequate size with the necessary facilities and equipment for the operation of the school.

2. Records. The flight school operator shall keep and maintain complete and adequate records of the flight instruction given to all enrolled students, showing the date, the amount of dual or solo instruction, the maneuvers given, the aircraft used and the name of the instructor of each dual flight. These records shall be available for inspection at the flight school office and shall be retained for at least one year from the date of the last entry.

3. Curriculum. The applicant must show to the satisfaction of the Commissioner a course outline so organized for each course offered as to ensure that the student completing the course of ground and flight instruction will meet all the requirements of the United States Department of Transportation, Federal Aviation Administration (FAA at ~~FAR Part 61~~ 14 CFR § 61). All course outlines shall include a review of Minnesota Statutes and Rules relating to Aeronautics that are pertinent to that course.

a. In the case of an FAA approved school, the FAA approved course outline is acceptable, if the review of Minnesota Statutes and Rules is included.

b. The flight instruction given to each regularly enrolled student shall be in accordance with such course outline, a copy of which shall be made available to each student.

4. Rules. The flight school operator shall establish and enforce the rules which shall govern the flight school operation, including rules relating to the traffic pattern, practice areas, taxi rules, flight rules and other safety procedures. A diagram of the traffic pattern and the practice area shall be posted on a bulletin board at the flight school. Other rules and safety procedures of the school shall be readily available to all students. A copy of the rules shall be submitted with the application.

5. Insurance. The minimum insurance coverage for each aircraft shall be of the following types and amounts:

a. \$75,000 per passenger seat for passenger liability.

b. \$100,000 per person and \$300,000 per occurrence for bodily injury, excluding passengers.

c. \$100,000 per plane for property damage.

d. Each flight school operator shall advise the student as to whether or not he or she is specifically covered under the flight school's insurance policy and the type and extent of coverage, if any. The flight school operator must then obtain a signed statement of acknowledgement of this disclosure from the student.

6. Faithful performance bond covering students. The applicant must file with the commissioner a continuous corporate

surety bond to the State of Minnesota in the sum of \$5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association or corporation, or their agent.

a. The aggregate liability for the surety for all breaches of conditions of the bond in no event shall exceed the principal sum of \$5,000.

b. The surety of any such bond may cancel such bond upon giving sixty days' notice in writing to the commissioner and thereafter the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this section ceases to be in effect for any reason, the flight school license shall be revoked.

c. The bond form shall be provided by the Commissioner.

d. A copy of the executed bond certificate shall be attached to the application.

C. The applicant must meet the requirements of 14 MCAR § 1.3019.

**14 MCAR § 1.3021 Ground school and aeronautical correspondence school.**

A. Ground school and aeronautical correspondence school. A ground school or aeronautical correspondence school shall be any person giving or offering to give instruction in aeronautical ground subjects leading to a pilot's certificate or rating, for hire or compensation, except any public school, the University of Minnesota, or any institution of higher learning accredited by the North Central Association of Colleges and Secondary Schools and approved by it for carrying on collegiate work.

B. Requirements. To be eligible for a ground school or an aeronautical correspondence school endorsement, the applicant shall meet the following minimum requirements:

1. Classroom. The applicant shall maintain a suitable classroom with adequate seating facilities for the maximum number of students enrolled in each class. Such classrooms shall be properly heated, lighted and ventilated, and the students shall have access to proper sanitary facilities. This requirement shall not apply to aeronautical correspondence schools.

2. Records. The applicant shall maintain adequate records of the instruction given, which shall show the date, the hours of attendance, the subjects covered, the examination given and the grade achieved by each student. Such records shall be maintained for at least one year from the date of last entry and shall be available for inspection.

3. Curriculum. Each school shall show ~~to the satisfaction of the Commissioner~~ a curriculum so organized as to properly qualify each student completing the particular course for the grade of pilot certificate he or she is seeking. All course outlines shall include a review of the Minnesota Statutes and Rules relating to Aeronautics that are pertinent to that course. In the case of an FAA approved school, the FAA approved curriculum will be acceptable, if the review of the Minnesota Statutes and Rules is included.

4. Faithful performance bond covering ground school and aeronautical correspondence school students. The applicant must file with the Commissioner a continuous corporate surety bond to the State of Minnesota in the sum of \$5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association or corporation, or their agent.

a. The aggregate liability for the surety for all breaches of the conditions of the bond in no event shall exceed the principal sum of \$5,000.

b. The surety on any such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner and thereafter the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this section ceases to be in effect for any reason, the ground school or aeronautical correspondence school license shall be revoked.

c. The bond form shall be provided by the commissioner.

d. A copy of the executed bond certificate shall be attached to the application.

