

The Minnesota
**State
Register**

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Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 28 October 1991
Volume 16, Number 18
Pages 1057-1112

State Register

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

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

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. 16 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
18	Monday 14 October	Monday 21 October	Monday 28 October
19	Monday 21 October	Monday 28 October	Monday 4 November
20	Monday 28 October	Monday 4 November	Monday 12 November
21	Monday 4 November	Friday 8 November	Monday 18 November

*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 court; 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 \$140.00 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.

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

Contents

Minnesota Rules: Amendments & Additions

Issues 14-18 inclusive (issues #1-13 appeared in #13) 1060

Proposed Rules

Health Department

Emergency care course certificate issuance 1061

Jobs and Training Department

Youth employment 1063

Racing Commission

Teleracing and simulcast 1064

Secretary of State

Elections; redistricting 1084

Adopted Rules

Abstracters' Board of Examiners

Abstractor licensing 1086

Education Department

Education; repealing certain veterans education requirements 1086

Human Services Department

Prepaid Medical Assistance Program (PMAP) 1086

Commissioner's Orders

Natural Resources Department

Order No. 2413: Regulations for the taking, transportation, transfer, possession, and use of raptors for falconry purposes; superseding Order No. 1986 1092

Order No. 2428: Prescribing regulations for the taking of deer; amending Order No. 2418 1095

Order No. 2427: Regulations for the management of muskellunge; amending Order No. 2346 1096

Executive Orders

Executive Order No. 91-21: Providing for Emergency Assistance to Minnesota Farmers 1096

Official Notices

Comprehensive Health Association

Board of Directors meeting 1097

Historical Society

State Review Board meeting 1097

Public Employees Retirement Association

Board of Trustees meeting 1097

State Agricultural Society—State Fair

Board of Managers meeting 1098

State Grants

Corrections Department

Proposals sought for available grant funds 1098

Supreme Court Calendar

November 1991 1098

Professional, Technical & Consulting Contracts

Human Services Department

Applications sought to contract for consultant services . . . 1100

Proposals sought to develop resettlement project for refugees in Greater Minnesota 1101

Metropolitan Council

Proposals sought for aviation consulting services 1101

Historical Society

Bids sought for printing, manufacturing and delivery of book 1102

Proposals sought for furniture design consultation 1102

Iron Range Resources and Rehabilitation Board

Proposals sought for exhibits 1103

Transportation Department

Services of consultant engineering firms sought to contract for professional services 1104

State Contracts & Advertised Bids

Administration Department

Materials Management Division: Commodities and requisitions open for bid 1105

Announcements 1107

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 14-18 inclusive (issues #1-13, Vol. 16 appeared in #13)

Abstracters' Board of Examiners

1005.0200; .0600; .0700; .0800 (adopted) 1086

Animal Health Board

1710.1300; .1310; .1320; .1330; .1340; .1350; .1360;
.1370; .1380; .1390; .1400; .1410; .1420; .1430; .1435;
.1440; .1445; .1450; .1455; .1460; .1470; .1480; .1490;
.1500; .1510; .1520; .1530 (withdrawn) 1025
1710.1300; .1310; .1320; .1330; .1340; .1350; .1360;
.1370; .1380; .1390; .1400; .1410; .1420; .1430; .1435;
.1440; .1445; .1450; .1455; .1460; .1470; .1480; .1490;
.1500; .1510; .1520; .1530 (proposed) 1025

Commerce Department

2890.0080 (adopted) 958

Jobs and Training Department

3300.0500 (proposed) 1063

Education Department

3530.6300; .6400 (repealed) 1086

Employee Relations Department

3920.0100; .0200; .0300; .0400; .0500; .0600; .0700;
.0800; .0900; .1000; .1100; .1200; .1300 (proposed) 893

Health Department

4667.0005; .0010; .0015; .0020; .0025; .0030 (adopted) 1032
4690.4600 (proposed) 1061
4690.4600 s.7,8 and 9 (proposed repealer) 1063
4740.2040 (proposed) 1026
4760.0010; .0020; .0030; .0040; .0050; .0060; .0065;
.0070; .0080; .0090; .0100; .0200; .0300 (adopted) 958

Higher Education Coordinating Board

4830.0100 (proposed) 830
4800.8100; .8300; .8400; .0400; .2300; .2400; .8550
(proposed) 831
4800.8100 s.2,9 and 14; .8500; .8600; .8700; .8800
(proposed repealer) 833

Labor & Industry Department

5220.0100; .0105; .0110; .0120; .0130; .0410; .0510;
.0710; .0750; .0850; .0950; .1010; .1100; .1200; .1250;

.1400; .1500; .1600; .1700; .1800; .1801; .1802; .1803;
.1805; .1806; .1900; .1910; .2650; .2780 (proposed) 805
5220.0100 s.6,7,8,10a,11,14 and 15; .0210; .0300; .0400;
.0500; .0600; .0700; .0800; .0900; .1000; .1300;
.1801 s.3 and 4; .1802 s.6,7,8 and 9; .1803 s.3 and 4;
.1900 s.3,4,5 and 6 (proposed repealer) 830

Marriage and Family Therapy Board

5300.0302; .0360 (adopted) 865
5300.0320; .0360 (correction 22 July 1991, Vol. 16, No. 4) 136

Nursing Board

6340.0100; .0200; .0300; .0400; .0500; .0600; .0700;
.0800; .0900; .1000; .1100 (adopted) 960

Pharmacy Board

6800.1150; .1250; .1300 (proposed) 1030

Pollution Control Agency

7001.0520; .0650; 7045.0020; .0075; .0131; .0135;
.0139; .0214; .0292; .0458; .0478; .0532; .0534; .0536;
.0538; .0552; .0564; .0584; .0630; .0632; .0634; .0638;
.0665; .1300; .1305; .1308; .1309; .1310; .1315; .1320;
.1325; .1330; .1333; .1334; .1335; .1339; .1350; .1355;
.1358; .1360; .1380 (proposed) 834
7002.0400; .0410; .0420; .0430; .0440; .0450 (adopted) 1033
7002.0410; .0420; .0430; .0440; .0450; .0460; .0470; .0480;
.0490 (proposed) 756
7005.0705; .0715; .0725; .0735; .0745; .0755; .0765; .0766;
.0767; .0775; .0785; .0795; .0796; .0805; .0815 (adopted) 865
7005.0700; .0710; .0720; .0730; .0740; .0750; .0760; .0770;
.0780; .0790; .0800; .0810; .0820 (repealed) 865
7046.0010; .0020; .0031; .0040; .0045; .0050; .0070
(proposed) 950
7046.0010 s.17 and 17a; .0031 s.3 and 5; .0050 s.4
(proposed repealer) 957
7047.0001; .0002; .0003; .0004; .0005; .0006; .0007
(proposed) 957

Gambling Control Board

7860.0010; .0020; .0040; .0050; .0060; .0070; .0080;
.0090; .0100; .0105; .0110; .0120; .0130; .0140; .0150;
.0160; .0170; .0180; .0190; .0200; .0210; .0220; .0230;
.0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310;

.0320; .0400; .0500; .0600; .0700 (proposed repealer)	950	Waste Management Office	
7861.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; 7862.0010; 7863.0010; .0020; 7864.0010; .0020; 7865.0010; .0020; .0030; .0040 (proposed)	909	9210.0620; .0630; .0635; .0460 (proposed)	760
Racing Commission		Human Services Department	
7869.0100; 7870.0180; .0190; .0200; .0210; .0220; .0221; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370; .0380; .0390; .0400; .0410; .0420; .0430; .0450; .0470; .0500; .0510; 7871.0005; .0010; .0020; .0030; .0080; .0100; .0110; .0115; .0120; .0130; .0140; .0160; 7873.0110; .0120; .0190; .0198; .0400; 7874.0100; 7875.0100; .0200; 7877.0100; .0110; .0155; 7878.0100; .0110; .0160; 7879.0100; 7897.0100; .0130 (proposed)	1064	9500.1450; .1451; .1452; .1453; .1455; .1457; .1459; .1460; .1462; .1463 (adopted)	1086
7869.0100 s.19,33a and 65a; 7870.0500 s.6,7,8,9 and 10; 7871.0010 s.2; .0020 s.1; 7871.0070; .0090; 7871.0150; 7873.0120 s.2; .0300 (proposed repealer)	1084	9500.1451 s.2,3,5,11,12 and 18; .1459 s.2,3 and 4; .1463 s.1 and 2 (repealed)	1086
Secretary of State		9505.0175; .0324 (emergency proposed)	988
8255.0010; .0020; .0030; .0400; .0050 (proposed)	1084	9505.0476; .0477; .0478; .0479; .0480; .0481; .0482; .0483; .0484; .0485; .0487; .0489; .0490; .0491 (emergency proposed)	973
		9505.2165 (adopted)	960
		9510.2000; .2010; .2020; .2030; .2040; .2050; .2060; .2070 (emergency proposed)	1035
		9520.0900; .0902; .0904; .0906; .0908; .0910; .0912; .0914; .0916; .0918; .0922; .0924; .0926 (emergency proposed)	961
		9535.1700; .1705; .1710; .1715; .1720; .1725; .1730; .1735; .1740; .1745; .1750; .1755; .1760; .1765 (emergency proposed)	983

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 Health

Proposed Permanent Rules Relating to Emergency Care Course Certificate Issuance

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") intends to adopt without a public hearing the above-entitled amendment to rule by setting forth an alternative way by which a person with American Red Cross Advanced First Aid Training may qualify for an emergency care course certificate, issued by the Commissioner under authority of *Minnesota Statute* 144.804, subdivision 1 and *Minnesota Rule* Part 4690.4600. To accomplish this purpose, the Department intends to amend *Minnesota Rule* Part 4690.4600, by adding new subparts 7, 8, and 9 without a public hearing, following the procedures set forth in the Administrative Procedures Act in *Minnesota Statute* 14.22 to 14.28 (1990). The statutory authority to adopt the rule is *Minnesota Statute* 144.804.

All persons have until Monday, December 9, 1991, to submit comment in support of or in opposition to the proposed rule or any part or subpart of the proposed 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 comment period, ending December 9, 1991. If twenty-five (25) or more persons submit a written request for a public hearing within the 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 Department will proceed pursuant to *Minnesota Statutes*, Section 14.131 to 14.20 (1990).

Proposed Rules

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

Wayne Arrowood, Assistant Chief
Emergency Medical Services Section
Minnesota Department of Health
717 Delaware Street Southeast Box 9441
Minneapolis, Minnesota 55440
Telephone: (800) 747-2011 or (612) 623-5482

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

The rule authorizes a person certified by the American Red Cross in advanced first aid and emergency care to apply to the Commissioner for permission to enroll in an approved emergency care refresher course, by providing documentation as follows:

- 1) Evidence of holding a current American Red Cross advanced first aid and emergency care certificate;
- 2) Evidence of being currently on the roster of an ambulance service licensed by the commissioner and of having a minimum of three years experience as a driver or attendant with an ambulance service licensed by the commissioner; and
- 3) Certification from the medical advisor or medical director of the licensed ambulance service identified in item 2) for whom the person is currently working, acknowledging that the applicant has current knowledge, training, and skill proficiency in the use of all basic equipment required in a basic life support ambulance.

The commissioner will issue an emergency care course certificate to a person who applies and submits evidence of meeting the above requirements, and who has successfully completed an approved emergency care refresher course after July 1, 1990.

This proposed rule will be repealed on August 1, 1994.

A copy of the proposed rule is included as part of this notice.

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of the proposed amendment, and identifies the data and information relied upon to support the proposed rule amendment has been prepared and is available from Wayne Arrowood upon request to the above address.

Pursuant to *Minnesota Statute* Section 14.115, subdivision 2, the impact on small businesses has been considered in the promulgation of this rule amendment. The Department's analysis and position regarding the impact of the amendment on small businesses is set forth in the **STATEMENT OF NEED AND REASONABLENESS**. Anyone wishing to present evidence or argument as to the amendment's effect on small businesses is encouraged to do so.

Pursuant to *Minnesota Statute* Section 14.115, subdivision 4(c), the Department, in order to provide an opportunity for small businesses to participate in the rule making process, will mail copies of the proposed rule amendment and this Notice to all licensed ambulance services, and to institutions approved to offer emergency care courses within the state. These services and institutions are encouraged to comment.

If no hearing is required, upon adoption of the amendment, the amendment 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 amendment must submit a written request to Wayne Arrowood at the above address.

Marlene E. Marschall
Commissioner of Health

Rules as Proposed

4690.4600 ISSUANCE OF CERTIFICATES.

[For text of subps 1 to 6, see M.R.]

Subp. 7. American Red Cross advanced first aid personnel. A person certified by the American Red Cross in advanced first aid and emergency care may apply to the commissioner for permission to enroll in an approved emergency care refresher course, by providing documentation which evidences that the person meets the criteria listed in subpart 8. An applicant successfully completing all emergency care refresher course requirements shall be issued an emergency care course certificate by the commissioner.

Subp. 8. Required documentation. A person who submits the following is eligible to enroll in an emergency care refresher course:

A. evidence of holding a current American Red Cross advanced first aid and emergency care certificate;

B. evidence of being currently on the roster of an ambulance service licensed by the commissioner and of having a minimum of three years experience as a driver or attendant with an ambulance service licensed by the commissioner; and

C. certification from the medical advisor or medical director of the licensed ambulance service identified in item B for whom the person is currently working, acknowledging that the applicant has current knowledge, training, and skill proficiency in the use of all basic equipment required in a basic life support ambulance.

Subp. 9. Persons previously completing approved emergency care refresher courses. The commissioner shall issue an emergency care course certificate to a person who applies and submits evidence of meeting the requirements of subparts 7 and 8, and of having successfully completed an approved emergency care refresher course after July 1, 1990.

REPEALER. Minnesota Rules, part 4690.4600, subparts 7, 8, and 9 are repealed August 1, 1994.

Department of Jobs and Training

Proposed Permanent Rules Relating to Youth Employment

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Jobs and Training proposes to adopt the above-entitled rules without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28.

These rules have been developed as authorized by *Minnesota Statutes*, sections 268.021 and 268.0122, subdivision 5, which permit the Commissioner of the Department of Jobs and Training to adopt rules governing programs the Commissioner administers under *Minnesota Statutes*, chapter 268.

Persons interested in these rules have 30 days in which to submit comments in support of or in opposition to the rules in their entirety or any part or subpart of the rules. Comments are encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules 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. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules 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.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Kay Tracy
Youth Programs Coordinator
Community Based Services
690 American Building
155 E. Kellogg Blvd.
St. Paul, MN 55101
(612) 296-6064

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on November 29, 1991.

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

A copy of the proposed changes to the subject rules follows this notice.

If no hearing is required upon adoption of the rules, the rules and the required supporting documents will be delivered 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 rules, must submit the written request to Michael Fratto.

R. Jane Brown, Commissioner
Department of Jobs and Training

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

Rules as Proposed

3300.0500 OPERATION PROCEDURES.

Subpart 1. **Regular program.** Youths who are at least 14 years of age but less than 22 years of age at the time they are to begin employment under the program established by the act of application are eligible for program employment participation. Approximately 60 Ninety percent of the youths hired should must be from families which meet the definition for economically disadvantaged as established under Public Law Number 97-300, section 4 under the federal Job Training Partnership Act. If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a contractor which has received an allocation under part 3300.0300, and the contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "regular program."

[For text of subs 2a to 6, see M.R.]

Minnesota Racing Commission

Proposed Permanent Rules Relating to Teleracing and Simulcast

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

I. EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Racing Commission (hereinafter "Commission") hereby gives notice of its intent to adopt rules without a public hearing under the non-controversial rulemaking procedure of *Minnesota Statutes*, section 14.22 to 14.28 (1990). However, in the event 25 or more persons request a hearing with respect to the proposed amendments to the rules, thereby necessitating that one be held pursuant to *Minnesota Statutes*, section 14.25 (1990), and in order to expedite the rulemaking process should that occur, the Commission is at the same time giving notice of a hearing on the proposed rules pursuant to *Minnesota Statutes*, sections 14.131 to 14.20 (1990). The hearing on the proposed rules will, of course, be cancelled if 25 or more persons do not request that a hearing be held with respect to the proposed rules. With the comment period closing on November 27, 1991, there will be 14 days before the scheduled hearing date. This 14-day period will give interested persons time to contact the Commission to find out whether the hearing will be held or cancelled.

II. NOTICE OF INTENT TO REPEAL AND ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Racing Commission (hereinafter "Commission") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing with respect to the proposed rules. The Commission has determined that the proposed rules will be non-controversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28 (1990).

Interested persons shall have until November 27, 1991 to submit comments in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Commission and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request **in writing** during the comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Commission be informed of the specific portion of the rules on which a hearing is being requested at the time that the hearing request is made. This will enable the Commission to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held if 25 or more persons submit **in writing** requests for a hearing on the proposed rules or a portion thereof by November 27, 1991. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes*, sections 14.14 to 14.20 (1990), and the hearing notice provided before.

