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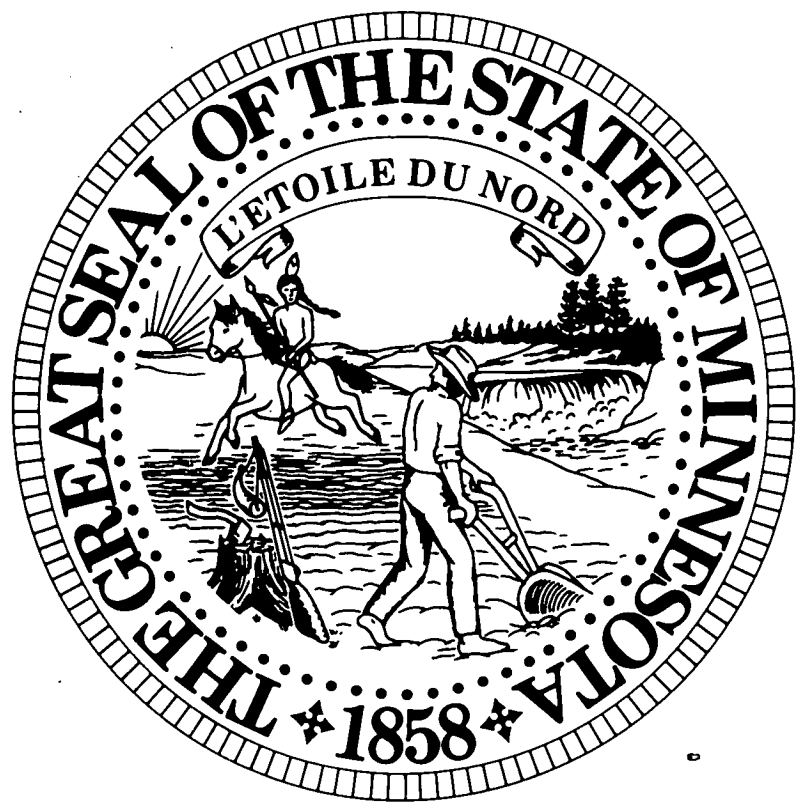
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# State Register

Department of Administration—Print Communications Division



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# 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.

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36	Monday 7 March	Friday 18 February	Monday 28 February
37	Monday 14 March	Monday 28 February	Monday 7 March
38	Monday 21 March	Monday 7 March	Monday 14 March
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# 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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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.

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## 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.

## Minnesota Higher Education Coordinating Board

### Proposed Permanent Rules Relating to the Nursing Home and Intermediate Care Facility Nurses Education Account Program and the State Grant Program

#### Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Higher Education Coordinating 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. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Mary Lou Dresbach  
Minnesota Higher Education Coordinating Board  
Capitol Square Building  
550 Cedar Street, Suite 400  
St. Paul, MN 55101  
(612) 296-3974

**Subject of Rule and Statutory Authority.** The proposed rule is about the frequency in which service status forms are sent to Nursing Home and Intermediate Care Facility Nurses Program participants for completion, and the method post-secondary institutions should use when calculating refunds to the State Grant Program. The statutory authority to adopt this rule is *Minnesota Statutes* 136A.04, Subd. 1(8) and 136A.16, Subd. 2. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m., April 7, 1994 to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for 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 p.m. on April 7, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reasons 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 request in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Modifications.** The proposed rule may be modified as a result of public comment.

The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as attached and printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**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 and identifies the data and information relied upon to support the proposed rule.

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## Proposed Rules

**Adoption and Review of Rule.** 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 general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

David Powers  
Executive Director

Dated: 17 February 1994

### Rules as Proposed

#### 4812.0160 PARTICIPANT RESPONSIBILITIES.

Subpart 1. **Service status verification.** ~~Annually~~ Semiannually, the participant must complete and return to the executive director by the deadline the service status verification form provided by the executive director. The program participant shall receive the service status verification form six months from the date of entrance into the program, and every six months thereafter. The participant has 30 days from the date of receipt of the form to complete and return it to the executive director.

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

#### 4830.0700 METHOD OF PAYMENT.

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

Subp. 2. **Refunds.** A grant is awarded for full-time attendance at a specified school for the academic year of nine months within the state fiscal year. If a recipient fails to enroll or reduces enrollment, the school must refund the unused portion of the award. If the executive director determines that a school has fraudulently handled grant money, the refund of the unused portion of the award is immediately due, and the board may institute a civil action for recovery if necessary. Refunds to the board are determined as follows:

- A. ~~Determine~~ calculate the percentage ~~that~~ the state grant award represents of the student's total financial aid package for the applicable term, excluding funds received from federal Title IV programs, United States Code, title 20, sections 1070-1099;
- B. calculate the total tuition refund amount using the institution's refund policy or the federal pro rata refund calculation;
- C. subtract the federal aid programs' refund amount from item B to determine the remaining tuition refund amount; and
- D. multiply that the percentage in item A by the amount determined to be refunded to the student under the school's refund policy. The result yields calculated in item C to determine the amount to be refunded to the board state grant program.

~~A refunded award must be sent by the school to the board's grant account. Refunded awards are money to the state grant program is available for reassignment awards to other qualified applicants eligible students.~~

[For text of subps 3 and 4, see M.R.]

## Pollution Control Agency

### Proposed Permanent Rules Relating to Ambient Air Quality Standards

#### Notice of Intent to Adopt Rule Amendments Without a Public Hearing

The Minnesota Pollution Control Agency (MPCA) intends to amend a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, §§ 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule amendments and may also submit a written request that a public hearing be held on the rule.

**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

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**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Norma L. Coleman  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7712

**Subject of Rule and Statutory Authority.** The rule consists of proposed amendments to the state air pollution control rules to incorporate the National Ambient Air Quality Standards (NAAQS) for lead and particulate matter under 10 microns nominal diameter (also known as "PM-10"), and the federal ambient air quality measurement methods. The purpose of this rule amendment is to bring the state air pollution control rules up to date with current applicable NAAQS that are administered by the State of Minnesota pursuant to its State Implementation Plan (SIP), which is submitted to the United States Environmental Protection Agency (EPA) under the Clean Air Act, 42 U.S.C. § 7401 et seq. The statutory authority to adopt these rule amendments is contained in *Minnesota Statutes* § 116.07, subds. 2 and 4 (1992). A copy of the proposed rule amendments is published immediately after this notice.

**Comments.** You have until 4:30 p.m., April 6, 1994 to submit written comments in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**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 MPCA contact person by 4:30 p.m. on April 6, 1994. Your written request for a public hearing must include your name and address. 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 request in writing. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, §§ 14.131 to 14.20.

**Request to Appear Before MPCA Board.** The MPCA's Commissioner is proposing to amend this rule under a delegation of authority from the MPCA Board. In addition to submitting comments and/or a hearing request, you may also request to appear before the MPCA Board prior to adoption of this rule. Your request to appear before the MPCA Board must be in writing and must be received by the MPCA contact person by 4:30 p.m. on April 6, 1994. Your written request must include your name and address. If no one requests an appearance before the MPCA Board and a public hearing is not required, then the Commissioner of the MPCA will make the final decision on this rule as allowed by a delegation from the MPCA Board.

**Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the MPCA and may not result in a substantial change in the proposed rule as printed immediately after this notice. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the MPCA contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

**Small Business Considerations.** *Minnesota Statutes* § 14.15, subd. 4 (1992) requires that the notice of rulemaking include a statement of the impact of this proposed rule on small business. The proposed rule amendments may affect small businesses defined in *Minnesota Statutes* § 14.115 (1992). The federal NAAQS that are being incorporated into the state rules are already in force and apply to air pollution sources in the state of Minnesota and a matter of federal law, however, the MPCA cannot change the applicable federal NAAQS through this state rulemaking. Additionally, the MPCA must show its ability to administer and enforce the applicable NAAQS in order to administer the State Implementation Plan (SIP) within the state of Minnesota.

As a result, the MPCA is not proposing any changes in the federal NAAQS it is incorporating in this rule amendment. To the extent that a federal NAAQS may apply to an entity that is a small business to limit air emissions from that source, a requirement need to attain the NAAQS could apply to small businesses in every state in the nation, including Minnesota. Finally, since the incorporation of the federal NAAQS into state rules does not change the federal NAAQS, this rulemaking does not impose any additional requirements on small businesses that are not already present as a matter of federal regulation. The incorporation of these federal rules into *Minnesota Rules* will make it easier for small businesses to find out what requirements may apply to their emission facilities.

**Consideration of Economic Factors.** In exercising its powers the MPCA is required by *Minnesota Statutes* § 116.07, subd. 6 (1992) to give due consideration to economic factors. In proposing this rule amendment to incorporate the federal lead and PM-10 NAAQS into state rules, the MPCA has considered the economic impacts the proposed rule amendments would have. Since the

MPCA is incorporating the lead and PM-10 federal NAAQS into state rules for purposes of its SIP, the state rule amendments proposed in this rulemaking do not impose any additional costs on Minnesota Businesses by the federal requirement to attain the NAAQS. This rule, therefore, does not have any economic impact on its own.

**Expenditure of Public Money by Local Public Bodies.** *Minnesota Statutes* § 14.11, subd. 1, requires the MPCA to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. Adoption of this rule amendment will not impose any additional cost on local public bodies in the state. Since the MPCA is incorporating the existing lead and PM-10 federal NAAQS into state rules for purposes of its SIP, the state rule amendments proposed in this rulemaking do not impose any additional costs on local public bodies that are not already imposed as a matter of federal law upon local public bodies by the requirements of the federal NAAQS that are being incorporated. This rule, therefore, does not have any economic impact on local public bodies on its own.

**Impacts on Agricultural Land and Farming Operations.** *Minnesota Statutes* § 14.11, subd. 2 (1992) requires that if the agency proposing the adoption of a rule determines that the rule may have a direct and substantial adverse impact on agricultural land in the state, the agency shall comply with specified additional requirements. The MPCA, in adopting the federal lead and PM-10 NAAQS into the state rules, is not proposing a rule which may have a direct and substantial adverse impact on agricultural lands in the state, because the federal NAAQS apply to sources of air pollution and do not directly impact agricultural lands in the state.

*Minnesota Statutes* § 116.07, subd. 4 (1992), requires that if a proposed rule affects farming operations, the MPCA must provide a copy of the proposed rule and a statement of the effect of the proposed rule on farming operations to the Commissioner of Agriculture for review and comment. The MPCA, in adopting the federal lead and PM-10 NAAQS into state rules, is not proposing a rule which would affect farming operations.

**Adoption and Review of the Rule.** If no hearing is required, after the end of the comment period the MPCA 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 general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to Norma Coleman.

Charles W. Williams  
Commissioner

## Rules as Proposed

### 7009.0050 MEASUREMENT METHODOLOGY, EXCEPT FOR HYDROGEN SULFIDE.

For all ambient air quality standards except hydrogen sulfide, measurements made to determine compliance with the standards shall be performed as set forth in:

A. *Code of Federal Regulations*, title 40, part 50, National Primary and Secondary Ambient Air Quality Standards (~~1981~~), as amended; or

B. *Code of Federal Regulations*, title 40, part 53-Ambient Air Monitoring Reference and Equivalent Methods (~~1981~~), as amended; and

C. *Code of Federal Regulations*, title 40, part 58, Ambient Air Quality Surveillance (~~1981~~), as amended.

### 7009.0060 MEASUREMENT METHODOLOGY FOR HYDROGEN SULFIDE.

For hydrogen sulfide, measurements made to determine compliance with the standards shall be performed in accordance with any measurement method approved by the commissioner. The commissioner shall approve a measurement method where the sensitivity, precision, accuracy, response time, and interference levels of the method are comparable to that of the measurement methods for the other pollutants described in part 7009.0050; and when the person seeking to take the measurement has developed and submitted to the agency a quality assurance plan that provides operational procedures for each of the activities described in *Code of Federal Regulations* ~~1981~~, as amended, title 40, part 58, appendix A.2.2, Quality Assurance Requirements for State and Local Air Monitoring Stations.

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# Proposed Rules

## 7009.0080 STATE AMBIENT AIR QUALITY STANDARDS.

The following table contains the state ambient air quality standards.

Pollutant/ Air Contaminant	Primary Standard	Secondary Standard	Remarks
Hydrogen Sulfide	0.05 ppm by volume (70.0 micrograms per cubic meter)		1/2 hour average not to be exceeded over 2 times per year
	0.03 ppm by volume (42.0 micrograms per cubic meter)		1/2 hour average not to be exceeded over 2 times in any 5 consecutive days
Ozone	0.12 ppm by volume (235 micrograms per cubic meter)	0.12 ppm by volume (235 micrograms per cubic meter)	the standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or less than one, as determined by Code of Federal Regulations, title 40, part 50, appendix H, Interpretation of the National Ambient Air Quality Standards for Ozone (1981)
Carbon Monoxide	9 ppm by volume (10 milligrams per cubic meter)	9 ppm by volume (10 milligrams per cubic meter)	maximum 8 hour concentration not to be exceeded more than once per year
	30 ppm by volume (35 milligrams per cubic meter)	30 ppm by volume (35 milligrams per cubic meter)	maximum 1 hour concentration not to be exceeded more than once per year
Hydro carbons	0.24 ppm by volume (160 micrograms per cubic meter)	0.24 ppm by volume (160 micrograms per cubic meter)	maximum 3 hour concentration (6:00 to 9:00 a.m.) not to be exceeded more than once per year, corrected for methane

## Proposed Rules

Pollutant/ Air Contaminant	Primary Standard	Secondary Standard	Remarks
Sulfur Dioxides	80 micrograms per cubic meter (0.03 ppm by volume)	60 micrograms per cubic meter (0.02 ppm by volume)	maximum annual arithmetic mean
	365 micrograms per cubic meter (0.14 ppm by volume)	365 micrograms per cubic meter (0.14 ppm by volume)	maximum 24 hour concentration not to be exceeded more than once per year
		915 micrograms per cubic meter (0.35 ppm by volume)	maximum 3 hour concentration not to be exceeded more than once per year in Air Quality Control Regions 127, 129, 130, and 132 as set forth in Code of Federal Regulations, title 40, part 81, Designations of Air Quality Control Regions (1981)
		1300 micrograms per cubic meter (0.5 ppm by volume)	maximum 3 hour concentration not to be exceeded more than once per year in Air Quality Control Regions 128, 131, and 133 as set forth in Code of Federal Regulations, title 40, part 81, Designation of Air Quality Control Regions (1981)

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## Proposed Rules

Pollutant/ Air Contaminant	Primary Standard	Secondary Standard	Remarks
	1300 micrograms per cubic meter (0.5 ppm by volume)		maximum 1 hour concentration not to be exceeded more than once per year
Particulate Matter	75 micrograms per cubic meter	60 micrograms per cubic meter	maximum annual geometric mean
	260 micrograms per cubic meter	150 micrograms per cubic meter	maximum 24 hour concentration not to be exceeded more than once per year
Nitrogen Dioxides	0.05 ppm by volume (100 micrograms per cubic meter)	0.05 ppm by volume (100 micrograms per cubic meter)	maximum annual arithmetic mean
<u>Lead</u>	<u>1.5 micrograms per cubic meter</u>	<u>same as primary standard</u>	<u>maximum arithmetic mean averaged over a calendar quarter</u>
<u>PM10</u>	<u>150 micrograms per cubic meter</u>	<u>same as primary standard</u>	<u>maximum 24-hour average concentration; the standard is attained when the expected number of days per calendar year exceeding the value of the standard is equal to or less than one</u>
	<u>50 micrograms per cubic meter</u>	<u>same as primary standard</u>	<u>annual arithmetic mean; the standard is attained when the expected annual arithmetic mean concentration is less than or equal to the value of the standard</u>

## Department of Public Safety

### Proposed Permanent Rules Relating to Motor Vehicle Dealers

**Dual Notice: Notice of Intent to Adopt Rules 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**

**Introduction.** The Minnesota Department of Public Safety intends to adopt permanent rules 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 rules within 30 days or by 4:30 p.m. on April 6, 1994, a public hearing will be held on May 9, 1994. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after April 6, 1994 and before May 9, 1994.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Andrea Meyer, Department of Public Safety, Room 107 Transportation Building, 395 John Ireland Boulevard, St. Paul, MN 55155 (612) 296-2977.