5. Instructor. The applicant must have at least one FAA certificated flight or ground instructor to certify training reports.

6. Certification. The applicant must be able to certify to the student that he or she has satisfactorily completed the course of instruction or home study in the appropriate knowledge areas for the rating sought.

C. The applicant must meet the requirements of 14 MCAR § 1.3019.

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## ADOPTED RULES

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### 14 MCAR § 1.3022 Aircraft charter.

A. Charter operations. Any person engaged in flying persons or property from place to place, or offering to provide such service for hire or compensation, who does not hold a certificate of public convenience and necessity from the Civil Aeronautics Board or its successor, or who does not hold a license as a commuter air carrier under 14 MCAR § 1.3027, shall be deemed to be engaged in a charter operation and shall have an endorsement on their commercial operations license to certify their authority to engage in charter operations.

B. ~~ATCO~~ Air carrier operating certificate. The applicant shall be the holder of an air ~~taxi/commercial operator carrier~~ operating certificate with operating specifications as issued by the Federal Aviation Administration, and a valid letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

C. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

D. The applicant must meet the requirements of 14 MCAR § 1.3019.

### 14 MCAR § 1.3023 Aircraft rental or leasing.

A. Aircraft rental or leasing. Any person renting or leasing aircraft or offering to rent or lease aircraft for hire or compensation shall be deemed to be in the business of renting or leasing aircraft and must have an endorsement on their commercial operations license certifying their authority to engage in such activity, except that no commercial operations license shall be required of a person who owns his own aircraft and leases or rents his aircraft to a party who holds a commercial operators license.

B. Records. The holder of a commercial operations license with an aircraft rental or leasing endorsement shall keep and maintain a complete and adequate set of records to show the following:

1. The name of the pilot renting or leasing an aircraft.
2. The identification of the aircraft rented or leased.
3. The date, time and duration of the flight for which the aircraft was rented or leased.

C. Qualifications of lessee. The commercial operator shall determine before initially renting or leasing any aircraft that the lessee is properly licensed and rated to fly the type of aircraft to be rented or leased. When in the interest of safety, the operator determines that a flight check is necessary or desirable, such flight shall be given the lessee by a person holding an effective commercial pilot, flight instructor or airline transport pilot certificate. The commercial operator shall assure that a designated person capable of determining an aircraft is properly serviced is present when an aircraft is checked out.

D. Insurance. The minimum insurance coverage for each aircraft shall be of the following types and amounts:

1. \$75,000 per passenger seat for passenger liability.
2. \$100,000 per person and \$300,000 per occurrence for bodily injury, excluding passengers.
3. \$100,000 per plane for property damage.

4. Each commercial operator who rents or leases aircraft shall advise the renter pilot or lessee as to whether or not they are specifically covered under the flight school's insurance policy and the type and extent of coverage, if any. The commercial operator must then obtain a signed statement of acknowledgement of this disclosure from the renter pilot or lessee.

E. The applicant must meet the requirements of 14 MCAR § 1.3019.

### 14 MCAR § 1.3024 Air ambulance service.

A. Air ambulance service. Any person engaged in flying ambulance stretcher cases from place to place, or offering to provide such service for hire or compensation, shall be deemed to be engaged in air ambulance service and shall have an endorsement on their commercial operations license certifying their authority to engage in air ambulance service.

B. Aircraft. Each aircraft to be used as an ambulance for the purpose of transporting stretcher cases shall have ample area to accommodate a regulation ambulance cot or aircraft ambulance stretcher in a horizontal position, and shall be designed to permit loading without excessive tilting. The aircraft shall be equipped with at least one safety belt for securing the person and cot or stretcher to the aircraft.

C. ~~Department of Health certificate requirements. The air ambulance service shall be the holder of a current authorized air ambulance service certificate with specifications for non-emergency service, or with, issued by the Minnesota Department of Health. A copy of the certificate shall be attached to the application.~~ The air ambulance services shall comply with Minnesota Department of Health rules and requirements.

D. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

E. Transportation of ~~dead human bodies~~ human remains. The provisions contained in this section shall also apply to the transportation of ~~dead human bodies~~ human remains by aircraft. Such ~~bodies~~ remains shall be enclosed in a suitable container as specified by the State Minnesota Department of Health and if not casketed shall be transported on the type of cot or stretcher described in B above.

