

2

State of Minnesota

STATE REGISTER

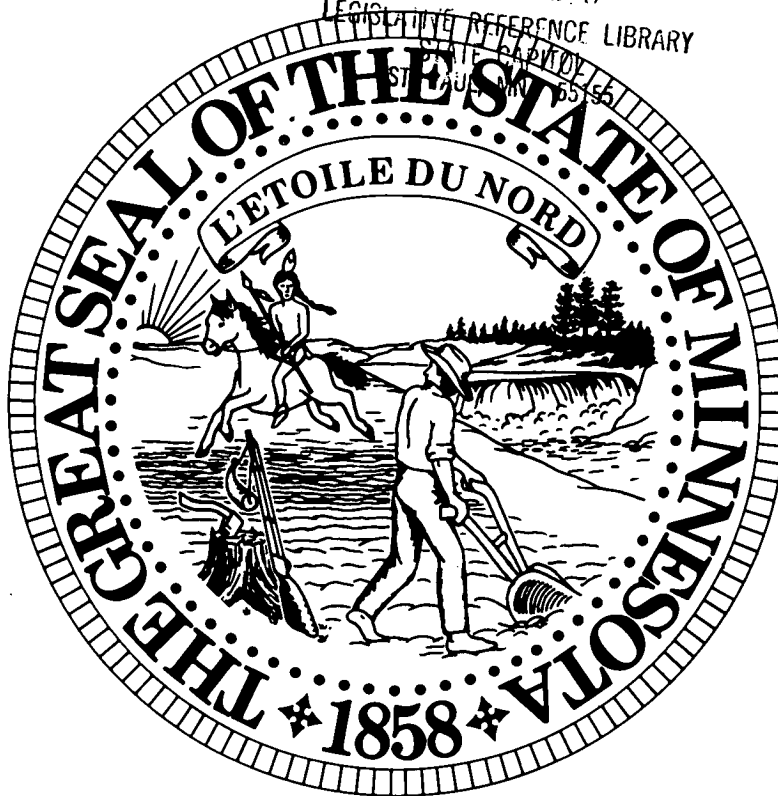
Department of Administration—Print Communications Division

RECEIVED

AUG 31 1989

LEGISLATIVE REFERENCE LIBRARY

ST. PAUL, MN 55155



Rules edition
Published every Monday

28 August 1989

Volume 14, Number 9

Pages 441-504

STATE REGISTER

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

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

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
9	Monday 14 August	Monday 21 August	Monday 28 August
10	Monday 21 August	Monday 28 August	Tuesday 5 September
11	Monday 28 August	Friday 1 September	Monday 11 September
12	Tuesday 5 September	Monday 11 September	Monday 18 September

*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 every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

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.

Rudy Perpich, Governor

**Sandra J. Hale, Commissioner
Department of Administration**

**Stephen A. Ordahl, Director
Minnesota Documents Division**

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie George, Circulation Manager

Bonita Karels, Staff Assistant

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

Contents

Minnesota Rules: Amendments & Additions

Issues 1-9 inclusive 444

Proposed Rules

Human Services Department

Aid to families with dependent children (AFDC) 445

Trade & Economic Development Department

Tourism Loan Program 462

Transportation Department

State highway market artery system 466

Minnesota Racing Commission

Televised racing days 471

Adopted Rules

Charitable Gambling Control Board

Charitable gambling 478

Education Department

Curriculum, youth service-learning, and youth service activities 480

Commissioner's Orders

Natural Resources Department

Order No. 2339: Regulations for the taking of fish in Lake of the Woods by licensed commercial fishermen 481

Order No. 2344: Experimental regulations for the taking of fish in certain waters 483

Order No. 2345: Experimental regulations for the taking of trout in Turnip Lake 483

Official Notices

Minnesota Historical Society

Comments sought on draft document analyzing Minnesota's history between 12,000 B.P. through 1820 A.D. 484

Human Services Department

Hospital cost index 484

Metropolitan Council

Public hearing on the 1990 work program and budget 485

Secretary of State

Vacancies in multi-member state agencies 485

Transportation Department

Amended order and notice of street and highway routes designated and permitted to carry the gross weights allowed 486

State Contracts & Advertised Bids

Administration Department

Materials Management Division: Commodities and requisitions open for bid 487

Print Communications Division: Printing, typesetting, design and mailing services open for bid 488

Professional, Technical & Consulting Contracts

Corrections Department

Dental services sought for Oak Park Heights facility 489

Dentist services sought for Shakopee facility 489

Health Department

Opinion sought on request for waiver of HMO statutes and rules by NWNL Health Network, Inc. 489

Iron Range Resources & Rehabilitation Board

Proposals sought for entertainment booking service and concert coordination 490

Proposals sought for food/beverage operator at IRONWORLD 490

Jobs & Training Department

Proposals sought to assist to develop and implement an early warning network to predict plant closings and assist workers and communities in responding to plant closings 492

Natural Resources Department

Proposals sought for contract services to coordinate fish and wildlife restoration schedule 492

Proposals sought for consumptive water use study 494

Transportation and Natural Resources Departments

Proposals sought for meteorologist 496

Vocational Technical Education Board

Proposals sought to audit student employment follow-up data 496

Non-State Public Contracts

Metropolitan Waste Control Commission

Proposals sought for professional insurance brokerage services 497

Supreme Court Calendar

Cases scheduled to be heard during September 1989 498

Supreme Court Decisions

Opinions filed Friday 25 August 1989 501

Announcements 501

Minnesota Rules: Amendments and Additions

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

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

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

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

Issues 1-7

Agriculture Department

1505.2010-.2150 (adopted) 161

Rural Finance Authority

1650.0010-.0070 (proposed) 67

1651.0010-.0100 (proposed) 69

Commerce Department

2675.6400 (proposed) 149

2741.0010-.0260 (proposed emergency) 217

2741.0010-.0260 (proposed) 197

2751.0100-.1200 (proposed) 45

2820.0010; .1350-.1353; .2700-.2703; .4700 (adopted) 216

2890.0010; .0060; .0070; .0090 (proposed) 269

Dentistry Board

3100.0100; .1400; .2000; .3300; .3400; .3500; .4100; .6200; .7000; .8700 (proposed) 272

Jobs & Training Department

3300.0100; .0500; .0601 (proposed) 6

Education Department

3500.1090; .1100; .1150; .1600; .1900; .2000; .2110 (adopted) 480

3515.6300; .6500; .6900-.7200 (proposed repealer) 276

3525.0200; .0300; .0550; .0650; .0700; .0800; .1100; .1310; .1550; .2310; .2325; .2330; .2335; .2350; .2430; .2440; .2445; .2450; .2470; .2500; .2600; .2700; .2800; .2850; .2950; .3000; .3100; .3150; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000; .4100; .4200; .4300; .4400; .4600; .4700 (adopted) 281

3525.0200 s.9a; .1600; .2300; .2320; .2330; .2330 s.2-4; .2360; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600; .5700; .5800; .5900; .6000; .6100; .6200; .6300; .6400; .6500; .6600; .6700; .6800; .6900; .7000; .7100; .7200; .7300; .7400; .7500 (repealed) 281

3525.2600; .2700; and .2800 renumbered as 3525.2750; .2550 and .2650 respectively (renumbered) 281

Vocational Technical Education Board

3700.0305; .0310; .0315; .0320; .0325; .0330; .0335; .0340; .0350; .0360; .0365; .0370; .0375; .0376; .0377; .0378; .0379 (proposed) 364

3700.0355 (proposed repealer) 364

3700.1100; .1400; .1410; .1415; .1420; 3709.0355; .0360 (proposed) 276

Trade & Economic Development Department

4300.1300; .1400; .1500; .1600; .1700; .1900; .1901; .2000; .3100; .3200 (proposed) 360

4300.1400 s.1, 3 (proposed repealer) 360

4308.0010-.0110 (proposed) 462

Health Department

4617.0002; .0005; .0010; .0015; .0020; .0025; .0030; .0035; .0037; .0040; .0042; .0043; .0044; .0045; .0046; .0047; .0049; .0050; .0052; .0054; .0056; .0058; .0060; .0061; .0062; .0063; .0064; .0065; .0075; .0080; .0085; .0170; .0175; .0180 (adopted) ... 164

4670.0100; .0600; .0610; .1600; .1980; .2300 (proposed) 104

4670.0620 (proposed repealer) 104

4705.1600 (proposed) 4

4740.2010-.2040 (proposed) 151

4717.4600-.5300 (proposed repealer) 151

Higher Education Coordinating Board

4830.7000-.7900 (proposed emergency) 333

Housing Finance Agency

4900.0010 (adopted) 331

4900.2000; .2500 (proposed) 325

Labor & Industry Department

5205.0010 (adopted) 216

5200.1500; .1600; .1700 (adopted) 375

5230.0040; .0080; .0110; .0130 (proposed) 357

5230.0110 s.1-2 (proposed repealer) 357

Mediation Services Bureau

5530.0100-.1300 (proposed) 50

Medical Examiners Board

5600.2500; 5601.0100; .0300; .0400; .0700; .0800; .1200; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900 (proposed) 61

5601.1000; .1100 (proposed repealer) 61

5620.0100-.0160 (proposed) 59

Natural Resources Department

6120.2800 (proposed) 158

Peace Officer Standards & Training Board

6700.0100; .0300; .0400; .0401; .0500; .0501; .0600; .0700;
 .0900; .0902; .1000; .2700-.2704 (adopted) 12
 6700.0100 s.5, 9; .1100; .1200; .1201 (repealed) 12

Pollution Control Agency

7002.0310 (proposed) 327
 7042.0030 (adopted) 375

Psychology Board

7200.0100; .0400; .0500; .0600; .0800; .0900; .1000; .1100; .1200;
 .1300; .1410; .1450; .1600; .1700; .1800; .2000; .2600; .3000;
 .3200; .3500; .3510; .3605; .3610; .3620; .3700; .3900; .4600;
 .4700; .4810; .4900; .5000; .5100; .5200; .5300; .5400; .5600;
 .5700; .6000 (adopted) 74
 7200.1400; .3600; .3800; .4800; .5200 s.6 (repealed) 74

Public Safety Department

7520.0100; .0200; .0350; .0680 (proposed) 108
 7520.0680 (proposed repealer) 108

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
 (adopted) 478
 7860.0100 s.2; .0230 s.11 (repealed) 478

Minnesota Racing Commission

7869.0100; 7873.0300; .0550; 7877.0110; .0120; .0160;
 7883.0100; .0120; 7890.0140; 7892.0120; 7895.0100;

.0350; 7897.0100; 7899.0100 (adopted) 332
 7873.0300 s.4; 7890.0140 s.7-9 (repealed) 332
 7869.0100; 7870.0420; 7871.0010; .0020; .0030; .0040; .0050;
 .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130;
 .0140; .0150; 7872.0100; .0110 (proposed) 471

Teaching Board

8700.1910 (adopted) 165
 8700.2810; .7719 (proposed-withdrawn) 110

Transportation Department

8815.0100; .0200; .0300 (proposed) 466

Unlicensed Mental Health Providers Board

9000.0050; .0100; .0110; .0120; .0130; .0140; .0160;
 .0190; .0200 (adopted) 217

Veterinary Medicine Board

9100.0500 (proposed) 159

Human Services Department

9500.1100 (adopted) 8
 9500.2060; .2100; .2140; .2340; .2380; .2420; .2440; .2500; .2580;
 .2640; .2680; .2700; .2740; .2800; .2820; .2880 (proposed) .. 445
 9500.2060 s.118 (proposed repealer) 445
 9505.0175; .0260; .0323 (adopted) 8
 9500.1070 s.4, 6, 23 (repealed) 8
 9565.5500; .5510; .5520 (adopted) 165
 9575.0010; .0020; .0090; .0380; .0530; .0620;
 .0720 (proposed) 101
 9575.0090 s. 2, 3 (proposed repealer) 101

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.

Department of Human Services

Proposed Permanent Rules Relating to Aid to Families with Dependent Children

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled rule 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*, section 256.851.

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

All persons have 30 days or until 4:30 p.m. on September 27, 1989 in which to submit comment in support of or in opposition to the proposed rule amendments or any part or subpart of the rule amendments. 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: Dan Lipschultz, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816.

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 free copy of the rule is available upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

The AFDC program provides assistance payments, social services, and medical care to families that include a child who is deprived of the support or care of one of the parents. This rule will affect AFDC recipients and local agencies.

Amendments are proposed to the AFDC rule in the definition section on county of financial responsibility, dependent child, full-time student, minor caretaker, recipient and residence. Additional amendments are proposed on determining an applicant's emergency needs; reducing time local agencies have to process AFDC applications; permitting addendums to AFDC applications; outlining residency requirements; providing conditions under which a caretaker's or child's temporary absence from the home will not affect eligibility; specifying new limits on the amount of land and certain personal property that can be excluded in determining eligibility for AFDC; changing guidelines on excluded income concerning educational grants, insurance payments, self-employment, rental income and overpayments; revising guidelines on eligibility factors to be verified; clarifying composition of the family unit and application of standards; revising termination procedures; clarifying what must be considered in gross income and employment disregards; revising recoupment of overpayment procedures; clarifying payment procedures to protective, vendor or second parties; revising applicant and recipient responsibilities with regard to household reports, social security numbers, and "good cause" for noncooperation; revising agency requirements on mailing notices; revising state appropriation for special needs; clarifying payment of employment preparation expenses and emergency assistance; and clarifying county of responsibility and settlement of disputes about county of responsibility.

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 Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816 upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Nancy Bishop, Department of Human Services.

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 material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816.

Charles C. Schultz
Deputy Commissioner

Rules as Proposed

9500.2060 DEFINITIONS.

Subpart 1. to 34. [Unchanged.]

Subp. 35. **County of financial responsibility.** "County of financial responsibility" means the county liable for the county share of a recipient's assistance under *Minnesota Statutes*, chapter 256G.

Subp. 36. to 38. [Unchanged.]

Subp. 39. **Dependent child.** "Dependent child" means a child who is living in the home of a parent or other caretaker, who is

Proposed Rules

deprived of the support or care of a parent as specified in parts 9500.2180 to 9500.2300, who is in financial need according to part 9500.2480, and who meets one of the conditions in items A to ~~C~~ and B:

A. is less than 18 years of age; or

B. is 18 years of age and is a full-time student, as defined in subpart 58, ~~item A, B, or F,~~ at an accredited high school or its equivalent in vocational or technical training, and is expected to graduate or complete the school program before reaching age 19; ~~or.~~

~~C. is 18 years of age and is a full-time student, as defined in subpart 58, item C.~~

Subp. 40. to 57. [Unchanged.]

Subp. 58. **Full-time student.** "Full-time student" means a person who is:

A. enrolled in and attending a graded or ungraded primary, intermediate, or secondary, GED preparatory, trade, technical, vocational, or postsecondary school, and attending classes at least 20 hours a week, of which up to half may be satisfied by employment which is approved through a work study program of the school in which the person is enrolled, or enrolled in and making satisfactory progress in a graded educational program approved by the school district when a physical, emotional, or mental impairment prevents classroom attendance; who meets the school's standard for full-time attendance.

B. enrolled in a trade or technical institute or in GED preparatory training which provides certification equivalent to a secondary education and attending at least 20 hours a week, of which up to half may be satisfied by employment which is approved through a work study program of the school in which the person is enrolled;

C. enrolled in and attending classes at least 20 hours a week in an ungraded educational or vocational program approved by the school district because that person has a physical, emotional, or mental impairment which precludes graded coursework;

D. enrolled in and attending a postsecondary technical institute for at least 20 hours a week, including the time spent in shop practice;

E. registered for and attending classes which total at least 12 quarter or semester credits at an accredited college or university;

~~or~~
F. enrolled in a graded or ungraded primary, intermediate, secondary, trade, or technical institute, and attending that school when the school documents, at the request of the student, that the student meets the school's standard for full-time attendance.

Subp. 59. to 89. [Unchanged.]

Subp. 90. **Minor caretaker.** "Minor caretaker" means

A. a person under the age of 18 years or who is age 18 and meets the definition of a dependent child under subpart 39; and

B. who has applied as a caretaker on behalf of himself or herself and his or her dependent child.

Subp. 91. to 112. [Unchanged.]

Subp. 113. **Recipient.** "Recipient" means a person who is currently receiving assistance. A person who ~~returns~~ fails to withdraw or access electronically any portion of his or her assistance payment by the end of the payment month transfer or who returns an uncashed assistance check and withdraws from the program is not a recipient. A person who withdraws an assistance payment by electronic transfer or receives and cashes an assistance check and is subsequently determined to be ineligible for assistance for that period of time is a recipient, regardless of whether that assistance is repaid. The term "recipient" includes the caretaker relative and the dependent child whose needs are included in the assistance payment. A person in an assistance unit who does not receive an assistance ~~check~~ payment because he or she has been suspended from AFDC or because his or her need falls below the \$10 minimum payment level is a recipient.

Subp. 114. to 117. [Unchanged.]

Subp. 118. [See Repealer.]

Subp. 119. to 154. [Unchanged.]

9500.2100 APPLICATION FOR ASSISTANCE.

Subpart 1. to 3. [Unchanged.]

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

Subp. 4. **Assessment of and issuance for initial needs.** When a person inquires about assistance, a local agency shall ask the person if immediate or emergency needs exist. When a person has emergency needs, the local agency shall determine that person's eligibility for emergency assistance unless the person's needs can be met through other sources or by promptly processing an application for monthly assistance.

~~A. When emergency assistance payment is issued for a person who makes application for AFDC, and that person is later determined to be eligible for assistance, the issuance under emergency assistance must be considered an assistance payment when:~~

~~(1) the emergency assistance payment is issued for basic needs included in the AFDC family allowance standard;~~

~~(2) the emergency assistance payment is issued for current needs for a payment month or months in which that person is also eligible for assistance; and~~

~~(3) the emergency assistance payment for a month does not exceed the amount that person is eligible to receive under part 9500.2620.~~

~~B. When a person qualifies under item A, subitems (1) and (2) must apply.~~

~~(1) When all of the emergency assistance payment is later counted as an assistance payment, the person shall not be considered a recipient of emergency assistance, and the limitations under part 9500.2820, subpart 12 must not apply.~~

~~(2) When emergency assistance payment for a current month's need is less than the assistance payment determined under part 9500.2620 for that same month, additional assistance must be issued for the difference.~~

~~C. When an emergency does not exist, a local agency may issue assistance before it completes the verification of eligibility. However, when an applicant is later found ineligible for that assistance, the local agency may not claim federal or state AFDC financial participation in the cost of the assistance issued. When federal and state AFDC financial participation is not available, the local agency may request general assistance state financial participation retroactive to the date of application for AFDC according to general assistance payment standards if the applicant was eligible for that program.~~

Subp. 5. [Unchanged.]

Subp. 6. **Processing application.** Upon receiving an application, a local agency shall determine the applicant's program eligibility, approve or deny the application, inform the applicant of its decision according to part 9500.2740, subpart 5, and issue assistance when the applicant is eligible. When a local agency is unable to process an application within 45 ~~30~~ days, the local agency shall inform the applicant of the reason in writing. When an applicant establishes the inability to provide required verification within the 45-day ~~30-day~~ processing period, the local agency may not use the expiration of that period as the basis for denial.

Subp. 7. and 8. [Unchanged.]

Subp. 9. **Additional applications.** Until a local agency issues notice of approval or denial, additional applications submitted by an applicant are void. However, an application for monthly assistance and an application for emergency assistance may exist concurrently. More than one application for monthly assistance or emergency assistance may exist concurrently when the local agency decisions on one or more earlier applications have been appealed to the commissioner and the applicant asserts that a change in circumstances has occurred that would allow program eligibility.

A local agency shall require additional application forms or supplemental forms as prescribed by the commissioner when a payee changes his or her name, when the basis for program eligibility changes, ~~or~~ when a caretaker requests the addition of another person to the assistance unit, or when a person required to be in the filing unit must be added to the assistance unit.

An addendum to an existing application may be used to add persons to an assistance unit regardless of whether the persons being added are required to be in the filing unit. When a person is added by addendum to an assistance unit and that person is required to be in a filing unit, eligibility begins on the date the new member enters the home or the date the new member is required to be included in the assistance unit, whichever is later. When a person is added by addendum to an assistance unit and the person is not required to be included in the filing unit, eligibility begins on the date the signed addendum is submitted to the local agency or all eligibility criteria are met, whichever is later.

9500.2140 BASIC ELIGIBILITY REQUIREMENTS.

Subpart 1. [Unchanged.]

Subp. 2. **Minnesota residence.** Minnesota residence is an eligibility requirement for AFDC. A person who enters Minnesota from another state and receives assistance from that state must not be considered a Minnesota resident until the last month in which that state issues an assistance payment. Minnesota residence is established according to the provisions in items A to E.

A. A person who lives in Minnesota and who entered Minnesota with a job commitment or to seek employment in Minnesota, whether or not that person is currently employed, is considered a resident of Minnesota. Neither a length of prior ~~or~~ future residence nor an intent to remain in Minnesota is required.

B. A person who voluntarily enters Minnesota for a reason other than seeking employment, and who intends to remain in Minnesota, is a resident of Minnesota. No length of prior residence is required.

C. to E. [Unchanged.]

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Physical presence.** To be eligible for AFDC, a dependent child and a caretaker must live together except as provided in items A to C.

A. and B. [Unchanged.]

C. The absence of a caretaker or child does not affect eligibility for the month of departure when he or she received assistance for that month and lived together immediately prior to the absence. Eligibility also exists in the following month when the absence ends on or before the tenth day of that month. A temporary absence of a caretaker or a child which continues beyond the month of departure must not affect eligibility when the home is maintained for the return of the absent family member, the caretaker continues to maintain responsibility for the support and care of the dependent child, and when one of subitems (1) to (7) apply:

(1) when a recipient caretaker or recipient child is absent due to illness or hospitalization, and the absence is expected to last no more than six months beyond the month of departure;

(2) when a recipient child is out of the home due to a placement in foster care placement as defined in Minnesota Statutes, section 260.015, subdivision 7, when the placement will not be paid through Title IV-E funds, and when the absence is expected to last no more than six months beyond the month of departure;

(3) when a recipient child is out of the home for a vacation, the vacation is not with an absent parent, and the absence is expected to last no more than two months beyond the month of departure;

(4) when a recipient child is out of the home due to a visit or vacation with an absent parent under part 9500.2260, the home of the child remains with the caretaker under part 9500.2260, subpart 3, the absence meets the conditions of part 9500.2260, subpart 4, item C, and the absence is expected to last no more than two months beyond the month of departure;

(5) when a recipient caretaker is out of the home due to a death or illness of a relative, incarceration, training, or employment search and suitable arrangements have been made for the care of the child, or when a recipient child is out of the home due to incarceration, and the absence is expected to last no more than two months beyond the month of departure;

(6) when a recipient caretaker and a recipient child are both absent from Minnesota due to a situation described in subitem (5) or vacation, and the absence is expected to last no more than one month beyond the month of the departure; or

(7) when a recipient child has run away from home, and another person has not made application for that child or when a recipient child has been taken from home without the consent of the recipient caretaker or a court order and the caretaker has initiated legal action for the return of the child, assistance must continue for no more than two months following the month of departure, provided another person has not made application for the recipient child.

Subp. 6. [Unchanged.]

9500.2340 PROPERTY LIMITATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Real property limitations.** Ownership of real property by an applicant or recipient is subject to the limitations in items A and B.

