

P182

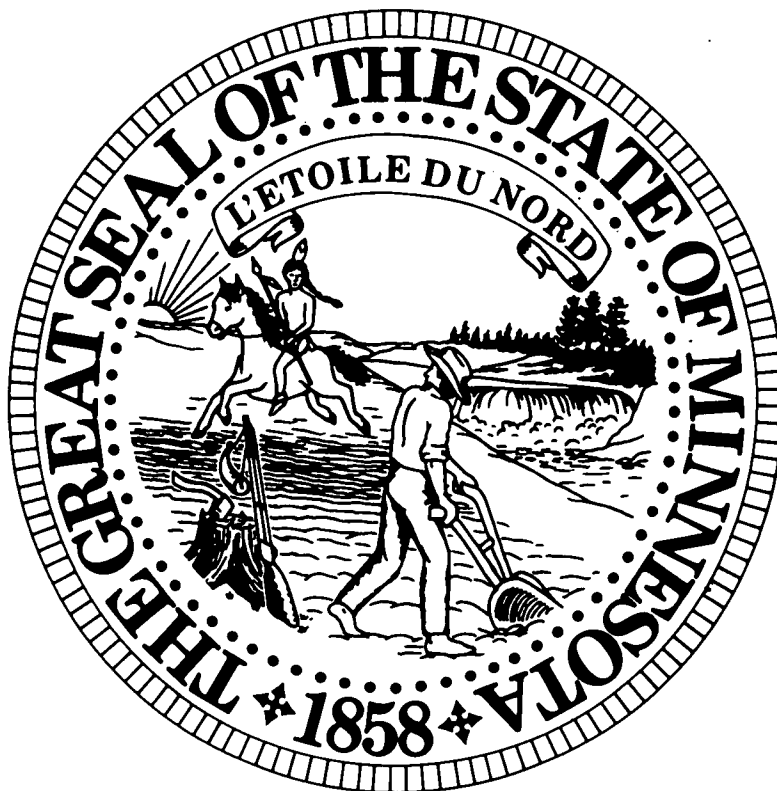
The Minnesota  
**State  
Register**

**RECEIVED**

NOV 15 1993

LEGISLATIVE REFERENCE LIBRARY  
STATE OFFICE BUILDING  
ST. PAUL, MINN. 55155

Department of Administration—Print Communications Division



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

**Monday 15 November 1993**  
**Volume 18, Number 20**  
**Pages 1329-1360**

# 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, professional, technical and consulting contracts, non-state bids and public contracts, and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals, including printing bids.

### Printing Schedule and Submission Deadlines

Vol. 18 Issue Number	PUBLISH DATE	Submission deadline for Adopted and Proposed Rules	*Submission deadline for: Emergency Rules, Executive Orders, Commissioner's Orders, Revenue Notices, Official Notices, State Grants, Professional, Technical and Consulting Contracts, Non-State Bids and Public Contracts
20	Monday 15 November	Monday 1 November	Monday 8 November
21	Monday 22 November	Monday 8 November	Monday 15 November
22	Monday 29 November	Monday 15 November	Friday 19 November
23	Monday 6 December	Monday 22 November	Monday 29 November

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul MN 55155, pursuant to *Minnesota Statutes* § 14.46.

#### *State Register* SUBMISSIONS:

Deadline extensions may be possible at the editor's discretion. Requests for deadline extensions should only be made in valid emergency situations. Please call 297-7963 and leave your fax number—you will be faxed a one-page information sheet regarding submissions and a submission calendar.

#### *State Register* and *Contracts Supplement* SUBSCRIPTIONS:

- A one year subscription to the *State Register* (published every Monday, except holidays) \$150.00
- A one year subscription to the *Contracts Supplement* (published every Tuesday, Wednesday, Friday):
  - \$125.00 via first class mail
  - \$140.00 via fax or through our on-Line Service via your computer modem
  - For a free sample demo of the On-Line Service call via your modem: 612/821-4096
  - Item S: *State Register* Modem parameters 8-N-1 1200/2400
- A 13-week trial subscription which includes both the *State Register* and *Contracts Supplement*. \$60.00
- Single issues are available for a limited time: *State Register* \$3.50, *Contracts Supplement* .50

Order by phone: Metro area: 297-3000 Toll free 800-657-3706

Telecommunication Device for the Deaf Metro area: 282-5077 Toll free 800-657-3706

For additional information call 612/297-7963.

No refunds. By purchasing the On-Line access you are agreeing to not redistribute without authorization.

Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. 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.

Arne H. Carlson, Governor

Debra Rae Anderson, Commissioner

Department of Administration

Kathi Lynch, Director

Print Communications Division

Debbie George, Circulation Manager

Jane E. Schmidley, Acting Editor

612/297-7963

## 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

## Minnesota Rules: Amendments & Additions

Issues #14-20 inclusive (Issues #1-13 appeared in #13)..... 1332

### Proposed Rules

#### Pollution Control Agency

Pipeline interface material ..... 1334✓

#### Gambling Control Board

Break-open bingo..... 1336

### Adopted Rules

#### Natural Resources Department

Cross country ski passes ..... 1339

#### Health Department

Health risk limits..... 1340✓

#### Optometry Board

Certification to dispense topical legend drugs ..... 1340

### Errata - Proposed Rule

#### Health Department

Plumbers, water conditioning contractors and installers and fees..... 1341

### Official Notices

#### Agricultural Society

Minnesota State Fair rule changes ..... 1342

#### Investment Board

Administrative committee meeting notice..... 1353

#### Labor and Industry Department

Prevailing wage certifications for commercial construction projects..... 1353

#### Minnesota State Retirement System

Regular meeting board of meeting..... 1353

#### Pollution Control Agency

Opinions sought regarding proposed amendment to rule governing water quality permit fees..... 1353 ✓

#### Transportation Department

Requests for rulemaking task force members..... 1354

### State Grants

#### Pollution Control Agency

Applications are being accepted for sewage treatment systems grant program..... 1355

### Professional, Technical and Consulting Contracts

#### Administration Department

Proposals sought by Human Services Department for rental of a four bedroom home..... 1356

#### Minnesota State Lottery

Letters of interest sought from vendors for design and manufacture of brochure stands..... 1356

#### State Designer Selection Board

Proposals sought for two projects with the Department of Military Affairs..... 1356

### Awards of State Contracts & Advertised bids

Commodities and requisitions are advertised in the *State Register Contracts Supplement* published every Tuesday, Wednesday and Friday. For subscription information call 612/297-7963.

Commodity award results are available through the **Materials Management Helpline** 612/296-2600.

## *A Holiday Booksigning at Minnesota's Bookstore*

*Friday, December 10<sup>th</sup> 11am--1pm*

*Meet Minnesota authors & illustrators:*

*"Inheriting the Land"*

*Jonis Agee*

*"Orchids of Minnesota"*

*Welby R. Smith*

*&*

*Vera Ming Wong*

*"Lost Twin Cities"*

*Larry Millet*

*Ford Building · 117 University Avenue · St. Paul · 297-3000*

*1/2 block west of State Capitol · call for holiday gift list ideas*

# 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 1-800-657-3757.

Issues #14-20 Inclusive (issues #1-13 appeared in #13)

### Agriculture Department

1550.3050 (adopted) .....	1115
1555.7410; .7420; .7430; .7440; .7450; .7460; .7470; .7480; .7490; .7500 (proposed repealer) .....	1086
1555.7411; .7421; .7431; .7441; .7451; .7461 (proposed) .....	1085

### Animal Health Board

1705.2400; .2430; .2434; .2440; .2450; .2460; .2470; .2472; .2474; .2476; .2480; .2490; .2510 (adopted) .....	1222
Renumbered .....	1222

#### COLUMN A

1705.2400, subpart 3b	1705.2400, subpart 3c	
1705.2400, subpart 5b	1705.2400, subpart 7a	
1705.2400, subpart 8a	1705.2400, subpart 1c	
1705.2400, subpart 13	1705.2400, subpart 6a	
1705.2400, subpart 14	1705.2400, subpart 5d	
1705.2400, subpart 15	1705.2400, subpart 3b	
1705.2470, subpart 1	1705.2470, subpart 1d	
1705.2472, subpart 2, item A	1705.2470, subpart 1	
1705.2472, subpart 2, item C	1705.2470, subpart 1a	
1705.2472, subpart 2, item D	1705.2470, subpart 1b	
1705.2472, subpart 2, item E	1705.2470, subpart 1c	
1705.2472, subpart 2, item F	1705.2460, subpart 8a	
1705.2470, s.2; .2474, s.2; .2476, s.3 (repealed) .....		1222
1720.0860; .0870; .0880; .0930; .0940; .0950; .0960; .0970; .1000; .1010 (adopted) .....		1189
1720.0980; .1020 (repealed) .....		1189

### Chiropractic Examiners Board

2500.0100; .1200 (adopted) .....	1222
----------------------------------	------

### Dentistry Board

3100.0100; .1400; .2000; .4100; .6300; .8500; .8700 (proposed) .....	1021
3100.2000, s.7; .1100, s.3 (proposed repealer) .....	1025

### Health Department

4715.3140; .3150; .3160; .3170; .5900; .6000 (proposed) .....	1152
4720.0010; .0350; .0410; .1075; .1250; .1300; .1800; .1820; .1830; .1831; .1833; .1835; .1836; .1848; .2010; .2020; .3350; .4450; .6150; .6450; .6650 (adopted) .....	1222
4725.0550, s.2; .1075, s.2 (repealed) .....	1222

### Jobs and Training Department

3300.5000; .5010; .5030; .5040; .5050; .5060 (proposed) .....	1025
---------------------------------------------------------------	------

### Secretary of State

3650.0010; .0020; .0030; .0040 (proposed) .....	1050
-------------------------------------------------	------

### State Board of Technical Colleges

3700.1200; .1210; .1220; .1230; .1240; .1250; .1260; .1265; .1270; .1275; .1280 (proposed) .....	1056
3515.5500, s.4, 5, 6, 7, 11; .6005, s.2, 3 (repealed) .....	1059

### Trade and Economic Development Department

4290.0010; .0020; .0030; .0040; .0050 (adopted) .....	1223
-------------------------------------------------------	------

### Health Department

4717.7100; .7150; .7200; .7300; .7400; .7500; .7600; .7650; .7700; .7750; .7800 (adopted) .....	1340
----------------------------------------------------------------------------------------------------	------

### Higher Education Coordinating Board

4812.0100; .0110; .0130; .0140; .0150; 4830.0300; .0400; .6510; .6610; .9005; .9010; .9015; .9020; .9025; .9030 (adopted) .....	1141
4830.0400, s.6; .0500; .1550; .1551; .1552; .1553; .1554; .1555; .1556; .1560; .1561; .1562; .1563; .1564; .1565 (repealed) .....	1141

### Labor and Industry Department

5205.0010 (adopted) .....	1065
---------------------------	------

### Natural Resources Department

6100.0100; .0300; .0400; .0500; .1905; .1930; .2400 (adopted) .....	1145
6102.0010; .0020; .0030; .0040; .0050; .0060 (adopted) .....	1145
6105.0870 (proposed) .....	941

### Optometry Board

6500.1900; .3000 (adopted) .....	1340
----------------------------------	------

### Natural Resources

6212.0800; .0900; .1100; .1300 (adopted) .....	1339
------------------------------------------------	------

### Pharmacy Board

6800.0100; .0300; .0350; .0500; .0700; .0800; .0910; .0950; .1010; .1050; .1150; .1210; .1250; .1300; .1460; .1500; .2150; .2250; .2300; .2500; .2700; .2810; .3100; .3110; .3120; .3200; .3300; .3350; .3400; .3450; .3510; .3850; .3950; .4150; .4210; .4220; .4230; .4240; .4250; .4400; .4500; .4600; .4700; .5100; .5200; .5300; .5350;
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