**Subject of Rule and Statutory Authority.** The proposed rules are about motor vehicle dealers. The statutory authority to adopt the rules is *Minnesota Statutes*, section 299A.01, subdivision 6. A copy of the proposed rules is published in the *State Register*. The proposed rules include provisions relating to the licensing and regulation of motor vehicle dealers. The Commissioner of Public Safety administers motor vehicle dealer licensing under *Minnesota Statutes*, section 168.27. The proposed rules govern, among other things, definitions, the application, issuance and renewal of a dealer license, the conditions and procedures for license revocation, suspension, and cancellation, the procedures for motor vehicle dealer hearings, consignment sales, a dealer's established place of business, vehicle transactions and record keeping by a dealer, and dealer license plates. It is the Department's position that the proposed rules do not make any major changes in the way dealers are now regulated under the statute. A copy of the rules is available upon request from Andrea Meyer.

**Comments.** You have until 4:30 p.m., April 6, 1994 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request For a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on April 6, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing.

**Modifications.** The proposed rules 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 rules as printed in the *State Register* and must be supported by data and views submitted to the Department or presented at the hearing. If the proposed rules affects you in anyway, you are encouraged to participate in the rulemaking process.

**Cancellation Of Hearing.** The hearing scheduled for May 9, 1994, will be canceled if the Department does not receive requests from 25 or more persons that a hearing be held on the rules. If you request a public hearing, the Department will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Andrea Meyer at (612) 296-2977 after April 6, 1994, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on Monday, May 9, 1994, in Conference Room D, 5th Floor Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota 55155, beginning at 9:00 a.m. and will continue 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 Barbara L. Neilson. Judge Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7604.

**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 rules. 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 Department may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the period must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be

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## Proposed Rules

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.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available. This statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing, if one is held. A free copy of the Statement may be obtained from Andrea Meyer at the address and telephone number listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations.** In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rule on small businesses. The adoption of the rules will affect small businesses which are required to be licensed as motor vehicle dealers. The Department has made every effort to minimize the impact of the proposed rules on small businesses. It is the Department's position that the proposed rules not make any major changes in the way dealers are now regulated under *Minnesota Statutes*, section 168.27. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement of Need And Reasonableness.

**Expenditure of Public Money By Local Public Bodies.** *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

**Impact on Agriculture Lands.** *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agriculture land.

**Departmental Charges.** *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement should be directed to the Ethical Practices Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

**Adoption Procedure If No Hearing.** If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules 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 rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or wish to receive a copy of the adopted rules, submit your request to Andrea Meyer at the address listed above.

**Adoption Procedure After A Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the department may not take any final action on the rules 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 rules are adopted and filed with the Secretary of State. The Department's Notice Of Adoption must be mailed on the same day that the rules are 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 rules with the Secretary of State.

Dated: 18 February 1994

Michael S. Jordan, Commissioner  
Department of Public Safety

### Rules as Proposed (all new material)

#### 7400.0100 DEFINITIONS.

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

Subp. 2. **Automatic telephone answering service.** "Automatic telephone answering service" means either a human operator or an automatic device that answers the dealer's telephone and is capable of taking messages.

Subp. 3. **Board member.** "Board member" means a director in a corporation and a governor in a limited liability company.

Subp. 4. **Days.** "Days" means calendar days when referring to the amount of time when the performance or doing of an act, duty, matter, payment, or thing is ordered, directed, or prescribed. A period of time measured in days, except as otherwise provided, must be computed so as to exclude the first and include the last day of the prescribed or fixed period or duration of time. When the last day of the period falls on a Saturday, Sunday, or legal holiday, that day must be omitted from the computation.

Subp. 5. **Dealer.** "Dealer" has the meaning given it in *Minnesota Statutes*, section 168.27, subdivision 1, clause (5).

Subp. 6. **Franchise.** "Franchise" has the meaning given it in *Minnesota Statutes*, section 80E.03, subdivision 8.

Subp. 7. **High value vehicle.** "High value vehicle" means a vehicle that is six years old or older as calculated from the first day of January of the designated model year that had an actual cash value in excess of \$5,000 before being damaged, or a vehicle with a manufacturer's rating of over 26,000 pounds gross vehicle weight.

Subp. 8. **Late model vehicle.** "Late model vehicle" means a vehicle that is less than six years old as calculated from the first day of January of the designated model year.

Subp. 9. **Motor vehicle.** "Motor vehicle" has the meaning given it in *Minnesota Statutes*, section 168.27, subdivision 1, clause (13).

Subp. 10. **Motor vehicle transaction.** A "motor vehicle transaction" includes the transactions listed in *Minnesota Statutes*, section 168.27, subdivisions 2, 3, 3a, 3b, 3c, 4, 6, and 7, for which a person must be licensed as a motor vehicle dealer in order to conduct the transaction.

Subp. 11. **New motor vehicle.** "New motor vehicle" has the meaning given it in *Minnesota Statutes*, section 168.27, subdivision 1, clause (11).

Subp. 12. **Officer.** "Officer" means an officer of a corporation and a manager of a limited liability company.

Subp. 13. **Owner.** "Owner" means:

- A. the sole proprietor of a proprietorship;
- B. a partner in a partnership;
- C. a corporation shareholder holding five percent or more of voting power of the shares issued; or
- D. a limited liability company member holding five percent or more of the voting power of the membership interests issued.

Subp. 14. **Primarily engaged in the business of.** "Primarily engaged in the business of," as it applies to a used vehicle parts dealer who buys or otherwise acquires vehicles for dismantling and selling the used parts and remaining scrap metals, means that the dealer has acquired more than five of those vehicles in a 12-month period and that acquiring those vehicles is not incidental to the dealer's business.

Subp. 15. **Registrar.** "Registrar" means the registrar of motor vehicles of Minnesota, acting directly or through authorized agents. Under *Minnesota Statutes*, section 168.33, the commissioner of public safety is the registrar of motor vehicles.

Subp. 16. **Sale, sells, selling, purchase, purchased, or acquired.** "Sale," "sells," "selling," "purchase," "purchased," or "acquired" has the meaning given it in *Minnesota Statutes*, section 297B.01, subdivision 7.

Subp. 17. **Sufficient cause to believe.** "Sufficient cause to believe" means grounds put forth in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that make the proposition asserted more likely than not, provided the grounds are based on at least one of the following sources:

- A. written information from an identified person;
- B. facts or statements supplied by the applicant or dealer;
- C. court documents and police records; and
- D. facts of which the registrar or the registrar's employees have personal knowledge.

Subp. 18. **Used motor vehicle.** "Used motor vehicle" has the meaning given it in *Minnesota Statutes*, section 168.27, subdivision 1, clause (10).

Subp. 19. **Vehicle.** "Vehicle" has the meaning given it in *Minnesota Statutes*, section 168A.01, subdivision 24.

#### DEALER LICENSING

#### 7400.0200 CONTENTS OF APPLICATION FOR DEALER LICENSE.

An initial application for a dealer license must be on a form provided by the registrar and must contain the following information:

A. The application must contain the name, street address, and telephone number of the applicant. The application must also contain each additional name and street address that the applicant will use to conduct motor vehicle transactions.

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## Proposed Rules

B. The application must indicate whether the applicant is an individual, partnership, corporation, or limited liability company. The application must also list each owner, officer, and board member.

C. The application must contain the full name, date of birth, and driver's license number of each person named on the application. If a person does not have a driver's license, the application must contain the identification card number of that person. If a person's driver's license or identification card was issued by another state or country, the application must list the name of the state or country.

D. The application must indicate the type of dealer license sought.

E. The application must contain a history of dealer licensure of each person, partnership, corporation, and limited liability company named on the application. The history must be of each dealer license applied for or issued by Minnesota or by another jurisdiction and must include the issuance and expiration dates of the license. If a dealer license application was denied, or a dealer license was suspended, canceled, or revoked, the history must give the date and the reason.

F. The application must contain the criminal history of each person named on the application and an authorization for the registrar to conduct an investigation to verify this information. The criminal history must include each injunction or conviction for a violation listed in *Minnesota Statutes*, section 168.27, subdivision 11.

G. The application must verify that the applicant meets the established place of business requirements of parts 7400.4000 to 7400.4300 and *Minnesota Statutes*, section 168.27, subdivision 10.

H. The application must give the name of the provider and the policy number of the applicant's insurance required under *Minnesota Statutes*, chapter 65B.

I. The application must list the applicant's normal business hours. For a new motor vehicle dealer, normal business hours are the hours personnel are normally available. For a dealer other than a new motor vehicle dealer, normal business hours are the hours personnel or a telephone answering service are normally available.

J. Each person named on the application shall sign the application, verifying that the information on the application is true. The signatures must be notarized.

### 7400.0300 ITEMS FILED WITH APPLICATION.

Subpart 1. **Requirement.** The items described in this part must be filed as part of an initial application for a dealer license.

Subp. 2. **Fees.** The application must be accompanied by the license fees and filing fees required by statute.

Subp. 3. **Surety bond.** This subpart applies to the application for a new motor vehicle dealer, used motor vehicle dealer, vehicle salvage pool, motor vehicle lessor, motor vehicle wholesaler, or motor vehicle auctioneer license. The application must be accompanied by a surety bond, as required by *Minnesota Statutes*, section 168.27, subdivision 24. This subpart does not apply to the application for a used vehicle parts dealer license or a scrap metal processor license.

Subp. 4. **Statement of zoning compliance.** This subpart applies to the application for a new motor vehicle dealer, used motor vehicle dealer, vehicle salvage pool, motor vehicle lessor, motor vehicle wholesaler, or motor vehicle auctioneer license. The application must be accompanied by a statement from each local zoning authority where the applicant owns or leases a commercial building or commercial office space. The statement must acknowledge that the commercial building or commercial office space conforms to local zoning regulations. This subpart does not apply to the application for a used vehicle parts dealer license or a scrap metal processor license.

Subp. 5. **Tax information.** The application must be accompanied by a completed tax information form required by the commissioner of revenue under *Minnesota Statutes*, section 270.72.

Subp. 6. **Copy of contract or franchise.** The application for a new motor vehicle dealer license must be accompanied by a copy of or documentation of each contract or franchise required under *Minnesota Statutes*, section 168.27, subdivision 10, clause (1)(b).

Subp. 7. **Proof of ownership of building.** This subpart applies to the application for a new motor vehicle dealer, used motor vehicle dealer, vehicle salvage pool, motor vehicle lessor, motor vehicle wholesaler, or motor vehicle auctioneer license. The application must be accompanied by a copy of the lease or proof of ownership covering each established place of business of the applicant. The proof of ownership may be in the form of a deed or tax identification statement or similar document. This subpart does not apply to the application for a used vehicle parts dealer license or a scrap metal processor license.

### 7400.0400 TEMPORARY DEALER LICENSE.

The registrar shall grant a temporary dealer license to the applicant unless the registrar determines there is a reason to deny the temporary license. The registrar shall deny the license if the registrar determines there is a reason to deny the license. The registrar shall make this determination based on the application and the items filed with the application. The period of the temporary dealer license is 90 days. The registrar may extend the temporary license 30 days.

**7400.0500 GRANTING DEALER LICENSE.**

The registrar shall grant a motor vehicle dealer license to the applicant at the end of the temporary license period unless the registrar determines there is a reason to deny the license. If the registrar determines there is a reason to deny the license, the registrar shall deny the license at the time of making the determination. A denial does not preclude the registrar from pursuing revocation or suspension. A temporary license expires at the time a license is denied.

**7400.0600 REASONS TO DENY DEALER LICENSE.**

The registrar shall deny a temporary motor vehicle dealer license and a motor vehicle dealer license for any of the following reasons:

- A. The application or the items filed with the application do not meet the requirements of parts 7400.0200 and 7400.0300.
- B. A person named on the application was an owner, officer, or board member of a dealer whose license was revoked under part 7400.1600 or 7400.1900. After the revocation period has elapsed, an applicant is not disqualified from being licensed.
- C. A person named on the application has been enjoined or convicted for a violation listed in *Minnesota Statutes*, section 168.27, subdivision 11. An applicant is not disqualified from being licensed if the applicant can show that the person has met the conditions of *Minnesota Statutes*, chapter 364.
- D. The applicant's established place of business does not meet the requirements of parts 7400.4000 to 7400.4300 and *Minnesota Statutes*, section 168.27, subdivision 10.
- E. The commissioner of revenue notifies the registrar under *Minnesota Statutes*, section 270.72, that the applicant owes the state delinquent taxes, penalties, or interest.
- F. The registrar has sufficient cause to believe that the applicant, while holding a temporary dealer license, has committed a violation that is grounds for revocation under part 7400.1600 or 7400.1900, suspension under part 7400.1700 or 7400.1900, or cancellation under part 7400.1800.
- G. The registrar is unable to verify the applicant's compliance with location or record keeping requirements because the applicant has not given the registrar access to the location or records after a request by the registrar under part 7400.4300, subpart 2.

**7400.0700 DEALER LICENSE RENEWAL.**

Subpart 1. **Expiration of dealer licenses.** A dealer license expires at midnight on December 31 of each year. A dealer license is valid upon renewal for the next calendar year. A temporary dealer license expires at midnight on December 31 of each year. A temporary dealer license is valid upon renewal for the remainder of the temporary license period.

Subp. 2. **Renewal application.** A renewal application for a dealer license must be on a form provided by the registrar and must contain the following information:

- A. The application must contain the dealer name and dealer number.
- B. The application must verify that dealer information is accurate as of the date of the renewal. Dealer information includes information or items submitted with the dealer's initial license application, as amended by a notice of change.
- C. One person named on the application shall sign the application, verifying that the information on the application is true. The signature must be notarized.

Subp. 3. **Renewing dealer license; reasons for denial.** A dealer license may be renewed any time on or before December 31. To renew a dealer license, the dealer shall submit a completed license renewal application and the license and filing fees required by statute. The registrar shall renew the dealer license unless the registrar determines there is a reason to deny the renewal. The registrar shall deny the renewal for any of the following reasons:

- A. The application does not meet the requirements of subpart 2.
- B. The license and filing fees required by statute are not paid.
- C. The license has been revoked under part 7400.1600 or 7400.1900 or canceled under part 7400.1800.
- D. The commissioner of revenue notifies the registrar under *Minnesota Statutes*, section 270.72, that the dealer owes the state delinquent taxes, penalties, or interest.

Subp. 4. **Application after lapse.** Within 60 days after a dealer license has lapsed, a former dealer may obtain another dealer

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license by following the renewal procedures of this part. A person who obtains a dealer license under this subpart shall pay both the initial application fee and the annual fee. A person loses all dealer privileges after the expiration of a license and before a new license is granted.

Subp. 5. **Requirements when license not renewed.** When a dealer license expires without being renewed, the dealer shall immediately return to the registrar the dealer license certificate, all dealer license plates, and all temporary vehicle permits.

### 7400.0800 CHANGE IN DEALER LICENSE CONDITIONS.

Subpart 1. **Notice of change.** A dealer shall notify the registrar of a change in dealer information. Dealer information is the current information that the registrar has concerning a dealer based upon the information or items submitted by the dealer in its initial license application, as updated by any notices of change.

Subp. 2. **Form of notice.** A notice of change must be made on a form provided by the registrar and must meet the following conditions:

- A. A notice of change must indicate the dealer information that has changed.
- B. A notice of change must be accompanied by initial license items that have changed.
- C. One owner, officer, or board member shall sign the notice, verifying that the information on the notice is true. The signature must be notarized.
- D. A person who is removed as an owner, officer, or board member shall sign the notice, verifying that the person has been removed. The signature must be notarized. If it is not possible for this person to sign, the notice of change must contain the reason.

Subp. 3. **Timing of notice.** The dealer shall submit a notice of change so that it is received by the registrar before the change occurs, unless this is not possible, in which case, the dealer shall give notice as soon as reasonable. When a dealer adds a new location, the dealer may not sell a vehicle at that location until the registrar approves the location.

Subp. 4. **Approval of location.** The registrar shall approve a location if it meets the established place of business requirements of parts 7400.4000 to 7400.4300 and *Minnesota Statutes*, section 168.27, subdivision 10. The registrar shall make this determination based on the notice of change and the items filed with the notice of change.