A. A local agency shall exclude the homestead of an applicant or recipient, according to the provisions in subitems (1) to (3).

(1) An applicant or recipient who is purchasing real property through a contract for deed and using that property as a home is considered the owner of real property.

(2) The total amount of land that can be excluded under this subpart is limited to two contiguous platted lots in an incorporated city or town; all contiguous acres in an incorporated city or town when that land is not platted into lots, and all contiguous acres in other areas surrounding property which is not separated from the home by intervening property owned by others. Additional contiguous platted lots property must be assessed as to their its legal and actual availability according to subpart 1.

(3) When real property that has been used as a home by a recipient is sold, the local agency shall treat the cash proceeds

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

from that sale as excluded property for a period of six months when the recipient intends to reinvest them in another home and maintains those proceeds, unused for other purposes, in a separate account.

B. [Unchanged.]

Subp. 3. **Other property limitations.** The equity value of all nonexcluded real and personal property must not exceed \$1,000. To determine whether the value of an item of real or personal property is to be counted, a local agency shall exclude the value of real and personal property listed in items A to P:

A. One motor vehicle, when its equity value does not exceed \$1,500 exclusive of the value of special equipment for a handicapped household member. To establish the equity value of a vehicle, a local agency shall subtract any outstanding encumbrances from the ~~loan~~ average trade-in value listed in the N.A.D.A. Official Used Car Guide, Midwest Edition, for newer model cars. The N.A.D.A. Official Used Car Guide, Midwest Edition, is incorporated by reference. It is published monthly by the National Automobile Dealers Used Car Guide Company and is available through the Minitex interlibrary loan system. It is subject to frequent change. When a vehicle is not listed in the guidebook, or when the applicant or recipient disputes the value listed in the guidebook as unreasonable given the condition of the particular vehicle, the local agency may require the applicant or recipient to document the value by securing a written statement from a motor vehicle dealer licensed under *Minnesota Statutes*, section 168.27 stating the amount that the dealer would pay to purchase the vehicle. The local agency shall reimburse the applicant or recipient for the cost of a written statement that documents a lower value.

B. The value of personal property needed to produce earned income, including tools, implements, farm animals, and inventory, ~~but excluding automobiles and other motor vehicles used to provide transportation of persons or goods~~ business checking and savings accounts used exclusively for the operation of a self-employment business, and any motor vehicles if the vehicles are essential for the self-employment business.

C. to G. [Unchanged.]

H. Money held in escrow under part 9500.2380, subpart 7, item B, by a self-employed person, when the money is used for those purposes at least ~~quarterly~~ annually.

I. [Unchanged.]

J. Income received in a budget month ~~until~~ through the end of a ~~corresponding~~ payment ~~the~~ budget month.

K. to P. [Unchanged.]

Q. Lump sums that create a period of ineligibility are excluded from the date of receipt through the period of ineligibility. Lump sums that do not create a period of ineligibility are excluded only through the budget month.

9500.2380 INCOME.

Subpart 1. [Unchanged.]

Subp. 2. **Excluded income.** A local agency shall exclude items A to DD from income:

A. to E. [Unchanged.]

F. ~~all educational grants to an undergraduate student for educational or rehabilitative purposes when that grant is made or insured under a program administered by the United States Commissioner of Education and loans, including income from work study programs;~~

G. ~~educational grants issued by the Bureau of Indian Affairs, when assistance income was considered in determining the amount of the grant;~~

~~H. income from federally funded college work study;~~

~~I. loans, regardless of purpose, from public or private lending institutions, governmental lending institutions, or governmental agencies;~~

~~J. H. loans from private individuals, regardless of purpose, provided an applicant or recipient documents that the lender expects repayment;~~

~~K. I. state and federal income tax refunds except for the earned income tax credit;~~

~~L. J. funds received for reimbursement, replacement, or rebate of personal or real property when these payments are made from public agencies, issued by insurance companies, awarded by a court, solicited through public appeal, or made as a grant by a federal agency subsequent to a presidential declaration of disaster;~~

~~M. payments issued by insurance companies which are specifically designated as compensation to a member of an assistance unit for partial or total permanent loss of function or body part or for payment of medical bills, as required by *Minnesota Statutes*, section 256.74, subdivision 1, clause (7);~~

~~K.~~ the portion of an insurance settlement that is designated and used to pay medical, funeral, and burial expenses, or to repair or replace insured property;

~~N.~~ L. reimbursements for medical expenses which cannot be paid by medical assistance;

~~O.~~ M. payments by the vocational rehabilitation program administered by the state under *Minnesota Statutes*, chapter 129A, except those payments that are for current living expenses;

~~P.~~ N. in-kind income, including any payments directly made by a third party to a provider of goods and services;

~~Q.~~ O. assistance payments to correct underpayments ~~in a previous~~, but only for the month in which the payment is received and for the following month;

~~R.~~ P. payments to an applicant or recipient issued under part 9500.2820;

~~S.~~ Q. payments issued under part 9500.2800;

~~T.~~ R. Minnesota property tax refund credits received by an applicant or recipient who does not receive AFDC housing allowances under part 9500.2800, subpart 2;

~~U.~~ S. nonrecurring cash gifts of \$30 or less, such as those received for holidays, birthdays, and graduations, the total amount excluded not to exceed \$30 per recipient in a calendar quarter;

~~V.~~ T. tribal settlements excluded under Code of Federal Regulations, title 45, section 233.20(a)(4)(ii)(e), (k), and (m);

~~W.~~ U. any form of energy assistance payment made by LIHEAP, payments made directly to energy providers by other public and private agencies, benefits issued by energy providers when the Minnesota Department of Jobs and Training determines that those payments qualify under Code of Federal Regulations, title 45, section 233.53, and any form of credit or rebate payment issued by energy providers;

~~X.~~ V. the first \$50 of child support paid under *Code of Federal Regulations*, title 45, section 302.51(b)(1);

~~Y.~~ W. income, including retroactive payments, from supplemental security income;

~~Z.~~ X. income, including retroactive payments, from Minnesota supplemental aid;

~~AA.~~ Y. proceeds from the sale of real or personal property;

~~BB.~~ Z. payments made from state funds for subsidized adoptions under *Minnesota Statutes*, section 259.40;

AA. state-funded Family Subsidy Program payments made under *Minnesota Statutes*, section 252.32, to help families care for children with mental retardation or related conditions;

~~CC.~~ BB. interest payments and dividends from property which is not excluded from and which does not exceed the \$1,000 limit under part 9500.2340, subpart 3;

~~DD.~~ CC. income which is otherwise specifically excluded from AFDC program consideration in federal law, state law, or federal regulation.

Subp. 3. to 5. [Unchanged.]

Subp. 6. **Self-employment deductions.** Self-employment expenses must be subtracted from gross receipts except for the expenses listed in items A to N:

A. to E. [Unchanged.]

F. transportation costs which exceed the ~~amount~~ maximum standard mileage rate allowed for use of a personal car in the *United States Internal Revenue Code*;

G. to N. [Unchanged.]

Subp. 7. **Self-employment budget period.** Except for farm income under subpart 8, the self-employment budget period begins in the month of application for AFDC applicants and in the first month of self-employment for AFDC recipients. Gross receipts from self-employment must be budgeted in the month in which they are received. Expenses must be budgeted against gross receipts in the month in which those expenses are paid except for items A to C.

A. to C. [Unchanged.]

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

Subp. 8. [Unchanged.]

Subp. 9. **Rental income.** Income from rental property must be considered self-employment earnings when ~~effort is expended by the owner to maintain or manage the property~~ the owner spends an average of 20 hours per week on maintenance or management of the property. A local agency must deduct an amount for upkeep and repairs according to subpart 6, item L, for real estate taxes, insurance, utilities, and interest on principal payments. When an applicant or recipient lives on the rental property, the local agency must divide the expenses for upkeep, taxes, insurance, utilities, and interest by the number of rooms to determine the expense per room. The local agency shall deduct expenses from rental income only for the number of rooms rented, not for rooms occupied by an assistance unit. When ~~no effort is expended by the owner to maintain or manage~~ an owner does not spend an average of 20 hours per week on maintenance or management of the property, income from rental property must be considered unearned income. The deductions described in this subpart must be subtracted from gross rental receipts.

Subp. 10. and 11. [Unchanged.]

9500.2420 DOCUMENTING, VERIFYING, AND REVIEWING ELIGIBILITY.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Factors to be verified.** A local agency shall verify factors of program eligibility at the time of application, when a factor of eligibility changes, and at each redetermination of eligibility under subpart 5.

A. A local agency shall verify:

- (1) the social security number of each adult and child applying for assistance;
- (2) ~~the age, identity, and citizenship or resident alien status if required to establish eligibility;~~
- (3) the identity of each adult and child applying for assistance;
- (4) the resident alien status of each adult and child applying for or receiving assistance if the applicant or recipient reports that he or she is not a citizen;
- (5) ~~(5)~~ the incapacity of a parent when the basis of eligibility is an incapacitated parent under part 9500.2220;
- (4) ~~(6)~~ the wage and employment history for both parents for the period preceding application when the basis of eligibility is unemployed parent under part 9500.2300. When an applicant cannot document employment, a local agency shall verify the employment by contacting the employer. When this verification and other primary or alternate forms of verification are not available, a local agency shall accept an affidavit from an applicant as a satisfactory substitute for that verification;
- (5) ~~(7)~~ the first day of the third trimester when either program eligibility under part 9500.2140, subpart 4, or WIN exemption status under part 9500.2700, subpart 15, item M is based on pregnancy;
- (6) ~~(8)~~ school attendance and the date of anticipated completion of school for an 18 year old child;
- (7) ~~the WIN registration of a nonexempt adult or child in a WIN county;~~
- (8) ~~(9)~~ the registration with a Job Service office of a principal wage earner living in a non-WIN county or exempt under part 9500.2700, subpart 15, item G;
- (9) ~~the marital status of a parent who applies for assistance on the basis of continued absence under part 9500.2260, when a stepparent of the child is living in the home;~~
- (10) the relationship of a caretaker to the child for whom application is made; and
- (11) ~~a WIN exemption based on illness, injury, incapacity, or physical or mental impairment when an applicant or child is not exempt from WIN registration on another basis under part 9500.2700, subpart 15; residence.~~
- (12) ~~a WIN exemption based on 30 hours of employment when an adult or child is not exempt from WIN registration on another basis under part 9500.2700, subpart 15; and~~
- (13) ~~a WIN exemption based on school attendance for a 16 or 17-year old dependent child who lives in a county with a WIN program.~~

B. A local agency shall verify the information in subitems (1) to ~~(7)~~ (6) when it is either acknowledged by an applicant or recipient or obtained through a federally mandated verification system:

- (1) earned income, including gross receipts and business expenses from self-employment;
- (2) unearned income;
- (3) termination from employment;
- (4) real property;
- (5) personal property;

(6) dependent care costs of an employed caretaker; ~~and at the time of application, redetermination, or a change in provider.~~

(7) ~~the number of hours a person is absent from a child when the person's WIN exemption is based on part 9500.2700, subpart 15, item 1.~~

C. A local agency may verify additional program eligibility and assistance payment factors when it ~~either documents~~ determines that information on the application is inconsistent with statements made by the applicant, other information on the current application, information on previous applications, or other information received by the local agency. The local agency must document the reason for verifying the factor in the case record of an assistance unit or when it establishes written procedures that identify those circumstances in which additional verification may be required. A local agency may also verify additional program eligibility and assistance payment factors when it has received department approval to verify those factors on a county-wide basis because of unique circumstances.

Additional factors that may be verified, subject to the conditions of this item, are:

- (1) the presence of a child in the home;
- (2) death of a parent or spouse;
- (3) continued absence of a parent;
- (4) ~~residence~~ citizenship;
- (5) marital status, ~~except as provided under item A, subitem (9); and~~
- (6) income and property that an applicant or recipient has not acknowledged receiving or having.

Subp. 5. [Unchanged.]

9500.2440 FAMILY COMPOSITION AND ASSISTANCE STANDARDS.

Subpart 1. [Unchanged.]

Subp. 2. **Filing unit composition.** When an application for assistance is made for a dependent child, that child and all blood related and adoptive minor siblings of that child, including half-siblings, along with the parents of that child who live together, must be considered a single filing unit. Program eligibility may exist for a part of a filing unit even though one or more members are ineligible.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Application of standards.** The standards that apply to an assistance unit are set forth in items A to E.

A. to C. [Unchanged.]

D. The special child standard must be used for an assistance unit that contains no adult because a parent or parents are excluded from an assistance unit either because of failure to ~~register or~~ cooperate with WIN under ~~part 9500.2700, subparts 16 and 17 parts 9500.2724 and 9500.2726,~~ or because of failure to cooperate with child support enforcement under part 9500.2700, subpart 11, ~~and the parent or parents do not have income to meet their need under subpart 6.~~ The special child standard must be used whenever the only adult or adults in the household receives supplemental security income or Minnesota supplemental aid or both. When an assistance unit includes more than one eligible child, the special child standard must be determined by substituting the first adult standard for the needs of the last eligible child in an assistance unit and combining that amount with the children standard for the remaining children.

E. [Unchanged.]

Subp. 6. and 7. [Unchanged.]

9500.2500 AFDC ELIGIBILITY TESTS.

Subpart 1. [Unchanged.]

Subp. 2. **When to terminate.** When an assistance unit is prospectively ineligible for AFDC for at least two consecutive months, assistance must end.

When an assistance unit is terminated prospectively for a payment month due to excess income, income received in the two budget months before termination must be reviewed. The local agency shall apply the payment eligibility test and the gross income test to determine whether there is an overpayment for one or both of these months. There is no overpayment any month both tests are met.

When an assistance unit is prospectively ineligible for only one month and is prospectively eligible the following month, assistance

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

must not end. The income for the single month in which prospective ineligibility exists must be applied retrospectively as described in part 9500.2520, subpart 3 resulting in suspension for the corresponding payment month.

Subp. 3. [Unchanged.]

Subp. 4. **Gross income test.** A local agency shall apply a gross income test both prospectively and retrospectively for each month of program eligibility. An assistance unit is not eligible when income equals or exceeds 185 percent of the AFDC family allowance for the assistance unit. The income applied against the gross income test must include the income of a parent in the filing unit even when that parent is not included in the assistance unit. It must include the earned and unearned income of an eligible relative who seeks to be included in the assistance unit. It must include the unearned income of a dependent child who seeks to be included in the assistance unit. It must include the gross earned income of a dependent child in the assistance unit who is not a full-time student and whose income is from a source other than the Job Training Partnership Act. It must also include the earned or unearned income of a dependent child who is a member of the filing unit but is excluded from the assistance unit because of failure to register or cooperate with WIN. The income in items A to G must be considered in the gross income test:

A. to F. [Unchanged.]

G. Income as determined under items A to C of a stepparent, a parent of a minor caretaker, and a legal guardian of a minor caretaker who lives in the household and is not in the assistance unit. Subitems (1) to (6) must be deducted from this income:

(1) child or spousal support paid to a person who lives outside of the household;

(2) payments to meet the need of another person who lives outside of the household and who is or could be claimed as a dependent for federal personal income tax liability;

(3) \$75 for work expense when employment equals or exceeds 30 hours per week or \$74 when employment is less than 30 hours per week expenses;

(4) an amount for the needs of one parent or legal guardian of a minor caretaker or a stepparent at the first adult standard;

(5) an amount for the needs of the second parent or legal guardian of a minor caretaker at the second adult standard; and

(6) an amount for the needs of other persons who live in the household but are not included in the assistance unit and are or could be claimed by a parent of a minor caretaker, legal guardian of a minor caretaker, or stepparent as dependents for determining federal personal income tax liability. This amount must equal the AFDC family allowance for a family group of the same composition as the dependent persons described in this subitem.

Subp. 5. [Unchanged.]

9500.2580 EMPLOYMENT DISREGARDS.

A local agency shall deduct the disregards in items A to D from gross earned income as defined in part 9500.2380:

A. [Unchanged.]

B. A monthly deduction for ~~documented~~ costs for care of a dependent child or an adult dependent who is in the assistance unit. These costs must be documented according to part 9500.2420, subpart 4, item B, subitem 6. This disregard must only be deducted from the gross income of a member of an assistance unit or an ineligible parent, except that sanctioned persons who are not allowed allocations under part 9500.2600, item C must not receive this disregard. The deduction must not exceed ~~\$160 per~~ \$175 for each dependent age two or older, or \$200 for each dependent under the age of two when employment equals or exceeds 30 hours per week, ~~or \$159 per.~~ The deduction must not exceed \$174 for each dependent age two or older, or \$199 for each dependent under the age of two when employment is less than 30 hours per week. A deduction for dependent care costs is not allowed when the care is provided by a member of an assistance unit, by a parent of a dependent child, or by a spouse of a caretaker of a dependent child.

C. and D. [Unchanged.]

9500.2640 CORRECTION OF OVERPAYMENTS AND UNDERPAYMENTS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Recouping overpayments from current recipient.** An overpayment may be repaid voluntarily, in part or in full, even if assistance is reduced under this subpart, until the total amount of the overpayment is repaid. When an assistance unit is currently eligible for assistance, the local agency shall recoup an overpayment by reducing one or more monthly assistance payments until the overpayment is repaid. To determine the amount of repayment to deduct from the monthly assistance payment, the local agency shall estimate the amount of income the assistance unit is expected to receive for the month of the assistance payment; and deduct anticipated work expenses according to this subpart; and add the value of liquid assets available to the assistance unit at the beginning of that month using the verified information most recently reported by the caretaker §. Once the total of net income and liquid assets is determined, the local agency shall determine the amount of the repayment for that month. When an overpayment occurs due to client error, the local agency shall reduce the assistance payment to an amount which, when added to the anticipated net income and current

liquid assets, equals 95 percent of the AFDC family allowance. When an overpayment occurs due to agency error, or a combination of client and agency error, the local agency shall reduce the assistance payment to an amount which, when added to the anticipated liquid assets and net income, equals 99 percent of the AFDC family allowance. Once a state computerized client eligibility and information system is implemented in one or more counties, all local agencies shall reduce the assistance payment by three percent of the assistance unit's AFDC family allowance or the amount of the monthly payment, whichever is less, for all overpayments including those due solely to agency error. A local agency shall adjust the amount of recoupment when:

A. an assistance unit documents prior to the first day of the payment month that actual liquid assets are less than the estimated liquid assets; or

B. an assistance unit documents prior to the last day of the month that actual income is less than the estimated income.

Subp. 5. **Determining net income.** A local agency shall determine net income for purposes of recoupment by using deducting:

A. estimates of federal and state income taxes, social security withholding taxes, and mandatory retirement fund deductions the first \$75 of earned income and, for self-employed persons, the expenses directly related to and necessary for the production of goods and services; and

B. an estimate for dependent care costs without regard to the \$159 and \$160 maximums in part 9500.2580, item B; an amount equal to the actual expenditures for the care of each dependent child or incapacitated person living in the same household and receiving aid, except that the amount deducted shall not exceed the maximums in part 9500.2580 for persons not engaged in full-time employment.

C. other personal employment expenses equal to ten percent of an assistance unit's gross earned income unless the caretaker chooses to itemize these expenses. When a caretaker chooses to itemize expenses, the caretaker shall provide the local agency with documentation for those expenses. The local agency shall deduct the expenses in subitems (1) to (6) in lieu of the ten percent:

(1) transportation costs to and from work at the amount allowed by the Internal Revenue Service for personal car mileage;

(2) costs of work uniforms, union dues, and medical insurance premiums;

(3) costs of tools and equipment used on the job;

(4) \$1 per work day for the costs of meals eaten during employment;

(5) public liability insurance required by an employer when an automobile is used in employment and the cost is not reimbursed by the employer; and

(6) the amount paid by an employee from personal funds for business costs which are not reimbursed by the employer.

Subp. 6. to 9. [Unchanged.]

9500.2680 PAYMENT PROVISIONS.

Subpart 1. **Checks Payments.** This subpart applies to monthly assistance payments and corrective payments.

A. to C. [Unchanged.]

D. A local agency that makes payments by means other than check must also comply with the time limits in items B and C when issuing payments.

Subp. 2. **Protective, vendor, and two-party payments; when allowed.** Alternatives to paying assistance directly to a recipient may be used only:

A. to D. [Unchanged.]

E. When a caretaker has exhibited a continuing pattern of mismanaging funds under the conditions specified in *Code of Federal Regulations*, title 45, section 234.60(a)(2).

(1) The director of a local agency must approve a proposal for protective, vendor, or two-party payment for money mismanagement. During the time a protective, vendor, or two-party payment is being made, the local agency shall provide services designed to alleviate the causes of the mismanagement in accordance with *Code of Federal Regulations*, title 45, section 234.60(a)(8).

(2) The continuing need for and method of payment must be documented and reviewed every ~~six~~ 12 months. The director of a local agency must approve the continuation of protective, vendor, or two-party payment.

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

(3) When it appears that the need for protective, vendor, or two-party payments will continue or is likely to continue beyond two years because the local agency's efforts have not resulted in sufficiently improved use of assistance in behalf of the child, judicial appointment of a legal guardian or other legal representative must be sought by the local agency.

Subp. 3. **Choosing payees for protective, vendor, and two-party payments.** A local agency shall consult with a caretaker regarding the selection of the form of payment, the selection of a protective payee, and the distribution of the assistance payment to meet the various costs incurred by the assistance unit. The local agency shall notify the caretaker of a consultation date. If the caretaker fails to respond to the local agency's request for consultation by the effective date on the notice, the local agency shall choose a protective payee for that payment month and subsequent payment months until the caretaker responds to the agency's request for consultation. The local agency shall notify the caretaker of the right to appeal the determination that a protective, vendor, or two-party payment should be made or continued and to appeal the selection of the payee.

When a local agency is not able to find another protective payee, a local agency staff member may serve as a protective payee. A person who is not to serve as protective payee is: a member of the county board of commissioners; the local agency staff member determining financial eligibility for the family; special investigative or resource staff; the staff member handling accounting fiscal processes related to the recipient; or a landlord, grocer, or other vendor dealing directly with the recipient.

Subp. 4. **Discontinuing protective, vendor, and two-party payments.** A local agency shall discontinue protective, vendor, or two-party payments ~~in the month following compliance with WIN requirements under part 9500.2700, subpart 16; in the month following qualification as a member of an assistance unit when a WIN exemption is established under part 9500.2700, subpart 15~~ compliance with the employment search or employment requirements under part 9500.2728; in the month following cooperation with the child support enforcement unit under part 9500.2700, subpart 10; and in two years or in the month following the local agency's failure to grant six-month approval to a money management plan, whichever occurs first. At least once every ~~six~~ 12 months, a local agency shall review the performance of a protective payee acting under subpart 2, items A, B, and E to determine whether a new payee should be selected. When a recipient complains about the performance of a protective payee, a review must occur within 30 days.