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

Richard G. Krueger
Minnesota Racing Commission
Suite 201
11000 West 78th Street
Eden Prairie, Minnesota 55344

The statutory authority of the Commission to adopt the proposed rules is contained in *Minnesota Statutes*, section 240.23 (1990) and *Minnesota Laws 1991*, ch. 336.

The proposed rules will be published in the *State Register* on October 28, 1991, and a copy of the rules may be obtained from the Commission by writing to Richard G. Krueger at the address listed above.

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Commission by contacting Richard G. Krueger at the address listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11 (1991).

The Commission is subject to *Minnesota Statutes*, section 14.115 (1990), regarding small business considerations in rulemaking. The Commission's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2 (1990), for reducing the impact of the proposed rules on small businesses are addressed in the **STATEMENT OF NEED AND REASONABLENESS**.

Upon completion of proposed rules without a public hearing, the rules as proposed, this notice, the **STATEMENT OF NEED AND REASONABLENESS**, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the rules as adopted should submit a written request to Richard G. Krueger at the address listed above.

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

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULES WITHIN THE COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON DECEMBER 11, 1991, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned rule will be held pursuant to *Minnesota Statutes*, sections 14.14 to 14.20 (1990), on December 11, 1991, commencing at 9:00 a.m. until 4:30 p.m., or until all interested persons have been heard, in the First Floor Conference Room, Olympic Place, 7825 Washington Avenue South, Bloomington, Minnesota.

The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Peter Erickson. Judge Erickson can be reached at the Office of Administrative Hearings, 500 Flour Exchange Building, 310 South France Avenue, Minneapolis, Minnesota 55415, telephone number (612) 341-7615.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to the Administrative Law Judge. Unless a longer period, not to exceed 20 calendar days, is ordered by the Administrative Law Judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. All written materials submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. Written material received during this period will be available for review at the Office of Administrative Hearings. The Commission and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rules hearing procedure is governed by *Minnesota Statutes*, section 14.14 to 14.20 (1990), and by *Minnesota Rules*, parts 1400.0200 to 1400.1200 (1991). Questions about procedure may be directed to the Administrative Law Judge.

The proposed rules will be published in the *State Register* issue of October 28, 1991, and a copy of the rules may be obtained from the Commission by writing Richard G. Krueger at the address listed above in Part II of this Notice.

The statutory authority of the Commission to adopt the proposed rules is contained in *Minnesota Statutes*, section 240.23 (1990) and *Laws Minnesota 1991*, ch. 336.

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

Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Ethical Practices Commission. Questions regarding this requirement may be directed to the Ethical Practices Commission at 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone number (612) 296-5148.

NOTICE IS HEREBY GIVEN that a **STATEMENT OF NEED AND REASONABLENESS** is now available for review at the Commission and at the Office of Administrative Hearings. This **STATEMENT OF NEED AND REASONABLENESS** includes a summary of all the evidence which the Commission anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. The statement of need and reasonableness may be reviewed at the Commission by contacting Richard G. Krueger at the address listed above in part II of this Notice or it may be reviewed at the Office of Administrative Hearings, and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

PLEASE NOTE that any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Commission may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may require notification of the date on which any rules were 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 so indicate at the hearing or send a request in writing to the Commission at any time prior to the filing of the rules with the Secretary of State.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11 (1990).

The Commission is subject to *Minnesota Statutes*, section 14.115 (1990), regarding small business considerations in rulemaking. The Commission's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2 (1990), for reducing the impact of the proposed rules on small businesses are addressed in the statement of need and reasonableness.

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

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

To be informed whether a hearing noticed in Part III above will be held, please contact Richard G. Krueger at the address listed above in part II of the Notice before November 15, 1991, and provide your name, address, and telephone number. You will be notified after November 27, 1991, if the hearing has been cancelled. You may also call Mr. Krueger at (612) 341-7555 after November 27, 1991, for oral confirmation regarding the scheduled hearing.

Dated: 9 October 1991

Richard G. Krueger
Minnesota Racing Commission

Rules as Proposed

7869.0100 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 6a. Alternative facility. "Alternative facility" means a facility licensed by a state racing or gaming authority that uses a totalizator for pari-mutuel wagering on horse races.

[For text of subps 7 to 13, see M.R.]

Subp. 13a. Commingled (common) pool. "Commingled (common) pool" means a pool merged electronically with those at a host racetrack or alternative facility that serves as a racetrack for the purpose of commingled pools such that payoffs at the licensed facility within this state are calculated on the total combined pari-mutuel pool of the host racetrack and all those facilities to which it broadcasts.

[For text of subps 14 to 18, see M.R.]

Subp. 19. [See repealer.]

[For text of subps 20 to 29, see M.R.]

Subp. 30. **Grounds.** "Grounds" mean the entire area used by the association to conduct a race meeting or simulcasting, including the track, grandstand, stables, concession areas, ~~and~~ parking facilities, and teleracing facility including its parking area.

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

[For text of subs 31 and 32, see M.R.]

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

[For text of subp 33, see M.R.]

Subp. 33a. [See repealer.]

[For text of subs 34 to 47, see M.R.]

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~~ simulcasting.

[For text of subs 48 to 51, see M.R.]

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

[For text of subs 52 to 56, see M.R.]

Subp. 57. ~~Simulcast~~ **Simulcasting.** “~~Simulcast~~ Simulcasting” means ~~a the~~ the ~~televised race transmitted or received by an association on a racing day when display for~~ televised race transmitted or received by an association on a racing day when display for pari-mutuel wagering ~~is purposes, of one or more horse races conducted at another location where the televised display occurs simultaneously with the race being televised.~~ is purposes, of one or more horse races conducted at another location where the televised display occurs simultaneously with the race being televised.

[For text of subs 58 to 65, see M.R.]

Subp. 65a. [See repealer.]

[For text of subp 66 to 69, see M.R.]

7870.0180 IDENTIFICATION OF APPLICANT FOR CLASS B AND E LICENSE.

An application for a Class B or E license must include, on a form prepared by the commission, the name, address, and telephone number of the applicant, and the name, position, address, telephone number, and authorized signature of an individual to whom the commission may make inquiry.

7870.0190 APPLICANT’S AFFIDAVIT.

An application for a Class B or E license must include, on a form prepared by the commission, an affidavit of the chief executive officer of or a major financial participant in the applicant setting forth:

A. That application is made for a Class B or E license to sponsor and manage live horse racing or simulcasting on which pari-mutuel betting is conducted.

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

7870.0200 DISCLOSURE OF OWNERSHIP AND CONTROL.

An applicant for a Class B or E license must disclose:

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

7870.0210 DISCLOSURE OF CHARACTER INFORMATION.

An applicant for a Class B or E license must make its best effort, as defined in part 7870.0030, item E, to disclose whether the applicant ~~or~~ any individual or other entity identified pursuant to part 7870.0200 or 7870.0270, item B or C, or with respect to Class E racing only, whether any lessor of the premises within which the telerecording facility will be located, has:

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

7870.0220 DISCLOSURE OF IMPROVEMENTS AND EQUIPMENT FOR CLASS B FACILITY.

An application for a Class B license must disclose with respect to the facility at which it will sponsor and manage pari-mutuel horse racing the following:

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

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Proposed Rules

7870.0221 DISCLOSURE FOR CLASS E FACILITY.

Subpart 1. Development disclosures. An application for a Class E license must disclose with regard to development of its teleracing facility:

- A. the total cost of construction or renovation of the facility, distinguishing between fixed costs and projections;
- B. separate identification of the following costs, distinguishing between fixed costs and projections:
 - (1) facility design;
 - (2) land acquisition;
 - (3) site preparation;
 - (4) improvements and equipment, including a description of work areas for commission members, officers, employees, and agents;
 - (5) interim financing;
 - (6) permanent financing; and
 - (7) organization, administrative, accounting, and legal.
- C. documentation of fixed costs;
- D. the schedule for construction or renovation of the facility, including estimated completion date;
- E. schematic drawings;
- F. copies of any contracts with and performance bonds from:
 - (1) architect or engineer;
 - (2) project engineer;
 - (3) construction engineer;
 - (4) contractors and subcontractors; and
 - (5) equipment procurement personnel; and
- G. whether the site has been acquired or leased by applicant. If so, the applicant must provide the documentation. If not, the applicant must disclose what actions the applicant must take to use the site.

Subp. 2. Additional disclosures. An application for a Class E license must disclose with respect to the facility at which it will sponsor and manage simulcasting:

- A. the address of the location;
- B. the name, address, and telephone number of the owner of the real estate upon which the building will be situated;
- C. a copy of the lease, purchase option, or purchase agreement for the location;
- D. a pro forma financial statement projecting attendance, handle, and revenue at the location;
- E. a statement of the projected cost of operation of the location;
- F. a statement of the sources of funds used to construct or renovate the location, including a copy of the loan commitment letter, loan documents or other documents setting forth the terms relating to the financing of the location, and a certification that the licensed corporation's state and local tax obligations are not in arrears;
 - G. a statement of the projected revenue and taxes to be paid to the state and local government;
 - H. the anticipated impact on attendance, handle, and purse structure at licensed facilities conducting live racing in this state;
 - I. the areas from which the applicant expects to attract patrons to the location;
 - J. the population of the area within 35 air miles of the location;
 - K. the owner and description of other businesses or uses to be conducted at the location;
 - L. the number of floors, total square footage, and seating capacity of the facility;
 - M. a description of the dining accommodations and concession areas to be contained in the facility, including the types of food and beverages to be available, the seating capacity, and a description of the kitchen areas;
 - N. the number and location of fire escapes and emergency exits at the facility;
 - O. the number of restrooms to be contained in the facility;

P. a description of the general demeanor of the facility, including its decor and lighting, the type of seating to be provided, and the areas of the facility where patrons can handicap races;

Q. a description of the exterior of the facility;

R. the architectural or engineering drawings of the facility;

S. a description of the heating, air conditioning, smoke removal, and climate control equipment, and smoke and fire detectors to be used in the facility;

T. the provisions made to assure that the facility is accessible to the physically handicapped;

U. a description of the parking areas to be provided at the facility, including the name, address, and telephone number of the owner of the parking facilities; a copy of the lease agreements for parking; the number of parking spaces to be provided; the charge to be imposed for parking; and a description of traffic control to be provided;

V. copies of contracts relating to, and a complete description of, the pari-mutuel or totalizator equipment to be used in the facility and a statement describing the compatibility of that equipment with the equipment being used at the primary racetrack of the licensed corporation and the equipment in use at the other primary racetracks which will be transmitting their races to the facility;

W. copies of contracts relating to, and a description of, the equipment to be used for receiving transmissions of races and race-related information;

X. the name, address, and telephone number of persons supplying equipment to the facility;

Y. a description of the procedures to be used to resolve patron complaints at the facility;

Z. a description of the security plan for the facility;

AA. a copy of insurance policies applicable to the facility;

BB. a statement indicating whether the applicant has entered into an agreement for the simulcasting of races to the facility;
and

CC. a copy of building, fire, occupancy, health, and sanitation or other permits required by the state or a county, township, or municipality in which the facility is situated.

7870.0240 DISCLOSURE OF FINANCIAL RESOURCES.

An applicant for a Class B or E license must disclose the following with regard to financial resources:

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

7870.0250 DISCLOSURE OF FINANCIAL PLAN.

An applicant for a Class B or E license must disclose with regard to its financial plan financial projections for any development period in each of the first or next three racing years, with separate schedules based upon the number of racing days and types of pari-mutuel betting the applicant requires to break even and the optimum number of racing and types of betting applicant seeks each year. The commission will utilize financial projections in deciding whether to issue Class B or E licenses. Neither acceptance of a license application nor issuance of a license shall bind the commission as to matters within its discretion, including, but not limited to, assignment of racing days and designation of types of permissible pari-mutuel betting pools. The disclosure must include:

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

An applicant must also disclose an accountant's review report of the financial projections.

7870.0260 DISCLOSURE OF GOVERNMENTAL ACTIONS.

An applicant for a Class B or E license must disclose with regard to actions of government agencies:

A. If the applicant has obtained any required government approvals for its management and sponsorship of horse racing or simulcasting:

[For text of subitems (1) to (3), see M.R.]

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

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Proposed Rules

C. Whether the applicant is in compliance with all statutes, charter provisions, ordinances, and regulations pertaining to the sponsorship and management of horse racing or simulcasting. If the applicant is not in compliance, the applicant must disclose the reasons why the applicant is not in compliance.

7870.0270 DISCLOSURE OF MANAGEMENT.

An applicant for a Class B or E license must disclose with regard to its management of pari-mutuel horse racing:

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

E. a description of the applicant's security plan, including:

[For text of subitems (1) and (2), see M.R.]

(3) specific plans to discover persons at the horse racing or telereading facility who have been convicted of a felony, had a license suspended, revoked, or denied by the commission or by the horse racing authority of another jurisdiction, or are a threat to the integrity of racing in Minnesota;

[For text of subitems (4) to (6), see M.R.]

[For text of items F and G, see M.R.]

H. a description of the applicant's plan for the conduct of horse racing or simulcasting, including types of racing, number of days, weeks, specific dates, number of races per day, time of day, and special events;

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

7870.0280 DISCLOSURE OF PUBLIC SERVICE.

An applicant for a Class B or E license must disclose its plans for promotion of the orderly growth of horse racing or simulcasting in Minnesota and education of the public with respect to horse racing and pari-mutuel betting.

7870.0290 DISCLOSURE OF ECONOMIC IMPACT.

An applicant for a Class B or E license must disclose the economic impact of its sponsorship and management of horse racing or simulcasting, including:

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

7870.0300 DISCLOSURE OF PUBLIC SUPPORT AND OPPOSITION.

An applicant for a Class B or E license must disclose public support and opposition, whether by a governmental official, agency, private individual, or group, and provide documentation.

7870.0310 EFFECTS ON COMPETITION.

An applicant for a Class B or E license must disclose the effects of its sponsorship and management of horse racing or simulcasting on competitors within the horse racing and pari-mutuel industry.

7870.0320 DISCLOSURE OF ASSISTANCE IN PREPARATION OF APPLICATION.

An applicant for a Class B or E license must disclose the names, addresses, and telephone numbers of individuals who assisted the applicant in preparation of its application.

7870.0330 PERSONAL INFORMATION AND AUTHORIZATION FOR RELEASE.

In an application for a Class B or E license the applicant must make its best effort, as defined in part 7870.0030, item E, to include the following with respect to each individual identified pursuant to part 7870.0200 as an applicant, partner, director, officer, other policymaker or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of five percent or more in the applicant and each individual identified pursuant to part 7870.0270, item B or C:

[For text of items A and B, see M.R.]

7870.0340 CLASS B AND E LICENSE CRITERIA.

The commission may issue a Class B or E license if it determines on the basis of all the facts before it that: the applicant is fit to sponsor and manage horse racing or simulcasting; issuance of a license will not create a competitive situation which will adversely affect racing and the public interest; the racetrack or telereading facility will be operated in accordance with all applicable laws and rules; and issuance of a license will not adversely affect the public health, safety, and welfare. In making the required determinations, the commission must consider the following factors and indices:

[For text of items A and B, see M.R.]

C. the quality of physical improvements and equipment applicant will use, including as applicable to a Class B or E facility:

[For text of subitems (1) to (14), see M.R.]

D. financial ability to sponsor and manage pari-mutuel horse racing or simulcasting successfully, including:

[For text of subitems (1) to (7), see M.R.]

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

F. management ability of the applicant, including:

[For text of subitems (1) and (2), see M.R.]

(3) plans for human and animal health and safety, as applicable;

[For text of subitems (4) to (11), see M.R.]

G. efforts to promote orderly growth of horse racing and simulcasting in Minnesota and educate public with respect to horse racing and pari-mutuel betting;

[For text of items H and I, see M.R.]

J. effects on competition, including:

(1) number, nature, and relative location of other Class B or E licenses;

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

The commission also must consider any other information which the applicant discloses and is relevant and helpful to a proper determination by the commission.

7870.0350 CLASS A ~~AND~~, B, AND E LICENSE APPLICATION DISCLOSURES.

An applicant for a Class A ~~or~~, B, or E license in its disclosures must:

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

7870.0360 CLASS A ~~AND~~, B, AND E LICENSE APPLICATION SUBMISSION.

An applicant for a Class A ~~or~~, B, or E license must submit to an individual designated by the commission:

[For text of items A and B, see M.R.]

7870.0370 INVESTIGATION FEE FOR CLASS A ~~AND~~, B, AND E LICENSES.

An applicant for a Class A ~~or~~, B, or E license must submit to the commission's designee at the time of application a certified check or bank draft to the order of the state of Minnesota in the amount of \$10,000 to cover the costs of the investigation mandated by *Minnesota Statutes*, section 240.06, subdivision 3, or section 240.07, subdivision 2. Upon completion of the investigation, the commission must refund promptly to the applicant any amount by which the \$10,000 exceeds the actual costs of investigation. If costs of the investigation exceed \$10,000, the applicant must remit the amount of the difference by certified check or bank draft within ten days after receipt of a bill from the commission. An individual or other entity applying for Class A and B licenses simultaneously must submit only one \$10,000 investigation fee.

