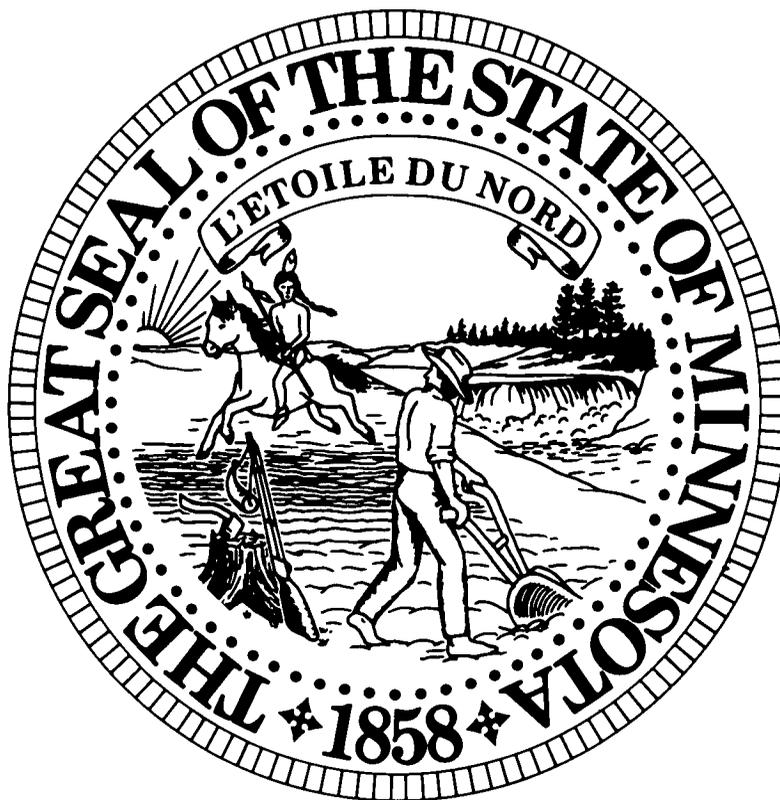


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State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



Published every Monday

10 April 1989

Volume 13, Number 41

Pages 2395-2474

STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Printing Schedule and Submission Deadlines

Vol. 13 Issue Number	*Submission deadline for Adopted and Proposed Rules**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
41	Monday 27 March	Monday 3 April	Monday 10 April
42	Monday 3 April	Monday 10 April	Monday 17 April
43	Monday 10 April	Monday 17 April	Monday 24 April
44	Monday 17 April	Monday 24 April	Monday 1 May

*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 *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.50 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.

Issue 40-41 inclusive (issues #1-39 appeared in #39)

Charitable Gambling Control Board

7860.0010; .0040; .0070; .0090; .0100; .0105; .0110; .0120;
 .0130; .0140; .0150; .0160; .0170; .0180; .0200; .0210; .0220;
 .0230; .0240; .0250; .0260; .0300; .0320; .0400; .0500; .0600;
 .0700 (proposed) 2399
 7860.0100 s.2; .0230 s.11 (proposed repealer) 2416

Commerce Department

2820.0010; .1350-.1353; .2700-.2703; .4700 (proposed) 2416

Metropolitan Council

5800.0010; .0020; .0030; .0040; .0050; .0060; .0070;

.0080; .0090; .0100; .0110; .0120; .0130; .0140;
 .0150 (adopted) 2366
 5700.0100-.4100 (repealed) 2366

Pollution Control Agency

7001.0020; .0040; .0130; .0140; .0160; .0180; .0190; .0725;
 .1020; .1030; .1080 (adopted) 2453

Human Services Department

9525.0215-.0355 (adopted) 2446
 9525.0210-.0430 (repealed) 2446
 9525.200-.2140 (adopted) 2439

Proposed Rules

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

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

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

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

Charitable Gambling Control Board

Proposed Permanent Rules Relating to Charitable Gambling

Notice of Intent to Adopt Rule Amendments Without a Public Hearing, Notice of Intent to Adopt Rule Amendments with a Public Hearing if 25 or More Persons Request a Hearing With Respect to Proposed Amendments, and Notice of Intent to Cancel Hearing on the Proposed Amendments to a Rule if Fewer than 25 Persons Request a Hearing With Respect to the Proposed Amendments

I. EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Charitable Gambling Control Board (hereinafter "Board") hereby gives notice of its intent to adopt rule amendments without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1988). However, in the event 25 or more persons request a hearing with respect to the proposed amendments to the rule, thereby necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time giving notice of a hearing on the proposed rule amendments pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988). The hearing on the proposed amendments will, of course, be cancelled if 25 or more people do not request that a hearing be held with respect to the proposed amendments to the rule. With the comment period closing on May 10, 1989, there will be seven days before the scheduled hearing date. This seven day period will give interested persons time to contact the Board to find out whether the hearing will be held or cancelled.

II. NOTICE OF INTENT TO ADOPT RULE AMENDMENTS WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Charitable Gambling Control Board (hereinafter "Board") proposes to adopt the above-captioned rule amendments without a public hearing unless 25 or more persons submit written requests for a public hearing with respect to the proposed amendments to the rule. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1988).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rule amendments. The 30 days will expire on May 10, 1989. Comment is encouraged. Each comment should identify the portion of the rule amendments being addressed, the reason for the comment, and any change proposed to the rule amendments by the comment. The proposed rule amendments may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule amendments. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any changes they want made to the proposed rule amendments. If a person desires that a hearing be held on only a portion of the proposed rule amendments, it is requested that the Board be informed of the specific portion of the amendments on which a hearing is being

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Proposed Rules

requested at the time the hearing request is made. This will enable the Board to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed amendments to the rule or a portion thereof by May 10, 1989. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and the hearing notice provided below.

Comments or written requests for a public hearing should be submitted to:

Roger Franke
Executive Secretary
Minnesota Charitable Gambling Control Board
Minnesota Department of Revenue
Mail Station 3315
St. Paul, MN 55146-3315

The statutory authority of the Board to adopt the proposed rule amendments is contained in *Minnesota Statutes* Section 349.151, subdivision 4 (1988).

The proposed rule amendments will be published in the *State Register* issue of April 10, 1989, and a copy of the rule amendments may be obtained from the Board by writing Roger Franke at the address listed above.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed changes has been prepared and may be reviewed at the Board by contacting Roger Franke at the address listed above.

Promulgation of the proposed rules amendments will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1988).

The Board is subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. The Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1988), for reducing the impact of the proposed rule amendments on small businesses are addressed in the statement of need and reasonableness.

Upon completion of proposed amendments to the rule without a public hearing, the rule amendments as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule amendments as adopted, and a statement explaining any differences between the rule amendments as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to Roger Franke at the address listed above.

III. NOTICE OF INTENT TO ADOPT RULE AMENDMENTS WITH A PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO A RULE IF 25 OR MORE PERSONS REQUEST A HEARING WITH RESPECT TO THE PROPOSED AMENDMENTS TO THE RULE

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE PROPOSED AMENDMENTS TO ONE OF THE ABOVE-CAPTIONED RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON MAY 18, 1989 IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988) on May 18, 1989 commencing at 9:00 a.m. at McGuire's Inn and Restaurant, 1201 West County Road E, Arden Hills.

The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter Erickson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7601. Unless a longer period, not to exceed 20 calendar days, is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131

to 14.20 (1988) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1986). Questions about procedure may be directed to the administrative law judge.

The proposed rule amendments will be published in the *State Register* issue of May 10, 1989, and a copy of the rule amendments may be obtained from the Board by writing Roger Franke at the address listed above in Part II of this notice.

The statutory authority of the Board to adopt the proposed rule amendments is contained in *Minnesota Statute* section 349.151, subdivision 4 (1988).

The proposed rule amendments may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule amendments are therefore encouraged to participate in the process.

Minnesota Statutes, ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone: (612) 296-5148.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rule amendments. The statement of need and reasonableness may be reviewed at the Board by contacting Roger Franke at the address listed above in Part II of this Notice or it may be reviewed at the Office of Administrative Hearings, and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

PLEASE NOTE that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rule amendments for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may require notification of the date on which any rule amendments were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule amendments are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rule amendments with the Secretary of State.

Promulgation of the proposed rule amendments will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1988).

The Board is subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. The Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1988) for reducing the impact of the proposed rule amendments on small businesses are addressed in the statement of need and reasonableness.

IV. NOTICE OF INTENT TO CANCEL THE HEARING WITH RESPECT TO THE RULE AMENDMENTS IF FEWER THAN 25 PERSONS REQUEST A HEARING WITH RESPECT TO THE PROPOSED AMENDMENTS TO THE RULE

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED WITH RESPECT TO THE PROPOSED AMENDMENTS TO THE RULE IF FEWER THAN 25 PERSONS REQUEST A HEARING WITH RESPECT TO THE PROPOSED AMENDMENTS TO THAT RULE IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether a hearing noticed in Part III above will be held, please contact Roger Franke at the address listed above in Part II of the Notice before May 10, 1989 and provide your name, address, and telephone number. You will be notified after May

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Proposed Rules

10, 1989 if the hearing has been cancelled. You may also call Mr. Franke at (612) 297-5300 after May 10, 1989 for oral confirmation regarding the scheduled hearing.

Dated: 22 March 1989

Roger Franke
Executive Secretary
Minnesota Charitable
Gambling Control Board

Order for Hearing

IT IS HEREBY ORDERED this 22nd day of March 1989, that a public hearing on the proposed rules amendments in the above-entitled matter be held at McGuire's Inn and Restaurant, 1201 West County Road E, Arden Hills, on May 18, 1989 commencing at 9:00 a.m. and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that notice of the hearing be given to all persons who have registered their names with the Minnesota Charitable Gambling Control Board for that purpose and be published in the *State Register*.

Roger Franke
Executive Secretary
Minnesota Charitable
Gambling Control Board

Rules as Proposed

7860.0010 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Active member.** "Active member" means a member who has paid all his or her dues to the organization, who is 18 years of age or older, who has equal voting rights with all other members, who has equal opportunity to be an elected officer, who has equal rights and responsibilities of attendance at the regularly scheduled meetings of the organization, whose name and membership origination date appears, knowingly and willingly, on a list of members of the organization, and who has been a member of the organization for at least the most recent six months. If the organization does not have a dues structure, the dues portion of this definition will not apply.

Subp. 3. [Unchanged.]

Subp. 4. **Bingo occasion.** "Bingo occasion" means a single gathering or session ~~at which a series of one or more successive bingo games is played in which at least 15 bingo games must be held and must continue for at least 1-1/2 hours but not more than four consecutive hours.~~

Subp. 5. to 7. [Unchanged.]

Subp. 8. **Deal.** "Deal" means each separate package, or series of packages, consisting of one game of pull-tabs or tipboards with the same serial number purchased from a distributor.

Subp. 9. to 11. [Unchanged.]

Subp. 11a. **Free play.** "Free play" means a prize awarded to a player in the conduct of lawful gambling that has no value except the further opportunity to participate in that gambling activity.

Subp. 12. **Gambling equipment.** "Gambling equipment" means bingo cards and devices for selecting bingo numbers, pull-tabs, ~~ticket jars jar tickets,~~ paddlewheels, paddletickets, and tipboards.

Subp. 13. **Gambling manager.** "Gambling manager" means a person who has paid all dues to an organization ~~and,~~ has been a member of the organization for at least the most recent two years ~~and,~~ has been designated by the organization to supervise lawful gambling conducted by it, and has completed required training provided by the board.

Subp. 14. **Gross receipts.** "Gross receipts" means the total amount collected by an organization from participants in lawful gambling, ~~or from the leasing or subleasing of their site to another organization for gambling.~~ Gross receipts for bingo include any amount received by the organization that has been paid by a person at the bingo occasion to play the game, without which the player could not play the game.

Subp. 15. [Unchanged.]

Subp. 16. **Lawful purpose.** "Lawful purpose" means one or more of the following:

A. benefiting persons by;

- (1) enhancing their opportunity for religious or educational advancement; ~~by;~~
- (2) relieving or protecting them from disease, suffering, or distress; ~~by;~~
- (3) contributing to their physical well-being; ~~by;~~
- (4) assisting them in establishing themselves in life as worthy and useful citizens; ~~or by~~
- (5) increasing their comprehension of and devotion to the principles upon which this nation was founded;

B. initiating, performing, or fostering worthy public works; or enabling or furthering the erection or maintenance of public structures;

C. lessening the burdens borne by government; or voluntarily supporting, augmenting, or supplementing services which government would normally render to the people; ~~or~~

D. ~~improving, expanding, maintaining, or repairing real property owned or leased by an organization. paying taxes imposed under this chapter, and other taxes imposed by the state or the United States on receipts from lawful gambling;~~

E. paying a sum not to exceed \$50 per year for membership in organizations comprised entirely of licensed gambling organizations.

“Lawful purpose” does not include: the erection ~~or~~, acquisition, improvement, expansion, repair, or maintenance of any real property owned or leased by the organization, unless the board specifically authorizes the expenditures after finding that the property will be used exclusively for one or more of the purposes specified in ~~this clause~~ items A to C; the expenditure of gambling funds for the purpose of influencing or attempting to influence any public official or the outcome of any public decision, other than an expenditure made pursuant to item E; or the expenditure of gambling funds for the acquisition of property, other than real property, the ownership or possession of which is retained by the organization, unless the property is used exclusively for one or more of the purposes specified in items A to C.

Subp. 17. and 18. [Unchanged.]

Subp. 19. **Net receipts.** “Net receipts” are gross receipts less prizes actually paid out. This is the amount upon which the gambling tax is paid ~~except for pull-tabs and tipboards.~~

Subp. 20. **Organization.** “Organization” means any fraternal, religious, veterans, or other nonprofit organization that has been in existence for the most recent three years and has at least 15 active members for the most recent three years.

Subp. 21. **Other nonprofit organization.** “Other nonprofit organization” means one of the following:

A. an organization as defined in subpart 20, other than a fraternal, religious, or veterans organization, ~~and~~ whose nonprofit status is evidenced by a ~~certificate of nonprofit incorporation or has been recognized by current letter of exemption from the Internal Revenue Code~~ Service recognizing it as a nonprofit organization exempt from payment of income taxes; or, An organization applying for renewal of a license is considered to have satisfied this item if the organization has, during the period of licensure, a certificate of nonprofit incorporation or has been recognized by the Internal Revenue Service as exempt from the payment of income taxes.

B. [Unchanged.]

Subp. 22. to 25. [Unchanged.]

Subp. 26. **Profit.** “Profit” means the gross receipts collected from lawful gambling, less ~~reasonable~~ sums necessarily and actually expended for prizes ~~and taxes imposed by Minnesota Statutes, section 349.212.~~

Subp. 27. to 31. [Unchanged.]

7860.0040 LICENSE APPLICATION.

Subpart 1. [Unchanged.]

Subp. 2. **Contents of application.** The application must contain the following information:

A. to R. [Unchanged.]

S. a consent that local law enforcement officers, the board or agents of the board, or the commissioner of revenue or agents of the commissioner, may enter ~~upon~~ the site premises ~~to observe the lawful gambling being conducted and to enforce the law for any unauthorized game or practice; and~~

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Proposed Rules

T. a compensation schedule devised by the organization identifying tasks and rate of compensation for each task in the conduct of lawful gambling;

U. the day and time of the regular meeting of the organization;

V. the name, address, and account number for all accounts into which gross receipts from gambling are deposited for this licensed premises, and the name and address of the persons authorized to sign checks and make deposits and withdrawals;

W. a membership list of the organization which must be available within seven days after it is requested by the board;

X. registered storage space; and

Y. such additional information as is necessary to properly identify the applicant and to ensure compliance with *Minnesota Statutes*, sections 349.11 to 349.22.

Subp. 3. **Required attachments to application.** The applicant must attach the following material to the application:

A. a copy of the lease agreement for the premises where the organization will conduct lawful gambling if the premises is not owned by the organization; ~~and~~

B. every eligible organization must file a copy of its written internal accounting and administrative control system relative to gambling operations with the board when ~~they first apply~~ applying for a license to conduct ~~games of chance~~ lawful gambling as specified on a form provided by the board; and

C. a completed License Termination Form that commits the organization, at the termination of the license, to inform the board of its plan for the disposal of registered gambling equipment and for the distribution of profit carryover in the general gambling bank account within 15 days of the termination date. The plan must be approved by the board.

Subp. 4. **Local approval.** The applicant shall deliver a copy of the application to the clerk of the local governing body along with a notification that the license, if approved by the board, will become effective within ~~30~~ 60 days unless the governing body adopts a resolution disapproving the license and so informs the board within ~~30~~ 60 days. If the premises are located outside a city, the town board of the town and the county board of the county must both be notified. The clerk will sign an acknowledgment of receipt of the copy of the license application and notification. If the local governing body chooses to waive its right to disapprove the license within the 60-day period, the local governing body must notify the board in writing of the waiver.

Subp. 5. to 8. [Unchanged.]

Subp. 9. Restriction on applicant. An organization that has conducted gambling as an exempted organization is not eligible for a license to conduct lawful gambling in the same calendar year as it has been awarded exempt status.

An organization that is licensed may not be considered as an applicant for exempt status during the same calendar year it has a license.

7860.0070 ADVERTISING.

Subp. 1a. Not gambling expense. Advertising of the conduct of lawful gambling, although not prohibited, may not be taken as an expense against gambling proceeds. No expenses for advertising shall be paid from the gambling banking checking account required in part 7860.0140.

Subp. 2. [Unchanged.]

7860.0090 LEASE AGREEMENTS.

Subpart 1. **Requirements of lease.** All leases of premises where lawful gambling is to be conducted must be on a form provided by the board and must contain at a minimum the following information:

A. The name of the lessor, who must be the legal owner of the premises. If the organization is to be a sublessee, then the lessee name must also be included.

B. The name of the eligible organization.

C. The term of the agreement (must be at least one year).

D. The monetary consideration, if any, expressed in terms of number of dollars per month or number of dollars per bingo occasion, whichever is applicable.

E. If the lease is of a portion of a building or place of business, a brief description of the general area being leased within the building or place of business (a sketch must be attached), with dimensions of the leased premises specified in feet and a statement of number of square feet leased.

F. All obligations between the lessee and its employees or agents and the lessor and its employees or agents must be contained in the lease. No benefit shall accrue to any party or person unless provided for in the lease.

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G. Commitment from the lessor that: the board or agents of the board, or the commissioner of revenue or agents of the commissioner, and law enforcement personnel, have access to inspect the licensed premises at any reasonable time or during business hours of the lessor; the lessee has access to the licensed premises during any time reasonable and necessary to the conduct of lawful gambling on the premises by that lessee.

H. The lease shall contain a clause that provides for termination of the lease if the licensed premises is the site where gambling, liquor, prostitution, or tax evasion violations have occurred.

I. All of the remuneration to be paid by the organization for the conduct of lawful gambling must be stated in the lease. No amount may be paid by the organization or received by the operator of the bingo hall based on the number of participants attending the bingo occasion or on the gross receipts or profit received by the organization.

Subp. 2. [Unchanged.]

Subp. 3. Payments.

A. The amount of the lease payment that an organization shall pay to a lessor for premises leased for lawful gambling, with the exception of bingo, may not exceed \$24 per square foot per month. In no instance may rent payments for the leased premises exceed \$600 per month.

B. The amount of the lease payment that an organization shall pay to a lessor for premises leased for the conduct of bingo and all other gambling activities during that bingo occasion shall not exceed \$200 for leased premises of not more than 6,000 square feet, \$300 for leased premises of not more than 12,000 square feet, and \$400 for leased premises of more than 12,000 square feet.

C. The storage of the inventory of gambling equipment may be on that leased premises.

D. The sale of and redemption of prizes awarded resulting from the sale of bingo sheets and cards, pull-tabs, tipboards, and paddlewheel tickets shall occur exclusively on the leased premises.