Subp. 5. **Dealer license not transferable.** A dealer license may not be transferred from one person or organization to another. Another dealer license must be obtained before a successor dealer may engage in motor vehicle transactions. In addition, if the successor dealer is required to have a bond, the bond must be separate and distinct from the bond under the original license.

A dealer license issued to a partnership becomes invalid when an original partner leaves the partnership or a new partner is brought into the partnership.

A dealer license issued to a corporation or limited liability company becomes invalid when the entity is dissolved. A dealer license remains valid when a shareholder of the corporation or the name of the corporation is changed. A dealer license remains valid when a member of the limited liability company or the name of the limited liability company is changed.

A dealer license issued to an individual, partnership, corporation, or limited liability company does not transfer to a new business entity created by a change in the form of ownership of the business.

### 7400.0900 CONSIGNMENT SALES.

Subpart 1. **New motor vehicles.** A person who solicits, accepts, offers for sale, or sells new motor vehicles on consignment must be licensed as a new motor vehicle dealer and must have a franchise for each type of new motor vehicle sold on consignment.

Subp. 2. **Used motor vehicles.** A person who solicits, accepts, offers for sale, or sells used motor vehicles on consignment must be licensed as a new motor vehicle dealer, a used motor vehicle dealer, a motor vehicle wholesaler, or a motor vehicle auctioneer.

Subp. 3. **Auctioneers.** This part does not apply to a licensed auctioneer selling motor vehicles at an auction if, in the ordinary course of the auctioneer's business, the sale of motor vehicles is incidental to the sale of other real or personal property.

### 7400.1000 MOTORIZED BICYCLE OR CERTAIN TRAILER DEALERS.

Subpart 1. **Scope.** Subparts 2 to 4 apply to a seller of motorized bicycles, boat trailers, horse trailers, or snowmobile trailers.

Subp. 2. **Requirement.** The seller shall obtain a motor vehicle dealer license under *Minnesota Statutes*, section 168.27.

Subp. 3. **Sales of other vehicles.** If the seller sells other motor vehicles in addition to motorized bicycles, boat trailers, horse trailers, or snowmobile trailers, the seller shall obtain a new motor vehicle dealer, used motor vehicle dealer, vehicle salvage pool, motor vehicle wholesaler, or motor vehicle auctioneer license.

Subp. 4. **Contract or franchise.** The seller must have a contract or franchise with a manufacturer or distributor of new vehicles the seller proposes to sell, broker, wholesale, or auction.

**LICENSE REVOCATION, SUSPENSION, OR CANCELLATION****7400.1500 LICENSE WITHDRAWAL; ACTS ATTRIBUTED TO DEALER.**

Subpart 1. **Acts of owner, officer, or board member.** The registrar shall revoke, suspend, or cancel the dealer license of a partnership, corporation, or limited liability company if an owner, officer, or board member acts or fails to act as would be cause for revoking, suspending, or canceling a dealer license of that person as an individual.

Subp. 2. **Acts of employee or agent.** A dealer is responsible for an act of a person while that person is acting as an employee or agent of the dealer, if the dealer authorizes or ratifies the act or if the dealer retains the benefits of the act after actual knowledge of the act.

**7400.1600 DEALER LICENSE REVOCATION.**

Subpart 1. **Grounds for revocation.** Revocation is the long-term withdrawal of a dealer license under *Minnesota Statutes*, section 168.27, subdivision 12. The registrar shall revoke a dealer license when there is sufficient cause to believe that the dealer has been convicted of a crime, has been enjoined due to a violation, has committed an act, or has failed to perform a duty as follows:

A. The dealer is convicted of violating or is enjoined due to a violation of *Minnesota Statutes*, section 325F.69.

B. The dealer is convicted of violating the Minnesota odometer law, *Minnesota Statutes*, section 325E.14, 325E.15, or 325E.16, or the federal odometer law, *United States Code*, title 15, sections 1981 to 1991, as amended through December 31, 1984.

C. The dealer is convicted of a gross misdemeanor or felony under *Minnesota Statutes*, section 609.53, for receiving or selling stolen vehicles or stolen parts.

D. The dealer is convicted of a felony related to the business of buying or selling motor vehicles or motor vehicle parts. If the felony conviction is from another jurisdiction, the registrar may not revoke unless the action or omission of the dealer would constitute a felony under *Minnesota Statutes*.

E. The dealer fails to pay the registrar all taxes, fees, and arrears due from the dealer within ten days after notice that the taxes or fees are required to be paid.

F. The dealer commits an act or fails to perform a duty that is grounds for suspension of a dealer license under part 7400.1700 and there are three suspensions under part 7400.1700 on the dealer's record within the past five years.

G. The dealer violates a suspension imposed under part 7400.1700.

H. The dealer submits a fraudulent license application.

Subp. 2. **Revocation period and effect.** A dealer license is not valid after it is revoked. An owner, officer, or board member of a revoked dealer may not be an owner, officer, or board member of another licensed dealer during the revocation. When a dealer license is revoked, the dealer shall immediately surrender the dealer license certificate, all dealer license plates, and all temporary vehicle permits. The length of revocation is as follows:

A. The registrar shall use this item to determine the length of a revocation if the revocation is based solely or in part on a conviction of crime or crimes as defined in *Minnesota Statutes*, section 364.02, subdivision 5. The revocation lasts until competent evidence is presented to the registrar that the person convicted has been sufficiently rehabilitated under the criteria of *Minnesota Statutes*, section 364.03, subdivision 3.

B. If the length of a revocation is not determined under item A, the length of revocation is one year.

**7400.1700 DEALER LICENSE SUSPENSION.**

Subpart 1. **Grounds for suspension.** Suspension is the short-term withdrawal of a dealer license under *Minnesota Statutes*, section 168.27, subdivision 12. The registrar shall suspend a dealer license when there is sufficient cause to believe that the dealer has been convicted of a crime, has committed an act, or has failed to perform a duty as follows:

A. The dealer willfully violates a provision of *Minnesota Statutes*, chapter 168, or this chapter that is not specifically set out in parts 7400.1600, 7400.1800, and 7400.1900.

B. The dealer willfully violates or refuses to comply with a lawful request or order of the registrar.

C. The dealer is convicted of a gross misdemeanor related to the business of buying or selling motor vehicles or motor vehicle

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parts. If the gross misdemeanor conviction is from another jurisdiction, the registrar may not revoke unless the action or omission of the dealer would constitute a gross misdemeanor under *Minnesota Statutes*.

Subp. 2. **Description of willfully.** For purposes of this part, the term "willfully":

A. describes an intentional act or omission by a dealer when the dealer knows or should reasonably know that the act or omission violates a law, rule, request, or order and the dealer is able to comply with the law, rule, request, or order; and

B. also describes an act or omission by a dealer, whether intentional or unintentional, when:

(1) the dealer uses a business practice that makes it likely that the act or omission will occur;

(2) the registrar has given written notice to the dealer within the past three years that the dealer license may be suspended or revoked if the business practice is not corrected;

(3) the dealer has failed to correct the business practice within a reasonable time after receiving the notice; and

(4) the dealer's failure to correct the business practice is a significant factor in causing the act or omission.

Subp. 3. **Suspension period and effect.** A dealer license is not valid during a suspension. When a dealer license is suspended, the dealer shall immediately surrender the dealer license certificate, all dealer license plates, and all temporary vehicle permits. After a suspension period ends, the registrar shall return the dealer license certificate, dealer license plates, and temporary vehicle permits. A suspension period ends after the last day of the period regardless of whether this day falls on a Saturday or legal holiday. The suspension period is as follows:

A. The suspension period is seven days, if there are no suspensions under subpart 1 on the dealer's record within the past five years. The suspension period may be shortened if mitigating circumstances indicate that a shorter suspension period is appropriate. The suspension period must be at least three days.

B. The suspension period is 14 days, if there is one suspension under subpart 1 on the dealer's record within the past five years. The suspension period may be shortened if mitigating circumstances indicate that a shorter suspension period is appropriate. The suspension period must be at least seven days.

C. The suspension period is 28 days, if there are two suspensions under subpart 1 on the dealer's record within the past five years. The suspension period may be shortened if mitigating circumstances indicate that a shorter suspension period is appropriate. The suspension period must be at least 14 days.

D. When a suspension period is shortened based on mitigating circumstances, the registrar shall in writing identify the mitigating circumstances and give the reason for shortening the suspension period.

E. The suspension of a dealer license is on the record of the suspended dealer. The suspension of a dealer license is also on the record of another dealer if an owner, officer, or board member of the other dealer was an owner, officer, or board member of the suspended dealer at the time of the acts leading to the suspension.

F. When a suspension is imposed for a continuing violation, the suspension must last until the suspension period determined under items A to E expires or until the violation is corrected, whichever is later.

### 7400.1800 DEALER LICENSE CANCELLATION.

Subpart 1. **Grounds for cancellation.** Cancellation is the withdrawal of a dealer license during the period of time the dealer does not meet all dealer license requirements. The registrar shall cancel a dealer license when there is sufficient cause to believe that the dealer does not meet a dealer license requirement as follows:

A. The dealer holds a new motor vehicle dealer, used motor vehicle dealer, vehicle salvage pool, motor vehicle lessor, motor vehicle wholesaler, or motor vehicle auctioneer license and the dealer fails to have a surety bond as required by *Minnesota Statutes*, section 168.27, subdivision 24.

B. The dealer fails to provide or maintain the insurance required under *Minnesota Statutes*, chapter 65B.

C. The dealer pays its dealer license fee with a negotiable instrument that is not honored by the financial institution on which it is drawn.

D. The dealer's established place of business fails to meet the requirements of parts 7400.4000 to 7400.4300 and *Minnesota Statutes*, section 168.27, subdivision 10.

E. An owner, officer, or board member of the dealer is an owner, officer, or board member of another licensed dealer whose license is revoked. The registrar shall not cancel a license if the revocation period has elapsed.

F. A person is added as an owner, officer, or board member of the dealer and the person has been enjoined or convicted for a violation listed in *Minnesota Statutes*, section 168.27, subdivision 11. If the dealer can show that the person has met the conditions of *Minnesota Statutes*, chapter 364, the registrar shall not cancel the license.



Subp. 2. **Cancellation period and effect.** A dealer license is not valid after it is canceled and before it is reinstated. When a dealer license is canceled, the dealer shall immediately surrender the dealer license certificate, all dealer license plates, and all temporary vehicle permits. The registrar shall reinstate the dealer license if the dealer, within 60 days of the license cancellation, corrects the problem that caused the registrar to cancel the license.

#### **7400.1900 SALE OF MOTOR VEHICLES ON SUNDAY.**

The registrar shall use *Minnesota Statutes*, section 168.276, to revoke or suspend a dealer license for a violation of *Minnesota Statutes*, section 168.275. The registrar shall not use parts 7400.1600 and 7400.1700 to revoke or suspend a dealer license for a violation of *Minnesota Statutes*, section 168.275.

#### **7400.2000 SALE OF VEHICLES AFTER DEALER LICENSE WITHDRAWAL.**

Except as provided in this part, a dealer whose license has been revoked, canceled, or surrendered shall not do business as a motor vehicle dealer after the license is no longer valid. Upon a written request by a dealer whose license has been revoked, canceled, or surrendered, the registrar shall issue a permit to allow the dealer up to 30 days after the license is no longer valid to sell motor vehicles owned by the dealer, provided the conditions of items A to G are met. During the 30-day period, the registrar shall immediately rescind the dealer's permit when there is sufficient cause to believe that the dealer has violated any of the conditions of items A to G.

A. The dealer agrees in writing to observe the conditions of items B to G and any special conditions imposed by the registrar, such as inspection of vehicles or other conditions imposed to protect the interests of the registrar or the public.

B. The dealer's written agreement includes a list of the motor vehicles that the dealer wishes to sell during the 30-day period, including the vehicle identification number of each.

C. The dealer physically possesses the title certificate for each vehicle to be offered for sale and each title certificate is in the dealer's name or is properly assigned to the dealer.

D. Each vehicle to be offered for sale was owned by the dealer while the license was valid.

E. The vehicles are sold only to licensed dealers.

F. The dealer does not offer or sell motor vehicles held by the dealer for consignment sale.

G. The dealer does not buy vehicles or accept motor vehicle trade-ins.

#### **DEALER LICENSE WITHDRAWAL PROCEDURES**

#### **7400.2200 WITHDRAWAL PROCEDURES; DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 7400.2200 to 7400.3700 have the meanings given them in this part.

Subp. 2. **Party.** "Party" means each person named as a party by the registrar in the notice of and order for hearing. The term party includes the registrar and the registrar's employees and agents, except for the hearing examiner.

Subp. 3. **Person.** "Person" means an individual, partnership, corporation, limited liability company, joint stock company, unincorporated association or society, municipal corporation, or any government or governmental subdivision, unit, or agency other than a court of law.

Subp. 4. **Service or serve.** "Service" or "serve" means personal service or service by first class United States mail. An affidavit of service must be made by the person making the service. Personal service may be accomplished either by delivering a document to the dealer or by leaving a document with someone of suitable age and discretion at the address of the dealer as listed in the dealer records of the registrar. Service by mail must be addressed to the dealer at the address of the dealer as listed in the dealer records of the registrar. Service by mail is complete upon placing the item to be served in the mail with postage prepaid or depositing the item with the Central Mailing Section, Publications Division, Department of Administration.

#### **7400.2300 HEARING; SERVICE OF NOTICE.**

Subpart 1. **Scope.** This part governs whether a hearing must be held to revoke, suspend, or cancel a motor vehicle dealer license and, if so, when the notice of and order for hearing must be served.

Subp. 2. **Summary cancellation.** When the registrar has grounds for cancellation under part 7400.1800, subpart 1, item A or B, the registrar shall cancel the dealer license without a hearing.

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Subp. 3. **Summary revocation; request for hearing, notice.** When the registrar has grounds for revocation under part 7400.1600, subpart 1, item A, B, or C, the registrar shall immediately revoke the dealer license. If a hearing is requested by the dealer within 15 days after the summary revocation, the registrar shall hold a hearing within 30 days after the summary revocation. If a hearing is requested by the dealer more than 15 days after the summary revocation, the registrar shall hold a hearing within 15 days after the request for hearing. The registrar shall serve a notice of and order for hearing on the dealer within a reasonable time before the hearing.

Subp. 4. **Hearing and notice.** Except as provided in subparts 2 and 3, the registrar shall conduct a hearing before revoking, suspending, or canceling a dealer license under parts 7400.1600 to 7400.1800. The registrar shall serve a notice of and order for hearing on the dealer to commence the proceedings. The notice must be served not less than 30 days before the hearing if the notice is personally served and not less than 34 days before the hearing if the notice is served by mail. However, a shorter time may be allowed when it can be shown to the registrar that a shorter time is in the public interest and that interested persons are not likely to be prejudiced.

### **7400.2400 HEARINGS BEFORE HEARING EXAMINER.**

Dealer license revocation, suspension, and cancellation hearings required to be conducted under part 7400.2300 must be conducted by a hearing examiner appointed by the registrar.

### **7400.2500 NOTICE OF AND ORDER FOR HEARING; CONTENT.**

The notice of and order for hearing must contain, among other things, the following:

- A. a caption that includes the proposed action and the name and dealer license number of the dealer;
- B. the time, date, and place for the hearing;
- C. the name, address, and telephone number of the hearing examiner;
- D. a citation to the registrar's statutory authority to hold the hearing and take the action proposed;
- E. a statement of the allegations or issues to be determined together with a citation to the relevant statutes or rules allegedly violated or that control the outcome of the case, and the corrective action considered appropriate;
- F. a statement that if corrective action is considered appropriate and corrective action is not taken, the dealer's license may be revoked, suspended, or canceled;
- G. a statement that the registrar's proposed action may affect other motor vehicle dealer licenses in which the dealer or an owner, officer, or board member of the dealer is involved;
- H. notification of the dealer's right of representation:
  - (1) personally;
  - (2) by an attorney; or
  - (3) by a person of the dealer's choice, if not otherwise prohibited as the unauthorized practice of law;
- I. a citation to the procedural rules of the registrar in parts 7400.2200 to 7400.3700 and to the contested case provisions of *Minnesota Statutes*, chapter 14, and notification of how copies may be obtained;
- J. a brief description of the procedure to be followed at the hearing;
- K. a statement advising the dealer to bring to the hearing the documents, records, and witnesses needed to support the dealer's position;
- L. a statement that subpoenas may be available to compel the attendance of witnesses or the production of documents, referring the dealer to *Minnesota Statutes*, section 168.27, subdivision 13;
- M. a statement advising the dealer of the name of the registrar's staff member or attorney general's staff member to contact to discuss informal disposition;
- N. a statement advising the dealer that failure to appear at the hearing may result in the allegations of the notice of and order for hearing being taken as true, or the issues set out being deemed proved, and a statement that explains the possible results of the allegations being taken as true or the issues proved; and
- O. a statement advising the dealer that if not public data is admitted into evidence it may become public unless the dealer objects and asks for relief under *Minnesota Statutes*, section 14.60, subdivision 2.