7870.0380 CLARIFICATION OF CLASS A ~~AND~~, B, AND E LICENSE APPLICATION REQUIREMENTS.

The commission must designate an individual who will clarify Class A ~~and~~, B, and E license application requirements upon the oral or written request of a potential applicant. The designee must respond to clarification requests in writing within five days. No interpretation of application requirements by any other person will be binding upon the commission.

7870.0390 CHANGES IN CLASS A ~~AND~~, B, AND E LICENSE APPLICATIONS.

The commission must not consider a substantive amendment to a Class A ~~or~~, B, or E license application after its submission.

7870.0400 DEADLINES FOR SUBMISSION OF CLASS A ~~AND~~, B, AND E LICENSE APPLICATIONS.

Deadlines for submission of a Class A ~~or~~, B, or E license application are as follows:

A. Applications for a Class A license to own and a Class B license to operate a racetrack or a Class E license to operate a telercing facility in the seven-county metropolitan area may be submitted at any time by filing the application with the commission at its administrative offices.

B. Applications for Class A licenses to own and Class B licenses to operate racetracks or a Class E license to operate a

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Proposed Rules

telercing facility outside the seven-county metropolitan area may be submitted at any time. If the commission determines that applications will be submitted for Class A licenses to own and class B licenses to operate racetracks outside the seven-county metropolitan area which will compete significantly with each other, the commission must establish a deadline for submission of applications.

C. Notwithstanding items A and B, applications for Class B licenses must be submitted at least 60 days before the date on which the applicant proposes to commence horse races and applications for Class E licenses must be submitted at least 60 days before the date on which the applicant proposes to commence simulcasting.

7870.0410 ORAL PRESENTATION BY APPLICANT FOR A CLASS A ~~OR~~, B, OR E LICENSE.

The commission must provide an applicant for a Class A ~~or~~, B, or E license an opportunity to make an oral presentation of its application to the commission before the commission decides whether to issue a license. This part does not require that the commission afford an applicant more than one opportunity to make an oral presentation before the commission makes its decision.

7870.0420 PAYMENT OF CLASS A ~~AND~~, B, AND E LICENSE FEES.

A Class A ~~or~~, B, or E 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:

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

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

C. an annual nonrefundable fee of \$1,000 for a Class E license.

7870.0430 CLASS A ~~AND~~, B, AND E LICENSE APPLICATION INFORMATION.

False or misleading information in a Class A ~~or~~, B, or E license application, omission of required information, or substantial deviation from representations in the application is cause for denial, revocation, or suspension of a license or imposition of a fine.

7870.0450 CONSTRUCTION, EXPANSION, EXTENSION, ALTERATION, OR REMODELING OF FACILITIES.

No Class A ~~or~~, B, or E licensee may construct, expand, extend, alter, or remodel a racetrack or telercing facility at a cost in excess of \$10,000 without the approval of the commission. Failure to obtain approval is cause for revocation or suspension of a license or imposition of a fine.

7870.0470 SECURITY MODIFICATIONS.

The commission may order Class A ~~and~~, B, and E licensees to make modifications to security facilities, equipment, systems, personnel, or their deployment which are necessary to the integrity of racing or public safety, health, or welfare. Failure to make modifications mandated by the commission promptly is cause for revocation or suspension of a license or imposition of a fine.

7870.0500 CONTRACT APPROVAL.

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

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

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

7870.0510 AFFIRMATIVE ACTION.

Subpart 1. Economic opportunities for disadvantaged and emerging small business. Class A, B, D, and E licensees are required, to the extent feasible, to establish the following goals to assist in providing economic opportunities for disadvantaged and emerging small businesses:

A. a minimum goal of ten percent for construction subcontract and material suppliers with disadvantaged and emerging small business enterprises during construction of the facility, and a labor and employment goal of ten percent for disadvantaged and emerging small business in on-site construction jobs;

B. a minimum goal of 20 percent of its total vendor, supplier, and other contracts with disadvantaged and emerging small businesses for the postconstruction period within two years after completion of the initial construction; and

C. a minimum goal of 20 percent of its total vendor, supplier, and other contracts with disadvantaged and emerging small businesses for the postconstruction period within two years after completion of the initial construction.

Subp. 2. Economic opportunities for racial minorities. Class A, B, D, and E licensees are required, to the extent feasible, to establish the following goals to assist in providing economic opportunities for racial minorities:

A. a minimum goal of ten percent for hiring racial minorities in all categories of the licensee's workforce, including clerical, laborers, officials and managers, professionals, technicians, and salesworkers, and make a good faith effort to achieve this goal within two years of commencing racing operations; and

B. a minimum goal of making available up to ten percent of available equity ownership to racial minorities.

Subp. 3. Economic opportunities for women. Class A, B, D, and E licensees are required, to the extent feasible, to establish the following goals to assist in providing economic opportunities for women:

A. a minimum goal of 51.4 percent for hiring women in all job categories of the licensee's workforce, including clerical, laborers, officials and managers, professionals, technicians, and salesworkers, and make a good faith effort to achieve this goal within two years of commencing racing operations; and

B. a minimum goal of making available up to ten percent of the available equity ownership to women.

Subp. 4. Economic opportunities for disabled. Class A, B, D, and E licensees are required, to the extent feasible, to establish reasonable goals to assist in providing economic opportunities for disabled individuals. These affirmative action goals must be set with respect to the Class A, B, D, and E licensee's construction subcontracts/material suppliers during facility construction, on-site construction jobs, postconstruction labor force, postconstruction vendor, supplier and other contracts, and available equity ownership opportunities.

Subp. 5. Compliance reports. Class A, B, D, and E licensee's are required to file quarterly reports with the commission demonstrating compliance with the requirements of this part on forms provided by the commission.

Subp. 6. Definitions. For the purpose of this part, the following words have the meanings given them.

A. "Disabled individual" means a person who has a physical or mental impairment which substantially limits one or more major life activity; it does not include an alcohol or drug abuser whose current use of alcohol or drugs renders that individual a hazard to the individual or others.

B. "Good faith effort" means a reasonable effort to accomplish goals and timetables.

C. "Disadvantaged and emerging small business" means a business located within the state of Minnesota which employs 25 employees or less, has not had gross sales in excess of \$6,000,000 over the past three years, and has been in business at least one year.

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Proposed Rules

D. “Racial minority” means:

(1) Blacks, or persons having origins in any of the Black African racial groups not of Hispanic origin;

(2) Hispanics, or persons of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish culture or origin, regardless of race;

(3) Asian and Pacific Islanders, or persons having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands; and

(4) American or Alaskan natives, or persons having origins in any of the original people of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

7871.0005 APPLICATION FOR SIMULCASTING.

Subpart 1. Submission of request for simulcasting. A Class B or E licensee may apply for simulcasting no later than 30 days before the requested commencement of simulcasting. Each request for simulcasting must include an original and 15 copies of the following:

A. a signed request for simulcasting;

B. the dates requested, breeds of horses, types of races, number of races per program, and a list of potential host racetracks;
and

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

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

A. the integrity of the licensee and the host racetracks and/or any alternative facility;

B. the financial strength of the licensee and the host racetracks and/or any alternative facility;

C. past compliance of the licensee and the host racetracks and/or any alternative facility with all laws, rules, and orders regarding pari-mutuel horse racing;

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

E. the impact of the simulcasting on the economic viability of the racetrack, including attendance and pari-mutuel handle;
and

F. the sentiment of horsepersons.

Subp. 3. Commission action. The commission shall approve, deny, or give its qualified approval to a request for simulcasting within 30 days after the filing of the request.

Subp. 4. Variations in simulcasting previously approved by the commission. The director of pari-mutuel racing or the commission's director of pari-mutuels may approve variations in any previously approved request for simulcasting provided the variations meet the criteria in subpart 2.

7871.0010 APPLICATION FOR PARI-MUTUEL POOLS FOR SIMULCASTING.

Subpart 1. Submission of pari-mutuel requests. A class B or E 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:

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

B. a copy of the administrative rules for pari-mutuel pools in the states in which the host racetracks are located; and

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. [See repealer.]

Subp. 2a. Disposition of requests. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools within 30 days after the filing of the application.

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

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

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

Subpart 1. [See repealer.]

Subp. 2. **Basis for approving pari-mutuel pools.** When considering a request for approval of pari-mutuel pools for televised racing days simulcasting, 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;
- 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 or the commission's director of pari-mutuels may approve variations and changes in pari-mutuel pools and the placement of pools in the racing program if requested by the licensee and if all changes ~~meet~~ are consistent with the criteria contained in subpart 2.

7871.0030 PARI-MUTUEL BETTING.

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

Subp. 2. **Commingling of funds.** With the prior approval of the commission, ~~the~~ a Class B or E licensee may commingle the amounts bet at the licensed racetrack ~~on a televised racing day with the pari-mutuel pools at the host racetrack~~.

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Proposed Rules

pools are commingled, the wagering at the licensed racetrack and each telercing facility must be on tabulating equipment ~~capable of issuing that issues~~ pari-mutuel tickets and be is electronically linked ~~with the equipment at the host racetrack to the totalizator at the Class A facility.~~

Subp. 3. Information window. Each association shall provide at least one information or complaint window at the licensed racetrack and at each telercing facility 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 at all times when the facility is open to the public.

Subp. 4. Deficiencies. In the event there is insufficient money available in a net pari-mutuel pool to return \$2.10 on each winning \$2 wager or \$1.05 on each winning \$1 wager, the association conducting the pari-mutuel betting shall pay the deficiency from its share of the pool.

Subp. 5. Simulcasting to locations outside the state. A licensee may, with the approval of the commission, transmit telecasts of races the licensee conducts for wagering purposes to a location outside the state. The commission may allow the licensee to commingle its wagering pools with the wagering pools at a facility located outside of this state.

7871.0080 TIP SHEETS.

Subpart 1. **Number of tip sheets.** Should ~~the~~ a Class B or E licensee elect to allow the availability of tip sheets, not less than two independently handicapped tip sheets shall be available at a racetrack and each telercing facility. Each ~~handicapper~~ tip sheet must sign and deliver the sheet be delivered at least one hour before post time for the first race to the presiding official at the licensee's racetrack commission in a manner and place as prescribed by the commission.

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 and within each telercing facility for inspection by patrons.

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

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 the impact on the pari-mutuel handle.

Subp. 2. **Requirements.** The association must meet the ~~following~~ requirements prior to in items A to D before conducting telephone account wagering:

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

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:

[For text of subitem (1), see M.R.]

(2) deposit with the association no less than \$100 in cash or by ~~certified check or~~ money order, or credit card; and

[For text of subitem (3), see M.R.]

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

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

[For text of subps 4 and 5, see M.R.]

7871.0110 DISTRIBUTION OF PURSE MONEY.

Subpart 1. **Purse amounts.** Pursuant to *Minnesota Statutes*, section 240.13, subdivision 65, ~~paragraph (d), an amount equal to 25 percent of 22 percent of the~~ all amounts required to be withheld from all pari-mutuel pools must be allocated for purses by an association conducting televised horse racing simulcasting.

Subp. 2. **Escrow accounts.** Outside of the racing season, 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.

7871.0115 TELERCING MUTUEL MANAGER.

Subpart 1. Requirement. The Class E licensee must, with the approval of the commission, designate a telercing mutuel manager at each telercing facility.

Subp. 2. Duties. The teleracing mutuel manager shall:

A. supervise the pari-mutuel operations at the teleracing facility and provide reports as requested by the commission's director of pari-mutuels and/or pari-mutuel auditor for regulatory purposes;

B. (1) send to and receive communications from the mutuel manager of the Class B facility conducting or receiving races upon which patrons of the teleracing facility may wager; (2) send to and receive communications from the presiding official at the Class B facility conducting or receiving races upon which patrons of the teleracing facility may wager;

C. oversee the operation of the equipment used to commingle the pools at the teleracing facility with the pools at the Class B racetrack and suspend wagering at the teleracing facility when instructed by a presiding official if the money wagered is not being transmitted to the pari-mutuel pools at the Class B racetrack; and

D. ensure that laws and rules governing pari-mutuel wagering are observed at the teleracing facility.

7871.0120 APPOINTMENT OF PRESIDING OFFICIAL.

Subpart 1. **Requirement.** All races on which pari-mutuel betting is conducted on televised racing days simulcasting must be presided over by ~~an~~ at least one official of the commission appointed by the director of pari-mutuel racing. During the racing season, the director may appoint one or more of the stewards to act as the presiding official. The association must reimburse the commission for each presiding official's compensation.

Subp. 2. **Communication with stewards.** A Class B or E licensee conducting approved televised racing days simulcasting must provide ~~the presiding official with~~ telephone communication ~~with the stewards at the host racetrack throughout the racing program each day between the licensed racetrack, the host racetrack, and any alternative facility.~~

Subp. 3. **Communication with teleracing facilities.** A Class E licensee must designate a pari-mutuel manager at each teleracing facility for the purpose of communicating with the presiding officials at all times simulcasting is conducted.

7871.0130 AUTHORITY AND DUTIES OF PRESIDING OFFICIAL.

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

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

B. the authority to suspend, ~~according to applicable law,~~ a Class C licensee for up to 90 days and/or impose a fine of up to \$2,000 according to the schedule of fines in part 7897.0130;

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

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" rule;~~ 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 or rule.

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

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

B. To ~~look~~ ensure that all pari-mutuel betting machines ~~not~~ are locked no 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 simulcasting.~~ 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~~ a presiding official and filed with the commission within 24 hours.

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

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Proposed Rules

E. Within seven days after the conclusion of a race meeting, the a 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~~ recommendations for improvement.

7871.0140 DISCIPLINARY AND APPEAL PROCEDURES.

In the event the a 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 the rules of the commission or which in the opinion of the presiding official otherwise adversely affects the integrity of horse racing and or pari-mutuel wagering, the procedures ~~contained~~ in *Minnesota Rules*, part 7897.0150, must be adhered to.

7871.0160 EMERGENCY PROCEDURES.

Subpart 1. Interruption of the audio or visual satellite signal from the host racetrack. In the event of an interruption of the audio or visual satellite signal from the host racetrack, the Class B racetrack's mutuel manager must immediately:

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

B. establish a telephone linkup with the host track announcer to the public address system at the Class B racetrack. Wagering may be accepted on the balance of the program and subsequent programs; and

C. establish a telephone linkup with the host track announcer to the public address system at a telereading facility upon notification from the telereading facility that the audio or visual signal has been interrupted. The telereading facility may continue to accept wagering on the balance of the program and subsequent programs.

Subp. 2. Computer interface interruption.

A. Between Class B facility and host racetrack:

(1) In the event the Class B racetrack's totalizer fails to transfer the data to the totalizer at the host racetrack, the Class B racetrack's mutuel manager must notify the totalizer representatives at the host racetrack and request additional time prior to the start of the race to allow for a retransmission of the data.

(2) If a second data transfer fails, the totalizer representatives at the host racetrack shall notify a presiding official that the transfer has failed and that the pools must be merged manually. A manual merge shall be accomplished by the following procedure:

(a) the Class B racetrack's totalizer operator must inform the host racetrack's totalizer 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 Class B racetrack's totalizer operator shall send that information via a facsimile machine to the host racetrack's totalizer operator;

(b) the stewards at the host racetrack and a presiding official at the Class B racetrack must be notified when the procedure has been completed in order to declare the race official; and

(c) the Class B licensee's totalizer representative shall prepare and submit a report to a presiding official and the commission's director of pari-mutuels 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:

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

(ii) a copy of the final pools print report;

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

(iv) a worksheet from the host racetrack signed by their totalizer representative, the host racetrack's mutuel manager, and the state representative from the host racetrack's state racing or gaming authority showing total dollars wagered in each pool and the final prices.

(3) The Class B racetrack may continue to accept wagering on the balance of the program on a separate or manually merged commingled pool basis.

(4) Any wager on subsequent programs to reestablishment of computer interface may either be canceled and advance wagers refunded, the pools calculated on a separate basis (no commingling) or manually merged on a commingled pools basis.

B. Between Class B racetrack and alternative facility:

(1) In the event the Class B racetrack's totalizer fails to transfer the data to the totalizer at the alternative facility, the Class B racetrack's mutuels manager must notify the totalizer representatives at the alternative facility and request additional time to allow for a retransmission of the data.

(2) If a second data transfer fails, the totalizer representatives at the alternative facility shall notify a presiding official that the transfer has failed and that the pools must be merged manually. A manual merge shall be accomplished by the following procedures:

(a) The Class B racetrack's totalizer operator must inform the alternative facility's totalizer 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 Class B racetrack's totalizer operator shall send the information via a facsimile machine to the alternative facility's totalizer operator;

(b) A presiding official at the Class B racetrack must be notified when the procedure has been completed in order to calculate the official prices;

(c) The Class B licensee's totalizer representative shall prepare and submit a report to a presiding official and the commission's director of pari-mutuels 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:

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

(ii) a copy of the final pools print report;

(iii) a brief statement as to where the failure occurred, when the alternative facility was notified, and for what time period prices were delayed; and

(iv) a worksheet from the alternative facility signed by their totalizer representative, the alternative facility's mutuel manager, and the state representative from the alternative facility's state racing or gaming authority showing total dollars wagered in each pool and the final prices.