E. At each leased premises, the organization shall have:

- (1) a current inventory of gambling equipment;
- (2) a sketch with dimensions of the leased premises available for review; and
- (3) a clear and physical separation or a tangible divider between the lessee's gambling equipment and the lessor's business equipment.

F. Each lessee shall be responsible that the lessor's business activities are not conducted on the leased premises.

Subp. 4. Severed leases. All leases must include an agreement by both parties that if the lease is severed prematurely, for whatever reason, each party shall submit a notice of termination and explanation for the termination to the Charitable Gambling Control Board.

Subp. 5. Restrictions. No lessee shall enter into an agreement between a lessor and lessee that imposes implicit or explicit restrictions on the lessee in relationships with providers of gambling-related equipment and services or in the use of net profits for lawful purposes.

7860.0100 LESSOR OF GAMBLING SITE-RESTRICTIONS.

Subpart 1. **Participation in gambling activity prohibited.** If the premises where lawful gambling is to be conducted is a public building or a building ~~approved by the board for~~ where more than four bingo occasions are conducted, the building manager and staff and all officials in a position, individually or collectively, to approve or deny the lease shall not directly or indirectly participate in the selling, distributing, conducting, ~~or~~ assisting in the playing of, or participate in lawful gambling at the leased premises.

The lessee shall not permit the lessor or the lessor's immediate family to participate as players in the conduct of lawful gambling on the leased premises site. The lessee shall not permit any of its employees or agents to participate as players in the conduct of lawful gambling on the leased premises site.

An organization shall not be granted a license when the proposed licensed premises is a site where illegal gambling has occurred or the lessor has been convicted of illegal gambling within the last 12 months.

Subp. 2. and 3. [Unchanged.]

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7860.0105 BINGO HALL LICENSES.

Subpart 1. License required. No person may lease a facility to more than one licensed organization to conduct bingo without having obtained a bingo hall license, unless the person is a licensed organization.

Subp. 2. Application required. Annual application must be made for a bingo hall license. The application must be on a form provided by the board and must contain, at a minimum, the following information:

- A. the name of the person responsible for completing the application;
- B. the name of the person who is the owner;
- C. the name of the person who is the lessor;
- D. the name of the site;
- E. the office address if different than the mailing address;
- F. the telephone number of the business;
- G. the official position of the person completing the application;
- H. the legal nature of the applicant (corporation, partnership, or sole proprietorship);
- I. a statement as to whether any officer, director, or other person in a supervisor or management position:

(1) has been convicted of a felony in a state or federal court within the past five years or who has a felony charge pending; or

(2) has been convicted in a state or federal court of a gambling-related offense within ten years of the date of license application; and

J. a list of the owners, partners, officers, directors, and people in supervisory and management positions. A bingo hall personnel form must be completed for each of these individuals.

Subp. 3. Bingo hall personnel form. The bingo hall personnel form in subpart 2, item J, must contain the following information:

- A. the name of the person completing the form;
- B. the name of the bingo hall;
- C. the address, date of birth, place of birth, and name of the spouse of the person completing the form;
- D. all other current occupations along with the employer's name, address, type of business, and the position held within that business;

E. the names of any organizations conducting gambling of which the person completing the form is a member;

F. all criminal convictions, or pending criminal charges, if any, the date of those convictions, and the location of the court imposing sentence;

G. a list of all the places of residence in the last ten years; and

H. information on this form shall be verified by the person completing it.

Subp. 4. Prohibitions on bingo hall lessor/owner interest. The following prohibitions and restrictions apply to bingo hall lessors/owners:

A. No bingo hall lessor/owner may also be a licensed distributor or registered manufacturer or affiliate of a distributor or manufacturer.

B. No person who is an officer, director, shareholder, directly or indirectly, partner, or proprietor of a wholesale alcoholic beverage distributorship shall be an officer, director, shareholder, partner, proprietor, or employee of a bingo hall lessor/owner, nor shall the person have any direct or indirect financial interest in the bingo hall.

Subp. 5. Changes in application information. Any changes in the information submitted in the application must be filed with the board within ten days after the change occurs.

Subp. 6. Restrictions on services provided. A bingo hall lessor/owner or affiliate of the lessor/owner may not:

A. provide any staff to conduct bingo or any other form of lawful gambling during the bingo occasion;

B. acquire, control storage or inventory, or report the use of any gambling equipment used by an organization that conducts bingo on the premises;

C. provide accounting services to an organization conducting lawful gambling on the premises;

D. make any expenditures of gross receipts of an organization from lawful gambling; or

E. charge any fee to a person at a bingo occasion, without which the person could not play a bingo game.

For purposes of this subpart, an affiliate of the bingo hall lessor/owner is any person or entity directly or indirectly controlling, controlled by, or under common control with the bingo hall lessor/owner.

Subp. 7. License fee. The annual fee for a bingo hall license is \$250.

7860.0110 PREMISES LEASED TO TWO OR MORE ORGANIZATIONS.

Subpart 1. **Limit on number of occasions per week.** There may be no more than ~~four~~ 18 bingo occasions per week on a premises unless written approval is obtained from the board.

Subp. 2. [See Repealer.]

7860.0120 GENERAL ACCOUNTING RECORDS.

Subpart 1. **General records.** Every organization shall maintain complete, accurate, and legible general accounting records with detailed, supporting, subsidiary records sufficient to furnish information regarding all transactions pertaining to gambling. The accounting records must be sufficient to adequately reflect gross receipts, prizes, net receipts, expenses, and all other accounting transactions. ~~The records must be retained for a period of two years from the end of the month for which the records are kept unless the organization is released by the board from this requirement as to any particular record or records.~~

Subp. 2. **Monthly records.** Every organization licensed to operate any lawful gambling activity shall keep and maintain monthly records of all the gambling activities of the organization. A photocopy of the "Minnesota Monthly Gambling Tax Return," a photocopy of Schedule C, a copy of reconciled bank statements, and a photocopy of the expense computation form must be filed with the monthly report to the members by the licensed organization and made part of the minutes of the regular meetings of the licensed organization. These records must be kept separate for each month and include all details of the following:

A. to E. [Unchanged.]

Subp. 3. [Unchanged.]

7860.0130 METHOD OF ACCOUNTING.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Unpaid liabilities. The unpaid liabilities of the licensee on allowable expenses shall be reported to the commissioner of revenue on its monthly gambling tax return.

7860.0140 GENERAL GAMBLING BANK ACCOUNT.

Every organization shall maintain a separate checking account at a financial institution, located within Minnesota, for each license issued.

Every organization shall furnish to the board an "Authorization to Inspect Bank Records," which shall authorize the ~~board and its commissioner of revenue and agents of the commissioner of revenue~~ to inspect the bank records of the organization's gambling bank account.

Interest income must be included in gross receipts.

All net receipts from lawful gambling must be deposited only in this account and all allowable gambling expenses and lawful purpose expenditures must be paid from this account.

When the license for an organization has been terminated, the organization shall notify the board of the amount in the gambling banking checking account and the plan for its lawful disbursement. The plans for disposal must satisfy the conditions of licensing.

7860.0150 INTERNAL CONTROL.

Subpart 1. **System of internal accounting and administrative controls required.** To adequately determine its liability for taxes and the proper determination of profit to be expended for lawful purposes, every organization shall establish and have available for review, a written system of internal accounting and administrative controls relative to its lawful gambling operations. The organization shall file a copy of its internal accounting and administrative control system with the board when the license application is submitted. The board may require that the organization revise its internal accounting and administrative control system if the system

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does not meet the internal control objectives established by the board. The minimal items to be covered in the internal controls are (1) a plan for ensuring security of the organization's fund and gambling equipment, (2) a plan for collecting, counting, and depositing funds from gambling, and (3) a plan for authorizing, ordering, receiving, putting into play, and recording proceeds from gambling activities. The board shall provide a reporting form to ensure that the internal accounting procedures are adequately documented.

Subp. 2. to 6. [Unchanged.]

Subp. 7. Fund loss by questionable means. When an organization has a fund loss by questionable means in its inventory or its cash flow, the organization may apply to the board, on a form provided by the board, for an adjustment of its gambling banking checking account. The form shall be available from the office of the board. The organization shall provide the following information:

A. A copy of the police report filed relative to the shortage. If the police report on the shortage is not filed within ten days of the discovery of the shortage, the request for adjustment will not be considered.

B. The amount of the loss and the method of substantiating that amount.

C. A statement of the adjustment and internal controls to prevent that loss from occurring again.

D. A change in staffing to prevent the recurrence of the loss.

E. An agreement from the chief executive officer and gambling manager of the organization that any funds that are recovered from that loss as a result of law enforcement investigation or payment from the bonding company will be returned to the gambling banking checking account.

All fund losses by questionable means must be reimbursed to the gambling banking checking account, unless an adjustment to the gambling account is approved by the board.

7860.0160 EXPENSES.

Subpart 1. **Expenses allowed.** Reasonable sums that are necessarily and actually expended for the following items A to L, are allowed to be taken from gross receipts from lawful gambling:

A. prizes;

B. gambling supplies and equipment;

C. rent;

D. utilities used during gambling occasions;

E. compensation paid to members for conducting gambling on a compensation schedule devised by the organization for its employees for the conduct of lawful gambling and file that report with the board;

F. taxes imposed by Minnesota Statutes, section 349.212;

~~G.~~ maintenance of devices used in lawful gambling;

~~H.~~ G. accounting services;

~~I.~~ H. license renewal;

~~J.~~ I. bond for gambling manager;

~~K.~~ J. insurance on gambling activities;

~~L.~~ K. investigation fee; and

~~M.~~ advertising L. one-third of the amount of increase in the annual premium of the liability insurance.

Subp. 2. **Definitions.** For purposes of subpart 1:

A. "Prizes" mean actual cash given to winners in gambling games. Prizes also include the cost of merchandise given to winners of gambling games. Merchandise must be expensed at the actual cost to the organization.

B. "Gambling supplies and equipment" mean:

(1) bingo cards, devices for selecting bingo numbers, numbered bingo balls, ink dabbers, and other supplies or equipment used in the playing of bingo such as flashboards, game boards, monitoring systems, cash registers, and game programs;

(2) pull-tabs and ticket jars;

(3) paddlewheels, paddleticket cards, and other necessary equipment used to conduct the game of paddlewheels;

(4) tipboards;

(5) incidental office supplies such as paper, pencils, forms, and calculators;

(6) cost of printing of raffle tickets; and

(7) all sales tax paid on these items.

C. "Rent" means that reasonable amount of money expended pursuant to a lease of a specific premises for the purpose of conducting lawful gambling.

D. [Unchanged.]

E. "Compensation paid to members for conducting lawful gambling" means compensation plus reasonable employer-paid benefits, and payroll taxes for employees directly engaged in conducting gambling. If the employee performs other services unrelated to gambling activities, an allocation based on hours worked in each activity must be made. For purposes of this item, "member" includes active members of the organization, its auxiliary, the spouse or surviving spouse of an active member, and nonmembers hired as nonmanagement assistants pursuant to the approval of the organization. Compensation for the conduct of gambling may not provide for compensation based on a percentage of receipts or profits from lawful gambling. Any compensation paid must be pursuant to a compensation schedule established by the organization and included in the recorded minutes of the organization.

~~F. "Taxes" mean the tax on gross receipts minus prizes actually paid out.~~

~~G.~~ "Maintenance of devices used in lawful gambling" means the reasonable material and labor charges for the repair and maintenance of equipment or devices used in lawful gambling.

~~H.~~ G. "Accounting services" means the reasonable expense of services for completion of the periodic reports required by statute and rule and provided to the board.

~~I.~~ H. "License renewal" means the actual cost incurred by an organization to satisfy the license fee imposed by the board.

~~J.~~ I. "Bonds for the gambling manager" means the actual cost incurred by an organization for the fidelity bonds for the gambling managers for license renewal.

~~K.~~ J. "Insurance on gambling activities" means the reasonable expense of coverage of gambling equipment and gambling funds for theft, burglary, or casualty loss at the licensed premises.

~~L.~~ K. "Investigation fee" means the fee imposed by the local governing unit to investigate the applicant for a gambling license renewal.

~~M. "Advertising" means the amount of gambling funds actually expended for the purpose of calling the attention of the public to the conduct of lawful gambling by a licensed organization. The amount expended shall not exceed two percent of the annual gross receipts of the licensed premises or \$5,000 per year per licensed premises whichever is less.~~ L. "One-third of the amount of increase in the annual premium of the liability insurance" means the premium on a licensed premises that is directly related to the conduct of lawful gambling and which must be provided on a form by the board.

Subp. 3. **Percent expended for allowable expenses.** Compliance by an organization with the maximum percentage of profits expended for allowable expenses must be determined on an annualized annual basis.

Allowable expenses incurred by the organization must be paid within sufficient time to ensure that all reports to the board demonstrating the degree of compliance with Minnesota Statutes, section 349.15, are accurate and complete.

Subp. 4. **Unallowable expenses.** The following may not be taken as expenses from lawful gambling receipts:

A. utilities when only a portion of a building or business place is leased for gambling;

B. employer-paid bonuses or payments made to or on behalf of a gambling employee other than those specifically allowed in subpart 2, item E; ~~and~~

C. decorations of the site; and

D. advertising costs, not including bingo programs distributed on the premises.

7860.0170 EXPENDITURES FOR LAWFUL PURPOSES.

Subpart 1. to 3. [Unchanged.]

Subp. 4. Percent of profit to be used for allowable expenses. Profits from lawful gambling may be expended only for lawful purposes or allowable expenses as authorized at a regular meeting of the conducting organization, provided that no more than 55

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percent of profits from bingo, and no more than 45 percent for other forms of lawful gambling, may be expended for necessary expenses related to lawful gambling.

When applying for license renewal, each organization must supply to the board expense computation forms, which the board will provide, to determine its compliance with Minnesota Statutes, section 349.15. If the organization does not satisfy that percentage, it will not be eligible for renewal for 120 days from the date of license expiration.

7860.0180 GAMBLING TAX RETURNS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. ~~Two~~ **Three signatures required on tax returns.** ~~Both~~ The gambling manager ~~and~~, the chief executive officer of the organization or their respective designees, and the person who completed the tax return must sign the tax return. The organization shall inform the board in writing of the identity of the designees.

7860.0200 DISTRIBUTORS.

Subpart 1. [Unchanged.]

Subp. 2. **Application required.** Annual application must be made for a distributor's license. The application will be on a form provided by the board, which form will include at least the following information:

A. to G. [Unchanged.]

H. a list of the owners, partners, officers, directors, and employees, people in supervisory and management positions, and any person who receives anything of value, including but not limited to salary, wages, compensation, or payment for services rendered to the distributor. A distributor personnel form must be completed for each of these individuals;

I. to L. [Unchanged.]

Subp. 3. [Unchanged.]

Subp. 4. **Restrictions on distributorship interest.** The following are the restrictions on distributorship interest:

A. to C. [Unchanged.]

D. All distributor personnel who sell, offer for sale, or furnish gambling equipment distributors and persons required to prepare a distributor personnel form pursuant to item H must advise the board in writing of their memberships in organizations that conduct lawful gambling. No distributor or person required to prepare a distributor personnel form pursuant to subpart 2, item H may sell or furnish gambling equipment to any licensed organization of which he or she is an officer, director, or gambling manager.

E. No distributor or person required to prepare a distributor personnel form pursuant to subpart 2, item H, may provide any services related to the conduct of lawful gambling that are required to be performed by a licensed organization.

F. A distributor shall notify the board by registered mail if a licensed organization is more than 35 days delinquent in its payment to that distributor of tax obligations and costs of registered equipment. The board shall notify the licensed organization of the delinquency and direct the organization to eliminate the delinquency, if one exists. The board must be notified by the licensed distributor that the delinquency has been paid or that no delinquency exists within ten days of the distributor's initial notification to the board. If the board is notified that the delinquency has not been paid within ten days of the distributor's initial notification to the board, the board shall notify all licensed distributors that no registered gambling equipment may be sold, offered for sale, or furnished to that organization.

No distributor shall sell, offer for sale, or furnish registered gambling equipment to an organization that has been determined by the board to be 45 or more days delinquent in its payment to a licensed distributor for the amount of the tax collection and of costs of registered gambling equipment.

When the delinquency is paid, the board shall so notify all licensed distributors.

Subp. 5. to 7. [Unchanged.]

Subp. 8. **Books and records to be kept.** Each distributor shall maintain for one year records that contain the following information relative to the purchase and sale, lease, rental, or loan of gambling equipment.

A. Sales invoices for all gambling equipment distributed, whether by sale, lease, rental, or loan, to all gambling organizations. Gambling equipment provided to all gambling organizations at no charge must be recorded on a sales invoice. The sales invoices must be on a standard form prescribed by the board and must have the following information as a minimum:

(1) and (2) [Unchanged.]

(3) the license number and expiration date of the license of the organization;

(4) to (11) [Unchanged.]

B. [Unchanged.]

Subp. 9. to 20. [Unchanged.]

Subp. 21. **Picture identification card.** Each person eligible to conduct sales on behalf of a distributor must have in possession a picture identification card provided by the board ~~which contains~~ must contain the following:

A. to G. [Unchanged.]

The picture identification card is the property of the state of Minnesota and is to be returned to the board if the bearer is no longer eligible to conduct sales.

No person may possess a picture identification card from more than one licensed distributor.

Subp. 22. [Unchanged.]

7860.0210 SPECIAL RESTRICTIONS; PULL-TABS AND TIPBOARDS.

Subpart 1. [Unchanged.]

Subp. 2. **Purchases.** ~~Effective September 1, 1985,~~ A distributor shall not purchase or be furnished any deal of pull-tabs or tipboards from a manufacturer of pull-tabs or tipboards unless both of the following conditions are met:

A. and B. [Unchanged.]

7860.0220 REGISTRATION OF EQUIPMENT.

Subpart 1. **Registration required.** All gambling equipment sold, leased, rented, or loaned by a distributor to an organization must be registered with the board as follows:

A. and B. [Unchanged.]

C. a state registration stamp must be affixed to the master flare for each sealed grouping of up to 100 paddleticket cards and have a facsimile of the state registration stamp imprinted on each paddleticket card stub with the distributor's license number printed on the facsimile in the place of the paddleticket card numbers; ~~and~~

D. a state registration stamp must be affixed to paddlewheels and devices for selecting bingo numbers; and

E. when the license for an organization has been suspended, revoked, or has expired, the organization shall notify the board of its inventory of registered gambling equipment and its plan for disposal of the gambling equipment. The plans for disposal of the gambling equipment must satisfy the conditions of licensing.

7860.0230 BINGO.

Subpart 1. to 7. [Unchanged.]

Subp. 8. **General bingo records.** For each bingo occasion, the following records must be kept:

A. to C. [Unchanged.]

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

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

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

G. for any bingo game with a prize of \$100 or more:

(1) the name and address of the winner;

(2) the series number of the winning card; and

(3) the date and the amount of the prize won.

Subp. 9. and 10. [Unchanged.]

Subp. 11. [See Repealer.]

Subp. 12. Cards that are not preprinted but are completed by the player. Bingo cards are to contain five horizontal rows of spaces. The central row must contain the word "free" marked in the center space. The remaining spaces must be of uniform color and size.

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7860.0240 PULL-TABS.

Subpart 1. **General.** The following general rules shall apply to the game of pull-tabs:

A. to E. [Unchanged.]

F. House rules governing the conduct of the sale of pull-tabs must be posted in such a manner that players have access to the rules before buying any pull-tabs.

G. The organization shall clearly identify the play of pull-tabs as single deal sales or commingled deal sales.

H. No pull-tab shall be sold for a price other than the price of a single pull-tab as indicated on the flare.

I. No pull-tab shall be provided to a player free of charge or for any consideration other than the price of a single pull-tab as indicated on the flare. This item does not apply to the winning of a free play.

J. At each licensed premises where pull-tabs are offered for sale by a licensed organization, there shall be available for inspection by the board or agents of the board, or the commissioner of revenue or agents of the commissioner, a copy of the distributor's invoice for each pull-tab deal in play and on the premises or an inventory list for each registered pull-tab deal on the premises.