9500.2700 APPLICANT AND RECIPIENT RESPONSIBILITIES.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Household reports.** Each ~~assistant~~ assistance unit with a member who has earned income or a recent work history, and each ~~assistant~~ assistance unit that has income allocated to it from a financially responsible person living with that unit who has earned income or a recent work history, shall complete a monthly household report form. "Recent work history" means the individual received earned income in any one of the three calendar months preceding the current payment month. Monthly reports must also be completed by each assistance unit in a category that has a greater proportion of the state's total program errors than that category's proportion of the state's total program caseload, as identified through the quality control review process, and when monthly reporting is expected to reduce the error rate for that category. ~~All other assistance units shall complete a quarterly household report form.~~ To be complete, a household report form must be signed and dated by a caretaker no earlier than the last day of the reporting period; all questions required to determine assistance payment eligibility must be answered, and documentation of earned income must be included. A recipient shall submit the household report form in time for the local agency to receive it by the eighth calendar day of the month following the reporting period covered by the form. When the eighth calendar day of the month falls on a weekend or holiday, a recipient must submit the household report form in time for the local agency to receive it by the first working day that follows the eighth calendar day. Delays in submitting the completed household report form may delay an assistance payment in the month following the month in which the form is due. When the household report form is late without good cause, except as qualified in subpart 6, item C, the recipient is subject to the ~~penalties in items A and B~~ following penalty:

A- When a completed household report form is received by a local agency after the last day of the month following the month in which the form is due, and when the delayed household report form reports earned income, an assistance unit shall lose the earned income disregards under part 9500.2580 for the payment month corresponding to the last month covered by the household report form.

B- ~~When a household report form is received by a local agency on or after the first day of the month following the month in which the form is due, assistance must end. When a person requests further assistance, the local agency shall require the assistance unit to reapply. The assistance unit is eligible for assistance payment on the date of reapplication or the date all other eligibility factors are met, whichever is later.~~

Subp. 6. **Late household report forms.** Items A to C apply to the requirements in subpart 5.

A. [Unchanged.]

B. When a complete household report form is not received by a local agency before the last ten days of the month in which the form is due, the local agency shall send notice of proposed termination of assistance. When a recipient submits an incomplete form on or after the date the notice of proposed termination has been sent, the termination is valid unless the recipient submits a complete form before the end of the month. However, an assistance unit required to submit a household report form is considered to

have continued its application for assistance effective the date the required report is received by the local agency if a complete household report form is received within a calendar month after the month in which assistance was received, except that no assistance shall be paid for the period beginning with the first day of the month in which the report was due and ending with the date the report was received by the local agency.

C. A local agency shall allow good cause exemptions from the ~~penalties~~ penalty under subpart 5; ~~items A and B~~; when the factors in subitems (1) to (5), singly, or in combination, cause a recipient to fail to provide the local agency with a completed household report form before the end of the month in which the form is due.

(1) an employer delays completion of employment verification;

(2) a local agency does not help a recipient complete the household report form when the recipient asks for help;

(3) a recipient does not receive a household report form due to mistake on the part of the department or the local agency or due to a reported change in address;

(4) a recipient is ill, or physically or mentally incapacitated; or

(5) some other circumstance occurs that a recipient could not avoid with reasonable care which prevents the recipient from providing a completed household report form before the end of the month in which the form is due.

Subp. 7. and 8. [Unchanged.]

Subp. 9. **Requirement to provide social security numbers.** To receive assistance, ~~an applicant or recipient~~ each member of the assistance unit shall provide his or her social security number to the local agency. When a social security number ~~and social security card are~~ is not provided to the local agency for verification, this requirement is satisfied when ~~an applicant or recipient~~ each member of the assistance unit cooperates with the procedures for verification of numbers, issuance of duplicate cards, and issuance of new numbers which have been established jointly between the Social Security Administration and the commissioner.

Subp. 10. and 11. [Unchanged.]

Subp. 12. **Good cause exemption from cooperating with support requirements.** Before requiring a caretaker to cooperate, a local agency shall notify an applicant that he or she may claim a good cause exemption from cooperating with the requirements in subpart 10, items B to D, under the conditions specified in Code of Federal Regulations, title 45, sections 232.12 and 232.40 to 232.49 at the time of application or at any subsequent time. When a caretaker submits a good cause claim in writing, action related to child support enforcement must stop. The caretaker shall submit evidence of a good cause claim to the local agency within 20 days of submitting the claim.

A. to G. [Unchanged.]

H. Following a determination that a caretaker has good cause for refusing to cooperate, a local agency ~~shall~~ may take ~~no~~ further action to enforce child support ~~until the good cause exemption ends according to item E if it is determined by the local agency that enforcement can proceed without risk of harm to the child or caretaker relative if the enforcement or collection activities did not involve their participation.~~

9500.2740 APPLICANT AND RECIPIENT RIGHTS AND LOCAL AGENCY RESPONSIBILITIES TO APPLICANTS AND RECIPIENTS.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Mailing of notice.** Notices under subparts 5 and 6 must be made according to items A to C:

A. and B. [Unchanged.]

C. A local agency shall mail a notice to a recipient no later than the effective date of the action when:

(1) the local agency receives a recipient's monthly ~~or quarterly~~ household report form which includes facts that require payment reduction, suspension, or termination and which contains the recipient's signed acknowledgment that he or she understands that this information will be used to determine program eligibility or the assistance payment amount;

(2) the local agency verifies the death of a recipient or the payee;

(3) the local agency receives a signed statement from a recipient that assistance is no longer wanted;

(4) the local agency receives a signed statement from a recipient that provides information which requires the termination

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

or reduction of assistance, and the recipient shows in that statement that he or she understands the consequences of providing that information;

(5) the local agency verifies that a recipient is hospitalized and does not qualify under part 9500.2140, subpart 5, item C, subitem (1);

(6) the local agency verifies that a recipient has entered a state hospital or a licensed residential facility for medical or psychological treatment or rehabilitation;

(7) the local agency verifies that a member of an assistance unit has been approved to receive assistance by another county or state;

(8) the local agency verifies that a member of an assistance unit has been placed in foster care, except as specified in part 9500.2140, subpart 5, item C, subitem (2); or

(9) the local agency cannot locate a caretaker's whereabouts and mail from the local agency has been returned by the post office showing that the post office has no forwarding address.

Subp. 8. to 12. [Unchanged.]

Subp. 13. **Right to protection.** Under the circumstances defined in this subpart, a local agency shall refer an applicant or recipient to the social services unit of the local agency. Neither a referral for social services nor an applicant's or recipient's cooperation with the referral is a condition of eligibility for continued assistance. Referral must be made according to items A and B.

A. Referral must be made when a minor caretaker does not live with his or her parent or legal guardian, or other adult caretaker or in a group or foster home licensed by the department. The local agency shall inform the minor caretaker that a referral is being made to the social services unit and that use of and cooperation with the social services unit is not a requirement for the receipt of assistance. Minor parents must be informed that all or part of their assistance may be paid in the form of protective or vendor payments if they do not participate and cooperate in the development of a social service plan.

B. [Unchanged.]

9500.2800 AFDC PAYMENTS FOR FUNERALS, HOUSING, AND SPECIAL NEEDS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **State appropriation for special needs.** Payments for special need items, as defined and conditioned in subparts 4 to 9 10, must be paid to a recipient subject to the amount appropriated by the Minnesota legislature. Each quarter, the commissioner shall ~~allocate~~ provide a base allocation from this appropriation to a local agency in proportion to the number of assistance units the local agency served by that local agency through the AFDC program in the previous calendar year, compared to the number served in the state.

A. A local agency shall issue these funds to meet special needs of a recipient. Notwithstanding subparts 4 to 9 10, a local agency is not required to provide special need payments that are more than the amount allocated to the local agency by the commissioner. A local agency must develop written procedures for meeting priority needs of a recipient and may establish waiting lists. A local agency must inform inquirers of the procedures and assure that the procedures are applied consistently within a quarter. A local agency shall log requests for special need items and shall use this log to develop or modify procedures for future quarterly allocations. Dispositions of each request must be included in the log.

B. At the end of each quarter, a local agency shall report the amount of any remaining funds to the commissioner. The commissioner shall determine whether the quarterly statewide allocation is underspent or overspent and adjust future allocations in the same fiscal year ~~so that the remaining funds are reallocated to local agencies which have provided special needs beyond their individual allocations.~~ This reallocation must be ~~made on a pro rata basis in proportion to the amount by which a local agency exceeded its allocation~~ determined subject to the conditions in subitems (1) and (2).

(1) When the statewide allocation is underspent, local agencies that overspent their quarterly allocation will be compensated for their overexpenditures before any remaining funds are reallocated. Remaining funds will be reallocated to all local agencies using the allocation method described in the first paragraph of this subpart.

(2) When the statewide allocation is overspent, any remaining funds from underspent local agencies will be reallocated to local agencies who overspent their quarterly allocation. The reallocation shall be in proportion to the local agency's overexpenditures for that quarter, compared to the total for all local agencies with overexpenditures.

C. In all quarters, except the final quarter of each state fiscal year, special needs funds committed but unspent by local agencies may be reserved to prevent reallocation to over spent counties. Each quarter, committed funds plus expenditures will be limited to the local agency's quarterly allocation.

D. Local agencies which have overspent their allocation at the end of the state fiscal year will be required to reimburse the state for the state share of the overexpenditure.

Subp. 4. to 8. [Unchanged.]

Subp. 8a. Employment preparation expenses. A local agency may pay for child care, transportation, tuition, and other incidental expenses related to employment preparation provided funds for the nonfederal share of employment special needs expenses are available. Items A to G specify the restrictions which apply to special needs payments for employment preparation expenses.

A. The expense must be an obligation of the recipient.

B. The local agency must determine if the recipient is eligible for other funding which would cover all or part of the expense. If funding is available through another program, these funds should be used before using employment special needs to pay for the expense. Educational grants and scholarships are considered available resources only when considering an employment special need payment for tuition.

C. The need for the expense must be documented in an employability plan developed by an individual or agency approved by the local agency to develop employability plans.

D. The local agency must provide prepayment approval for the expense.

E. A local agency must not make special needs payments for expenses directly related to on-the-job activities, including work study jobs, of an employed recipient.

F. A local agency must not make special needs payments for expenses resulting from participation in the Community Work Experience Program (CWEP) or the Employment Search Program (ESP).

G. A local agency shall make payment for employment preparation expenses directly to a recipient unless the recipient requests vendor payment. The types of employment preparation expenses that may be covered by employment special needs are listed in subitems (1) to (6):

(1) child care expenses up to the maximum child care rates allowed by the Child Care Fund under *Minnesota Statutes*, section 268.91, subdivision 8;

(2) transportation expenses;

(3) tuition expenses, excluding post-baccalaurate tuition, of a recipient who has applied for educational grants or scholarships and not received assistance sufficient to cover tuition expenses;

(4) payments for incidental expenses related to employment preparation, such as safety equipment needed for participation in an educational or training program;

(5) job search expenses; and

(6) vocational counseling or testing expenses.

Subp. 9. **Verification and preauthorization requirements.** Payments made under subparts 6 to 8 8a must be made only when a recipient's need for the item is verified by the local agency. A local agency may require prior authorization as a condition of payment, but when the need for a special need item occurs at a time outside of the local agency's business hours, this requirement is satisfied when a recipient contacts the local agency on the next working day to request authorization.

Subp. 10. Postpayment verification. Postpayment verification is required for all payments made under subpart 8a. Failure to provide postpayment verification shall result in an overpayment.

9500.2820 EMERGENCY ASSISTANCE.

Subpart 1. to 14. [Unchanged.]

Subp. 15. **Termination of utility service.** Assistance payments must be made when an otherwise eligible family has had a termination or is threatened with a termination of municipal water and sewer service, electric, gas, or heating fuel service, or lacks wood when that is the heating source, subject to the conditions of items A and B.

A. [Unchanged.]

B. A local agency must not issue assistance for utility costs for an applicant who:

(+) effective October 1, 1986, and thereafter, paid less than four percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending;

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

(2) effective October 1, 1987, and thereafter, paid less than six percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending; and

(3) effective October 1, 1988, and thereafter, paid less than eight percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending.

C. Items A and B must not be construed to prevent the issuance of assistance when a local agency must take immediate and temporary action necessary to protect the life or health of a child.

Subp. 16. **Amounts of payment.** A local agency shall issue assistance for utility costs in an amount that is dependent upon the percent of the family's gross income paid toward utility costs and the percent of the total utility costs paid before the issuance of assistance. A local agency shall determine those amounts according to items A to E.

A. Payment of the balance owed to a utility provider must be paid in full for an applicant who:

(1) effective October 1, 1986, and thereafter, paid no less than eight percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending;

(2) effective October 1, 1987, and thereafter, paid no less than 12 percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending; and

(3)₂ effective October 1, 1988, and thereafter, paid no less than 16 percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending.

B. Payment on the balance owed to a utility provider must be limited to the amounts under item C for an applicant who:

(1) effective October 1, 1986, and thereafter, paid at least four percent and less than eight percent of gross income toward utility costs due during the utility budget period or while the application is pending;

(2) effective October 1, 1987, and thereafter, paid at least six percent and less than 12 percent of gross income toward utility costs due during the utility budget period or while the application is pending; and

(3)₂ effective October 1, 1988, and thereafter, paid at least eight percent and less than 16 percent of gross income toward utility costs due during the utility budget period or while the application is pending.

C. to E. [Unchanged.]

Subp. 17. to 19. [Unchanged.]

9500.2880 COUNTY OF RESPONSIBILITY POLICIES AND DISPUTES.

Subpart 1. **Determining the county of financial responsibility.** The county of financial responsibility is the county in which a dependent child lives on the date the application is signed, unless subpart 4 applies. The county in which a woman with no children lives on the date the application is signed under part 9500.2140, subpart 4 is the county of financial responsibility unless subpart 4 applies. When more than one county is financially responsible for the members of an assistance unit, ~~the caretaker's needs must be met by the county of financial responsibility for the most children. When each county is financially responsible for the same number of children, the county of financial responsibility for the oldest child is responsible for the needs of the caretaker.~~ financial responsibility must be assigned to a single county beginning the first day of the calendar month after the assistance unit members are required to be in a single assistance unit. Financial responsibility must be assigned to the county that was initially responsible for the assistance unit member with the earliest date of application. The county in which the assistance unit is currently residing becomes financially responsible for the entire assistance unit beginning two full calendar months after the month in which financial responsibility was consolidated in one county.

Subp. 2. **Change in residence.** When a ~~dependent child~~ an assistance unit moves from one county to another and continues to receive assistance, the new county of residence becomes the county of financial responsibility when that ~~child~~ assistance unit has lived in that county in nonexcluded status for two full calendar months, ~~unless subpart 4 applies.~~ When a dependent child moves from one county to another to reside with a different caretaker, the caretaker in the former county is eligible to receive assistance for that child only through the last day of the month of the move. The caretaker in the new county becomes eligible to receive assistance for the child the first day of the month following the move or the date of application, whichever is later. Nonexcluded status means the period of residence that is not considered excluded time under Minnesota Statutes, section 256G.02, subdivision 6.

A. to C. [Unchanged.]

Subp. 3. [Unchanged.]

Subp. 4. **Out-of-county placement Excluded time.** When a plan of treatment for health rehabilitation, foster care, child care or training, or a correctional plan requires that a recipient move from one county to another to meet the goals of the plan, the county in which the assistance unit lives at the time the plan is developed is the county of financial responsibility until the goals of the plan are met or until the plan is ended. When the family or child continues to live in the second county, the former county is the county

of financial responsibility until two full calendar months have elapsed following the completion or end of the plan. This delay in the transfer of financial responsibility to another county also applies when a woman leaves her county of residence to enter a battered women's shelter or a maternity shelter in another county. When an applicant or recipient had contact with a local agency staff member before moving, the contact must be evaluated to determine whether the move was a placement pursuant to a plan of treatment or whether the local agency had an existing legal obligation to consider and undertake such a placement. When an applicant or recipient resides in an excluded time facility as described in Minnesota Statutes, section 256G.02, subdivision 6, the county that is financially responsible for the applicant or recipient is the county in which the applicant or recipient last resided outside such a facility immediately before entering the facility. When an applicant or recipient has not resided in Minnesota for any time other than excluded time as defined in Minnesota Statutes, section 256G.02, subdivision 6, the county that is financially responsible for the applicant or recipient is the county in which the applicant or recipient resides on the date the application is signed.

Subp. 5. **Settlement of disputes.** When a local agency receives an application for assistance or a request for transfer under subpart 2 and does not believe it is the county of financial responsibility, items A to E apply.

A. The local agency that has received the application or transfer request shall, simultaneously:

(1) accept the application, determine program eligibility, and when the applicant or recipient is eligible, calculate and issue the assistance payment; and

(2) refer the current case record within 15 days to the county it believes to be the county of financial responsibility send a copy of the application or transfer request, together with the record of any investigation it has made, to the local agency it believes is financially responsible. The copy and record must be sent within 60 days of the date the application or transfer request was received.

B. The local agency that is alleged to be the county of financial responsibility shall determine if it accepts financial responsibility, and, within 15 days of receipt of the current case record provided for under item A, the local agency shall: receiving the copy of the application and the record of the investigation, if any, must accept or reject financial responsibility within 30 days after receiving the copy and record. If the local agency receiving the copy and record fails to respond within the 30-day period, it becomes financially responsible. If the local agency receiving the copy and record rejects financial responsibility, it should provide the department and the initially responsible local agency with a statement of all facts and documents necessary for the department to determine financial responsibility. The statement must identify the specific basis upon which the submitting local agency is denying financial responsibility.

(1) notify the referring county that it accepts financial responsibility; or

(2) notify the referring county that it does not accept financial responsibility and the reasons. The referring county shall then either accept financial responsibility or submit the matter to the commissioner for a settlement.

C. The commissioner shall provide both counties with the opportunity to state their positions, review the case facts, and determine from the case facts which county is the county of financial responsibility. The commissioner's determination binds both counties unless it is appealed to district court within 30 days of the date of the determination and the commissioner's decision is reversed by that court. The initially responsible local agency has 15 days to provide the department with its position and any supporting evidence. If the initially responsible local agency does not submit its written position to the department, the department may issue a binding order based on the evidence received.

D. The county that accepts financial responsibility, or is determined by the commissioner to be the county of financial responsibility, shall reimburse the other county for costs the nonresponsible county previously paid. Reimbursement must be for the total costs incurred, rather than the county share, only when the nonresponsible county has not received AFDC federal and state reimbursement. The department shall decide disputes within 60 days of receipt of the initially responsible local agency's submission of its position and supporting evidence or 60 days after the deadline for submission of its position and evidence. The department may make any investigation it considers necessary to decide a dispute.

E. The provisions in this part must not be construed to require, authorize, or permit a local agency to delay either a determination of eligibility or issuance of an assistance payment when that local agency believes that another county may ultimately be financially responsible. The department's decision binds both local agencies unless the decision is appealed to the district court within 30 days after the decision is made and the decision is reversed by the district court. Assistance payments must continue, provided the recipient remains eligible, while the district court appeal is pending.

REPEALER. Minnesota Rules, part 9500.2060, subpart 118, is repealed.

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.

Department of Trade and Economic Development

Proposed Permanent Rules Relating to Tourism Loan Program

Notice of Intent to Adopt Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Trade and Economic Development intends to adopt the above entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, § 14.22-14.28.

The rules are authorized by *Minnesota Statutes 1988*, section 116J.035, subd. 2, 116J.980, subd. 1(1), and *Laws of Minnesota 1989*, ch. 335, art. 1, sect. 139.

All persons have 30 days in which to submit comments 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. The proposed rule may be modified in final adoption if modifications are supported by the data and views submitted to the Department of Trade and Economic Development and do not result in a substantial change in the proposed language.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If twenty-five or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. The written request must be specific on which part or subpart of the rule a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. If a public hearing is required, the department will proceed pursuant to the provisions of *Minnesota Statutes*, § 14.131-14.20.

Persons who wish to submit comments or written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rule, should address their correspondence to:

Wayne Sames
Tourism Loan Program
Minnesota Department of Trade and Economic Development
Community Development Division
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101-1421

A free copy of the proposed rule and a statement that describes the need for and reasonableness of each provision of the proposed rule is available from the Department of Trade and Economic Development upon request.

The proposed rule will have an impact on small businesses as defined in *Minnesota Statutes*, 14.115. The rule will establish the maximum amount of state financial assistance to be provided to tourism-related businesses, as well as the level of interest on loans and the terms of loans. The proposed rule will also specify the eligibility criteria for borrowers, types of projects and costs and the application procedures required.

Participation in the program is voluntary, so the proposed rule will have an impact only on those small tourism-related business owners who choose to apply for assistance. For those who do apply for assistance, the proposed rule may limit the size of the proposed project due to the limit on the amount of state financial assistance allowed. It may, however, tend to direct available funds to smaller tourism-related businesses rather than to larger businesses. The eligibility and security requirements of the proposed rule will tend to favor small tourism-related business owners with well-planned projects, well-managed operations and sound financial status.

The process of applying for assistance will require time and effort equivalent to applying for a bank loan on the part of interested small tourism-related business owners, but will also result in substantial economic assistance to their businesses.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to legality and form, to the extent the form relates to legality. 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 final rule as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* § 10A.01, subdivision 11 defines a lobbyist 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 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.

David J. Speer, Commissioner
Department of Trade and Economic Development

Rules as Proposed (all new material)

4308.0010 PURPOSE OF TOURISM LOAN PROGRAM.

The purpose of the tourism loan program of the department is to provide loans or to participate in loans to tourism-related businesses in Minnesota for upgrading and improvement of facilities. The program will provide both direct loans and participation loans in cooperation with local financial institutions. The state will share credit risks with the financial institutions and provide for lower interest rates than are otherwise available.

4308.0020 DEFINITIONS.

Subpart 1. **Scope.** The following terms used in parts 4308.0010 to 4308.0110 have the meanings given them.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Department of Trade and Economic Development or persons delegated to act in the commissioner's behalf.

Subp. 3. **Community development application.** "Community development application" means the official consolidated development application form as developed by the department to be used to apply for funding assistance from various community assistance programs administered by the Community Development Division.

Subp. 4. **Community Development Division.** "Community Development Division" means the Community Development Division of the Department of Trade and Economic Development. The Community Development Division has been designated by the commissioner to receive applications, administer the program, review applications, and approve loans.

Subp. 5. **Department.** "Department" means the Department of Trade and Economic Development.

Subp. 6. **Eligible borrower.** "Eligible borrower" means a sole proprietorship, partnership, corporation, or other person engaged in, and determined by the Community Development Division to constitute, a tourism-related business or other entity that is defined by the standard industrial classification codes of 7011 and 7033 in Code of Federal Regulations, title 13, section 121.2. A person to whom a loan has been made under parts 4308.0010 to 4308.0110 must maintain the standard industrial classification code through the term of the loan. A borrower is not eligible to receive another loan under the tourism loan program for three years from approval of the earlier loan to approval of the next loan.

Subp. 7. **Eligible project.** "Eligible project" means a project proposed by an eligible borrower that meets the requirements of parts 4308.0010 to 4308.0110.

Subp. 8. **Financial institution.** "Financial institution" means a bank, trust company, mortgage company, credit union, mortgage banker, national banking association, savings bank, savings association, savings and loan association, building and loan association, insurance company, financial organization dealing in commercial credit or venture capital, or a lender certified by the secretary of Housing and Urban Development or by the secretary of Veterans Affairs, or approved or certified by the administrator of the Farmers Home Administration or any other financial lending institution, whether organized under federal law or the laws of any state of the United States, and whether located within or without this state.

Subp. 9. **Local unit of government.** "Local unit of government" means a county, city, township, or Indian tribe or band recognized by the federal government.