F. ~~Air taxi/commercial operator~~ Air carrier operating certificate. The air ambulance service shall be the holder of an ~~air taxi/commercial operator~~ air carrier operating certificate with operating specifications as issued by the Federal Aviation Administration and a letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

G. The applicant must meet the requirements of 14 MCAR § 1.3019.

**14 MCAR § 1.3025 Aerial spraying or dusting.**

A. Aircraft spraying or dusting. Any person applying or offering to apply chemicals or other substances from an aircraft shall be deemed to be engaged in aerial spraying or dusting.

B. Emergency provision. ~~If an emergency is declared with respect to crop conditions, the commissioner may authorize variances from the rules.~~

If the Governor of the State of Minnesota declares an emergency as a result of a natural disaster affecting agriculture (such as insect infestation), these licensing provisions shall be lifted during the period of the emergency declarations.

C. Department of Agriculture certification. No commercial operations license to engage in agricultural spraying or dusting will be issued until the applicant furnishes evidence that the requirements of the Minnesota Department of Agriculture are met.

D. Aircraft and pilot safety equipment. Every aircraft used for aerial spraying or dusting in this state shall be provided with a positive method of shutting off distribution of chemicals or other substances which shall prevent material from leaking or dropping except over the areas of intended application. Each pilot shall wear a seat belt, shoulder harness and protective headgear during flight operations.

E. Nonresident applicant. Every nonresident commercial operation applicant shall provide on the application a permanent address for the business.

F. Aircraft. In the application, the aerial applicator must inform the Commissioner of all aircraft (by factory make, model, year, "N" number, and the current Minnesota registration decal number) that the aerial applicator intends to use within the state.

G. Certificate. The applicant shall certify that he or she is the holder of an FAA commercial agricultural aircraft operator certificate.

H. Insurance. The minimum insurance coverage for each aircraft shall be the following types and amounts:

1. \$100,000 per person and \$300,000 per occurrence for bodily injury, excluding passengers.
2. \$100,000 per plane for property damage.

I. The applicant must meet the requirements of 14 MCAR § 1.3019 unless specifically exempted therefrom.

**14 MCAR § 1.3026 Aircraft servicing, maintaining and repairing.**

A. Aircraft servicing, maintaining and repairing. Any person who for compensation or for hire, provides or offers to provide aircraft maintenance (as defined in ~~FAR Part 1~~ 14 Code of Federal Regulations § 1.1), major or minor repair, alteration to airframes or aircraft power plants or both, shall be deemed to be engaged in the business of aircraft servicing, maintaining and repairing and shall have a commercial operations license with an endorsement to certify their authority to engage in aircraft servicing, maintaining and repairing.

B. Requirements. To be eligible for an aircraft servicing, maintaining and repairing endorsement, the applicant shall meet the following minimum standards:

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1. A building or available shop maintenance facility located on a licensed public or private airport, of adequate size and with sufficient space to work on the aircraft.
  2. Adequate fire protection equipment to include at least:
    - a. One fully charged fire extinguisher with a minimum of ~~ten pounds of carbon dioxide~~ a 20 B. rating or its equivalent maintained in an operational condition.
    - b. One outward swinging personnel exit door.
  3. At least one mechanic certificated by the FAA for the type of servicing, maintaining and repairing to be performed.
- C. Insurance. The minimum insurance coverage shall be of the following types and amounts:
1. \$100,000 per person and \$300,000 per occurrence for premise hazard for bodily injury.
  2. \$100,000 per occurrence for premise hazard for property damage.
  3. Products hazard insurance shall be carried.
  4. Each person who provides aircraft servicing, maintaining and repairing shall advise his or her ~~client~~ customer as to whether or ~~not~~ not hangar-keepers insurance is in force and the extent of such coverage, if any.
- D. The applicant must meet the requirement of 14 MCAR § 1.3019.

### 14 MCAR § 1.3027 Commuter air carriers.

A. Any person offering to provide scheduled air transportation in this state must obtain a commercial operations license and a scheduled air carrier certificate of registration from the Commissioner before engaging in such activity, and annually thereafter.

B. As used in these rules, "air carrier" means that person owning, controlling, operating or managing aircraft as a common carrier of either persons or property, or both, for compensation on regularly scheduled flights.

C. These regulations do not apply to that portion of an air carrier's operations in this state which is conducted between points named in a then-current certificate of public convenience and necessity issued by the Civil Aeronautics Board or its successor.

D. No air carrier shall operate aircraft on regularly-scheduled flights except in accordance with the provisions of these rules.