Subp. 2. to 8. [Unchanged.]

7860.0250 TIPBOARDS.

Subpart 1. **General.** The following general rules apply to the game of tipboards:

A. to D. [Unchanged.]

E. When any tipboard deal is offered for play, all of the tickets related to that registered deal must be placed out for play at the same time.

F. House rules governing the conduct of the sale of tipboards must be posted in such a manner that the players have access to the rules before buying a tipboard.

G. At each licensed premises where tipboards are offered for sale by a licensed organization, there shall be available for inspection by the board or agents of the board, or the commissioner of revenue or agents of the commissioner, a copy of the distributor's invoice for each tipboard deal in play and on the premises or an inventory list for each registered tipboard deal on the premises.

Subp. 2. [Unchanged.]

Subp. 3. **Cost per ticket and prize limitations.** The cost per ticket and the value of the prizes will be as follows:

A. [Unchanged.]

B. Prizes may not have a value more than \$500 as the highest denomination winner. The major prize that is determined by removing the seal on the tipboard offered in a tipboard deal shall be equal to or greater than the value of any other prize awarded in that tipboard deal.

C. and D. [Unchanged.]

Subp. 4. to 7. [Unchanged.]

7860.0260 PADDLEWHEELS.

Subpart 1. [Unchanged.]

Subp. 2. **Registration stamps.** Each sealed grouping of up to 100 paddleticket cards must have a state registration stamp affixed to the master flare accompanying the group with the paddleticket card numbers written in by the distributor on the space provided on the master flare.

An organization may not use paddletickets:

A. that do not have a state registration stamp affixed to the master flare accompanying the group;

B. when the paddleticket card number written on the master flare differs from the actual paddleticket card number preprinted on the tickets; ~~and~~

C. when the paddleticket card number preprinted on the stub does not match the paddleticket card number preprinted on the individual tickets; and

D. that are not attached to the paddleticket card.

Subp. 3. to 6. [Unchanged.]

7860.0300 STANDARDS FOR PULL-TABS AND TIPBOARD TICKETS.

Subpart 1. Tipboard ticket standards. All pull-tabs and tipboard tickets sold in this state must conform to the following standards:

A. No operator shall put out for play, and no distributor shall sell or otherwise furnish, any deal of pull-tabs or tipboard tickets unless there is conspicuously set forth thereon a stamp, seal, or label which identifies its manufacturer and the city and state of its manufacturer. This item shall be effective September 1, 1985.

B. Each individual pull-tab and tipboard ticket shall have conspicuously set forth thereon the name of the manufacturer or label or trademark which identifies its manufacturer. The label or trademark must be filed with the board prior to the sale of the pull-tab and tipboard ticket by a distributor to an organization by the manufacturer of the product. This item shall be effective September 1, 1985 April 1, 1989.

C. B. Deals of pull-tabs and tipboard tickets must be manufactured, assembled, and packaged in such a manner that none of the winning pull-tab or tipboard tickets, nor the location or approximate location of any of the winning pull-tabs or tipboard tickets can be determined in advance of opening the pull-tabs or tipboard tickets in any manner or by any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light. ~~Winning pull-tabs must be randomly distributed and mixed among all other pull-tabs in the deal to the state of art. The deal must be assembled and packaged with special care so as to eliminate any pattern as between deals, or portions of deals, from which the location or approximate location of any of the winning tabs may be determined. When the deal is packaged in more than one package, box, or other container, the entire deal of individual pull-tabs must be mixed in such a manner that no person can determine the position or approximate location of any of the winning pull-tabs or determine whether any one package or portion of a deal contains a larger or smaller percentage of winning pull-tabs than the balance of the deal. The packages, boxes, or other containers must not be numbered as to distinguish one from the other and have no marking other than the deal serial number. Each deal of pull-tabs and group of tipboards must contain a packing slip placed inside the package containing the name of manufacturer, serial number, date the deal or group was packaged, and the name or identification of the person who packaged the deal.~~

D. (1) Pull-tabs and tipboards must be constructed so that it is impossible to determine the covered or concealed number, symbol, or set of symbols, on the pull-tab or tipboard until it has been dispensed to and opened by the player, by any method or device, including but not limited to the use of a marking, variance in size, variance in paper fiber, or light.

(2) All pull-tabs, except banded and latex covered pull-tabs must be constructed using a two or three ply paper stock construction.

(3) The serial number and the name of the manufacturer or label or trademark identifying the manufacturer must be conspicuously printed on the face or cover sheet. C. (1) On banded pull-tabs and tipboard tickets, the minimum four-digit serial number and the name of the manufacturer must be printed so both are readily visible prior to opening the pull-tab or tipboard ticket.

(4) The cover sheet must be color coded when individual serial numbers are repeated and may show the consumer how to open the pull-tab to determine the symbols or numbers. The cover sheet must contain either or both perforated or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull-tabs while at the same time not permitting pull-tabs to be opened prematurely in normal handling. Perforation must exist on both horizontal lines of the opening with either perforated or clean-cut on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull-tabs or tipboard tickets, either the face or back of the pull tab must be color coded when individual serial numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull-tabs, the band must be color coded when individual serial numbers are repeated.

(5) All pull-tabs within a single pull-tab deal must be of the same thickness.

(6) All pull-tabs within a single pull-tab deal must be uniform in length or width and not vary by more than 3/64 inch, provided that in no case shall winning pull-tabs be identifiable by visible variation in dimension.

(7) (2) All pull-tabs or tipboard tickets must be constructed to ensure that, when offered for sale to the public, the pull-tab or tipboard ticket is virtually opaque and free of security defects wherein winning pull-tabs or tipboard tickets cannot be determined prior to being opened through the use of high intensity lights or any other method.

Subp. 2. Pulltab ticket standards. All pull-tab tickets sold in this state must conform to the following standards:

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

Proposed Rules

A. Concealed numbers or symbols must not be able to be viewed or winning numbers or symbols determined from the outside of the pull-tab ticket using a high intensity lamp of 500 watts. Protection shall be provided by using opaque paper stock or by use of an aluminum foil laminate.

B. The game must be assembled so that no placement of winners or losers exists that allows the possibility of prize manipulation, or "pick out."

C. The minimum information printed on a pull-tab, or if starred (*) on a single folded or banded ticket, must include:

(*1) the name of manufacturer or its distinctive logo;

(2) the name of game;

(3) the manufacturer's form number;

(4) the price per individual pull-tab;

(*5) the unique minimum five-digit game serial number, printed on the game information side of the pull-tab which must not be repeated on the same form number for three years; and

(6) number of winners, and respective winning numbers or symbols, and prize amounts unless a flare is included giving that information.

D. The game shall be designed, constructed, glued, and assembled in such a manner as to prevent the determination of a winning ticket without removing the tabs or otherwise uncovering the symbols or numbers as intended. Each ticket in a series or deal must bear the same serial number. There shall not be more than one serial number in one series or deal.

The numbers or symbols must be fully visible in the window and shall be centered so that no part of a symbol or number remains covered when the tab is removed.

E. It must not be possible to isolate winning or potential winning tickets from variations in size or the appearance of a cut edge of the pull-tab comprising a particular game.

F. It must not be possible to detect or pick out winning pull-tabs from losing tickets through variations in printing graphics or colors, especially those involving different printing plates.

G. A unique symbol or printed security device, such as a specific number keyed to particular winners, or the name of the symbol or some of the symbol colors changed for a winner, or other similar protection shall be placed in the winning windows of prize winners. This item does not apply to numeral games.

H. All pull-tabs sold in this state must be packaged as follows:

(1) Each game's package, box, or other container shall be sealed at the factory with a seal including a warning to the purchaser that the game may have been tampered with if the package, box, or container was received by the purchaser with the seal broken.

(2) A game's serial number shall be clearly and legibly placed on the outside of the game's package, box, or other container or be able to be viewed from the outside of the box.

(3) For games shipped to Minnesota for sale in this state, the flare for the game shall be located on the outside of each game's sealed package, box, or other container so that the seal on the container need not be broken to place the stamp.

I. The effective date of this subpart is April 1, 1989.

7860.0320 GAMBLING MANAGERS.

Subpart 1. Instruction course. Effective December 31, 1990, before a person may serve as gambling manager for any organization licensed to conduct gambling in Minnesota, that gambling manager must have satisfactorily completed a course of instruction conducted by the department of revenue on the duties and responsibilities of the gambling manager. In the event that either or both of the following happens: (1) the gambling manager leaves his or her position or (2) a new gambling manager is designated, the new gambling manager shall complete the training at the next training session offered by the commissioner.

Subp. 2. Restriction. No gambling manager may be a lessor or an employee of a lessor of a premises licensed to conduct lawful gambling.

7860.0400 MANUFACTURERS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Marking and identification of equipment for gambling.** The following requirements apply to the marking and identification of equipment for lawful gambling.

A. and B. [Unchanged.]

C. All gambling equipment sold by registered manufacturers that is used in Minnesota must be manufactured in a manner that would permit the manufacturer to identify the buyer of the gambling equipment and provide the identity of the buyer at the request of the board.

Subp. 6. to 11. [Unchanged.]

Subp. 12. Pull-tab seals. A manufacturer may not sell or otherwise provide any deal of pull-tabs to a licensed distributor unless the deal meets the standards in part 7860.0300, subpart 2.

Subp. 13. Notice of delinquency. A manufacturer shall notify the board by registered mail if a licensed distributor is more than 60 days delinquent in its payment to that manufacturer of costs of equipment. The board shall notify that licensed distributor of the delinquency and direct the distributor to eliminate the delinquency, if one exists. The board must be notified by the registered manufacturer that the delinquency is paid or that no delinquency exists within ten days of the manufacturer's initial notification to the board. If the board is notified that the delinquency has not been paid within ten days of the manufacturer's initial notification to the board, the board shall notify all registered manufacturers that no gambling equipment may be sold, offered for sale, or furnished to that distributor. When the delinquency is paid, the board shall notify all registered manufacturers.

7860.0500 COMPLIANCE REVIEW GROUP.

Subpart 1. Compliance review group established. The chair of the board may appoint three board members to serve on the compliance review group. The compliance review group shall meet as necessary to conduct informal inquiries into alleged violations of the laws or rules governing the conduct of lawful gambling by persons and organizations licensed by or registered with the board.

Subp. 2. Duties of compliance review group. The compliance review group may:

A. consider all matters relating to violation of Minnesota Statutes, chapter 349, and the rules adopted by the board under that chapter;

B. require a person or organization licensed or registered under Minnesota Statutes, chapter 349, to appear before the compliance review group to discuss violations of the laws or rules related to lawful gambling;

C. conduct hearings in accordance with the procedures in part 7860.0700, subpart 3;

D. recommend to the board that disciplinary sanctions be imposed or initiated against a person or organization licensed by or registered with the board for violation of the laws or rules related to lawful gambling; and

E. negotiate and enter into settlement agreements with a licensee or person or entity registered with the board to resolve any violation of the laws or rules related to lawful gambling.

7860.0600 SUSPENSIONS OR REVOCATIONS.

Subpart 1. Grounds. The board may suspend or revoke the license of an organization, bingo hall lessor, distributor, or the certificate of a registered manufacturer after a contested case hearing under Minnesota Statutes, chapter 14, if the licensee or certificate holder has:

A. violated any law related to lawful gambling or any rule adopted by the board;

B. made a false statement in a document or application required to be submitted to the board or the department of revenue or has made a false statement in a sworn statement or testimony before the board; or

C. has engaged in fraud or misrepresentation in the securing of a license or certificate from the board or in the conduct of lawful gambling.

Subp. 2. Additional grounds. Any grounds for denial of a license or registration certificate is also grounds for the suspension or revocation of the license or certificate or the imposition of a civil fine.

7860.0700 FINES.

Subpart 1. Imposition. The board may impose a civil fine upon any licensed organization, bingo hall lessor, distributor, or registered manufacturer for violation of any provision of Minnesota Statutes, sections 349.12 to 349.23, or a violation of the board's rules. The civil penalty may not exceed \$500 per violation.

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

Proposed Rules

In determining the amount of a fine to be imposed for a violation of law or rule, the board shall consider:

A. the severity of the conduct as indicated by the potential harm to the integrity of lawful gambling;

B. the culpability of the violator;

C. the frequency of the violator's failure to comply with the law or rules;

D. the actual harm caused to the integrity of lawful gambling; and

E. any other factor related to the violation that the board considers crucial to its determination of the amount of the fine as long as the same factors are considered with regard to all violators.

Subp. 2. Citation form. The executive secretary of the board or agents of the commissioner of revenue may issue to any licensee or person or entity registered with the board a proposed fine on a citation form prescribed by the board. The amount of the proposed fine must be determined in accordance with the factors listed in subpart 1. The proposed fine must be paid to the board within seven days, excluding Saturday, Sunday, and holidays, of the date on which the citation is issued. Failure to pay the proposed fine within seven days may subject the licensee or registered person or entity to further disciplinary action by the board unless the licensee appeals the citation and the proposed fine to the board within the seven-day period.

Subp. 3. Appeals. An appeal of the proposed fine must contain the name of the person or organization that received the citation, the date on which the citation was issued, the amount of the proposed fine as stated on the citation, and the specific reasons why the proposed fine should not be paid.

Appeals of proposed fines may be referred by the board to the compliance review group for purposes of a hearing. Within ten days of the receipt of an appeal, the compliance review group must schedule a hearing. The licensee has the burden of proving by substantial evidence that the payment of a fine is inappropriate. The licensee may be represented by counsel and may present documents and other relevant evidence to support its position. The compliance review group must issue an order within ten days of the date of the hearing, recommending to the board whether or not a civil fine should be imposed.

If the compliance review group determines that a civil fine should be imposed, the order must contain a recommendation for the amount of the fine. The board must act on the recommendation of the compliance review group at its next regularly scheduled meeting. Within ten days of acting on the matter, the board must issue an order, including findings of fact and conclusions of law. The order is a final agency decision.

Subp. 4. Payment from gross receipts prohibited. Money used to pay a fine imposed by the board may not be paid from the gross receipts of gambling.

Subp. 5. Consequences of failure to correct violations. Failure to correct the violation for which the fine was imposed is grounds for the suspension or revocation of a license or registration certificate.

REPEALER. Minnesota Rules, parts 7860.0110, subpart 2; and 7860.0230, subpart 11, are repealed.

Department of Commerce

Proposed Permanent Rules Relating to Uniform Conveyancing Blanks

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* § 507.09.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Scott P. Borchert
Minnesota Department of Commerce
500 Metro Square Bldg.
St. Paul, Minnesota 55101
(612) 296-9431

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Department upon request.

Pursuant to *Minnesota Statutes* Section 14.115, subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this materials to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Scott P. Borchert, at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

FORMS OF CONVEYANCE FOR GUARDIANS AND CONSERVATORS

2820.0010 Purpose.

The purpose of this chapter is to make clear, modern, and uniform forms consistent with the laws of this state available for use in conveying real property in the state.

The forms in this chapter have been recommended for use in Minnesota by the Uniform Conveyancing Blanks Advisory Task Force appointed by the commissioner of commerce under *Minnesota Statutes*, section 507.09. They have been adopted by the commissioner under the rulemaking provisions of *Minnesota Statutes*, chapter 14.

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

Proposed Rules

2820.1350 FORM NO. 13-M; GUARDIANS'S DEED.

Subpart 1. **Recommended form.** The recommended form for a guardian's deed is contained in subpart 2.

Subp. 2. **Contents.**

Form No. 13-M - GUARDIAN'S DEED

Minnesota Uniform Conveyancing Blanks

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____ _____, 19 _____ _____ County Auditor by _____ Deputy

DEED TAX DUE HEREON: \$ _____

Date: _____, 19 _____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____, as Guardian(s)
of the Estate of _____, Ward, single , married
on the date hereof (and) _____ (spouse of Ward) Grantor(s),
hereby convey(s) to _____, Grantee(s),
real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

GUARDIAN(S)

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }
COUNTY OF _____ } ss.

Signature of Spouse of Ward

The foregoing was acknowledged before me this _____ day of _____, 19____, by _____, as Guardian(s) of the Estate of _____, Ward, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR BANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

STATE OF MINNESOTA }
COUNTY OF _____ } ss.

The foregoing was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Ward.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR BANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

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

Proposed Rules

2820.1351 FORM NO. 14-M; GUARDIAN'S DEED TO JOINT TENANTS.

Subpart 1. **Recommended form.** The recommended form for a guardian's deed to joint tenants is contained in subpart 2.

Subp. 2. **Contents.**

Form No. 14-M - GUARDIAN'S DEED

Minnesota Uniform Conveyancing Blanks

To Joint Tenants

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required
 Certificate of Real Estate Value No. _____
 _____, 19 _____

_____ County Auditor

by _____ Deputy

(reserved for recording data)

DEED TAX DUE HEREON: \$ _____

Date: _____, 19 _____

FOR VALUABLE CONSIDERATION, _____, as Guardian(s)
 of the Estate of _____,
 _____, Ward, single , married
 on the date hereof (and) _____ (spouse of Ward) Grantor(s),
 hereby convey(s) to _____,
 _____, Grantees as Joint Tenants,
 real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

GUARDIAN(S)

Affix Deed Tax Stamp Here

STATE OF MINNESOTA

COUNTY OF _____

} ss.

Signature of Spouse of Ward

The foregoing was acknowledged before me this _____ day of _____, 19____, by _____, as Guardian(s) of the Estate of _____, Ward, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

STATE OF MINNESOTA

COUNTY OF _____

} ss.

The foregoing was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Ward.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

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

Proposed Rules

2820.1352 FORM NO. 33-M; CONSERVATOR'S DEED.

Subpart 1. **Recommended form.** The recommended form for a conservator's deed is contained in subpart 2.

Subp. 2. **Contents.**

Form No. 33-M - CONSERVATOR'S DEED

Minnesota Uniform Conveyancing Blanks

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No. _____ _____, 19_____ _____ County Auditor by _____ Deputy
--

(reserved for recording data)

DEED TAX DUE HEREON: \$ _____

Date: _____, 19____

FOR VALUABLE CONSIDERATION, _____, as Conservator(s)
of the Estate of _____, Conservatee, single , married
on the date hereof (and) _____ (spouse of Conservatee) Grantor(s),
hereby convey(s) to _____, Grantee(s),
real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

CONSERVATOR(S)

Affix Deed Tax Stamp Here

STATE OF MINNESOTA
COUNTY OF _____

} ss.

Signature of Spouse of Conservatee

The foregoing was acknowledged before me this _____ day of _____, 19____,
by _____,
as Conservator(s) of the Estate of _____, Conservatee, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

STATE OF MINNESOTA
COUNTY OF _____

} ss.

The foregoing was acknowledged before me this _____ day of _____, 19____,
by _____, spouse of _____, Conservatee.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

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

Proposed Rules

2820.1353 FORM NO. 34-M; CONSERVATOR'S DEED TO JOINT TENANTS.

Subpart 1. **Recommended form.** The recommended form for a conservator's deed to joint tenants is contained in subpart 2.

Subp. 2. **Contents.**

Form No. 34-M - CONSERVATOR'S DEED

Minnesota Uniform Conveyancing Blanks

To Joint Tenants

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required
Certificate of Real Estate Value No. _____
_____, 19____

County Auditor

by _____

Deputy

DEED TAX DUE HEREON: \$ _____

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____, as Conservator(s)
of the Estate of _____

_____, Conservatee, single , married
on the date hereof (and) _____, (spouse of Conservatee) Grantor(s),
hereby convey(s) to _____

_____, Grantees as Joint Tenants,
real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

CONSERVATOR(S)

Affix Deed Tax Stamp Here

STATE OF MINNESOTA

COUNTY OF _____

} ss.

Signature of Spouse of Conservatee

The foregoing was acknowledged before me this _____ day of _____, 19____, by _____, as Conservator(s) of the Estate of _____, Conservatee, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

STATE OF MINNESOTA

COUNTY OF _____

} ss.