Subp. 10. **Real property.** "Real property" means property consisting of land and all appurtenances, such as buildings and other immovable articles, including improvements made to or upon land and buildings.

Subp. 11. **Participation loan.** "Participation loan" means a loan made under a contract with a financial institution in which the department purchases a share of a financial institution's loan to an eligible borrower.

Subp. 12. **Tourism revolving loan program or program.** "Tourism revolving loan program" or "program" means the tourism loan program created in *Minnesota Statutes*, section 116J.617.

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

4308.0030 ELIGIBILITY OF PROJECT FOR TOURISM LOANS.

A direct loan or a participation loan must be to an eligible borrower for an eligible cost in an eligible project. The maximum state contribution for either kind of loan may not be for more than 50 percent of the total cost of the project loan, with a maximum state loan of \$50,000 for any one project.

Proposed eligible projects of \$10,000 or greater require a participation loan. Proposed eligible projects of under \$10,000 may receive a direct loan. The Community Development Division may require a participation loan in lieu of a direct loan if it determines that such action would further the purposes of the tourism revolving loan program.

4308.0040 ELIGIBLE COSTS FOR TOURISM LOANS.

Subpart 1. **Eligible costs.** Eligible costs for the program include costs not prohibited by subpart 2 for:

- A. building construction and improvement;
- B. site preparation;
- C. equipment;
- D. other construction costs, such as construction of facilities other than buildings, or costs that may be capitalized as part of overall construction costs; and
- E. fees that may be required by the department for administration of the loan.

Subp. 2. **Ineligible costs.** Project-related costs incurred more than 30 days before submission of a completed application as required by the community development application process are ineligible costs.

Subp. 3. **Determination of eligible or ineligible costs.** The Community Development Division shall make the determination of which proposed project costs are eligible or ineligible.

4308.0050 INTEREST RATE FOR TOURISM LOANS.

The interest rate on a direct loan or on the department's portion of a participation loan shall be determined at the time of closing by the department and shall be set at, or up to, three percentage points below a full faith and credit obligation of the United States government of comparable maturity, calculated at the time of initial implementation of the program, rounded to the nearest one-half percent, and revised as needed on a semiannual basis. The interest rate on a participation loan to the borrower shall be a blended rate of the bank's rate and the state's rate in proportion to the respective rate of participation.

4308.0060 TERM OF LOAN FOR TOURISM LOANS.

The maximum term of a direct loan or participation loan must not exceed the useful life of the real property, or 80 percent of the useful life of the equipment or machinery, or the following limits, whichever is less:

- A. ten years for land, buildings, or other real property;
- B. five years for equipment or machinery; or
- C. a weighted average of the limits under items A and B for loans for a combination of real property and equipment or machinery.

4308.0070 SECURITY REQUIREMENTS FOR TOURISM LOANS.

All loans must be secured by collateral. The financial institution or the department shall take a security interest in any collateral acceptable to the financial institution. The personal guarantee of principal owners must also be given to the financial institution or department before the loan is approved. For purposes of this part, principal owners are those having 20 percent or more ownership of tourism project.

4308.0080 APPLICATION PROCESS FOR TOURISM LOANS.

Subpart 1. **General procedures.** Applications for loans under the program must be made by the borrower and, if applicable, in coordination with a financial institution. Written evidence of support for the proposed project by the local unit of government within which it would be located must accompany the application. Applications may be submitted year round to the Community Development Division using the Community Development Division's community development application.

Subp. 2. **First part of application.** The first part of the community development application must include:

- A. a description of the borrower, including the borrower's standard industrial classification code;
- B. a narrative summarizing the need for the proposed tourism-related project; and
- C. a project summary outlining the construction, site preparation, equipment, or other activities or items to be completed or acquired and the scope of the project.

Subp. 3. **Second part of application.** The second part of the community development application must include:

- A. an activities description and budget detailing the specific estimated costs associated with each proposed activity or acquisition;
- B. a description of the proposed collateral;
- C. supporting materials that are designed to verify or support information presented in subparts 1 and 2 and in items A and B including, if applicable, a copy of the financial institution's file regarding the borrower's loan application and a letter containing the financial institution's assessment of the risks associated with the loan, and the creditworthiness of the borrower;
- D. a statement by the borrower, in the form provided in *Minnesota Statutes*, section 13.05, subdivision 4, paragraph (d), or a form similar to it if the borrower is a corporation, consenting to the dissemination of private or nonpublic data applicable to the loan; and
- E. copies of building permits, conditional use permits, resolutions, correspondence, and other documentation that the proposed project has been reviewed and approved by the appropriate local government officials.

Subp. 4. **Additional information.** The Community Development Division may require additional information from the applicant if it is necessary to clarify and evaluate the application.

4308.0090 PROCEDURE FOR TOURISM LOAN EVALUATION AND APPROVAL.

Subpart 1. **Evaluation of eligibility.** Upon receipt of the first part of the community development application, the Community Development Division shall make a determination whether the borrower, project, and costs are eligible for consideration. If it is determined that the borrower, project, or costs are ineligible, the Community Development Division shall notify the borrower and, if applicable, the financial institution and suggest any modifications that would make the application eligible for consideration. If it is determined that the borrower, project, and costs are eligible, the Community Development Division shall notify the borrower and, if applicable, the financial institution and advise the borrower and, if applicable, the financial institution of the additional information required to complete the second part of the community development application.

Subp. 2. **Evaluation of the completed application.** Upon receipt of the completed community development application, the Community Development Division shall evaluate the application based on the following criteria:

- A. the ability of the borrower to reasonably repay the loan;
- B. the extent to which the proposed project would contribute to upgrading, expanding, and improving Minnesota's tourism industry;
- C. the degree to which the proposed project would contribute to the economic viability of the tourism-related facility operated by the borrower;
- D. the degree to which the proposed project would contribute to protection or enhancement of the local tax base;
- E. demonstration of an overall positive economic impact on the surrounding community; and
- F. the degree to which the proposed project would help retain lakeshore and other outdoor recreation and tourism amenities for general use.

Subp. 3. **Approval.** The Community Development Division may reject or disapprove an application for a direct loan or a participation loan that does not provide sufficient documentation or otherwise comply with part 4308.0010 to 4308.0110. If the Community Development Division approves an application for a direct loan or participation loan, it shall address a commitment letter to the financial institution and the borrower. It shall also notify the financial institution and the borrower of the amount of the loan and the amount of interest charged on the department's portion of the loan.

Subp. 4. **Documentation required.** The state shall require an executed promissory note, an executed participation agreement, recorded mortgage, security agreements, personal guarantees, and other documentation needed to close the loan. The Community Development Division shall prepare a loan agreement to be signed by the financial institution, the borrower, and the state. The financial institution shall also certify in the participation agreement that the interest rate approved by the Community Development Division will be passed on to the borrower.

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

4308.0100 LOAN SERVICING.

Subpart 1. **Collection responsibilities.** In cases where a participation loan is approved, the financial institution shall collect payments according to the payment schedule outlined in the promissory note. The financial institution must remit to the department its pro rata share of a payment within 15 days of receipt. The financial institution may retain interest collected as payment for duties performed by it under the contract in the amount of one percent per annum of the department's share of the loan.

Subp. 2. **Loan default.** The financial institution shall notify the Community Development Division within 30 days after a determination by the financial institution of a default. The financial institution must pursue all reasonable means to collect the defaulted loan from the borrower and must apply and exhaust the loan security as necessary to effect payment of the loan. The financial institution must remit to the department its pro rata share of any amounts collected after subtracting costs to collect upon the defaulted loan. In lieu of foreclosure, either before or after declaring a default, the financial institution and the Community Development Division may agree to refinance or renegotiate the loan when doing so will enhance the possibility of recovery of the debt.

4308.0110 AMORTIZATION SCHEDULES.

Loan payments shall be made according to an amortization schedule established by the Community Development Division for direct loans, or by the financial institution for department participation loans. In the case of participation loans, the Community Development Division shall review and approve the proposed amortization schedule.

The financial institution shall allow loan payments to be made on other than a monthly basis to meet the amortization schedule established by the financial institution. A nonmonthly payment schedule shall allow for seasonal payments, where income is generated or primarily generated, because of seasonal business.

Department of Transportation

Proposed Permanent Rules Relating to State Highway Market Artery System

Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing if Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Transportation intends to adopt the above entitled rule without a public hearing following the procedures for adopting rules without a public hearing set forth in *Minnesota Statutes*, Sections 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, Section 169.832, Subdivision 13, and *Laws 1986*, Chapter 398, Article 13, Section 10.

All persons have 30 days in which to submit comments 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 written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their requests 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*, Section 14.131 to 14.20. PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN 30 DAY COMMENT PERIOD, A HEARING WILL BE HELD ON TUESDAY, OCTOBER 10, 1989, THROUGH WEDNESDAY OCTOBER 11, 1989, IN THE COUNCIL CHAMBERS, CITY HALL, 400 SECOND STREET, SOUTH, ST. CLOUD, MINNESOTA. THE HEARING WILL COMMENCE AT 9:30 A.M. ON OCTOBER 10, 1989 AND CONTINUE ON TO OCTOBER 11, 1989, IF ADDITIONAL TIME IS NECESSARY TO PROVIDE INTERESTED OR AFFECTED PERSONS WITH AN OPPORTUNITY TO PARTICIPATE. THE HEARING WILL BE CANCELLED IF SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARINGS ON THESE SAME RULES, PUBLISHED IN THIS ISSUE OF THE *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION. TO VERIFY WHETHER OR NOT A HEARING WILL BE HELD, YOU MUST CALL THE DEPARTMENT OF TRANSPORTATION BETWEEN OCTOBER 5, 1989 AND OCTOBER 9, 1989, AT 612-296-8477 OR 612-296-1635.

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

Jonette Kreideweis
Minnesota Department of Transportation
Room 807, Transportation Building
St. Paul, Minnesota 55155
(612) 296-8477

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on October 4, 1989.

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 free copy of the rule is available upon request from Jonette Kreideweis at the address noted above.

The terms will be used to assist in determining which state trunk highways will serve as market artery routes. State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal truck axle-weight load restrictions.

Data from the most recent population and economic censuses published by the United States Department of Commerce, Bureau of the Census, were utilized to determine which cities met the criteria for defining "significant centers of population and commerce".

In addition to defining "significant centers of population and commerce", the proposed rule will permit the department to designate "temporary emergency service" routes to particular shipping or receiving points on market artery routes. Under the proposed rule, "temporary emergency service" could be provided for a limited and specified period of time on trunk highways with seasonal weight restrictions or on alternate routes when service on a trunk highway market artery has been disrupted.

The department will allow trunk highways designated for "temporary emergency service" to be used by heavier trucks to move specific commodities to particular shipping and receiving points on market arteries during unanticipated emergencies which threaten the loss of life or significant property damage.

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 Jonette Kreideweis upon request.

The adoption of the rule will not require the expenditure of money by local public bodies within the meaning of *Minnesota Statutes*, Section 14.11. The proposed rule will not have an effect on agricultural land. The rule will not impose "costs mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the state within the meaning of *Minnesota Statutes*, Section 3.982. The rule imposes no fees.

The proposed rule may have an impact on the transportation activities of small businesses located in the cities or rural areas that do not meet the criteria included in the rule for defining "significant centers of population and commerce".

This rule specifies the criteria for defining which cities in Minnesota will be identified as "significant centers of population and commerce" for the purpose of *Minnesota Statutes*, Section 169.832, Subdivision 13. The rule is designed to identify Minnesota cities which are major regional centers and businesses which are large trunk traffic generators.

Businesses located on trunk highway market arteries that connect cities defined as "significant centers of population and commerce" may achieve some shipping advantage over businesses which are located on routes which have not been identified as market arteries. This situation may result because of the priority that will be given to eliminating seasonal weight restrictions on market artery routes.

The department has considered the impact of the rule on small businesses in compliance with *Minnesota Statutes*, Section 14.115, Subdivision 2.

The proposed rule does not establish compliance or reporting requirements or performance standards. It imposes no requirements on any business large or small.

The rule offers cities alternative ways to show that they are "significant centers of population and commerce". These provisions will minimize impacts of the rule on small businesses located in cities that might otherwise be unable to show that they are "significant centers of population and commerce" due to:

- a lack of available published population or commerce data due to data privacy or census reporting provisions; or
- population or commerce changes that have occurred during the time period between traditional census reporting periods.

Small businesses needs have also been considered in defining "temporary emergency service". For example, the Minnesota Department of Transportation will respond to requests for the designation of a temporary emergency service market artery route within twenty-four hours of receiving the request. The department's rapid response to such requests is intended to minimize delays and costs for shippers that find themselves faced with an immediate and urgent need to move commodities at weights up to the 80,000 pound maximum allowable vehicle load during unanticipated emergency situations.

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

Many opportunities have been provided for small business to participate in this rulemaking process. The Notice of Intent to Solicit Outside Opinion made special reference to the potential impact of the rule on small business. In addition, throughout the public involvement activities surrounding this rulemaking, special efforts have been undertaken to encourage small business involvement in public meetings and in the review and comment of draft criteria for defining "significant centers of population and commerce" and "temporary emergency services".

The following actions were taken by the department to encourage business participation in the rulemaking:

- a) Twelve public information meetings were held at various locations throughout the state to explain the rulemaking and solicit comments on alternative draft definitions for the rule.
- b) Public notices stating the dates, time and locations of the public information meetings and the potential effects of the rule on small businesses were prepared.

Copies of the notice were:

- published in the *State Register* on September 7, 1987
- forwarded to all weekly and daily newspapers in the state
- mailed to several hundred businesses, shippers, trucking companies and private citizens identified by the regional development commissions and the department's nine district offices
- forwarded to the major agricultural and business associations in Minnesota

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 that 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 material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Jonette Kreideweis at the address indicated above.

Dated: 7 August 1989

Leonard W. Levine
Commissioner

Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above entitled matter will be held in the Council Chambers, City Hall, 400 Second Street, South, St. Cloud, Minnesota, 56301 on October 10, 1989. The hearing will commence at 9:30 a.m. on October 10, 1989 and continued on to October 11, 1989 at this location, if additional time is necessary to provide interested or affected persons with an opportunity to participate. Notice of the hearing will be given to all persons who have registered with the Minnesota Department of Transportation in order to receive rulemaking notices. The Department of Transportation intends to give discretionary additional public notice of the proposed adoption of the rule to the active Regional Development Commissions in Minnesota by mailing a copy of the proposed rule and the Notice of Hearing/Notice of Intent to Adopt a Rule Without a Hearing to these persons. The proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THIS SAME RULE WITHOUT A PUBLIC HEARING, PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF TRANSPORTATION.

TO VERIFY WHETHER OR NOT A HEARING WILL BE HELD, **YOU MUST CALL** the Minnesota Department of Transportation between October 5, 1989 and October 9, 1989 at 612-296-8477 or 612-296-1635.

Following the agency's presentation at the hearing, all interested or affected persons 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 Phyllis Reha, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55425; telephone 612-341-7611, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record.

Upon the close of the record the Administrative Law Judge will write a report as provided in *Minnesota Statutes*, sections 14.15 and 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The adoption of the rule is authorized by *Minnesota Statutes*, Section 169.832, Subdivision 13.

The purpose of this proposed rule is to identify criteria for defining "significant centers of population and commerce" and "temporary emergency service". These terms will be used to assist in determining which state trunk highways will serve as market artery routes. State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal truck axle-weight restrictions.

A copy of the proposed rule is included with this notice. One free copy of the rule may also be obtained from Jonette Kreideweis, 807 Transportation Building, St. Paul, MN., 55155, (612) 296-8477.

The Department has considered the impact of this rule on small business in compliance with *Minnesota Statutes*, Section 14.115, Subdivision 2. The proposed rule does not establish compliance or reporting requirements or performance standards. It imposes no requirements for any business large or small. However, businesses located on trunk highway market arteries that connect cities defined as "significant centers of population and commerce" may achieve some shipping advantage over businesses which are located on routes which have not been identified as market arteries. This situation may result because of the priority that will be given to eliminating weight restrictions on market artery routes.

Many opportunities have been provided for small businesses to participate in this rulemaking process. The Notice of Intent to Solicit Outside Opinion made special reference to the potential impact of the rules on small business. In addition, throughout the public involvement activities surrounding this rulemaking, special efforts have been undertaken to encourage small business involvement in public meetings and in the review and comment on draft criteria for defining "significant centers of population and commerce" and "temporary emergency service."

Each of the above mentioned provisions of the proposed rule and the steps taken to encourage participation by small businesses are discussed in greater detail in the Notice of Intent to Adopt Rules Without a Public Hearing that is published with this Notice in this *State Register*, and in the Statement of Need and Reasonableness.

The adoption of this rule will not require the expenditure of money by local public bodies within the meaning of *Minnesota Statutes*, Section 14.11. The proposed rule will not have an effect on agricultural land. The rule will not impose "costs mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the state within the meaning of *Minnesota Statutes*, Section 3.982. The rule imposes no fees.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you desire to be notified, you may indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rule was adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rule with the Secretary of State.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings. Copies may be obtained from the Office of Administrative Hearings for the cost of reproduction.

Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the State Ethical Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, Section 10A.01, Subdivision 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 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 traveling 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.

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert St., St. Paul, Minnesota 55105-2520, telephone 612-296-5148.

Dated: 7 August 1989

Leonard W. Levine
Commissioner
Minnesota Department of Transportation

Rules as Proposed (all new material)

8815.0100 DEFINITIONS

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 3. **Emergency.** "Emergency" includes flood, tornado, fire, or other disaster that threatens loss of life or destruction or damage to property or crops of such magnitude as to seriously endanger the public health, safety, and welfare.

Subp. 4. **Manufacturing employees.** "Manufacturing employees" refers to the number of full-time, nonseasonal employees established by:

A. the most recent Census of Manufactures, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Manufactures, which is incorporated by reference. The publication is subject to change every five years, upon completion of a new census, and is available at most public libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. information submitted to the commissioner that demonstrates that a city has a business or combination of businesses within its jurisdiction engaged in manufacturing, as described in the Census of Manufactures, that employs over 450 full-time, nonseasonal employees.

Subp. 5. **Population.** "Population" refers to the population established by:

A. the most recent Census of Population, Characteristics of the Population, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Population, which is incorporated by reference. The publication is subject to change every ten years, upon completion of a new Census of Population, and is available at most libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. a special census conducted under contract with the United States Bureau of the Census.

Subp. 6. **Retail sales.** "Retail sales" has the meaning given it by the most recent Census of Retail Sales, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Retail Trade, which is incorporated by reference, as measured in dollar value. The publication is subject to change every five years, upon completion of a new Census of Retail Trade, and is available in most libraries and through the Minitex interlibrary loan system at Minnesota public libraries.

Subp. 7. **Seasonal weight restrictions.** "Seasonal weight restrictions" means vehicle weight prohibitions or restrictions determined and imposed by the commissioner under *Minnesota Statutes*, section 169.87.

Subp. 8. **Temporary.** "Temporary" means a specified time period determined by the commissioner for the duration of an emergency or in the initial stages of recovery from the emergency.

Subp. 9. **Wholesale sales.** "Wholesale sales" has the meaning given it by the most recent Census of Wholesale Trade, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Wholesale Trade, which is incorporated by reference, as measured in dollar value. The publication is subject to change every five years, upon completion of a new Census of Wholesale Trade, and is available in most libraries and through the Minitex interlibrary loan system at Minnesota public libraries.

8815.0200 TEMPORARY EMERGENCY SERVICE; WHEN ALLOWED.

"Temporary emergency service" means service that is provided on a trunk highway route on which seasonal weight restrictions are in effect; or provided on a highway route designated by the commissioner under *Minnesota Statutes*, section 161.25, when service on an identified market artery route is interrupted by an emergency. Temporary emergency service may be provided only under all of the following limitations:

A. to respond to sudden unanticipated circumstances that create an urgent and immediate need to move loads that exceed the posted seasonal weight restrictions, but do not exceed the maximum gross vehicle weight permitted in *Minnesota Statutes*, section 169.825;

- B. to provide service to a particular shipping or receiving point on a market artery during an emergency or during the initial stages of recovery;
- C. to preserve public health or welfare or to avert or alleviate the effect of natural disasters;
- D. to provide service only to move specific products or commodities needed to avert or alleviate the emergency; and
- E. to provide service only when to do so does not create an undue hazard to traffic safety.

8815.0300 SIGNIFICANT CENTERS OF POPULATION AND COMMERCE.

“Significant centers of population and commerce” means:

- A. cities inside Minnesota that have any one of the following:
 - (1) population of 5,000 or more persons;
 - (2) \$50,000,000 or more in retail sales;
 - (3) 450 or more manufacturing employees; or
 - (4) \$50,000,000 or more in wholesale sales; or
- B. cities in surrounding states or Canadian provinces that have a population of 50,000 or more persons.

Minnesota Racing Commission

Proposed Permanent Rules Relating to Televised Racing Days

Notice of Proposed Adoption of a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Racing Commission proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 240.23 (1986).

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. 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:

Richard Krueger
Minnesota Racing Commission
11000 West 78th Street, Suite 201
Eden Prairie, MN 55344
Telephone: (612) 341-7555

The proposed rule may be modified if the modifications are supported by data and views 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 Minnesota Racing Commission upon request.

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

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies, fix of adjust any fees, or have an impact on agricultural land. The affect, if any, that the proposed rule may have on small businesses is discussed 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 material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Minnesota Racing Commission at the address listed above.

Dated: 18 August 1989

Richard Krueger, Acting Director
Minnesota Racing Commission

Rules as Proposed

7869.0100 DEFINITIONS.

Subpart 1. to 30. [Unchanged.]

Subp. 30a. Guest racetrack. “Guest racetrack” means a class B licensed racetrack within the state which receives broadcasts of races by television from a licensed racetrack outside of this state.

Subp. 31. and 32. [Unchanged.]

Subp. 32a. Host racetrack. “Host racetrack” means a licensed racetrack located outside of this state which broadcasts its races by television to a licensed racetrack within this state.

Subp. 33. [Unchanged.]

Subp. 33a. Live racing day. “Live racing day” means a racing day assigned by the commission on which pari-mutuel betting is conducted on horse races run at a licensed racetrack including approved simulcasts.

Subp. 34. to 47. [Unchanged.]

Subp. 47a. Presiding official. “Presiding official” means an official of the commission appointed by the director of pari-mutuel racing, presiding over races conducted on approved televised racing days.

Subp. 48. to 51. [Unchanged.]

Subp. 51a. Racing day. “Racing day” means a day assigned by the commission on which racing is conducted. Racing day includes a televised racing day.

Subp. 52. to 65. [Unchanged.]

Subp. 65a. Televised racing day. “Televised racing day” means a racing day assigned by the commission on which pari-mutuel betting is conducted on separate pool and/or commingled pool wagering and only on horse races run at racetracks outside of the state which are broadcast by television at a licensed racetrack.

Subp. 66. to 69. [Unchanged.]

7870.0420 PAYMENT OF CLASS A AND B LICENSE FEES.

A Class A or B license does not become effective until the commission receives a certified check or bank draft to the order of the state of Minnesota in the amount of the license fee as follows and is void if the license fee is not received within ten days, as computed pursuant to *Minnesota Statutes*, section 645.15, after issuance:

A. a nonrefundable fee of \$10,000 for a Class A license;

B. a fee for a Class B license equal to \$100 ~~times the optimum number of~~ for each live racing days day and \$50 for each televised racing day sought in the license application. The commission must refund promptly to the licensee any amount by which the fee paid exceeds ~~\$100 times~~ the number of actual days of racing sponsored and managed by the licensee.