## Minnesota Rules: Amendments and Additions

.5400; .5600; .6200; .6300; .6500; .6700; .7100; .7510; .7520; .7530; .7900; .7950; .8000; .8001; .8002; .8003; .8004; .8005; .8006; .8007; .8008; .8100; .8200; .8300; .8400; .8500; .8600; .8700; .9200; .9700; .9900; .9923; .9924; .9950; .9951; .9952; .9953; .9954 (adopted).....	1145	7601.0100; .0200; .1000; .1010; .1020; .1500; .2000; .2010; .3000; .3010; .3020; .3030; .4000; .4010; .4020; .4030; .4040; .5000; .6000; .7000; .7010; .7020; .7030; .7040; .7050; .7060; .7070; .7080; .7090; .7100; .9900 (proposed).....	1210
6800.4400, s.2; .7400, s.6 (repealed) .....	1145	<b>Public Safety Department</b>	
<b>Pollution Control Agency</b>		7504.0100; .0200; .0300; .0400; .0500; .0600 (adopted).....	944
7001.0020; .0050; .0140; .0180; .0550; .3050; 7002.0005; .0015; 7005.0100; 7007.0050; .0100; .0200; .0300; .0350; .0400; .0450; .0500; .0550; .0600; .0650; .0700; .0750; .0800; .0850; .0900; .0950; .1000; .1050; .1100; .1150; .1200; .1250; .1300; .1350; .1400; .1450; .1500; .1600; .1650; .1700; .1750; .1800; .1850 (adopted) .....	1059	<b>Minnesota State Lottery</b>	
7045.0020; .0120; .0125; .0230 (proposed).....	1334	7856.2020; .6000; .0100; .0200 (adopted).....	1223
7046.0010; .0020; .0031; .0045; .0060 (proposed).....	1041	7856.1000, s.5 (repealed).....	1223
7046.0010, s.24; .0031, s.2, 2a; .0045, s.2 (proposed repealer) .....	1048	<b>Gambling Control Board</b>	
7105.0010; .0050; .0060; .0080; .0090; .0100; .0110; .0160 (adopted) .....	1059	7861.0030; .0040 (adopted) .....	1189
7105.0010, s.16 (repealed).....	1059	7861.0070 (proposed) .....	1336
7007.0200; .0250; .0501; .0801; 7011.0551; .1201; .1205; .1210; .1215; .1225; .1227; .1229; .1231; .1233; .1235; .1240; .1245; .1250; .1255; .1260; .1265; .1270; .1275; .1280; .1285; 7017.1000 (proposed Rules).....	1086	<b>Minnesota State Retirement System</b>	
7011.1201, s.2, 3, 4; .1202; .1203; .1204; .1206; .1207 (proposed repealer) .....	1115	7900.0200; .0400 (adopted) .....	1223
<b>Public Service Department</b>		7900.1600 (adopted) .....	1189
7600.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000; .4100; .4200; .4300; .4400; .4500; .4600; .4700; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600; .5700; .5800; .5900; .6000; .6100; .6200; .6300; .6400; .6500; .6600; .6700; .6800; .6900; .7000; .7100; .7200; .7210; .7300; .7400; .7500; .7600; .7700; .7750; .7800; .7900; .8100; .8200; .8300; .8400; .8500; .8600; .8700; .8800; .8900; .9000; .9100; .9200; .9300; .9400; .9500; .9600; .9700; .9800; .9900 (repealed).....	1222	<b>Revenue Department</b>	
		8175.0100 (proposed) .....	1048
		<b>Transportation Department</b>	
		8880.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400 (proposed) .....	1178
		<b>Human Services Department</b>	
		9500.1090; .1095; .1100; .1105; .1110; .1115; .1116; .1120; .1121; .1122; .1124; .1128; .1130; .1131; .1140 (adopted) .....	1115
		9500.1100, s.4, 4a, 7, 8, 8a, 10, 12, 13, 17, 20, 21, 23, 24, 24a, 28, 30, 30a, 33a, 39, 40, 41, 42, 43, 43a, 44, 46, 47, 47a, 48, 49, 52; .1110, s.3; .1120, s.3; .1125; .1130, s.2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, .1135 (repealed) .....	1121
		9525.2700; .2710; .2720; .2730; .2740; .2750; .2760; .2770; .2780; .2800 (proposed) .....	1141
		9525.2710, s.14, 15, 18, 21, 30, 33; .2750, s.3; .2760, s.3; .2770, s.3, 4; .2780, s.1, 6 (repealed) .....	1144
		9565.5000; .5010; .5020; .5025; .5027; .5030; .5050; .5060; .5065; .5070; .5080; .5090; .5100; .5110; .5120; .5130; .5140; .5150; .5160; .5200 (adopted).....	1144
		9565.5010, s.6, 6, 13, 23, 24, 33; .5025, s.4; .5030, s.2, 3, 8; .5040; .5060, s.1, 3, 4, 5, 6, 7; .5110, s.6, 9, 10 (repealed) .....	1144

## Information for Health Care Services

### *Health Care Facilities Directory*

Lists of all Minnesota licensed and certified health care facilities. Statistical data tables and listings organized alphabetically by county, town and facility. Features hospitals, nursing homes, boarding homes, outpatient care, hospice and more. 213 pp. plus index. **1-89 SR \$18.95**

### *Minnesota Health Statistics -- 1990*

Minnesota Center for Health Statistics, published August 1992. Tables, diagrams outlining vital statistics for live births, induced abortions, fertility, infant and general mortality, marriage, divorce and population. 142 pp. **10-16SR \$15.00**

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order.  
Visit Minnesota's Bookstore to view a variety of health care publications.

## 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.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Pipeline Interface Material

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled proposed amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in *Minn. Stat. §§ 14.22 to 14.28 (1992)*. The MPCA's authority to adopt the proposed amendments is set forth in *Minn. Stat. § 116.07, subd. 4 (1992)*.

All persons have until 4:30 p.m. on December 15, 1993, to submit comments in support of or in opposition to the proposed amendments or any part or subpart of the proposed amendments. Comment is encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed amendments within the comment period. If 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 amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minn. Stat. §§ 14.131 to 14.20 (1992)*.

Comments or written requests for a public hearing must be submitted to Glenn Skuta, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-3898 (telephone 612/297-8319, or 800/657-3864).

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

The proposed amendments pertaining to the management of hazardous waste, if adopted, remove the requirement that hazardous waste feedstocks and by-products must be transported by hazardous waste transporters and exempt pipeline interface material from regulation as hazardous waste when recycled. One free copy of the rules is available upon request from Glenn Skuta at the address and telephone number given above.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is available from Glenn Skuta upon request.

You are hereby advised, pursuant to *Minn. Stat. § 14.115 (1992)*, "Small business considerations in rulemakings," that the proposed amendments will not negatively affect small businesses. The proposed amendments provide regulatory relief to hazardous waste generators and should thus have a positive effect on small businesses.

If no hearing is required, upon adoption of the rule amendments, the rule amendments and required supporting documents will be submitted to the Attorney General for review as to legality and form, to the extent 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 rules as adopted, must submit a written request to Glenn Skuta.

Charles W. Williams  
Commissioner

**Rules as Proposed****7045.0020 DEFINITIONS.**

[For text of subps 1 to 14, see M.R.]

Subp. 15. **Designated facility.** "Designated facility" means a hazardous waste treatment, storage, or disposal facility which:

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

B. has been designated on the manifest by the generator pursuant to part 7045.0261, or has been designated ~~on a shipping paper or in the~~ management plan required by part ~~7045.0125~~ 7045.0230; and

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

[For text of subps 15a to 70, see M.R.]

Subp. 70a. Pipeline interface material. "Pipeline interface material" means off-specification fuel created by the mixing of fuel products of different specifications in a pipeline during transportation.

[For text of subps 71 to 109, see M.R.]

**7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.**

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

Subp. 2. **Special requirements.** The following waste is exempt from the general requirements of this chapter if managed as specified:

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

B. collected spent or waste household batteries under part 7045.0686; ~~and~~

C. collected hazardous waste from very small quantity generators under part 7045.0320; and

D. feedstocks and by-products under part 7045.0125, subparts 5 and 6.

**7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND RECLAMATION.**

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

Subp. 4. **Management of specific hazardous wastes.** Management of the following wastes when recycled, is not subject to regulation under parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380:

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

I. oil that is reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, and is burned as a fuel without reintroduction to a refining process, if the reclaimed oil meets the used oil fuel specification under part 7045.0695, subpart 1, item B, subitem (1); ~~and~~

J. petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which the wastes were generated, unless the resulting coke product exhibits one or more of the characteristics of hazardous waste in part 7045.0131; and

K. pipeline interface material.

Subp. 5. **Requirements for use of hazardous waste as feedstock.**

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

B. A generator of hazardous waste for use as feedstock is subject to the following generator requirements:

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

(4) ~~within 45 days of shipment~~; the generator must ~~provide the commissioner a copy of the shipping papers~~ maintain records at the licensed site confirming that the hazardous waste was ~~delivered to~~ received at the designated facility as indicated in the management plan required by part 7045.0230; and

[For text of subitem (5), see M.R.]

**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

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

[For text of subps 6 to 12, see M.R.]

### 7045.0230 CONTENT OF LICENSE APPLICATION.

Subpart 1. **Information required.** Except as provided in subpart 1a, an application must be on a form provided by the commissioner and must include the following information:

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

E. a management plan for each hazardous waste and oil produced that includes the following information:

[For text of subitems (1) to (5), see M.R.]

(6) the names of the ~~hazardous waste~~ designated facilities to be involved in the management of the hazardous waste and, as applicable, the numbers of the Hazardous Waste Facility Permits issued by the agency for those designated facilities located in the state of Minnesota, or the addresses and identification numbers of those designated facilities located outside the state of Minnesota; and

[For text of subitems (7) to (9), see M.R.]

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

[For text of subps 1a and 4, see M.R.]

## Gambling Control Board

### Proposed Permanent Rules Relating to Break-Open Bingo

**DUAL NOTICE: Notice of Intent to Adopt Rule Amendments Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received**

**1. INTRODUCTION:** The Minnesota Gambling Control Board intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by December 15, 1993, a public hearing will be held on December 29, 1993. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after December 15, 1993 and before December 29, 1993.

**2. AGENCY CONTACT PERSON:** Comments or questions on the rule and written request for a public hearing on this rule must be submitted to:

Sharon A. Beighley  
Minnesota Gambling Control Board  
1711 W County Road B, #300 South  
Roseville, MN 55113  
Telephone: 612-639-4000  
FAX: 612-639-4032

**3. SUBJECT OF RULE AND STATUTORY AUTHORITY:** The proposed rule governs the conduct of break-open bingo. The statutory authority to adopt the rule is *Minnesota Statutes*, section 349.151 (1992). A copy of the proposed rule is published in the State Register and attached to this notice as mailed. A copy is also available free of charge by contacting the agency contact person.

**4. COMMENTS:** You have until 4:30 PM on Wednesday, December 15, 1993 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and the change proposed.

**5. REQUEST FOR A HEARING:** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 PM on Wednesday, December 15, 1993. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

**6. MODIFICATIONS:** The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and printed in the State Register.

and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**7. CANCELLATION OF HEARING:** The hearing scheduled for December 29, 1993 will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Sharon A. Beighley at 612-639-4000 after December 15, 1993 to find out whether the hearing will be held.