(3) The Class B racetrack may continue to accept wagering on the balance of the program on a separate or manually merged commingled pool basis.

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

Subp. 3. Wagering data transfer interruption at teleracing facility.

A. In the event the teleracing facility fails to transfer its wagering data to the Class B racetrack, the teleracing facility's mutuel manager must contact the Class B racetrack's totalizer representative to allow for a retransmission of the data.

B. If a second data transfer fails, the Class B racetrack's totalizer representative shall notify a presiding official that the transfer has failed and that if time permits the pools must be merged manually. A manual merge shall be accomplished by the following procedure.

(1) The teleracing facility mutuel manager must inform the Class B racetrack's totalizer operator of the total amount in the pool, the total dollars on winning wagers, and the total dollars on losing wagers in the pool. The teleracing facility's mutuel manager shall send that information via a facsimile machine to the totalizer operator at the Class B facility.

(2) A presiding official at the Class B facility and the designated person at the teleracing facility must be notified when the procedure has been completed to calculate the official prices.

(3) The Class B licensee's totalizer representative must prepare and submit a report to a presiding official and the commission's director of pari-mutuels 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 pools print report;

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

(d) a worksheet from the Class B racetrack signed by its totalizer representative showing total dollars wagered in each pool and the final prices.

C. In the event time does not permit a manual merge, the amounts wagered at the teleracing facility on that race shall be refunded.

D. The teleracing facility may continue to accept wagering on the balance of the program on a manually merged basis with the Class B racetrack upon permission of a presiding official at the Class B racetrack. If permission is not granted, all wagers on the current race and advance wagering must be refunded.

E. Any wager on subsequent programs from the Class B racetrack prior to the reestablishment of the transfer of wagering data from the teleracing facility to the Class B facility must be canceled.

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Proposed Rules

Subp. 4. Complete totalizator failure at Class B racetrack.

A. In the event the Class B racetrack's totalizator fails, all money wagered on the race in which the totalizator 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 totalizator is operational to the satisfaction of a presiding official.

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

C. The Class B facility's mutuel manager shall notify all telercing facility mutuel managers of the totalizator failure and instruct them to refund all current and advance race wagers.

Subp. 5. Complete totalizator failure at the host racetrack.

A. In the event the host racetrack's totalizator fails, the Class B racetrack may refund amounts wagered, or will instruct the Class B racetrack's totalizator representative to extract the amount wagered from the Class B 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 Class B racetrack.

B. The Class B racetrack may continue to accept wagers on the balance of the program on a separate pool basis, may reestablish commingled pool wagering if the host racetrack's totalizator failure has been corrected, or may refund the amounts wagered.

C. The Class B mutuel manager shall notify and instruct telercing facility mutuel managers to follow the appropriate procedures under item A.

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

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

Subp. 3. **Live racing days; director of pari-mutuel racing authority.** The director of pari-mutuel racing or the commission's director of pari-mutuels is delegated the authority to approve variation and changes in the pari-mutuel pools previously approved by the commission, placement of pools in the program, and simulcasts requested by the licensee that meet the criteria in subpart 2. The director of pari-mutuel racing or the commission's director of pari-mutuels is delegated the authority to approve changes in the placement of pari-mutuel pools in the program, the addition of approved pari-mutuel pools to the program, and changes in simulcasting requests by the licensee that meet the criteria in subpart 2. Before approving a change in the pick six, pick seven, twin trifecta, and super-tri wagering pools, the director of pari-mutuel racing or the commission's director of pari-mutuels must consult with the commission's executive committee.

7873.0120 PARI-MUTUEL BETTING.

Subpart 1. **Deficiencies.** In the event there is insufficient money available in a net pari-mutuel pool to return \$2.10 on each winning \$2 wager or \$1.05 on each winning \$1 wager, the association conducting the pari-mutuel betting shall pay the deficiency from its share of the pool.

Subp. 2. [See repealer.]

7873.0190 PICK SIX.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Cancellation of race comprising pick six.** In the event one or ~~more~~ two of the races comprising the pick six ~~is~~ are canceled for any reason, or in the event one or ~~more~~ two of the races comprising the pick six is declared as no contest by the stewards, ~~75 100 percent of the current program's net pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the remaining races comprising the pick six. The cumulative net pool from previous programs shall not be distributed in this case and will be carried over to the next consecutive race day.~~ The cumulative net pool from previous programs shall not be distributed in this case and will be carried over to the next consecutive race day. In the event of the cancellation of ~~at six~~ three or more races comprising the pick six pool after wagering has been accepted on that day, a full and complete refund must be made of the pari-mutuel tickets sold on the pick six on that day. One hundred percent of the remaining amount in the pick six pari-mutuel pool shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

[For text of subps 10 and 11, see M.R.]

7873.0198 PICK SEVEN.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Cancellation of race comprising pick seven.** In the event ~~one~~ three or more ~~fewer~~ of the races comprising the pick seven is canceled for any reason, or in the event ~~one~~ three or more ~~fewer~~ of the races comprising the pick seven is declared as no contest

by the stewards, ~~75~~ 100 percent of the current program's net pari-mutuel pool shall ~~not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.~~ The remaining 25 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the remaining races comprising the pick seven. The cumulative pool from previous programs shall not be distributed in this case and will be carried over to the next consecutive race day. In the event of the cancellation of ~~all seven~~ four or more races comprising the pick seven pool after wagering has been accepted on that day, a full and complete refund must be made of the pari-mutuel tickets sold on the pick seven on that day. One hundred percent of the remaining amount in the pick seven pari-mutuel pool shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

[For text of subps 10 and 11, see M.R.]

7873.0400 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 the impact on the pari-mutuel handle.

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

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:

[For text of subitem (1), see M.R.]

(2) deposit with the association no less than \$100 in cash or by ~~certified check or~~ money order, or credit card; and

[For text of subitem (3), see M.R.]

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

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

[For text of subps 4 and 5, see M.R.]

7874.0100 GENERAL PROVISIONS.

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

Subp. 3. **Payment of unredeemed tickets.** After reporting to the commission, pursuant to *Minnesota Statutes*, section 240.13, and not later than 100 days after the end of a race meeting, an association must remit to the commission an amount equal to the total value of unredeemed tickets from the race meeting in the same manner as in subpart 2. For the purpose of this subpart, three race meetings are defined:

A. the period during which live racing occurs at the racetrack, in season;

B. the period during which no live racing occurs at the racetrack, off-season; and

C. the period beginning in either item A or B and ending in the other period.

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

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

E. ~~commission's~~ state's share of breakage; and

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

Separate recapitulations must be filed for each full card simulcast, whether at the racetrack or a teleracing facility.

7875.0100 FACILITIES.

Subpart 1. **Scope.** The purpose of this chapter is to define criteria for facilities for Class B and E licensees, as applicable.

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. 1a. Facilities. Each association must include a receiving barn, detention facility, paddock, room for jockeys and drivers, lighting, stabling, restrooms, medical facilities, racing officials' space, viewing room, commission office and parking space, space for the Bureau of Criminal Apprehension, and complaint desk. The facilities must meet the needs of patrons, officials, horsepersons, other persons on the premises, and horses.

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

7875.0200 EQUIPMENT.

Subpart 1. Scope. The purpose of this chapter is to define criteria for equipment for Class B and E licensees, as applicable.

Subp. 1a. Equipment. Each association must include equipment, devices, or apparatus necessary to start, time, film or tape, and photograph the finish of every race. Equipment necessary to view photographs, films, and tapes of each race must be provided. Each association must include pari-mutuel equipment, devices, or apparatus necessary to sell and cash tickets and calculate and display odds. An association also must include adequate internal communications equipment. Each Class E licensee must provide reports and/or telecommunications equipment at the facility necessary to transmit information requested by the commission for regulatory purposes.

[For text of subs 2 to 9, see M.R.]

7877.0100 GENERAL REQUIREMENTS.

Subpart 1. Scope. Except as otherwise provided by rule, any person whose work, in whole or in part, is conducted at a licensed racetrack or teleracing facility shall first obtain a Class C license from the commission.

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

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

[For text of subs 1 to 3, see M.R.]

Subp. 4. Racing officials. Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

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

L. mutuels manager or teleracing mutuels manager;

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

The list of racing officials' names shall be submitted to the commission in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of said examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent him or her from performing the duties of a racing official.

The commission shall act on the association's list of officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

Under no circumstances shall an identifier, placing judge, or patrol judge be approved by the commission unless he or she has satisfactorily passed an optical examination within 90 days prior to approval evidencing 20-20 vision (corrected) and the ability to distinguish colors.

7877.0155 CONDITIONS PRECEDENT TO LICENSING.

Acceptance of a Class C license, including a temporary or emergency license, shall mean that the licensee consents and agrees to the following conditions:

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

E. The licensee will submit to inspections and searches as hereinafter provided:

(1) When investigating for violations of law or rules upon the grounds of an association, the commission or the stewards may designate the Minnesota ~~Bureau of Criminal Apprehension~~ Department of Public Safety, Gambling Enforcement Division or another appropriate law enforcement agency as having authority to conduct searches of any Class C licensee, or any employee or agent of a Class A, B, ~~or D,~~ or E licensee under the commission's jurisdiction. This authority shall extend to searches and inspections of persons and personal effects in and about ~~racetrack~~ grounds.

(2) Each applicant for a Class C license and each employee or agent of a Class A ~~or Class B~~ or E licensee consents to such searches and inspections, and waives all claims or possible actions for damages that he or she believes he or she may have suffered in connection with any such search or inspection.

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

7878.0100 DEFINITIONS.

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

Subp. 2. **Appointing authority.** "Appointing authority" means the holder of a Class A, ~~Class B, or Class D~~ or E license issued by the commission.

[For text of subs 3 to 7, see M.R.]

Subp. 7a. Division. "Division" means the Division of Gambling Enforcement in the state Department of Public Safety.

[For text of subs 8 to 10, see M.R.]

Subp. 11. **Security officer.** "Security officer" means a person whose principal duty is the protection of persons or property at a racetrack or telerecing facility licensed by the commission.

7878.0110 MINIMUM SELECTION STANDARDS.

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

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

E. provide fingerprint cards to the commission, ~~with duplicate cards provided to the BCA;~~

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

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

7878.0160 SECURITY COOPERATION.

Subpart 1. **Security officers must cooperate with law enforcement agencies.** Class A, ~~Class B, and Class D~~ and E licensees and all security officers must cooperate fully with federal, state, and local law enforcement agencies with jurisdiction to enforce criminal laws at horse racing facilities, and must report promptly all crimes suspected, investigated, or prevented at a licensed racetrack to the ~~BCA~~ Division of Gambling Enforcement. All security, injury, and incident reports with regard to a Class E facility must be available for inspection by the commission.

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

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

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

Subp. 2. **Appointment and approval of stewards.** The following procedures must be observed in the appointment of stewards:

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

B. In the event a steward becomes ill, resigns, or is unable to serve for any reason, the remaining stewards shall nominate a temporary steward to the commission for approval. In emergencies, the ~~executive secretary~~ director of pari-mutuel racing may approve appointment of a temporary steward.

7897.0100 PROHIBITED ACTS.

Subpart 1. **Scope.** The following activities are considered prohibited acts when applicable to Class A, B, C, D, or E licensees.

[For text of subs 2 to 19, see M.R.]

7897.0130 SCHEDULE OF FINES.

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

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Proposed Rules

Subp. 5. **Amount of fines.** The fine for a serious violation of law or rule shall be \$500 to \$5,000. The fine for other violations shall not exceed \$499. The commission may impose a fine in excess of \$5,000 but no more than \$200,000 against a Class A, B, or D, or E licensee as necessary to enforce parts 7870.0430, 7870.0450 to 7870.0470, or 7870.0500.

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

REPEALER. *Minnesota Rules*, parts 7869.0100, subparts 19, 33a, and 65a; 7870.0500, subparts 6, 7, 8, 9, and 10; 7871.0010, subpart 2; 7871.0020, subpart 1; 7871.0070; 7871.0090; 7871.0150; 7873.0120, subpart 2; and 7873.0300, are repealed.

Secretary of State

Proposed Permanent Rules Relating to Elections; Redistricting

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Secretary of State intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 204B.14, subdivision 4.

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Secretary of State will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155
(612) 296-2805

The proposed rules 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 rules as noticed.

A copy of the proposed rules are attached to this notice.

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Secretary of State upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to the 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 matter to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to the Secretary of State.

Dated: 11 October 1991

Joseph Mansky
Director, Election Division

Rules as Proposed (all new material)

8255.0010 ALTERNATE DATES FOR COMPLETION OF LOCAL REDISTRICTING.

If the adoption of the legislative redistricting plan or the resolution of any court challenge to the legislative redistricting plan occurs less than 19 weeks before the state primary, in a year ending in two, the following schedule for reestablishment of precinct boundaries and election districts must be followed:

- A. Precincts must be reestablished no later than four weeks after the adoption of the legislative plan.
- B. Wards must be redistricted no later than four weeks after the adoption of the legislative plan.
- C. Local government election districts must be redistricted no later than six weeks after adoption of the legislative plan.

When a municipality completes the reestablishment of precinct boundaries, the municipal clerk shall immediately provide the secretary of state, county auditor, and all school districts with territory in the municipality a copy of a map illustrating the precinct boundaries.

8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B."

8255.0030 POSTING NOTICE OF BOUNDARY CHANGES.

When a precinct boundary is reestablished or a local government election district boundary is redistricted under part 8255.0010, a notice and a detailed map showing the new precincts or districts must be posted at the locations and in the manner in items A to C.

A. For precincts and wards established by a municipality, the notice prepared by the municipal clerk must be posted in the clerk's office. The notice may be posted in other conspicuous locations in the municipality, at the discretion of the clerk. The information posted must also be made available for public inspection at the office of the county auditor.

B. For districts established by a county, the notice must be prepared by the county auditor and posted in the auditor's office. The county auditor shall provide a copy of the notice to each municipal clerk in the county. Each municipal clerk shall post the notice of county precincts and election districts.

C. For precincts and districts established by school districts, the notice must be prepared by the school district clerk and posted in the clerk's office. The notice may be posted in other conspicuous locations in the school district, at the discretion of the clerk. The information posted must also be available for public inspection at the office of the county auditor.

The notices required by this part must be posted within 72 hours after the adoption of precinct or election district boundaries. The notices must remain posted until the day following the state general election in a year ending in two.

8255.0040 PUBLISHED NOTIFICATION BY COUNTY AUDITOR.

When precincts are reestablished or local government election districts are redistricted under part 8255.0010, the county auditor shall publish a notice illustrating or describing the congressional, legislative, and county commissioner districts in the county in one or more qualified newspapers in the county. The publication must occur no later than 14 days after the redistricting of local government election districts is completed.

8255.0050 NOTICE TO AFFECTED VOTERS.

When precinct boundaries are changed under part 8255.0010, the county auditor or municipal clerk shall notify each affected registered voter of the change at least one week prior to the state primary held after the change takes place.

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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.

Abstracters' Board of Examiners

Adopted Permanent Rules Relating to Abstractor Licensing

The rules proposed and published at *State Register*, Volume 15, Number 43, pages 2293-2295, April 22, 1991 (15 SR 2293), are adopted as proposed.

Department of Education

Adopted Permanent Rules Relating to Education; Repealing Certain Veterans Education Requirements

The rules proposed and published at *State Register*, Volume 15, Number 41, page 2219, April 8, 1991 (15 SR 2219), are adopted as proposed.

Department of Human Services

Adopted Permanent Rules Relating to the Prepaid Medical Assistance Program (PMAP)

The rules proposed and published at *State Register*, Volume 15, Number 37, pages 2024-2034, March 11, 1991 (15 SR 2024), are adopted with the following modifications:

Rules as Adopted

ADMINISTRATION OF THE PREPAID MEDICAL ASSISTANCE PROGRAM

9500.1450 INTRODUCTION.

Subp. 3. **Geographic area.** PMAP shall be operated in the counties of Dakota, Hennepin, and Itasca and other geographical areas designated by the commissioner. ~~The commissioner may expand the geographic area beyond the designated counties.~~ If the geographic area is expanded beyond Dakota, Hennepin, and Itasca counties, participating counties in the expanded area shall receive ~~timely~~ at least 180 days notice from the commissioner before implementation of PMAP and shall be governed by parts 9500.1450 to 9500.1464.

9500.1451 DEFINITIONS.

Subp. 2b. **Authorization.** "Authorization" means a health plan participating provider's written referral for health services provided by a ~~nonhealth plan nonparticipating~~ provider. Authorization includes an admission request by a health plan participating provider, on behalf of a PMAP enrollee, following the established health plan admission procedures for inpatient health services.

Subp. 4a. **Case management.** "Case management" means a method of providing health care in which ~~an individual or organization or an interdisciplinary team~~ the health plan coordinates the provision of health services to an enrollee.