The foregoing was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Conservatee.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

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

Proposed Rules

TRUSTEE'S DEEDS

2820.2700 FORM NO. 37-M; TRUSTEE'S DEED BY INDIVIDUAL.

Subpart 1. **Recommended form.** The recommended form for a trustee's deed by individual is contained in subpart 2.

Subp. 2. **Contents.**

Form No. 37-M - TRUSTEE'S DEED

Minnesota Uniform Conveyancing Blanks

By Individual(s)

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required
 Certificate of Real Estate Value No. _____
 _____, 19 _____

_____ County Auditor

by _____ Deputy

(reserved for recording data)

DEED TAX DUE HEREON: \$ _____

Date: _____, 19 _____

FOR VALUABLE CONSIDERATION, _____

_____, as Trustee(s) of

(Name of Trust)

_____, Grantor(s),

hereby convey(s) to _____, Grantee(s),

real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

TRUSTEE(S)

Affix Deed Tax Stamp Here

STATE OF MINNESOTA

COUNTY OF _____ } ss.

The foregoing was acknowledged before me this _____ day of _____, 19____, by _____,

as Trustee(s) of _____
(Name of Trust)

_____, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

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

Proposed Rules

2820.2701 FORM NO. 38-M; TRUSTEE'S DEED BY INDIVIDUAL TO JOINT TENANTS.

Subpart 1. **Recommended form.** The recommended form for a trustee's deed by an individual to joint tenants is contained in subpart 2.

Subp. 2. Contents.

Form No. 38-M - TRUSTEE'S DEED

Minnesota Uniform Conveyancing Blanks

By Individual to Joint Tenants

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required
Certificate of Real Estate Value No. _____
_____, 19____

County Auditor
by _____
Deputy

(reserved for recording data)

DEED TAX DUE HEREON: \$ _____

Date: _____, 19____

FOR VALUABLE CONSIDERATION, _____

_____, as Trustee(s) of
(Name of Trust)

_____, Grantor(s),
hereby convey(s) to _____,
Grantees as Joint Tenants,
real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

TRUSTEE(S)

Affix Deed Tax Stamp Here

STATE OF MINNESOTA

COUNTY OF _____ } ss.

The foregoing was acknowledged before me this _____ day of _____, 19____, by _____,

as Trustee(s) of _____
(Name of Trust)

_____, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

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.

together with all hereditaments and appurtenances belonging thereto.

TRUSTEE

Affix Deed Tax Stamp Here

By _____
Its _____

STATE OF MINNESOTA
COUNTY OF _____

} ss. By _____
Its _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____ and _____,
the _____ and _____
of _____, a corporation
under the laws of _____, on behalf of the corporation
as Trustee of _____
(Name of Trust)

_____, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

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

Proposed Rules

2820.2703 FORM NO. 40-M; TRUSTEE'S DEED BY CORPORATION TO JOINT TENANTS.

Subpart 1. **Recommended form.** The recommended form for a trustee's deed by a corporation to joint tenants is contained in subpart 2.

Subp. 2. **Contents.**

Form No. 40-M - TRUSTEE'S DEED

Minnesota Uniform Conveyancing Blanks

By Corporation to Joint Tenants

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required
Certificate of Real Estate Value No. _____
_____, 19_____

County Auditor
by _____
Deputy

(reserved for recording data)

DEED TAX DUE HEREON: \$ _____

Date: _____, 19____

FOR VALUABLE CONSIDERATION, _____

_____, as Trustee of

(Name of Trust)

_____, Grantor(s),

hereby convey(s) to _____

_____, Grantees as Joint Tenants,

real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

TRUSTEE

Affix Deed Tax Stamp Here

By _____
Its _____

STATE OF MINNESOTA
COUNTY OF _____

} ss. By _____
Its _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____ and _____,
the _____ and _____
of _____, a corporation
under the laws of _____, on behalf of the corporation
as Trustee of _____
(Name of Trust)

_____, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

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

Proposed Rules --- ---

2820.4700 FORM NO. 60M; NOTICE OF CANCELLATION OF CONTRACT FOR DEED.

Subpart 1. **Recommended form.** The recommended form for a notice of cancellation of a contract for deed is contained in subpart 2.

Subp. 2. **Contents.**

NOTICE OF CANCELLATION
OF CONTRACT FOR DEED

Form No. 60M

Minnesota Uniform Conveyancing Blanks

NOTICE OF CANCELLATION OF CONTRACT FOR DEED

(reserved for recording data)

YOU ARE NOTIFIED:

1. Default has occurred in the Contract for Deed ("Contract") dated _____, 19____, and filed for record _____, 19____, as Document Number _____ (or in Book _____ of _____ Page _____), in the Office of the (County Recorder) (Registrar of Titles) of _____ County, Minnesota, in which _____

as seller(s), sold to _____

as purchaser(s), the real property in _____ County, Minnesota, described as follows:

2. The default is as follows:

3. For contracts executed after August 1, 1976, and prior to August 1, 1985, the purchase price was \$ _____ and the amount of the purchase price paid by purchaser is \$ _____, which is _____% of the purchase price, as calculated in the manner required by Minnesota Statutes § 559.21, subd. 1e.

4. The conditions contained in Minnesota Statutes § 559.209 have been complied with or are not applicable.

5. THIS NOTICE IS TO INFORM YOU THAT BY THIS NOTICE THE SELLER HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, SECTION 559.21, TO TERMINATE YOUR CONTRACT FOR THE PURCHASE OF YOUR PROPERTY FOR THE REASONS SPECIFIED IN THIS NOTICE. THE CONTRACT WILL TERMINATE _____ DAYS AFTER (SERVICE OF THIS NOTICE UPON YOU) (THE FIRST DATE OF PUBLICATION OF THIS NOTICE) UNLESS BEFORE THEN:

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

Proposed Rules

- (A) THE PERSON AUTHORIZED IN THIS NOTICE TO RECEIVE PAYMENTS RECEIVES FROM YOU:
- (1) THE AMOUNT THIS NOTICE SAYS YOU OWE; PLUS
 - (2) THE COSTS OF SERVICE (TO BE SENT TO YOU); PLUS
 - (3) \$ _____ TO APPLY TO ATTORNEYS' FEES ACTUALLY EXPENDED OR INCURRED; PLUS
 - (4) FOR CONTRACTS EXECUTED ON OR AFTER MAY 1, 1980, ANY ADDITIONAL PAYMENTS BECOMING DUE UNDER THE CONTRACT TO THE SELLER AFTER THIS NOTICE WAS SERVED ON YOU; PLUS
 - (5) FOR CONTRACTS EXECUTED ON OR AFTER AUGUST 1, 1985, \$ _____ (WHICH IS TWO PERCENT OF THE AMOUNT IN DEFAULT AT THE TIME OF SERVICE OTHER THAN THE FINAL BALLOON PAYMENT, ANY TAXES, ASSESSMENTS, MORTGAGES, OR PRIOR CONTRACTS THAT ARE ASSUMED BY YOU); OR
- (B) YOU SECURE FROM A COUNTY OR DISTRICT COURT AN ORDER THAT THE TERMINATION OF THE CONTRACT BE SUSPENDED UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING OR SETTLEMENT. YOUR ACTION MUST SPECIFICALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES.

IF YOU DO NOT DO ONE OR THE OTHER OF THE ABOVE THINGS WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, YOUR CONTRACT WILL TERMINATE AT THE END OF THE PERIOD AND YOU WILL LOSE ALL THE MONEY YOU HAVE PAID ON THE CONTRACT; YOU WILL LOSE YOUR RIGHT TO POSSESSION OF THE PROPERTY; YOU MAY LOSE YOUR RIGHT TO ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE; AND YOU WILL BE EVICTED. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, CONTACT AN ATTORNEY IMMEDIATELY.

6. YOU MAY BE ELIGIBLE FOR AN EXTENSION OF THE TIME PRIOR TO TERMINATION UNDER MINNESOTA STATUTES SECTIONS 583.01 TO 583.12.

7. The name, address and telephone number of the seller or of an attorney authorized by the seller to accept payments pursuant to this notice is:

Seller Attorney for Seller

Address: _____

Telephone: (_____) _____

This person is authorized to receive the payments from you under this notice.

Signature [Optional - See Minn. Stat. § 559.21, subd. 4(e)]

AFFIDAVIT OF PERSONAL SERVICE

STATE OF MINNESOTA }
County of _____ } ss.

_____, being duly sworn on oath says that: on
_____, 19____, I served the foregoing notice upon _____ personally at
_____, County of _____,
State of Minnesota, by handing to and leaving with _____,
a true and correct copy thereof.

Subscribed and sworn to before me this _____
day of _____, 19_____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARY STAMP OR SEAL (OR OTHER TITLE OR RANK)

AFFIDAVIT OF SUBSTITUTED SERVICE

STATE OF MINNESOTA }
County of _____ } ss.

_____, being duly sworn on oath says that: on
_____, 19____, I served the foregoing notice upon _____ by leaving a true and correct copy thereof at his
or her usual place of abode with _____,
a person of suitable age and discretion then residing therein.

Subscribed and sworn to before me this _____
day of _____, 19_____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARY STAMP OR SEAL (OR OTHER TITLE OR RANK)

SHERIFF'S RETURN OF PERSONAL SERVICE

STATE OF MINNESOTA }
County of _____ } ss.

I hereby certify and return that in the _____ of _____
in said County and State on _____, 19____, I served the foregoing notice upon _____ personally by handing to and
leaving with _____ a true and correct copy thereof.

Dated: _____, 19_____.

FEES: Service \$ _____
Mileage \$ _____

TOTAL \$ _____

Sheriff of _____
County, Minnesota

By _____, Deputy

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.

SHERIFF'S RETURN OF SUBSTITUTED SERVICE

STATE OF MINNESOTA } ss.
County of _____

I hereby certify and return that in the _____ of _____
in said County and State on _____, 19____, I served the foregoing notice upon
_____ by leaving a true and correct copy
thereof at his or her usual place of abode with _____,
a person of suitable age and discretion then residing therein.

Dated: _____, 19____.

FEES: Service \$ _____
Mileage \$ _____
TOTAL \$ _____

Sheriff of _____
County, Minnesota
By _____, Deputy

AFFIDAVIT OF SERVICE ON OCCUPANT

STATE OF MINNESOTA } ss.
County of _____

_____, being duly sworn on oath says that:
on _____, 19____, I went upon the real estate described in the foregoing notice for the
purpose of serving the notice upon the persons in possession thereof; on said date _____
was/were in possession of the real estate; and on said day I served the notice on _____
by handing to and leaving with _____
a true and correct copy thereof.

Subscribed and sworn to before me this _____
day of _____, 19____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARY STAMP OR SEAL (OR OTHER TITLE OR RANK)

AFFIDAVIT OF VACANCY

STATE OF MINNESOTA } ss.
County of _____

_____, being duly sworn on oath says that:
on _____, 19____, I went upon the real estate described in the foregoing notice for the
purpose of serving the notice on the persons in possession thereof; and on said date the real estate was
vacant and unoccupied.

Subscribed and sworn to before me this _____
day of _____, 19____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARY STAMP OR SEAL (OR OTHER TITLE OR RANK)

AFFIDAVIT OF FAILURE TO COMPLY WITH NOTICE

STATE OF MINNESOTA }
County of _____ } ss.

_____, being duly sworn on oath says that: I am the person authorized to receive payments; more than _____ days have elapsed since the service of the notice on _____; the terms of the notice have not been complied with; and the default set forth in the notice still continues. I make this affidavit for the purpose of terminating the Contract and recording the notice, the proofs of the service of the notice, and this affidavit.

Subscribed and sworn to before me this _____ day of _____, 19 _____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL
THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

NOTARY STAMP OR SEAL (OR OTHER TITLE OR RANK)

Adopted Rules

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

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

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

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

Department of Human Services

Adopted Permanent Rules Relating to Licenses; Residential-based Habilitation Services

The rules proposed and published at *State Register*, Volume 13, Number 14, pages 824-836, October 3, 1988 (13 S.R. 824) are adopted with the following modifications:

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

Rules as Adopted

9525.2010 DEFINITIONS.

Subp. 3. **Advocate.** "Advocate" has the meaning given in part 9525.0013.

Subp. 4. **Applicant.** "Applicant" means an individual, corporation, partnership, voluntary association, or other organization that has applied for licensure under *Minnesota Statutes*, sections 245A.01 to 245A.16 and parts 9525.2000 to 9525.2140.

Subp. 5. **Baseline measurement.** "Baseline measurement" means the frequency, intensity, duration, or other quantification of a behavior that has been observed and recorded before initiating or changing an intervention or procedure to modify behavior.

Subp. 6. **Caregiver.** "Caregiver" means the individual who cares for and supervises a person receiving services at the person's residence.

Subp. 7. **Case manager.** "Case manager" means the individual designated by the county board to provide case management services as defined in parts 9525.0015 to 9525.0165.

Subp. 8. **Child.** "Child" means a person under 18 years of age.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designated representative.

Subp. 10. **County board.** "County board" means the county board of commissioners for the county of financial responsibility as specified in *Minnesota Statutes*, section 256B.02, subdivision 3.

Subp. 11. **County of financial responsibility.** "County of financial responsibility" has the meaning given it in *Minnesota Statutes*, section 256G.02, subdivision 4.

Subp. 12. **County of service.** "County of service" means the county arranging for or providing community social services to persons at the request of the person, the person's legal representative, or the county of financial responsibility.

Subp. 13. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 14. **Direct service.** "Direct service" means training or supervision and assistance of a person receiving residential-based habilitation services and participation in the development or implementation of a person's individual habilitation plan.

Subp. 15. **Family.** "Family" means a person's biological or adoptive parents, stepparents, grandparents, siblings, children, grandchildren, or spouse.

Subp. 16. **Goal.** "Goal" means the desired behavioral outcome of an activity that can be observed and reliably measured by two or more independent observers.

Subp. 17. **Home and community-based services.** "Home and community-based services" means the following services that are provided to persons with mental retardation and related conditions if the services are authorized under *United States Code*, title 42, section 1396 et. seq., and authorized under the waiver granted by the United States Department of Health and Human Services: case management, respite care, homemaker, in-home family support services, supported living services for children, supported living services for adults, day training and habilitation, and adaptive aids as defined in part 9525.1860; and other home and community-based services authorized under *United States Code*, title 42, section 1396 et. seq., if approved for Minnesota by the United States Department of Health and Human Services.

Subp. 18. **Host county.** "Host county" means a county contracting for the provision of social services with an approved vendor within its county boundaries at the request of another county.

Subp. 19. **Incident.** "Incident" means ~~an~~ any injury or accident; a seizure; inpatient or outpatient medical assistance, requiring a physician's attention; an error in drug administration; or a circumstance reported to or responded to by; circumstances that involve a law enforcement agency; or a person's death.

Subp. 20. **Individual habilitation plan (IHP).** "Individual habilitation plan (IHP)" means the written plan required by and developed under parts 9525.0015 to 9525.0165.

Subp. 21. **Individual service plan.** "Individual service plan" means the written plan required by and developed under parts 9525.0015 to 9525.0165.

Subp. 22. **In-home family support services.** "In-home family support services" means residential-based habilitation services provided to persons with mental retardation or related conditions, and their adoptive or biological family, in the family's residence and in the community. Services are designed to enable the person to remain with, or return to, the family.

Subp. 23. **Interdisciplinary team.** "Interdisciplinary team" has the meaning given it in part 9525.0015, subpart 15.

Subp. 24. **Legal representative.** "Legal representative" means the parent or parents of a person with mental retardation or a related condition when that person is under 18 years of age, or a court appointed guardian or conservator who is authorized by the

court to make decisions about services for a person with mental retardation or a related condition regardless of the person's age.

Subp. ~~23~~ 25. **License holder.** "License holder" means an individual, corporation, partnership, voluntary association, or other organization that is legally responsible for, and has been granted a license by the commissioner under *Minnesota Statutes*, sections 245A.01 to 245A.16 to provide, residential-based habilitation services under parts 9525.2000 to 9525.2140.

Subp. ~~24~~ 26. **Objective.** "Objective" means a short-term expectation, accompanied by measurable behavioral criteria, that is written in the individual habilitation plan. Objectives are designed to result in achievement of the annual goals in a person's individual service plan.

Subp. ~~25~~ 27. **Outcome.** "Outcome" means the measure of change or the degree of attainment of specified goals and objectives that is achieved as a result of provision of residential-based habilitation service.

Subp. ~~26~~ 28. **Person with mental retardation or a related condition or person.** "Person with mental retardation or a related condition" or "person" means:

A. a child or adult who ~~has been diagnosed under part 9525.0045 as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior and who manifests these conditions before the person's 22nd birthday~~ meets the definition of a "person with mental retardation" in part 9525.0015, item A or B; or

B. a child or adult who has a related condition as defined in parts 9525.0180 to 9525.0190.

Subp. ~~27~~ 29. **Qualified mental retardation professional (QMRP).** "Qualified mental retardation professional (QMRP)" means an individual who meets the qualifications specified in *Code of Federal Regulations*, title 42, section 442.401, as amended, ~~and has been approved by the case manager as meeting those qualifications.~~

Subp. ~~28~~ 30. **Residential-based habilitation services.** "Residential-based habilitation services" means services provided in a person's residence and in the community, that are directed toward increasing and maintaining the person's physical, intellectual, emotional, and social functioning. Residential-based habilitation services include therapeutic activities, assistance, counseling, training, supervision, and monitoring in the areas of self-care, sensory and motor development, interpersonal skills, communication, socialization, working, reduction or elimination of maladaptive behavior, community participation and mobility, health care, leisure and recreation, money management, and household chores. Supported living services and in-home family support services are the two categories of residential-based habilitation services governed by parts 9525.2000 to 9525.2140.

Subp. ~~29~~ 31. **Respite care.** "Respite care" means short-term supervision, assistance, and care provided to a person receiving waived services due to the temporary absence of or need for relief of the person's family, foster family, or primary caregiver. For the purposes of these rule parts, respite care is not a residential-based habilitation service.

Subp. ~~30~~ 32. **Service.** "Service" means planned activities designed to achieve the outcomes assigned to the license holder by the interdisciplinary team and specified in the individual service plans of persons served by the license holder.

Subp. ~~31~~ 33. **Supported living services for adults.** "Supported living services for adults" means residential-based habilitation services provided on a daily basis to an adult waived services recipient who resides in a service site licensed under parts 9555.5105 to 9555.6105 and 9555.6265 or in a service site that is defined as a person's own home in parts 9525.1800 to 9525.1930.

Subp. ~~32~~ 34. **Supported living services for children.** "Supported living services for children" means residential-based habilitation services provided on a daily basis to a waived services recipient under 18 years of age who resides in a service site licensed under parts 9545.0010 to 9545.0260 for up to three residents.

Subp. ~~33~~ 35. **Variance.** "Variance" means written permission given by the commissioner that allows the applicant or license holder to depart from specified provisions in parts 9525.2000 to 9525.2140.

Subp. ~~36~~ 36. **Volunteer.** "Volunteer" means an individual who, under the direction of the license holder, provides direct services without pay to persons served by the license holder.

9525.2020 LICENSURE.

Subp. 3. **Disqualification standards.** *Minnesota Statutes*, section 245A.04, subdivision 6, requires the commissioner to apply disqualification standards in this part to evaluate results of the study made under subpart 2. In order to become licensed or to remain licensed under parts 9525.2000 to 9525.2140, an applicant or license holder must not be an individual, employ or subcontract with an individual, or use as a volunteer an individual who has any of the characteristics in items A to D.