CHAPTER 7871
MINNESOTA RACING COMMISSION
PARI-MUTUEL RULES ON TELEVISED RACING DAYS

7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. Submission of pari-mutuel requests. A class B licensee may apply for approval of pari-mutuel pools including rules governing calculation of payoffs, disposition of unclaimed tickets, pools offered based on the number of entries, prevention and failure to start, and scratches in effect at the host racetrack by submitting an original and 15 copies of the following:

- A. a signed request for approval of pari-mutuel pools;
- B. a copy of the administrative rules for pari-mutuel pools in the states in which the host racetracks are located;
- C. a detailed statement of how the request meets each of the criteria in part 7871.0020, subpart 2; and
- D. any other documentation the commission considers necessary to ensure a complete understanding of the request.

Subp. 2. Disposition of requests. The commission must act on a request for approval of pari-mutuel pools under the following procedures:

A. Upon receipt of an application, the commission shall send written notice of the application to all persons registered with the commission for the purpose of notification of approval of pari-mutuel pool on televised racing days and all other Class B licensees. The notice must include a brief description of the request, a statement that all persons wishing to comment may do so in writing within 20 days after issuance of the notice, the time and place of any public hearing on the application, and the earliest and latest date on which the commission may act.

B. If, after an application is filed, the commission determines that additional information from the applicant is necessary to fully consider the request, the commission shall direct the applicant to submit the additional data.

C. If the commission further determines it is necessary to fully understand an application, the commission shall request the applicant or a person submitting comments to appear before the commission. The commission shall request the appearance in writing at least five days in advance.

D. If an applicant fails to comply with subpart 1 and this subpart, the commission shall deny the request.

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than 30 nor later than 45 days after filing of the application.

F. Within 30 days after action on an application, the commission shall submit in writing to the applicant and persons who submitted written comments the reasons for its action.

Subp. 3. Motion of commission. The commission on its own motion may designate pari-mutuel pools as provided in *Minnesota Statutes*, section 240.13, subdivision 3, except that the commission shall perform the duties imposed on an applicant by subpart 1.

Subp. 4. Submission of contracts. A copy of the fully executed contracts between the licensee and the host racetracks must be submitted prior to the commencement of televised racing days from the respective host racetracks.

7871.0020 APPROVAL OF PARI-MUTUEL POOLS ON TELEVISED RACING DAYS.

Subpart 1. Request. Upon written request of a Class B licensee, or on its own motion, the commission may approve pari-mutuel pools for televised racing days, including types of betting, number and placement of multiple pools in racing programs offered at the host racetracks, and other issues related to pari-mutuel pools which promote the purposes of *Minnesota Statutes*, chapter 240, and the rules of the commission.

Subp. 2. Basis for approving pari-mutuel pools. When considering a request for approval of pari-mutuel pools for televised racing days, the commission must consider the success and integrity of racing; the public health, safety, and welfare; public interest, necessity, and convenience; as well as the following factors:

- A. the types of betting and number and placement of multiple pools in the racing program at the host racetracks;
- B. the integrity of the licensee and the host racetrack;
- C. the financial strength of the licensee and the host racetrack;
- D. the ability of the licensee and the host racetrack to operate a racetrack and conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;
- E. past compliance of the licensee and the host racetrack with all laws, rules, and orders regarding pari-mutuel horse racing;
- F. the licensee's market, including area, population, and demographics;
- G. the performance of the licensee and host racetrack with previously approved pari-mutuel pools;
- H. the impact approving the pari-mutuel pool will have on the economic viability of the racetrack, including attendance and pari-mutuel handle;

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

I. the quantity and quality of economic activity and employment generated;

J. state tax revenues from racing and related economic activity;

K. the entertainment and recreation opportunities for Minnesota citizens;

L. the variety of racing;

M. the quality of racing;

N. the availability and quality of horses;

O. the development of horse racing;

P. the quality of racetrack facilities;

Q. security;

R. purses;

S. benefits to Minnesota breeders and horse owners;

T. competition among racetracks and with other providers of entertainment and recreation as well as its effects;

U. the social effects;

V. community and government support;

W. sentiment of horsepersons; and

X. any other factors related to pari-mutuel pools which the commission considers crucial to its decision-making as long as the same factors are considered with regard to all requests.

Subp. 3. Director of pari-mutuel racing. The director of pari-mutuel racing may approve variations and changes in pari-mutuel pools and placement of pools in the racing program if requested by the licensee and if all changes meet the criteria contained in subpart 2.

7871.0030 PARI-MUTUEL BETTING.

Subpart 1. Minimum return. On a televised racing day approved by the commission, the minimum return on each winning wager shall be that amount which is in effect at the host track. The share of liability for insufficient money in the net pool may be as agreed to by the licensee and the host racetrack.

Subp. 2. Commingling of funds. With the prior approval of the commission, the licensee may commingle the amounts bet at the licensed racetrack on a televised racing day with the pari-mutuel pools at the host racetrack. If the pari-mutuel pools are commingled, the wagering at the licensed racetrack must be on tabulating equipment capable of issuing pari-mutuel tickets and be electronically linked with the equipment at the host racetrack.

7871.0040 "OFFICIAL" SIGN.

Any ruling of the stewards at the host racetrack with regard to the award of purse money made after the "official" sign has been posted shall have no bearing on the mutuel payoff.

7871.0050 LOST TICKETS.

No claims for lost pari-mutuel tickets shall be considered.

7871.0060 ALTERED OR MUTILATED TICKETS.

A mutilated or altered pari-mutuel ticket that is not easily identifiable as being a valid ticket shall not be accepted for payment.

7871.0070 INFORMATION WINDOW.

Each association shall provide at least one information or complaint window where complaints may be made by members of the public. A current set of all Minnesota commission rules and all administrative rules of the state in which the host racetrack is located regarding pari-mutuel wagering shall be available for public inspection during racing hours at every such window.

7871.0080 TIP SHEETS.

Subpart 1. Number of tip sheets. Should the licensee elect to allow the availability of tip sheets, not less than two independently handicapped tip sheets shall be available at a racetrack. Each handicapper must sign and deliver the sheet at least one hour before post time for the first race to the presiding official at the licensee's racetrack.

Subp. 2. Previous day's sheet to be posted. The previous race day's tip sheets and their outcome must be displayed in a conspicuous place within the grandstand area of the racetrack for inspection by patrons.

Subp. 3. Tip sheet vendors must be licensed. All persons holding a tip sheet concession at the racetrack must be approved and licensed as a vendor by the commission.

7871.0090 SIMULCAST WAGERING ON A TELEVISED RACING DAY.

Subpart 1. Request. Upon written request of a Class B licensee, the commission shall approve wagering on races televised to Minnesota from another licensed racing jurisdiction during a televised racing day. A signed reciprocal agreement among the racetrack originating (hosting) the broadcast, the association representing the horsepersons at the host track, the Minnesota racetrack receiving the broadcast, and the association representing the horsepersons at the Minnesota racetrack receiving the broadcast must be filed with the commission prior to the broadcast.

Subp. 2. Approval. All approved simulcast races must be conducted at the licensed racetrack on a televised racing day assigned to an association by the commission.

Subp. 3. Taxes imposed. There is imposed a tax at the rate of six percent of the total amount withheld from all pari-mutuel pools including breakage on the amounts wagered at the licensee's racetrack.

Subp. 4. Compliance with laws. In addition to all state laws and applicable rules of the commission, simulcast wagering on televised racing days must be in compliance with United States Code, title 15, section 3001, et seq.

7871.0100 TELEPHONE ACCOUNT WAGERING.

Subpart 1. Request. Upon written request of a Class B or Class D licensee, the commission may approve telephone account wagering to be conducted on the premises of a licensed racetrack. The request must show how the telephone account wagering system will promote the success and integrity of racing, public interest, necessity, and convenience; and the impact on the economic viability of the applicant racetrack and all other racetracks licensed by the commission, including impact on pari-mutuel handle.

Subp. 2. Requirements. The association must meet the following requirements prior to conducting telephone account wagering:

A. A Minnesota-only "800" telephone system must be installed to receive wagers. No wagers may be accepted except by use of the required "800" telephone system.

B. The Minnesota-only "800" telephone system must be capable of recording all conversations and transactions conducted. The recording device must be used at all times when calls are received, and all recordings must be kept for a period of no less than 90 days for inspection by the commission.

C. Employees of the association receiving telephone account wagers must be holders of a current Class C pari-mutuel license issued by the commission.

D. The association must use a totalizator system capable of recording all transactions conducted by the telephone account wagering system.

Subp. 3. Conduct of telephone account wagering. Telephone account wagering shall be conducted in the following manner:

A. A person desiring to open a telephone wagering account must:

- (1) be 18 years old or older and provide proof of identification and age;
- (2) deposit with the association no less than \$100 in cash or by certified check or money order; and
- (3) obtain a code number and code name assigned by the association.

B. All wagering transactions must begin with the customer stating his or her code name and number. Thereafter, transactions shall be identified by the race number, the types and amounts of wagers, and by horse numbers. The information must be repeated by the pari-mutuel clerk and the customer's account balance must be given to the customer after each transaction.

C. The total amount of all telephone account wagers shall be included in the respective pools for each race. The amount wagered from individual accounts shall be debited accordingly, and any winnings shall be automatically credited to such accounts upon the race being declared "official."

D. Actual race results may not be divulged to telephone account customers during racing hours; however, account balances may be given.

Subp. 4. Reports to be filed. Each association conducting telephone account wagering must provide complete reports to the commission on a weekly basis. The reports must include a record of all debits, credits, balances, and any complaints received and the disposition of such complaints.

Subp. 5. Compliance with rules. Telephone account wagering shall be conducted in compliance with all state and federal laws and other applicable rules of the commission.

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

Proposed Rules

7871.0110 DISTRIBUTION OF PURSE MONEY.

Subpart 1. Purse amounts. Pursuant to Minnesota Statutes, section 240.13, subdivision 6, paragraph (d), an amount equal to 25 percent of 22 percent of the amounts required to be withheld from all pari-mutuel pools must be allocated for purses by an association conducting televised horse racing.

Subp. 2. Escrow accounts. All money withheld for purses by an association pursuant to subpart 1 must be placed in interest-bearing escrow accounts and set aside for purse monies in the next racing meeting for the breed involved.

7871.0120 APPOINTMENT OF PRESIDING OFFICIAL.

Subpart 1. Requirement. All races on which pari-mutuel betting is conducted on televised racing days must be presided over by an official of the commission appointed by the director of pari-mutuel racing.

Subp. 2. Communication with stewards. A Class B licensee conducting approved televised racing days must provide the presiding official with telephone communication with the stewards at the host racetrack throughout the racing program each day.

7871.0130 AUTHORITY AND DUTIES OF PRESIDING OFFICIAL.

Subpart 1. Authority. The presiding official shall exercise immediate supervision, control, and regulation of racing on each televised racing day on behalf of the commission and shall be responsible only to the commission. The powers of the presiding official include:

A. the authority over all persons, licensed or unlicensed, on association grounds during a televised racing day regarding all matters relating to racing;

B. the authority to suspend, according to applicable law, a Class C licensee;

C. the authority to eject or exclude according to applicable law, from association grounds or any part thereof, licensed or unlicensed persons for violations of law;

D. the authority to interpret and enforce commission rules and determine all questions pertaining to racing and wagering matters in conformity with applicable law and the "customs of the turf"; and

E. the authority to request and receive assistance from commission employees, racing officials, track security, and federal, state, or local police in the investigation of possible violations of law.

Subp. 2. Duties. In addition to the duties and responsibilities necessary and pertinent to general supervision, control, and regulation of race meetings, and without limiting the authority of the presiding official to perform those and all other duties listed in this part, the presiding official shall have the following specific duties and responsibilities:

A. To consider and review all allegations of misconduct or rule infractions and, when warranted, initiate investigations of the allegations and conduct necessary hearings; or take the action necessary to prevent rule infractions.

B. To lock all pari-mutuel betting machines not later than the start of a race.

C. To maintain daily reports of actions taken and observations made during the conduct of each day's racing program. The report must contain the name of the track, the date, weather and track conditions, claims, inquiries and objections, and any unusual circumstances or conditions. The reports must be signed by the presiding official and filed with the commission within 24 hours.

D. To maintain detailed records of all questions, disputes, protests, complaints, or objections brought to the attention of the stewards at the host racetrack, and a summary of interviews, reports of investigations, and rulings issued thereon.

E. Within seven days after the conclusion of a race meeting, the presiding official must submit to the commission a written report containing their observations and comments concerning the conduct of the race meeting and the condition of the association grounds and any appropriate recommendation for improvement.

7871.0140 DISCIPLINARY AND APPEAL PROCEDURES.

In the event the presiding official has reasonable cause to believe that a Class C licensee has committed an act or engaged in conduct in violation of statute or rules of the commission or which in the opinion of the presiding official otherwise adversely affects the integrity of horse racing and pari-mutuel wagering, the procedures contained in Minnesota Rules, part 7897.0150, must be adhered to.

7871.0150 EMERGENCY PROCEDURES FOR THE TOTALIZATOR SYSTEMS WHEN POOLS ARE COMMINGLED.

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

A. notify the host track of the loss of the signal;

B. establish telephone linkup with the host track announcer to the PA system at the guest racetrack. The licensee may continue to accept wagering on the balance of the program and subsequent programs until the satellite downlink has been reestablished.

Subp. 2. Computer interface interruption.

A. In the event the guest totalizator system fails to transfer the data to the host system, the guest mutuel manager must notify host tote system representatives and the stewards of the problem and request additional time prior to the start of the race to allow for a retransmission of the data.

B. If a second data transfer fails, host tote system representatives shall notify the stewards that the transfer has failed and that the pools must be merged manually. In the event of a manual merge:

(1) The guest tote system operator must inform the host tote system operator of the total amount in the pool, the total dollars on winning wagers, and the total dollars on the losing wagers in the pool. The guest tote system operator shall send that information via a facsimile machine to the host tote system;

(2) The stewards at the host racetrack and the presiding official at the guest racetrack must be notified when the procedure has been completed in order to declare the race official;

(3) The licensee's tote system representative shall prepare a report indicating that the transfer of data could not be completed electronically and that the pools were merged manually. The report shall also include the following:

(a) a copy of the pool print report prior to the failure of the transfer of data;

(b) a copy of the final pool print report;

(c) a brief statement as to where the failure occurred, when the stewards were notified, and for what time period were prices delayed; and

(d) a worksheet from the host track signed by the host tote system representative, the host mutuel manager, and the state representative from the host's state racing commission showing total dollars bet in each pool and the final prices.

C. The guest track may continue to accept wagering on the balance of the program on a separate or manually merged commingled pool basis.

D. Any wager on subsequent programs prior to reestablishment of computer interface may be either canceled, or the pools calculated on a separate basis (no commingling), or manually merged on a commingled pool basis.

Subp. 3. Complete totalizator system failure at the guest track.

A. In the event the guest track's totalizator system fails, all money wagered on the race in which the tote system failed and all advance wagers must be refunded. Any wagering on the balance of the program or subsequent programs may not be accepted until the totalization system is operational to the satisfaction of the presiding official.

B. The host racetrack's mutuel manager must be notified of the system failure and all wagers at the guest track on the race in which the system failure occurred, and all advance wagers shall be taken out of the pools at the host racetrack.

Subp. 4. Complete totalizator system failure at the host racetrack.

A. In the event the host track's totalizator system experiences a complete failure, the guest mutuel manager will instruct the guest tote representative to extract the amount bet at the guest facility into the commingled pools for the race during which the system failure occurred and any advance wagers made on the balance of the program, for the purpose of calculating separate pools on the amounts wagered at the guest facility, or may refund amounts wagered.

B. The guest track may continue to accept wagers on the balance of the program on a separate pool basis or may reestablish commingled pool wagering in the event the host track's totalizator system problem has been corrected, or may refund amounts wagered.

7872.0100 APPLICATION FOR RACING DAYS.

Subpart 1. **Submission of live racing days requests.** On or before ~~May 15~~ December 31 of any year, a Class B or Class D licensee may apply for an assignment of live racing days for up to the next three calendar years by submitting an original and 15 copies of the following:

A. to D. [Unchanged.]

Subp. 2. to 5. [Unchanged.]

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

Subp. 6. Submission of televised racing dates request. A class B licensee may apply for an assignment of televised racing dates no later than 30 days before the requested commencement of televised racing days. Each request for televised racing dates must include an original and 15 copies of the following:

A. a signed request for assignment of racing days;

B. a statement that includes dates requested, breeds of horses, types of races, number of races per program, and a tentative list of potential host racetracks and their days and post times of racing;

C. a detailed statement of how the request meets each of the criteria in part 7872.0110; and

D. any other documentation the licensee deems necessary to ensure a complete understanding of the request.

Subp. 7. Variations to televised racing days within dates previously approved by commission. The director of pari-mutuel racing may approve variations and changes in racing programs and host racetracks if requested by the licensee and if all changes meet the criteria in part 7872.0110, subpart 2.

7872.0110 ASSIGNMENT OF RACING DAYS.

Subpart 1. [Unchanged.]

Subp. 2. **Basis for assignment of racing days.** When considering a request for assignment of racing days, the commission must consider the success and integrity of racing; the public health, safety, and welfare; public interest, necessity, and convenience; as well as the following factors:

A. the integrity of the licensee and the host racetrack;

B. the financial strength of the licensee and the host racetrack;

C. the ability of the licensee and the host racetrack to conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;

D. past compliance of the licensee and the host racetrack with ~~statutes~~ all laws, rules, and orders regarding pari-mutuel horse racing;

E. the licensee's market, including area, population, and demographics;

F. the performance of the licensee and host racetrack with previously assigned dates;

G. to Y. [Unchanged.]

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.

Charitable Gambling Control Board

Adopted Permanent Rules Relating to Charitable Gambling

The rules proposed and published at *State Register*, Volume 13, Number 41, pages 2399-2416, April 10, 1989 (13 S.R. 2399) are adopted with the following modifications:

Rules as Adopted

7860.0010 DEFINITIONS.

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

F. any expenditure by, or any contribution to, a hospital or nursing home exempt from taxation under section 501(c)(3) of the Internal Revenue Code; and

G. payment of reasonable costs incurred in complying with the performing of annual audits required under Minnesota Statutes, section 349.19, subdivision 9.

“Lawful purpose” does not include: the erection, acquisition, improvement, expansion, repair, or maintenance of any real property or capital assets owned or leased by the organization, other than a hospital or nursing home exempt from taxation under section 501(c)(3) of the Internal Revenue Code, unless the board specifically authorizes the expenditures after finding that the property or capital assets will be used exclusively for one or more of the purposes specified in 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. 20. **Organization.** “Organization” means any fraternal, religious, veterans, or other nonprofit organization that has been in existence for the most recent three years and which has at least 15 active members, and either has been duly incorporated as a nonprofit organization for at least three years, or has been recognized by the Internal Revenue Service as exempt from income taxation for the most recent three years.

Subp. 26. **Gross profit.** “Gross profit” means the gross receipts collected from lawful gambling, less reasonable sums necessarily and actually expended for prizes.

Subp. 26a. Net profit. “Net profit” means gross profit less reasonable sums actually expended for allowable expenses.

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 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, 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 within the last 12 months or the lessor has been convicted of illegal gambling within the last 12 months.

7860.0105 BINGO HALL LICENSES.

Subpart 1. **License required.** No person may lease a facility to more than one licensed individual, corporation, partnership, or organization to conduct bingo without having obtained a bingo hall license, unless the ~~person~~ lessor 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:

I. a statement as to whether any officer, director, or other person in a supervisor or management position:

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

Subp. 7. **License fee.** The annual fee for a bingo hall is ~~\$250~~ \$2,500.

7860.0300 STANDARDS FOR PULL-TABS AND TIPBOARD TICKETS.

Subpart 1. **Tipboard ticket standards.** All tipboard tickets sold in this state must conform to the following standards:

A. Each individual 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 tipboard ticket by the manufacturer of the product. ~~This item shall be effective April 1, 1989.~~

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

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

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

7860.0700 FINES.

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~~ shall 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.

Department of Education

Adopted Permanent Rules Relating to Curriculum, Youth Service-Learning, and Youth Service Activities

The rules proposed and published at *State Register*, Volume 13, Number 28, pages 1719-1721, January 9, 1989 (13 S.R. 1719), and Volume 13, Number 38, pages 2270-2272, March 20, 1989 (13 S.R. 2270) are adopted with the following modifications:

3500.1100 ELEMENTARY SCHOOL CURRICULUM.

Subp. 5. **Youth service activities.** A school district must provide opportunities for students to participate in youth service activities ~~within the school or community.~~ Participation in youth service activities outside of the school must be voluntary on the part of the student.

3500.1600 MIDDLE SCHOOL CURRICULUM.

Subp. 4. **Youth service activities.** A school district must provide opportunities for students to participate in youth service activities ~~within the school or community.~~

3500.1900 CURRICULUM FOR JUNIOR SECONDARY SCHOOLS.

Subp. 4. **Youth service activities.** A school district must provide opportunities for students to participate in youth service activities ~~within the school or community.~~

3500.2000 CURRICULUM FOR THREE-YEAR SENIOR SECONDARY SCHOOLS.

Subp. 4. **Youth service activities; credit.** A school district must provide opportunities for students to participate in youth service activities ~~within the school or community.~~ The district shall acknowledge student participation in youth service activities through awarding credit. The district shall determine the amount of credit awarded for the activities.

3500.2110 REQUIRED CURRICULUM OFFERINGS FOR FOUR-YEAR SENIOR SECONDARY SCHOOLS.

Subp. 3. **Required offerings without minimum hours.** The following programs ~~in items A and B~~ must be offered to students. The number of clock hours to be devoted to each is up to the local school board. Satisfactory completion will be based on locally determined learner outcomes which are defined as knowledge, skills, or understandings that an individual student derives from a learning experience.

D. A school district must provide opportunities for students to participate in youth service activities ~~within the school or community.~~ The district shall acknowledge student participation in youth service activities through awarding credit. The district shall determine the amount of credit awarded for the activities.

TIME OF EFFECT. Minnesota Rules, parts 3500.1090, 3500.1100, 3500.1150, 3500.1600, 3500.1900, 3500.2000, and 3500.2110 are effective beginning with the 1990-1991 school year.

Commissioners' Orders

Department of Natural Resources

Commissioner's Order No. 2339: Regulations for the Taking of Fish in Lake of the Woods by Licensed Commercial Fishermen; Superseding Commissioner's Order No. 2195

PURSUANT TO AUTHORITY VESTED IN ME by *Minnesota Statutes* § 97C.825 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of fish in Lake of the Woods by licensed commercial fishermen.

Section 1. SPECIES AND SEASONS.

(a) **Species.** The following species of fish may be taken in Lake of the Woods by licensed commercial fishermen during the seasons described.

(1) Inland commercial fish, as defined by *Minnesota Statutes* § 97C.811, subd. 2, including carp, bowfin, burbot, cisco, goldeye, rainbow smelt, black bullhead, brown bullhead, yellow bullhead, lake whitefish; members of the sucker family, Catostomidae, including white sucker, redhorse, bigmouth buffalo, and smallmouth buffalo; members of the drum family, Sciaenidae, including sheepshead; and members of the gar family, Lepisosteidae.