### **7400.2600 RIGHT TO COUNSEL.**

In a dealer license revocation, suspension, or cancellation, each party may be represented throughout the proceedings personally, by an attorney, or by a person of the party's choice if not otherwise prohibited as the unauthorized practice of law.

**7400.2700 CONSENT ORDER, SETTLEMENT, OR STIPULATION.**

Informal disposition may be made of a dealer license revocation, suspension, or cancellation or any issue by stipulation, agreed settlement, or consent order at any point in the proceedings.

**7400.2800 DEFAULT.**

The registrar or the hearing examiner may dispose of a dealer license revocation, suspension, or cancellation adverse to a dealer that defaults. Upon default, the allegations of or the issues set out in the notice of and order for hearing may be taken as true or deemed proved without further evidence. A default occurs when a dealer fails to appear at a hearing without the prior consent of the hearing examiner.

**7400.2900 RIGHTS AND RESPONSIBILITIES OF PARTIES.**

Parties have the right to present evidence, rebuttal testimony, and argument with respect to the issues, and to cross-examine witnesses. A party shall have all evidence that the party wishes to present at the hearing, both oral and written, available on the date for hearing.

**7400.3000 WITNESSES AND TESTIMONY.**

A party may be a witness and may present witnesses on the party's behalf at the hearing. Oral testimony at the hearing must be under oath or affirmation. At the request of a party or upon the hearing examiner's own motion, the hearing examiner shall exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.

**7400.3100 BURDEN OF PROOF.**

The party proposing that certain action be taken must prove the facts at issue by a preponderance of the evidence. A party asserting an affirmative defense has the burden of proving the existence of the defense by a preponderance of the evidence.

**7400.3200 HEARING RECORD.**

The hearing examiner shall maintain the official record in each dealer license revocation, suspension, or cancellation until issuance of the hearing examiner's final report, at which time the record must be certified to the registrar.

The record in a dealer license revocation, suspension, or cancellation must contain the evidence offered or considered; the documents, memoranda, or data submitted by any party in connection with the case; the audiomagnetic recording of the hearing; the transcript of the hearing, if one was prepared; and the hearing examiner's report.

**7400.3300 HEARING EXAMINER'S CONDUCT.**

The hearing examiner shall not communicate, directly or indirectly, in connection with an issue of fact or law with a person or party, including the registrar, concerning a pending case, except upon notice and opportunity for all parties to participate. The hearing examiner may respond to questions relating solely to procedures for the hearing without violating parts 7400.2200 to 7400.3700.

**7400.3400 HEARING EXAMINER'S REPORT.**

No factual information or evidence that is not a part of the record may be considered by the hearing examiner or the registrar in determining a dealer license revocation, suspension, or cancellation.

Following the close of the record, the hearing examiner shall report the findings of fact, conclusions, and a recommendation, taking notice of the degree to which the registrar has documented the statutory authority to take the proposed action and fulfilled the relevant substantive and procedural requirements of law or rule. Upon completion, the report must be delivered to the registrar who shall serve a copy of the report upon the parties.

**7400.3500 TIMING OF REGISTRAR'S DECISION.**

The registrar shall not make a final decision until at least ten days after service of the hearing examiner's report if the report was personally served or 14 days after service if the report was served by mail.

**7400.3600 REGISTRAR'S DECISION; EFFECTIVE DATE.**

In each dealer license revocation, suspension, and cancellation, the registrar shall render a written decision and order and serve the decision and order on all parties. Part 7400.2200, subpart 4, notwithstanding, the registrar shall serve the decision and order in

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the manner provided by *Minnesota Statutes*, section 168.27, subdivision 13. Unless a later date is stated in the order, the order is effective upon service.

### 7400.3700 REGISTRAR'S DECISION; CONTENT.

The registrar's decision and order must contain, among other things, the following:

- A. a caption that includes the proposed action and the name and dealer license number of the dealer;
- B. findings of fact and conclusions on the material issues;
- C. the action taken by the registrar; and
- D. when the license has been revoked without a hearing, notice of any rights that the dealer may have to a postrevocation hearing.

### ESTABLISHED PLACE OF BUSINESS

#### 7400.4000 POOLS, USED PARTS DEALERS, AND SCRAP PROCESSORS.

Subpart 1. **Vehicle salvage pool.** A vehicle salvage pool licensee must have an established place of business, which must include as a minimum a commercial building owned or under lease by the licensee. The lease must be for a minimum term of one year. The building must contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or automatic telephone answering service during normal business hours. Dealership business hours must be conspicuously posted on the place of doing business and readily viewable by the public. The licensee must have an area to display motor vehicles that is owned or under lease by the licensee. The display area may be either indoors or outdoors. The licensee must have a sign that clearly identifies the dealership by name and that is readily viewable by the public.

If a salvage pool maintains more than one place of doing business in a county, the separate places must be listed on the application. If additional places of business are maintained outside of one county, separate licenses must be obtained for each county.

Subp. 2. **Used parts dealer or scrap processor.** A used vehicle parts dealer or scrap metal processor licensee must have an established place of business, which must include as a minimum a street address where the books, records, and files necessary to conduct the business are kept and maintained and where there is available during normal business hours either personnel or an automatic telephone answering service.

If a used vehicle parts dealer or scrap metal processor maintains more than one permanent place of doing business, either in one or more counties, the separate places must be listed in the application, but only one used vehicle parts dealer or scrap metal processor license is required.

#### 7400.4100 LOCATION.

Subpart 1. **Commercial building.** This subpart applies to a dealer licensed as a new motor vehicle dealer, a used motor vehicle dealer, a motor vehicle auctioneer, or a vehicle salvage pool. The dealer shall own or lease a commercial office space that must be enclosed with floor to ceiling walls. The office space must be for the exclusive use of the dealer. No person, partnership, corporation, or limited liability company other than the dealer may conduct business in the office space unless the other business is in a separate office space enclosed with floor to ceiling walls. The dealer may, however, conduct any business in the office space, provided the dealer maintains separate records for purchasing or selling motor vehicles or for other motor vehicle transactions. The dealer shall maintain a separate and identifiable doorway to the office space that leads directly to the office space from the outdoors or from a public area. The dealer may maintain other doorways to the office space. If any of the other doorways leads from commercial or residential space in the same building, there must be a door that can be shut and locked to close off the entire doorway. The dealer shall maintain an address that is separate from the address of any other business or entity in the building.

Subp. 2. **Commercial office space.** This subpart applies to a dealer licensed as a motor vehicle lessor or a motor vehicle wholesaler. The dealer shall own or lease a commercial office space that is enclosed with floor to ceiling walls. The office space must be for the exclusive use of the dealer. No person, partnership, corporation, or limited liability company other than the dealer may conduct business in the office space unless the other business is in a separate office space enclosed with floor to ceiling walls. The dealer may, however, conduct any business in the office space, provided the dealer maintains separate records for purchasing or selling motor vehicles or for other motor vehicle transactions. The dealer may have any number of doorways to the dealership. If a doorway leads from commercial or residential space in the same building, there must be a door that can be shut and locked to close off the entire doorway.

Subp. 3. **Display area.** This subpart applies to a dealer licensed as a new motor vehicle dealer, a used motor vehicle dealer, or a vehicle salvage pool. The area for the display of motor vehicles offered for sale by the dealer must be at least large enough for the reasonable display of five of the vehicles the dealer is selling. The display area boundaries or markings must make it readily apparent that the dealer is separate and distinct from other businesses.

Subp. 4. **Additional location.** If a dealer has an additional location in a commercial building or commercial office space, the location must conform to all of the commercial building or commercial office space requirements that apply to the dealer's original location. If the dealer has an additional location that is outdoors or in a public area, the dealer shall own or lease the location and it must be readily apparent that the dealer is separate and distinct from other businesses.

Subp. 5. **Phase-in.** The registrar shall waive the location requirements in this part for a licensed dealer whose location met the registrar's requirements at the time it was approved by the registrar, but whose location does not meet the requirements contained in this chapter. The waiver ends two years after the effective date of this chapter. Until the waiver period ends, the location must meet either the requirements under which it was approved or the requirements of this part.

#### **7400.4200 SIGNS.**

Subpart 1. **Locations.** This subpart applies to a dealer licensed as a new motor vehicle dealer, a used motor vehicle dealer, or a vehicle salvage pool. There must be a sign clearly identifying the dealership by name at each location of the dealer. If the dealer's display area is not adjacent to the sign for the dealer's commercial building, the sign at the display area must also indicate where the commercial building is located. The sign must be in letters that contrast sharply in color with the background on which the letters are placed. If the sign is on a commercial building or a display area, it must be readily legible during daylight hours from the nearest road or street. If the sign is on a commercial office space, the sign must be readily legible in the lighting commonly used in the area of the sign from the nearest access to the sign.

Subp. 2. **Vehicles.** This subpart applies to a dealer that acquires vehicles to dismantle or destroy. There must be a sign clearly identifying the dealer by name on each vehicle of the dealer used to transport another vehicle that the dealer has acquired to dismantle or destroy. The sign must appear on both sides of the vehicle while it is being used to transport a vehicle that will be dismantled or destroyed. The sign must be in letters that contrast sharply in color with the background on which the letters are placed and must be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary.

#### **7400.4300 NORMAL BUSINESS HOURS.**

Subpart 1. **Absence during normal business hours.** If a new motor vehicle dealer will not have personnel available during normal business hours or if any other dealer will not have personnel available or an automatic telephone answering service during normal business hours, the dealer shall notify the registrar. The dealer shall give notice so that it is received by the registrar at least seven days before the absence will occur, unless the reason for the absence is not known at that time, in which case, the dealer shall give notice as soon as reasonable. The dealer may notify the registrar in writing or by telephone. If the dealer notifies the registrar by telephone, the registrar shall give the dealer a verification number.

Subp. 2. **Records and location availability.** The limitations of this subpart apply only to routine dealer inspections conducted by dealer examiners of the Driver and Vehicle Services Division of the Department of Public Safety. A dealer shall make its records and location available to the registrar for inspection, upon the request of the registrar. If the request is made when personnel responsible for maintaining the records and location are available to assist the registrar at a dealer's established place of business during business hours, the dealer shall make the records and location available for inspection at that time. If the request is made when personnel responsible for maintaining the records and location are not available to assist the registrar, the dealer shall inform the registrar and shall make arrangements to make the records and location available to the registrar within 30 days of the request. If the request is made by a written notice or by leaving a message with the automatic telephone answering service of the dealer, the dealer shall respond by contacting the registrar within 14 days of the request and shall make the records and location available for inspection by the registrar within 30 days of the request.

For nonroutine dealer inspections, a dealer shall make its records and location available for inspection upon request as required by *Minnesota Statutes*, section 168A.11, subdivision 3. Nonroutine inspections include inspections by:

- A. a peace officer;
- B. a dealer examiner conducted to follow up on findings of noncompliance from a previous inspection; and
- C. a dealer examiner conducted in conjunction with an inspection by a peace officer.

### **VEHICLE TRANSACTIONS; RECORDS**

#### **7400.5000 ACQUIRING NEW MOTOR VEHICLE; DOCUMENTATION.**

Subpart 1. **Documentation required on file.** For each new vehicle acquired and held for resale by a dealer, the dealer must have

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## Proposed Rules

on file the originals or copies of the purchase agreement or dealer invoice and of the manufacturer's statement or certificate of origin.

Subp. 2. **Purchase agreement or dealer invoice.** The purchase agreement or dealer invoice must be maintained and made available for the registrar's inspection for three years after the vehicle is sold or otherwise disposed of by the dealer. The purchase agreement or dealer invoice must contain the following information:

- A. the name and address of the dealer and every seller;
- B. a complete description of the vehicle, including the model year, make, model, body style, and vehicle identification number;
- C. the date of acquisition; and
- D. where applicable, signatures on behalf of the sellers and the dealer.

Subp. 3. **Manufacturer's statement or certificate of origin.** The manufacturer's statement or certificate of origin must be maintained and made available for the registrar's inspection until the vehicle is sold or otherwise disposed of by the dealer.

### 7400.5100 ACQUIRING USED MOTOR VEHICLE; DOCUMENTATION.

Subpart 1. **Documentation required on file.** For each used vehicle acquired and held for resale by a dealer, the dealer must have on file the originals or copies of the purchase agreement, an odometer statement, the certificate of title, and, if the vehicle has a Minnesota certificate of title, a dealer purchase receipt as required by *Minnesota Statutes*, section 168A.11.

Subp. 2. **Purchase agreement.** The purchase agreement must be maintained and made available for the registrar's inspection for three years after the vehicle is sold or otherwise disposed of by the dealer. The purchase agreement must contain the following information:

- A. the name and address of the dealer and every seller;
- B. a complete description of the vehicle, including the model year, make, model, body style, vehicle identification number, license plate number, and state of registration;
- C. the date of acquisition; and
- D. signatures on behalf of the sellers and the dealer.

Subp. 3. **Odometer statement.** The odometer statement must meet the requirements of chapter 7402, and *Minnesota Statutes*, section 325E.15. The odometer statement must be maintained and made available for the registrar's inspection for three years after the vehicle is sold or otherwise disposed of by the dealer.

Subp. 4. **Certificate of title.** The dealer shall ensure that the certificate of title is properly assigned to the dealer and signed by all sellers. The original or a copy of the certificate of title must be maintained and made available for the registrar's inspection until the vehicle is sold or otherwise disposed of by the dealer.

Subp. 5. **Dealer purchase receipt.** The dealer purchase receipt must be maintained and made available for the registrar's inspection for three years after the vehicle is sold or otherwise disposed of by the dealer. The dealer purchase receipt must contain the following information:

- A. the title number of the vehicle, when it is available, or the license plate number and state of registration, when the title number is not available;
- B. a complete description of the vehicle, including the model year, make, model, body style, and vehicle identification number;
- C. the names and street addresses of all sellers and, if applicable, the seller's dealer number;
- D. the name, street address, and dealer number of the dealer submitting the dealer purchase receipt;
- E. the date of acquisition; and
- F. a signature on behalf of the dealer.

### 7400.5200 SELLING NEW OR USED MOTOR VEHICLE.

Subpart 1. **Documentation required on file.** For each vehicle sold by a dealer, the dealer must have on file copies of the sales agreement, an odometer statement, and, if the vehicle is sold to a Minnesota retail customer, evidence that taxes and fees have been collected from the customer and paid to the registrar and that an application for a Minnesota certificate of title has been completed and filed.

Subp. 2. **Sales agreement.** The sales agreement must be maintained and made available for the registrar's inspection for three years after the sale of the vehicle. For a sale to a licensed dealer, this information does not need to be on a document separate from

the manufacturer's statement or certificate of origin or the certificate of title. The sales agreement must contain the following information:

- A. the name and address of the dealer and every purchaser;
- B. a complete description of the vehicle, including the model year, make, model, body style, vehicle identification number, and, if a used vehicle, the license plate number and state of registration;
- C. if the vehicle is sold to a retail customer, the sale price of the vehicle;
- D. the allowance for and the description of any trade-in;
- E. an itemized list of all fees and taxes collected in connection with the vehicle transaction;
- F. the date of sale; and
- G. signatures on behalf of the purchasers and the dealer.

Subp. 3. **Odometer statement.** The odometer statement must meet the requirements of chapter 7402, and *Minnesota Statutes*, section 325E.15. The odometer statement must be maintained and made available for the registrar's inspection for three years after the sale of the vehicle.