E. Requirements. Any person requesting an endorsement to certify their authority to engage in commuter air carrier service on their commercial operations license must meet the following minimum requirements:

1. ~~ATCO certificate.~~ Air carrier operating certificate. The commuter air carrier shall be the holder of an ~~air taxi/ commercial operator~~ air carrier operating certificate with operation specifications as issued by the Federal Aviation Administration, and a letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

2. Use agreements. A copy of current use agreements with owners of each airport to be served in the state shall be attached to the application. Each agreement shall set forth what facilities will be used on the airport.

3. Faithful performance bond covering advance ticket sales.

- a. The commuter air carrier must file with the Commissioner, on a form provided by him, a fully executed copy of a continuous corporate surety bond to the State of Minnesota in the sum of \$10,000 conditioned upon the refund of all unperformed advance ticket sales to passengers made by such commuter air carrier or their agents.

- b. The aggregate liability for the surety of all breaches of the conditions of the bond in no event shall exceed the principal sum of \$10,000.

- c. The surety on such bond may cancel such bond upon giving sixty days' notice in writing to the commissioner, and thereafter the surety shall be relieved of the liability for any breach of conditions occurring after the effective date of cancellation.

- d. Whenever a bond under this section ceases to be in effect for any reason, the commercial operations license shall be revoked.

- e. The bond shall not enlarge upon or alter in any way the ticket contract between the commuter air carrier and its customers.

4. Aircraft. In the application, the commuter air carrier must inform the Commissioner of all aircraft (by factory make, model, year, "N" number, and the current Minnesota registration decal number) that the commuter air carrier intends to use within the state.

5. Schedules and rates. The commuter air carrier must submit a copy of its proposed schedules and its proposed

passenger and freight rates with each application. No schedule or rate change shall be made without notifying the Commissioner as to such change at least ten days before such change is to go into effect.

6. The commuter air carrier shall file with the commissioner a copy of all reports which it files with the Civil Aeronautics Board or its successor agencies, such filing to be done within ten days after such reports are filed with said agencies.

F. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

G. The applicant must meet the requirements of 14 MCAR § 1.3019.

~~14 MCAR § 1.3028 Commercial parachuting.~~

~~Any person engaged in parachuting for hire or compensation must be licensed in accordance with Minn. Stat. § 360.013, subd. 11 (1978), as a commercial operator. The applicant shall meet the requirements of 14 MCAR § 1.3019.~~

Chapter Five ~~§ 1.3029~~ 1.3028: Flying Clubs

14 MCAR ~~§ 1.3029~~ 1.3028 Flying clubs.

A. Flying club.

1. "Flying club" means any person other than an individual which neither for profit nor compensation, owns, leases, or uses one or more aircraft for the purpose of instruction, business, or pleasure.

2. Intent. A flying club is intended as benefiting the members of the group for pilot proficiency or instruction, or personal business use, or pleasure flying.

B. Registration. Each flying club which at any time during a preceding calendar year has five or more members shall register annually with the Commissioner. This registration shall report conditions as of December 31 of each year, and shall be filed with the commissioner by January 31 of each year. This registration report shall include the following:

1. The name and address of the flying club, the airport or airports at which its aircraft are based, and the make, model year, "N" number, and the current Minnesota registration decal number of the aircraft that the club either owned or used during the past calendar year.

2. The form of organization of the flying club—that is, whether it is a corporation or a partnership.

3. The name, home address and phone number, and business address and phone number of the Club Safety and Operations Officer.

4. The name of the club's insurance company, the policy number and its expiration date, and the amounts and types of coverage.

5. The amount or share in club assets held by each member of the club.

6. A statement describing what remuneration was paid to members of the club, monthly and annually, during the preceding calendar year, or preceding fiscal year, as the case may be, a description of the services rendered by such members to the club, and a description of the goods sold by such member of the club.

C. Club Safety and Operations Officer. Every flying club must appoint a Club Safety and Operations Officer and set forth his or her duties in their operating rules or bylaws:

D. Responsibilities of the Club Safety and Operations Officer. The Club Safety and Operations Officer shall be responsible for the record of the club's operation. These records shall be up to date and in an orderly form and shall contain the following information:

1. Names and addresses of all current members.

2. If the flying club is a corporation, then the articles of incorporation and all amendments thereto, the current bylaws, minutes of corporation, and all shareholder agreements. If the flying club is a partnership, then the current articles of partnership and all current partnership agreements.