Subp. 14. **Medical assistance population or MA population.** "Medical assistance population" or "MA population" means ~~an aged, blind, disabled, or Aid to Families with Dependent Children (AFDC), AFDC related, medically needy children, or pregnant woman~~ a category of eligibility for the medical assistance program, the eligibility standards for which are in parts 9505.0010 to 9505.0150 and Minnesota Statutes, section 256B.055.

Subp. 14b. **Nonparticipating provider.** "Nonparticipating provider" means a provider who is not employed by or under contract with a health plan to provide health services.

Subp. 14c. Ombudsperson. "Ombudsperson" means an individual designated by the commissioner under *Minnesota Statutes*, section 256B.031, subdivision 6, to advocate for PMAP consumers and enrollees and to assist them in obtaining necessary health services.

Subp. 14e. 14d. Open enrollment. "Open enrollment" means the annual 30-day period during which PMAP enrollees in a multiple health plan model may change to another health plan.

Subp. 14e. 14g. Participating provider. "Participating provider" means a provider who is employed by or under contract with a health plan to provide health services.

Subp. 14d. 14f. Personal care assistant. "Personal care assistant" means a provider of personal care services prescribed by a physician, supervised by a registered nurse, and provided to a medical assistance recipient under *Minnesota Statutes*, section 256B.0627. A personal care assistant must not be the recipient's spouse, legal guardian, or parent if the recipient is a minor child.

Subp. 14e. 14g. Personal care services. "Personal care services" has the meaning given it in *Minnesota Statutes*, section 256B.0627, subdivision 4.

Subp. 14f. 14h. Prepaid medical assistance program or PMAP. "Prepaid medical assistance program" or "PMAP" means the prepaid medical assistance program authorized under *Minnesota Statutes*, section 256B.69.

Subp. 14g. 14i. PMAP consumer. "PMAP consumer" means a medical assistance recipient who is selected to participate in PMAP.

Subp. 14h. 14j. Prepayment coordinator. "Prepayment coordinator" means the individual designated by the local agency under *Minnesota Statutes*, section 256B.031, subdivision 9.

Subp. 14i. 14k. Primary care provider health plan model. "Primary care provider health plan model" means a health services delivery system that allows PMAP consumers to select a primary care physician and primary care dentist from a list of physicians and dentists under contract with the state or a county to provide health services to PMAP consumers.

Subp. 16. Rate cell. "Rate cell" means a grouping of recipients by demographic characteristics, established by the commissioner for use in determining capitation rates. The following are deemed to be demographic characteristics may include, but are not limited to: a recipient's age, sex, medicare status, basis of medical assistance eligibility, ~~and~~ county of residence, and ~~whether the recipient is a resident of residence in~~ a long-term care facility.

9500.1452 ELIGIBILITY TO ENROLL IN A HEALTH PLAN.

Subp. 2. Medical assistance categories ineligible for PMAP. A person who belongs to a category listed in items A to ~~K~~ N is ineligible to enroll in a health plan under the prepaid medical assistance program:

J. a person who is terminally ill as defined under part 9505.0297, subpart 2, item N, and who, at the time of notification of mandatory enrollment in PMAP, has a permanent relationship with a primary physician who is not part of any PMAP health plan; ~~or~~

K. a person who is in ~~Title IV-E~~ foster placement-;

L. a child who prior to enrollment in a health plan is determined to be in need of protection under Minnesota Statutes, sections 626.556 to 626.5561, is identified to the state by the county social service agency, and is receiving medical assistance covered services through a provider who is not a participating provider in PMAP;

M. a child who prior to enrollment in a health plan is determined to be severely emotionally disturbed under Minnesota Statutes, sections 245.487 to 245.4887, and is:

(1) coded as severely emotionally disturbed on the Minnesota welfare information system;

(2) receiving county mental health case management services; and

(3) under the primary care of a mental health professional as defined in Minnesota Statutes, section 245.4871, subdivision 27, who is not a participating provider in PMAP; or

N. a person who, at the time of notification of mandatory enrollment in PMAP:

(1) has a communicable disease;

(2) the prognosis of the communicable disease is terminal illness, however, for the purpose of this subitem, "terminal illness" may exceed six months;

(3) the person's primary physician is not a participating provider in any PMAP health plan; and

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Adopted Rules

(4) the physician certifies that disruption of the existing physician-patient relationship is likely to result in the patient becoming noncompliant with medication or other health services.

Subp. 3. ~~Optional exclusions, commissioner approval. Counties participating in PMAP may, subject to the approval of the commissioner, exclude one or more categories of persons listed in items A to C from participation in PMAP.~~

~~A. Children in out-of-home placements under:~~

~~(1) Rule 5, child caring institutions, parts 9545.0900 to 9545.1090; or~~

~~(2) Rule 8, group homes, parts 9545.1400 to 9545.1500.~~

~~B. Children determined to be severely emotionally disturbed pursuant to *Minnesota Statutes*, sections 245.487 to 245.4887, and who are coded as severely emotionally disturbed on the Minnesota welfare information system.~~

~~C. Children determined to be in need of protection pursuant to *Minnesota Statutes*, sections 626.556 to 626.5561, and who are identified to the state by the county social service agency.~~

~~Subp. 4. Exclusions during phase-in period. The 65 percent of medical assistance eligible persons in Hennepin county who were not randomly selected to participate in the former medical assistance prepaid demonstration project because they served as a control group must participate in PMAP. Hennepin county may temporarily exclude individuals' participation in PMAP in order to provide an orderly phase-in period for new enrollees. The phase-in period must be completed within one year from the start of the enrollment period for each category of eligible PMAP consumers.~~

Counties participating in the prepaid medical assistance program for the first time after June 30, 1991, may temporarily exclude PMAP consumers from participation in PMAP in order to provide an orderly phase-in period for new enrollees. The phase-in period must be completed within one year from the start of the enrollment period for each category of eligible PMAP consumers.

Subp. ~~5.~~ 4. Elective enrollment. An individual categorically excluded from PMAP under subpart 2, item G, may enroll in PMAP on an elective basis if the private health insurance health plan is the same as the health plan the consumer will select under PMAP.

~~An individual~~ Individuals categorically excluded from PMAP under subpart ~~3,~~ 2, ~~items A to C,~~ items K, L, and M, may enroll in the prepaid medical assistance program on an elective basis.

Program requirements are the same for elective and mandatory PMAP enrollees under *Minnesota Statutes*, section 256B.69.

9500.1453 MANDATORY PARTICIPATION; FREE CHOICE OF HEALTH PLAN.

Subp. 2. **Counties using a multiple health plan model, choice.** In a county that uses a multiple health plan model, the local agency shall notify each PMAP consumer, in writing, of the health plan choices available. The PMAP consumer shall be given ~~no less than ten~~ 30 days after receiving the notification to select a health plan and to inform the local agency of the health plan choice. If a PMAP consumer fails to select a health plan within ~~the specified time~~ 30 days, the local agency ~~may provide additional assistance to the PMAP consumer in making a selection but~~ must randomly assign the PMAP consumer to a health plan ~~within the time limit established by the commissioner at the end of the 30-day period.~~ The commissioner shall notify each PMAP consumer in writing before the effective date of enrollment, of the health plan in which the PMAP consumer will be enrolled.

Subp. 3. **Counties using primary care provider health plan model, provider choice.** In a county that uses a primary care provider health plan model, the local agency shall notify each PMAP consumer, in writing, of the primary care physicians and dentists available. The PMAP consumer shall be given ~~no less than ten~~ 30 days after receiving the notification to select a primary care physician and dentist and to inform the local agency of the choice. If a PMAP consumer fails to select a primary care physician or dentist within ~~the specified time~~ 30 days, the local agency ~~may provide additional assistance to the PMAP consumer in making a selection but~~ must randomly assign the PMAP consumer to a primary care physician and dentist ~~within the time limit established by the commissioner at the end of the 30-day period.~~ The local agency shall notify each PMAP consumer in writing of the assigned primary care physician or dentist before the effective date of enrollment.

Subp. 5. **Enrollment period in counties using a multiple health plan model; change.** In a county that uses a multiple health plan model, a PMAP consumer shall be enrolled in a health plan for up to one year from the date of enrollment but shall have the right to change to another health plan once within the first ~~60 days~~ year of initial enrollment in PMAP. In addition, when a PMAP consumer is enrolled in a health plan whose participation in PMAP is subsequently terminated for any reason, the PMAP consumer shall be provided an opportunity to select a new health plan and shall have the right to change health plans within the first 60 days of enrollment in the second health plan. An enrollee shall also have the opportunity to change to another health plan during the annual 30-day open enrollment period. The local agency shall notify enrollees of the opportunity to change to another health plan before the start of each annual open enrollment period. ~~An enrollee may request to change health plans at other than the designated times by following the procedures under subpart 7.~~

Subp. 6. **Enrollment period in counties using primary care provider health plan model; change.** In a county that uses a primary care provider health plan model, an enrollee ~~may~~ shall select a primary care physician or dentist for a period up to one year from the

date of enrollment but shall have the right to select a new primary care physician or dentist during the first ~~60~~ year of initial enrollment. An enrollee shall also have the opportunity to change primary care physicians and dentists on an annual basis. The local agency shall notify an enrollee of this change option. ~~An enrollee may request to change primary care providers at other than the designated times by following the procedure under subpart 7.~~

Subp. 7. **Changes between enrollment periods.** An enrollee in a county that uses a multiple health plan model may change health plans and an enrollee in a county that uses a primary care provider health plan model may change primary care physicians or dentists between enrollment periods for cause by demonstrating to the state human services referee that the enrollee:

- ~~A. has not received satisfactory services from the health plan or primary care physician or dentist; or~~
- ~~B. has other good cause for changing to another health plan or primary care physician or dentist.~~

Subp. 8. **Enrollment changes without a hearing, substantial travel time.** An enrollee in a multiple health plan model may change a health plan and an enrollee in a primary care provider health plan model may change a primary care provider without a hearing if the travel time to the enrollee's primary care provider is over 30 minutes from the enrollee's residence. The county shall notify the commissioner, in writing, prior to making a change under this subpart.

Subp. 9. **Enrollment changes without a hearing when agency error.** Upon an enrollee's request, the state may authorize the county to shall change an enrollee's health plan or primary care physician or dentist without a hearing when the enrollee's health plan or primary care physician or dentist choice was incorrectly designated due to local agency error.

Subp. 10. **Mandatory participation.** ~~A recipient's mandatory participation in PMAP does not constitute a restriction of free choice of provider as provided under Minnesota Statutes, sections 256B.031, subdivision 5, and 256B.69, subdivision 4. The county shall notify the commissioner, in writing, prior to making a change under this subpart.~~

Subp. 11. **Authorized representative.** A PMAP consumer may designate an authorized representative to act on the PMAP consumer's behalf in matters involving the PMAP.

9500.1455 THIRD-PARTY LIABILITY.

To the extent required under *Minnesota Statutes*, section 62A.046 and part 9505.0070, the health plan shall coordinate benefits for or recover the cost of medical care provided to its enrollees who have private health care or Medicare coverage. Coordination of benefits includes paying applicable copayment or deductibles on behalf of an enrollee.

The health plan must comply with the claims settlement requirements under Minnesota Statutes, section 256B.69, subdivision 6, paragraph (b).

9500.1459 CAPITATION POLICIES.

Subpart 1. **Rates.** On or before the tenth day of each month, the commissioner shall prepay each health plan the capitation rates specified in the contract between the health plan and the state. The capitation rates ~~must be reviewed by an independent actuary with demonstrated experience in the health insurance rate setting area~~ shall be developed in accordance with Minnesota Statutes, section 256B.69. The capitation rates established under this part, the rate methodology and the contracts with the health plan shall be made available to the public upon request. The rates established must be less than the average per capita fee-for-service medical assistance costs for an actuarially equivalent population.

9500.1460 ADDITIONAL REQUIREMENTS.

Subp. 3. **Services provided.** A health plan shall provide ~~or ensure~~ its enrollees ~~access to~~ all health services eligible for medical assistance payment under *Minnesota Statutes*, section 256B.0625, and parts 9505.0170 to 9505.0475 except for services ~~referenced~~ excluded in part 9500.1457, subpart 1, items A to C.

Subp. 6. **Contractual arrangements.** A health plan shall contract with providers as necessary to meet the health service needs of its enrollees. Before contracting with the state, and on an annual basis after contracting with the state, the health plan shall give the commissioner a current list of the names and locations of the providers under contract with the health plan. These subcontracts ~~may~~ shall be reviewed by submitted to the commissioner upon request. The commissioner ~~may~~ shall require a health plan to terminate a subcontract ~~when the commissioner determines that under the following conditions:~~

- A. the subcontractor is terminated as a medical assistance provider under the provisions of parts 9505.2160 to 9505.2245;
- B. the commissioner finds through the quality assurance review process contained in subpart 17 that the quality of services

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Adopted Rules

provided by the subcontractor is deficient in meeting the department's quality assurance standards and the subcontractor has failed to take action to correct the area of deficiency within 60 days; or

C. the subcontractor does not meet the department's quality assurance standards or has failed to comply with the department of health licensure standards under *Minnesota Statutes*, chapter 62D.

Subp. 7. **Enrollment capacity.** A health plan shall accept all PMAP consumers who choose or are assigned to the health plan, regardless of the PMAP consumers' health conditions, if the PMAP consumers are from the medical assistance category or categories and the geographic area or areas specified in the contract between the health plan and the state. The commissioner ~~may~~ shall limit the number of enrollees in the health plan if: ~~in the commissioner's judgment, the health plan cannot demonstrate a capacity to serve additional enrollees upon the issuance of a contract termination notice under subpart 12.~~

Subp. 11. **Liability for payment for unauthorized services.** Except for emergency health services under *Minnesota Statutes*, section 256B.0625, subdivision 4, or unless otherwise specified in contract, a health plan shall not be liable for payment for unauthorized health services rendered by a nonparticipating provider who is not part of the health plan. The department is not liable for payment for health services rendered by a nonparticipating provider who is not part of the health plan.

A health plan shall be liable for payment for unauthorized services when the health plan enrollee has already received services from a nonparticipating provider if:

A. the service was ordered or recommended by a participating provider;

B. the service would otherwise be covered, or was part of a discharge plan of a participating provider; and

~~C. the enrollee was not given prior written notice stating that this service by a nonparticipating provider would not be covered, and a listing of participating providers of this service available in the enrollee's area.~~

Subp. 11a. **Liability for payment for authorized services rendered by a nonparticipating health plan provider.** When a health plan or participating provider authorizes services for out-of-plan care, the health plan shall reimburse the nonparticipating health plan provider for the out-of-plan care. The health plan is not required to reimburse the nonparticipating health plan provider more than the comparable medical assistance fee for service rate, unless another rate is otherwise required by law. A nonparticipating health plan provider shall not bill the PMAP enrollee for any portion of the cost of the authorized service.

Subp. 13. **Financial requirements placed on health plan.** Each health plan shall be accountable to the commissioner for the fiscal management of the health services it provides enrollees. The state and the health plan's enrollees shall be held harmless for the payment of obligations incurred by a health plan if the health plan or a participating provider contracted by the health plan to provide health services to enrollees becomes insolvent and if the state has made the payments due the health plan under part 9500.1459.

Subp. 15. **Required case management system.** A health plan shall implement a system of case management in which an enrollee's individual medical needs are assessed, ~~when medically necessary,~~ to determine the appropriate plan of care. The individual plan of care shall be developed, implemented, evaluated, monitored, revised, and coordinated with other health care providers, as appropriate and necessary.

Subp. 17. **Required quality assurance system.** Each health plan shall have an internal quality assurance system in operation that meets the requirements of title XIX of the Social Security Act. This quality assurance system shall encompass an ongoing review of:

A. use of services;

B. case review of all problem cases and a random sample of all cases, including review of medical records and an assessment of medical care provided in each case;

C. enrollee complaints and the disposition of the complaints; and

D. enrollee satisfaction, as monitored through an annual survey.

Based on the results of the review, the health plan shall develop an appropriate corrective action plan and monitor the effectiveness of the corrective action or actions taken.

The health plan shall permit the commissioner and United States Department of Health and Human Services or their agents to evaluate through inspection or other means the quality, appropriateness, and timeliness of services performed under its contract with the commissioner. If the commissioner or Department of Health and Human Services finds that the quality of services offered by the health plan is deficient in any area, ~~the commissioner may and,~~ after giving the health plan at least 60 days in which to correct the deficiency, the health plan has failed to take action to correct the area of deficiency, the commissioner shall withhold all or part of the health plan's capitation premiums until the ~~problem~~ deficiency identified under subpart 6 is corrected to the satisfaction of the commissioner or the Department of Health and Human Services.

9500.1462 SECOND MEDICAL OPINION.

A health plan must indicate in the certificate of coverage that enrollees have a right to a second medical opinion according to items A to C.

B. According to *Minnesota Statutes*, section 62D.103, a health plan is required to provide a second medical opinion by a qualified ~~nonhealth plan nonparticipating~~ provider when it determines that an enrollee's chemical dependency or mental health problem does not require structured treatment.