Subp. 4. **Taxes, fees, and title application.** Except as provided in items A to D, the dealer shall complete a title and registration application and shall submit the application along with the excise and registration taxes and all applicable fees to the registrar within ten days of the sale of the vehicle. The dealer must have on file an itemized receipt showing a breakdown of the taxes and fees paid. The receipt must be stamped as paid by a deputy registrar. The receipt must be maintained and made available for the registrar's inspection for three years after the sale of the vehicle.

A. If the purchaser is not a Minnesota customer, the dealer is not required to complete an application or submit the application, taxes, and fees.

B. If the purchaser is eligible to pay a prorated tax and provides a prorate account number to the dealer, the dealer shall complete and file a title application, but the dealer is not required to collect and submit either the excise or registration tax.

C. If the vehicle is currently registered in Minnesota, the dealer is not required to collect and submit the registration tax.

D. If the vehicle must have an emissions inspection before registration, the dealer is not required to collect and submit the registration tax.

#### **7400.5300 HOLDING VEHICLE FOR CONSIGNMENT SALE.**

Subpart 1. **Consignment agreement required; content.** When a dealer has possession of a vehicle belonging to another person and the dealer is holding the vehicle for sale, the dealer must have on file an original or copy of a written consignment agreement. The dealer shall give one copy of the consignment agreement to each owner of the vehicle. The consignment agreement must be maintained by the dealer and made available for the registrar's inspection for three years after the vehicle is sold or otherwise disposed of by the dealer. The consignment agreement must contain the following information:

- A. the beginning date and termination date of the agreement;
- B. the full name, address, and phone number of each owner of the vehicle;
- C. the full name, address, phone number, and dealer number of each dealer involved in the agreement;
- D. a complete description of the vehicle, including the model year, make, model, body style, vehicle identification number, license plate number, and state of registration;
- E. the vehicle odometer reading at the time the agreement is signed, unless the vehicle is reported to the registrar under part 7400.5700;
- F. the terms of the agreement, including the method of calculating the dealer's compensation;
- G. a statement specifying which party is responsible for maintaining insurance on the vehicle in accordance with *Minnesota Statutes*, chapter 65B, during the time the dealer is holding the vehicle for sale;
- H. the policy number and the name of the insurance company providing insurance on the vehicle;

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## Proposed Rules

I. signatures on behalf of each owner and the dealer; and

J. if the vehicle is returned to the owner, the date of return and a signature on behalf of each owner acknowledging the return.

Subp. 2. **Multiple vehicles under one consignment agreement.** A consignment agreement may cover multiple vehicles owned by the same person or persons and consigned to the same dealer. The description, odometer reading, and insurance information for each vehicle must be contained in the agreement or in an addendum to the agreement. An addendum to the agreement must clearly refer to the agreement and must be signed on behalf of each owner and on behalf of the dealer. The agreement and each addendum to the agreement must be maintained by the dealer and made available for the registrar's inspection for three years after the last vehicle covered by the agreement is sold or otherwise disposed of by the dealer.

Subp. 3. **Selling junked vehicle.** Before selling on consignment an unrepairable total loss vehicle with a junking certificate, a dealer licensed as a vehicle salvage pool or acting as an agent of an insurance company shall verify that the purchaser holds a used vehicle parts dealer license from Minnesota.

Subp. 4. **Salvage vehicle sold on consignment.** If a vehicle sold on consignment is subject to the requirements of *Minnesota Statutes*, section 168A.151, subdivision 1, a dealer may not deliver the title to the buyer unless the title is a salvage certificate of title.

### 7400.5400 TEMPORARY VEHICLE PERMITS FOR BUYERS.

Subpart 1. **Permits issued to dealers.** A temporary vehicle permit is a permit issued under *Minnesota Statutes*, section 168.091 or 168.092, to a purchaser of a motor vehicle. Permits may be distributed to a dealer for issuance to purchasers of motor vehicles from the dealer. When the dealer sells a motor vehicle, the dealer shall not issue more than one permit for the vehicle. When requested by the registrar, the dealer shall submit to the registrar the dealer's copy of a permit.

Subp. 2. **Contents of permit.** The dealer's copy of a temporary vehicle permit must be maintained and made available for the registrar's inspection until the copy is submitted to the registrar under subpart 1 or for three years, whichever comes first. The permit must contain the following information:

A. the issue date and the expiration date of the permit;

B. a description of the vehicle, including the model year, make, and vehicle identification number;

C. when applicable, the registered gross weight of the vehicle;

D. either the name and address or the Minnesota driver's license number of the purchaser;

E. the name of the insurance company with which the purchaser holds an automobile insurance policy conforming to *Minnesota Statutes*, chapter 65B, and either the policy number or a statement that the policy number has not yet been issued;

F. the name and dealer number of the dealer; and

G. for a resident permit, the address of the dealer and a signature on behalf of the dealer.

### 7400.5500 LEASING VEHICLES.

Subpart 1. **Documentation required on file.** For each Minnesota-registered vehicle leased by a dealer, the dealer must have on file copies of the purchase agreement or dealer invoice, the certificate of title or the registration card, and all lease agreements transacted in Minnesota. For each leased vehicle with out-of-state registration, the dealer must have on file records indicating the state of title and registration, the date that a licensed location of the dealer took delivery of the vehicle in Minnesota, and copies of all lease agreements transacted in Minnesota. These documents must be maintained and made available for the registrar's inspection for three years after the vehicle is sold or otherwise disposed of by the dealer.

Subp. 2. **Selling leased vehicle.** For each leased vehicle that is subsequently sold by the dealer, the dealer shall meet the requirements of part 7400.5200.

### 7400.5600 ACQUIRING SALVAGE VEHICLE.

If a dealer acquires a damaged motor vehicle with an out-of-state title and the cost of repairs exceeds the value of the damaged vehicle, the dealer shall apply for a salvage certificate of title. If a dealer acquires a motor vehicle with an out-of-state salvage title or certificate as proof of ownership, the dealer shall apply for a salvage certificate of title. The dealer shall apply for the salvage certificate of title within 48 hours of receiving the out-of-state title. If the dealer sells the vehicle before the 48-hour period lapses, the dealer shall nevertheless apply for the salvage certificate of title and shall not deliver the out-of-state title to the buyer.

### 7400.5700 ACQUIRING VEHICLE TO DISMANTLE OR DESTROY.

Subpart 1. **Older model vehicle.** When a dealer buys an older model vehicle to be dismantled or destroyed, the dealer shall report to the registrar and shall surrender the certificate of title to the registrar. Completion of the title in the name of the seller is not



required. The dealer shall complete the report and shall submit it to the registrar within 30 days of taking delivery of the vehicle. A dealer's obligation to report the vehicle is met if the title has previously been surrendered to an appropriate titling authority.

Subp. 2. **Late model or high value vehicle.** When a dealer buys a late model or high value vehicle to be dismantled or destroyed, the dealer shall report to the registrar and shall surrender the certificate of title to the registrar. The "Assignment by Seller" portion of the title must be completed and all security interests must be released. A dealer's obligation to report the vehicle and surrender the title is met if the title has previously been surrendered to an appropriate titling authority.

A. This item applies to a dealer licensed as a used vehicle parts dealer or a scrap metal processor, but not licensed as any other type of dealer. Within ten days of taking delivery of the vehicle, the dealer shall either complete the report or have an authorization from the owner or insurer of the vehicle. The dealer shall submit the report and the title to the registrar within ten days of receiving the title.

B. This item applies to a dealer that is licensed as a new motor vehicle dealer, used motor vehicle dealer, vehicle salvage pool, motor vehicle lessor, motor vehicle wholesaler, or motor vehicle auctioneer. Within 48 hours of taking delivery of the vehicle, the dealer shall either complete the report as set out in subpart 3 or meet all the requirements of part 7400.5100 for holding a vehicle for resale.

(1) If the dealer completes the report in subpart 3, the dealer shall submit the report and the title to the registrar within ten days of receiving the title.

(2) If the dealer meets all the requirements of part 7400.5100 for holding a vehicle for resale and later decides to dismantle or destroy the vehicle, the dealer shall complete a report and shall submit the report and the title to the registrar within ten days of making the decision or within ten days of receiving the title, whichever is later.

Subp. 3. **Report.** The dealer shall make the report on a form created or approved by the registrar. A copy of the report must be maintained and made available for the registrar's inspection for three years after the decision to dismantle or destroy the vehicle. The report must include the following information:

A. the dealer's name and dealer number;

B. a complete description of the vehicle, including the model year, make, model, body style, vehicle identification number, license plate number, and state of registration; and

C. the seller's name and driver's license number. When the seller is a corporation, limited liability company, or partnership, the dealer shall include on the report the full name of the seller and of the person authorizing the sale in place of the seller's driver's license number. When the person selling the vehicle does not have a driver's license number available, the dealer shall include on the report the seller's full name and date of birth. When a dealer holds a vehicle for resale and later decides to dismantle or destroy the vehicle, the dealer may write "NOT AVAILABLE" in place of the seller's driver's license number. The registrar's acceptance of information on the report in place of the driver's license number is only for meeting the reporting requirements of subparts 1 and 2. The reporting does not serve to relieve the dealer of liability to the owner of the vehicle if the seller of the vehicle did not have authority to sell the vehicle.

Subp. 4. **Title.** A title acquired by the dealer must be maintained and made available for the registrar's inspection until the title is surrendered to the registrar.

#### **7400.5800 SELLING SALVAGE VEHICLE TAKEN OUT OF STATE; REPORT.**

When a dealer sells a salvage vehicle to a buyer who intends to remove the vehicle from the state, the dealer shall report to the registrar. The report must be on a form created or approved by the registrar. The report must be submitted to the registrar within ten days of the buyer receiving the title or of the buyer removing the vehicle from the state, whichever is earlier. A copy of the report must be maintained by the dealer and made available for the registrar's inspection for three years after the sale of the vehicle. The report must include:

A. the dealer's name and dealer number;

B. a complete description of the vehicle, including the model year, make, model, body style, vehicle identification number, license plate number, and state of registration; and

C. the buyer's name and address.

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## Adopted Rules

### 7400.5900 RECORD KEEPING.

Subpart 1. **Records kept on paper.** This part applies to all records required to be maintained by a dealer under this chapter. Except as otherwise provided in subpart 2, a dealer shall make all records on paper of a quality to ensure permanent records.

Subp. 2. **Records kept on other media.** A dealer may make records using a medium other than paper if the dealer applies for and receives approval from the registrar. The registrar shall approve the use of an alternate medium for maintaining records if the registrar determines that the following conditions are met:

- A. those authorized by law to have access to information contained in the records will have access to the information;
- B. the accuracy, security, and permanency of information contained in the records will be adequately protected; and
- C. the records are not otherwise required by law or rule to be an original document.

### DEALER LICENSE PLATES

### 7400.6000 DEALER LICENSE PLATES.

Subpart 1. **Use by dealer.** Under *Minnesota Statutes*, section 168.27, subdivision 16, clause (1), a motor vehicle owned by a dealer and bearing a dealer demonstration plate may be used by the dealer, or by the dealer's spouse, or by a full-time employee of the dealer for either private or business purposes. All owners, officers, and board members are dealers for purposes of the use of dealer demonstration plates.

Subp. 2. **Use by prospective buyer.** Under *Minnesota Statutes*, section 168.27, subdivision 16, clause (3), a dealer demonstration plate may be used for demonstration purposes by a prospective buyer of a motor vehicle. During the demonstration period, the vehicle may be used for private or business purposes by the prospective buyer.

Subp. 3. **Improper use of dealer plate.** The registrar shall immediately revoke a dealer demonstration plate or a dealer in-transit plate when the registrar has sufficient cause to believe that the plate was used on a vehicle other than as provided in subparts 1 and 2 or *Minnesota Statutes*, section 168.27, subdivisions 16 and 17. When a dealer plate is revoked, the dealer shall surrender the plate to a peace officer or to the registrar at the time notice of revocation is delivered to the dealer. If a revoked dealer plate is not at the dealer's place of business when a notice of the revocation is served, the dealer shall surrender the plate to the registrar within 48 hours after notice of the revocation is served. The vehicle on which the dealer plate was misused must be titled and registered within ten days of the revocation of the plate.

## 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.

## Secretary of State

### Adopted Permanent Rules Relating to Uniform Commercial Code Filings

The rules proposed and published at *State Register*, Volume 18, Number 25, pages 1514-1518, December 20, 1993 (18 SR 1514), are adopted as proposed.

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## Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

### DEPARTMENT OF REVENUE

#### Revenue Notice #94-4: Sales and Use Tax - Lawn Care Issues

Since October 1, 1987, lawn care services have been subject to sales tax, the Department of Revenue considers lawn and lawn care service to have the following meanings:

##### Lawn

A "lawn" means a tended area of ground covered with grass or other ground cover, and can include, for example, cemeteries and golf courses. However, ditches and medians along roads, freeways, and railroad right-of-ways are not considered lawns.

##### Lawn Care Service

"Lawn care service" means any business service related to the maintenance of lawns. Lawn care services include services such as: mowing; raking; trimming; watering; fertilizing; killing weeds, insects, rodents, pests, or fungi; spraying; sprigging; and diagnosing the condition of lawns by physical examination of the lawn or of other physical evidence. Lawn care services do not include services performed under a construction contract for the installation of sod or seeds.

Dated: 7 March 1994

Debra L. McMartin  
Assistant Commissioner for Tax Policy

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## 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.

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### Department of Agriculture

#### Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under Minnesota Statutes, Chapter 41c

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on March 23 1994, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41c, in order to finance the purchase of approximately 150 acres of farmland located in Section 21, Freedom Township, Waseca County, Minnesota on behalf of Jon & Patricia Schuch, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$150,000. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 16 February 1994

LaVonne Nicolai  
RFA Executive Director

## Official Notices

### Minnesota Comprehensive Health Association

#### Notice of Meeting of the Finance Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Finance Committee will be held at 1:30 p.m. on Wednesday, March 9, 1994 at Park Place Center, 5775 Wayzata Boulevard, St. Louis Park, Minnesota. The meetings will be in Suite #746. The meeting location was *incorrectly* listed in the Feb. 28, 1994 *State Register* as Allianz Life, 1750 Hennepin Ave. S. Minneapolis.

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

### Minnesota Comprehensive Health Association

#### Notice of Premium Rate Meetings

NOTICE IS HEREBY GIVEN that the executive director of the Minnesota Comprehensive Health Association and a representative of the Minnesota Department of Commerce will hold a series of premium rate meetings across the State of Minnesota, as indicated below. The purpose of these meetings is to review proposed premium rates. Any rate change must be approved by the Minnesota Department of Commerce. New premium rates would go into effect on July 1, 1994.

For additional information, call the MCHA Executive office at (612) 593-9609

<u>WHERE</u>	<u>DATE/LOCATION</u>	<u>TIME</u>
ROCHESTER	Monday, March 21, 1994 Best Western/Midway Motor Lodge Hiawatha Room 1517 16th Street S.W. Rochester, Minnesota 55902	6:30 p.m.
DULUTH	Tuesday, March 22, 1994 Holiday Inn Great Lakes Ballroom 200 West First St. Duluth, Minnesota 55802	6:30 p.m.
FERGUS FALLS	Wednesday, March 23, 1994 Holiday Inn Frontier Rooms II and III Interstate 94 and Highway 210 Fergus Falls, Minnesota 56538	6:30 p.m.
REDWOOD FALLS	Thursday, March 24, 1994 Redwood Inn 1305 East Bridge Street Redwood Falls, Minnesota 56283	6:30 p.m.
MINNEAPOLIS/ ST. PAUL	Friday, March 25, 1994 Holiday Inn/Metrodome Aragon Ballroom 1500 Washington Avenue South Minneapolis, Minnesota 55454	6:30 p.m.

### Ethical Practices Board

#### Advisory Opinion #138 Re: Fundraising During Legislative Session

Issued 2/22/94 to The Honorable Gil Gutnecht - SUMMARY - 138

A Minnesota legislator who has a principal campaign committee registered with the Board under *Minnesota Statutes* §§10A.01, subd. 5, 10A.14, and 10A.19 is not subject to *Minnesota Statutes* § 10A.065 with regard to campaign fundraising for federal office.

The Board requests the legislature to review the application of *Minnesota Statutes* § 10A.065 to state candidates who are raising funds for nomination or election to a federal office.

The full text of this opinion is available upon request from the Ethical Practices Board, 1st Floor South, Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1603; (612) 296-5148.