3. All club operating rules.

4. The share in club assets held by each member, stated by percentage or dollars.

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## ADOPTED RULES

5. The voting rights of each member, stated by percentage or number of votes.
6. The rights of each member to the assets of the club, stated by percentage or dollars, in case of dissolution of the club if a corporation, and in case of termination of the club, if a partnership.
7. A statement of financial condition of the flying club at the end of its preceding fiscal year, or at the end of its preceding calendar year, as the case may be, showing the assets and liabilities of the club.
8. An operating statement of the club for the preceding fiscal year, or the preceding calendar year, as the case may be, showing the profits or losses, or a statement of receipts and disbursements, of the club, as the case may be, for that period of time.
- E. Inspection of records. The commissioner, or any employees of the department designated by him, shall have the right to inspect the books and records of any flying club, including but not limited to, the records referred to above.
- F. Assets. The word "assets" when used herein, shall mean property which the flying club owns, in whole or in part, or over which it has control, including the club's interest in any owned, rented or leased aircraft.
- G. Flying clubs can be deemed to be commercial operations as defined in Minn. Stat. § 360.013, subd. 11. A flying club shall be considered to be engaged in commercial operations and therefore a commercial operations license shall be required:
  1. If any of the club's assets are used by members of the club who:
    - a. Do not have a bona fide and significant percentage of the property interest in the assets of the club; or
    - b. Hold property interest in the club's assets, which property interest is subject to an unreasonable forfeiture; however, a club may set forth in its operating rules and bylaws any reasonable penalties and any reasonable forfeitures so long as the purpose and the actual effect thereof is to enforce valid club rules; or
  2. If the property interest of any member of the club in the club's assets is not transferable; however, the transfer of such property interest may be subject to such reasonable conditions as the club deems reasonably necessary to ensure discipline and payment of dues among its members; or
  3. If any member of the club receives a pecuniary gain or receives any special benefits, which are in excess of the reasonable value of the services rendered to the club by said member, or are in excess of the reasonable value of the goods sold to the club by said member; however, this rule does not prohibit a flying club from paying one or more of its members a reasonable amount for services such as bookkeeping, secretarial, managerial, maintenance and administrative duties of the flying club; or
  4. If the club charters, leases or rents their aircraft or any interest in their aircraft to any persons or organizations other than fully-qualified members of said club; provided, however, that this paragraph shall not prohibit flying clubs from leasing club aircraft to properly licensed commercial operators; or
  5. If the club provides for, or allows, memberships with a duration of less than 90 days; or
  6. If the club advertises, represents, or holds itself out as giving or offering to give, or does in fact provide or arrange for, "air instruction" as an "air school" (see Minn. Stat. § 360.13, sub. 16 and 17 (1967) (1978)), provided, however, that this rule does not prohibit a club from providing or arranging for "air instruction," so long as it is not for compensation or hire directly or indirectly.
  7. If a person or persons, who are members of a flying club (lessors) lease an aircraft to that flying club (lessee).
  8. If lessor, as described in paragraph 7 above, gives air instruction; whether free or for compensation to members of that flying club.

### ~~Chapter Six § 1.3030: Parachuting and Skydiving~~

#### ~~14 MCAR § 1.3030 Parachuting and skydiving.~~

- ~~A. All parachute jumps performed in the State of Minnesota must comply with all safety and be conducted in accordance with Federal Aviation Regulation Part 105.~~
- ~~B. For parachute jumps that occur at an airport, the airport manager/owner shall hold the control authority and responsibility to close and open the airport.~~
- ~~C. Parachute jumps shall not be performed at a public-owned airport unless such jump is part of an airshow or other event in which has been granted by the Federal Aviation Administration, or unless permission has been granted by the commissioner.~~
  - ~~1. If the parachute jump requires the permission of the commissioner, notification must be made ten days in advance.~~
  - ~~2. A public-owned airport shall be closed during a parachute jump, but not for more than two hours in any 24-hour period.~~

~~D. Permanent drop zones. A permit shall be required and approved by the commissioner for parachuting areas designated as permanent drop zones. A permanent drop zone shall be permitted for use by parachutists for one year from the date of permit unless suspended or revoked by the commissioner.~~

- ~~1. A permanent drop zone permit will be issued when it is shown that the use of the site does not:
  - ~~a. Impose undue hazards to persons or property.~~
  - ~~b. Endanger the users or use of existing surface communication or transportation.~~~~
- ~~2. Application for renewal of a permanent drop zone permit shall be submitted annually.~~
- ~~3. A permanent drop zone may be located at a privately-owned airport.~~
- ~~4. The person or organization must show that they have the permission of the property owner.~~
- ~~5. A permanent drop zone shall be depicted on all aeronautical charts and NOTAMS shall be filed when applicable.~~

Chapter ~~Seven~~ Six § ~~1.3031~~ 1.3029: Repealer

14 MCAR § ~~1.3031~~ 1.3029 Repealer. All rules of the Department of Transportation, Aeronautics Division, promulgated prior to the date hereof are hereby repealed.