(b) **Seasons.** The commercial fishing season shall be January 1 through December 31.

(c) All fish taken that do not otherwise meet the requirements of this order shall immediately be returned to the water, dead or alive.

Sec. 2. COMMERCIAL FISHING PROHIBITED.

Unless specifically provided by permit, commercial fishing is prohibited in the following described areas:

(a) Within 500 feet of the mouth of any stream;

(b) Within two (2) miles of the lakeside shoreline of Pine Island; and

(c) In Four Mile Bay and Zippel Bay.

Sec. 3. NETS.

Licensed commercial fishermen shall take fish by means of nets in accordance with the following provisions. No commercial fishermen shall use any type of net except as specified in his or her license. No commercial fishermen shall set nets or otherwise operate in any area except as specified in his or her license.

(a) **Fyke nets, staked trap nets, and pound nets.** No licensee shall operate more than ten (10) fyke nets and ten (10) staked trap nets. The aggregate total of fyke nets and staked trap nets allowed on Lake of the Woods is 80. No licensee shall operate more than six (6) pound nets. The aggregate total of pound nets allowed on Lake of the Woods is 50. Fyke, staked trap and pound nets shall have no depth limitation, shall be set only in areas specified in the license, and shall not be set in strings of more than two (2) without written authorization from the local Area Fisheries Supervisor.

(1) **Fyke nets.** Fyke nets shall comply with the following requirements: The size of the mesh in the crib shall be not less than two and one-half (2-1/2) inches or more than four (4) inches, stretch measure. The wings shall not exceed 100 feet in length and the lead shall not exceed 300 feet in length. The hoops shall not exceed six (6) feet in height.

(2) **Staked trap nets.** Staked trap nets shall comply with the following requirements: The crib shall not exceed 22 feet on any side with the top open and breaching the water surface. The size of the mesh in the crib shall be not less than two and one-half (2-1/2) inches or more than four (4) inches, stretch measure. The lead shall not exceed 400 feet in length.

(3) **Pound nets.** Pound nets shall comply with the following requirements: There shall be no limitation on the size of the crib. The mesh of the crib shall be of a size not less than two and one-half (2-1/2) inches, stretch measure. The crib shall have an opening at the top breaching the water surface. The lead shall not exceed 825 feet in length.

(b) **Submerged trap nets.** No licensee shall operate more than eight (8) submerged trap nets and the aggregate total allowed on Lake of the Woods is 160. Submerged trap nets shall comply with the following requirements: the heart and crib shall be of mesh size not less than two and one-half (2-1/2) inches or more than three (3) inches, stretch measure. The height of any part of the heart, crib or lead shall not exceed 12 feet. The length of the lead shall not exceed 300 feet. In Muskeg Bay from June 20 to October 14, both dates inclusive, no portion of a net shall be in water less than 15 feet deep. Along the southern shoreline of Big Traverse Bay from

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.

Commissioners' Orders

June 1 to October 14, both dates inclusive, no portion of a net shall be in water less than 15 feet deep. Submerged trap nets shall be set only in areas specified in the license, and shall not be set in strings of more than two (2) without written authorization from the local conservation officer. No submerged trap net shall be placed in Northwest Angle Inlet west of a line from a point on the international boundary midway between Buckets Island and Magnuson Island; thence southeasterly to the easterly shore of Magnuson Island; thence southerly and westerly along said shore to the line between Section 23 and Section 24, Township 168 North, Range 34 West; thence south to the shore of the mainland in Section 26, Township 168 North, Range 34 West. Submerged trap nets shall contain a buoy at each end of each net and each buoy shall be marked with a yellow or blaze orange flag displaying not less than one square foot of surface, rising not less than three feet above the water. Attached to the staff of each buoy shall be an identification tag. The tag shall be of metal or other permanent material and the minimum size shall be two and one-half (2-1/2) inches by five-eighths (5/8) inch. Each tag shall bear the operator's name and license number engraved upon it.

(c) **Mesh measurement.** Mesh measurement for the purposes of this order shall mean the distance between the extreme opposite knots or corners of a single mesh, taken between the thumb and forefingers and applying enough pressure laterally to allow the opposite sides of the mesh to meet. For the purposes of this order, any entire net or lot of netting shall be deemed to be of the same mesh size as the majority of ten or more meshes in any part of the net or lot at least three meshes removed from the selvage or side lines selected at random and measured as herein prescribed by a conservation officer or other officer authorized to enforce the laws relating to wild animals.

(d) All nets shall be lifted and emptied of fish at least once in every 48-hour period, unless a longer period is granted by the commissioner or his authorized agent.

(e) Within ten days after removing nets each commercial fisherman shall remove from the lake bed all net stakes set by him.

Sec. 4. SPECIAL PROVISIONS.

(a) All licensed commercial fishermen shall report to the commissioner on forms furnished by him accurate, detailed information regarding their activities. Such information shall include the number of pounds and varieties of fish taken, amounts returned to the water, and any other information pertaining to the commercial fishing activities required by the commissioner. Monthly reports must be submitted by the 10th day of the following month to: Area Fisheries Headquarters, Route 1, Box 1193, Baudette, MN 56623.

(b) Except as provided by paragraph (c) of this section the following priority for commercial fishing on Lake of the Woods is hereby established:

(1) First priority shall go to holders of Lake of the Woods commercial fishing licenses for the preceding year whose applications for new licenses are received at least 30 days before the opening of the next fishing season.

(2) The Director of the Division of Fish and Wildlife may, in his discretion, give second priority to new applicants who have received and submitted the written endorsement of licensees who have surrendered their licenses prior to the expiration of the season covered thereby.

(3) Remaining priority shall go to all other applicants, in order of receipt of applications up to the maximum number allowed.

(c) In the event of a reduction or the elimination of any or all of the licenses available, nothing in this order shall give any priority among the current license holders or their assignees in any manner except as provided in paragraph (b) of this section.

(d) No person shall hold both a master and helper commercial fishing license during the same license year.

(e) In case of the death of a licensed commercial fisherman during the fishing season, his legal representative or successor in interest shall succeed to the rights of the deceased license holder, and may continue operations under the license until the expiration thereof.

(f) Helper's license shall be transferred only upon written approval of a conservation officer or agent of the Director of the Division of Fish and Wildlife. No person shall be issued more than one helper's license unless he is the holder of a commercial fishing master license.

(g) The Director of the Division of Fish and Wildlife may issue permits for the removal of inland commercial fish at such time and under such conditions as he may deem necessary. The Director of the Division of Fish and Wildlife may issue experimental fishing permits under such conditions as he may deem desirable.

(h) Employees of the Division of Fish and Wildlife are hereby authorized and empowered to enter and inspect at all reasonable times the premises, including boats and other vehicles, whereby licensed commercial fishing operations involving Lake of the Woods are being conducted.

Sec. 5. Commissioner's Order No. 2195 is hereby superseded.

Dated at Saint Paul, Minnesota, this 4 day of August, 1989.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources**Commissioner's Order No. 2344: Experimental Regulations for the Taking of Fish in Certain Waters; Superseding Commissioner's Order No. 2200**

PURSUANT TO AUTHORITY VESTED IN ME by *Minnesota Statutes* § 97C.001 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of fish in certain waters.

Section 1. The following described lakes are closed to the taking of all fish by spearing from December 1 through February 15 annually, both dates inclusive:

LAKE	COUNTY
Cedar	Scott
Owasso	Ramsey
Bald Eagle	Anoka, Ramsey, Washington
Eagle	Hennepin
Rebecca	Hennepin

Sec. 2. No person shall have a spear in possession or under control while on or fishing in the waters of the above-described lakes from December 1 through February 15 annually, both dates inclusive.

Sec. 3. The minimum size limit for muskellunge on Owasso, Rebecca, Eagle and Bald Eagle Lakes is 48 inches. No person shall possess a muskellunge less than 48 inches long while on or fishing in the waters of the above-named lakes.

Sec. 4. The provisions of this order shall not be construed to supersede the provisions of any other order of the Commissioner, except insofar as such other orders may be inconsistent with the provisions of this order.

Sec. 5. Commissioner's Order No. 2200 is hereby superseded.

Dated at Saint Paul, Minnesota, this 8th day of August, 1989.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources**Commissioner's Order No. 2345: Experimental Regulations for the Taking of Trout in Turnip Lake**

PURSUANT TO AUTHORITY VESTED IN ME by *Minnesota Statutes* § 97C.001 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following experimental regulations for the taking of trout in Turnip Lake.

Section 1. DESIGNATED LAKE.

The provisions of this order shall apply to the following lake:

Turnip Lake, T. 64, R. 1 E., S. 24, Cook County.

Sec. 2. The above-named lake is closed to fishing until the opening of the fishing season in May, 1990.

Sec. 3. The above-named lake is closed to winter fishing permanently.

Sec. 4. While on or fishing in the water of the above-named lake, no trout less than 18 inches in length, as measured from the tip of the nose to the tip of the tail when fully extended, shall be possessed. All trout less than 18 inches must be returned to the water immediately. The possession limit of trout complying with this length limit is one (1).

Sec. 5. While on or fishing in the water of the above-named lake, all trout in possession must be intact and measurable, regardless of where taken.

Sec. 6. While on or fishing in the water of the above-named lake, only artificial lures and flies may be used.

Sec. 7. The provisions of this order shall not be construed to supersede the provisions of any other order of the Commissioner, except insofar as such other orders may be inconsistent with the provisions of this order.

Dated at Saint Paul, Minnesota, this 8th day of August, 1989.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Minnesota Historical Society

State Historic Preservation Office

Comments Solicited for Draft of Two-Volume Document Analyzing Minnesota's History Between 12,000 B.P. Through 1820 A.D.

The Institute for Minnesota Archaeology, working under a cooperative agreement with the State Historic Preservation Office (SHPO) of the Minnesota Historical Society, has recently completed the draft of a two-volume document which analyzes the state's history between 12,000 B.P. through 1820 A.D. The study divides this time period into a series of forty historic contexts.

These contexts will form a framework for planning survey and evaluation activities, and will constitute an important component of the state preservation planning process being developed by the SHPO. The SHPO is now soliciting comments on the draft document.

Copies are available for review at the Fort Snelling History Center (call Michele Decker at 612/726-1171 for an appointment) or at the Main Reference Desk of the Minnesota Historical Society at 690 Cedar Street in St. Paul. Comments should be submitted to the SHPO, Fort Snelling History Center, St. Paul, MN 55111, before OCTOBER 15, 1989.

Department of Human Services

Notice of Hospital Cost Index

Minnesota Statutes 256.969, subdivision 1 and *Minnesota Rules*, parts 9500.1120 require the establishment of a Hospital Cost Index (HCI) for rate setting purposes for inpatient hospital services under the General Assistance Medical Care and Medical Assistance Programs. The inflation forecasts provided below were obtained from the Data Resources, Inc., *Health Care Costs* as published in the second quarter of 1989 using the percent moving average. The cost category weights were provided by the Minnesota Hospital Association. The HCI will be used to adjust the rates of hospitals whose fiscal year begins during the fourth calendar quarter of 1989.

Comments concerning the HCI may be forwarded to the following address:

Richard Tester
Hospital Reimbursement Section
Audit Division
444 Lafayette Road, Fifth Floor
St. Paul, Minnesota 55155-3836

Cost Category	Weight	Percent	Weighted Percent
Salaries	.538	6.4	3.44
Employee Benefits	.091	5.3	.48
Medical Fees (Medical Care Service)	.062	8.6	.53
Raw Food	.014	4.9	.07
Medical Supplies (Medical Commodities)	.110	6.1	.67
Pharmaceuticals	.045	6.1	.27
Utilities	.026	5.7	.15
Repairs/Maintenance	.017	5.7	.10
Insurance*	.015	5.7	.09
Other Operating	.082	5.7	.47
	1.000		6.27
		Technology =	1.00
		HCI =	7.3%

*Excludes Malpractice

Metropolitan Council

Public Hearing on 1990 Work Program and Budget

The Metropolitan Council will hold a public hearing on its proposed 1990 work program and budget on two days, Sept. 14 and 28, 5 p.m., at the Metropolitan Council offices, Mears Park Centre, 230 E. Fifth St., St. Paul. All interested persons are encouraged to attend the hearing and offer comments. At the end of the hearing on Sept. 28, the Council will adopt its 1990 work program and budget. People may register in advance to speak by calling Bernadine Scott at 291-6500. Written comments will also be accepted, but must be received at the Council by noon Sept. 28. Copies of the proposed work program and budget are available for public inspection at designated libraries throughout the region. For information on the location of these libraries or a free copy of the budget document, call 291-8140.

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845; or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is September 19, 1989.

CODE ENFORCEMENT ADVISORY COUNCIL

Dept. of Labor and Industry, Regulation & Enforcement Asst. Comm., 443 Lafayette Rd., St. Paul 55101. 612-296-6529
Minnesota Statutes 175.008

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: \$35 per diem plus expenses.

VACANCY: Three members to represent labor.

The Council advises the commissioner on matters pertaining to boiler and high pressure steampiping standards. The council consists of eleven members who are users or who are involved in the boiler and high pressure steampiping industry and trades.

METROPOLITAN PARKS AND OPEN SPACE COMMISSION

Mears Park Centre, 230 E. 5th St., St. Paul 55101. 612-291-6333
Minnesota Statutes 473.303

APPOINTING AUTHORITY: Metropolitan Council. COMPENSATION: \$50 per diem

VACANCY: One public member.

The commission assists the metropolitan council in planning the regional recreation open space system, advises the council on grants for the acquisition and development of facilities, and reviews the master plan for facilities. Nine members include eight selected from districts of equal population, and a chair representing region at large. Members may not be members of any other metropolitan agency, board or commission, or hold judicial office. Members must reside in district to which appointed, except chair. Meetings twice monthly. Members must file with the Ethical Practices Board.

OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL

Dept. of Labor and Industry, Regulation & Enforcement Asst Comm., 443 Lafayette Rd., St. Paul 55101. 612-296-6529
Minnesota Statutes 182.656

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: \$35 per diem plus expenses.

VACANCY: One member to represent industry.

The council advises the Dept. of Labor and Industry on administration of the state Occupational Safety and Health Act. Twelve members include three management representatives of occupational safety and health professions, and three members. Meetings at the call of the chair.

BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

17 W. Exchange, Suite 400, St. Paul 55102. 612-296-1302
Minnesota Statutes 129C.10

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: Per diem plus expenses.

VACANCY: One member from congressional district 6.

Official Notices

The board shall have the powers necessary for the care, management, and control of the Minnesota Center for Arts Education. Fifteen members, including at least one member from each congressional district. A member may not serve more than two consecutive terms. Members must file with the Ethical Practices Board.

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

Suite 200, 1600 University Ave., St. Paul 55104-3828. 612-296-2620
Minnesota Statutes 626.841

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem.

VACANCY: One member, chief of police.

The board licenses full and part-time peace officers, establishes minimum qualifications and standards of conduct, and regulates pre-service law enforcement education and continuing education for peace officers. Fifteen members include two sheriffs, four municipal peace officers (at least two chiefs of police), two former law enforcement officers, two elected city officials from cities of under 5,000 outside of the metropolitan area, two peace officers, one who is a member of the Minnesota Trooper's Association, and two public members. The superintendent of the Bureau of Criminal Apprehension is an ex-officio member. Quarterly meetings. Members must file with the Ethical Practices Board.

HIGHER EDUCATION COORDINATING BOARD

400 Capitol Square Bldg., St. Paul 55101. 612-296-3974
Minnesota Statutes 136A.02

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: \$35 per diem.

VACANCY: Two members, one resident of congressional district 6, one resident of congressional district 7.

The board analyzes and develops plans to meet present and long range higher education needs. The council consists of eleven members appointed by the governor including one member from each congressional district, two at-large members, and one student member. At least one member shall be selected for knowledge and interest in vocational education. The student advisory council may recommend candidates to the governor for the student member position. Monthly meetings in the Capitol area and occasionally out-state. Members must file with the Ethical Practices Board.

METROPOLITAN TRANSIT COMMISSION

560 6th Ave. N., Mpls. 55411-4398. 612-349-7400
Minnesota Statutes 473.404 as amended by *Laws of 1989*

APPOINTING AUTHORITY: Regional Transit Board; advice and consent of the senate. COMPENSATION: \$50 per diem plus expenses.

VACANCY: One member, to have transit, governmental or management experience. Must reside in the city of St. Paul.

The Commission provides transit services within the metropolitan area in conformance with the implementation plan of the Regional Transit Board. Five members include one resident of Minneapolis, one resident of St. Paul, two who reside in the service area of the commission outside Minneapolis and St. Paul, and one who may reside anywhere in the metropolitan area. At least one of the members outside of St. Paul and Minneapolis must reside in the full-peak and off-peak service area. Each member must have transit, governmental, or management experience. Members may not, during term of office, be a member of the Metropolitan Council, the Regional Transit Board, the Metropolitan Waste Control Commission, the Metropolitan Airport Commission, the Metropolitan Sports Facilities Commission or any other independent regional commission, board or agency or hold any judicial office. Members must file with the Ethical Practices Board.

Department of Transportation

Amended Order No. 75110 and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

WHEREAS, the Commissioner of Transportation has made his Order No. 72156, dated April 8, 1987, which order has been amended by Orders Nos. 73139, 74653, 74846 and 75024, designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

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

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 72156 is further amended this date and Order No. 75024 (Watonwan County, C.S.A.H. 54) is corrected to read as follows:

COUNTY ROADS**WATONWAN COUNTY**

C.S.A.H. 54 (ST. JAMES) FROM T.H. 4 TO
C.S.A.H. 27 (12 MONTH).

Dated: 10 August 1989

Leonard W. Levine
Commissioner

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.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information. Thank you.

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: Peabody Floway Pump
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: August 29
Agency: Natural Resources Department
Deliver to: Saudan
Requisition #: 29002 17608 1

Commodity: SKS telephone system including trade in
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: August 29
Agency: Commerce Department
Deliver to: St. Paul
Requisition #: 13525 02634

Commodity: Veteran bronze star grave markers
Contact: Linda Parkos 296-3725
Bid due date at 2pm: August 30
Agency: Veterans Affairs Department
Deliver to: St. Paul
Requisition #: 75100 00026

Commodity: Concrete cylinder beam tester
Contact: Joseph Gibbs 296-3750

Bid due date at 2pm: September 1
Agency: Transportation Department
Deliver to: Detroit Lakes
Requisition #: 79000 02814

Commodity: Expansion card—Dakota
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: September 5
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 02841

Commodity: Drafting, graphic arts, supplies
Contact: Linda Parkos 296-3725
Bid due date at 2pm: August 30
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 02752

Commodity: Carpet tiles and installation
Contact: Linda Parkos 296-3725
Bid due date at 2pm: August 31
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: 27156 10532

Commodity: Zenith Supersport
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: September 5
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 27148 60137

Commodity: Furniture
Contact: John Bauer 296-2621
Bid due date at 2pm: September 5
Agency: Community College
Deliver to: Rochester
Requisition #: 27148 60137

Commodity: Printing of letterheads, envelopes, etc.
Contact: Norma Cameron 296-2546
Bid due date at 2pm: September 6
Agency: Arts Board
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: Sound system
Contact: Pam Anderson 296-1053
Bid due date at 2pm: September 6
Agency: State University

State Contracts and Advertised Bids

Deliver to: St. Cloud
Requisition #: 26073 21328

Commodity: PBX system
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: September 7
Agency: Military Affairs—Camp Ripley
Deliver to: Little Falls
Requisition #: 01000 06016

Commodity: Lease 17 passenger van—
rebid
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: August 31
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000 01669 1

Commodity: Draperies & install
Contact: Linda Parkos 296-3725
Bid due date at 2pm: August 31
Agency: Vets Home
Deliver to: Hastings
Requisition #: 75250 60391

Commodity: Janitorial service—
Chisholm—rebid
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: September 5
Agency: IRRRB—IRONWORLD
Deliver to: Chisholm
Requisition #: Price Contract

Commodity: Facsimile purchase
Contact: Teresa Ryan 296-7556
Bid due date at 2pm: September 5
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000 01922

Commodity: Microscopes
Contact: Joseph Gibbs 297-3750
Bid due date at 2pm: September 9
Agency: Community College
Deliver to: Brainerd
Requisition #: 27140 50006

Commodity: Engineering copier
maintenance
Contact: Teresa Ryan 296-7556
Bid due date at 2pm: September 5
Agency: Administration Department—
Print Communications
Deliver to: St. Paul
Requisition #: 02515 00764

Commodity: Dolch 386 portable
computer
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: September 6
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 02820

Commodity: Two stage rotary snow
blower—rebid
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: September 6
Agency: Transportation Department
Deliver to: St. Paul—Central Shop
Requisition #: 79382 01806 1

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: ScSU teaser-brochure,
40M 34"x11" folded to 8½"x11",
camera ready, 4-color, full bleed, cut-
out images
Contact: August 31
Bids are due: State University
Agency: St. Cloud
Deliver to: 0473

Commodity: Personal stationery and
envelopes, 10M 7¼"x10½" letterhead;
7½"x3¾" envelopes, type to set, 1-
sided
Contact: August 30
Bids are due: Governor's Office
Agency: St. Paul
Deliver to: 1113

Commodity: Uniform fire code, 10M
6-part form, 9½" x 11" overall with
perf sides, type to set + negs, 1-sided
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 0417

Commodity: "Minnesota Medalist"
(2 issues) 7M 16-pages, 8¾" x 10¾",
type to set from WordPerfect disk,
2-sided, saddle stitch

Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Amateur Sports Commission
Deliver to: St. Paul
Requisition #: 7374

Commodity: Separation Notice, 500M
3-part forms, 8" x 3¼" overall, negs
available, 1-sided, union label required
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 0358

Commodity: Minnesota IRP Temp.
Authorization, 150 3-part sets,
8½" x 6½", type to set, negs available,
1-sided
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 0215

Commodity: Report of Grades, 50M
3-part form, camera ready, 1-sided,
4¼" x 11" overall, fan fold 2-up
Contact: Printing Buyer's Office
Bids are due: September 1

Agency: State University
Deliver to: Mankato
Requisition #: 0233

Commodity: Validation strips, 6,000M
total 3,000 2-up, 6½" x ¼" label size,
camera ready, 1-sided
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 0213

Commodity: Requisition for motor pool
vehicle, 12M 4-part forms, 8½" x 6¼"
overall, camera ready + negs, 1-sided
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Administration Department—
Central Stores
Deliver to: St. Paul
Requisition #: 0227

Commodity: Notice of initial claim for
benefit, 50M 3-part continuous form,
9½" x 11" overall, negs available, 2-
sided
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 0223

Professional, Technical & Consulting Contracts **=====**

Department of Corrections

Minnesota Correctional Facility—Oak Park Heights

Request for Proposal for Dental Service

NOTICE IS HEREBY GIVEN that the Minnesota Department of Corrections is seeking 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.

For additional information, contact:

Dana P. Baumgartner, Health Care Administrator
Department of Corrections
300 Bigelow Building
450 North Syndicate Street
St. Paul, MN 55104
642-0248

Proposals for the above-contract must be submitted as soon as possible.