**8. NOTICE OF HEARING:** If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on Wednesday, December 29, 1993 in the conference room of the Gambling Control Board offices at 1711 W County Road B, #300 South, Roseville, Minnesota beginning at 9:00 AM and continuing until all interested persons have been heard. 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 Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, 100 Washington Avenue South, #1700, Minneapolis, Minnesota 55401-2158, telephone number 612-341-7645.

**9. HEARING PROCEDURE:** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 PM on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

**10. STATEMENT OF NEED AND REASONABLENESS:** A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**11. SMALL BUSINESS CONSIDERATIONS:** The Minnesota Gambling Control Board is subject to *Minnesota Statutes*, section 14.115 (1992), regarding small business considerations in rulemaking. The Board's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2 (1992), for reducing the impact of the proposed rules on small businesses have been considered and discussed in the Statement of Need and Reasonableness. There will be no negative impact on small businesses inasmuch as no additional fees or license requirements need to be submitted by the organization. There is potential for positive financial impact on small businesses, as break-open bingo has proven to be a popular form of Bingo in Minnesota, and the ability to offer this form of lawful gambling may enhance revenues to those organizations which choose to offer this form of bingo.

**12. EXPENDITURE OF PUBLIC MONEY BY LOCAL PUBLIC BODIES:** This rule will not require the expenditure of public money by local public bodies, therefore *Minnesota Statutes*, section 14.11, subd. 1 is not applicable.

**13. IMPACT ON AGRICULTURAL LANDS:** This rule will have no impact on agricultural lands, therefore *Minnesota Statutes*, section 14.11, subd. 2 is not applicable.

**14. LOBBYIST REGISTRATION:** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 1st Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone number 612-296-5148.

**15. ADOPTION PROCEDURE IF NO HEARING:** If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney

**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

General or be notified of the Attorney General's decision on the rule. If you want to be notified, or wish to receive a copy of the adopted rule, submit your request to Sharon A. Beighley at the address listed above.

**16. ADOPTION PROCEDURE AFTER THE HEARING:** If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 22 October 1993

Harry W. Baltzer  
Executive Director  
Minn. Gambling Control Board

### Rules as Proposed

#### 7861.0070 BINGO.

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

Subp. 5. **Manner of conducting bingo.** A bingo game must be conducted in the following manner:

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

E. Bingo cards or sheets must be sold and paid for on the premises immediately before the start of a specified game or specified number of games, except that break-open bingo sheets may be sold after the first ball in the break-open game has been drawn.

F. Two or more sets of disposable bingo cards or sheets may not be used at the same time if they have identical faces, except that identical faces may occur during a break-open bingo game.

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

[For text of subps 6 and 7, see M.R.]

Subp. 8. **Break-open bingo.** In addition to complying with subparts 1 to 7, break-open bingo is a bingo game that must also comply with the following:

A. A sealed bingo paper sheet is lawful gambling equipment in which the bingo face or faces are concealed by being sealed in a manner that prevents revealing any part of the bingo face. Break-open bingo sheets must be constructed so that all 24 numbers on each face cannot be determined from the outside of a break-open bingo sheet using a high intensity lamp of 500 watts.

B. Only individually sealed bingo paper sheets may be sold for a break-open bingo game.

C. A break-open bingo game begins when, in the presence of players attending the bingo occasion, the conducting organization calls and posts, either manually or by use of a flashboard, a predetermined quantity of randomly selected bingo balls from a bingo ball selection device. The organization must use a separate set of bingo balls and a separate bingo ball selection device for a break-open bingo game.

D. Sealed bingo paper sheets for a break-open game may be sold throughout the bingo occasion, however no additional sealed bingo paper sheets may be sold after the conducting organization resumes calling letters and numbers after the predetermined quantity has been called and posted.

E. After the predetermined quantity of randomly selected bingo balls has been called and posted, and immediately prior to the selection of the next bingo ball from the bingo ball selection device, a conducting organization must ask if any player has completed the required bingo pattern. All players who complete the game pattern within the predetermined number of balls called are considered winners, regardless of the last ball called. If a player or players declare bingo based on the predetermined quantity of balls selected and the bingo is verified, the player or players must be awarded the designated prize and the game ends. If no bingo is declared and verified, the organization must resume calling letters and numbers, and continue calling until one or more players declare bingo and the bingo is verified and the designated prize or consolation prize is awarded.

F. A break-open bingo game must be played in its entirety within the bingo occasion.

G. A conducting organization must mark each break-open bingo sheet to be used during the bingo occasion by validating the sheet with a unique symbol by using a device, rubber stamp, or other marking method. The symbol must be placed on the break-open bingo sheet in such a manner that the symbol appears on the part of the break-open bingo sheet that is in play. The organization must maintain a record that identifies the symbol with the particular date and bingo occasion for which the symbol was used.

## Adopted Rules

H. A conducting organization may allow players to trade in break-open bingo sheets. The conducting organization must account for the trade-in of break-open bingo sheets in the following manner:

(1) The conducting organization must maintain two sets of break-open bingo sheets for each break-open bingo game conducted. One set, known as the "original set," must be blue. The other set, known as the "trade-in set," may be of any color except blue.

(2) All break-open bingo sheets in the original set are of equal value and must be sold to players for the same price as other sheets in the original set. All break-open bingo sheets in the trade-in set are of equal value and must be sold to players for the same price as other sheets in the trade-in set.

(3) After purchasing a break-open bingo sheet from the original set, players may continue to purchase sheets from the original set. Players may trade in break-open bingo sheets from the original set for break-open bingo sheets from the trade-in set. Players may also trade in break-open bingo sheets from the trade-in set for more trade-in sheets.

(4) An organization must post a notice in its house rules stating that identical break-open bingo sheet faces may occur during the break-open bingo game.

(5) An organization must announce at the start of the break-open bingo game and state in its house rules that all original break-open bingo sheets are blue. The organization must also announce and state in its house rules the price at which the original and trade-in, if any, break-open bingo sheets must be sold.

I. Distributor invoices must identify the serial number of each set of break-open bingo paper sold to a conducting organization and whether each set is an original set or a trade-in set. The invoice must also state the price for which each break-open bingo sheet must be sold by the conducting organization.

## 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 citation to its previous *State Register* publication will be printed.

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

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

## Department of Natural Resources

### Adopted Permanent Rules Relating to Cross Country Ski Passes

The rules proposed and published at *State Register*, Volume 18, Number 8, pages 607-609, August 23, 1993 (18 SR 607), are adopted as proposed.

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

## Adopted Rules

### Department of Health

#### Adopted Permanent Rules Relating to Health Risk Limits

The rules proposed and published at *State Register*, Volume 17, Number 42, pages 2489-2501, April 19, 1993 (17 SR 2489), are adopted with the following modifications:

##### Rules as Adopted

##### 4717.7500 TABLE OF HEALTH RISK LIMITS.

Subp. 6a. Atrazine. Atrazine:

1912-24-9 0.035 (C) = 20

##### 4717.7650 TOXIC ENDPOINTS.

Subp. 4a. Atrazine. Atrazine, 1912-24-9, cardiovascular system.

##### 4717.7800 REVISION OF PARTS 4717.7500 and 4717.7650.

**Subp. 2. Removing a health risk limit or toxic endpoint.** The department shall remove a health risk limit for a chemical or substance specified in part 4717.7500 or a toxic endpoint specified in part 4717.7650 under the procedures described in subpart 6 if:

A. the RfD or slope factor listed in part 4717.7500 is removed from IRIS;

B. the classification of a substance or chemical changes from carcinogen to systemic toxicant and the RfD for the substance or chemical is not listed on IRIS; or

C. the classification of a substance or chemical changes from systemic toxicant to carcinogen and the slope factor for the substance or chemical is not listed on IRIS.

**Subp. 3. Revising a health risk limit or toxic endpoint.** The department shall revise a health risk limit for a chemical or substance specified in part 4717.7500 or a toxic endpoint specified in part 4717.7650 under the procedures described in subpart 6 if:

**Subp. 4. 3. Methods.** The revised health risk limit shall be calculated or the revised toxic endpoint shall be specified according to the methods in parts 4717.7100 to 4717.7700.

**Subp. 5. 4. Adding a health risk limit or toxic endpoint.** The commissioner shall add to part 4717.7500 a substance or chemical, the health risk limit for that substance or chemical, and the information specified in part 4717.7400 or add to part 4717.7650 a substance or chemical, CAS RN, and toxic endpoint when a substance or chemical is detected in Minnesota groundwater and the RfD or slope factor for the substance or chemical is listed on IRIS. The new health risk limit shall be calculated or the new toxic endpoint shall be specified according to the methods in parts 4717.7100 to 4717.7700 and the procedures described in subpart 6 5.

**Subp. 6. 5. Frequency of revisions.** Revisions made according to this part shall be published in the *State Register* at least annually beginning in January 1994. The revisions shall be effective 30 days after publication unless the commissioner receives 25 requests for the department to adopt the revisions according to the administrative rules procedures in *Minnesota Statutes*, sections 14.001 to 14.560.

### Board of Optometry

#### Adopted Permanent Rules Relating to Certification to Dispense Topical Legend Drugs

The rules proposed and published at *State Register*, Volume 18, Number 7, pages 575-576, August 16, 1993 (18 SR 575), are adopted with the following modifications:

##### Rules as Adopted

##### 6500.1900 LICENSE CERTIFICATE ISSUANCE FEE.

Each applicant who meets all applicable requirements for licensure under the act and these rules shall be issued a license certificate by the board. The fee for this license certificate shall be \$12. Upon proof of loss or damage of an original license certificate and payment of an additional \$12 fee, a replacement certificate may be issued by the board.

Each applicant who meets all applicable requirements for use of drugs in patient care shall be issued a certificate by the board. The fee for this certificate is \$10. A replacement certificate may be issued by the board.

Each applicant who meets all requirements for the use of topical legend drugs as set forth in *Minnesota Statutes*, section 148.575, shall be issued a certificate by the board. The fee for this certificate is \$50. Duplicate or replacement certificates shall be issued by the board for a fee of \$20 per certificate.



---

---

## Errata - Proposed Rule

### 6500.3000 CERTIFICATION REQUIREMENTS FOR TOPICAL LEGEND DRUGS.

Subpart 1. **Requirements.** To become board certified, as required by *Minnesota Statutes*, section 148.575, subdivision 1, an applicant must be an optometrist licensed in Minnesota and must:

A. meet the requirements of *Minnesota Statutes*, section 148.575, subdivision 2, clauses (1) to (4);

B. within the 12 months preceding the application, successfully complete a certified cardiopulmonary resuscitation (CPR) course or update offered or approved by the Red Cross, American Heart Association, an accredited hospital, or a comparable organization or institution; and

C. successfully complete a didactic and clinical practical topical legend drugs refresher/update course and examination given by an institution that is accredited by a regional or professional accrediting organization recognized by the Council on Post-Secondary Accreditation, the United States Department of Education, or a successor, unless the optometrist:

(1) has graduated after May 1, 1993, from an optometric institution accredited by a regional or professional accrediting organization recognized by the Council on Post-Secondary Accreditation, the United States Department of Education, or a successor;

(2) has met, on or after August 1, 1993, the 100 hours of study requirement in *Minnesota Statutes*, section 148.575, subdivision 2, clause (2); or

(3) is certified to use topical legend drugs in another state that the board determines to have substantially the same or more extensive therapeutic license privileges, and has successfully used topical legend drugs for at least the two years immediately preceding the application.

Subp. 2. **Course required.** The course required in subpart 1, item C, must also meet the requirements in items A to D.

A. It must receive prior approval by the board.

B. It must use materials and highly qualified instructors that are likely to contribute to the advancement, extension, review, and update of professional skills and knowledge in the therapeutic practice of optometry.