C. According to *Minnesota Statutes*, section 256.045, subdivision 3a, paragraph (b), a health plan must provide, at its expense, a second medical opinion by a ~~health plan participating~~ provider or ~~nonhealth plan nonparticipating~~ provider when ordered by a state human services referee.

9500.1463 COMPLAINT AND APPEAL PROCEDURES.

Subp. 4. **Health plan notice requirements.** When a health plan denies, reduces, or terminates a health service, it must notify the enrollee or the enrollee's authorized representative in writing ~~within the time period in its contract~~, of the right to file a complaint or appeal according to *Minnesota Statutes*, section 256.045, subdivision 3. The notice must ~~be in a form acceptable to the commissioner and must~~ explain:

Subp. 5. **State appeal procedure.** An enrollee may appeal the refusal to change a health plan or primary care provider under part 9500.1453, subparts 7 and 8, a health plan's or ~~plan participating~~ provider's denial, delay, reduction, or termination of health services or a health plan's resolution of a complaint or any other ruling of a prepaid health plan by submitting a written request for a hearing as provided in *Minnesota Statutes*, section 256.045, subdivision 3. The enrollee may request an expedited hearing by contacting the appeals referee or ombudsperson. A state human services referee shall conduct a hearing on the matter and shall recommend an order to the commissioner. An enrollee is not required to exhaust the health plan's complaint system before filing a state appeal. An enrollee may request the assistance of the ombudsperson or other persons in the appeal process.

Subp. 6. **Services pending state appeal or resolution of complaint.** If an enrollee files a written complaint with the health plan or appeals in writing to the state under *Minnesota Statutes*, section 256.045, on or before the tenth day after the decision is communicated to the enrollee by the health plan to reduce, suspend, or terminate services the enrollee had been receiving on an ongoing basis, or before the date of the proposed action, whichever is later, and the treating plan physician or another plan physician has ordered the services at the present level and is authorized by the contract with the health plan to order the services, the health plan must continue to provide services at a level equal to the level ordered by the plan physician until written resolution of the complaint is made by the health plan or a decision on the appeal is made by the human services referee. If the resolution is adverse, in whole or part, to the enrollee, the enrollee must be notified of the right to a state appeal. If the enrollee appeals a health plan's written resolution within ten days after it is issued, or before the date of the proposed action, whichever is later, services must be continued pending a decision by the human services referee. A resolution is made or issued on the date it is mailed or the date postmarked, whichever is later. For the purposes of this subpart, "plan physician," where appropriate, includes a plan dentist, mental health professional, chiropractor, or osteopath, nurse practitioner, or nurse midwife.

Subp. 7. **State ombudsperson.** The commissioner shall designate a state ombudsperson to help enrollees resolve health plan service related problems. Upon an enrollee's request, the ombudsperson shall investigate the enrollee's case and ~~shall~~ when appropriate attempt to resolve the problem in an informal manner by serving as an intermediary between the enrollee and the health plan. If the enrollee requests appeal information, or if the ombudsperson believes that an informal resolution is not feasible or is unable to obtain a resolution of the problem, the ombudsperson shall explain to the enrollee what his or her complaint and appeal options are, how to file a complaint or appeal, ~~and~~ how the complaint or appeal process works and assist the enrollee in presenting the enrollee's case to the appeals referee, when requested. The ombudsperson must be available to help the enrollee file a written complaint or appeal request. The ombudsperson must notify the appropriate health plan of a state appeal within three working days after the state appeal is filed.

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Commissioners' Orders

Department of Natural Resources

Commissioner's Order No. 2413: Regulations for the Taking, Transportation, Transfer, Possession, and Use of Raptors for Falconry Purposes; Superseding Commissioner's Order No. 1986

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 97A.401, 97B.105, and other applicable law, I, Rodney W. Sando, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking, transportation, transfer, possession, and use of raptors for falconry purposes.

Section 1. DEFINITIONS.

For purposes of these regulations:

- (a) "Raptor" means a live bird of the family *Falconidae*, or the great horned owl (*Bubo virginianus*), or the family *Accipitridae*, other than the bald eagle (*Haliaeetus leucocephalus*) and the golden eagle (*Aquila chrysaetos*).
- (b) "Take" means to trap, capture, or attempt to trap or capture for falconry purposes.
- (c) "Falconry" means the sport of taking quarry by means of a trained raptor.
- (d) "Bred in captivity" or "captive-bred" refers to raptors, including eggs, hatched or produced in captivity from parents that mated or otherwise transferred gametes in captivity.
- (e) "Permit" means a falconry permit issued by the commissioner pursuant to Sec. 3, unless otherwise specified.

Sec. 2. SCOPE.

No person may take, transport, transfer, possess, or use raptors for falconry purposes except as provided herein.

Sec. 3. FALCONRY PERMIT.

(a) Permit requirement.

(1) **Residents.** No Minnesota resident may take, possess, transport, transfer, use, sell, purchase, barter, or offer to sell, purchase, or barter raptors or their eggs for falconry purposes unless he/she first shall have obtained a falconry permit from the commissioner or designated agent as provided herein.

(2) **Nonresidents.** A nonresident of Minnesota who holds a valid falconry permit in the country, state, or territory of his/her residence or who otherwise has lawfully practiced falconry in the country, state, or territory of his/her residence may transport, possess, and use raptors or their eggs for falconry purposes in Minnesota on a temporary basis for periods of up to 30 consecutive days without obtaining written permission from the commissioner or his designee. Periods in excess of 30 days require written permission from the commissioner or his designee. While in Minnesota, such nonresidents shall comply with facilities and equipment requirements specified in paragraph b(2) of Sec. 7, as well as all other applicable provisions of this order.

(b) **Application.** An applicant for a permit shall be a resident of the state of Minnesota and shall submit to the commissioner a fully completed application form, provided by the commissioner and approved by the United States Fish and Wildlife Service.

(c) **Examination.** A permit shall not be issued until the applicant has obtained a score of at least 80 percent on a supervised examination provided by the commissioner and approved by the United States Fish and Wildlife Service. An applicant who fails the examination shall wait a minimum of two weeks before retaking the examination.

(d) **Facilities and equipment.** Before a permit is issued, the applicant's raptor housing facilities and falconry equipment shall be inspected and certified or otherwise approved for falconry permit renewals by an agent of the commissioner as meeting the following standards:

(1) **Facilities.** The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities:

(i) **Indoor facilities** (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, raptors shall be tethered or separated by partitions. The area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be a secure door that can be easily closed, and at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided. If tethers are used, they shall be at least long enough to allow the birds to reach the floor.

(ii) **Outdoor facilities** (weathering area) shall be fenced and either roofed or covered with netting or wire to protect the birds from disturbance and attack by predators except that perches more than 6-1/2 feet high need not be covered or roofed. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive

sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided. If tethers are used, they shall be at least long enough to allow the birds to reach the floor.

(2) **Equipment.** Applicants shall possess the following items:

(i) **Jesses.** At least one pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material, to be used when any raptor is flown free (traditional one-piece jesses may be used on raptors when not being flown);

(ii) **Leashes and swivels.** At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

(iii) **Bath container.** At least one suitable container, two to six inches deep and of a width and length each greater than the length of the raptor, for drinking and bathing for each raptor;

(iv) **Outdoor perches.** At least one weathering area perch of an acceptable design for each raptor; and

(v) **Weighing device.** A reliable scale or balance suitable for weighing the raptor(s), held and graduated to increments of not more than 1/2 ounce (15 grams).

(3) **Maintenance.** All facilities and equipment shall be kept at or above the preceding standards at all times.

Sec. 4. FALCONRY PERMIT CLASSES.

Falconry permits shall be of three classes.

(a) Class III (apprentice).

(1) Permittee shall be at least 14 years old;

(2) Permittee shall have a sponsor during the first two years in which an apprentice permit is held, regardless of the age of the permittee. The sponsor shall be the holder of a Class II (general) or Class I (master) falconry permit. A sponsor may not have more than three apprentices at any one time;

(3) Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period;

(4) Permittee may possess only the following raptors which must be taken from the wild: an American kestrel (*Falco sparverius*), or a red-tailed hawk (*Buteo jamaicensis*). Permittee shall not take eyases.

(b) Class II (general).

(1) Permittee shall be at least 18 years old;

(2) Permittee shall have at least two years' experience in the practice of falconry at the Class III level or its equivalent;

(3) Permittee shall not possess more than two raptors and shall not obtain more than two raptors for replacement birds during any 12-month period;

(4) Permittee shall not take, transport, or possess any owls or any species listed as threatened or endangered under state or federal law.

(c) Class I (master).

(1) An applicant shall have at least five years' experience in the practice of falconry at the Class II level or its equivalent;

(2) Permittee shall not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period;

(3) Permittee shall not take any species listed as endangered in appropriate state or federal regulations, but may transport or possess such species in accordance with said regulations;

(4) Permittee shall not take, transport, or possess any golden eagle for falconry purposes unless authorized in writing in accordance with appropriate federal regulations and approved by the commissioner.

(5) Permittee shall not take in any 12-month period, as a part of the three bird limitation, more than one raptor listed as threatened in appropriate state or federal regulations, and then only in accordance with said regulations.

Sec. 5. TAKING RESTRICTIONS.

(a) Young raptors not yet capable of flight (eyases) may be taken from the wild only by a Class II or Class I falconer and only during the period of May 27 through July 14. No more than two eyases may be taken by the same permittee during the calendar year. In all cases at least one nestling must be left in a given nest.

(b) First year (passage) raptors may be taken from the wild only during the period of August 21 through December 29.

Commissioners' Orders

(c) Notwithstanding Sec. 5(a) and 5(b), an escaped, marked raptor may be retrapped at any time.

(d) Only American kestrels and great horned owls may be taken when over one year old, except that any raptor, other than state or federally listed endangered or threatened species, taken under a depredation or special purpose permit may be used for falconry by Class II or Class I falconers.

(e) **Raptors taken in Minnesota.** Raptors taken for falconry purposes in the state of Minnesota are subject to the following restrictions:

(1) Such raptors must be registered pursuant to Sec. 8.

(2) Title to such raptors taken pursuant to Secs. 4 and 5 remains in the state of Minnesota. These raptors may not be bought, sold, bartered, transferred, or transported out of the state except under special transfer permit issued by the commissioner.

(3) Such raptors may be transferred as gifts between holders of Minnesota falconry permits, but such transfer must be reported by the recipient within five working days to the Minnesota DNR regional headquarters where such bird was registered pursuant to Sec. 8.

(f) **Raptors taken outside Minnesota.** Minnesota residents who obtain raptors lawfully taken outside the state may possess and use them for falconry purposes in Minnesota only with a bill of sale or other proof of lawful possession. Such raptors must be registered pursuant to Sec. 8.

(g) **Areas closed to taking raptors.** Raptors to be used for falconry may not be taken under any circumstances from state parks or scientific and natural areas, from state wildlife management areas without a permit from the regional wildlife manager, from state game refuges without a permit from the regional enforcement officer, or from private property without permission from the owner.

(h) Traps used to capture raptors shall be attended so as to prevent injury to the raptors.

Sec. 6. HUNTING RESTRICTIONS.

Taking of quarry by falconry shall be done only in accordance with the laws and regulations governing small game hunting.

Sec. 7. OTHER RESTRICTIONS.

(a) A falconry permittee shall obtain written authorization from the commissioner or his designee before any species not indigenous to Minnesota is intentionally released to the wild, at which time the band from the released bird shall be removed and surrendered to the DNR regional office within five working days. A standard federal bird band shall be attached to such birds by a state or United States Fish and Wildlife Service authorized federal bird bander whenever possible.

(b) Temporary holding of raptors.

(1) A raptor possessed under authority of a Minnesota falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by a copy of the properly completed Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) designating the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession. If the period of care will exceed 30 days, the permittee shall inform the DNR regional office in writing within five days before or after the transfer, specifying where the birds are being held, the reason for the transfer, who is caring for them, and approximately how many days they will be in the care of the second person.

(2) A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days, unless written authorization to extend the period is obtained from the DNR regional office where the falconry permit is registered.

(c) Feathers that are molted or feathers from birds lawfully held in captivity that have died may be retained and exchanged only for imping purposes. Such feathers may not be sold or bartered.

Sec. 8. REGISTRATION AND MARKING.

(a) All raptors taken, possessed, or transported for falconry purposes must be banded. Captive-bred raptors must be banded with a numbered, seamless band issued by the DNR regional office where the permittee's permit is registered, or by the United States Fish and Wildlife Service. Raptors taken from the wild must be banded with a permanent, non-reusable numbered band provided by the DNR regional office where the permittee's permit is registered, or by the United States Fish and Wildlife Service. All acquisitions of raptors must be reported within five working days by submitting a Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report), in accordance with the instructions on the form. The blue copy shall be submitted to the DNR regional office where the permittee's permit is registered.

(b) All raptors possessed for falconry purposes must be banded at all times in accordance with these standards. Loss or removal of any band must be reported within five working days by submitting a Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) in accordance with the instructions on the form. The blue copy shall be submitted to the DNR regional office where the

permittee's permit is registered. The lost band must be replaced by a permanent, non-reusable numbered band supplied by the DNR regional office where the permit is registered, or the United States Fish and Wildlife Service.

(c) If the United States Fish and Wildlife Service band affixed to a raptor becomes illegible, the owner shall contact the DNR regional office where the bird is registered for instructions.

Sec. 9. REPORTING.

(a) No permittee may take, purchase, receive, or otherwise acquire, buy, sell, barter, transfer, or dispose of any raptor unless such permittee submits within five working days Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) completed in accordance with the instructions on the form. The blue copy shall be submitted to the DNR regional office where the permittee's permit is registered.

(b) No raptor may be possessed under authority of a falconry permit unless the permittee has properly completed and filed Federal Form 3-186A (Migratory Bird Acquisition/Disposition Report) for each bird possessed.

(c) **Change of address.** Changes of address must be reported in writing to the Department of Natural Resources office where the permittee is registered within 10 days following the move if the change of address will exceed 30 days. Facilities at the new address shall be certified during the 30-day temporary holding period following a move to a new location.

(d) **Reports by permit holders.** Holders of permits issued hereunder for the taking, transportation, transfer, possession, and use of raptors for falconry purposes shall report to the commissioner as requested listing:

(1) All raptors in possession, by species, marker numbers, sex (if known), age (if known), date and where or from whom acquired;

(2) All raptors possessed or acquired at any time during the specified period, but no longer possessed, by species, marker numbers, sex (if known), age (if known), date and where or from whom acquired, date and to whom given, if applicable, or whether escaped, died or released, and when the event occurred; and

(3) All unused markers in possession.

Sec. 10. FALCONRY PERMIT DURATION AND RENEWAL.

(a) **Duration.** Falconry permits shall not exceed three years' duration and shall expire on September 30 of the year of expiration. Permits are not transferable.

(b) **Renewal.** Permits are renewable. Request for renewal must be made at least 30 days prior to permit expiration date.

Sec. 11. PERMIT REVOCATION.

Permittees violating any of the provisions of these regulations may be subject to permit revocation, and all raptors held thereunder may be subject to seizure and confiscation in the manner provided by law.

Sec. 12. VIOLATION.

Any person violating any of the provisions of these regulations is guilty of a misdemeanor and upon conviction is subject to the penalties therefor.

Sec. 13. Commissioner's Order No. 1986 is hereby superseded.

Dated at St. Paul, Minnesota, this 11th day of October, 1991.

Rodney W. Sando, Commissioner
Department of Natural Resources

Department of Natural Resources

Commissioner's Order No. 2428: Prescribing Regulations for the Taking of Deer; Amending Commissioner's Order No. 2418

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 97B.301-97B.325 and other applicable law, I, Rodney W. Sando, Commissioner of Natural Resources, hereby prescribe the following amendments to Commissioner's Order No. 2418, prescribing regulations for the taking of deer.

Section 1. Section 6(k) of Commissioner's Order No. 2418 is amended to read as follows:

(k) Unsuccessful applicants for special permit areas may, at the discretion of the commissioner, be given a second choice for undersubscribed special permit areas.

Commissioners' Orders

Sec. 2. Section 15(f) of Commissioner's Order No. 2418 is amended to read as follows:

(f) Application for sub-permit area bonus firearms deer licenses may be made only by purchasers of Zone 3A firearms licenses and must be made using the antlerless permit application that is included with the license by crossing out the word "Antlerless" and writing "Orchard" above. Applications must be mailed to Orchard Hunt, DNR Headquarters, Box 6247, Rochester, Minnesota 55903. Application deadline is the first Thursday after Labor Day. One hundred ninety (190) certificates will be issued to hunters randomly drawn from valid applications. If the number of applications is less than the number of available bonus licenses, applications will continue to be accepted after the application deadline and certificates authorizing purchase of a bonus license will be issued on a first come, first served basis. Purchase of the bonus license shall follow the procedures in Sec. 15(c). Purchase of the sub-permit area bonus license authorizes the hunter to take one antlerless only deer within the 43-square-mile area shown on maps available at the above address and sent to all successful applicants.

Sec. 3. Except as provided by this order, all provisions of Commissioner's Order No. 2418 shall remain in full force and effect.

Dated at St. Paul, Minnesota, this 10th day of October, 1991.