Dated: 21 August 1989

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposals for Dentist Services

NOTICE IS HEREBY GIVEN to request proposals for the provision of Dentist services for the inmates of the Minnesota Correctional Facility in Shakopee, as referred by the medical staff of that facility. Proposals shall be based on services to be provided at the Minnesota Correctional Facility for approximately eight (8) hours per week. Proposal shall cover the period of October 1, 1989 to June 30, 1991 and shall be submitted on a per hour basis. Proposals must be submitted by 4:00 p.m. on September 11, 1989.

To submit proposals or for additional information, contact:

Connie Hammer, R.N.
MCF-Shakopee
P.O. Box 7
1010 West 6th Avenue
Shakopee, Minnesota 55379
PHONE #: 612-496-4440

Department of Health

Office of Health Systems Development

Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by NWNL Health Network, Inc.

NOTICE IS HEREBY GIVEN that the Department of Health is seeking opinions and comments pertaining to a request by NWNL Health Network, Inc. for a waiver of HMO statutes and rules relating to ancillary chiropractic services for its RamseyCare program. Such waivers are authorized for demonstration projects under *Minnesota Statutes* 62D.30.

The request submitted by NWNL Health Network is available for inspection during normal business hours at the following location:

Alternate Delivery Systems
Room 473
Minnesota Department of Health
717 Delaware Street, S.E.
Minneapolis, Minnesota 55440
(612) 623-5365

Comments on the request must be received by September 1, 1989.

Iron Range Resource and Rehabilitation Board

Request for Proposal for Entertainment Booking Service and Concert Coordination

The Iron Range Resources and Rehabilitation Board is seeking proposals from entertainment production companies to provide entertainment booking services and concert coordination to IRONWORLD, USA, a division of the IRRRB, for its STAR SERIES Entertainment.

CANCELLATION OF SOLICITATION

THIS REQUEST FOR PROPOSAL DOES NOT OBLIGATE THE STATE OF MINNESOTA TO COMPLETE THE PROJECT, AND THE STATE RESERVES THE RIGHT TO CANCEL THIS SOLICITATION IF IT IS CONSIDERED TO BE IN THE STATE'S BEST INTEREST.

SUBMISSION OF PROPOSALS

Proposals must be submitted no later than 4:30 p.m. Monday, October 16, 1989 at IRONWORLD, USA, P.O. Box 392, Chisholm, Minnesota 55719.

Please provide one (1) original and six (6) photocopies of the proposal. Each of the proposals must bear the original signature of authorized representative of the responding firm. This proposal is not to be construed as a binding bid, but rather, a tentative proposal upon which a final agreement can be negotiated. Proposals are to be sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. The proposal should be addressed in the following manner:

RICHARD A. NORDVOLD, Director
IRONWORLD USA
P.O. Box 392
CHISHOLM, MINNESOTA 55719
ENTERTAINMENT SERVICES PROPOSAL DO NOT OPEN

Late proposals will not be accepted and the IRRRB is not liable for any costs incurred or associated with responding to this Request for Proposal.

REVIEW OF PROPOSALS

All proposals received by the deadline will be reviewed and evaluated by a committee selected for this purpose by the IRRRB. An interview may be part of this evaluation process.

TENTATIVE PROPOSAL/CONTRACT TIMELINES

Publication in the *State Register*: Monday, August 28, 1989 Response Period: Tuesday, August 30, 1989-October 16, 1989 Tentative Respondent Interview: October 26, 1989 Anticipated contract award: November 1, 1989

Effective Date of Contract: November 15, 1989.

Term of Contract: November 15, 1989-September 30, 1990 Renewable option: October 1, 1990-September 30, 1991.

Cost of Contract

This is a negotiable item. The budget for the Star Series program has traditionally been established at \$140,000 per year. Such budget includes all costs involved in producing the Star Series concert season, including talent and agency fees, sound/lighting rentals, and all riders.

Iron Range Resources and Rehabilitation Board

Requests for Proposals for a Food/Beverage Operator at IRONWORLD

The Iron Range Resources and Rehabilitation Board (IRRRB) is seeking proposals from experienced food/beverage operators to provide comprehensive food, beer and wine services for the various users of IRONWORLD USA, located in Chisholm, Minnesota.

TASKS OF THE CONTRACTOR

The food and beverage contractor shall staff, manage and operate food and beverage concessions capable of seating 100-110 people at the Ethnic Kitchen and food and beverage concessions capable of servicing up to several thousand persons throughout the rest of the IRONWORLD USA complex at the food kiosks and plaza area, mobile food/beverage units, and other mutually agreed upon locations.

Professional, Technical & Consulting Contracts

SPECIFICS

A. The contractor shall provide luncheon and evening ethnic specialties as mutually agreed upon by the contractor and the IRRRB. On special ethnic days, the IRRRB reserves the right to request the contractor to serve specific ethnic foods mutually agreeable to both parties.

B. The contractor shall provide non-alcoholic beverages, fast food and incidental snack offerings as mutually agreed upon by the contractor and the IRRRB.

C. The contractor shall provide beer and wine as mutually agreed upon by the contractor and the IRRRB.

D. For all of the above, the contractor shall provide such services for both daily and special events visitors. The above will be made available at both permanent sites (Ethnic Kitchen, food kiosks) and temporary sites (mobile food/beverage units, etc.)

E. At the temporary sites, the contractor and the IRRRB may mutually agree to sublease arrangements with quality subcontractors.

F. During special events such as Ethnic Days, the IRRRB may request that the contractor offer special imported wines or beers appropriate for the occasion.

G. The IRRRB shall reserve the right to prepare and serve food (samples) as part of ethnic food demonstrations or exhibits. NOTE: It is expected that the contractor will attempt to coordinate its ethnic menu offerings with appropriate ethnic occasions.

H. For all of the above, menus and prices shall be mutually agreed upon by the contractor and the IRRRB.

COST OF THE CONTRACT

This is a negotiable item. However, the IRRRB suggests that respondents propose lease/rental arrangements as 15%-25% of gross food and beverage sales.

TENTATIVE PROPOSAL/CONTRACT TIMELINES

Publication in *State Register*: Monday, August 28, 1989

Response Period: August 28, 1989-4:30 p.m., Monday, October 16, 1989

Tentative Interviews: October 23, 1989

Anticipated Date of Contract Award: October 27, 1989

Effective Contract Date: April 1, 1990

Term of Contract: April 1, 1990-March 31, 1991. Renewable to March 31, 1992.

STATUTORY PROPOSAL REQUIREMENTS

In accordance with the provisions of *Minnesota Statute* M.S. 363.073, for state contracts in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have a certificate of compliance issued by the Commissioner of Human Rights before a proposal may be accepted. ***The proposal will not be accepted unless it includes one of the following:***

A. A copy of the firm's current certificate issued by the Commissioner of Human Rights.

B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights.

C. A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the Minnesota Department of Human Rights at (612) 296-5663.

SUBMISSION OF PROPOSALS

For further information and formal RFP documents contact:

Richard A. Nordvold, Director
IRONWORLD USA
P.O. Box 392
Chisholm, MN 55719
(218) 254-3321

Proposals must be submitted no later than 4:30 p.m., Monday, October 16, 1989, at IRONWORLD USA, P.O. Box 392, Chisholm, MN 55719.

CANCELLATION OF SOLICITATION

"This request for proposal does not obligate the State of Minnesota (IRRRB) to complete the project, and the State (IRRRB) reserves the right to cancel this solicitation if it is considered to be in the State's best interest."

Department of Jobs & Training

Notice of Request for Proposal to Assist in Development and Implementation of an Early Warning Network to Predict Plant Closings and to Assist Workers and Communities in Responding to Plant Closings

The Department of Jobs and Training is seeking proposals from qualified contractors to assist in developing a system for predicting plant closings in local communities, and subsequently helping those communities and workers respond to plant closings.

The Department is in the process of developing an economic model to use in predicting where and when plant closings are likely to occur. The Department has determined that proper dissemination of the information generated by the model, and other information about potential plant closings, is necessary in order to prepare proper responses to the closings. The Department is seeking a qualified contractor to work with Department staff to develop and implement a plan for this information dissemination.

Interested organizations will be required to respond to all of the specifications contained in the Request for Proposal. The contract will be awarded based on the following criteria: total cost, experience/qualifications of the organization and personnel, and time to complete the project.

The Request for Proposals containing detailed specifications may be requested from the Department of Jobs and Training. The deadline for submitted proposals is 4:00 (CST) on September 11, 1989. Please direct proposals and inquiries to:

Department of Jobs and Training
Office of Policy Development
390 N. Robert Street
St. Paul, MN 55101
Attention: Sarah Stoesz
612/296-2093

Minnesota Department of Natural Resources

Notice for Request for Proposals for Contract Services (RFP)

The Minnesota Department of Natural Resources (DNR) seeks to retain a contractor to coordinate the process necessary to develop and implement a schedule of values for fish and wildlife for purposes of restitution as authorized under *Minnesota Laws 1989*, Chapter 298, Section 3(a).

The final schedule of values will be considered by the courts to determine the amount of restitution to be paid to the state by persons convicted of, or pleading guilty to, illegally killing, injuring or possessing a wild animal.

A. Scope of Project

The project requires gathering of the information necessary to prepare a schedule of values for various fish and wildlife species, compilation of a draft document, organizing and conducting several public meetings to obtain input from individuals or organizations with interest in the management of Minnesota's fish and wildlife resources, and preparation, after those meetings, of a fair schedule of values to be adopted in compliance with the Administrative Procedures Act. Values may include consideration of the value to others to legally take the wild animal, the replacement cost, and the intrinsic value to the state of the wild animals.

B. Goal

Development of a list of values for fish and wildlife species which will be used to determine payments made to the state in restitution for illegally killing, injuring or possessing such animals.

C. Project Tasks

The following major tasks will be completed. Responders may propose additional tasks or activities if they will substantially improve the results of the project.

1. An extensive and comprehensive review of the existing literature related to fish and wildlife values.
2. A survey of federal, state and provincial agencies to determine value schedules used for the purpose of restitution and/or civil damages and the methods used to establish such schedules.
3. Preparation of a draft schedule of proposed values for species listed in Minnesota statute or rule as game fish, game birds, big game, small game, furbearing animals, minnows and threatened and endangered species.

Professional, Technical & Consulting Contracts

4. Organize and conduct three public meetings, one each in the Twin Cities, Grand Rapids, and Mankato, to discuss the draft value schedule and generate input from individuals and organizations concerned and/or interested in the management of Minnesota's fish and wildlife resources.

5. Submission to the agency of a written report which includes a summary of pertinent literature, an annotated bibliography, current values used by resource agencies, a record of public input and a proposed fair schedule of values based upon the completion of the above listed steps.

6. Be available to provide assistance, as needed, (hourly rate specified and bid by the contractor), in the adoption of the proposed schedule of values under the Minnesota Administrative Procedures Act. Minimal time will be required if non-controversial rulemaking procedures can be followed. In the event of a petition requiring public hearings with an Administrative Law Judge, extensive time may be required.

D. Department Contacts

Prospective responders who have any questions regarding the Request for Proposal may call or write:

Jack Skrypek, Chief
Ecological Services Section
Box 25, DNR Building
500 Lafayette Road
St. Paul, MN 55155-4025
(612) 296-0783

Other Department personnel are not allowed to discuss the project with the responders before the submittal proposal deadline.

E. Submission of Proposal

All proposals must be sent to and received by:

Jack Skrypek, Chief
Ecological Services Section
Box 25, DNR Building
500 Lafayette Road
St. Paul, MN 55155-4025
(612) 296-0783

Not later than 4:30 p.m.-October 2, 1989.

Late proposals will not be accepted. Submit 5 copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project. The Department of Natural Resources shall not be responsible for any costs incurred in responding to this RFP.

F. Project Costs

The Department has estimated that the cost of this project should not exceed \$25,000.

G. Project Completion Date

The project will be completed by May 1, 1990; or within 6 months from the date of project authorization.

H. Proposal Contents

The following will be considered minimum contents of the proposal.

1. A restatement of the objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the project.
2. Identify and describe the products to be provided by the responder.
3. Outline the responder's background and experience with particular emphasis on local, state, and federal government work. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project work will be permitted without the approval of the State Project Director/Manager.
4. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool as well as the basis for invoicing.
5. Identify the level of the Department's participation in the project as well as any other services to be provided by the Department.

I. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department of Natural Resources. An interview may be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

Professional, Technical & Consulting Contracts

1. Expressed understanding of project objectives.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by October 16, 1989. Results will be sent immediately by mail to all responders.

J. Cancellation of Solicitation

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

Department of Natural Resources

Division of Waters

Notice of Request for Proposal for Professional Services Pursuant to Consumptive Water Use Study Mandated by *Laws of Minnesota 1989, Chapter 326*

NOTICE IS HEREBY GIVEN that the Department of Natural Resources is seeking proposals for professional services for conducting a consumptive water use study as mandated by *Laws of Minnesota 1989, Chapter 326, Article 4*. This Request for Proposal does not obligate the Department to complete the project, and the Department reserves the right to cancel the solicitation if it is considered to be in its best interest.

Contact Person: James M. Japs
Minnesota Department of Natural Resources
Division of Waters
Third Floor, DNR Building
500 Lafayette Road
St. Paul, MN 55155-4032
Phone: (612) 297-2835.

Estimated Cost: Not to exceed \$50,000.00

Submission Deadline: 4:30 p.m., September 8, 1989

Interested persons may obtain a Request for Proposal and submit proposals to the above stated contact person.

The consultant contractor must be a registered professional engineer having extensive experience in and knowledge of mechanical engineering related to heating and cooling systems for commercial/industrial facilities which use groundwater and surface water sources as well as conventional energy sources.

I. BACKGROUND

Minnesota Laws of 1989, Chapter 326, Article 4, Section 4, Subd. 1c, prohibits the Department of Natural Resources from issuing a water use permit from a ground water source for once-through heating or cooling using in excess of five million gallons annually. Section 8 of Chapter 326 requires the Department to conduct a study to be submitted to the legislative water commission by February 15, 1990. This study will include an evaluation of the impacts of once-through systems on ground water aquifers and a review of methods to reduce consumptive water use, including the conversion of once-through systems to more efficient alternative systems. The environmental and economic implications of the alternative systems must also be evaluated. The study must provide recommendations on: options for converting once-through cooling systems; a time schedule for phasing out existing systems; recommended technologies to be used to accomplish the conversion; recommendations for a fee structure that will make once-through cooling systems and conventional systems equal in operating costs; recommendations on the use of deep aquifers for once-through heating and cooling systems; recommendations on authorizing systems of better efficiency; and advisability of systems that recharge aquifers.

Department of Natural Resources staff will be responsible for portions of the study relating to impacts on existing aquifers and the extent of ground water use for geothermal heating and cooling.

II. PROJECT TASKS

Prepare a report evaluating the following:

- A. Relative costs (purchase and operating) for once-through heating and cooling systems compared to alternative conventional methods (including, but not limited to, air cooled systems and district heating and cooling systems).

B. Compare existing heating and cooling systems used in Minnesota and determine efficiency of water use and energy consumption. This will include qualifying the amount of evaporative losses for systems that use cooling towers prior to recirculation or discharge. A section of the report shall identify the state-of-the-art technology and systems available with the highest efficiency ratings with respect to water use.

C. Options and costs for converting existing once-through heating and cooling systems to conventional systems, air cooled systems, district heating/cooling systems or highly efficient water-type systems. Practical considerations relating to the feasibility of converting to other systems must be identified such as the ability to install cooling towers and impacts on chiller capacity.

D. Identify facilities in the Twin Cities with heating and cooling systems that utilize municipal water supplied by St. Paul and Minneapolis. Compare any differences between the use of surface water and ground water for heating and cooling systems especially with respect to water use efficiencies.

Schedule for Task Completion

Report to be completed on or before December 29, 1989.

III. DEPARTMENT CONTACTS

Prospective responders who have questions regarding this request for proposal may call:

James Japs
Water Appropriations Permit Programs Coordinator
(612) 297-2835

No other employee of the DNR is allowed to discuss this proposal.

IV. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

Ronald D. Harnack, Administrator
Permits and Land Use Section
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4032

Not later than 4:30 p.m., September 8, 1989.

Late proposals will not be accepted. Four copies of the proposals are required. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

V. PROJECT COSTS

The Department has estimated that the cost of this project should not exceed \$50,000 for professional services.

VI. PROJECT COMPLETION DATE

The project shall be completed by December 29, 1989.

VII. PROPOSAL CONTENTS

The following will be considered minimum contents of the proposal:

- A. A statement of the objectives to show or demonstrate the responder's view of the nature of the project.
- B. Identify and describe the deliverables to be provided by the responder.
- C. Outline the responder's background and experience with similar work. **Identify** personnel to conduct the project and detail their training and work experience. **No change** in personnel assigned to the project will be permitted without the approval of the DNR. Experience and knowledge in appropriate technology related to heating and cooling systems shall be detailed.
- D. Responder will prepare a detailed cost and work plan which is based on the listed project tasks and will be used as a scheduling and managing tool as well as the basis for invoicing.
- E. Identify the level of the MDNR participation in the project as well as any other services to be provided by the MDNR.
- F. A list of all present and past Minnesota clients for projects involving geothermal heating or cooling.

VIII. EVALUATION

All proposals received by the deadline will be evaluated by representatives of the MDNR. An interview may be part of the evaluation process. Factors upon which proposals will be judged include (but not limited to) the following:

Professional, Technical & Consulting Contracts

- A. Expressed understanding of project objectives.
- B. Project work plan.
- C. Project cost detail.
- D. Qualifications of the project personnel and also the company. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by September 15, 1989. Results will be sent immediately by mail to all responders.

Department of Transportation and Natural Resources

Request for Proposals for Meteorologist

The Department of Transportation and the Department of Natural Resources are requesting a proposal from qualified meteorologists to become their Share Staff Meteorologist.

Duties will include, but not be limited to: winter weather forecasting, fire weather forecasting, advising agencies on extreme weather conditions as they develop, providing customized weather services, training field and district staff, developing procedures for meeting state agency weather information needs, and developing a Position Description for a permanent Shared Staff Meteorologist.

This position is seasonal. It could mean more than 40 hours work per week, including weekends and holidays, depending on the weather. 1200 hours work per year is guaranteed; however, it is anticipated that there will be more. The position will be located at the National Weather Service station at the Minneapolis/St. Paul International airport.

This individual will have broad freedom to act and broad discretionary authority in planning, developing, directing, managing, and implementing projects. Identifying and depicting specialized forecast information and developing new/more efficient information transmittal techniques are an important part of this position.

To be considered, candidate must have:

1. a bachelor's degree in meteorology or at least 20 hours of meteorology,
2. three years experience in producing fire weather, agricultural, and generalized weather forecasts, and,
3. some experience or familiarity with National Weather Service procedures and the weather service's Automation of Field Operations and Services (AFOS) system.

Contract will run for one year from the date of appointment. Anticipated start date is early October, 1989. Contract is subject to annual renewal.

Proposals should include, but not be limited to: experience and training, hourly salary requirements, estimated expenses, and weekend and overtime availability.

Questions and formal written requests should be submitted, by Friday, September 15, 1989 to:

Patricia A. Dunlop, Records Manager
(Questions should be directed ONLY to Patricia)
Minnesota Department of Transportation Records Center
865 Pierce Butler Route
St. Paul, Minnesota 55104
612-296-6553
PROFS: PAD000
FAX: 612-297-5764

Persons responding may be requested to interview for the position.

This request does not obligate the State of Minnesota, the Department of Transportation, or the Department of Natural Resources to undertake the work contemplated in this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

State Board of Vocational Technical Education

Request for Proposals to Audit Student Employment Follow-up Data

The State Board of Vocational Technical Education is requesting proposals from any qualified firm to conduct a verification audit of locally supplied employment follow-up data through a survey of randomly sampled students and deliberately selected students

(approximately 4,000 total students) and to gather student opinion data. Data to be audited is from the class of FY 89 from Minnesota's 30 technical colleges. From \$76,000-\$100,000 is available for this project. A request for proposal can be obtained from:

Ron Dreyer, Director, Budget and Information
Room 308, Capitol Square Building
560 Cedar Street
St. Paul, MN 55101
(612) 297-1477

The period of the contract will extend until 30-Sep-90.

A bidders conference is tentatively scheduled for 31-Aug-89. Alternatively, individual sessions may be scheduled. Proposals must be received by 4:00 p.m., on 29-Sep-89. The State Board of Vocational Technical Education reserves the right to not award a contract for this project.

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.

Metropolitan Waste Control Commission

Request for Proposals (RFP) for Professional Insurance Brokerage Services

The Metropolitan Waste Control Commission (MWCC) is requesting proposals for professional insurance brokerage services. The request provides background information on the MWCC and describes items which should be specifically addressed in proposals responding to this RFP.

Copies of the request can be obtained by contacting Don Wodek, Director of Health & Safety at 229-2080. RFP's will be available August 28, 1989.

Proposals for the insurance brokerage services will be accepted by the Metropolitan Waste Control Commission until 4:30 p.m. on Friday, September 22, 1989.

All proposals shall be addressed to:

Metropolitan Waste Control Commission
230 East Fifth Street
Saint Paul, Minnesota 55101
Attn: Don Wodek

The Metropolitan Waste Control Commission reserves the right to reject all or any proposals, and to waive any minor irregularities and deviations from the requirement outlines in the RFP.

It is hereby agreed between the parties that *Minnesota Statutes*, sections 473.144 and 363.073, and *Minnesota Rules*, parts 5000.3400 to 5000.3600, are to be incorporated into any contract between these parties. A copy of *Minnesota Statutes*, sections 473.144 and 363.073, and *Minnesota Rules*, parts 5000.3400 to 5000.3600, are available upon request from the COMMISSION.

Dated: 21 August 1989

By Order of the Metropolitan Waste Control Commission
Gordon Voss, Chief Administrator

Supreme Court Calendar

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

Cases Scheduled During September, 1989

Compiled by Dale A. Hansen, (612) 297-4050

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN. 55155 (612) 296-2581.

Tuesday, September 5, 1989 9:00 AM

C7-89-766 STATE OF MINNESOTA, Plaintiff (Attorney: Raymond F. Schmitz, Olmsted County Attorney) **vs. SEAN PATRICK MERRILL, Defendant** (Kevin A. Lund of Patterson, Restovich, Lund Law Offices, Ltd., Assistant Olmsted County Public Defender). Certified Question Olmsted County

Do *Minnesota Statutes* §§ 609.2661(1) and 609.2662(1) (1988) violate the Fourteenth Amendment of the United States Constitution, as interpreted by the United States Supreme Court in *Roe v. Wade*, by failing to distinguish between viable fetuses and nonviable fetuses and embryos thereby classifying fetuses and embryos as persons under the Constitution?

Are *Minnesota Statutes* §§ 609.2661(1) and 609.2662(1) (1988) void for vagueness?

C4-8-2187 In Re Petition for Disciplinary Action against DAVID A. HART, an Attorney at Law of the State of Minnesota (Attorney for Respondent: David A. Hart). Petition for Disciplinary Action

C3-85-27 In Re Petition for Disciplinary Action against LOUIS J. MCCOY, an Attorney at Law of the State of Minnesota (Attorney for Respondent: Louis J. McCoy). Petition for Resignation

Wednesday, September 6, 1989 9:00 AM

C5-88-1937 STATE OF MINNESOTA, Respondent (Attorneys: Paul R. Kempainen, Assistant Attorney General and John Carlson, Pine County Attorney) **vs. KENDALL KEITH BLISS, Appellant** (Attorney: Susan L. P. Hauge, Assistant State Public Defender). Judgment Pine County

Was the evidence sufficient to allow the jury to reasonably find Appellant guilty of first degree murder?