C. It must offer, and the optometrist must show proof of attendance at, at least 24 hours of study in the examination, diagnosis, and treatment of conditions of the human eyes that may require the use of topical legend drugs. Eight of those 24 hours must be in the diagnosis and treatment of glaucoma. The course must include the possible complications, contraindications, adverse reactions, systemic effects, and considerations of the treatment.

D. It must include instruction and discussion on appropriate consultation and collaboration with a physician, and emergency management for any adverse reactions that may occur.

---

---

## ERRATA - Proposed Rule

### Department of Health

#### Proposed Permanent Rules Relating to Plumbers

The rule proposed in the State Register, Volume 18, Number 17 Dated 25 October 1993, page 1155, contained an error in Rule No. 4715.3170 **REGISTRATION OF PLUMBER'S APPRENTICE**.

Section B. is corrected as follows:

**B.** At the time of registration, an apprentice must provide a name, address, date of birth, social security number, and information about education, training, and practical plumbing experience on forms prepared by the commissioner of health.

**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.

# Official Notices

---

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

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

---

## Minnesota State Agricultural Society

The Minnesota State Agricultural Society Board of Managers adopted the following rule changes at a general business meeting Sept. 5, 1993. Underlining indicates additions to existing rule language. Strike outs indicate deletions from rule language. Agricultural Society contact: Jerry Hammer, Director of Media and Public Relations, 612/642-2251.

### Rules governing the Management and Control of the Minnesota State Fairgrounds and the Minnesota State Fair.

#### CHAPTER ONE: GENERAL

##### S.F. 1.01 - Authority

These rules are promulgated pursuant to authority granted the Minnesota State Agricultural Society by *Minn. Stat.* 37.16. The Minnesota State Agricultural Society is not an agency of statewide jurisdiction, therefore rules adopted by the Minnesota State Agricultural Society have not been promulgated pursuant to *Minn. Stat.* Ch. 14 and will not be found in the bound volume of *Minnesota Rules*.

##### S.F. 1.02 - Definitions

For purposes of these rules, the following definitions shall apply:

- A. Board of managers: The board of managers is responsible for management and control of the Minnesota State Agricultural Society including the annual election of its secretary.
- B. ~~Commercial exhibitor space: Any person or firm which shows goods, machinery or services for advertising purposes from an assigned State Fairgrounds location during the period of the State Fair. Institutions or individuals operating under commercial exhibit contracts are permitted to take orders, but may not accept payment for future delivery or make deliveries from their assigned premises. Those areas and locations on the State Fairgrounds designated by the Society to be used for commercial exhibits and concessions.~~
- C. ~~Competitive exhibitor: Any person or firm which enters animals or articles for competitive exhibition at the State Fair.~~ Commercial space committee: The committee of three or more members of the board of managers, designated by the president of the Society, empowered to examine Society commercial space policies and the actions of the commercial space division and make recommendations thereon to the board of managers.
- D. ~~Concessionaire: Any person or firm which sells, makes deliveries, or accepts deposits for future delivery on or from an assigned State Fairgrounds location during the period of the State Fair.~~ Competitive exhibitor: Any person or firm which enters animals or articles for competitive exhibition at the State Fair.
- E. Delegate: That employee of the Society given authority by the secretary to act on the secretary's behalf in the instance specified.
- F. Department superintendent: That delegate of the secretary who is head of a specific Society department.
- G. Director: That delegate of the secretary who is head of a specific Society division.
- H. ~~Institutional exhibitor: Any institution or organization whose exhibit, in the discretion of the rental services department, qualifies as educational or as a service to the Society and its patrons. No retail sales, order taking, deposit acceptance, contribution solicitation or product/service deliveries are allowed under the terms of space rental agreements covering institutional exhibits. Space, if available, may be provided upon proper and timely application, and, if requested, upon submission of a showing of qualification.~~ License: An agreement whereby the Society grants to an entity the privilege to exhibit, disseminate information, sell, make deliveries of or accept deposits for future deliveries of goods, services, or information on or from an assigned State Fairgrounds commercial space during the period of the State Fair. Licenses will be granted in accordance with the Society's commercial space policy and rules, upon timely and proper application and showing of qualification, and if commercial space is available.
- I. ~~Merchandise permit: The license issued by the Society to vendors who desire to solicit orders for or deliver articles of food~~

~~and merchandise to concessionaires on the State Fairgrounds. Such a permit does not authorize retail sales of any kind.~~  
Minnesota State Agricultural Society (Society): The public corporation and department of state charged with the responsibility for management and control of the State Fairgrounds and conducting the Minnesota State Fair and other exhibitions on the State Fairgrounds.

~~J. Minnesota State Agricultural Society (Society): The public corporation and department of state charged with the responsibility for management and control of the State Fairgrounds and conducting the Minnesota State Fair and other exhibitions on the State Fairgrounds.~~ Personal property: All privately owned buildings, tents, booths, structures, improvements, business equipment, fixtures or other enclosures, whether portable or permanently affixed to State Fairgrounds property are personal property. A private party is precluded from holding any interest in real property on the State Fairgrounds.

K. Secretary: The secretary of the Minnesota State Agricultural Society is also the executive vice president.

~~L. Space rental committee: The committee of three or more members of the board of managers, designated by the president.~~

~~M L.~~ State Fair: An annual exhibition conducted by the Society ~~of the products and resources of the State of Minnesota~~ on the State Fairgrounds ~~on dates set by the board of managers.~~

~~N M.~~ State Fairgrounds: That certain area of land in Ramsey County, Minnesota defined and described in *Minn. Stat.* 37.01, and other real estate parcels as recorded with the Ramsey County Register of Deeds, including the area outside as well as inside the fenced portion thereof.

~~S.F.~~ 1.03 - All pay gates

Entry to the State Fair shall be solely contingent upon the presentation and surrender of a valid ticket of admission in accordance with the most current schedule of gate prices as established by the board of managers. Only properly identified emergency personnel, such as police, fire and ambulance, as well as properly identified Society service personnel, shall be exempted from this rule when engaged in legitimate emergency or service duty which requires passage through State Fairgrounds admission gates.

~~S.F.~~ 1.04 - Gate controls

Admission gates and exhibit buildings of the State Fair will be open to visitors on days and during operating hours as set by the board of managers. Persons not involved in the preparation or teardown of exhibits for the State Fair may be prohibited from entering the State Fairgrounds during the preparation and teardown period. Gate admission fees will be charged during nighttime (non-operating) hours with the same fee schedule in effect as during day time (operating) hours. Persons entering the State Fairgrounds during non-operating hours, in addition to paying established gate fees, will be required to provide proof of their having business on the State Fairgrounds during said non-operating periods. ~~Space rental agreement License~~ holders and their employees needing to enter or remain on the State Fairgrounds during the overnight period must first obtain an overnight badge from the appropriate Society department superintendent or division director. No badge will be issued without proper identification.

~~S.F.~~ 1.05 - Pass-out gates

A pass-out system is operated during the State Fair at admission gates. Persons exiting through these gates may, upon request, obtain proper credentials for readmittance to the State Fairgrounds without additional charge. Readmittance will be honored the day of issuance only.

~~S.F.~~ 1.06 - Admission prices

The board of managers shall annually review and establish gate admission prices for persons and vehicles including specific fee exemptions and discounts.

~~S.F.~~ 1.07 - Vehicle restrictions

Maximum vehicle speed limits on the State Fairgrounds, as well as appropriate allowances and restrictions dealing with vehicle parking, delivery hours, restricted areas, tow-away zones and impound arrangements, shall be established by the secretary or delegate. The secretary or delegate shall provide for the placement of such traffic control ~~signals, signs, and other traffic control~~ devices on the State Fairgrounds as deemed necessary for the safety, protection and control of the State Fairgrounds and the people thereon. When any police officer or security person finds a vehicle illegally parked on the State Fairgrounds, they are authorized to issue a citation, or provide for the removal and impoundment of such vehicle, or both. Cost of removal and storage shall be borne by the vehicle's owner.

~~S.F.~~ 1.08 - Pedestrian right-of-way

When walking on or about any street, sidewalk or other area generally open to the public on the State Fairgrounds, pedestrians shall at all times have the right-of-way as against all vehicles, other than identified emergency vehicles. Drivers of all vehicles, other than identified emergency vehicles, shall yield the right-of-way to any and all pedestrians on the State

## Official Notices

---

Fairgrounds.

### S.F. 1.09 - Two-wheeled and track-vehicles

Two-wheeled vehicles, such as bicycles, motorcycles and motor scooters, will not be allowed on the State Fairgrounds during the State Fair unless such two-wheeled vehicles are on display in an ~~exhibit contracted~~ commercial space licensed by the Society and, in such case, said two-wheeled vehicles must be kept in the assigned commercial space exhibit location and may not, under any circumstances, be operated on the streets of the State Fairgrounds. Track-type vehicles, including snowmobiles, may not be operated anywhere on the State Fairgrounds at any time of the year without the express authorization and approval of the secretary or delegate.

### S.F. 1.10 - Bannering, picketing, interfering

No person or group of persons shall banner, picket, ~~march, protest, demonstrate or caucus or engage in any other activities~~ on the State Fairgrounds before or during the State Fair ~~which in any way in any matter that~~ interferes with a ~~concessionaire, commercial, institutional or competitive exhibitor preparing or conducting their concession or exhibit or which interfere~~ with the free movement convenience and safety of any State Fair patron, ~~exhibitor or employee~~.

### S.F. 1.11 - Handing out materials

The sale, posting or distribution of any merchandise, products, promotional items and printed or written material except from a fixed location on the State Fairgrounds approved by the secretary or delegate shall be prohibited. ~~Merchandise, products, promotional items and printed or written materials which are authorized by the secretary or delegate for sale or distribution from a fixed location shall not be handed out to any State Fair patron unless requested by that patron.~~

### S.F. 1.12 - Advertising vehicles

The operation or parking of any sound truck or vehicle upon which advertising signs, political or otherwise, have been affixed in any manner shall be prohibited anywhere on the State Fairgrounds. ~~Nothing in this~~ This rule ~~shall be construed as being is not~~ applicable to a lettered service ~~trucks vehicle~~ advertising a firm or its products while making ~~necessary~~ deliveries of merchandise or providing service to ~~concessionaires, commercial or institutional exhibitors on the State Fairgrounds,~~ or to the normal advertising on bumpers and windows of motor vehicles.

### S.F. 1.13 - Conflict of interest

No manager, officer or employee of the Society shall:

- A. Enter into a contract with the Society.
- B. Have or acquire any financial interest, whether direct or indirect, in any contract between the Society and any concessionaire, commercial or institutional exhibitor, performer, vendor or contractor.
- C. Engage or participate in personal business or financial transactions that conflict with the interest of the Society or their obligations and interests as a member of the board of managers, officer or employee of the Society.
- D. Be entitled to any special consideration involving the storage of vehicles and materials on the State Fairgrounds or the use of Society buildings, machinery, or equipment, except as may be specifically approved by the board of managers.
- E. Be allowed to purchase any material for their personal use through the name, credit or account of the Society.

### S.F. 1.14 - Use of vehicles by Society employees

All vehicles used by managers, officers or employees of the Society in connection with Society business shall:

- A. Be the property of the manager, officer or employee, with the Society to have no interest or obligation except as authorized by the board of managers and stated in the Society bulletin covering expense reimbursement; or
- B. Be used by the Society as part of a service contract, through rental or on a courtesy basis; or
- C. Be the sole property of the Society to be used only on Society business.

No vehicle shall be rented by the Society from any Society manager, officer or employee.