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Adopted Rules

A. The individual has a conviction of, has admitted to, has been charged with, and is awaiting trial for, or there is substantial evidence indicating that the individual has committed:

(1) an act of physical abuse or sexual abuse as defined in *Minnesota Statutes*, section 626.556, even if the act occurred before the effective date of that statute;

(2) an act of abuse as defined in *Minnesota Statutes*, section 626.557, subdivision 2, paragraph (d), clauses (1) to (3), even if the act occurred before the effective date of that statute;

B. The individual has a conviction of, has admitted to, has an adjudication of delinquency for, has been charged with, is awaiting trial for, or a preponderance of the evidence indicates that the individual has committed:

(1) neglect as defined in *Minnesota Statutes*, section 626.556 or 626.557, or abuse that is nontherapeutic conduct or illegal use of person or property as defined in *Minnesota Statutes*, section 626.557, subdivision 2, paragraph (d), clauses (2) and (4);

Subp. 4. **Reevaluation of disqualification.** An applicant or a license holder who is disqualified from licensure, or an employee, volunteer, or subcontractor of an applicant or license holder, who is not permitted to work based on the disqualification standards in this subpart may request that the commissioner reevaluate the disqualification decision and set aside the disqualification. The request for reevaluation must be made in writing and sent to the commissioner by certified mail.

C. In determining whether or not to set aside ~~the a~~ disqualification based on subpart 3, item B, the commissioner shall consider the risk of harm to persons, including consequences of the event that led to the finding; the vulnerability of the victim of the event; the time elapsed without a repeat of the same or similar event; and documentation of successful completion of training or rehabilitation pertinent to the incident.

D. Within 30 days after the commissioner has received all information necessary to reevaluate a disqualification, the commissioner shall inform the applicant or license holder and the individual involved, in writing, whether the disqualification has been set aside or affirmed, and the reasons for this decision.

E. The commissioner's disposition of a request for reevaluation of a disqualification under this part is the final ~~department~~ administrative agency action.

9525.2025 NEGATIVE LICENSING ACTIONS.

Under *Minnesota Statutes*, sections 245A.01 to 245A.16, failure to comply with parts 9525.2000 to 9525.2140 or the terms of licensure may be cause for a negative licensing action. Negative licensing actions shall be taken according to *Minnesota Statutes*, sections 245A.03 to 245A.09.

Within ten working days after the license holder receives notice that the license is made probationary, suspended, or revoked, the license holder shall send a copy of the commissioner's action to each person receiving services or the person's legal representative and each person's case manager.

9525.2030 SERVICE OUTCOMES REQUIREMENTS.

Subpart 1. **Individual service needs.** The license holder must provide or obtain residential-based habilitation services for each person in accordance with the person's individual needs as specified in the individual service plan and the IHP, and as authorized by the case manager.

Subp. 3. **Least restrictive environment.** Each person's participation, movement, communication, and personal choice may be restricted only as necessary to protect the person and others and as specified in the person's individual service plan or IHP. Supervision and assistance may be provided only when necessary for the person to complete a task or participate in an activity, or to protect the person or others.

Subp. 4. **Respectful treatment of persons.** The license holder must ensure that staff ~~interaction with~~ treat persons is respectful and considerate of privacy, preferences, and chronological age with respect, protect the personal privacy needs of persons, and ~~that staff does~~ do not use language that stigmatizes emphasizes a person based on the person's disability.

Subp. 6. **Family relationships.** If desired by a person, services shall be designed to encourage the development of family relationships and regular interaction by the person with family and extended family members unless limited by the person's individual service plan. When a person is residing in a family home, services shall be designed to meet the person's needs while accommodating the family's existing routines and values.

9525.2050 SERVICE INITIATION.

Subp. 2. **Information on persons receiving services.** When a license holder begins providing services to a person, the license holder must have written information about the person that contains:

A. A copy of the person's current individual service plan; When a person's case manager does not provide an individual service plan, the license holder shall make a written request to the case manager to provide a copy of the individual service plan.

B. A copy of a physical examination report on the person that is dated no more than 365 days before the date on which service was initiated and that includes information about seizures, allergies, and other health problems that may affect the provision of services; For persons with seizures, the written information must include a plan developed in conjunction with the person's physician that specifies the information relating to the person's seizures which must be recorded.

C. ~~registration~~ Information that must be kept current and contain:

(1) the person's name, address, birth date, ~~and~~ telephone number, and religious affiliation;

(2) the names, addresses, and telephone numbers of the person's legal representative, including whether the person is under guardianship or conservatorship, and if under conservatorship, a copy of the order specifying the rights retained by the person; family and friends; advocate; case manager; caregiver; physician or source of medical care; hospital of preference; and other professionals involved in the care and treatment of the person;

(7) the person's learning styles, methods, ~~or~~ of communication, adaptive equipment used by the person, and the person's interests and preferences.

9525.2070 RESOURCES.

Subpart 1. **General.** The license holder shall ~~ensure that each person retains and uses personal not have any contact with, or responsibility for, a person's funds, unless restrictions are required in a~~ authorized to do so by the person's IHP case manager and the person or the person's legal representative. When a license holder handles a person's funds, the license holder must meet all of the requirements of this part.

Subp. 3. **Safekeeping.** If a person's IHP requires the license holder to assist the person with safekeeping of money or valuables, the license holder shall:

A. ~~make available~~ provide, if requested by the person or the person's case manager or legal representative, a statement itemizing the person's financial transactions;

C. return money and valuables in the license holder's keeping to the person or the person's legal representative, subject to restrictions in the person's individual service plan or IHP, within ~~five~~ three working days after a request.

Subp. 4. **Prohibition.** The license holder shall ensure that the license holder, staff, and subcontractors do not:

A. borrow money from a person;

B. purchase personal items from a person; ~~or~~

C. sell merchandise or personal services to a person; or

D. require a person to purchase items for which the license holder is eligible to be reimbursed.

9525.2100 INDIVIDUAL HABILITATION PLAN DEVELOPMENT AND IMPLEMENTATION.

Subpart 1. **Participation in development of the IHP.** The IHP is developed at an interdisciplinary team meeting convened and chaired by the person's case manager within 30 days of service initiation. The license holder must participate in interdisciplinary team meetings and be involved in the development of the person's IHP.

Subp. 2. **Implementation of the IHP.** The license holder must provide the residential-based habilitation services specified in the IHP and authorized by the case manager. The license holder shall document the procedures and methods used to implement ~~the IHP~~ these services and describe how these procedures and methods are directed toward achieving the ~~outcomes~~ requirements listed in part 9525.2030. This documentation must be initially developed within ~~30~~ ten calendar days of ~~service initiation~~ development of the IHP, must be reviewed at least annually, and revised as necessary. The procedures and methods must be consistent with the requirements of the IHP unless a modification of the IHP is agreed to by the person or the legal representative and is authorized by the case manager or unless modifications are required by emergency intervention described in subpart 3. The license holder's documentation of the procedures and methods used must be made available to the person or the person's legal representative and must include:

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Adopted Rules

A. written, measurable behavioral objectives including measurable criteria for mastery that are designed to result in achievement of the residential service outcomes specified in the person's current individual service plan and IHP and assigned to the license holder;

B. a baseline measurement of the person's skill level in each behavioral objective;

C. the specific methods that will be used and the time frames for achieving for each objective, including information about techniques, physical and social environments, and equipment and materials required to implement the objective;

D. a description of the physical and social environments, equipment, and materials that will be used for achieving the projected starting date and completion date for achievement of each objective;

E. a description of the types of data; and the methods and schedule of data collection; and a schedule of data collection to measure outcomes;

F. the names of the staff or contractors responsible for implementing each objective;

G. a description of how the services provided by the license holder are coordinated with the services provided by other agencies and individuals listed in the plan file according to subpart 4, item L;

H. a description of how the person's family and friends will participate in implementing implementation of the IHP involves family and friends; and

I. medication administration procedures, if applicable, with written approval by a licensed physician or registered nurse.

Subp. 3. **Emergency intervention.** When the health or safety of the person is in imminent danger and the license holder is responsible for the care and supervision of the person, the license holder must secure or provide necessary emergency intervention. Emergency intervention secured or provided by the license holder does not require prior county approval or prior referencing in the individual service plan or IHP. Within 24 hours of the incident, the license holder must notify the county, the person's family, and the person's legal representative of the emergency and the intervention provided. Within five working days of the incident, the license holder shall provide the case manager and the person or the person's legal representative a written summary of the incident. The summary must include a description of the presenting circumstances, the manner and results of the emergency intervention, a description and cost of the intervention, and written recommendations in accordance with part 9525.2080.

Subp. 4. **Plan file.** The license holder must have an individual plan file for each person receiving services. This file must be immediately available to the staff responsible for service implementation. The file must contain:

B. The assessment assessments, data, and summaries described in part 9525.2090.

I. Reports written on a form prescribed by the commissioner describing the occurrence of and response by the license holder to any incident as defined in part 9525.2010, subpart 47 19. All incident reports must be in the plan file within 24 hours of the incident.

J. A record of all medications administered by the license holder and documentation of the monitoring of side effects. If a license holder administers psychotropic medication, the license holder must have a policy for use of psychotropic medications that complies with the Psychotropic Medication Use Checklist, and must fill out the checklist at least annually and maintain a copy in the person's plan file. The Psychotropic Medication Use Checklist is incorporated by reference and is available for inspection at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155. It is not subject to frequent change.

9525.2110 EVALUATION.

Subpart 1. **Quarterly reports.** The license holder must provide the case manager and the person, or the person's legal representative, a quarterly report containing a summary of data, an analysis of the data, and an evaluation of services actually provided. The information in the report must be sufficient to determine the extent to which services have resulted in achievement of the goals and objectives of the person's habilitation plan, and whether services, including methods used, are being provided in accordance with the individual service plan and the IHP. The quarterly reports must also include the license holder's recommendations and rationale for changing or continuing the objectives or methods.

Subp. 3. **Additional reports.** The license holder shall provide additional reports as requested by the case manager and incorporated in the signed service contract or IHP.

9525.2120 TERMINATING SERVICES.

Subp. 2. **Reporting intended terminations.** The license holder must notify the person and the person's case manager and legal representative in writing of the intended termination. Notice of the proposed termination of services must be given at least 30 60 days before the proposed termination is to become effective, unless termination is made according to emergency termination procedures required in subpart 1. The written notice must include the reasons for, and projected date of, the intended termination and the resources and services recommended to meet the person's needs. Before termination, the license holder shall provide the case manager with a summary of the person's current medical status and copies of any medical records that the case manager does not have.

Subp. 3. Record retention. A license holder must maintain the records kept on a person for three years after services are terminated.

9525.2130 STAFFING.

Subpart 1. **General staff qualifications.** License holders must ensure that each employee or subcontractor who will have direct contact with persons receiving services is at least 18 years of age, is not disqualified to provide services according to part 9525.2020, subpart 3, is physically able to care for persons receiving services, ~~and, Before allowing an individual to provide direct services to persons, the license holder shall have a copy of a physician's statement, that is dated no more than one year before the initiation of services by that individual, indicating that the individual~~ does not present a risk of transmission of reportable communicable diseases as named in parts 4605.7000 to 4605.7800.

Subp. 2. **QMRP coordination and supervision of service delivery.** The ongoing delivery and evaluation of services provided by the license holder must be coordinated by a QMRP. The license holder shall maintain documentation showing that the individual meets the definition of QMRP contained in part 9525.2010, subpart 29. The QMRP must provide coordination, support, and evaluation of services that must include:

A. Regular visits to observe and evaluate the implementation of programs and services identified in the IHP. Regular visits must occur at a minimum of two times each month ~~or more often as when services are provided four or more days per week, and one time per month when services are provided three days per week or less.~~ Regular visits must be made more frequently if specified in the IHP.

C. Visits at a minimum of once every seven calendar days when the QMRP finds unsatisfactory conditions while making a visit ~~required in item A or when the case manager determines that there are unsatisfactory conditions,~~ until the QMRP or case manager, if problems were raised by the case manager, determines that the unsatisfactory conditions have been corrected.

D. Regular instructions and assistance to the staff in implementing the IHP at a frequency consistent with the need to assure that the individual service plan and the IHP is are implemented in an appropriate and effective manner.

E. Identification and documentation of staff training needed to assure that the individual service plan and the IHP is are implemented in an appropriate and effective manner.

9525.2140 STAFF TRAINING AND ORIENTATION.

Subpart 1. **Orientation.** When a license holder employs or contracts with individuals to provide residential-based habilitation services, the license holder must provide orientation that meets the requirements in items A to F. The license holder shall maintain documentation showing that each individual has satisfactorily completed the required orientation.

C. The orientation must be provided to all employees staff and supervised volunteers who regularly provide direct service. ~~Volunteers who are directly supervised by employees may receive a modified eight-hour orientation instead of 30 hours.~~

D. The 30-hour orientation must be completed within the first 30 calendar days of employment or contracted service for employees or subcontractors working more than 20 hours per week. For employees or subcontractors working 20 or less hours per week, the 30-hour orientation must be completed within the first 60 calendar days. Each employee or subcontractor must complete eight hours of orientation before providing direct services to persons.

E. ~~The eight-hour orientation must be completed by a volunteer within the first 24 hours of volunteer work. The license holder shall identify in writing the training and supervision necessary for each volunteer to accomplish assigned tasks. The license holder must then ensure that volunteers who provide direct services to persons receive the training and supervision necessary to accomplish the tasks assigned by the license holder.~~

F. Direct services provided by an employee shall be provided under the continuous and direct supervision of a QMRP, or other employee who has completed the required orientation for each person to whom services will be provided by the untrained employee, until the employee has completed:

G. Until the entire orientation has been satisfactorily completed, services provided by an employee or subcontractor not receiving continuous, direct supervision of a QMRP or other employee who has completed the required orientation shall be limited to those service areas in which the employee or subcontractor has successfully completed orientation.

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Adopted Rules

Subp. 2. **Scope and schedule of ongoing training.** When the license holder provides direct service, the license holder must annually complete a number of hours of training that equal two percent of the number of hours billed annually, up to 40 hours of training, as the license holder's time. If a license holder employs or contracts with an individual who provides direct service, the license holder must ensure that the individual annually completes a number of hours of training equal to at least two percent of the hours for which the individual is annually paid, up to 40 hours of training. In an employee's first year of employment, the ongoing training requirement for an employee not meeting the qualifications in subpart 1, item F, must be completed within the first ~~90~~ 120 calendar days of the employment. The hours counted as training may include in-service training, new employee orientation, and training from educational coursework, conferences, seminars, videotapes, books, or other materials. The training must:

C. address all areas identified by the QMRP or case manager as areas needing additional training to implement the requirements of the individual service plans and IHP's of persons receiving services; and

Subp. 3. **Content of ongoing training.** When designing ongoing training, the license holder ~~should consider~~ must choose from the following areas of instruction, and training in one subject area shall not be provided to the exclusion of training in other areas:

Department of Human Services

Adopted Permanent Rules Relating to Licensure of Residential Programs for Persons with Mental Retardation or Related Conditions

The rules proposed and published at *State Register*, Volume 13, Number 14, pages 836-851, October 3, 1988 (13 S.R. 836) are adopted with the following modifications:

Rules as Adopted

9525.0215 PURPOSE AND APPLICABILITY.

Subp. 2. **Exclusions.** Parts 9525.0215 to 9525.0355 do not apply to any of the following residential programs for persons with mental retardation or related conditions:

A. residential programs serving ~~three~~ four or fewer persons unless the residential program is certified as an intermediate care facility under Code of Federal Regulations, title 42, part 483;

9525.0225 DEFINITIONS.

Subp. ~~3.~~ 3. **Advocate.** "Advocate" has the meaning given it in part 9525.0015, subpart 3.

Subp. ~~3.~~ 4. **Applicant.** "Applicant" has the meaning given it in *Minnesota Statutes*, section 245A.02, subdivision 3.

Subp. ~~4.~~ 5. **Baseline measurement.** "Baseline measurement" means the frequency, intensity, duration, or other quantification of a behavior that has been observed and recorded before initiating or changing an intervention or procedure to modify the behavior.

Subp. ~~5.~~ 6. **Case manager.** "Case manager" means the individual designated by the county board to provide case management services as defined in parts 9525.0015 to 9525.0165.

Subp. ~~6.~~ 7. **Child.** "Child" means a person under 18 years of age.

Subp. ~~7.~~ 8. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designated representative.

Subp. ~~8.~~ 9. **County of financial responsibility.** "County of financial responsibility" has the meaning given it in *Minnesota Statutes*, section 256G.02, subdivision 4.

Subp. ~~9.~~ 10. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. ~~10.~~ 11. **Direct service staff.** "Direct service staff" means employees of a residential program who train or directly supervise persons receiving services in a residential program and who participate in the development or implementation of a person's provider implementation plan. Professional support staff, as defined in subpart ~~25~~ 26, are direct service staff when they are working directly with persons and are involved in daily activities with persons.

Subp. ~~11.~~ 12. **Family.** "Family" means a person's biological or adoptive parents, stepparents, grandparents, siblings, children, grandchildren, or spouse.

Subp. ~~12.~~ 13. **Host county.** "Host county" has the meaning given in part 9525.0015, subpart 12.

Subp. ~~43-~~ 14. Incident. "Incident" means ~~an any injury, or accident, or, a seizure requiring medical a physician's attention; an error in drug administration; a person's unauthorized absence from the residence; circumstances that involve a law enforcement agency; reports of abuse or neglect; or a person's death.~~

Subp. ~~44-~~ 15. Individual habilitation plan or IHP. "Individual habilitation plan" or "IHP" means the written plan required by and developed under parts 9525.0015 to 9525.0165.

Subp. ~~45-~~ 16. Individual service plan or ISP. "Individual service plan" or "ISP" means the written plan required by and developed under parts 9525.0015 to 9525.0165.

Subp. ~~46-~~ 17. Interdisciplinary team. "Interdisciplinary team" has the meaning given in part 9525.0015, subpart 15.

Subp. ~~47-~~ 18. Intermediate care facility for persons with mental retardation or related conditions or ICF/MR. "Intermediate care facility for persons with mental retardation or related conditions" or "ICF/MR" means a residential program licensed to provide services to persons with mental retardation or related conditions under *Minnesota Statutes*, section 252.28 and chapter 245A and a physical facility licensed as a supervised living facility under *Minnesota Statutes*, chapter 144, which together are certified by the Minnesota Department of Health as meeting the standards in *Code of Federal Regulations*, title 42, part 483, for ICFs/MR.

Subp. ~~48-~~ 19. Legal representative. "Legal representative" means the parent or parents of a person when that person is under 18 years of age, or a court-appointed guardian or conservator who is authorized by the court to make decisions about services for a person regardless of the person's age.

Subp. ~~49-~~ 20. License. "License" has the meaning given it in *Minnesota Statutes*, section 245A.02, subdivision 8.

Subp. ~~20-~~ 21. License holder. "License holder" has the meaning given it in *Minnesota Statutes*, section 245A.02, subdivision 9.

Subp. ~~24-~~ 22. Living unit. "Living unit" means a physically self-contained area, including living room, bathroom, and bedroom or bedrooms, that houses 16 or fewer residents. The living unit must meet the requirements in part 9525.0255, subpart 1.

Subp. ~~22-~~ 23. Objective. "Objective" means a short-term expectation and its accompanying measurable behavioral criteria specified in the individual habilitation plan and provider implementation plan. Objectives are ~~set to facilitate achieving~~ designed to result in achievement of the annual goals in a person's individual service plan.

Subp. ~~23-~~ 24. Outcome. "Outcome" means the measure of change from the baseline measurement or the degree of attainment of specified goals and objectives that is achieved as a result of provision of service.

Subp. ~~24-~~ 25. Person. "Person" means a person with mental retardation as defined in part 9525.0015, subpart 20, or a related condition as defined in parts 9525.0180 to 9525.0190 who is receiving services in a residential program licensed under parts 9525.0215 to 9525.0355.

Subp. ~~25-~~ 26. Professional support staff. "Professional support staff" means professional staff such as rehabilitation counselors, physical therapists, occupational therapists, registered nurses, speech therapists, and consulting psychologists, who assist the direct service staff by:

- A. providing specific services to the same persons who are served by the direct service staff; or
- B. instructing the direct service staff in procedures, practices, or programs to follow in providing services to persons.

Subp. ~~26-~~ 27. Provider implementation plan or PIP. "Provider implementation plan" or "PIP" means a detailed internal plan developed by the license holder and used within the residential program to direct the daily activities of staff in carrying out the objectives established within a person's individual habilitation plan. The provider implementation plan is frequently referred to as an individual program plan.