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## STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

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## Department of Health Environmental Health Division

### Notice of Request for Proposals for Well Abandonment Services

The Minnesota Department of Health is seeking proposals from water well contractors licensed by the state to locate, open, test pump, clean out and seal four wells located in the City of St. Louis Park. This work is to be completed by June 30, 1981.

An amount not to exceed \$23,500 is available for this project. All proposals must be submitted no later than December 22, 1980. Direct all inquiries and requests for proposals to:

Mr. Edwin Ross, Supervisor  
Ground Water Quality Unit  
Minnesota Department of Health  
717 Delaware Street S.E.  
Minneapolis, Minnesota 55440

## Small Business Finance Agency

### Notice of Request for Proposals for Underwriter for Agency

The 1980 Minnesota Legislature created the Minnesota Small Business Finance Agency with an authority of \$30 million to meet the capital needs of small business which is so vital to our economy.

**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.

## STATE CONTRACTS

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The legislation provides for long term financing through tax-exempt industrial development bonds for companies doing business in Minnesota that will create jobs and improve the economy for Minnesota and its people. The concept of several small companies making application to the agency for funding of long term uses such as land, buildings, equipment and machinery would then be assembled into one large issue to meet these needs. The advantages to such funding would be the economies of scale now available to larger companies: reduced rates and costs of financing amortized over the life of the bond. Additionally, the agency will be financing pollution control equipment processed through the Small Business Administration which offers a 100% guarantee on approved projects using the bundling concept.

The agency, in preparation and during its organization, will be selecting an underwriting firm to assist them in marketing, selection, packaging, and selling the bonds in order to achieve its objective. In the selection and evaluation of firms to serve the agency, the board will give consideration to using a syndicated approach. The law enables financing of pollution equipment up to \$500,000 and business loans up to \$1,000,000 per qualifying company. The agency will submit legislation to enlarge the per project involvement from \$500,000 to \$5,000,000 on pollution financings to the 1981 Legislature.

As underwriter to the agency, the relationship would be expected to provide:

1. Primary marketing assistance and promotion to the agency where necessary.
2. Technical assistance to companies in preparation of any and all applications.
3. Assemble appropriate projects for either pollution control equipment or business loans.
4. Expertise in evaluation of applicants to include verbal and written presentations to the Board of Directors.
5. Submittal of information to Small Business Administration and providing additional information and assistance to the Small Business Administration as required.
6. Preparation of the offering statements.
7. Sale of the bonds at a rate acceptable to investors, the agency and the business entering into the long term contract.

The Minnesota Small Business Finance Agency is a unique opportunity which will challenge your firm while achieving our goal of assisting Minnesota small businesses.

Prospective responders who have any questions regarding this request for proposal may write or call: M. Jean Laubach, Executive Director, Minnesota Small Business Finance Agency, Department of Economic Development, 480 Cedar Street, St. Paul, Minnesota 55101 (612) 297-3547.

All proposals must be sent to and received by the above named contact no later than 4:00 p.m. December 22, 1980. Late proposals will not be accepted. Please send two (2) copies. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed by an authorized member of the firm.

The following will be considered minimum contents of the proposals:

- A. A restatement of the objective to show or demonstrate the responder's view of the nature of the project.
- B. Identify and describe the deliverables to be provided by the responder.
- C. Outline the responder's background and experience with particular emphasis on public finance, bond issues and any experience in Small Business Administration pollution control issues. Identify personnel to conduct the prospect and detail their training and work experience.

All proposals received by the deadline will be evaluated by representatives of the Minnesota Small Business Finance Agency. In some instances, formal presentation will be part of the evaluation process. Factors upon which proposals will be reviewed include, but are not limited to, the following:

- A. Express understanding of the law, federal and state as applicable.
- B. The objectives as set out by the Board of Directors of the agency.
- C. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed on or before January 30, 1981. Results will be sent immediately by mail to all responders.

# OFFICIAL NOTICES

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Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Department of Commerce Board of Architecture, Engineering, Land Surveying and Landscape Architecture

### Notice of Special Meeting of Board

The Board of Architecture, Engineering, Land Surveying and Landscape Architecture will meet Thursday, December 11, 1980 at 9:00 a.m. in Room A, Department of Commerce, 500 Metro Square, St. Paul.

## Office of the Governor

### Notice of Assumption of Office by a Temporary Department Head

In accordance with Minn. Stat. § 15.06, notice is hereby given that Ronald J. Lavelle assumed the position of Temporary Commissioner of the Minnesota Department of Veterans Affairs on November 1, 1980.