### S.F. 1.15 - Equal employment opportunities

The following policies concerning fair and equal employment shall be followed by the Society:

- A. It shall be the policy of the Society to foster the employment of all individuals with the Society in accordance with their fullest capacity and ability, regardless of race, color, creed, religion, sex, sexual orientation, age, national origin, marital or veteran status or status with regard to public assistance or disability, and to safeguard their right to hold employment with the Society without discrimination; and
- B. Every contract for or on behalf of the Society for materials, supplies or construction or ~~space rental agreements~~ licenses may

be cancelled or terminated by the Society when discrimination on account of race, color, creed, religion sex, sexual orientation age, national origin, marital or veteran status or status with regard to public assistance or disability, exists in the hiring or employment of common or skilled labor by the contractor pursuant to the contract for or on behalf of the Society.

**S.F. 1.16 - Acceptance of gift**

No manager, officer or employee of the Society shall personally accept from a person or company that does business with the Society, any gift, gratuity, cash, merchandise or thing of value. This prohibition shall extend to the acceptance of food or beverage or merchandise at less than full retail price from a concessionaire license holder during the State Fair.

**S.F. 1.17 - Hiring of relatives**

No relative of a Society employee or a relative of a member of the board of managers shall be given preferential treatment in being hired or promoted. ~~Where bona fide business reasons require, relatives~~ Relatives may be precluded from working in the same Society department.

**S.F. 1.18 - Dogs and other pets**

No dogs or other pets shall be allowed on the State Fairgrounds at any time unless restrained on a leash of less than six feet in length. Every totally or partially blind, physically handicapped or deaf person, or any person training a properly-identified dog to be a service dog, may be accompanied by a service dog on the State Fairgrounds. No other dogs or pets shall be permitted on the State Fairgrounds during the State Fair except when part of an exhibit or demonstration authorized by the secretary or delegate or when confined within the State Fair campgrounds area. Society security and watch personnel are empowered to order the removal from the State Fairgrounds or its campgrounds any dog or pet found to be disturbing or endangering the public.

**S.F. 1.19 - Roller skates, in-line skates and skateboards**

Use of roller skates or in-line skates shall not be permitted on the State Fairgrounds during the State Fair except as authorized in an agreement executed by the secretary or delegate. Use of skateboards shall not be permitted on the State Fairgrounds at any time except as authorized in an agreement executed by the secretary or delegate.

**S.F. 1.20 - Practice driving**

The State Fairgrounds may not be used by any person, organization or firm to conduct lessons for or to practice driving automobiles or other motor vehicles, unless such activity is covered under an agreement executed by the secretary or delegate.

**S.F. 1.21 - Use of metal detectors**

The use of metal detectors or similar devices shall be prohibited on the State Fairgrounds. Any activity of discovery, whether undertaken with or without a detection device, which results in digging, probing or otherwise disturbing the ground, shall be prohibited on the State Fairgrounds. This rule shall neither limit nor prohibit activities or the use of detection devices as may be directed by the secretary or delegate in the legitimate conduct of Society work.

**~~CHAPTER TWO: SPACE RENTAL~~**

**S.F. 2.00 Commercial space policy**

*Minn. Stat.* § 37.17 authorizes the Society to license and regulate shows, rides, exhibits and concessions on the State Fairgrounds.

Commercial exhibits are placed at the State Fair to educate, inform, evoke public interest and create business opportunity. Concessions are placed to provide hospitality, shopping opportunity and entertainment, and to serve the needs and wishes of a large, diverse audience.

It is the policy and goal of the Society to seek out and grant licenses for the presentation of best-quality commercial exhibits and concessions. It is further the policy and goal of the Society that available commercial space be occupied by as wide a variety of business enterprises as possible and practical.

Placement and management of commercial exhibits and concessions at the State Fair are the proprietary rights of the Society to be exercised exclusively by the Society on behalf of its audience. This exercise may be accomplished by the Society operating its own commercial exhibits and concessions or, as an alternative, issuing licenses which allow qualified independent parties to so operate. A combination of both procedures may prove best when implemented with discretion and judgement.

All commercial space decisions pertaining to the State Fair are made consistent with statutory requirements, these rules and the Society's obligation to its patrons.

## Official Notices

---

### S.F. 2.01 - Length of space rental contracts License rates

Space rental contracts are for the designated period of the State Fair and, unless otherwise agreed in writing, commence on the first day and expire with the close of the State Fair each year. Such contracts cannot be sold, transferred, assigned, or devised by will without the written approval of the Society. Rates charged for licenses at the State Fair shall be set by the board of managers and implemented by the secretary or commercial space director.

### S.F. 2.02 - Renewal policy License transfer

In order to attract and maintain high quality concessions and exhibits, it is the policy of the Society to annually extend to the concessionaires, commercial and institutional exhibitors from the prior year's State Fair the opportunity to renew their space rental contracts for the next State Fair. However, the Society reserves the right to refuse to renew any space rental contract, when in the sole discretion of Society management, such action is in the best interest of the State Fair and its patrons. Concession, commercial and institutional exhibit contract renewals are normally made on the basis of a renewal for the same space, purpose, products, and ownership as in the prior year. Grounds or space alterations or other changes may make it necessary to eliminate certain previously available space from one year to the next. In such instances, the Society reserves the right to offer substitute locations or discontinue contracts entirely. The Society reserves the right to not renew any space rental contract where the concessionaire, commercial or institutional exhibitor has violated any regulation of the Society or any state or federal law. Agreements covering licenses may not be sold, transferred, assigned or devised by will.

### S.F. 2.03 - Renewal procedures Duration and extension of licenses

As close to November 1 as is practical, the space rental department will send renewal applications to concessionaires, commercial, or institutional exhibitors from the prior year's State Fair. The applications must be returned within 30 days of mailing to assure timely processing of the renewal application. Any request for approval of change in location, purpose, or products must be noted on the renewal application. Licenses are valid for a designated period as agreed in writing.

The fact that an operator has entered into an agreement for a designated period does not create a right nor should it create an expectation that the agreement will be extended for any subsequent term. The Society, through its board of managers, secretary and commercial space director, reserves the right at its sole discretion to not grant a new license for a subsequent term.

Notwithstanding the foregoing, the Society shall annually review all license agreements in consideration of offering a license for another term to operators from the previous term. The review shall be based on new or changing public needs, physical changes and upon performance of the operator as measured by established standards. The Society expressly reserves the right to not grant a new license at any time when it has determined that it is in the best interest of its patrons to not do so.

The granting of a new license for a subsequent term shall be on the basis of the same space, purpose, products, and ownership as in the prior term unless otherwise expressly provided by the secretary or commercial space director. Grounds, space alterations or other operational changes as determined exclusively by the Society may make it necessary to alter or eliminate certain previously available commercial space from one year to the next. In such an instance, the Society may either offer an alternative location or elect to not grant a new license.

### S.F. 2.04 - Space rental rates License extension procedures

General policy determinations governing the rates charged for concession, commercial and institutional exhibit space on the State Fairgrounds shall be set by the board of managers and shall be implemented by the secretary or delegate. The commercial space director will send notices via first class mail to operators who held licenses during the immediately preceding term who are to be given an opportunity to obtain a new license. An acknowledgement and acceptance of the location assigned and other terms must be returned within 30 days of original mailing. Any requests for approval of change in location, purpose or products must be noted on the acceptance.

### S.F. 2.05 - New application policy licenses

Application forms will be available and new applications for concession, commercial and institutional exhibit space for the State Fair shall be accepted by the space rental department beginning on January 1 of each year. Normally there are more applications for space than space available and the space rental department, in its review of these applications, shall exercise its best judgment in determining what is in the best interest of the Society and its patrons. In furtherance of its stated policy to seek out best-quality commercial exhibits and concessions, the Society may solicit and receive written proposals from independent parties having an interest in obtaining licenses at the State Fair. Proposals may be submitted at any time; they must be detailed in accordance with specifications provided by the Society. The secretary and commercial space director shall exercise their best judgement in determining if changes in the present commercial space allocation are called for and, if so, which new commercial exhibits or concessions would best serve the interests of the Society and its patrons. Among the factors to be considered by the space rental department in reviewing new applications shall be in this process are:

A. Availability of appropriate space; B. The health and safety of Society State Fair patrons; C. The extent to which the proposed product or service duplicates those of existing other commercial exhibits or concessions; D. The appropriate mixture geographic mix and balance of products and services on throughout the State Fairgrounds; E. the product The originality and overall quality of the proposed concession, commercial or institutional exhibit products or service, the experience and financial stability of the applicant, and such other factors as the space rental department deems appropriate in determining the best interests of the Society and its patrons.

**S.F. 2.06 - Space rental decisions Construction and maintenance of improvements**

The following kinds of decisions of the space rental department shall be in writing and shall be approved by the secretary:-

- ~~A. A determination not to renew a concession or exhibit contract;~~
- ~~B. A determination to grant a renewal with certain changes as to location, purpose, and products;~~
- ~~C. A determination approving or denying a new application for a space rental contract; and~~
- ~~D. A determination approving or denying the proposed sale, transfer or conveyance of any interest in a concession or exhibit on the State Fairgrounds. The placement, construction or alteration of any privately owned building, booth, tent, or enclosure on the State Fairgrounds must be approved in advance in writing by the secretary or commercial space director. A person or entity intending to construct or alter such a facility shall submit a formal, written request along with plans and specifications to the commercial space director showing that the proposed construction will be in compliance with applicable building codes and will be of an acceptable design and appearance. All tents must be flame-proofed and accompanied by a letter of certification showing annual flame-proofing treatment by an approved vendor.~~

The Society shall, from time to time, engage qualified engineering personnel and building and fire code officials to inspect and evaluate the structural condition and safety of buildings on the State Fairgrounds. The Society may order changes or modifications in the improvements of operators as it deems necessary. Changes or modifications so ordered must be accomplished within a reasonable time or structure may be ordered closed, removed or torn down at the expense of the operator.

**S.F. 2.07 - Space rental review Ownership of improvements**

Any member of the public adversely affected by a decision of the space rental department shall have the right to petition the space rental committee for review of such decision. The review shall be initiated by any such person submitting a request for review in writing to the secretary within 20 days of the date of the letter of action taken by the space rental department. The secretary shall set a meeting of the committee within 45 days thereafter, at which time the committee shall review the matter with the Society staff and the person requesting review. If the committee determines that the person was improperly or unfairly handled by the space rental department, it shall have the authority to direct the space rental department to take such remedial steps as the committee deems fair and appropriate. After final disposition of any matter reviewed pursuant to this regulation, the committee shall report such disposition to the board. Requests for review received by the secretary after August 1, will be heard after that year's State Fair. Improvements, whether affixed to State Fairgrounds property or portable, are classified as personal property as defined in chapter one of these rules. The use of any improvement on the State Fairgrounds is subject to the discretion of the Society and shall only be permitted pursuant to the terms of a valid license and these rules.

Portable personal property must be removed by its owner from the State Fairgrounds within 15 days following the State Fair or it will be removed or torn down at the owner's expense as directed by the commercial space director.

In the event, that the secretary and commercial space director determine that a new license involving a structure affixed to State Fair property will not be issued and that the affixed structure must be removed from the State Fairgrounds, the commercial space director shall give written notice to the owner and provide a specific time for its removal and restoration of the underlying real property. Failure to remove and restore within the time specified shall result in the forfeiture of all rights in the affixed structure and the commercial space director, on behalf of the Society, may take possession of and remove same, charging any expenses for removal and restoration to the owner.