Rodney W. Sando, Commissioner
Department of Natural Resources

Department of Natural Resources

Commissioner's Order No. 2427: Regulations for the Management of Muskellunge; Amending Commissioner's Order No. 2346

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 97A.045, 97C.011 and other applicable law, I, Rodney W. Sando, Commissioner of Natural Resources, hereby prescribe the following amendment to Commissioner's Order No. 2346, regulating the management of muskellunge.

Section 1. Section 1 of Commissioner's Order No. 2346 is amended by removing the following described lake:

Howard Lake, Cass County, T. 141, R. 31.

Sec. 2. This amendment is effective March 1, 1992.

Sec. 3. All other provisions of Commissioner's Order No. 2346 remain in full force and effect until superseded or rescinded.

Dated at St. Paul, Minnesota, this 15th day of October, 1991.

Rodney W. Sando, Commissioner
Department of Natural Resources

Executive Orders

Executive Department

Emergency Executive Order 91-21: Providing for Emergency Assistance to Minnesota Farmers

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, extremely heavy and continuous rainfall has produced unfavorable farmland conditions in the state this year; and

WHEREAS, Minnesota's farmers require emergency assistance to harvest crops and haul them to market;

NOW, THEREFORE, I hereby order that:

1. The provisions of *Minnesota Statutes* 1990, Sections 169.80 to 169.88 (as amended), governing size, weight, and load, shall not apply to implements of husbandry temporarily moved upon a highway, if drawn by a truck, pick-up truck, or farm tractor owned by a farmer.

2. Farm trailers used exclusively for transporting agricultural products from farm to farm and to and from the usual market place of the owner, shall not be taxed as motor vehicles using the public streets and highways and shall be exempt from the provisions of *Minnesota Statutes* 1990, Chapter 168 (as amended).

3. Farm tractors may exceed 12 feet in outside width when temporarily moved upon a highway.

Pursuant to *Minnesota Statutes* 1990, Section 4.035, subd. 2, this Order shall be effective October 11, 1991, and shall remain in effect until December 15, 1991 or until rescinded by proper authority.

IN TESTIMONY WHEREOF, I have set my hand this 11th day of October, 1991.



Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

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.

Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Board of Directors will be held on Wednesday, November 6, 1991 at 1:30 p.m. at Northwestern National Life Insurance Company, 100 Washington Avenue South, Minneapolis, Minnesota in the Gateway Room located on the 4th floor.

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

Minnesota Historical Society

Notice of State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Thursday, November 21, 1991, in the Auditorium of the Fort Snelling History Center, Fort Snelling, Minnesota. The Preservation Office staff will make an informational presentation on program activities at 5:30 p.m. The meeting will be called to order and consideration of the meeting's agenda will begin at 7 p.m. For further information contact the State Historic Preservation Office, Minnesota Historical Society, Fort Snelling History Center, St. Paul, MN 55111, (612) 726-1171.

Public Employees Retirement Association

Notice of Meeting of the Board of Trustees

A joint meeting of the Boards of the Minnesota State Retirement System, Teachers Retirement Association and Public Employees Retirement Association is scheduled to be held Thursday, October 31, 1991, at 9:30 a.m., in the Veterans Service Building, Conference Room D, 20 West 12th Street and Columbus Avenue, St. Paul, MN 55155.

Official Notices

Minnesota State Agricultural Society—Minnesota State Fair

Meeting Notice

The board of managers of the Minnesota State Agricultural Society, governing body of the State Fair, will conduct a business meeting at 10 a.m. Thursday Nov. 7 at the Administration Building on the fairgrounds. Preceding the general business meeting will be a 9 a.m. meeting of the board's space rental committee.

State Grants

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

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

Department of Corrections

Notice of Availability of Funds

The Minnesota Department of Corrections, Community Services Division, announces the availability of grant funds for development of pilot programs for the treatment of sex offenders.

A total of \$194,000 is available for programs to treat adult and juvenile sex offenders who are sentenced by the court to incarceration in a local correctional facility or to sex offender treatment as a condition of probation, and for juveniles found delinquent or receiving a stay of adjudication for whom the juvenile court has ordered sex offender treatment. The funds will be available for approximately 18 months, January, 1992-June 30, 1993.

There is no assurance of continued funding for following fiscal years.

To be eligible to apply, an applicant organization must be a public human services or community corrections agency (M.S. 241.67, subd 5). The deadline for grant proposal submission is Friday, November 15, 1991, 4:30 p.m. To receive a request for proposal which describes in detail how to apply for this funding and the requirements of the legislation, contact:

Ethel Jackman
Minnesota Department of Corrections
Community Services Division
300 Bigelow Building
450 North Syndicate
St. Paul, Minnesota 55104
Telephone (612) 642-0235

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.

November 1991

Compiled by Susan K. Larson, (612) 296-2775

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 the publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 245, Minnesota Judicial Center, St. Paul, MN 55155, (612) 296-2581.

Monday, November 4, 1991 9:00 a.m. at Supreme Court Courtroom, State Capitol Building

C7-90-2314 State of Minnesota, Respondent (Attorney Lisa A. Berg, Assistant Hennepin Co. Attorney) vs. **Tony Lawrence Borchardt, Appellant** (Attorney Susan Hauge, Assistant State Public Defender). Judgement Hennepin County.

Was the appellant denied his constitutional right to present a defense where the trial court excluded expert testimony which was integral to the appellant's defense?

C6-90-1025 Transamerica Insurance Co., Appellant (Attorney R.D. Blanchard of Meagher & Geer) vs. **Federal Deposit Insurance Corporation as Receiver of Beaver Creek State Bank and Myron A. Kruse, Respondents** (Attorneys: Michael A. Lindsay & Brian Palmer of Dorsey & Whitney; Andre Douek, of Counsel, Federal Deposit Insurance Co.; John D. Scholl). Opinion of Court of Appeals.

NOTE: The following issues were derived from the appellant's brief filed with the court. The Respondent has chosen not to define the issues, due to the possible ambiguity of expressed or implied facts.

Whether a bank corporation seeks employee fidelity coverage under a bankers bond for loss resulting from the alleged misuse of funds by a majority stockholder and officer of the corporation is coverage precluded as a matter of law by the Alter Ego Doctrine?

When a bank corporation seeks indemnity under employee fidelity coverage provided by a bankers bond for alleged misappropriation of funds is the insurer liable for funds which remained in the bank and were used by the bank?

When a bank corporation seeks indemnity under employee fidelity coverage provided by a bankers bond for an alleged misappropriation of funds is the insurer liable for funds transferred to a correspondent account?

Tuesday, November 5, 1991 9:00 a.m. at Supreme Court Courtroom, State Capitol Building

CX-91-292 State of Minnesota, Respondent (Attorney Steven C. DeCoster, Assistant Ramsey Co. Attorney) vs. **Dwight Earl Bowers, Appellant** (Attorney Elizabeth B. Davies, Special Assistant State Public Defender). Judgement Ramsey County.

Whether the trial court, in its discretion, properly excused for cause a venire person who, on voir dire, evidenced two sources of bias against the parties?

Whether the trial court correctly permitted the medical examiner to render opinions that included legal analysis or mixed questions of fact and law?

Whether the evidence supports the jury's findings that the accused had not demonstrated his intoxication precluded his premeditation and forming an intent to kill?

CX-90-1346 City of West St. Paul, Appellant (Attorney Arnold E. Kempe) vs. **Law Enforcement Labor Service, Inc., Respondent** (Attorney Marylee A. Abrams). Opinion Court of Appeals.

Is the implementation of a police ride-along program a proper subject to negotiation under a collective bargaining agreement?

Was the ride-along program's effect on police officer safety an issue of material fact precluding summary judgment?

Wednesday, November 6, 1991 9:00 a.m. at Supreme Court Courtroom, State Capitol Building

C6-90-1896 Bobbie Dale Hill, Respondent (Attorney Mark Anderson, Assistant State Public Defender) vs. **State of Minnesota, Appellant** (Attorney M. Katherine Doty, Assistant Anoka County Attorney). Opinion Court of Appeals.

Was respondent improperly assessed criminal history points for his 1984 federal convictions because the elements of the federal statutory offense to which he entered his pleas did not constitute a felony offense under Minnesota law?

CX-90-2145 State of Minnesota, Appellant (Attorney Dean E. Emanuel, Assistant Sherburne County Attorney) vs. **Richard William Othoudt, Respondent** (Attorney D. Sherwood McKinnis of Parker, Satrom, O'Neil, et al). Opinion Court of Appeals.

Was the warrantless in-home arrest of defendant constitutionally valid?

Thursday, November 7, 1991 9:00 a.m. at Supreme Court Courtroom, State Capitol Building

CX-90-2050 Amoco Pipeline Co., Respondent (Attorneys Michael S. Ryan & Daniel A. Haws of Murnane, Conlin, White, et al) vs. **Minnesota Valley Landscaping, Inc. & Young Men's Christian Association of Minneapolis, Appellants** (Attorneys Kevin P. Keenan & Gregory W. Deckert of Bassford, Heckt, Lockhart, et al and Richard P. Mahoney & Victor Lund of Mahoney, Dougherty & Mahoney). Opinion Court of Appeals.

Whether the trial court erred in finding that Minnesota Valley Landscaping was engaged "in ordinary conduct of agricultural operations" pursuant to *Minnesota Statute* § 116I.07, when Amoco's petroleum pipeline was ruptured?

Whether the Trial Court erred in granting summary judgement in favor of the YMCA?

Supreme Court Calendar

C4-91-546 Commissioner of Revenue, Appellant, (Attorney Kurt J. Erickson, Special Assistant State Attorney General) vs. **Elena Fort, Respondent** (Attorney Ann Iijima, William Mitchell College of Law). Judgment Minnesota Tax Court.

Whether the tax court correctly determined that there were no genuine issues of material fact and that Elena Fort was entitled to summary judgment as a matter of law?

Tuesday, November 12, 1991 9:00 a.m. at Courtroom 300, Minnesota Judicial Center

C7-90-2653 State of Minnesota, Respondent (Attorney Mark S. Rubin, Assistant St. Louis Co. Attorney) vs. **Eugene Francis Cuypers, Appellant** (Attorney Lawrence P. Pry, Assistant State Public Defender). Judgment St. Louis County.

Were the appellant's state and federal constitutional rights violated by the admission at trial of letters the appellant wrote which were seized by his jailers without either probable cause or warrant?

Did the trial court properly exercise its discretion in determining that manslaughter in the first degree was not an appropriate lesser included offense to be submitted to the jury?

C5-90-1775 State of Minnesota, Appellant (Attorney Steven C. DeCoster, Assistant Ramsey County Attorney) vs. **Franchell Maria Rosse, Respondent** (Attorneys Deborah K. Ellis & Douglas W. Thompson). Opinion Court of Appeals.

Whether respondent's statements made while temporarily detained for investigation were properly received in evidence at trial?

Whether admission of respondent's statement to police officers in violation of her right of self-incrimination was harmless error?

Whether the trial court, in its discretion, properly imposed the presumptive sentence the Guidelines provided for the crime of conviction?

Professional, Technical & Consulting Contracts

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

Department of Human Services

Notice of Availability of Contract for Consultant Services of Expert in Statistics and Probability and Actuarial Science

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is seeking applications for professional services from recognized experts in statistics and probability and actuarial science to consult with the Surveillance and Utilization Review Section (SURS) on an ongoing basis and to assist in the work of SURS. The contractor will provide assistance to professionals working with the Minnesota Medical Assistance (Medicaid) programs. Assistance will include research and evaluation, establish sample size random sample extrapolation and offering testimony before an Administrative Law Judge or other formal settings if necessary.

The contract will be effective for one year after contract is signed and may be renewed thereafter, at the discretion of the Department. The total contract price will not exceed \$5,000 at an hourly rate not to exceed \$50.00.

Interested persons must submit a written response containing the following:

1. Description of professional qualifications, including:

- education;
- professional qualifications and experience in actuarial science; probability and statistics;
- academic achievement, including publications in professional journals in relevant areas of statistics and probability and actuarial science, and experience as professor or associate professor at a college or university;
- previous consulting experience in areas of expertise;
- experience in the insurance actuarial field;

2. A statement indicating work hours available;

3. A statement indicating the hourly payment rate required.

All written responses received by the deadline will be evaluated according to the following criteria:

1. Relevant education and experience.
2. Communication skills.
3. Proposed hourly rate.

Send all responses by November 15, 1991 to:

Debra Stenseth
SURS Unit
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3851
612/296-3958

Department of Human Services

Family Self-Sufficiency Administration

Refugee and Immigrant Assistance Division

Request for Proposals for the Development of the Planned Secondary Resettlement Project (PSRP) for Refugees in Greater Minnesota

NOTICE IS HEREBY GIVEN that the Refugee and Immigrant Assistance Division, Family Self-Sufficiency Administration, Minnesota Department of Human Services, is seeking proposals to develop 7-8 sites in Greater Minnesota for the implementation of the PSRP for refugees.

Funding is from the federal Refugee Assistance Grant to the State in the amount of \$15,000.00.

To be considered for funding, proposals must be post-marked or hand-delivered to the Refugee and Immigrant Assistance Division by 4:20 p.m., CDT, November 27, 1991. We reserve the right not to act on this RFP.

Please direct all questions and request for copies of the full Request for Proposals to:

Minnesota Department of Human Services
Refugee and Immigrant Assistance Division
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3837
612-296-1383

Metropolitan Council

Notice of Request for Proposals for Aviation Consulting Services for the Metropolitan Council of the Twin Cities

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting proposals for technical and professional services for preparation of the **1992 Annual Contingency Planning Assessment** and **MSP Re-Use Study: Phase II**. Proposals can be submitted for either one or both of the proposed projects.

1992 ANNUAL CONTINGENCY PLANNING ASSESSMENT—The purpose of this RFP is to monitor trends and conduct annual reevaluation/reappraisal of the assumptions underlying the Twin Cities' major airport dual-track planning and development strategy. It is a multi-year program (1989-1996). This assessment will help establish the type, timing and level of development recommended for Minneapolis-St. Paul International Airport (MSP) and/or site selection, land banking and development of a new major replacement airport. Annual contingency assessments from 1989, 1990 and 1991 will form one basis for structuring the 1992 report.

Work tasks include:

- Collection and analysis of pertinent data for regional air-transportation needs to determine appropriate scope, scale, and timing of dual-track planning and implementation activities.

Professional, Technical & Consulting Contracts

- Determine on an annual basis the need to update aviation forecasts.
- Participate in convening and conducting expert panels to critique draft annual contingency assessment.
- Participate in coordination activities of contingency planning advisory committee.
- Assist in preparation of annual contingency report to legislature.
- Identification of one to three special issues studies that will be highlighted in the assessment report.

MSP RE-USE STUDY: PHASE II—The purpose of this RFP is to establish policies on the re-use of MSP International Airport. The 1989 Minnesota Metropolitan Airport Planning Act requires the preparation of policies for the re-use of MSP in the event that a new replacement airport option is selected by the legislature in 1996.

Work tasks include:

- Refinement of study design prepared as part of Phase I.
- Establishment of development scenarios.
- Preparation of information and data more detailed than Phase I effort.
- Comparative evaluation of development alternatives.
- Assess socio-economic and environmental implications to local, state, federal governmental units.
- Define implementation measures and mechanisms.
- Prepare development policies.
- Participate in coordination activities of advisory and technical review groups, including expert panels and focus groups.

It is anticipated that the project will be funded primarily by a grant from the Federal Aviation Administration. It will commence about March 1, 1992 and be completed by March 1, 1993. A disadvantaged business enterprise (DBE) participation goal has been set for this project. Copies of this proposal can be obtained from the Metropolitan Council, Mears Park Centre, 230 East Fifth St., St. Paul, MN 55101. Five copies of all proposals must be received no later than 5 p.m., November 26, 1991, to the attention of Chauncey Case, Transportation Division, Metropolitan Council. Inquiries should be directed to (612) 291-6342.

Minnesota Historical Society

Request for Bids for the Printing, Manufacturing and Delivery of a Book

Sealed bids for the printing, manufacturing and delivery of 4000 copies of Minnesota Historical Society's *The Grand Portage Story*, in accordance with specifications prepared by the Minnesota Historical Society, will be received in the office of the Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, MN 55101 until 2:00 p.m., Central Time, on November 18, 1991 at which time the bids will be publicly opened and read aloud. Bids received after the above deadline will not be considered.

SPECIFICATIONS

Copies of specifications and bidding documents may be obtained from:

Gary W. Goldsmith
Contracting Officer
Minnesota Historical Society
690 Cedar Street
St. Paul, MN 55101
Telephone (612) 296-2155

CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept any bid or to reject all bids, and to waive any informalities therein. No bid may be withdrawn within 30 days after the scheduled closing time for the receipt of bids.

Minnesota Historical Society

Notice of Request for Proposals for Furniture Design Consultation

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide professional and technical services to assist it in design and selection of furnishings for offices and work spaces at the Minnesota History Center. Services will

Professional, Technical & Consulting Contracts

include design of systems furniture for open space work areas, selection of board room furnishings and development of guidelines for the selection of furnishings for private offices.