## State Board of Investment

### Notice of Special Meeting

The State Board of Investment will meet Thursday, December 4 at 2:30 p.m. in the State Capitol, Room 130, to discuss the State Auditor's report on investment performance.

### Notice of Special Meeting

The State Board of Investment will meet Friday, December 5 at 8:00 a.m. in the State Capitol, Room 130, to discuss the Investment Advisory Council report on performance objectives, asset mix, and communications.

### Notice of Regular Meeting

The State Board of Investment will meet Monday, December 8 at 2:00 p.m. in the State Capitol, Room 130.

## Minnesota Teachers Retirement Association

### Meeting Notice

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Tuesday, December 30, 1980, at 9 a.m. in the office of the Association, 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, to consider matters which may properly come before the board.

## Pollution Control Agency Solid Waste Division

### Notice of Proposed Adoption of A State Solid Waste Management Plan

The Minnesota Pollution Control Agency has completed a draft plan for solid waste management in areas of Minnesota outside of the Twin Cities metropolitan area and the Western Lake Superior Sanitary District. This plan has been developed to meet requirements of the Federal Resource Conservation and Recovery Act (RCRA) of 1976, and is titled the Minnesota "RCRA State Plan."

This plan describes the major authorities and activities of governmental units to control or influence the handling, use, and disposal of solid wastes in Minnesota. These solid wastes include:

1. Municipal solid waste

## OFFICIAL NOTICES

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2. Hazardous waste
3. Pollution control residual waste
4. Industrial solid waste
5. Agricultural animal wastes
6. Mining waste
7. Motor vehicle-related waste

The plan discusses current issues concerning solid wastes and makes recommendations about how these issues might be resolved.

The plan does not deal with matters which are primarily a local responsibility, for example, the selection of sites for proposed sanitary landfills. Neither does the plan address the issue of selecting sites for hazardous waste processing or disposal, as that issue is the responsibility of the Waste Management Board.

The Pollution Control Agency is now soliciting public review and comments on the draft plan. Copies of the plan are available for inspection at the following pollution control agency offices:

1. Roseville. Public Information Office  
1935 West County Road B-2  
Roseville, Minnesota 55113  
(612) 296-7373
2. Duluth.  
101-1015 Torrey Building  
Duluth, Minnesota 55802  
(218) 723-4660
3. Brainerd.  
304 East River Road  
Suite 3  
Brainerd, Minnesota 56401  
(218) 828-2492
4. Detroit Lakes.  
116 East Front Street  
Detroit Lakes, Minnesota 56501  
(218) 847-2164
5. Marshall.  
1104 East College Drive  
Marshall, Minnesota 56258  
(507) 537-7146
6. Rochester.  
1200 Broadway  
Suite 140  
Rochester, Minnesota 55901  
(507) 285-7343

A copy of the draft plan has also been sent to the solid waste officer in each county. In many cases it may be possible to inspect this copy by contacting the county offices.

The plan will be considered for adoption by the Pollution Control Agency on January 27, 1981, in the Agency Board Room at 1935 West County Road B-2, Roseville, Minnesota, 55113. Interested persons may present comments on the plan at this meeting or in writing. Written comments should be submitted by December 31, 1980: to Resource Planning Section, at the above Roseville address. Persons who plan to speak concerning the plan at the meeting of January 27, 1981, are requested to so inform Mary Trick at (612) 297-2723 by January 16, 1981.

Any questions concerning the plan or its adoption may be addressed to Curtis J. Sparks at the above telephone number.

## **Department of Transportation**

### **Objection by Philip Behr to the Variance from Design Standard Request by the City of St. Cloud for Construction of A Two Traffic Lane Bridge over the Mississippi River at Tenth Street in the City of St. Cloud, MN**

#### **Order for Hearing and Notice Thereof**

It is hereby ordered, and notice is hereby given, that a contested case hearing concerning the above-entitled matter will be held on January 6, 1981 at 10:00 a.m. at the Offices of the Minnesota Department of Transportation, 3725-12th Street North, Saint Cloud, Minnesota.

The hearing will be held before Mr. Duane R. Harves, 1745 University Avenue, Saint Paul, Minnesota 55104 (Telephone: 612-296-8100) the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and 9 MCAR § 2.201 through § 2.222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Mr. John R. Murphy, Assistant Attorney General, Office of the Attorney General, 515 Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-3213).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 162.09, subd. 3a., and 14 MCAR § 1.5032 M., all parties and potential parties of interest are given an opportunity to be heard on the objection of Philip Behr, 614 S. E. Wilson Avenue, St. Cloud, Minnesota 56301 to the variance from design standard requested, by resolution, of the City of Saint Cloud, Minnesota for construction of a two traffic lane bridge over the Mississippi River at Tenth Street in the City of Saint Cloud, Minnesota.