Subp. ~~27-~~ 28. Residential program. "Residential program" means a program that provides 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment for four or more persons with mental retardation or related conditions outside their own homes. Residential program includes both the residential facility and the program of services provided persons.

Subp. ~~28-~~ 29. Variance. "Variance" means written permission from the commissioner that allows an applicant or license holder to depart from specified provisions in parts 9525.0215 to 9525.0355.

Subp. 30. Volunteer. "Volunteer" means an individual who, under the direction of the license holder, provides services without pay to persons or to the residential program.

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Adopted Rules

9525.0235 LICENSURE.

Subp. 4. **Background study.** Before a license is issued, a background study, ~~as mandated by Minnesota Statutes, section 245A.04, subdivision 3,~~ must be completed of the applicant, ~~the applicant's and all employees, and any contractors,~~ and unsupervised volunteers ~~who will have direct contact with persons as mandated by Minnesota Statutes, section 245A.04, subdivision 3.~~

Subp. 6. **Disqualification standards.** *Minnesota Statutes*, section 245A.04, subdivision 6, requires the commissioner to apply disqualification standards in this part to evaluate results of the study in subpart 4. In order to become licensed or to remain licensed under parts 9525.0215 to 9525.0355, an applicant or license holder must not be an individual, employ or contract with an individual, or use as a volunteer an individual who has any of the characteristics in items A to D.

A. The individual has a conviction of, has admitted to, has been charged with, and is awaiting trial for, or there is substantial evidence indicating that the individual has committed:

(1) an act of physical abuse or sexual abuse as defined in *Minnesota Statutes*, section 626.556; ~~even if the act occurred before the effective date of that statute;~~

(2) an act of abuse as defined in *Minnesota Statutes*, section 626.557, subdivision 2, paragraph (d), clauses (1) ~~to~~ and (3); ~~even if the act occurred before the effective date of that statute;~~

B. The individual has a conviction of, has admitted to, has an adjudication of delinquency for, has been charged with, and is awaiting trial for, or a preponderance of the evidence indicates the individual has committed:

(1) neglect as defined in *Minnesota Statutes*, section 626.556 or 626.557; or abuse that is nontherapeutic conduct or illegal use of person or property as defined in Minnesota Statutes, section 626.557, subdivision 2, paragraph (d), clauses (2) and (4);

Subp. 7. **Reevaluation of disqualification.** An applicant or license holder who is disqualified from licensure, or an employee, volunteer, or contractor of an applicant or license holder who is not permitted to work based on the disqualification standards in subpart 6 may request that the commissioner reevaluate the disqualification decision and set aside the disqualification. The request for reevaluation must be in writing and sent to the commissioner by certified mail.

C. In determining whether or not to set aside ~~the a~~ a disqualification based on subpart 6, item B, the commissioner shall consider the risk of harm to persons, including the consequences of the event that led to the finding; the vulnerability of the victim of the event; the time elapsed without a repeat of the same or similar event; and documentation of successful completion of training or rehabilitation pertinent to the event.

D. Notice by commissioner of reevaluation decision. Within 30 days after the commissioner has received all information necessary to reevaluate a disqualification, the commissioner shall inform the applicant or license holder and the individual involved, in writing, whether the disqualification has been set aside or affirmed, and the reasons for this decision.

~~D. E.~~ E. The commissioner's disposition of a request for reevaluation of a disqualification under this part is the final administrative agency action.

Subp. 11. **Change in license terms.** The license holder must apply to the commissioner and a new license must be issued before the license holder:

B. changes, ~~sells~~, or transfers ownership or responsibility for the operation of the residential program;

Subp. 12. **Commissioner's rights of access.** The commissioner must be given access to the residential program, including grounds, residence, documents, residents, and staff in accordance with *Minnesota Statutes*, section 245A.04, subdivision 4 5.

9525.0243 NEGATIVE LICENSING ACTIONS.

Under Minnesota Statutes, sections 245A.01 to 245A.16, failure to comply with parts 9525.0215 to 9525.0355 or the terms of licensure may be cause for a negative licensing action. Negative licensing actions shall be taken according to Minnesota Statutes, sections 245A.03 to 245A.09.

Within ten working days after the license holder receives notice that the license is made probationary, suspended, or revoked, the license holder shall send a copy of the commissioner's action to each person or their legal representative and each person's case manager.

9525.0245 PROGRAM REQUIREMENTS FOR LICENSURE.

Subp. 2. **Service outcomes.** Methods, materials, and settings used to provide residential program services and to implement the provider implementation plan must be designed to:

E. increase each person's opportunities to develop decision-making skills and to make informed choices in all aspects of daily living, including but not limited to choosing roommates and friends, purchasing personal possessions including clothing, and participating in program planning; and

Subp. 3. **Least restrictive environment.** Each person's participation, movement, communication, and personal choices ~~must~~ may be restricted only as necessary to protect the person and others, and as specified in the person's ISP and IHP. Supervision and assistance must be provided only when necessary for the person to complete a task, to participate in an activity, or to protect the person or others.

Subp. 4. **Level of participation.** The license holder must document measures, as required by each person's ~~ISP~~ IHP, to increase the level of participation by the person in environments, activities, routines, and skills in which the person is unable to function independently. Measures include staff assistance or supervision, training methodologies, and adaptations to equipment or environments.

Subp. 5. **Staff conduct.** The license holder shall ensure that staff treat persons with respect, ~~do not use language that emphasizes a person's disability, and~~ protect the personal privacy needs of persons, and do not use language that emphasizes a person's disability.

Subp. 8. **Leaving the residence.** As specified in each person's ISP or IHP, each person must leave the residence to participate in daily education, employment, or community activities. The license holder shall ensure that the residential program is prepared to care for persons who are ~~too ill to attend daily activities at the residence during the day because of illness, work schedules, or other reasons.~~

9525.0255 PHYSICAL ENVIRONMENT.

Subpart 1. **Living unit.** A living unit must meet the requirements in items A to F.

C. The number of persons residing in a living unit must not exceed 16.

G. Residential programs initially licensed after the effective date of parts 9525.0215 to 9525.0355 must have a kitchen and dining area in each living unit.

Subp. 4. **Locked doors.** The residential program must not use locked doors ~~must not be used~~ to restrict a person's movement or as a substitute for staff interaction with persons. ~~Doors must remain unlocked to the same extent as residences in the community where the residential program is located.~~ Exterior doors may be locked to ensure the safety of persons.

9525.0265 PROVIDER IMPLEMENTATION PLAN.

Subpart 1. **Plan development.** The license holder must develop a provider implementation plan for each person. A person's IHP or portions of the IHP that meet the requirements of this part may be substituted for all or portions of the provider implementation plan.

A. The plan must be developed by a team that includes the living unit supervisor, direct service staff designated by the license holder, and any other ~~service providers~~ individuals designated by the person or the person's legal representative, the case manager, and the living unit supervisor. ~~If they choose, the person, the person's family or legal representative, and the person's case manager shall participate in developing the plan.~~

E. The license holder must provide the person or the person's legal representative and the case manager with a copy of the plan within ~~30~~ five working days after the plan is developed or revised.

Subp. 2. **Evaluation.** Evaluations of skills the person needs to function more independently in the residential program and in the community must be conducted in the residential program and in community settings used by nondisabled individuals.

A. Within 30 days after a person's admission the license holder shall conduct any ~~evaluation~~ additional evaluations needed to supplement the ~~preliminary assessment conducted~~ assessments completed before admission, including evaluation of:

Subp. 3. **Contents of provider implementation plan.** The provider implementation plan must include:

A. written, measurable, behavioral objectives, including measurable criteria for mastery, that are designed to result in achievement of the residential service outcomes specified in the person's current ISP and IHP and assigned to the license holder;

~~B. a statement describing how each objective addresses the residential service outcomes in the person's current ISP and IHP;~~

~~C. B.~~ a baseline measurement of the person's skill level in each behavioral objective;

~~D. C.~~ the specific methods that will be used and the schedule for achieving each objective including information about techniques, physical and social environments, equipment, and materials required to implement the objective;

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D. the projected starting date and completion date for achievement of each objective;

H. a description of how ~~the person's family and friends will participate in implementing~~ implementation of the plan involves family and friends.

Subp. 5. **Monthly evaluation review.** The living unit supervisor shall monitor the person's performance in achieving the plan objectives monthly and shall:

B. summarize in writing any modifications and directions to staff for implementing modifications; ~~and~~

C. sign and date the monthly ~~evaluation review; and~~

D. comply with the requirements of part 9525.0105, subpart 7, if the monthly review results in a modification of the objectives or methodologies identified within the IHP.

Subp. 6. **Quarterly evaluations.** The license holder must provide the person or the person's legal representative and the person's case manager with a quarterly report containing a summary of data, an analysis of the data, and an evaluation of services actually provided, sufficient to determine the extent to which services have resulted in achievement of the goals and objectives of the person's ISP and IHP and whether services are being provided in accordance with the ISP and IHP. The report must also state whether any changes are needed in the ISP or IHP.

Subp. 8. **Coordination with case manager.** The license holder shall ensure coordination with each person's case manager in accordance with items A to C.

A. ~~A Staff member who have worked with the person~~ shall participate in the interdisciplinary team meeting that develops an IHP for each person.

B. Within 30 days after an interdisciplinary team meeting, the license holder shall revise the PIP in accordance with subpart 1 and implement changes ~~on dates approved in writing by the case manager~~ according to the IHP.

9525.0275 FAMILY INVOLVEMENT.

Subpart 1. **Family participation.** Unless restrictions are contained in a person's ISP or IHP, the license holder shall invite each person's family to participate in providing services to the person. ~~Services the family chooses to provide must be listed in writing and maintained in the person's file.~~ Examples of family participation are transportation, leisure activities, religious observance, personal or professional services needed by the person, clothing, holidays and vacations, and adaptive devices or equipment.

Subp. 2. **Participation in planning.** If the person is a child or if a person who is an adult or that person's legal representative gives permission, the license holder shall invite members of the person's family to participate in the development and annual review of the PIP. A copy of the invitation must be placed in the person's file.

Subp. 3. **Visiting.** The license holder shall allow family members to visit at any time unless the person, if an adult, objects or the person's ~~IHP~~ ISP contains restrictions.

9525.0285 RESOURCES.

Subpart 1. **General.** The license holder shall ensure that each person retains and uses personal funds, unless restrictions are required in a person's ISP or IHP.

Subp. 3. **Safekeeping.** If a person's ISP or IHP requires the residential program to assist the person with safekeeping of money or valuables, the license holder shall:

A. ~~make available~~ provide, if requested by the person or the person's case manager or legal representative, a statement itemizing the person's financial transactions;

C. return money and valuables in the license holder's keeping to the person or the person's legal representative, subject to restrictions in the IHP or ISP, within ~~five~~ three working days after requested.

Subp. 4. **Prohibition.** License holders, staff, and contractors shall not:

B. purchase personal items from a person; ~~or~~

C. sell merchandise or personal services to a person; or

D. require a person to purchase items for which the license holder is eligible for reimbursement.

9525.0295 ADMISSION AND DISCHARGE.

Subp. 3. **Self-initiated discharge.** Discharge may be initiated at any time by a person or the person's legal representative or by a person's case manager ~~in conjunction with the person or the person's legal representative.~~

Subp. 4. **Involuntary Discharge initiated by the license holder.** Discharge may be initiated by the license holder if:

B. at least ~~30~~ 60 days before the planned date of discharge the license holder:

Subp. 5. **Discharge planning and follow-up.** The license holder shall ensure that residential program staff are available to participate in discharge planning and follow-up according to items A and B.

C. The license holder shall ensure the person's case manager is provided copies of the following records:

(1) the person's medical records; and

(2) programs, plans, and consultant reports relating to the reduction of inappropriate behaviors.

9525.0305 RESIDENT RECORDS.

Subp. 2. **Admission records.** The license holder shall develop a record for each person upon admission that contains the following information:

C. the name, address, and telephone number of the person's legal representative or family member designated to be contacted in case of emergency or discharge; case manager; ~~and~~ physician and dentist; and advocate, if any;

D. whether the person is subject to guardianship or conservatorship and if under conservatorship, a copy of the order specifying the rights of the conservator and the rights retained by the person;

E. the language spoken or other means of communication understood by the person, interpreters, if any, and the primary language or other means of communication used by the person's family;

G. copies of the person's ISP, IHP, if developed, and supplemental reports included in the IHP; and

Subp. 3. **Post-admission record keeping.** Each person's record must include up-to-date records of the following:

A. A plan file that includes:

(3) The evaluations and reviews required in part 9525.0265, subparts 2 and 5.

B. Health records including, for persons with seizures, a plan developed in conjunction with the person's physician that specifies the information relating to the person's seizures that must be recorded.

E. ~~Dates of the person's visits with family members at the facility and at the person's family home~~ A quarterly summary of family involvement.

G. A record of other service providers that includes the name of the provider, the contact person, phone number, services being provided, ~~and~~ services needing coordination with the residential program, and the residential program staff responsible for coordination.

Subp. 4. **Access to records.** The license holder must ensure that the following people have access to the person's record:

D. direct service staff on the person's living unit and professional service staff ~~as needed~~ unless the information is not relevant to carry carrying out the ISP and IHP.

9525.0325 WRITTEN POLICIES.

The license holder shall ~~develop, annually review and update as needed, and implement written policies covering the areas in items A to L. The written policies must be provided to persons or their legal representatives upon admission, to each member of the governing body, and to the commissioner upon request. Copies of the written policies must be available to the host county and counties of financial responsibility, employees, and to others upon request. The areas to be covered include:~~

Subpart 1. General policy requirement. The license holder shall:

A. develop and implement written policies covering the areas in subpart 3; and

B. annually review and update as needed the written policies and inform all persons or their legal representative and case manager when a policy has been revised.

Subp. 2. Availability of written policies. The license holder shall make written policies available according to items A to C.

A. The license holder shall inform all persons or their legal representatives upon admission, in writing, that the residential program has written policies governing the areas listed in subpart 3 and that these policies will be provided upon request.

B. The license holder shall provide a copy of policies under subpart 3, item F.

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Adopted Rules

C. The license holder shall provide copies of the written policies upon request to members of the governing body, the host county and counties of financial responsibility, employees, and others.

Subp. 3. Required policies. Policies must cover the following areas:

9525.0335 ADMINISTRATIVE RECORDS.

The license holder shall maintain the following administrative records and shall make the records available for inspection by the commissioner:

K. a written personnel file for each employee and contract consultant that includes:

(2) written job description or consultant contract that specifies responsibilities, qualifications necessary to perform the job, degree of authority to execute job responsibilities, and standards of job performance;

9525.0345 STAFFING REQUIREMENTS.

Subpart 1. **Direct service staff.** Direct service staff must:

A. be at least ~~18~~ 16 years of age; and

B. upon completion of orientation

(1) be able to communicate in the communication mode of the persons with whom the staff member is working; examples of communication modes are sign language and communication boards; and

~~C.~~ (2) demonstrate knowledge of and competence to implement the PIP for each person with whom the staff member is working on a regular basis.

Subp. 2. **Living unit supervisor.** The living unit supervisor must have the ~~following~~ qualifications: in items A to C.

A. The living unit supervisor must either:

(1) meet the qualifications for a Qualified Mental Retardation Professional (QMRP) specified in Code of Federal Regulations, title 42, section 483.430(a); or

(2) have a bachelor's degree in education, human services, or related fields or three years' work experience with persons with mental retardation or related conditions;

B. The living unit supervisor must have documented training or experience participating on interdisciplinary teams and performing residential program planning and writing individual goals and objectives; and

C. The living unit supervisor must have completed orientation under part 9525.0355, subpart 2.

Subp. 5. **Special staffing needs.** The license holder must employ or contract with specially trained staff to meet special physical, communication, or behavior needs of each person in accordance with the person's ISP and IHP.

9525.0355 STAFF ORIENTATION AND TRAINING.

Subp. 2. **Orientation subjects.** Orientation must include the following subjects:

A. a review and explanation of the plan file under part 9525.0305, subpart 3, item A, of each person with whom the individual will be regularly providing services;

Subp. 4. **Volunteers ~~and governing body.~~** The license holder must ensure that volunteers who provide direct services to persons must complete eight hours of orientation that includes at least items A to C in subpart 2. The license holder shall invite members of the governing body to complete the orientation provided volunteers receive the training and orientation necessary to accomplish the tasks assigned by the license holder.

Subp. 7. **Training subjects.** Annual training must include three or more of the following subjects:

D. analyzing tasks and developing steps methods of instruction and intervention strategies to achieve objectives and behavioral changes;

EFFECTIVE DATE. Parts 9525.0215 to 9525.0355 are effective six months after their notice of adoption is published in the State Register.

Pollution Control Agency

Adopted Permanent Rules Relating to Permit Rules

The rules proposed and published at *State Register*, Volume 13, Number 27, pages 1683-1687, January 3, 1989 (13 S.R. 1683) are adopted as proposed.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any 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. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Analyzer
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: April 14
Agency: State University
Deliver to: Bemidji
Requisition #: 26070 14022

Commodity: Display unit
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: April 17
Agency: Pollution Control Agency
Deliver to: St. Paul
Requisition #: 32400 19358

Commodity: Replace boiler tubes
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: April 17
Agency: Mankato State University
Deliver to: Mankato
Requisition #: 26071 18544

Commodity: Grand piano
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: April 18
Agency: Minneapolis Community College
Deliver to: Minneapolis
Requisition #: 27151 47792

Commodity: Weight lifting equipment
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: April 17
Agency: Community College
Deliver to: Hibbing
Requisition #: 02310 16759

Commodity: Modular office furniture/
panel system
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: April 18
Agency: Community College
Deliver to: Brainerd
Requisition #: 02310 16735 1

Commodity: Four door vehicle/specialty
18K-88—rebid
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: April 18
Agency: Natural Resources
Deliver to: Grand Rapids
Requisition #: 29000 51710 1

Commodity: Trout & salmon feed—
rebid
Contact: Pat Anderson 612-296-3770
Bid due date at 2pm: April 18
Agency: Natural Resources
Deliver to: Various
Requisition #: Price Contract

Commodity: Plant mix bituminous
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: April 18
Agency: Transportation
Deliver to: Morris
Requisition #: 79450 B

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 and Advertised Bids

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity: TD notebook, binder and tabs 125 3-ring binders and sets of tabs, camera ready copy 8½ x 11

Contact: Printing Buyer's Office

Bids are due: April 12

Agency: Oak Terrace Nursing Home

Deliver to: Minnetonka

Requisition #: 5648

Department of Administration

Risk Management Division

Request for Proposals for Automobile Loss Adjusting Services

The Department of Administration, Division of Risk Management, wishes to retain a contractor to investigate and administer automobile liability claims on behalf of the State of Minnesota. The work will be funded by the Risk Management Act (Laws Chapter 455, Section 3). The purpose of the program is to provide a professional and efficient claims administration service under the direction of the Risk Management Division of the Department of Administration.

Scope of Project

Investigation, administration, negotiation, and settlement of all self insured automobile liability claims for the State of Minnesota.

Project Start and Completion Dates

The contract will become effective July 1, 1989 and end June 30, 1990 with an option to be extended for an additional two years.

Project Costs

It is estimated that the one year cost of this project will not exceed \$135,000 for professional services and expenses.

Copies of the Request for Proposal for contract services including the detailed project tasks are available from:

Frederick R. Johnson, Jr.
Director of Risk Management
Risk Management Division
Department of Administration
309 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Telephone: (612) 296-1001

All proposals must be submitted to the Risk Management Division no later than 2:00 p.m. May 19, 1989.