## **Minnesota Health Care Commission**

### **Health Technology Advisory Committee**

#### **Notice of: 1) Availability of Preliminary tPA Technology Evaluation Report; 2) Solicitation of Written Comments; and 3) Public Hearing Date;**

The Health Technology Advisory Committee (HTAC) of the Minnesota Health Care Commission has completed its preliminary report on the evaluation of tissue plasminogen activator (tPA) for acute myocardial infarction.

Any interested individuals or organizations may submit written comments regarding the technology evaluation report within 30 days from the publication of this notice to Mary Fahey at:

121 East 7th Place, Suite 400  
P.O. Box 64975  
St. Paul, MN 55164-0975  
Fax 612/282-5628

Any questions regarding the technology evaluation process should be directed to Mary Fahey at 612/282-6355. A copy of the full preliminary report may be obtained by contacting Jon Rauen at 612/282-6374.

Public testimony on HTAC's evaluation of tPA for acute myocardial infarction will be accepted by the Minnesota Health Care Commission on Wednesday, April 20, 1994 at 3:00 p.m. at:

Capitol View Conference Center  
70 West County Road B-2  
Little Canada, MN 55117

Individuals interested in providing public testimony are asked to provide prior written or verbal notice to Mary Fahey and to limit testimony to five minutes.

Any written material received by the Minnesota Health Care Commission shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13).

#### **Publication of Summary of the Preliminary tPA Technology Evaluation Report**

##### **Description:**

Acute myocardial infarction (AMI) results from the sudden obstruction of a coronary artery by a blood clot or thrombus at the site of a rupture in the plaque lining the artery. Thrombolytic therapy is a non-invasive method of dissolving such blood clots and restoring blood flow to the heart. Tissue plasminogen activator (tPA) and streptokinase (SK) are the two common thrombolytics used in Minnesota. The approximate purchase price of tPA and SK to the provider are \$2300 and \$300 per dose, respectively.

##### **Rationale:**

Several large clinical trials have found no significant difference between tPA and streptokinase in clinical effectiveness. Smaller trials suggested that the method of administering tPA in those trials was not the most effective. Using a new regimen for administering tPA, in 1993 a large clinical trial (GUSTO) compared accelerated tPA with streptokinase and found tPA to be more clinically effective. The difference in the mortality rates experienced by patients treated with the two drugs was small (6.3% vs. 7.3%) but significant. This technology was selected for evaluation because the small increment in clinical effectiveness associated with accelerated tPA (1%) appears to have a high incremental cost (\$2000 per patient). It was also selected due to the number of Minnesotans affected by AMI.

##### **Conclusions:**

1. In Minnesota we estimate that there are approximately 12,000 hospital admissions for acute myocardial infarction annually. It is estimated that 30% of these patients currently receive thrombolytic therapy.
2. Both streptokinase and tissue plasminogen activator are safe and effective thrombolytic agents. Available data appears to indicate that accelerated tissue plasminogen activator confers an additional survival benefit compared to streptokinase, especially for anterior infarcts, or when thrombolytic therapy is initiated within four hours after symptom onset.

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3. Based on a \$2000 difference between the cost of tPA and streptokinase, using tPA would reduce mortality at a cost of approximately \$200,000 per additional life saved or approximately \$29,000 per life year saved (based on an incremental life expectancy of 11 years).
4. Current estimates of the use of thrombolytics in Minnesota vary widely. Only complete and accurate data, not currently available, will enable accurate cost projections for the implementation of policies based upon this report. On the basis of the inadequate data currently available, it is estimated that using tPA as the thrombolytic of choice in Minnesota would save approximately 35 additional lives annually, when compared with streptokinase, at an additional total cost of approximately \$7 million.
5. In the absence of specific contraindications, all patients suffering an acute myocardial infarction should receive thrombolytic therapy.
6. The benefit of thrombolytic therapy diminishes with time after symptom onset and may not exist after 12 hours. Providers of health care should make every effort to administer thrombolytic therapy to appropriate patients without delay.
7. Physicians should recognize that the cost of tPA is approximately seven times that of streptokinase, and hence, the use of tPA should be confined to patients who, in the treating physician's judgment, are most likely to benefit.

### Implications:

If patients are treated with thrombolytics within one hour of the onset of symptoms, or within 30 minutes of arrival in the emergency room (as recommended by the National Heart attack Alert Program), their chances of survival are maximized. Hospitals' ER personnel and emergency physicians are encouraged to streamline ER procedures with these goals in mind. Counties and health regions may wish to evaluate their emergency medical systems and public health officials may consider health education aimed at decreasing the time it takes a patient to recognize symptoms and get to the hospital.

Integrated Service Networks may wish to develop standard protocols designed to assure the use of tPA for cases where it will be the most effective.

## Department of Health

### Commissioner of Health

#### Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Application of City of Hibbing Fire and Ambulance Service, Hibbing, Minnesota

**PLEASE TAKE NOTICE** that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from the **City of Hibbing Fire and Ambulance Service**, Hibbing, Minnesota for a change in type of ambulance service from basic to advanced in the primary service area they currently serve which includes the City of Hibbing.

**IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes* §§ 14.57-14.69 and *Minnesota Statutes* § 144.802 a public hearing will be held on April 11, 1994 at Hibbing City Hall, Council Chambers, East 21st St. and 4th Avenue, Hibbing, Minnesota, commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set forth in *Minnesota Statutes* § 144.802, subd. 3(g).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 - 144.8093, *Minnesota Statutes* §§ 14.57 - 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100-1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. Allen E. Giles, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 349-2543, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* 1400.6200 on or before March 28, 1994. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before April 6, 1994.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if nonpublic data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* § 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Dated: 23 February 1994

Mary Jo O'Brien  
Commissioner of Health

## **Minnesota Historical Society**

### **State Review Board Regular Meeting**

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Thursday, March 24, 1994, in the Minnesota Historical Society History Center, Cargill Commons, MacMillan Education Wing, St. Paul, Minnesota. The State Review Board will meet for a light dinner at 5:30 p.m. and an informational presentation on program activities will be made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7 p.m. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (612) 296-5434.

## **Department of Human Services**

### **Additions to Organ Transplant Coverage and Procedure Codes Requiring Second Surgical Opinion; Corrections to Prior Authorization List**

#### **Coverage of organ transplants**

Effective for services provided on or after March 17, 1994, the Department of Human Services (DHS) will cover the following organ transplant services for recipients of the Medical Assistance program.

**1. Autologous bone marrow transplants for chronic myelogenous leukemia.** The transplant facility must: 1) be approved by DHS as meeting American Society of Hematology and Clinical Oncology criteria to perform bone marrow transplants; 2) be located within the state of Minnesota; 3) submit a written prior authorization request to DHS for each transplant; and 4) meet all other program requirements as described in the Medical Assistance provider manual.

**2. Pancreas transplants for hypoglycemic unawareness.** The transplant facility must: 1) meet United Network for Organ Sharing criteria to perform pancreas transplants; 2) be located within the state of Minnesota; 3) submit a written prior authorization request to DHS for each transplant; and 4) meet all other program requirements as specified in the Medical Assistance provider manual.

#### **Procedure codes requiring second surgical opinion**

Providers must call the DHS medical review agent for a second surgical opinion for all inpatient cholecystectomy procedures for

## Official Notices

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recipients of Medical Assistance, General Assistance Medical Care, and MinnesotaCare. This includes the following new cholecystectomy procedure codes published in the 1994 *Physician's Current Procedural Terminology*.

56340 Laparoscopy, surgical; cholecystectomy (any method)

56341 cholecystectomy with cholangiography

56342 cholecystectomy with exploration of common duct

Instructions for obtaining a second surgical opinion are in the Medical Assistance provider manual.

### Prior Authorization

Corrections to the January 10, 1994, *State Register* Prior Authorization List are as follows:

Add:

32853 Lung transplant, double (bilateral sequential or en bloc):  
without cardiopulmonary bypass

32854 with cardiopulmonary bypass

Code change:

48554 Transplantation of pancreatic allograft (was code 48160)

## Department of Labor and Industry

### Labor Standards Division

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

Effective March 7, 1994 prevailing wage rates were determined and certified for commercial construction projects in:

**Aitkin County:** DNR/Savanna Portage Precast Vault Toilet, MN/DNR New Consolidated Area Headquarters-Aitkin.

**Anoka County:** Anoka Sr. High School-Anoka, Sorteberg Elementary School-Coon Rapids.

**Beltrami County:** DNR/Lake Bemidji State Park Precast Vault Toilet.

**Blue Earth County:** DNR/Minnepoa Precast Vault Toilet.

**Brown County:** DNR/Flandrau Precast Vault Toilet.

**Carver County:** Chanhassen New Elementary School & Site Preparation-Chanhassen.

**Cass County:** DNR/Pillager Precast Vault Toilet.

**Chisago County:** DNR/Wild River State Park Precast Vault Toilet. MSU Heating Plant Asbestos Removal, MSU Heating Plant Repairs-Moorhead.

**Clearwater County:** DNR/Itasca State Park Precast Vault Toilet.

**Cook County:** DNR/Judge Magney State Park Precast Vault Toilet.

**Crow Wing County:** DNR/Crow Wing State Park Precast Vault Toilet.

**Dakota County:** J.F. Kennedy & Orchard Lake Elementaries' Asbestos Removal-Lakeville.

**Douglas County:** DNR/Lake Carlos State Park Precast Vault Toilet.

**Fillmore County:** DNR/Forestville State Park Precast Vault Toilet.

**Hennepin County:** Plymouth Community Library-Plymouth, ISD #279 Boiler Burner Replacement-Maple Grove, U of M Mayo 6th Floor HVAC-Minneapolis.

**Itasca County:** DNR/Bigfork State Park Precast Vault Toilet, Greenway Sr. High School; Scofield Building; Connor-Jaspar Middle School; & Van Dyke; Marble; Phillip Murray Elementary School Emergency Lighting and Exit Sign-Coleraine.

**Kandiyohi County:** Willmar High School Technology Systems-Willmar.

**Koochiching County:** DNR/Frans Jevne State Park Precast Vault Toilet.

**Lake of the Woods County:** DNR/Near Williams & Near Fannic Precast Vault Toilet.

**Lyon County:** DNR/Camden State Park Precast Vault Toilet.

**Nicollet County:** St.Peter RTC High Security Building Reroofing-St.Peter.

**Ottertail County:** DNR/Maplewood State Park Precast Vault Toilet.

**Ramsey County:** MWWTP Corrosion Control for MCC, Administration Building Cooling Tower Replacement-St. Paul.



**Redwood County:** Redwood County Courthouse Wall Repair-Redwood Falls.

**Rice County:** Jefferson & Lincoln Elementary School Reroofing-Faribault.

**Rock County:** DNR/Blue Mounds State Park Precast Vault Toilet.

**Roseau County:** DNR/Warroad State Park Precast Vault Toilet, Warroad Elementary School Ceiling Removal-Warroad.

**St. Louis County:** DNR/McCarthy Beach State Park Precast Vault Toilet, U of M/Duluth Research Lab Building Terrace and Wall Restoration-Duluth.

**Scott County:** DNR/Jordan State Park Precast Vault Toilet.

**Sibley County:** DNR/Henderson Precast Vault Toilet.

**Steele County:** DNR/Rice Lake State Park Precast Vault Toilet.

**Wadena County:** DNR/Huntersville Precast Vault Toilet.

**Yellow Medicine County:** DNR/Upper Sioux Agency State Park Vault Toilet.

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

## **Legislative Coordinating Commission**

### **Applications Sought for the University of Minnesota Board of Regents 4th Congressional District Representative**

Applications are being accepted for a position on the University of Minnesota Board of Regents. This position represents the 4th Congressional District. The 12-member Board of Regents is the governing body of the University. The legislature elects one regent from each of Minnesota's eight congressional districts and four from the state at large, including one student regent. The Regent Candidate Advisory Council (RCAC) recruits, screens and recommends candidates to the Legislature for the University of Minnesota Board of Regents. The application deadline is Friday, March 25, 1995. For application forms and further information, please contact Mary E. Ryan, (612) 296-1121, 85 State Office Building, St. Paul, MN 55155.

## **Minnesota Property Insurance Placement Facility**

### **Notice of Annual Meeting of the Member Companies**

**NOTICE IS HEREBY GIVEN** that a meeting of the Member Companies of the Minnesota Property Insurance Placement Facility will be held at 8:30 a.m. on Wednesday, March 9, 1994 at the office of the Minnesota Property Insurance Placement Facility, 1201 Marquette Avenue, Suite 310, Minneapolis MN. For additional information please call 338-7584.

## **Minnesota Property Insurance Placement Facility**

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

**NOTICE IS HEREBY GIVEN** that a meeting of the Board of Directors of the Minnesota Property Insurance Placement Facility will be held at 9:00 a.m. on Wednesday, March 9, 1994 at its office located at 1201 Marquette Avenue, Suite 310, Minneapolis MN. For additional information please call 338-7584.

## **Public Employees Retirement Association**

### **Board of Trustees, Notice of Meeting**

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, March 10, 1994 at 9:30 a.m. in the PERA offices, 514 St. Peter Street - Suite 200, St. Paul, Minnesota.

## Office of the Secretary of State

### Notice of Vacancies in Multi-Member Agencies

**NOTICE IS HEREBY GIVEN** to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by March 29, 1994. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1993 Annual Compilation and Statistical Report is available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1993 fiscal year. The 1993 Annual Compilation also indicates members with terms that are scheduled to end in January 1994 as open for application. The cost of the 1993 Annual Compilation is \$5.95 per copy plus sales tax. There is a \$2.00 charge for mailing per order; an order may include any number of copies. To order copies of the 1993 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

#### **Board of Examiners for Nursing Home Administrators** 2700 University Ave. W., St. Paul, MN 55114. 612-642-0595 *Minnesota Statutes* 144A.19

**Appointing Authority:** Governor.

**Compensation:** \$55 per diem.

**Vacancy:** One vacancy: Public member position for a term expiring in January, 1995.

The board licenses administrators of nursing homes, board/care homes and mental retardation facilities; conducts studies of nursing home administration; approves continuing education programs for administrators; investigates complaints and allegations of rule violations. The board consists of eleven members including four owners or managers of nursing homes, one doctor, one nurse, and three public members. Representatives of the Department of Health and the Department of Human Services are ex-officio members. Quarterly meetings. Members must file with the Ethical Practices Board.

#### **Board of the Minnesota Center for Arts Education** 6125 Olson Memorial Hwy., Golden Valley, MN 55422. 612-591-4700 *Minnesota Statutes* 129C.10

**Appointing Authority:** Governor. Senate confirmation.

**Compensation:** \$55 per diem plus expenses.

**Vacancy:** One vacancy: Must reside in the Fourth Congressional District, for a term expiring in January 1996.

The board shall have the powers necessary for the care, management, and control of the Minnesota Center for Arts Education. The board consists of fifteen members, including at least one member from each congressional district. A member may not serve more than two consecutive terms. The board meets at 3:00 PM on the fourth Wednesday of the month, at their Golden Valley office. Members must file with the Ethical Practices Board.

#### **Board of Water and Soil Resources** 155 S. Wabasha, Suite 104, St. Paul, MN 55107. 612-296-3767 *Minnesota Statutes* 103B.101

**Appointing Authority:** Governor. Senate confirmation.

**Compensation:** \$55 per diem plus expenses.

**Vacancy:** One vacancy: Public member position for a term expiring in January, 1996.

The board coordinates the water and soil resources management activities of local units (counties, SWCD's, WD's, WMO's) of government through educational activities, approval of local plans, administration of state grants and cost-sharing contracts. Programs include RIM reserve, local water planning and implementation, Wetlands Conservation Act, soil conservation, water quality enhancement. Mission: To provide leadership enabling local governments to properly manage water and soil resources and to help all citizens be stewards of our irreplaceable natural resources. Twelve members include three county commissioners, three soil and water conservation district (SWCD) supervisors, three watershed district (WD) or watershed management organization (WMO) representatives, and three unaffiliated citizens. One member must come from each of the current soil and water conserva-

tion administrative regions throughout the state. At least three but no more than five members must come from the seven-county metropolitan area. All members must be knowledgeable of soil and water problems. Members must file with the Ethical Practices Board. Monthly meetings.