**S.F. 2.08 - Construction and maintenance of improvements Off-season use of structures**

Any new construction of or alteration to concession, commercial or institutional exhibit buildings, booths, tents or enclosures must be approved in advance by the space rental department. A concessionaire, commercial or institutional exhibitor intending to erect or alter such a facility shall submit complete plans and specifications to the space rental department, showing that the proposed construction will be in compliance with applicable building codes and will be of an appropriate design and appearance. All tents must be flame proofed and accompanied by a letter of certification showing annual treatment for flame proofing by an approved vendor. The secretary or delegate shall from time to time engage qualified engineering personnel to inspect and evaluate the structural condition of buildings on the grounds. Changes or maintenance as shall be ordered by said engineering personnel to insure structural stability and public safety must be accomplished by lessee within

## Official Notices

---

a reasonable specific time limit or structure may be ordered closed, removed or torn down at the expense of the owner. Privately owned structures on the State Fairgrounds may not be used by owners during the non-State Fair period except for storage of commercial exhibit or concession material used pursuant to a license. Any other use must be covered by a separate agreement issued by the Society.

Society owned structures may not be used by any person or entity for storage or any other purpose during the non-State Fair period without a separate agreement covering this use issued by the Society.

### **S.F. 2.09 - Off-season use of improvements on grounds Operation of multiple commercial spaces**

Society owned buildings may not be used by concessionaire, commercial or institutional exhibitor for storage or any other purpose at times other than the State Fair without the written approval of the secretary or delegate. Privately owned structures on the State Fairgrounds may only be used by their owners at times other than the State Fair for storage of furniture, equipment and supplies used by that person as a part of their State Fair concession, commercial or institutional exhibit. Such structures may be used for other purposes only with the written approval of the secretary or delegate. The Society normally does not permit a person or entity to operate from more than one area or location. Those operators who have previously been licensed will not be allowed additional licenses for other locations unless there are compelling factors which indicate that it would be in the best interest of the Society and its patrons to do so.

### **S.F. 2.10 - Ownership of improvements Transfers of personal property**

All buildings, tents, booths, or other enclosures, whether portable or permanently affixed to the State Fairgrounds, are personal and not real property. The use of any such improvements on the State Fairgrounds is subject to the space rental contract and the regulations of the Society. All portable improvements must be removed from the State Fairgrounds by September 13 following the State Fair or they will be removed or torn down by the Society. In the event, for any reason whatsoever, the Society determines that the space rental contract for a concession, commercial or institutional exhibit involving an improvement permanently affixed to the State Fairgrounds shall not be renewed and that the permanent improvement should be removed from the grounds, the Society shall give written notice to the owner and provide a reasonable time for the removal of the permanent improvement and restoration of the underlying real property. Failure to remove the permanent improvement within the time specified by the Society shall result in the forfeit of all claims to the permanent improvement and the Society may take possession of or remove the same, charging any expense for removal and restoration to the owner. Absent compelling circumstances, the board of managers will not allow the transfer by contract, gift, assignment, bequest, devise, sublease, or otherwise of privately-owned structures affixed to State Fairgrounds property or situated in Society owned buildings.

When, in the judgement of the board of managers, it is in the best interest of the Society and its patrons to allow the structure of an owner situated on the State Fairgrounds to be transferred, the secretary or commercial space director may grant written authorization for transfer of said structure. As an alternative to a third-party transfer, the Society may exercise authority to purchase the structure being offered for transfer, in which case the structure must either be transferred to the Society or removed from the Fairgrounds.

A request to transfer interest in a structure located on the State Fairgrounds shall be made in writing by the owner to the commercial space director.

The commercial space director shall respond in writing to a request for transfer within 30 days after its receipt. If a request for transfer is approved, notice of said transfer will be posted for 30 days at the State Fairgrounds administrative offices to advise the public.

The Society may, in its sole discretion, subsequently enter into a license agreement with the transferee. In connection therewith, the society will require the following:

- A. The transferee has applied for a license according to procedures defined under rule S.F. 2.05 and the proposal has been reviewed and accepted by the commercial space director. Transferee acknowledges in writing acceptance of the fact that said transfer carries with it no guarantee of the issuance of a license.
- B. A full, written financial disclosure has been made concerning the structure transfer. The financial disclosure shall warrant that the purchase price paid was limited to the value of the structure, fitments and equipment acquired in the transfer. The disclosure shall also include an accredited appraisal by a Society approved appraiser of the structure, fitments and equipment being transferred. Valuation shall be based entirely on the cost approach.
- C. The transaction does not violate the Society's policy concerning multiple licenses or other Society commercial space rules.
- D. The transferee shows adequate experience and financial stability to successfully hold a license.
- E. The proposed transaction is reasonable, in the best interest of the Society, and is consistent with the health, safety, and enjoyment of its patrons.



No transfer of a structure situated on the State Fairgrounds will be approved if the proposed purchase price is greater than the appraised value of the structure and personal property involved in the transfer.

Completion and execution of a Society commercial space transfer policy acknowledgement, verifying understanding and acceptance of Society transfer rules and procedures, and delivery of a copy of same to the commercial space director along with a properly executed purchase agreement between the parties, shall constitute finalization of approved structure interest transfer.

**S.F. 2.11 - Multiple ownership of concessions, commercial and institutional exhibits Use of space**

It is the policy of the board of managers to have as many different persons as is possible and practical participating as commercial or institutional exhibitors and concessionaires at the State Fair. The board of managers discourages ownership of multiple concessions by any one person, partnership or corporation. Owners of multiple concessions, commercial or institutional exhibits will not be allowed to enter into additional space rental contracts unless there are compelling factors which indicated that it would be in the best interest of the Society and its patrons to do so. License holders must confine their business and the promotion and advertising of same on the State Fairgrounds to the commercial space specified in the license during operating periods specified in the license. Failure to comply with this rule will subject license holders to forfeiture of license without reimbursement.

**S.F. 2.12 - Approval of transfers**

A concessionaire, commercial or institutional exhibitor may transfer interest in a concession, commercial or institutional exhibit contract when, it is in the best interest of the Society and its patrons to continue to have that concession or exhibit participate in the State Fair. In reviewing a request for such a transfer, the space rental department shall consider, among other things, the following: 1. Quality and character of any structures, improvements and personal property involved. 2. Nature and originality of any products or services presented. 3. Geographic mix, balance and extent of product/service presentation about the State Fairgrounds.

A concessionaire, commercial or institutional exhibitor desiring to transfer interest in a space rental contract should so notify the space rental department in writing between January 1 and August 1. The space rental department shall respond in writing to the request for transfer within 30 days after the receipt thereof. If a request for transfer is approved, the concession, commercial or institutional exhibit will be posted as such for 30 days at the State Fair space rental department to advise members of the public interested in obtaining a concession, commercial or institutional exhibit that the particular concession, commercial or institutional exhibit is available for transfer. The Society may subsequently enter into a space rental contract with a proposed purchaser or transferee upon satisfaction of the following:-

- A. The proposed concession, commercial or institutional exhibit purchaser or transferee has applied for rental space according to procedures defined under Rule S.F. 2.05 - New application policy - and had their application reviewed and accepted by the space rental department.
- B. A full and appropriate financial disclosure has been made in writing concerning the transfer of the concession, commercial or institutional exhibit and any personal property involved.
- C. The transaction does not violate the Society's policy concerning multiple ownership of concessions and exhibits or any other rule, regulation, policy or procedure of the Society as promulgated in its space rental rules and information manual.
- D. The proposed purchaser or transferee has adequate experience and financial stability to successfully own and operate a concession, commercial or institutional exhibit at the State Fair.
- E. The proposed transaction is reasonable, in the best interest of the Society and is consistent with the health, safety and enjoyment of Society patrons.

It is the policy of the board of managers to not approve concession, commercial or institutional exhibit transfers where the proposed purchase price is not reasonably related to the actual values of the personal property involved in a proposed transfer. The secretary or delegate may require appraisal of any personal property involved in a proposed transfer. Because of the large number of high quality new applications for concessions, commercial and institutional exhibits, it is the general policy of the board of managers not to allow transfer of portable concessions, commercial or institutional exhibits or space in Society owned buildings. Proper completion and execution of a space rental department transfer policy acknowledgement verifying understanding and acceptance of Society transfer policy, procedures and terms, and delivery of a copy of same to the space rental department, along with a properly executed purchase agreement between the parties, shall constitute finalization of approved concession, commercial or institutional exhibit transfer.

**S.F. 2.13 - Use of space**

Each commercial or institutional exhibitor or concessionaire must confine business, and the promotion and advertising of same on the State Fairgrounds to the space assigned them. Failure to comply with this rule will subject commercial or insti-

## Official Notices

---

~~tutional exhibitor or concessionaire to forfeiture of space privileges without reimbursement.~~

### S.F. 2.14 2.12 - Risk of loss

The Society assumes no liability for loss or damage to ~~any personal~~ property of the ~~exhibitor or concessionaire~~ a license holder due to fire, tornado, weather conditions, theft, vandalism, or other causes. ~~It is suggested that a commercial or institutional exhibitor or concessionaire~~ License holders bringing property or goods onto the State Fairgrounds should protect such property or goods by with appropriate insurance.

### S.F. 2.15 2.13 - Prize drawings

~~The following will apply to all concessionaires, commercial or institutional exhibitors who intend to hold a sign-up prize drawing at the State Fair.~~

- ~~A. All concessionaires, commercial and institutional exhibitors who intend to hold a prize drawing must first obtain permission from the secretary or delegate and then obtain the necessary forms; and~~
- ~~B. Drawings must be completed during the State Fair. Only the advertised prize may be awarded and no further drawing or purchase shall be necessary for the person to be eligible for the prize drawing; and~~
- ~~C. All concessionaires, commercial or institutional exhibitors who conduct prize drawings must submit to the space rental department, within two weeks after the close of the State Fair, a written statement listing the name, address and prize delivered to each winner; and~~
- ~~D. If persons signing up for a prize drawing are subject to sales appointments, contracts or calls because they have signed up for a prize drawing, this must be indicated in writing at the drawing registration point; and~~
- ~~E. All persons or companies which do not comply with this rule may be subject to removal from the grounds or forfeiture of contract as the Society may elect. No drawing for a prize or prizes may be conducted by a license holder without receiving permission in advance from the commercial space director. Drawing must be conducted in accordance with procedures provided license holder at the time permission is granted.~~

### S.F. 2.16 2.14 - Merchandise Wholesale permits

Wholesale permits are issued by the Society to vendors who desire to solicit orders, deliver articles or provide services to license holders at the State Fair.

Parties desiring merchandising wholesale permits for the State Fair must ~~obtain such permits from the office of the secretary or delegate~~ apply to the commercial space director. Delivery ~~trucks~~ vehicles not properly identified with ~~said merchandise~~ a wholesale permits shall be prohibited from entering the State Fairgrounds at any time during the State Fair. This permit does not authorize retail sales.

### S.F. 2.17 2.15 - Regulation of conduct and activities

The Society recognizes that the State Fair ~~and State Fairgrounds are~~ is a proper forums for the ~~free~~ exchange of ideas necessary to a free society, yet reserves the right to regulate all activities, ~~concessions and exhibitions~~ on the State Fairgrounds with regard to time, manner and place in pursuance of its valid interest in maintaining peace and order and providing for the protection of the general public its patrons. ~~Concessionaires, commercial and institutional exhibitors shall~~ License holders must comply with all applicable state and federal laws, Society rules and requirements and ~~must be familiar with procedures and information set forth in the commercial space rental information manual.~~

### S.F. 2.18 2.16 - Sales tax permit

~~Concessionaires, commercial and institutional exhibitors~~ License holders involved in taxable retail sales shall be responsible for obtaining a Minnesota state sales tax permit. Non-compliance with Minnesota tax laws ~~may~~ shall be grounds for cancellation of ~~space or denial of renewal~~ licenses.