The request by the City of Saint Cloud is for a variance from 14 MCAR § 1.5032 H. 1. c., Rules for State Aid Operations under Minn. Stat. chs. 161 and 162, (1978) as amended so as to permit the 10th Street Bridge to be designed and constructed to a width of 39 feet to accommodate two traffic lanes and two bicycle lanes; plus 6 foot sidewalks on each side for pedestrian use.

The objection by Mr. Behr recites among other matters that: "To approve state funds for a bridge on Tenth Street and Michigan Avenue when access from U.S. Routes 10 and 52 is in any way restricted or when the shortest route from Tenth Street to the rapidly growing commercial and industrial district of west St. Cloud and Interstate Highway 94 is prohibited would be a gross misappropriation of public money."

Any person who desires to become a PARTY to this matter must submit a timely PETITION TO INTERVENE to the Hearing Examiner pursuant to 9 MCAR § 2.210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought.

**ALL PARTIES ARE ADVISED** that if a party intends to appear at the hearing scheduled for January 6, 1981 the Notice of Appearance form enclosed with this Order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.**

The above cited procedural rules are available at the Office of Administrative Hearings or may be purchased from the Documents Section of the Department of Administration, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents. If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Dated this 24th day of November, 1980

Richard P. Braun  
Commissioner of Transportation

# OFFICIAL NOTICES

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## Department of Transportation

### Objection by Philip Behr to the Variance from Design Standard Request by the City of St. Cloud for Construction of A Two Traffic Lane Bridge Over the Mississippi River at Tenth Street in the City of St. Cloud, MN

#### Notice of Appearance

DATE OF HEARING: January 6, 1981.

NAME AND TELEPHONE NUMBER OF HEARING EXAMINER:

Duane R. Harves  
1745 University Avenue  
St. Paul, Minnesota 55104  
296-8100

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Party's Attorney or Other Representative: \_\_\_\_\_

Signature of Party or Attorney: \_\_\_\_\_

Date: \_\_\_\_\_

## Waste Management Board

### Notice of Intent to Solicit Opinions and Information Concerning Rules for Solid Waste Demonstration Program

Notice is hereby given that the Minnesota Waste Management Board is seeking opinions and information from sources outside the agency for the purpose of preparing rules for administering a solid waste demonstration program. Such rules are authorized by 1980 Minn. Laws Ch. 564, Art. VI, § 1.

Under 1980 Minn. Laws Ch. 564, Art. VI, § 6 the Waste Management Board may provide technical and financial assistance in the form of grants and loans to eligible applicants and projects to stimulate and encourage the acquisition and betterment of waste processing facilities and transfer stations. Financial assistance provided under this program may only be used for capital costs of a project. The rules, if adopted, would regulate at least the following aspects of the solid waste demonstration program: (1) application and review procedures, (2) criteria for eligibility, (3) levels of local funding required, and (4) priority criteria for funding eligible projects. The Waste Management Act, 1980 Minn. Laws Ch. 564, requires the board in administering these programs to give priority to areas where natural geologic and soil conditions are unsuitable for land disposal of solid waste and areas where the capacity of existing solid waste disposal facilities is less than five years. In addition, in areas outside the metropolitan area, priority must be given to projects serving more than one local governmental unit.

Any person desiring to submit information or comment on the subject of the proposed rules may do so either orally or in writing. All statements of information or comment must be received by December 31, 1980. Any written material received by this date will become part of the record of any rules hearing on this subject. Written or oral information or comment should be addressed to:

Robert Pulford  
Minnesota Waste Management Board  
123 Thorson Building  
7323-58th Avenue North  
Crystal, Minnesota 55428  
612/536-0816

November 17, 1980.

Robert G. Dunn, Chairman  
Minnesota Waste Management Board

## **Water Planning Board**

### **Notice of Meeting of the Board**

Notice is hereby given that the Water Planning Board will hold a meeting on Tuesday, December 2, 1980 in Room 51 of the State Office Building, beginning at 10:00 a.m. An agenda for the meeting may be obtained one week prior to the meeting by contacting the undersigned at 600 American Center Building, 150 E. Kellogg Boulevard, St. Paul, Minnesota 55101.

Thomas Kalitowski  
Chairman

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

506 Rice Street  
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