**Hazardous Waste Management Planning Council**

MN PCA, Hazardous Waste Div., 520 Lafayette Rd, St. Paul, MN 55155. 612-297-8336

*Minnesota Statutes 115A.12*

**Appointing Authority:** MN Pollution Control Agency.

**Compensation:** Reimbursed for expenses.

**Vacancy:** One vacancy: Citizen representative. (Industry and/or local government representatives are not eligible for this vacancy.)

The council makes recommendations to the MN Pollution Control Agency on industrial waste management planning, waste management facility development, and industrial waste reduction issues and programs. The council may have up to eighteen members and includes public members, representatives of local government units, hazardous waste generators and private hazardous waste management firms. Meetings once a month.

**Minnesota Academic Excellence Foundation**

971 Capitol Square Bldg., St. Paul, MN 55101. 612-297-1875

*Minnesota Statutes 121.612*

**Appointing Authority:** Governor.

**Compensation:** None.

**Vacancy:** One vacancy: Requesting applicants/nominees who are experienced, willing, and able to participate in MAEF fundraising activities; and who can support the mission of the public-private partnership model. To be at parity the board especially seeks persons from communities of color in nonmetro areas, southwestern, central, and northwestern Minnesota in particular. Minnesota law requires that MAEF Board members represent education and business groups. The endorsement of the group is essential. There is a vacancy from the business community; special needs are persons with a background in banking, law, media-public relations, finance management, etc.

The foundation is a nonprofit, public-private partnership, created in 1993 by legislative statute to be the primary advocate for the promotion and recognition of academic excellence in all schools and communities in the state of Minnesota. MAEF coordinates and supports initiatives which promote: Systemic change to increase student learning; Societal values which demand academic achievement by all learners; Increased student and family/guardian expectations for academic learning; Expanded opportunities for academic learning and recognition; Partnerships between education, business and government to support the work of MAEF. The board of directors consists of a member of the State Board of Education who shall serve as chair, the commissioner of the Dept. of Education, and twenty members including eight who represent various education groups and twelve who represent various business groups. All meetings scheduled for the State Board Meeting Room (716) in the Capitol Square Building; upcoming board meetings are scheduled for November 17, 1993, March 16, 1994 and June 15, 1994.

**Minnesota Crime Victim and Witness Advisory Council**

Dept. of Public Safety, 211 Transportation Bldg., St. Paul, MN 55155. 612-296-6642

*Minnesota Statutes 611A.70*

**Appointing Authority:** Commissioner of Public Safety.

**Compensation:** None.

**Vacancy:** One vacancy: Must be a crime victim or crime victim advocate representative.

The council reviews on a regular basis the treatment of victims by the criminal justice system and the need and availability of services to crime victims. The council consists of sixteen members, including two members of the Minnesota legislature who have demonstrated expertise and interest in crime victim issues, one from each house; one district court judge; one county attorney; one public defender; one peace officer; one medical or osteopathic physician licensed to practice in this state; five members who are crime victims or crime victims assistance representatives; three public members; and a member appointed by the Minnesota General Crime Victims Coalition. The appointments should take into account sex, race and geographic distribution. The council meets once a month.

## State Grants

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**Minnesota Education in Agriculture Leadership Council**  
2370 410th St., Nerstrand, MN 55053. 507-789-6723  
*Laws of 1990, Chapter 562*

**Appointing Authority:** Governor.

**Compensation:** None at this time.

**Vacancy:** One vacancy: Must reside in the Third Congressional District, for a term expiring in January 1996.

The council provides advocacy, leadership, and support for the enhancement of education in agriculture. The council consists of twelve members: one member from each of the eight congressional districts and four members at large. Meetings are held every third Wednesday of the month at various locations.

**Subcommittee on Children's Mental Health**  
444 Lafayette Rd., St. Paul, MN 55155-3828. 612-297-4163  
*Laws of 1988, Chapter 689*

**Appointing Authority:** Chairman, State Advisory Council on Mental Health.

**Compensation:** \$55 per diem plus expenses.

**Vacancy:** Two vacancies: One county commissioner, one parent of a child who has emotional disturbance.

The subcommittee must make recommendations to the advisory council on policies, law, regulations, and services relating to children's mental health. Members include: commissioners or designees of Department of Commerce, Corrections, Education, Health, Human Services, Finance, and State Planning; one member children's mental health advocacy group, three service providers (preadolescent, adolescent, and hospital-based), parents of emotionally disturbed children; a consumer of adolescent mental health services; educators currently serving emotionally disturbed children; people who worked with emotionally disturbed minority children, or with emotionally disturbed juvenile status offenders; social service representatives; county commissioners; legislators; advisory council members; one representative of the local corrections system; and one representative from the Minnesota District Judges Association juvenile committee. The subcommittee meets once a month.

## State Grants

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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.

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## Department of Education

### Division of School Management and Support Services

### Availability of Federal Funds for Adult Basic Education for Special Experimental Demonstration Projects and Teacher Training

The Minnesota Department of Education announces the availability of Section 353 funds for the 1994-1995 fiscal year for special experimental demonstration projects and teacher training under Public Law 91-230, as amended. Not less than 15 percent of the funds granted to Minnesota under the Adult Education Act each year will be made available for:

**ADULT BASIC EDUCATION SPECIAL PROJECTS that:**

- Involve the use of innovative methods (including methods for educating persons of limited English proficiency), systems, materials or programs that may have significance in developing and implementing the self-directed, learner-centered ABE described in the Minnesota State Plan for Adult Education, or be of special value in promoting that effective adult learning; or
- Involve Adult Basic Education programs, including learning opportunities for limited English proficient adults, which are part of community learning centers, carried out in cooperation with other Federal, Federally assisted, State or local programs that have unusual promise of promoting a comprehensive, coordinated approach to addressing appropriately the needs of educationally disadvantaged adults; and for

**ABE STAFF DEVELOPMENT PROJECTS that:**

Enable persons engaged, or preparing to engage, as personnel in Adult Basic Education programs to carry out the purposes of the Adult Education Act as described in the Minnesota State Plan for Adult Education.

Applications for program design approval and funding to carry out the purposes of this act may be submitted by local educational agencies, and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

Application procedures and forms may be obtained after March 15, 1994, by writing to: Barry Shaffer, Adult Basic Education, Minnesota Department of Education, 996 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

To be considered for approval, all completed applications must be delivered to the Department of Education on or before June 1, 1994.

## **Minnesota Department of Human Services**

### **Family and Children's Services Division**

#### **Request for Proposals to Provide Overall Coordination and Contract Management Services for Early Intervention/Child Protection Specialty Trainings**

The Minnesota Department of Human Services is soliciting proposals from organizations to provide overall coordination of site logistics and registration, develop and distribute publicity information, develop curriculum, and subcontract as appropriate with presenters.

Three special topic trainings, ranging in length from two days to four days offered at four regional training sites in Minnesota during the months of May thru October 1994.

The total amount of funding shall not exceed \$45,000.

This Request for Proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered in its best interest.

All proposals must be submitted no later than March 21, 1994.

For a copy of a more detailed explanation of this Request for Proposals, please contact:

Suzanne B. Pollack  
Department of Human Services  
Family and Children's Services Division  
Early Intervention/Child Protective Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3830  
(612) 297-3634

## Professional, Technical & Consulting Contracts

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### Department of Public Safety

#### Office of Traffic Safety

#### Notice of Availability of Grants to Counties for Intensive Probation Programs for Repeat DWI Offenders

In 1992, the Minnesota Legislature created a grant program to help counties establish or expand intensive probation programs for repeat DWI offenders (*Minnesota Statute* 169.1265). The legislature appropriated \$500,000 for the program and ten projects were awarded funds through a competitive grant application process. In 1993, the legislature once again funded the program with an appropriation of \$500,000 of which approximately \$100,000 will be utilized to provide continuation funding to existing grantees and \$400,000 will be available to fund new or expanded programs. A county, (or group of two or more counties jointly), are eligible to apply.

The Department of Public Safety has contracted with the firm of Speltz, Dorsey, Smaby and Associates to administer the program. The full request for proposals (RFP) describing eligibility criteria, application content and application procedures was sent directly to Chief Judges, County Administrators and Directors of Corrections on March 1, 1994. Others may call, FAX or write to request a copy of the RFP:

Sue Perkins, Associate  
SDS & Associates  
523 Suzanne Ave.  
Shoreview, MN 55426  
Phone: (612) 646-8495  
FAX: (612) 646-2704

Proposals must be received no later than 4:00 p.m. on April 1, 1994.

## Professional, Technical & Consulting Contracts

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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].

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### Department of Health

#### Maternal and Child Health Division Infant Mortality Reduction Initiative

#### Request for Proposals for Community Health Board Improved Pregnancy Outcomes Data Enhancement Project.

**Purpose:** The Infant Mortality Reduction Initiative (IMRI) of the Minnesota Department of Health (MDH) is seeking to assist Community Health Boards (CHBs) to enhance their data capacity and improve local pregnancy outcomes. This Improved Pregnancy Outcomes (IPO) Data Enhancement Project is one of a number of MDH Maternal and Child Health (MCH) efforts to improve pregnancy outcomes in Minnesota. It should directly impact CHB ability to prepare the Improved Pregnancy Outcomes component of the 1996-1997 Maternal and Child Health Special Projects (MCHSP) application and the Family Health (FH) component of the 1996-1999 Community Health Services Plan.

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## Professional, Technical & Consulting Contracts

**Methodology:** Participating CHBs will be provided with funds and technical assistance to more effectively identify, collect, interpret, and use pregnancy outcomes and other maternal and child health data, and to integrate that data into broader community needs assessment and planning activities. The technical assistance will be provided through a MDH conference in November, 1994 as well as through on-going contacts with selected MDH staff.

Participating CHBs will be asked to conduct pregnancy outcome-related needs assessments in two phases. The first phase will be an assessment of local data needs and technical assistance needs, and the second phase will be an assessment of community improved pregnancy outcomes needs and priorities, as detailed below:

- A. First Phase (April 15 to June 30, 1994):
  1. Conduct a systematic assessment of:
    - a) state and local sources of data available to the CHB for identification of its local pregnancy outcomes and MCHSP/FH needs and priorities;
    - b) adequacy, completeness, gaps, and timeliness of the available data for use in local on-going needs assessment and program planning; and
    - c) technical assistance needed to enhance CHB capacity to collect, interpret and incorporate pregnancy outcomes and other maternal and child health data into on-going MCHSP/FH needs assessment and planning processes.
  2. By June 30, 1994, submit a brief report (3-5 pages) to MDH on the results of the above local assessment of data sources, data needs, and technical assistance needs. (Note: Report will inform planners for the November, 1994 conference described below).
- B. Second Phase (November 15, 1994 - June 30, 1995):
  1. Send appropriate staff to the November, 1994 MDH Preventive Health and Human Services Block Grant-funded Capacity-Building conference on the use of data from birth certificates, the Behavioral Risk Factor Survey, and the County Health Profiles.
  2. Conduct community improved pregnancy outcomes needs assessment, as part of the MCHSP/FH needs assessments, using needs assessment and planning guidelines developed for the Community Health Services Plans and on-going technical assistance available from selected MDH staff, and including:
    - a) collection, analysis, and review of pregnancy outcomes data from state and local sources; and
    - b) identification and determination of community needs and priorities for improved pregnancy outcomes.
  3. By June 30, 1995, submit a brief report (3-5 pages) to MDH on the process used to conduct the community improved pregnancy outcomes needs assessment and the specific needs and priorities identified. (Note: Report will inform IMRI and other MCH staff of locally-identified needs and priorities for improving pregnancy outcomes and will be used for planning purposes.)

**Eligibility:** The 49 CHBs in Minnesota.

**Funds:** A total of \$134,000 is available for this project between April 15, 1994 and June 30, 1995. Funding will be allocated on a formula basis according to the average number of live births/year which occurred to residents of each CHB between 1988 and 1992. If all 49 CHBs choose to participate, a total of \$2 will be allocated per live birth. If one or more CHB decides not to participate, then the amount per live birth for participating agencies will increase proportionately. A funding allocation schedule, calculated at \$2/live birth, is available from Junie Svenson at the phone number and address given below.

Funding will be provided in two cycles. Half of the total allocation will be for the First Phase from April 15 to June 30, 1994 and the remaining half will be for the Second Phase from November 15, 1994 to June 30, 1995.

It is recognized that the funds available are limited and that CHBs will need to support most of their needs assessment costs using MCHSP grant, Community Health Service subsidy, and local funds as they have in the past. However, the supplemental funds provided by this grant should enable CHBs to give particular attention to improved pregnancy outcomes issues. Each CHB may use its own discretion in determining how the grant funds will be spent, e.g., meeting expenses, computer software/hardware, or course fees, so long as supplantation of other funding sources does not occur.

# Professional, Technical & Consulting Contracts

**Application:** A one-page form to indicate Intent to Participate is available from Junie Svenson at the address below or at (612) 623-5411 (fax: (612) 623-5442). To be eligible to participate in this project, the completed Intent to Participate form must be submitted in duplicate to:

Junie Svenson, M.P.H.  
Infant Mortality Consultant  
Maternal and Child Health Division  
Minnesota Department of Health  
717 Delaware Street S.E., P.O. Box 9441  
Minneapolis, Minnesota 55440

on or before **Friday, April 8, 1994, at 4:30 p.m.** A legible postmark from the Post Office or a private carrier which indicates a date and time preceding the above deadline will be accepted as verification that the deadline was met.

Junie Svenson is the only MDH employee authorized to answer questions regarding this Request for Proposals.

## Department of Health

### Notice of Request for Proposals for the ASSIST Program to Reduce Tobacco Use in Minnesota

**Contract Funds Available for Programs For:**

ASSIST Tobacco Use Prevention

**Eligible Applicants:**

Community Health Boards, Public Health Organizations,  
Nonprofit Organizations, Private Organizations, and ASSIST Coalitions

**Funding Available:**

Approximately \$400,000.00

**Duration of Funding:**

October 1, 1994 through September 30, 1995

**Description of Available Subcontract Funds:**

Minnesota ASSIST intends to contract with organizations, and community coalitions to reduce tobacco use in Minnesota through community action focusing on policy and media advocacy. Proposals must demonstrate a philosophy consistent with ASSIST project goals and objectives.

ASSIST has four major policy objectives:

- Eliminate environmental tobacco smoke
- Reduce tobacco advertising and promotion
- Reduce youth tobacco access and availability
- Increase the price of tobacco

ASSIST intends to reach both large populations and particular populations with a high percentage of people who use tobacco or are at risk for heavy tobacco use. Priority populations include: youth, women and men in blue-collar or clerical occupations, low income/unemployed people, American Indians, African Americans, Hispanics, and Asian/Pacific Islanders.

The ASSIST monies will be distributed through a competitive process in the following ways:

**1. Local Coalitions**

**a. In the Primary Intervention Region**

The Primary Intervention Region for Minnesota ASSIST consists of 20 counties. These counties include Anoka, Benton, Carver, Chisago, Dakota, Dodge, Goodhue, Hennepin, Isanti, Olmsted, Ramsey, Rice, Scott, Sherburne, Stearns, Steele, Wabasha, Washington, Winona, and Wright. Approximately \$200,000 will be available, with the subcontract range being \$3,000 to \$20,000.



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## Professional, Technical & Consulting Contracts

Coalitions serving populations greater than 350,000 may apply for up to \$29,000. For every three dollars above \$20,000 the applicant must provide a one dollar in-kind match.

### **b. In the Secondary Intervention Region**

The Secondary Intervention Region includes all Minnesota counties outside of the Primary Intervention Region. The total amount of funds available for coalition activity in this region is \$25,000, with the average subcontract in 1993-94 being \$3,650.

### **2. Special Projects**

These collaborative projects involve more than one coalition, and are statewide, or regional within the primary intervention region. Approximately \$175,000 will be available, with the subcontract range being \$5,000 to \$30,000. A minimum of \$40,000 of the available funds will be available for special projects for communities of color.

### **Procedure and Information for Applying for Funds:**

#### **Step 1: Applicants Should Provide Notice of Intent to Apply for Funds**

The Notice of Intent must be received by the Minnesota Department of Health **no later than 4:30 p.m. on Friday, April 8, 1994.** The original should be sent to:

Mary Jo O'Brien  
Commissioner of Health  
Minnesota Department of Health  
717 SE Delaware Street  
P.O. Box 9441  
Minneapolis, MN 55440

A copy of the Notice of Intent must also be sent to the grant manager (Mary Hourigan) at the address listed in the last section of this notice.