#### 2.17 - Commercial space decisions

A determination not to issue a new license or a determination approving or denying the proposed sale, transfer or conveyance of any structure associated with commercial space on the State Fairgrounds shall be in writing and shall be approved by the secretary.

#### 2.18 - Review of commercial space actions

Any person improperly treated in the application of commercial space rules may petition the commercial space committee for review of such treatment. The review shall be initiated by any such person submitting a request for review in writing to the secretary within 20 days of the alleged improper treatment. The secretary shall set a meeting of the commercial space committee within 45 days thereafter except that requests for review received by the secretary after August 1 will be heard after that year's State Fair.

Request shall identify, in writing, the specific basis for the review and shall precisely state how the party was improperly treated. Failure to specifically state the grounds for review in writing shall result in the automatic dismissal of a request for review. The review of the commercial space committee shall be limited to the grounds stated in the request for review.

The commercial space committee shall formally hear the request for review in the presence of the person requesting review. If the committee determines that the person was improperly treated, it shall have the authority to direct the secretary to take such remedial steps as the committee deems fair and appropriate. After final disposition of any matter reviewed pursuant to this rule, the committee shall report such disposition to the board of managers.

### **CHAPTER THREE: COMPETITIVE EXHIBITS**

#### **S.F. 3.01 - Competitive Exhibition times**

Times for the setup of State Fair ~~entries~~ competitive exhibits, the dismantling and removal of ~~entries~~ exhibits and the hours of public viewing will be set annually by the secretary or competitive exhibits director and will be stated in individual department premium books.

#### **S.F. 3.02 - Responsibility for competitive exhibits**

The Society will use diligence to protect livestock and articles entered for exhibition, after their arrival and placement, but under no circumstances will it be responsible for any loss, injury or damage done to or caused by any animal or article on exhibition. It is the responsibility of the competitive exhibitor to obtain appropriate insurance for any damages due to or caused by the exhibit and to indemnify and hold the Society harmless against any claim arising out of incidents involving the exhibit. Removal or pickup of exhibits at established times as stated in individual department premium books, entry blanks or entry receipts, shall be the responsibility of the competitive exhibitor. The Society shall not be responsible for any exhibit not removed or picked up at established time and the secretary or competitive exhibits director will dispose of all exhibits not removed or picked up within one year of such established time.

#### **S.F. 3.03 - Board of Animal Health**

The exhibition of livestock on the State Fairgrounds shall be under the supervision of the Minnesota Board of Animal Health and its applicable rules and regulations will be complied with in full. Health requirements for individual departments will be set forth in their respective premium books.

#### **S.F. 3.04 - General entry requirements**

Competitive exhibitors must file proper entry blanks with any applicable fees prior to the designated closing date for entries. The Society reserves the right to refuse entries or prohibit the exhibition of animals or articles entered if the showing of such animals or articles is contrary to law, or violative of the Society's ~~valid~~ interest in providing for the health, safety and protection of its patrons. Exhibits entered in the wrong lot or category may be transferred prior to judging at the discretion of the department superintendent to the proper lot or category of competition. Deception of any type by an exhibitor, as determined by the department superintendent, will ban the exhibitor from any further competition and result in the forfeiture of all premiums. Mechanical or artistic articles must be entered in the name of the artist, inventor, manufacturer or maker. No Society officer, ~~member of the board of managers~~, employee or department superintendent, or member of their family, shall be permitted, directly or indirectly, to make a competitive entry in any department over which that person has supervisory responsibility or in which that person is employed. No society officer or member of the Board of Managers, or member of their family, shall be permitted to make a competitive entry of any type in any department.

#### **S.F. 3.05 - Animal entry requirements**

When animals are entered for State Fair competition by an entity other than an individual, that entity (whether a corporation, partnership, breeding establishment or other) must have been in existence as of the closing date of entries. Appropriate documentation showing the status of the entity must be available for inspection by the department superintendent. All animals entered under a breed classification must be recorded in a breeding association recognized as representative of the particular breed. The competitive exhibitor must produce a certificate of registry at the request of the department superintendent. All animals shown must be owned by the competitive exhibitor from the time of making entry, except as otherwise provided in special rules of the department.

#### **S.F. 3.06 - Judges**

Competent and qualified persons will be employed as judges by the Society to evaluate all competitive exhibits. Judges shall be responsible for reading and understanding the general rules and all special rules applicable to the department or class in which they are to serve. No person who is a competitive exhibitor may act as judge in a class in which they are competing.

## Official Notices

---

### **S.F. 3.07 - Interference with judging**

Judges shall report to the department superintendent any competitive exhibitor who in any way, whether in person or by agent or employee, interferes with them or shows any disrespect to them during the judging. The department superintendent may exclude any such competitive exhibitor from further competition. The secretary may withhold from such competitive exhibitor any or all premiums that have been awarded and may also exclude such competitive exhibitor from further competition at the State Fair.

### **S.F. 3.08 - Award books**

Judges and persons acting as clerks to the judges must use special care to record the proper names in the award books after awards have been made. The judge, competitive department superintendent in charge and clerk recording the awards of the department must sign the award book at the close of each class immediately after all awards in such class have been made.

### **S.F. 3.09 - Qualification of entries**

If there is any question as to the regularity of an entry or the right of any animal or article to compete in any lot or category, the judge or judges shall report same to the competitive department superintendent in charge for adjustment. Judges shall place a reserve award in each lot. Should any animal or article awarded a prize be disqualified, the animal or article awarded the next lower prize shall graduate into the next higher position, if in the opinion of the judge, it is worthy of such prize. Judges must not award a prize to an unworthy exhibit. No premium or distinction of any kind shall be given to any animal or article that is not deserving.

### **S.F. 3.10 - Finality of decisions**

In judging livestock, the decision of the official State Fair veterinarian and judge as to soundness shall be final. The decision of the judge shall be final in all cases, except when mistake, fraud, misrepresentation or collusion, not known at the time of the award is discovered. In such cases, the secretary shall take appropriate action or refer the matter to the board of managers.

### **S.F. 3.11 - Interpretation of rules**

A faithful observance of all rules governing the competitive exhibits will be required, and when in doubt as to the application or meaning of a rule, the competitive department superintendent in charge shall interpret such a rule. This ~~opinion~~ interpretation when ~~required~~ requested by either a competitive exhibitor or judge must be reduced to writing and returned to the secretary or competitive exhibits director with the award books.

### **S.F. 3.12 - Protests and appeals**

A protest from the decision of a judge will only be accepted from a competitive exhibitor named in the official judge's sheet for competition in the lot or class under protest, and must be filed with the secretary within five hours after the award has been made. An award is deemed to have been made when the notation of the decision of the judge is entered into the department award book. All protests must be made in writing and must be accompanied by a deposit of twenty dollars. The protest must state plainly and specifically the facts upon which the complaint or appeal is based. The right to appeal will lie only when it is charged that the award has been made in violation of the rules governing the exhibit, or when it is charged that the decision of the judge has been influenced or interfered with by another person. No protest or appeal based upon the statement that the judge or judges are incompetent or have overlooked an animal or article will be considered. The twenty dollar deposit will be returned only if the protest or appeal is upheld. In protest and appeal instances where rules established by a breed association or other competitive organization with which the Society has an agreement differ from this rule, rules of the association or organization shall govern.

### **S.F. 3.13 - Late showing of exhibit**

No animal or exhibit will be judged or awarded a prize if it is not ready for judging and promptly brought into the show ring when the lot is called.

### **S.F. 3.14 - Premium money**

Cash premiums awarded will be paid by check made out to the competitive exhibitor and mailed to the post office address as stated on the entry blank. Competitive exhibitors may forfeit all premium money if exhibits are removed from the grounds prior to the official time of release. The board of managers reserves the right to make reductions in premiums if the financial conditions of the Society make such reductions necessary.

## **State Board of Investment**

### **Meeting Notice: State Board of Investment Administrative Committee**

The State Board of Investment Administrative Committee will meet on Monday, November 22, 1993 in the SBI Conference Room, MEA Building, Room 105, 55 Sherburne Avenue, St. Paul, MN from 9:30 A.M. to 11:00 A.M.

## **Labor and Industry Department**

### **Labor Standards Division**

#### **Notice of Prevailing Wage Certifications for Commercial Construction Projects**

Effective November 15, 1993 prevailing wage rates were determined and certified for commercial construction projects in: Crow Wing county: Brainerd Regional H.S. Center Two Passenger Elevators Modernization-Brainerd. Hennepin county: Ranger Public Safety Center Baker Park Reserve-Medina. Lake county: Wastewater Treatment Facilities Phase I Alternations & Additions-Two Harbors. Nicollet county: Minnesota Security Hospital Addition-St. Peter. Rice county: Faribault-MCF Industry Building Ventilation Modifications-Faribault.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.  
Commissioner

## **Minnesota State Retirement System**

### **Board of Directors, Regular Meeting**

The regular meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, November 19, 1993 at 9:00 a.m. in the office of the System, 175 W. Lafayette Frontage Road, St. Paul, Minnesota.

## **Minnesota Pollution Control Agency**

### **Water Quality Division**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment to Rule Governing Water Quality Permit Fees, Minn. Rules parts 7002.0210 to 7002.0310.**

The Minnesota Pollution Control Agency (Agency) is seeking information or opinions from interested parties on amendments of the rules governing water quality permit fees, *Minnesota Rules* parts 7002.0210 to 7002.0310. Fees are assessed to all persons required to obtain a permit from the Agency. Permits are required for the construction, installation, or operation of a disposal system and the associated discharge of a pollutant into the waters of the state.

The adoption of the rule is authorized by *Minnesota Statutes*, section 116.07, subd. 4d, which allows the Agency to collect permit fees to cover the costs of reviewing and acting upon permit applications and implementing and enforcing the conditions of the permit pursuant to agency rules. This statute also directs the Agency to adopt rules according to section 16A.12B to insure fees are not inappropriately collected.

The Agency is planning to renovate the water quality permit fee rules by amending the process for establishing the amount of a permit fee. Most fees are currently based on flow discharged from a facility. The Agency plans to amend the rules so fees are more closely related to the quantity of pollutants discharged.

The Agency is just beginning the planning and development work for the rule amendment effort, which is the first step in a two year process. At this time, the Agency is requesting information and opinions concerning the subject matter of the rule. Interested

## Official Notices

persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Renee Bush  
Municipal Section  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-7254 and in person at the above address.

All statements of information and opinions shall be accepted until December 13, 1993. Any written material received by the Agency shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule amendment is adopted.

Charles W. Williams  
Commissioner

## Department of Transportation

### Office of Traffic Engineering

#### Request for Rulemaking Task Force Members

**NOTICE IS HEREBY GIVEN** of the Department's desire for individuals to participate on a task force developed to draft rules pertaining to energy efficiency standards for street, highway and parking lot lighting. These rules will prohibit the installation of any new lighting system that has lamps with lumen efficiencies less than 70 lumens per watt. Basically, all mercury vapor lamps will be prohibited when these rules are adopted. The current task force has a total 8 members including representatives from MN/DOT's various units, Department of Public Safety and Department of Public Service. The task force members are currently working on the first draft of the rules and the Statement of Need and Reasonableness. The task force has had two meetings in the past two months and the next meeting is scheduled for December 1st, 1993. Parties concerned about this issue or interested in participating in this task force should direct all questions and comments by Friday, December 3, 1993 to:

Sue Lodahl  
Office of Traffic Engineering  
1500 W. County Road B2, Suite 250  
Roseville, MN 55113  
Phone: (612) 582-1095

## *Attract wildlife to your property...*

### *Landscaping for Wildlife*

Best-selling guide to attracting wildlife with your landscaping plans that are easy and inexpensive. Packed with diagrams and 70 color photos. 144 pp. Paperback. 9-15 SR \$9.95.