This request is made through the formal Request for Proposals which is available from:

Gary W. Goldsmith
Contracting Officer
Minnesota Historical Society
690 Cedar Street
St. Paul, MN 55101
Telephone (612) 296-2155

The Society reserves the right to accept any proposal, or to reject all proposals.

Iron Range Resources and Rehabilitation Board

Request for Proposals for IRRRB Exhibits

REQUEST FOR PROPOSAL (RFP): Exhibit design and construction for a history of northeastern Minnesota conservation, forestry management, the Civilian Conservation Corps and Mineland Reclamation for the Iron Range Resources and Rehabilitation Board's (IRRRB) IRONWORLD USA facility at Chisholm, Minnesota.

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

A. Scope of Project: Exhibits will most likely include photographs, text, artifacts, oral history, audio/visual and "hands on" activities. The classroom area is capable of film/video projection, and contractor shall furnish necessary equipment as part of project. Exhibits should concentrate on the Civilian Conservation Corps activities in northeastern Minnesota, especially in the log structure, and relate the story of area conservation and forestation combining the roles of entities such as the US Forest Service through the activities of today's IRRRB Mineland Reclamation Division.

B. Goals and Objectives: When completed, the project will provide IRONWORLD USA visitors with an educational, informative and entertaining history of northeastern Minnesota forestry and conservation efforts since the turn of the century.

C. Project Tasks: (I.) Contractor will be expected to design, construct, install and supply necessary exhibits and equipment for

- 1.) The IRRRB Mineland Reclamation facility consisting of an 800 square foot hallway, and outdoor canopied area of 2,240 square feet (requiring permanent all-weather exhibits), and a classroom of 1,200 square feet (in which some exhibits must be portable to allow for multi-use applications), and;
- 2.) A 38 foot by 28 foot log structure similar to those constructed by the CCC consisting of permanent and portable exhibits, and;

(II.) Contractor to write, produce and deliver a broadcast quality video of approximately fifteen minutes on the Civilian Conservation Corps. Video to include a short history of the CCC nationally and concentrate on the CCC experience in northeastern Minnesota. Responder may propose additional tasks or activities if they will substantially improve the results of the project.

D. Department Contacts: Prospective responders who have any questions regarding this request for proposal may call or write:

Dana Miller
Director

Edward Nelson
Assistant Director

Iron Range Research and Interpretative Center
P.O. Box 392 Hwy. 169W
Chisholm, MN 55719
(218) 254-3325

E. Submission of Proposals: All proposals must be sent to and received by:

Dana Miller, Director
Iron Range Research and Interpretative Center
P.O. Box 392 Hwy. 169W
Chisholm, MN 55719

not later than 2:30 p.m. November 8, 1991.

Professional, Technical & Consulting Contracts

Late proposals will not be accepted. Submit 3 copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responders 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.

F. Project Costs: The IRRRB has estimated that the cost of this project should not exceed \$150,000 (one hundred fifty thousand dollars).

G. Project Completion Date: This project will be completed by June 1, 1992.

H. Proposal Contents: The following will be considered minimum contents of the proposal:

1. Responder to research, design, develop, fabricate and install (including necessary audio/visual equipment) exhibits on the history of northeastern Minnesota forestry, conservation, Mineland Reclamation, with special emphasis on the Civilian Conservation Corps experience, as outlined in A., B., C. above.

2. Responder to provide background and experience with particular emphasis on previous exhibit and Page government work. Responder to identify key personnel to conduct project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the state Project Director.

3. 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 a basis for invoicing.

4. Responder shall identify the level of IRRRB participation in the project as well as any other services to be provided by IRRRB.

I. All proposals received by the deadline will be evaluated by representatives of the Iron Range Resources and Rehabilitation Board. In some instances, an interview may be part of the evaluation process. Factors upon which proposals will be judged, but are not limited to, the following:

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 November 22, 1991.

J. In accordance with the provisions of Minnesota Statutes, 1990 supplement, section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full time employees at any time during the previous 12 months must have an affirmative action plan approved by the commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

2. A letter for Human Rights certifying that your firm has a current certificate of compliance.

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

K. The successful responder will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

Department of Transportation

Technical Services Division

Notice of Availability of Contract for Pollutant and Contaminated Substance Surveys and Remedial Actions

The Minnesota Department of Transportation is seeking the services of Consulting Engineering firms to assist the Department in the delivery of its construction program by providing professional services in the field of pollutant and contaminated substance involvement.

Work is proposed to start after January 1, 1992.

State Contracts and Advertised Bids

A proposed scope of services together with a description of the minimum qualifications and other required submittals can be obtained in writing from the Mn/DOT Consultant Agreements Engineer.

Mr. Gabriel S. Bodoczy, P.E.
Consultant Agreements Engineer
Room 720-S Transportation Building
395 John Ireland Boulevard
St. Paul, Minnesota 55155
Phone: (612) 296-3051
Fax: (612) 297-3160 or 296-1805

A letter is required to obtain the "Request for Proposal". Response deadline is 2:00 p.m., November 12, 1991.

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.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management 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.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

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

Commodity: Diconix printer carrying case
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: October 30
Agency: Minnesota Department of Health
Deliver to: Minneapolis
Requisition #: B 12300-83066

Commodity: Foot & wrist rests
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: October 30
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23168

Commodity: Work uniforms
Contact: Linda Parkos 296-3725
Bid due date at 4:30pm: October 31
Agency: Department of Public Service
Deliver to: St. Paul
Requisition #: B 80300-92148

Commodity: 486 DX/33 computer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: October 30
Agency: Minnesota State Planning Agency
Deliver to: St. Paul
Requisition #: B 30000-18565

Commodity: Copier lease/purchase—rebid
Contact: Jack Bauer 296-2621
Bid due date at 2pm: October 29
Agency: Department of Public Service
Deliver to: St. Paul
Requisition #: B 80400-92161-2

Commodity: Fiber fuel pellets—rebid
Contact: Dale Meyers 296-3773
Bid due date at 2pm: November 1
Agency: Various
Deliver to: Various
Requisition #: Price contract

Commodity: All terrain vehicle
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: November 1
Agency: Minnesota Department of Jobs and Training
Deliver to: Various places
Requisition #: B 21604-79239

Commodity: 386SX/16 computer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: October 30
Agency: Minnesota Department of Jobs & Training
Deliver to: Various places
Requisition #: B 21605-87713

Commodity: Gasohol (unleaded gasoline with 100% ethanol)
Contact: Dale Meyer 296-3773
Bid due date at 2pm: November 5
Agency: Willmar Regional Treatment Center
Deliver to: Willmar
Requisition #: Price contract

State Contracts and Advertised Bids

Commodity: 386/20 computers—rebid
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: November 4
Agency: Minnesota Department of Health
Deliver to: Minneapolis
Requisition #: B 12600-82659-1

Commodity: Audio tape drive for Mac II
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: November 4
Agency: Bemidji State University
Deliver to: Bemidji
Requisition #: B 26070-14568

Commodity: Micom board
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: October 31
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-26114

Commodity: Raster video frame grabber
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: October 31
Agency: Minnesota Department of Education/Accounts Payable
Deliver to: St. Paul
Requisition #: B 37010-95654

Commodity: Sewer repair—Moose Lake—rebid
Contact: Pam Anderson 296-1063
Bid due date at 4:30pm: October 31
Agency: Minnesota Department of Transportation
Deliver to: Various places
Requisition #: B 79000-21905-1

Commodity: Swimming pool chemicals
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: October 30
Agency: Southwest State University
Deliver to: Marshall
Requisition #: B 26175-02248

Commodity: Cine battery
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: October 31
Agency: Minnesota Department of Transportation
Deliver to: St. Paul
Requisition #: B 79000-22137

Commodity: 386 SX/20 computer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: October 31
Agency: Bemidji State University
Deliver to: Bemidji
Requisition #: B 26070-14563

Commodity: Audiomedia board for Mac II
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: November 4
Agency: Bemidji State University
Deliver to: Bemidji
Requisition #: B 26070-14569

Commodity: 286/12 laptop computers
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: November 1
Agency: Fond du Lac Community
Deliver to: Cloquet
Requisition #: B 27163-63158

Commodity: Convergence interface card
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: November 4
Agency: Minnesota Department of Transportation
Deliver to: St. Paul
Requisition #: B 79000-22135

Commodity: Monkey skeleton
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: October 30
Agency: Bemidji State University
Deliver to: Bemidji
Requisition #: B 26070-14556

Commodity: Ice machine
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: October 30
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-11054

Commodity: Lotus software
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: October 29
Agency: Minnesota State Lottery
Deliver to: Roseville
Requisition #: B 99997-20018

Commodity: MBO-B30 adaption
Contact: Jack Bauer 296-2621
Bid due date at 2pm: November 1
Agency: Minnesota Department of Administration
Deliver to: St. Paul
Requisition #: B 02520-20847

Commodity: Copier purchase—rebid
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: November 4
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23137-2

Commodity: Mail machine and meter
Contact: Jack Bauer 296-2621
Bid due date at 2pm: October 31
Agency: Department of Labor and Industry
Deliver to: Various places
Requisition #: B 42202-17098

Commodity: Abuse resistant tables
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: November 4
Agency: St. Peter Regional Treatment Center
Deliver to: St. Peter
Requisition #: B 55105-09009

Commodity: Folder/insertor
Contact: Jack Bauer 296-2621
Bid due date at 2pm: November 4
Agency: Minnesota State Lottery
Deliver to: Roseville
Requisition #: B 99997-20017

Commodity: Fax
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: November 1
Agency: Moorhead State University
Deliver to: Moorhead
Requisition #: B 26072-03486

Commodity: Stools
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: November 1
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23162

Commodity: Copier rental rebid
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: October 31
Agency: Department of Human Services
Deliver to: Various places
Requisition #: B 55000-30021-1

Commodity: Paper shredder
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: October 28
Agency: Brainerd Regional Human Service Center
Deliver to: Brainerd
Requisition #: B 55304-09156

Commodity: Tire chain
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: October 31
Agency: Minnesota Department of Transportation
Deliver to: Windom
Requisition #: B 79750-01145

Commodity: PDC 20 cellular callbox
Contact: Teresa Manzella 296-7556
Bid due date at 4:30pm: October 30
Agency: Minnesota Department of Transportation
Deliver to: Golden Valley
Requisition #: B 79900-72601

Commodity: Maintenance software
Contact: Joan Breisler 296-9071
Bid due date at 2pm: November 1
Agency: Minnesota Department of Jobs and Training
Deliver to: St. Paul
Requisition #: B 21200-41799

Commodity: Refrigerated milk dispenser
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: November 1
Agency: Minnesota Correctional Facility—Faribault
Deliver to: Faribault
Requisition #: B 78790-20341

Commodity: Tab cabinets
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: November 5
Agency: Minnesota Department of Transportation
Deliver to: Bemidji
Requisition #: B 79200-04364

Commodity: Serial cables for printers
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: November 1
Agency: Intertechnologies Group
Deliver to: St. Paul
Requisition #: B 02410-23333-1

Commodity: Fiber optic cable
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: November 1
Agency: Moorhead State University
Deliver to: Moorhead
Requisition #: B 26072-03500

Commodity: Borroughs shelving
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: November 5
Agency: Moorhead State University
Deliver to: Moorhead
Requisition #: B 26072-03501

Commodity: Blueprint machine
Contact: Jack Bauer 296-2621
Bid due date at 2pm: October 31
Agency: Minnesota Department of Transportation
Deliver to: Brainerd
Requisition #: B 79300-21913

Commodity: Non-corrosive de-icers
Contact: Dale Meyer 296-3773
Bid due date at 2pm: November 6
Agency: Department of Transportation
Deliver to: Various
Requisition #: Price contract

Announcements

Minnesota State University System's Job Fair '92: Employers have the opportunity to meet 1,600 potential employees in just two days. The Job Fair will be held February 18-19, 1992 at the St. Paul Civic Center. Students from more than 64 degree areas will be available to meet with employers. Contact: Melody Winans, Fair Registrar representing all schools in the System, 612/755-2038 for registration information.

Metro Monitor Retires: The Metropolitan Council, like government agencies throughout the state and nation, is operating in an environment of diminishing resources. To help reduce expenses, the Metropolitan Council has decided to discontinue the *Monitor*. • During its 12 years of publication, the *Monitor* has alerted Metro Area citizens to current and future metro issues and problems. It also has reported on the Council's efforts to help resolve those problems and to plan for the long range growth and development of the seven-county area. • The Metropolitan Council plans on continuing to work with Twin Cities media to bring the public this information via newspapers, radio and television. As before, data about the region and copies of Metropolitan Council reports and plans may be obtained by calling the Council's Data Center at 291-8140. • The editorial staff of the *State Register* salutes the *Monitor* upon its retirement.

Workshops for Volunteers Offered on Youth Community Service: Minnesota Office on Volunteer Services and the Minnesota Department of Education are co-sponsoring three regional workshops, *Gearing Up For Youth Community Services*, for nonprofit and volunteer program leaders, educators, youth and others interested in the latest developments in the youth community service movement: **November 12**, Moorhead; **November 13**, Anoka; and **January 10**, Red Wing. • This training will incorporate presentations, discussions and exercises. Emphasis will be placed on practical applications of information. • For further information, please contact: Minnesota Office on Volunteer Services, 500 Rice Street, St. Paul, Minnesota 55155, telephone: 612/296-4731 (metro), 800/652-9747 (Greater Minnesota).

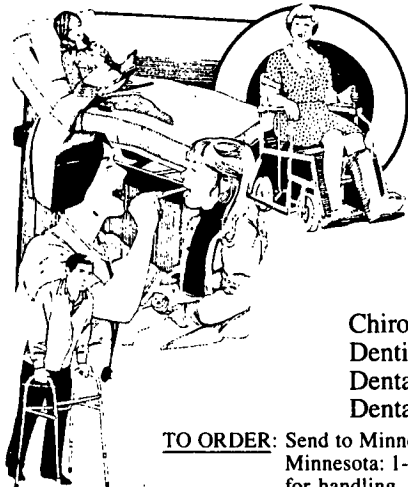
Announcements

Airport Hearings on Designating New-Airport Search Area in Dakota County: The Metropolitan Council will hold two public hearings on Wednesday October 30 to consider designation of the Dakota Search Area as the general location for a new major airport, should one be needed in the future. The hearings will be held at 9 a.m. in the Council offices, and at 7 p.m. at the Rosemount Senior High School Student Center, 3335-142nd St. W., in Rosemount. • In addition to the Council's hearings, the Local Government and Metro Affairs Committee of the Minnesota House of Representatives will hold a meeting on the proposed search area on October 30, 5 to 7 p.m., at the Hastings Senior High School. Earlier in the day, at 9 a.m., the committee will hold a meeting on options to improve the current airport at the Richfield City Hall.

Steelhead fishing regulations and Atlantic salmon program: Proposed new steelhead fishing regulations and the future of the Atlantic salmon program will be the topics of three Minnesota Department of Natural Resources public input meetings to be held November 4 in St. Paul, November 5 in Duluth, and November 6 in Grand Marais. • The proposed regulations are a compromise between anglers asking for restrictions prohibiting all steelhead harvest and those who want to harvest all of the fish they catch.

Anglers who want to voice their opinions about the future of the Atlantic salmon program; or the proposed steelhead regulations may attend the public input meetings at Kelly Inn in St. Paul on November 4; Ordean Junior High in Duluth on November 5 and the Cook County High School in Grand Marais on November 6. The meetings will run from 7 p.m. to 9 p.m.

Anglers who cannot attend one of the meetings but who want to comment may do so in writing by sending their comments through December 6 to: Dennis Anderson, DNR Fisheries, 1201 East Highway 2, Grand Rapids, Minnesota 55744.



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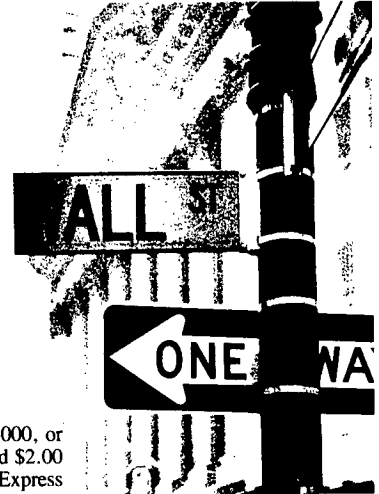
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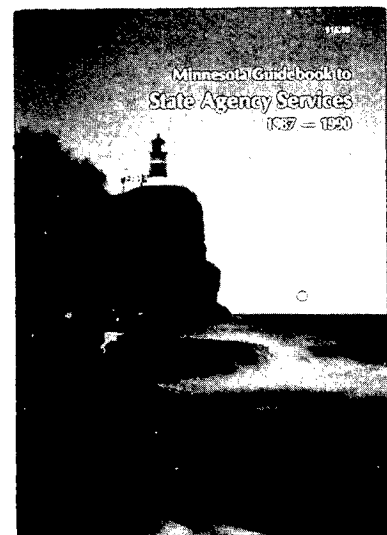
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