Department of Administration

State Building Construction Division

Contracts Available for Architects, Engineers and Landscape Architects

The Department of Administration (DOA) intends to retain the services of qualified professionally registered architects, engineers, and landscape architects to design, prepare construction drawings and monitor construction of a number of projects during the year commencing July 1, 1989. These projects will be varied in nature and scope and will involve new construction, remodeling projects and facility studies. The total cost of construction or remodeling projects will be less than \$400,000.00 and the fees associated with facility studies will be less than \$35,000.00. Particular emphasis will be placed on the background and experience of the firm on similar projects as well as the firm's geographic proximity to the project.

Firms wishing to be considered for these projects are asked to submit a short brochure or resume consisting of no more than 10 pages giving qualifications and experience of the firm to the Division of State Building Construction, Room G-10, State Administration Building, St. Paul, Minnesota 55155, Attention: George Iwan. Qualified applicants will be contacted as the need arises and may be requested to appear in St. Paul for an interview. Firms which responded during the past year need only respond with a letter indicating continued interest as well as significant organization and experience changes since submission of their last brochure.

In submitting their brochures or resumes, firms shall indicate the area or areas shown below in which they feel qualified.

- | | |
|------------------------------------|-------------------------------------|
| 1) Research and Programming | 10) Exhibition and Display |
| 2) Educational | 11) Landscape and Site Planning |
| 3) Health and Medical | 12) Interiors |
| 4) Correctional | 13) Water and Waste Facilities |
| 5) Restoration | 14) Energy Supply and Distribution |
| 6) Office and Administration | 15) Pollution Control |
| 7) Recreational | 16) Acoustics |
| 8) Service and Industrial | 17) Hazardous Substance Disposition |
| 9) Arts, including Performing Arts | |

In some cases, DOA may enter into annual contracts for investigative studies. These annual contracts will be prepared on the basis of the needs of DOA.

The names of firms responding will be provided to other agencies of the State and political subdivisions thereof having a need for the services described herein.

Names of qualified firms will be retained on file with DOA until June 30, 1990.

Designers for projects with estimated costs or fees in excess of those shown above will be selected by the State Designer Selection Board. Projects referred to the Board will be advertised in the *State Register*.

Department of Administration

State Building Construction Division

Contracts Available for Registered Professional Testing Services

The Department of Administration (DOA) intends to retain the services of qualified professionally registered individuals to conduct site surveys, materials testing, soil borings and tests and facility investigations during the year commencing July 1, 1989. These projects will be varied in nature and scope. The fees associated with these projects will generally be less than \$2,000.00, although the fees for some projects may exceed this amount.

As projects arise, it is the intention of DOA to contact firms who have expressed an interest in providing such services to the State. The final selection will be made on the basis of the background and experience of the firm, the geographic proximity of the firm to the project site, and an estimate of the fees to be charged for the specific project. Such estimates will be requested when a specific project exists.

State Contracts and Advertised Bids

Firms wishing to be considered for these projects are asked to submit a short brochure or resume consisting of no more than 10 pages outlining their background, qualifications, and fields of expertise to the Division of State Building Construction, Room G-10, State Administration Building, St. Paul, Minnesota 55155, **Attention: George Iwan.**

Qualified applicants will be contacted as the need arises and may be requested to appear in St. Paul for an interview.

Firms which have previously responded to this request need only provide a letter expressing continued interest as well as significant organization and experience changes since submission of their last brochure.

Names of qualified firms will be retained on file with DOA until June 30, 1990. Names of firms will be provided to other agencies of the State and political subdivisions thereof having a need for the services described herein.

Department of Corrections

Correctional Facility—Sauk Centre

Request for Proposals for Qualified Chemical Dependency Services

Notice is hereby given that the Minnesota Correctional Facility—Sauk Centre is requesting proposals for qualified chemical dependency services including duties such as evaluations, counseling, training and staff consultations. Approximately 14 hours per week are required. A two-year (FY 90-91) proposal is preferred. The contract amount will not exceed \$20,000.00.

Request for Proposals for Protestant Chaplain

Notice is hereby given that the Minnesota Correctional Facility—Sauk Centre is requesting proposals for (CPE) Protestant Chaplain to provide services including duties such as religious counseling and working with other religious staff to provide weekly worship services as well as a meaningful religious program for all students. Approximately 14 hours per week are required. A two-year (FY 90-91) proposal is preferred. The contract amount will not exceed \$19,000.00.

Proposals for each of the above two contracts must be submitted by 8:00 A.M., May 15, 1989. For guidelines to proposals for additional information contact:

Richard M. Dold or Warren E. Higgins
MCF-Sauk Centre
Box C
Sauk Centre, MN 56378
Phone: 612/352-2296

Request for Proposals for Medical/Clinical Services

Notice is hereby given that the Minnesota Correctional Facility—Sauk Centre is requesting proposals for physician services once weekly to examine 8-15 residents at the facility, to include laboratory tests, and out-patient services at local clinic. Physician must have hospital privileges at St. Michael's Hospital, Sauk Centre, MN. A two-year contract (FY 90-91) is preferred. The contract amount will not exceed \$18,000.00.

Request for Proposal for Physical Examinations

Notice is hereby given that the Minnesota Correctional Facility—Sauk Centre is requesting proposals for providing pre-employment and retirement extension physical examinations, to include functional capacity assessments and second injury fund registration, at the contract provider's facility. Estimate number of physical exams per year is 7. A two-year (FY 90-91) proposal is preferred. The contract amount will not exceed \$2,800.00.

Proposals for each of the above two contracts must be submitted by 8:00 A.M., May 8, 1989. For guidelines to proposals for additional information contact:

Dennis Rykken
MCF-Sauk Centre
Box C
Sauk Centre, Mn 56378
Phone: 612/352-2296

Department of Corrections

Health Care Unit

Request for Proposals for Physical Therapist Services

Notice is hereby given that the Minnesota Department of Corrections is seeking the following service. Services of a Physical Therapist approximately 8 hours per week to provide physical therapist services at the Minnesota Correctional Facilities—Stillwater and Oak Park Heights.

Request for Proposals for Primary Care Physician

Notice is hereby given to request proposals to provide the services of a primary care physician for the female inmates of the Minnesota Correctional Facility in Shakopee. Services will be carried out in the medical unit of the Minnesota Correctional facility on a part-time basis of approximately 8 hours per week.

Request for Proposals for Optometrist Services

Notice is hereby given to request proposals to provide the services of an Optometrist to perform refractions and provide consultations at the Minnesota Correctional Facilities—Stillwater and Oak Park Heights an average of 24 hours per month.

Request for Proposals for Pharmacy Coverage

Notice is hereby given to request proposals to provide full-time, on-site pharmacy coverage at the Minnesota Correctional Facilities—Stillwater, Oak Park Heights, Lino Lakes, and Shakopee including the supervision of the entire pharmacy programs, as well as all additional and regular staff assigned to that area.

Request for Proposal for Radiological Services

Notice is hereby given to request proposals to provide the services of a Radiologist to provide full radiological services by making eight visits per month for a total of 144 visits per year at times mutually agreeable to the State and Consultant. A visit will last for a duration of at least four hours. Visits are to be made at the Minnesota Correctional Facility—Stillwater. Provider will read, record, and insure proper documentation of all x-rays taken at MCF-Stillwater, St. Cloud, Lino Lakes, and Oak Park Heights.

Request for Proposals for Psychiatric Consultation Services

Notice is hereby given to request proposals to provide psychiatric consultation services to Minnesota Correctional Facilities—Stillwater, Lino Lakes, Shakopee, St. Cloud, Oak Park Heights, and the Department of Corrections Mental Health Unit. Services include initial psychiatric evaluation, prescription of psychotropic medications, evaluate/certify mental illness for emergency holds and judicial commitment.

Request for Proposals for Dietary Services

Notice is hereby given to request proposals to provide the services of a dietician to provide dietary consultation and to insure that inmates at the Minnesota Correctional Facilities—Shakopee, Stillwater, Oak Park Heights, St. Cloud and Lino Lakes receive nutritional, well balanced meals and that those who require special diets receive them in a medically approved fashion.

Request for Proposals for Registered Nursing Services

Notice is hereby given to request proposals to provide the services of a registered nurse at the Willow River/Moose Lake Correctional Facility. Hours needed are two hours per week at Willow River and one hour per week at Moose Lake.

Request for Proposals for Laboratory Technologist

Notice is hereby given to request proposals to carry out all laboratory procedures, take and develop x-rays, EEG and EKG readings, as directed by the medical staff. These services are to be performed at the Minnesota Correctional Facility Lino Lakes. Maintain a bacteriological control system, maintain an environmental control system. Assist with the selection, installation and maintenance of laboratory and x-ray equipment. Consultant shall make three visits per week as scheduled by the Nursing Supervisor.

Request for Proposals for Dental Hygienist

Notice is hereby given to request proposals to provide dental hygienist services to inmates of the Minnesota Correctional Facility Shakopee which includes instructing inmates on oral hygiene, performing all dental prophylaxis, performing all dental x-rays. These services will be provided five days per month, approximately seven hours per day.

State Contracts and Advertised Bids

Request for Proposals for Optometrist Services

Notice is hereby given that the Minnesota Department of Corrections is seeking the service of an optometrist to perform refractions and provide consultations at the Minnesota Correctional Facility—St. Cloud an average of four, two hour sessions per month. The actual hours worked are to be mutually agreed upon between the Superintendent and the Consultant.

Request for Proposals for Primary Care Physician Services

Notice is hereby given that the Minnesota Department of Corrections is seeking the service of a primary care physician. These services are to be performed at the Minnesota Correctional Facilities—Stillwater, Oak Park Heights, St. Cloud, and Lino Lakes.

Request for Proposals for Pharmacist Services

Notice is hereby given that the Minnesota Department of Corrections is seeking the service on an on-site licensed Pharmacist. Services to include filling of doctor's prescriptions, meeting Board of Pharmacy regulations, institution policy requirements, and related functions. These services are to be performed at the Minnesota Correctional Facilities—St. Cloud, Stillwater/Oak Park Heights, Lino Lakes, and Shakopee.

Request for Proposals for Dental Services

Notice is hereby given to request proposals to provide the services of a dentist to provide routine dental care at the Minnesota Correctional Facility—Oak Park Heights. Services are needed approximately 20 hours per week.

Proposals should cover the period July 1, 1989 through June 30, 1991.

For additional information, contact:

Dana P. Baumgartner, Health Care Administrator
Department of Corrections
300 Bigelow Building
450 North Syndicate Street
St. Paul, Minnesota 55104
Phone: (612) 642-0248

Proposals for the above contract must be submitted no later than Monday, April 24, 1989, by 4:30 p.m.

Minnesota Historical Society

Request for Proposals for Log Conservation Specialist Joyce/Tettegouche Preservation Consulting Team

Scope of Proposal

The Minnesota Historical Society is seeking proposals from qualified log conservation specialists for participation in a preservation consulting team study of two log building complexes in northern Minnesota: The Joyce Estate near Grand Rapids, and Tettegouche Camp near Beaver Bay. The mission of the team is to determine the feasibility of preservation and development of these historic properties and to identify potential uses and users for the properties which are compatible with the objectives for management of wilderness conservation areas.

The Log Conservation Specialist will be responsible for providing technical input in the identification and evaluation of conditions relative to log deterioration, and to make recommendations as to proper measures for stabilization, repair, and/or replacement of log members. These recommendations will be integrated in a final "preservation feasibility report" to be submitted by the principal investigator/coordinator of the team to the appropriate agencies which have jurisdiction over the subject properties.

These services will be provided under contract. In accordance with federal requirements, personal compensation paid to a consultant may not exceed rates paid a Federal GS-18 (\$36/hour). In addition to the fee established under the contract, the Log Conservation Specialist will be entitled to reimbursement for travel, meals and lodging expenses incurred during the on-site work as provided under current Minnesota Historical Society policy.

Project Data and Schedule

The on-site portion of the consulting team participation in this project is to commence on Monday, June 5, 1989, and end on Saturday, June 10, 1989. The team will spend three days on-site at each property. All existing resource materials and documentation relative to the subject properties will be made available to the team members in advance of the on-site work.

Society Contacts

Prospective responders who have questions regarding the proposal may call or write: Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota 55101, (612) 296-2155.

Submission of Proposals

All proposals must be sent to: Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota 55101.

All proposals must be received no later than the close of the business day (5:00 p.m.), April 24, 1989. Late proposals will *not* be accepted.

Submit two (2) copies of the proposal in an 8½ x 11 format. Proposals are to be sealed in mailing envelopes or packages with responder's name, address, and the name of the project for which the proposal is being submitted clearly written on the outside. The proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the project.

Upon completion of evaluation and selection, results will be sent immediately by mail to all responders.

This Request for Proposals does not obligate the Society to complete the project, and the Society reserves the right to cancel solicitation if it is considered to be in the Society's best interests. The Society also reserves the right to accept or reject any or all proposals and to waive any irregularities therein.

Proposal Contents

The following will be considered minimum contents of a proposal:

1. Narrative project proposal identifying and describing the services to be provided.
2. A resume or vita outlining the responder's professional qualifications and experience on comparable projects.
3. Names, addresses, and telephone numbers of two (2) professional references.
4. Cost breakdown, work plan, and project schedule that identifies major tasks to be accomplished and methods.
5. Documentation of examples of work by responder on similar/comparable projects.

Minnesota Historical Society

Request for Proposals for Principal Investigator Joyce/Tettegouche Preservation Consulting Team

Scope of Proposal

The Minnesota Historical Society is seeking proposals from qualified individuals to serve as Principal Investigator for a preservation consulting team study of two log building complexes in northern Minnesota: The Joyce Estate near Grand Rapids, and Tettegouche Camp near Beaver Bay. The mission of the team is to determine the feasibility of preservation and development of these historic properties and to identify potential uses and users for the properties which are compatible with the objectives for management of wilderness conservation areas.

Major work elements include: (1) Overview of existing research and documentation relative to the historical development and physical condition of the properties; (2) On-site inspection tours and meetings; (3) A draft final report for each property describing the findings of the consulting team; (4) Review and comment on the draft reports of agencies charged with administration of the subject properties and by the public in general; and (5) Preparation of the final reports for publication.

The Principal Investigator will be responsible for the technical quality of all work performed by the consulting team. The consulting team will consist of representatives from the professional disciplines of architecture, conservation, tourism and marketing, and wilderness/park management.

These services will be provided under contract. In accordance with federal requirements, personal compensation paid to a consultant may not exceed rates paid a Federal GS-18 (\$36/hour). In addition to the fee established under the contract, the Principal Investigator will be entitled to reimbursement for travel, meals and lodging expenses incurred during the on-site work as provided under current Minnesota Historical Society policy.

State Contracts and Advertised Bids

Project Data and Schedule

The on-site portion of the consulting team participation in this project is to commence on Monday, June 5, 1989, and end on Saturday, June 10, 1989. The team will spend three days on-site at each property. All existing resource materials and documentation relative to the subject properties will be made available to the team members in advance of the on-site work.

The final "printer-ready" drafts of the reports must be completed by July 1, 1989.

Society Contacts

Prospective responders who have questions regarding the proposal may call or write: Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota 55101, (612) 296-2155.

Submission of Proposals

All proposals must be sent to: Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota 55101.

All proposals must be received no later than the close of the business day (5:00 p.m.), April 24, 1989. Late proposals will *not* be accepted.

Submit two (2) copies of the proposal in an 8½ x 11 format. Proposals are to be sealed in mailing envelopes or packages with responder's name, address, and the name of the project for which the proposal is being submitted clearly written on the outside. The proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the project.

Upon completion of evaluation and selection, results will be sent immediately by mail to all responders.

This Request for Proposals does not obligate the Society to complete the project, and the Society reserves the right to cancel solicitation if it is considered to be in the Society's best interests. The Society also reserves the right to accept or reject any or all proposals and to waive any irregularities therein.

Proposal Contents

The following will be considered minimum contents of a proposal:

1. Narrative project proposal identifying and describing the services to be provided.
2. A resume or vita outlining the responder's professional qualifications and experience on comparable projects.
3. Names, addresses, and telephone numbers of two (2) professional references.
4. Cost breakdown, work plan, and project schedule that identifies major tasks to be accomplished and methods.
5. Sample publications or reports prepared by responder for comparable projects are desirable and will, at responder's request, be returned to responder.

Department of Human Services

Anoka-Metro Regional Treatment Center

Request for Proposal for Medical Services

Notice is hereby given that the Anoka-Metro Regional Treatment Center, Mental Health Bureau, Department of Human Services, is seeking the services which are to be performed as requested by the Administration of Anoka-Metro Regional Treatment Center. Contracts will be written for the period beginning July 1, 1989 and ending June 30, 1990.

1. **Psychiatric Services.** Responsibilities will include psychiatric assessments, psychiatric treatment, attendance at Medical Staff meetings, participation in the Utilization Review program, appearances at Special Review Board hearings, probate court hearings, and in-service education. The estimated total amount for all psychiatric contracts will not exceed \$190,000 annually.

2. **Neurological Services.** Responsibilities will include the furnishing of computerized tomography (CAT Scans) and interpretation of results, neurological consultation and supervisory training and assistance with neurological research and evaluation at Anoka-Metro Regional Treatment Center. The total will not exceed \$9,900 annually.

3. **Podiatry Services.** Responsibilities will include providing proper podiatry services in relation to Medical Assistance and Medicare guidelines, at times arranged by Medical Director or his designee. Total estimated amount of contract will not exceed \$2,500 annually.

4. **Optometry Services.** Responsibilities will include eye exams and referrals, dispensing of eyewear, and consultation with medical staff. Total amount of contract will not exceed \$4,800 annually.

State Contracts and Advertised Bids

5. **Radiology Services.** Responsibilities will include the interpretation of all X-rays and conduct fluoroscopy examinations, and provide consultation to medical staff. Total amount of contract will not exceed \$16,500 annually.

6. **Electroencephalogram (EEG) Testing.** Responsibilities will include conducting the EEG tests with a tracing for each test. Equipment will be furnished by Anoka-Metro Regional Treatment Center. Total amount of contract will not exceed \$2,000 annually.

7. **Family Practice Services.** Responsibilities will include specialized medical care for mentally ill and chemically dependent patients. Total estimated amount of contract will not exceed \$41,500 annually.

Responses must be received by May 1, 1989. Direct inquiries to: Robert F. Rosenthal, Chief Operating Officer, Anoka-Metro Regional Treatment Center, 3300-Fourth Avenue N., Anoka, MN 55303. Telephone: (612) 422-4300.

Department of Human Services

Oak Terrace Nursing Home

Request for Proposal for Medical Services

Notice is hereby given that the Oak Terrace Nursing Home, Residential Facilities Division, Department of Human Services, is seeking the following services, which are to be performed as requested by the administration of Oak Terrace Nursing Home.

The contract is written for the period July 1, 1989 through June 30, 1990.

Services of a psychiatrist to provide psychiatric assessments, psychiatric consultation, review of medication regimen, participation in the utilization review program, appearances at court hearings when applicable, and inservice education. The estimated amount of the contract will not exceed a total of \$15,600.00 annually.

Responses must be received by May 8, 1989. Direct inquiries to:

Susan Ager
Oak Terrace Nursing Home
14500 County Road 62
Minnetonka, MN 55345

Department of Natural Resources

Request for Proposals to Determine Content and Design Exhibits for an Interpretive Center at the Peterson State Fish Hatchery

The Department of Natural Resources is seeking proposals from qualified firms or individuals to perform concept development, phasing, schematic design, and cost estimating of an interpretive/visitor center to be located at the Peterson Fish Hatchery. The results of any awarded contract will be used to guide the Department in development of the center. Installation of the various components of the center will be accomplished in phases over the next three fiscal years, and will be performed either by Department personnel or outside vendors.

This Request for Proposal does not obligate the State to initiate or complete the project, and the State reserves the right to cancel the solicitation.

The goal of this project is to produce a feasible, logical, and sequential development plan for the Peterson Interpretive Center. The Center must provide relevant information to visitors, and provide a positive family recreation experience.

Prospective respondents who have any question regarding the Request for Proposal may call or write:

Michael W. DonCarlos
Coldwater Production Supervisor
MN/DNR Section of Fisheries
500 Lafayette Road
St. Paul, MN 55155-4012
(612) 296-1329

All final deliveries will be submitted to the Department by August 31, 1989.