Did the testimony of an eyewitness tend to incriminate Appellant rather than the eyewitness?

Was the exhumation of the victim's body performed in a careful manner so as to prevent the loss or destruction of possible evidence?

C4-88-410 CONRAD HAPKA, individually, BRIAN HAPKA, individually, and CONRAD and BRIAN HAPKA, petitioners, Appellants (Attorneys: Robert W. Wattson and Mark O'Boyle of Zelle & Larson) **vs. PAQUIN FARMS, et. al., Respondents** (Attorney: Brink, Sobolik, Severson, Vroom & Malm), **GUST HANGSLEBEN, Respondent** (Attorney: Donald Leonard), **STATE OF MINNESOTA, DEPARTMENT OF AGRICULTURE, Respondent** (Attorney: Paul A. Strandberg, Special Assistant State Attorney General). Opinion Court of Appeals

Was the State negligent or in violation of law in its conduct of shipping point inspections for the seed potatoes purchased by Appellants?

Does *Superwood* bar recovery in tort where most, if not all, of the damages found by the jury were to "other property," not a part of the commercial transaction?

Did Plaintiffs prove a prima facie case of negligence and negligence per se thereby precluding a directed verdict in favor of the State?

C5-89-460 STATE OF MINNESOTA, Plaintiff (Attorney: Stephen Redding, Assistant Hennepin County Attorney) **vs. THOMAS ROBERT SCHWARTZ, Defendant** (Attorney: Patrick J. Sullivan, Assistant Hennepin County Public Defender). Certified Question Hennepin County District Court

In determining the admissibility of emerging scientific testing, is a trial court to rely on the *Frye* standard of general acceptability in the scientific community or the relevancy approach derived from Rules of Evidence 403 and 702?

May evidence of DNA fingerprinting test results be admissible in a criminal proceeding?

In determining the extent of admissibility of scientific test results, is a trial court to rely on *State v. Kim*, 398 N.W.2d 544 (Minn. 1987)?

C2-89-643 EDGAR W. BLANCH, et. al., Appellants (Attorneys: Eric J. Magnuson and William J. Egan of Rider, Bennett, Egan & Arundel) vs. THE SUBURBAN HENNEPIN REGIONAL PARK DISTRICT, et al., Respondents (Attorneys: Jeffrey R. Brauchle and Lucinda E. Jesson of Oppenheimer, Wolff & Donnelly), HUBERT H. HUMPHREY, III, ATTORNEY GENERAL FOR THE STATE OF MINNESOTA, et al., Respondents (Attorney: Peter Ackerberg, Special Assistant State Attorney General), and METROPOLITAN COUNCIL, defendant-intervenor, Respondent (Attorney: Lynn M. Belgea, Assistant to Chief Counsel, Metropolitan Council). Judgment Hennepin County

Thursday, September 7, 1989 9:00 AM

CX-88-1044 DANIEL W. KARST, Respondent (Attorneys: Gary T. LeFleur and Randall J. Fuller of Babcock, Locher, Neilson & Mannella) vs. F. C. HAYER CO., INC., petitioner, Appellant (Attorneys: Paul L. Landry and Nancy D. Erbe of Fredrikson & Byron). Opinion Court of Appeals

C0-88-1148 STATE OF MINNESOTA, petitioner, Appellant (Attorney: Teresa L. Joppa, Assistant City Attorney, City of Moorhead) vs. WILLIAM MARK PIOTROWSKI, Respondent (Attorney: William Kirschner), AND

C6-88-1039 WILLIAM MARK PIOTROWSKI, Respondent (Attorney: William Kirschner) vs. COMMISSIONER OF PUBLIC SAFETY, petitioner, Appellant (Attorney: Joel A. Watne, Assistant State Attorney General). Opinions Court of Appeals

Can a Minnesota police officer make an "investigatory stop" of a motor vehicle in North Dakota based on an observed traffic violation in Minnesota which was less than a felony?

Does the exclusionary rule bar the use, in a license revocation proceeding, of evidence obtained from an unconstitutional stop of a motorist?

C7-88-2331 In Re Petition for Disciplinary Action against STEVEN M. HANSEN, an Attorney at Law of the State of Minnesota (Attorney for Respondent: Nicholas M. Wenner of Ruvelson, Kautzer & Schmidt, Ltd.). Petition for Disciplinary Action

Friday, September 8, 1989 9:00 AM

C7-88-1177 GARNET ERICKSON, et al., Respondents (Attorneys: McCollum & Daly and Fetterly & Gordon) vs. CURTIS INVESTMENT COMPANY, et al., defendants and third-party plaintiffs, petitioners, Appellants (Attorneys: James F. Dunn and Janet S. Stellpflug), LEADENS INVESTIGATION AND SECURITY, INC., petitioner, Appellant (Attorney: Victor E. Lund of Mahoney, Dougherty & Mahoney). THOMAS SABO, Defendant, vs. NU-WAY HOUSE, INC., Third-Party Defendant. Opinion Court of Appeals

Did the court of appeals err in holding that Appellants, owners and operators of a parking ramp, owed a legal duty to Respondent, the victim of a rape at that parking ramp?

Did the court of appeals err in holding as a matter of law that Appellants breached a duty to Respondent?

Did the court of appeals err in ruling that there was a causal connection between the breach of duty and the assault?

Did the court of appeals err in ruling that a genuine issue of material fact existed regarding the issue of vicarious liability?

Did the court of appeals err in ruling that the issue of punitive damages should be addressed by the trial court rather than on motion for summary judgment?

C9-88-1469 NFD, INC., petitioner, Appellant (Attorney: Steven C. Opheim of Dudley and Smith, P.A.) vs. STRATFORD LEASING COMPANY, defendant and third-party plaintiff, Respondent (Attorneys: Richard D. McNeil and Denise D. Reilly of Lindquist & Vennum), UNITED LEASING, INC., Defendant and Third-Party Plaintiff, vs. BALBOA HOLDING COMPANY, Third-Party Defendant. Opinion Court of Appeals

Monday, September 11, 1989 9:00 AM

C0-88-1456 DEAN E. JOHNSON, et al., Respondents (Attorney: Steven J. Running of Mundt & Associates) vs. VERNE JENSEN, et al., petitioners, Appellants (Attorney: William Starr & Associates). Opinion Court of Appeals

In an action for trespass, were Plaintiffs improperly awarded both treble compensatory damages pursuant to *Minnesota Statutes* §§ 548.05 and 561.04, and punitive damages pursuant to *Minnesota Statutes* § 549.20?

Did Defendants waive any objection to the award of both treble compensatory and punitive damages by failing to object to proposed jury instructions, which allowed both, prior to their submission to the jury?

MARY J. DeNARDO, Respondent (Attorney: Sieben, Grose, Von Holtum, McCoy & Carey, Ltd.) vs. **DIVINE REDEEMER MEMORIAL HOSPITAL and ST. PAUL FIRE & MARINE INSURANCE COMPANY, Respondents (C5-89-345), Relators (C7-89-346)** (Attorney: Michael J. Patera), and **SAMARITAN HOSPITAL and CHUBB GROUP INSURANCE COMPANY, Relators (C5-89-345), Respondents (C7-89-346)** (Attorney: Michael C. Jackman of Larkin, Hoffman, Daly & Lindgren, Ltd.), and **MINNESOTA DEPARTMENT OF JOBS & TRAINING/DVR, intervenor, Respondent** (Attorney: Roger A. Sorbel, Represent-

Supreme Court Calendar

ative, State Attorney General), and **GROUP HEALTH, INC., intervenor, Respondent** (Attorney: Randall Sayers). Order Workers' Compensation Court of Appeals

Does *Minnesota Statutes* § 176.101, subd. 4(a) govern all issues of apportionment?

Is the employee entitled to temporary disability benefits where no job search is made?

Are the rules of evidence inapplicable in adjudication of claims under the Minnesota Workers' Compensation Act?

Tuesday, September 12, 1989 9:00 AM

C5-87-1393 STATE OF MINNESOTA, Respondent (Attorney: Paul R. Kempainen, Assistant State Attorney General) vs. **MICHAEL W. FENNEY, Appellant** (Attorney: Elizabeth B. Davies, Assistant State Public Defender). Order Waseca County

Is there sufficient new evidence that a person other than Appellant was at the scene the night of the murder to justify a new trial?

C1-88-1353 KNUT CO., petitioner, Appellant (Attorneys: Mark J. Ayotte and John L. Devney of Briggs and Morgan, P.A.) vs. **KNUTSON CONSTRUCTION CO., et al., Respondents** (Attorney: Gary F. Albrecht of Fabyanske, Svoboda, Westra & Davis, P.A.). Opinion Court of Appeals

Is Appellant obligated to arbitrate its claim on the Guaranty where (1) the parties agreed to arbitrate all claims arising out of or relating to the Agreement or the Guaranty, (2) all of the Agreement's terms and conditions are expressly enforceable by and against the guarantors, and (3) the Guaranty was expressly made in accordance with the Agreement's terms and conditions?

Does the Agreement's mandatory arbitration clause apply to Appellant's claim on the Note where (1) the parties agreed to arbitrate all arising out of or relating to the Agreement, (2) the Note and Agreement were executed as part of the same transaction, (3) the Note and Agreement can be read together without destroying the Note's negotiability, and (4) numerous provisions in the Agreement reflect the intended interplay between the Agreement and the Note?

Did the trial court err by granting Appellant's motion for summary judgment despite the mandatory arbitrability of Appellant's claims and Respondent's concomitant demand for arbitration of those claims in accord with the parties' agreement?

C2-89-1081 In Re Petition for Disciplinary Action against NANCY T. KLEMEK, an Attorney at Law of the State of Minnesota (Attorney for Respondent: Nancy T. Klemek). Petition for Disciplinary Action

Wednesday, September 13, 1989 9:00 AM

C7-89-69 LOUIS BENOIT, Respondent (Attorney: Salmen, Brinkman & Martinson, P.A.) vs. **COMMISSIONER OF REVENUE, Relator** (Attorney: Barry R. Greller, Special Assistant State Attorney General). Order Minnesota Tax Court

Does the assertion of "financial control" over a corporate taxpayer by a creditor divest the corporation's president, sole director and sole shareholder (who remained active in the business, continued to draw a substantial salary and represented to a bankruptcy court that he was in control of the business) of legal control of the business so that the officer is not personally liable under *Minnesota Statutes* §§ 290.92, subd. 1(4) and 297A.01, subd. 2 (1988), for the business' unpaid sales and withholding taxes?

C2-88-1460 RENJA SIGURDSON, Respondent (Attorney: David A. Singer) vs. **ISANTI COUNTY, et al., petitioners, Appellants** (Attorneys: Richard A. Beens and Scott M. Lepak of Steffan & Munstenteiger, P.A.). Opinion Court of Appeals

Did the court of appeals correctly hold that the Respondent's claim of discrimination in the establishment of her rate of pay is a continuing violation of the discrimination statutes?

Did the trial court err in its determination that the Respondent did not bring her claims within six months of the discernible acts of discrimination that occurred in 1980?

C9-88-662 HYDRA-MAC, INC., Respondent (Attorneys: Craig W. Gagnon, Mark P. Wine, and David L. Bishop of Oppenheimer, Wolff & Donnelly), **INTERNATIONAL HARVESTER COMPANY, Respondent** (Attorneys: John Q. McShane, Janice K. O'Grady, and Lezlie Ott Marek of Bowman & Brooke) vs. **ONAN CORPORATION, Appellant** (Attorneys: Harold D. Field, Jr., Lawrence J. Field, and Marc D. Simpson of Leonard, Street & Deinard) (Of Counsel: Henry H. Feikema and Stacey A. DeKalb of Smith, Juster, Feikema, Malmon & Haskvitz, Chartered). Opinion Court of Appeals

Where the four year U.C.C. statute of limitations has otherwise run, may a merchant buyer who was temporarily induced by the seller not to sue for breach of warranty maintain a breach of warranty action which was not commenced within a reasonable time after the seller's inducement ceased to be operative?

Where the Defendant pleaded the statute of limitations defense in its answer, proved the defense at trial, and moved for directed verdict based on the statute of limitations defense, and where the Defendant at no time took a position inconsistent with that defense, did the Defendant waive the statute of limitations defense?

Where the warranty provision in invoices from an engine manufacturer to an equipment manufacturer extends an express warranty on the engine only to the ultimate user of the equipment and disclaims all other express and implied warranties, does the disclaimer

bar the assertion of warranty claims by the equipment manufacturer?

In a chain of distribution, where a subsequent purchaser of goods for resale asserts that it is a third-party beneficiary of warranties made by the original seller to the original buyer, and where the original seller disclaimed any warranty liability to the original buyer, did the disclaimer also apply to the subsequent purchaser?

Supreme Court Decisions

Opinions Filed 25 August 1989

C1-88-2213 Donald Roering, as trustee for the heirs of Randy Donald Roering, decedent, Appellant v. Grinnell Mutual Reinsurance Company. United States District Court.

1. *Minnesota Statutes* § 65B.40, subd. 3a(7) (1988) does not preclude underinsured motorist coverage where a motorcycle is an insured vehicle but not insured for uninsured/underinsured motorist coverage.
2. Under *Minnesota Statutes* § 65B.49, subd. 3a(5) (1988), when a person is injured while operating his own motorcycle which is insured for liability coverage only, he is not "occupying a motor vehicle" for purposes of claims to underinsured motorist benefits.
3. An insurance policy exclusion which provides that underinsured motorist coverage does not apply to bodily injury sustained by a person "while occupying a motor vehicle owned by you or a relative for which insurance is not afforded under this part, or when struck by the motor vehicle" is invalid when it conflicts with the coverage guaranteed by the No-Fault Act.

Certified questions answered. Popovich, C.J.

Dissenting, Coyne, Simonett & Kelley, JJ.

C3-88-26 In Re Petition for Disciplinary Action against Roger T. Sahr, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly censured & suspension. Per Curiam

Took no part, Kelley, J.

Announcements

Lake Rehabilitation Program: Eleven lakes are planned for rehabilitation by removing all fish with the application of approved fish toxicants and then restocking the lakes with desirable game fish species. Treatments will take place between October 10 and Nov. 11 as part of a cooperative program with the U.S. Fish and Wildlife Service. Bactericide antimycin-A (trade name Fintrol) will be used for Jammer Lake in St. Louis County and Rotenone (trade name Nusyn Noxfish) will be used for all other lakes. To be stocked with trout are Hanson in Becker County; Jammer and Cedar in St. Louis County; Hogback, Scarp and Indian in Lake County. To be stocked with warmwater species are Hanska and Clear in Brown County; Todd in Kandiyohi County; Carver in Washington County; and Knife and Kanabec in Mille Lacs County. Comments or questions can be addressed to the DNR—Division of Fish and Wildlife, James Groebner, 500 Lafayette Rd., St. Paul, MN 55155 (612) 296-0789.

Environmental Quality Board (EQB): Environmental Assessment Worksheet (EAW) comments due are due Sept. 20 on the following projects at their listed regional governing unit (RGU): Rockford Road Plaza, City of Plymouth (612) 559-2800. • An EAW deadline has been extended for McGowen Amphitheatre project in Dakota County until Sept. 5. For information contact John Shardlow (612) 339-3300. • The correct RGU for the Petroleum Contaminated Soil Treatment at Tower Asphalt Facility project is Washington County, not the PCA as noticed two weeks ago. • St. Louis County, RGU for the Bassett/Cadotte Lakes Gravel Mine petition, has determined that no EAW will be required for that project. • No EIS (environmental impact statements) are required for the following projects: Jerome Faribo Farms, Merton Township; Harriet Island Development/Marina, City of St. Paul; Southport Shopping Mall, City of Apple Valley; KVBM Communications Tower, City of St. Paul; Knife River Restoration, MN DNR. • A Minn. Dept. of Transportation (MN/DOT) alternative review will look at the following projects: North Star Bridge Repairs, Blue Earth County (507) 389-6876; TH 12-Darwin to Cokato, (612) 231-5497; and TH 15 Improvements-Meeker County, (612) 231-5497. • Comment period on the Minneapolis West Business Center at the junction of TH 100 and I-394 in St. Louis Park will end 4:30 p.m. Wednesday 20 Sept. (612) 924-2573.

Announcements

MECC Announces New Releases: A math management program series and crossloader have just been released by MECC (Minnesota Educational Computing Corporation). The **Math Management Series** is a math series that helps students enhance their skills with whole-number operations. The entire instructional program is correlated with the objectives of certain textbooks. **Universal Crossloader** is for the Velan network and allows a MECC member to load most of the MECC software on to a network, eliminating the need for individual disks. The software package also enables to user to create various menus under which MECC titles can be stored, allowing teachers to create menus to meet the needs of their classroom. For more information, call 800/228-3504, ext. 549 or (612) 481-3500.

Metro Council Seeks Candidates for Advisory Bodies: The Metropolitan Council is seeking candidates for seven vacancies on the **Developmental Disabilities Advisory Committee**. Each position is for a three-year term. The committee advises the Council on the needs of people with developmental disabilities and helps coordinate planning to meet those needs. It is composed of 25 volunteer members who include persons with developmental disabilities, their parents or guardians, service providers and the general public. For an application or for more information, call Kay Zwernik at 291-6364 or Edith Watson at 291-6427. Application deadline is Sept. 15. Appointments will be made by the Council on Sept. 28. The council is also seeking candidates to serve on its **Transportation Advisory Board**. The board advises the Council on transportation matters involving the regional highway, public transit and airport systems. It reviews and adopts the region's three-year transportation improvement program and develops priorities for transportation projects funded under the Federal Aid Urban and Interstate Substitution Programs. It ensures coordination and cooperation among government agencies involved in transportation planning. For more information or an application call Emil Brandt at 291-6347 or Diane Parsons-Freeberg 291-6308. The application deadline is Sept. 15, with appointments to be made by the Council on Sept. 28.

Arts School Director Appointed: Garland Wright of Minneapolis was appointed by Governor Rudy Perpich to serve on the board of the Minnesota Center for Arts Education. Wright is the Artistic Director for the Guthrie Theater in Minneapolis. The appointment is effective Aug. 18. Wright will replace Marilyn Berg of Mendota Heights. Wright's term will expire January 1991.

Members Sought for Library and Information Services Planning Committee: Minnesotans are encouraged to serve on the planning committee for the Pre-White House Conference on Library and Information Services. The committee will advise the Office of Library Development and Services on the Governor's Conference, to be held Sept. 1990. "The conference will provide opportunities to plan for strengthened and improved library and information services in the 1990s and beyond, as well as develop recommendations for the 1991 White House Conference of Library and Information Services," said Governor Rudy Perpich. Committee members will represent citizens, government and other public officials, library trustees, Friends of Libraries, library personnel, publishers and other information employees from across the state. Planning committee members will meet in Oct. of this year, and then again in Feb. and June 1990. Members will consider conference themes, objectives, structure and budget. Applications may be obtained by calling the Secretary of State's Office at (612) 297-5845 or the Office of Library Development and Services at (612) 296-2821. Application deadline is Sept. 1.

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.

Love of Loons. A Voyageur Wilderness Book, with color photos and lore of this delightful state bird make this a beautiful gift. Stock #9-22, \$12.95 + tax.

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 Bookstore

Publications, Services, Subscriptions

Order Form on Back—For Information, Call 297-3000

NEW PUBLICATIONS:

Minnesota Rules 1989. An 11-volume set of rules from the approximately 75 agencies empowered to promulgate rules by the Administrative Procedure Act. Stock #18-200, \$160.00 + tax, or \$15 for individual volumes. **NOTE:** This is a subscription service for the set, entitling subscriber to updates as they are produced.

Session Laws 1980. Three-volume set. Stock #18-2, \$38.00 + tax per set.

Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 plus tax.

Process Parenting—Breaking the Addictive Cycle. A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 plus tax.

It's Never Okay: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists. Therapeutic and prevention issues and employer responsibilities are discussed in this task force report, as well as recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, \$19.95

Hazardous Waste Rules 1989. Governs the storage, treatment, utilization, processing, transfer, and disposal of hazardous waste. Contains the complete requirements for application for permits for discharge of hazardous waste on construction and operation of a treatment facility. Stock No. 3-71, \$16.95 plus tax.

Environmental Quality Board Rules 1989. Essential for long-term planning. Details the scope, purpose and objectives of the rules. Explains the need for environmental impact statements and the review process. Includes a special section on large energy facilities and high voltage transmission lines. Stock No. 3-54, \$5.00 plus tax.

OTHER PUBLICATIONS

Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$12.95 plus tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 plus tax.

Landscaping for Wildlife. Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15, \$8.95 plus tax. See "Special Set Offer" below.

Woodworking for Wildlife. Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important tips on placement of nests in proper habitat areas. 47 pages with diagrams. Stock #9-14, \$3.95 plus tax. See "Special Set Offer" below.

"Special Set Offer." Save 10% by purchasing the two books together on wildlife mentioned above. Stock #9-20, \$10.95 plus tax.

Minnesota Manufacturer's Directory, 1989. More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchasing managers, and four manufactured products. Stock #40-2. \$76.50 + \$4.59 sales tax.

SUBSCRIPTIONS:

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription \$130; Trial Subscription (13 weeks) \$40.00; Single copies \$3.50.

Workers Compensation Decisions. Volume 40. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$105.00.

SERVICES:

Mailing Lists. Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

American Flag. Perfect for home or office. 3' x 5' with embroidered stars. Heavy nylon bunting. Code No. 6-1. \$21.00, plus tax.

1989 Lake Map Index. Listing over 4,000 lake maps. Free.

1989 Publication Catalog of Minnesota's Bookstore. Lists publications available through Minnesota Documents Center. Free.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo. \$6.50 plus 39¢ tax.



Department of Administration

Print Communications Division

117 University Avenue • St. Paul, Minnesota 55155

Metro area 612-297-300 (FAX: 612-296-2265)

In Minnesota, toll free 1-800-652-9747

Second Class
U.S. Postage
Paid
Permit No.
326630
St. Paul, MN

Please notify us of any address changes so that we can continue to give you our best service. Include your old mailing label to speed your service.



Legislative Reference Library
Zona DeWitt 7950
645 State Office Bldg
INTEROFFICE

TO ORDER:

Complete attached order blank. Include either your VISA/MasterCard or American Express credit card number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order.

Please include 6% sales tax and \$1.50 postage and handling.

PREPAYMENT REQUIRED.

Merchandise may be returned if it is in resalable condition with a \$1.50 restocking charge.

NOTE:

STATE REGISTER and other subscriptions do not require sales tax or postage and handling fees.

For Your Convenience, photocopy this order blank

Code No.	Quantity	Description	Item Price	Total
Name or Company			Subtotal	
Attention			Plus 6% tax MN Residents Only	
Address			Postage/Handling (per order)	\$1.50
City	State	Zip	TOTAL	
American Express/VISA/MasterCard No.				
Signature		Expiration Date	Telephone (During Day)	



Metro area (612) 297-3000
In Minnesota toll-free 1-800-652-9747
Facsimile (FAX) (612) 296-2265

Prices subject to change without notice.

Please allow about 6 weeks for delivery. In a hurry? Stop by our Bookstore. Bookstore Hours 8 a.m.-4:30 p.m., Monday through Friday.