### *Woodworking for Wildlife*

Sports 185 color photos and 28 building diagrams for nest boxes and platforms to attract more than 50 species of birds and mammals. 112 pp. Paperback. 9-14 SR \$9.95

**Save \$2.00 by purchasing both publications together. 9-20SR \$17.95**



Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order.  
Visit Minnesota's Bookstore to view a variety of wildlife publications.

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

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

## Pollution Control Agency

### Public Facilities Authority

#### Application Requests Accepted for Placement on the Funding List for the Individual Sewage Treatment Systems Grants Program, a set-aside of the Independent State Grants Program for Construction of Sewage Treatment Systems

**NOTICE IS HEREBY GIVEN** that the Minnesota Public Facilities Authority (PFA) is accepting application requests for placement on the funding list for the Individual Sewage Treatment Systems Grant Program, a set-aside of the Independent State Grants program for construction of individual sewage treatment systems. This program was created to provide grants to municipalities to assist owners of individual sewage treatment systems to upgrade or replace their failed individual sewage treatment systems. (*Minnesota Statutes* Sec. 116.18, subd. 3c (1990)). The Minnesota Pollution Control Agency (MPCA) will perform the necessary review for certification to the PFA for the placement of projects on the funding list.

Once application requests for placement on the funding list are received and ranked, those projects placed on the funding list will be required to submit a complete application before a grant is awarded.

Application requests for placement on the funding list must be postmarked no later than Monday, February 14, 1994.

This program is governed by *Minnesota Rules* parts 7077.0700 to 7077.0765, which are available from the MPCA. For an application request packet for placement on the funding list, or additional information please contact:

Victoria Cook  
ISTS Grants Coordinator  
Water Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155  
(612) 296-7248  
Toll-Free 1-800-657-3864

### *Attention Builders, Architects, Designers, Property Owners...*

#### *Accessible and Usable Buildings and Facilities CABO/ANSI, A117.1*

Just released by the Council of American Building Officials, this 2 publication set includes UBC Chapter 31 and appendix. Specifications in this standard (ANSI - American National Standards Institute) are to make buildings and facilities accessible to individuals with disabilities -- both new buildings and existing structures. These standards are applicable to doorways, routes, seating and other elements of building design. Includes diagrams and floor plans. The two books (total of 96 pp) are bound and three-hole drilled for ease of use. **19-2 SR \$35.00**



Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order.  
Visit Minnesota's Bookstore to view a variety of building code publications.

# 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.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

## Department of Administration

### Notice of Request for Proposals for Rental of a Four Bedroom Home

The Department of Administration on behalf of the Department of Human Services desires proposals for providing or constructing a four (4) bedroom handicapped accessible home in Otter Tail County within forty (40) miles of the Fergus Falls Regional Treatment Center, for lease by the State to provide residential quarters for developmentally disabled person.

Contact: Department of administration  
Real Estate Management Division  
309 Administration Building  
50 Sherburne Avenue  
St. Paul, Minnesota 55155  
Telephone: (612) 296-6674

Proposals must be submitted by 4:30 p.m. (CST) on Friday, December 3, 1993.

## Minnesota State Lottery

### Public Notice

The Minnesota State Lottery desires proposals for the design and manufacture of brochure stands for lottery retailers. This proposal does not obligate the state to complete this project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

It is estimated that the total contract for services will be \$30,000 to \$50,000.

Companies interested in being included on the Minnesota State Lottery vendor listing for brochure stands should contact: Susie Kivi, Buyer, 612-635-8105. Deadline: Tuesday, November 23, 1993 4:30 p.m.

Vendors may request their names and product lines be added to the Minnesota State Lottery listing at any time. Vendors will be removed from the list only at the request of the vendor or if mailed or faxed transmissions are undeliverable.

## State Designer Selection Board

### Request for Proposal for two Projects with the Department of Military Affairs

#### To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for two projects with the Department of Military Affairs. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., December 7, 1993, to:

George Iwan  
Executive Secretary, State Designer Selection Board  
Room G-10, Administration Building  
St. Paul, Minnesota 55155-3000

#### The proposal must conform to the following:

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.



---

---

## Professional, Technical & Consulting Contracts

### 4) Mandatory Proposal contents in sequence:

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand. **NOTE NEW REQUIREMENT:** The proposal must contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call for a copy of the acceptable format for providing this information.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

### 5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

#### The proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
  - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
  - c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
  - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
  - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the project herein described or the fee format form may be referred to George Iwan at (612) 296-4656.

### 7) PROJECT - 08-93

#### Additions and Alternations to 7

#### Northwest Minnesota Armories

Locations: Thief River Falls, Crookston, Bemidji, Moorhead, Detroit Lakes, Fergus Falls and Wadena, Minnesota.

Estimated Project Construction Cost: \$3,225,000.00

Project Description: These armory buildings were constructed to house conventional infantry companies (55-75 persons). With a reorganization of this battalion to a mechanized infantry, these facilities are now functionally inadequate to support the requirements of the assigned units (120 persons). The designer will be required to design additions and renovations to the existing build-

## Professional, Technical & Consulting Contracts

ings to solve space deficiencies in the classrooms, vehicle maintenance training area, supply/storage room, arms vault and office area. In addition, portions of the buildings will be upgraded to meet the requirements of the ADA.

Required site work changes will include new bituminous and/or concrete driveways and parking areas along with fencing.

Work to be performed by the Architect: The work includes: topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents to include bidding documents; the handling of contract documents; the general supervision of the construction work for the Owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment request; assisting in final acceptance of the work. The specification and drawing format will be the architect's normal for commercial work, tailored to the project.

### 7) PROJECT - 09-93

#### Multipurpose Remote Targetry (RETS) Range

Location: Camp Ripley, Little Falls, Minnesota

Estimated Project Construction Cost: \$960,000.00

Project Description: New construction of a year round use Multipurpose Range will include earthwork/landscaping, electrical/data systems for remote targetry (RETS), relocation of an Armor Moving Target Mechanism (AMTC), dining/toilet building(2160 SF) and a target shed (120 SF). The project site is approximately 200 acres (including safety fan.)

Note: This project primarily requires the disciplines of landscape architecture or civil engineering and electrical engineering. However, some architecture and mechanical engineering is required.

Work to be Performed by the Consultant: The work includes: topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents to include bidding documents; the handling of contract documents; the general supervision of the construction work for the Owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment request; assisting in final acceptance of the work. The specification and drawing format will be the architect's normal for commercial work, tailored to the project.

Questions concerning the project or the fees associated with the project may be referred to Tom Vesely at (612) 632-7570.

Maureen Steele Bellows, Chair  
State Designer Selection Board

## NEW Fire Code Books Now Available

### *Minnesota State Fire Marshal Amendments 1993*

Minn. Rules Chapter 7510.3100 - 7510.3280.  
State fire safety standards for buildings, smoke detectors and alarms and changes to the Uniform Fire Code. Also rules governing storage and handling of flammable materials. **3-80 SR \$6.00**

### *Uniform Fire Code 1991*

National fire standards. Includes requirements for inspections, fire extinguishers, storage and handling of combustible materials, fireworks and more. **19-37 SR \$48.75**



Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order.  
Visit Minnesota's Bookstore to view a variety of building code publications.



## ATTENTION: Minnesota Business Leaders

Avoid getting lost in your search for government services and marketing information.  
Reach your market and keep you on top of state government policies and programs.

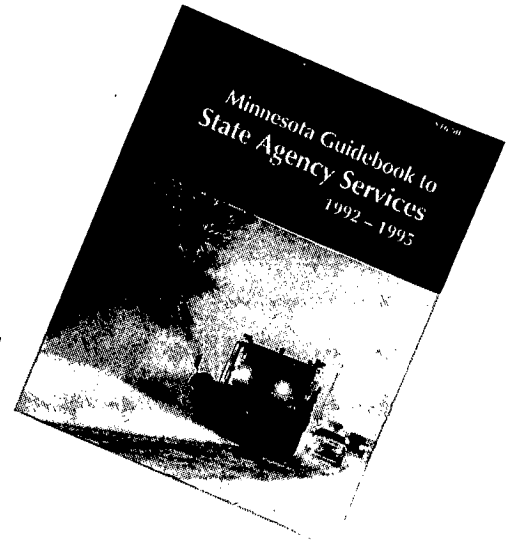
### Business & Professional Directories -----

#### **Minnesota Guidebook to State Agency Services 1992-95**

An obvious "headliner" on any list for the business reference desk.  
The perfect "owner's manual" to Minnesota state government is a great reference tool for:

- \* applying for grants, bidding on contracts
- \* addresses, phone numbers and key contact people for each agency
- \* license requirements and fees
- \* gaining access to government services
- \* participating in state policy making and service delivery
- \* understanding the structure of Minnesota government with detailed descriptions of state agencies, their functions and services.

A MUST for the Minnesota business person. 710 pp. **Stock No. 1-11 SR REDUCED PRICE -- ~~\$16.00~~ NOW \$9.95**



#### **Minnesota Manufacturer's Directory 1993**

Lists companies alphabetically, by community, and by type of product manufactured. Includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing. Also FAX numbers, data processing managers and chief engineers, when available. 742 pp. **Stock No. 40-2 SR \$95.00**

#### **Airport Directory 1993**

List of airports throughout the state. Approaches, rivers, all detailed markings, and much more. 178 pp. (pocket-size) **Stock No. 1-8 SR \$5.95**

#### **Law Enforcement Directory 1993**

Directory of state law enforcement agencies, sheriffs and police departments 51pp. **Stock No. 1-6 SR \$ 7.00**

#### **Healing Arts (Physician's) Directory 1991**

Names and addresses in alphabetical order for licensed physicians, chiropractors, osteopaths, optometrists, podiatrists and registered physical therapists. 426 pp. **Stock No. 1-1 SR \$19.95**

#### **Directory of Chemical Dependency Programs '92-93**

Comprehensive listing of chemical dependency treatment programs in Minnesota. Information on services provided, funding and staff, and a map are also included. 282 pp. **Stock No. 1-12 SR \$17.00**

#### **State Agency Telephone Directory**

Orders are now being taken for the 1994 Directory. This directory lists all State of Minnesota government agencies. Features a greatly expanded FAX section with over 250 numbers, alphabetical employee listings, a classified section, organized by department, and "yellow pages" listing state offices in Greater Minnesota. 264pp. **Stock No. 1-87 SR \$12.95**

#### **Mailing Lists ---**

Let our Mailing List Service guide you through their broad selection of State of Minnesota licensed professionals and permit holders. Lists are available in a variety of formats including computer printouts, directories, cheshire or pressure-sensitive labels, or diskette. For a free catalog or further information, call - 612/ 296-0930.

### Minnesota's Bookstore

117 University, St Paul, Minnesota 55155 (located 1/2 block west of the State Capitol)  
612/297-3000 (Metro area) 1-800-657-3757 (Toll Free)

TDD (Telecommunications Device for the Deaf): 612/282-5077 1-800-657-3706 (Toll Free)  
FAX 612/296-2265 Online computer access: 612/821-4096 (8-N-1, 1200/2400 bps)

117 University Avenue • St. Paul, Minnesota 55155  
Metro Area 612-297-3000 (FAX: 612-296-2265)  
Toll free 1-800-657-3757  
TDD (612) 282-5077  
Metro Area (612) 297-5353 Greater MN 1-800-627-3529

Second Class  
U.S. Postage  
Paid  
Permit No. 326630  
St. Paul, MN



SR-18