#### **Step 2: The Minnesota Department of Health will Provide Application Materials**

ASSIST Tobacco Use Prevention grant/contract application materials will be mailed to organizations expressing an intent to apply on and after Friday, April 28, 1994.

#### **Step 3: Applicants Must Submit Completed Applications According to the Following Schedule**

The ASSIST Tobacco Use Prevention grant/contract application receipt deadline is **not later than 4:30 p.m. on Friday, June 16, 1994.**

#### **Step 4: The Minnesota Department of Health will Award Funds According to the Following Schedule**

Award Decision: July 18, 1994

Grant Contract: October 1, 1994 through September 30, 1994

Duration of Funding: 12 months

#### **For More Information contact:**

Mary Hourigan  
ASSIST Tobacco Use Prevention Project Manager  
Minnesota Department of Health  
717 SE Delaware Street  
P.O. Box 9441  
Minneapolis, MN 55440  
Phone: 612/623-5281  
Fax: 612/623-5775

## Professional, Technical & Consulting Contracts

### Office of the Secretary of State

#### **Request for Proposal for Professional Services to Undertake a Performance Analysis and Capacity Study of the Secretary of States' Mainframe Computer System Which is Used to House Applications for Statewide Election Reporting, Statewide Voter Registration, Statewide Uniform Commercial Code and Business Information.**

*Publication of this RFP does not obligate the State of Minnesota to go forward with a full contract.*

#### **Project Scope and Goals**

The Office of the Secretary of State is requesting a proposal for professional services to conduct a performance and capacity analysis of its mainframe computer system which will define the performance standards of which the system is capable, identify any performance problems and recommend corrective actions to be taken by the Office of the Secretary of State.

The contractor shall provide the use of any data collection tools used in the analysis for a period of 60 days following the presentation of the findings and recommendations so that the implementation of the recommendations can be monitored.

#### **Background**

The main elements of the Secretary of State Computer System are a Unisys 2200/611 mainframe, accessed by Secretary of State staff in St. Paul through a local area network consisting of approximately 70 stations (personal computers and diskless workstations) and approximately 200 additional stations (personal computers and non-intelligent terminals) in the offices of the 87 county auditors and recorders throughout the state. The system is also accessed by approximately 250 dial-up customers in the private sector.

The database environment is primarily Unisys MAPPER, with some printing applications done in COBOL.

The computer system and network are used to administer the statewide voter registration system, the statewide election reporting system, the statewide uniform commercial code filing system, the maintenance of a database of business records and other related activities of the Secretary of State.

The system includes a mainframe computer located in St. Paul which is connected by a telecommunications network operated by the Minnesota Department of Administration to county auditors and recorders in 87 county courthouses throughout the state.

Testing in preparation for the 1994 election season activities has indicated a potential slowdown of response time during the peak periods of simultaneous data entry, output display and reporting.

The MAPPER runs have been thoroughly analyzed. Evidence supports the conclusion that further improvement of the application code would have no more than a modest positive effect on response time.

#### **Project Tasks**

The contractor will perform the following tasks:

1. Review the current hardware, software and operating system configuration of the Unisys 2200/611 mainframe and determine a performance measurement and analysis strategy including definition of what performance data to monitor, what time periods to test, and what activities to conduct during test periods. Tests will include periods of both normal and peak activity as defined and scheduled by the Office of the Secretary of State.
2. Set up, record and gather performance data during defined test periods.
3. Analyze system resource utilization during test periods.
4. Prepare reports, including tables and graphs, that summarize system capacity and system resource utilization; identify and contention for resources. Compare actual measured performance to the performance standards of which the system is capable.
5. Provide recommendations on optimizing and tuning system parameters to improve system response time. Recommend any hardware changes necessary to achieve a satisfactory response time during peak utilization.
6. Present findings and recommendations to Secretary of State executive management. Conduct a separate discussion with Computer Services staff to review technical details of findings and recommendations.
7. Monitor system performance after implementation of recommendations and provide quantitative measurements of improved performance.

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## Professional, Technical & Consulting Contracts

### Proposal Contents

The following items will be considered minimum contents of the proposal:

1. A brief description of the respondent's firm including the qualifications relevant to this project and a list of clients who have received similar services and may be contacted for references.
2. The names of respondent's employees who will be assigned to this project, their individual roles, expected level of involvement, relevant education and experience.
3. A restatement of the project's scope and goals to show that the respondent fully understands the goals of the Secretary of State.
4. A description of the approach that will be used in conducting the project.
5. A description of the deliverables to be provided and the cost of each.
6. A work plan which identifies the major tasks to be accomplished, the cost of each task, the time frame for completion of each task and a description of the method that will be used to ensure that the project stays on schedule and achieves its objectives.
7. A description of the role Secretary of State staff will be expected to play in the project, as well as other services to be provided by the Secretary of State.

### Proposal Evaluation

All proposals received by the deadline will be evaluated by Secretary of State staff based on the following factors:

1. Qualifications of both the firm and the personnel assigned to the project. Knowledge of and experience with Unisys OS1100 computer systems and operations will be given very significant weight. Relevant experience in similar analyses and studies will be given significant weight. 60%
2. Expressed understanding of project goals, as evidenced by the proposal statement. 20%
3. Project work plan, as developed in the respondent's proposal. 10%
4. Project cost detail, as listed in the respondent's proposal. 10%

### Project Completion Date

Project Tasks 1-6 must be completed no later than April 29, 1994. Project Task 7 will be scheduled at the time of presentation of findings and must be completed no later than May 30, 1994.

### Submission of Proposals

All proposals must be sent to:

Donald Bostrom  
Supervisor, Computer Services Section  
Office of the Secretary of State  
555 Park Street  
Suite 402  
St. Paul, MN 55103

All proposals are due no later than 3:00 PM on March 22, 1994. Respondents must submit two (2) copies of the proposal. Late proposals will not be accepted. At least one copy must be signed in ink by an officer or principal of the firm.

### Department Contact

Prospective respondents desiring further information regarding this Request for Proposal may write or call:

Donald Bostrom  
Supervisor, Computer Services Section  
Office of the Secretary of State  
555 Park Street  
Suite 402  
St. Paul, MN 55103  
(612) 297-8760

*No other person may respond to questions concerning this Request for Proposal.*

# Professional, Technical & Consulting Contracts

## Department of Transportation

### Surveying and Mapping

#### Notice of Availability of Contract for Photogrammetric Services Fiscal Years 1995 & 1996 (July 1, 1994 to June 30, 1996)

The Minnesota Department of Transportation desires an aerial surveys firm or firms to provide the following photogrammetric services conforming to MN/DOT specifications:

**1. Aerial Vertical Photography**

Provide negatives taken by the contractor(s) using a precision aerial camera. The negatives shall be suitable for printing photographs and transparencies and for use in the State's photogrammetric instruments for analytical aerial triangulation and map compilation. The State may call for the use of panchromatic, color negatives or infrared color emulsions in obtaining the photography.

**2. Aerial Oblique Photography**

Provide negatives taken by the contractor(s) suitable for printing photography for illustrative purposes.

**3. Photographic Laboratory Services**

Provide, from aerial negatives, rectified, ratioed and controlled photographic enlargements and mosaics, 9 1/2" x 9 1/2"; diapositives on glass or film suitable for photogrammetric compilation of topographic mapping and screened photographic film positives from mosaic negatives.

In accordance with the provisions of *Minnesota Statutes* 1990, 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. Your proposal will be rejected unless it includes one of the following:

1. A copy of your firm's certificate of compliance issued by the Commissioner of Human Rights; or
2. A letter from Human Rights certifying that your firm has a current certificate of compliance; or
3. A notarized letter certifying that your firm has not had more than 20 full time employees at any time during the previous 12 months.

The State anticipates that the total value of work ordered will not exceed \$550,000.00. The State reserves the option to enter into agreements with more than one firm.

Firms desiring consideration shall express their interest and submit their Federal Forms 254 and 255 on or before **March 25, 1994**.

This is not a request for proposal. Send your response to:

Minnesota Department of Transportation  
Surveying and Mapping Section  
Mail Stop 640  
Transportation Building  
395 John Ireland Boulevard  
St. Paul, Minnesota 55155

## Department of Transportation

### Engineering Services Division

#### Notice of Request for Proposals for Consulting Services for Impact Study of Trunk Highway 12 Corridor

The Minnesota Department of Transportation is seeking consultants to provide a Social/Economic Impact Study of the Trunk Highway 12 Corridor.

The proposed project studies several alternatives to upgrade the existing two lane roadway. Trunk Highway 12 would be reconstructed from Wayzata to Trunk Highway 25, east of Montrose to improve structural capacity of the roadbed, correct substandard vertical and horizontal geometrics and increase safety and capacity. There are three alternatives for the west end that can be con-

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## Professional, Technical & Consulting Contracts

nected in three separate locations to provide eight total build alternatives. In addition, there is a "Do nothing" and a Traffic Demand Management alternative. Among the areas of extreme controversy are: 1) social, economic and land use, 2) historic/archaeological, 3) wetland and water quality, and 4) noise and air quality. For purposes of this study, the economic, social, relocation and land use impacts will be included in the Draft Environmental Impact Study for all of the project alternatives. The study will be prepared in accordance with Federal Highway Administration Regulations (as specified in 23CFR771 and FHWA Technical Advisory T6640.8A) and the Mn/DOT *Highway Project Development Process*.

Work is proposed to start April 1994 and continue through December 1994.

A request for Proposal can be obtained from the Mn/DOT Consultant Agreements Engineer.

Mr. Gabriel S. Bodoczy, P.E.  
Consultant Agreements Unit  
Minnesota Department of Transportation  
395 John Ireland Boulevard, Room 720S  
St. Paul, Minnesota 55155  
Attention: Linda Moline  
Fax: (612) 282-5127

Requests for Proposals will be available by mail from this office through March 21, 1994. A written request is required to receive the Request for Proposal. Indicate whether your firm is a Small Targeted Business or Disadvantaged Business Enterprise in your written request. After March 21, 1994, the Request for Proposal must be picked up in person.

No time extensions will be granted.

Proposals must be received at the above address no later than 2:00 P.M. on Monday, April 4, 1994.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

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, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractor shall receive the equivalent of 4% preference in the evaluation of their proposal.

## Department of Transportation

Engineering Services Division  
Office of Bridges & Structures

### Notice of Request for Proposals for Consulting Engineering Firm to Analyze Scour Conditions at Inplace Bridges

The Minnesota Department of Transportation (Mn/DOT) is seeking the services of Consultant Engineering firms to analyze scour conditions at inplace bridges.

Total program is estimated at \$1,100,000. Individual contracts will be awarded to various qualified vendors.

Work is proposed to start after April 1, 1994.

To obtain a copy of the completed Request for Proposal containing a scope of services together with a description of minimum qualifications and other required submittals contact:

Robert J. Miller, P.E.  
Mn/DOT Bridge Agreements Engineer  
Waters Edge Building, Suite 200  
1500 West County Road B2  
Roseville, MN 55113

Consultant's application must be received in writing at the above address. Respondents shall indicate if your firm is qualified as a Targeted Group Business (TGB). Response deadline is 3:00 PM, April 4, 1994.

Applicants must meet Affirmative Action qualifications attached to the RFP to be considered.

Additional technical information may be obtained by contacting Lisa Saylor, (612) 582-1190 or Andrea Hendrickson, (612) 582-1185 of the Mn/DOT Hydraulics Unit.

## Professional, Technical & Consulting Contracts

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This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice. The Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

### Minnesota Office of Waste Management

#### Notice of Request for Proposals for Studies and/or Demonstrations Showing the Feasibility of Applying Specific Technologies and Methods to Prevent Pollution

The Minnesota Office of Waste Management (OWM) is a state agency established by the Minnesota Legislature to provide financial and technical assistance to private businesses, local governments and other organizations for reducing the generation of and improving the management of solid and hazardous waste.

This notice is issued by the Director of the Office of Waste Management (OWM) under authority provided in *Minnesota Rules* parts 9205.4000 to 9205.0445 and *Minnesota Statutes* 115D.05 and 115A.154. Under this authority, the OWM has established the Pollution Prevention Grant Program. Through this Program, the OWM intends to study or demonstrate the feasibility of applying specific technologies and methods to prevent pollution. This includes projects which study the application of existing pollution prevention methods or technologies for Minnesota industry. Additionally, the project may study new pollution prevention methods or technologies in which additional research is needed to establish the feasibility of the method or technology. The intent of the program is to provide seed money to develop and implement new technologies or programs that increase pollution prevention in Minnesota. The OWM has budgeted a total of \$100,000 for the Fiscal Year 1994 funding round.

**The purpose of this notice is to solicit proposals for projects that meet the objectives of the Pollution Prevention Grant Program.**

Pollution prevention means reducing or eliminating at the source the use, generation, or release of toxic pollutants; hazardous substances, hazardous wastes or industrial wastes.

Pollution prevention does not include end-of-the-pipe treatment methods such as incineration and dewatering, nor does it include off-site recycling.

Pollution prevention techniques may include, for example: 1) product or process modification, 2) feedstock substitutions, 3) new or improved equipment, and 4) improved housekeeping practices.

Eligible applicants are individuals, corporations, firms and other organizations who use, generate, or release toxic pollutants (i.e. those chemicals which must be reported under Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986), hazardous substances, hazardous wastes or industrial wastes in a business, institutional or governmental setting in Minnesota, or associations that represent such persons or organizations. Consultants and others working directly with an eligible Minnesota applicant may apply on behalf of the applicant. A list of priority projects is included in the RFP.

Grant Program funds will be awarded up to a total of \$25,000 per project. The state share of eligible cost is limited to a maximum of two-thirds of the total cost of the project, with the other third to be matched by the grant applicant. Eligible costs can include labor, materials, consulting fees or monitoring and testing expenses associated with the project. Rental costs associated with processing, monitoring, or testing equipment are also eligible. However, the **cost of purchasing capital equipment is not eligible**. The one third match requirement can be provided either through in-kind services or through payment of project-related expenses, including the cost of purchasing capital equipment. In-kind matching may not include volunteer time. Applicants are advised that only costs incurred after the execution of the grant agreement are eligible for funding.

The OWM has prepared a Request for Proposal (RFP) that provides detailed information for applicants along with an application form. Interested persons may obtain a copy of the RFP, including the rules governing this grant program, by contacting:

Kirk Rosenberger, Grant Administrator  
Pollution Prevention Grant Program  
Minnesota Office of Waste Management  
1350 Energy Lane  
St. Paul, MN 55108  
612-643-3553 or 1-800-657-3843 (toll-free in Minnesota)

**To receive a disc copy of the RFP in WordPerfect 5.1, mail a formatted 3 1/2 inch high density floppy disc to the OWM at the above listed address.**

PLEASE NOTE, applications *must be received* by the OWM at the above address by **4:30 p.m. Friday, April 8, 1994**, or they will not be considered for funding. **No faxed proposals will be accepted.**



## 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.

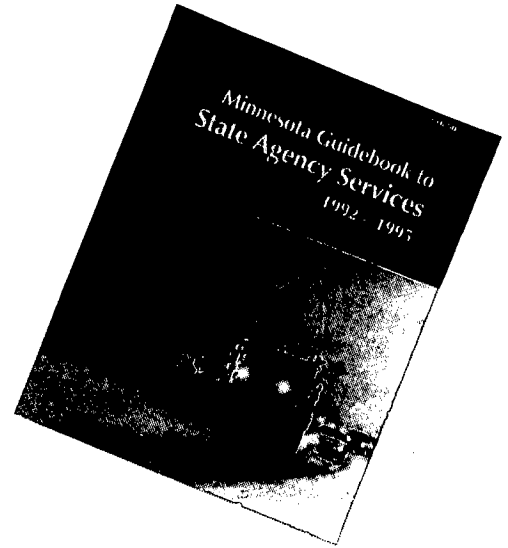
### Business & Professional Directories -----

#### **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 -- ~~\$16.90~~ NOW \$9.95**



#### **Minnesota Manufacturer's Directory 1994**

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**

#### **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**

#### **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**

#### **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**

#### **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**

#### **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)