The Department estimates the cost of this proposal should not exceed \$10,000.

State Contracts and Advertised Bids

Department of Transportation

Technical Services Division

Research Administration and Development

Notice of Availability of Contract for Study of Traffic Volume Projection Factor Calculation Methods

The Department of Transportation, acting as the agent for the Local Road Research Board, requires the services of a consultant to conduct a study of present and alternative methods for calculating traffic volume projection factors and prepare a report containing an evaluation and comparison of various methods and a recommendation of the most effective method for consideration by the County Screening Board in its determination and implementation of a selected method to be used in Minnesota.

Work experience specifically related to Traffic Engineering is desirable.

The Local Road Research Board has budgeted a maximum of \$25,000.00 and is anticipating a one year time span for this project.

Those interested may obtain a request for proposal from:

Gabriel S. Bodoczy
Research Services Engineer
Research Development and Administration
Minnesota Department of Transportation
Room B-9 Transportation Building
St. Paul, MN 55155
Telephone: (612) 296-4925

Request for Proposals will be available through April 14, 1989. All proposals will be received at the above address no later than April 27, 1989.

Non-State Public Contracts

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

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

Dakota County

Request for Proposals for an Image Processing System

Working in cooperation with the Minnesota Department of Human Services, Dakota County intends to issue a request for proposals for an image processing system on or about May 15, 1989. The request for proposals will request vendors of optical disk based image processing systems to propose how they would assist the County in implementing an image processing system in a county-based A.F.D.C. and food stamp program. System features would include: document capture, document indexing, document and work flow management, integration of data and documents, etc. System objectives will include: improved service delivery, improved system performance and enhanced management and administrative support. The pilot image system must be compatible with MAXIS (a statewide, integrated automated system to be implemented in 1990-91), include approximately eight workstations, be capable of scanning and storing 1,110,000 documents and be 100% field upgradable. Other general and specific requirements will be included in the request for proposals. Dakota County intends to establish a procurement library for use by potential vendors.

Potential vendors for an image processing system as described above should submit a letter of interest to James Taylor, Director of Data Processing, Dakota County, Dakota County Government Center, 1560 Highway 55, Hastings, MN 55033. Telephone: (612) 438-4270.

Letters should be submitted by May 1, 1989.

Metropolitan Council

Bids Accepted for Laser Page Printer Replacement

The Metropolitan Council is requesting sealed bids for replacement of a Xerox 4050 Laser Page Printer System. The equipment must have the capability to replace an existing system used to produce data processing output and electronic printing output and must have a minimum capacity of 50 pages per minute.

Specifications for this laser printer equipment may be obtained by contacting Roy Larson, Information Systems Manager, at 612-291-6480. Specifications will be available March 29, 1989.

Sealed bids for this laser printer equipment will be accepted by the Metropolitan Council until 11:30 a.m. C.D.T., on the 21st of April, 1989. The Purchasing Officer will publicly open the sealed bids in the Office of the Metropolitan Council at 1:30 p.m. C.D.T. on the 21st of April, 1989.

All sealed bids will be addressed to:

Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
ATTN: Purchasing Officer

All sealed bids shall be marked "Laser Page Printer System—To be opened at 1:30 p.m., April 21, 1989."

Steve Keefe
Chair
Metropolitan Council

State Grants

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

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

Pollution Control Agency

Waste Management Grants and Assistance Office

Notice of Availability of Used Oil Storage Tank Grants to Counties

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency is soliciting applications from counties for used oil storage tank grants. The purpose of the program is to provide additional used oil recycling outlets. Tanks may be located on either public or private land, but must be available for use by the general public.

Although counties are the only eligible applicants, a municipality or private sector entity may operate a storage tank funded by this program.

The cost of used oil storage tanks and the cost of tank installation is eligible for funding under this program. The cost of equipment used to install used oil storage tanks, operating cost, overhead cost, and the cost of land or buildings are not eligible for funding.

Grants up to \$2500 are available to fund the cost of a single used oil storage tank. Each county may receive a total of up to \$5000 in grant funds. A total of \$200,000 is currently available for the program.

The MPCA will award grants to those eligible applicants who have submitted complete applications with eligible costs in the order the applications were received.

State Grants

Used Oil Storage Tank Grant Program application packets can be obtained from:

Kevin F. O'Donnell
MPCA Office of Waste Management Grants and Assistance
1350 Energy Lane
St. Paul, MN 55108

Applications can also be obtained by calling Kevin O'Donnell at (612) 649-5785 or Minnesota toll-free at 1-800-652-9747. Applications for used oil storage tank grants will be received until 4:30 p.m. on June 16, 1989.

Gerald L. Willet
Commissioner

Supreme Court Decisions

Order Filed 27 March 1989

C3-89-442 In Re Petition for Disciplinary Action against Richard DeLong, an Attorney at Law of the State of Minnesota. Supreme Court.

Disability inactive status. Kelley, J.

Tax Court

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

Tax Court—Regular Division

Docket No. 5048—Dated: 24 March 1989

3-D Amusements, Inc., Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable M. Jean Stephan, Judge of the Minnesota Tax Court, on August 24, 1988, at the Morrison County District Courthouse in Little Falls, Minnesota.

Gregory K. Larson, Attorney at Law, appeared on behalf of the appellant.

Sarah G. Mulligan, Special Assistant Attorney General, appeared on behalf of the appellee.

Both parties were given the opportunity to submit briefs following the trial in this matter. Several extensions of time were granted for filing those briefs. Appellee's brief was filed February 1, 1989.

The Court, based on the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. The appellant, 3-D Amusements, Inc. (hereinafter "3-D"), is a Minnesota corporation located in Little Falls, Minnesota. 3-D has owned and operated an amusement machine business route in the Little Falls, Minnesota area since approximately 1981. The principal shareholders and officers are Leonard Dzieweczynski, President, Dennis Dzieweczynski and Robert Dzieweczynski.

2. Appellant is in the business of placing amusement machines such as video and pinball games, jukeboxes and pool tables in stores, bars, hotels and other facilities for use by patrons of those establishments. Use of the machines is obtained when the customer inserts the coins called for, typically one quarter (\$.25).

3. In conducting its business, appellant enters either oral or written agreements with the owners or authorized representatives of the various facilities to pay a portion of the amusement machine's receipts in exchange for the privilege of placing the amusement machine at the facility.

4. Appellant retains ownership of the amusement machines, and services and maintains all amusement machines it places.

5. The Dzieweczynskis purchased the amusement machine business in 1981 subject to a written contract with the United States Army and Air Force Exchange Service ("AAFES"). That agency, the authorized representative for the North Central Area Exchange-

Camp Ripley, contracted with appellant to place amusement machines in the Camp's Exchange. In 1983 and 1985, the parties renewed their contract under substantially similar terms.

6. The contract between appellant and AAFES designated appellant as "concessionaire." It granted appellant "a concession to operate the activity described" and further provided that appellant would be "responsible for refunds to customers due to customer dissatisfaction with the item or service or due to any overcharges made."

7. Appellant at all times during the periods in question placed, maintained, owned and serviced a total of twenty to twenty-five amusement machines in three Camp Ripley facilities. Title to the machines did not transfer to AAFES, nor did AAFES lease the machines.

8. The military personnel using the devices used their own money to play the devices. Customers were not reimbursed by AAFES nor were the devices free for base personnel. There was no restriction of the use of the devices to base personnel; visitors or guests had access to them as well.

9. Pursuant to the contract, the amusement machines were each required to have two locks. Appellant retained the key to one lock on each device and AAFES kept the key to the other lock. Representatives of both appellant and AAFES were of necessity present when the machines' cash receipts were removed and counted.

10. Appellant over the years paid to AAFES varying percentages of the revenues received as rent. No other payment was made to AAFES for the privilege of placing appellant's amusement machines in the three AAFES facilities, nor did AAFES make any payment to appellant in return for placement of appellant's machines on the base. During all or substantially all of the period in question, according to Dennis Dzieweczynski, appellant paid 30 percent of the revenue from the amusement machines to AAFES and retained 70 percent. Payment was made either in cash when the machines were emptied or later by check drawn on appellant's bank account.

11. Appellant under the contract was required to collect and pay any sales tax imposed by state or other law.

12. AAFES functioned as a broker in soliciting appellant to place its amusement devices at Camp Ripley for use by base personnel. AAFES was not the purchaser of any machine or of any individual "play" of any machine. Individual military personnel purchased the privilege of using the machine by insertion of the required coins.

13. Appellant paid sales tax to the state of Minnesota during the period in question based on total revenues collected each month from all machines employed in appellant's amusement machine business.

14. Appellant filed a claim for refund for sales tax paid on gross receipts from its Camp Ripley operations on December 19, 1986. At trial, the parties stipulated that amounts paid with returns filed prior to December 19, 1983 were barred by the statute of limitations contained in *Minnesota Statutes* § 297A.35, subd. 1 (1986).

15. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. At all times relevant to this action, retail sales to the United States and its agencies and instrumentalities, or a state and its agencies and instrumentalities, were exempt from Minnesota sales tax under *Minnesota Statutes* § 297A.25, subd. 11 (1986) and 4 U.S.C. § 105-110 (1986) (the "Buck Act"). Retail sales to individual military employees were not exempt pursuant to these statutes.

2. The use of appellant's amusement machines by individual military personnel constituted a sale by appellant and a purchase by the individual under *Minnesota Statutes* § 297A.01, subd. 3(d) (1986), and is subject to Minnesota sales tax.

3. The Order of the Commissioner of Revenue dated January 22, 1988 from which this appeal was taken is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,
M. Jean Stephan, Judge
Minnesota Tax Court

Announcements

New Members on Independent Living Council: Twenty new members have been appointed to the Independent Living Advisory Council, a statewide group that works directly with the Minnesota Independent Living Program for people with disabilities. Named to the newly organized council and to succeed members whose terms expired are: Sally Anderl, Golden Valley; Kathy Cherry, Red Wing; Stephanie Corbie, St. Paul; Jane Duerre, Minneapolis; Lois Johnson, Windom; David Kangas, Shoreview; Dan Klint, Coon Rapids; Jerry Krueger, St. Cloud; Stephen Larson, Mankato; John Mertens,

Announcements

St. Cloud; Ruth McDowell, Thief River Falls; Karl Nitardy, St. Paul; Dennis Onderick, Moorhead; Dorothy Peters, Minneapolis; John Schatzlein, Bloomington; Kris Schoeller, Minneapolis; Elizabeth Turner, Minneapolis; Charlie Wittwer, Hermantown; Leah Welch, Minneapolis; and Linda Wolford, St. Paul. Members who served on the previous council and have been reappointed are: Thomas Gaige, Hibbing; Bill Malleris, Rochester; Linda Nelson, St. Paul; and Mary Ellen Pischke, Oronoco. The Independent Living Program, administered by the Rehabilitation Services Division of the Minnesota Department of Jobs and Training, helps people with severe disabilities live more independently in their homes and communities. Minnesota currently has six Centers for Independent Living located in St. Cloud, Hibbing, Marshall, St. Paul, Rochester and East Grand Forks. Branch offices have been established in Winona, Red Wing, Anoka, Bloomington, Duluth and Brainerd, plus in selected cities at county social service offices or vocational rehabilitation offices which are operated with funds provided by the Rehabilitation Services Division. Meetings of the advisory council are held quarterly with subcommittee meetings in the interim.

Funds Allocated for Weatherization Aid: Funds totaling \$2.1 million have been allocated to 26 state community action agencies, two county agencies and seven Indian reservations to provide weatherization assistance and energy-related repair for low-income households. This is an additional amount over the \$2.7 million allocated in December. The funds are from the Low-Income Home Energy Assistance Program (LIHEAP) block grant and are part of the 15 percent allowable under the federal guidelines for energy conservation purposes. Local agencies may budget grant funds for mechanical systems work, energy-related repair to increase the effectiveness of weatherization measures and client education and to weatherize homes. The program is funded, administered and regulated by the Economic Opportunity Office of the state Department of Jobs and Training.

NEA grants \$150,000 to Arts Board for new program: The Arts Board has received a \$150,000 three-year grant from the National Endowment for the Arts to support the development and implementation of arts curriculum in K-12 schools. The new program is entitled **Arts Curriculum Expertise (ACE)**. The ACE program will assist school districts to develop and implement K-12 curricula in music, visual art, and dance. One discipline will be the focus for each of the three years. Twenty districts may participate annually. The ACE program will focus on music for the first year. School districts interested in applying can contact the Arts Board for an application at (612) 297-2603 or toll-free from greater Minnesota at (800) 652-9747. The deadling is **April 28, 1989**.

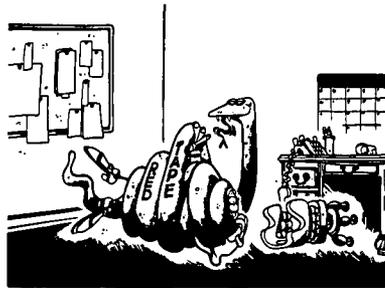
Listing of state gas stations offering ethanol now available: A listing of more than 300 Minnesota service stations that offer ethanol blended fuel is now available to motorists through the Minnesota Department of Agriculture and the Minnesota Ethanol Commission. The listing is a handy reference for motorists wanting to support agriculture and cleaner air during their travels throughout Minnesota. To receive a copy of the brochure write to Kay Kruse, Marketing Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, Minn. 55107, or call (612) 297-2301.

"Red Tape" Choking You?

Relax. Unwind. Cut your frustrations with the *Minnesota Guidebook to State Agency Services 1987-1990*.

Packed with information that cuts red tape and gets results fast, the *Guidebook* tells you how to put your tax dollars TO WORK FOR YOU! It tells how to obtain grants, scholarships, assistance, information services, tax help and forms, maps, reports, guides, newsletters and publications.

You'll gain access to state agencies like never before and have AT YOUR FINGERTIPS emergency phone numbers, crisis and hot lines. This *Guidebook* will save you valuable time and money by



speedily getting you through the fears of license requirements, forms, fees, application and complaint filing, and even tells the length of waiting time for obtaining services.

Need to know about license requirements for your profession and for

recreation? IT'S A BREEZE with the *Guidebook* on your desk. It's a treasure of information on state parks, campgrounds, state forests and wildlife management areas, historic sites, museums, art galleries, festivals, libraries, education resources, agency descriptions with names and phone numbers of real people, statistical data and historical profiles.

It's "MINNESOTA'S OWNER'S MANUAL"—the handiest, fact-filled resource that answers thousands of your questions about Minnesota and how it works. Order today before they're gone. Stop struggling with bureaucratic red tape! Stock #1-4, 640 pages. \$15.00 + 90¢ tax.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Minnesota: national leader in education

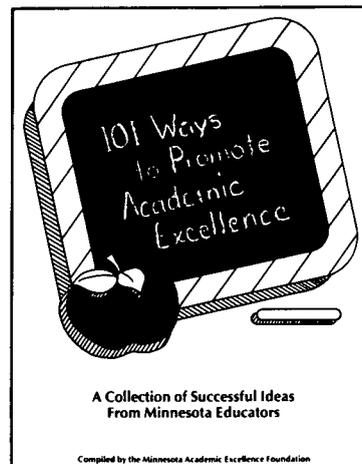
101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

Education Directory, 1988-89

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$7.00.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*



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MAILING LISTS GALORE

Successful business means successful sales

The Print Communications Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, 9-track magnetic tapes, and now diskettes for minimum orders.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list service packet. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Print Communications Division, Mailing List Service, 117 University Avenue, St. Paul, MN 55155.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Minnesota Manufacturer's Directory 1988-89



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$76.50.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



REVISED: There are more than 7,000 changes to the 7,068 entries.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*

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Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$15.95.

Loon Calendar 1988, beautiful photographs and scenes. Code #15-40, \$6.95.

Loon Lapel Pin. Code #15-30, \$2.49.

Loon Windsock, 56 inches long in full color. Code #15-29, \$19.95.

Loon Nature Print, full-color poster 16" x 22", Code #15-18, \$3.00.

Loon with Baby—poster, 16" x 20". Code #15-48, \$3.00.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



Publication editors: As a public service, please reprint this ad in your publication, either as is, reduced, or redesigned to suit your format.

Minnesota's future environment

The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

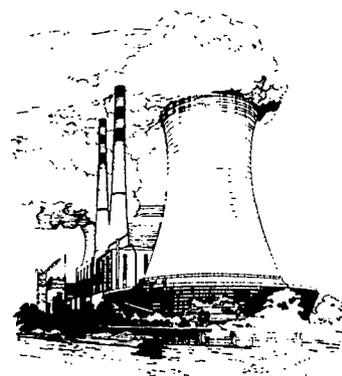
1988 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$16.00.

1987 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$15.00.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 20.00	90-3	State Register, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 15.00	90-4	State Register, 3 mos. trial can be converted to a full subscription for \$90 at end of trial	\$ 40.00	90-2
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Tax Court/Property Decisions	\$225.00	90-11
Human Services Bulletin List	\$ 50.00	90-7	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
PERB (Public Employee Relations Board) Awards and Decisions	\$350.00	90-9	Workers Compensation Decisions		
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1988	\$140.00	18-1	Vol. 40	\$105.00	
			Vol. 41	\$110.00	

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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For Real Estate Professionals:

REAL ESTATE RULES 1987

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. \$8.00

REAL ESTATE LAWS 1988

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. \$7.00



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, \$12.00.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$9.95.

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, \$8.50.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$12.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. \$4.00.



Jane Smith

NOTARY PUBLIC-MINNESOTA

RAMSEY COUNTY

My Commission Expires January 1, 1994

U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business

Code No. 16-50. \$3.00.

Small Business Finance

Code No. 16-42. \$2.00.

Starting and Managing a Small Business of Your Own

Code No. 16-40. \$4.75.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Catching criminals is only one part of law enforcement.

Police Report Writing Style Manual 1986—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$12.50.

Background Investigation Manual 1986—A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. \$10.00.

Motor Vehicle Traffic Laws 1988—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$14.00.

Criminal Code & Selected Statutes 1988—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$16.00.

Blue Binder—3 ring. 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Murder: Minnesota style

Murder in Minnesota: A treasury of vintage crimes in which famous and obscure characters come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, \$5.95.

Robber and Hero: On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

Secrets of the Congdon Mansion: The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$4.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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Human Services Laws and Rules

Human Services Laws 1988

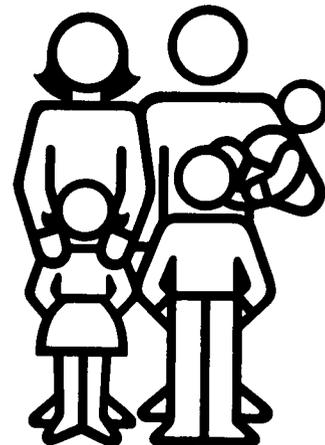
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$21.95

Human Services Rules 1988

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$29.95.

3 ring binder. 2" capacity. 1 required for each of above listed publications. Code No. 10-21. \$4.25.

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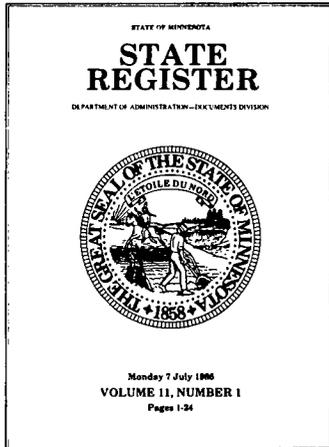
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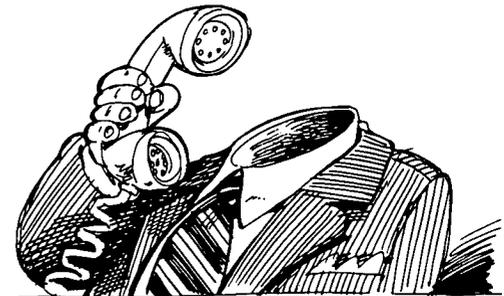
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