

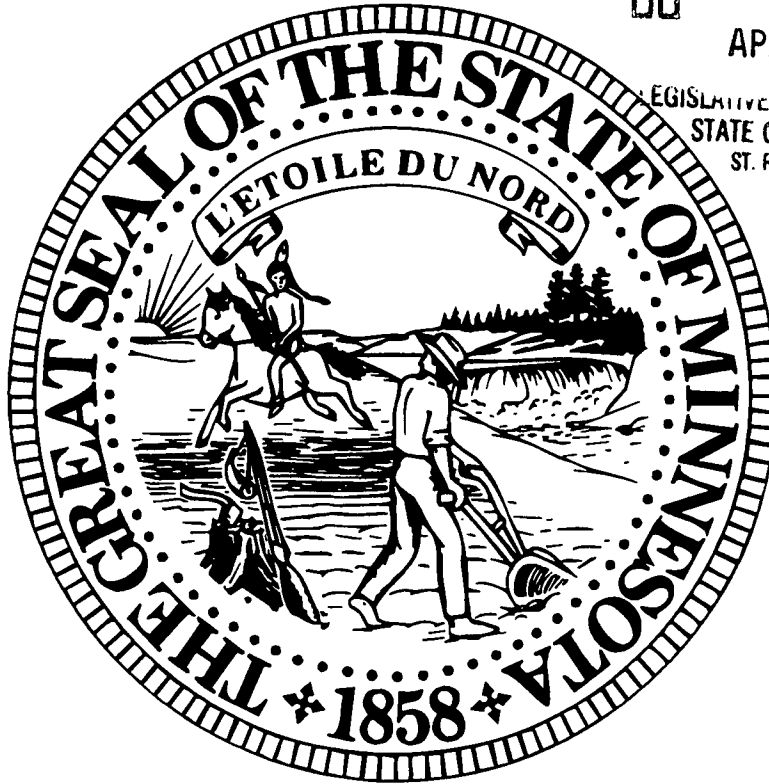
# The Minnesota State Register

Rules and Official Notices Edition

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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-consulting contracts, non-state bids and public contracts and grants.

### Printing Schedule and Submission Deadlines

Vol. 21 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 43	Monday 21 April	Monday 7 April	Monday 14 April
# 44	Monday 28 April	Monday 14 April	Monday 21 April
# 45	Monday 5 May	Monday 21 April	Monday 28 April
# 46	Monday 12 May	Monday 28 April	Monday 5 May

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### FOR LEGISLATIVE NEWS

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

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

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

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Professional, Technical and Consulting contract awards are published monthly in an *Awards Report*.

Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

# 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 80 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. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

## Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

## Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. 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*.

## Department of Agriculture

### Proposed Permanent Rules Relating to Grain Storage License Fees

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

##### Proposed Amendments to Rules Governing Grain Storage License Fees, *Minnesota Rules* 1562.0800.

**Introduction.** The Minnesota Department of Agriculture intends to adopt amendments to permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22-14.28 and rules of the Office of Administrative Hearings parts 1400.2300-1400.2310. You have 30 days to submit written comments on the proposed amendments and may also submit a written request that a hearing be held on the amendments.

**Agency Contact Person.** Comments or questions on the amendments and written requests for a public hearing on the amendments must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107; Phone (612) 296-6906, Fax (612) 297-5522. TTY users may contact the Department of Agriculture through Minnesota Relay Service at 612/297-5353, or outside the twin cities at 1-800/627-3529.

**Subject of Rules and Statutory Authority.** The proposed amendments are about fees assessed for grain storage licenses, grain bank licenses and a second warehouse examination fee. The statutory authority to adopt these amendments is *Minnesota Statutes*, sections 232.22, subd. 3 and 236.02, subd. 4. A copy of the proposed amendments is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. May 21, 1997, to submit written comment in support of or in opposition to the proposed amendments or any subpart of the amendments. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed amendments addressed and the reason for the comment. You are encouraged to propose any change desired. Any comment you would like to make on the legality of the proposed rule must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the amendments. 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 May 21, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed amendments to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed amendments.

**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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**Withdrawal of Requests.** 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 enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131-14.20.

**Modifications.** The proposed amendments may be modified as a result of public comment. The modifications must be supported by the comments and information submitted to the agency, and the adopted rule may not be substantially different than this proposed amendments. If the proposed amendments affect 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 contains a summary of the justification for the proposed amendments including a description of who will be affected by the proposed amendments and an estimate of the probable cost of the proposed amendments.

**Adoption and Review of the Rules.** If no hearing is required, the agency may adopt the amendments after the end of the comment period. The amended rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the amended rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted amendments, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 3 April 1997

Gene Hugoson, Commissioner  
Department of Agriculture

### 1562.0800 FEES.

Subpart 1. [See repealer.]

Subp. 2. **License to store grain.** The fees for a license to store grain are as follows:

A. For a license to store grain, the license fee is ~~\$40~~ \$70 for each home rule charter or statutory city or town in which a public grain warehouse is operated.

B. A person with a license to store grain in a public grain warehouse is subject to an examination fee for each licensed location, based on the following schedule for one examination:

Bushel Capacity	Examination Fee
Less than 150,001 bushels	\$275
150,001 to 250,000 bushels	385
250,001 to 500,000 bushels	495
500,001 to 750,000 bushels	605
750,001 to 1,000,000 bushels	715
1,000,001 to 1,200,000 bushels	825
1,200,001 to 1,500,000 bushels	935
1,500,001 to 2,000,000 bushels	1,045
More than 2,000,000 bushels	1,155

The fee for the second examination is ~~\$22~~ \$30 per hour per examiner for warehouse operators who choose to have it performed by the commissioner.

Subp. 3. **Grain bank license.** The license fee is ~~\$30~~ \$60 for each home rule charter or statutory city or town in which a private or public grain warehouse is operated and which will be used to operate a grain bank.

**REPEALER.** *Minnesota Rules*, part 1562.0800, subpart 1, is repealed.

## **Board of Dietetics and Nutrition Practice**

### **Proposed Permanent Rules Relating to Continuing Education**

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

##### **Proposed Adoption of Rules Relating to Continuing Education and Reinstatement, *Minnesota Rules 3250.0100-.0150.***

**Introduction.** The Board of Dietetics and Nutrition Practice (hereinafter 'Board') 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. The proposed rules pertain to continuing education requirements for license renewal and reinstatement procedures and fees. You have 30 days to submit written comments on the proposed rules. You may also, within 30 days, submit a written request that a hearing be held on any of the proposed rules, other than those pertaining to fees. A hearing is not required and will not be held on the proposed rules regarding fees. *Minnesota Statute 214.06, Subd. 3 (1996).*

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

Laurie Mickelson  
Executive Director  
Minnesota Board of Dietetics and Nutrition Practice  
2829 University Avenue SE, Suite 555  
Minneapolis, MN 55414  
(612)617-2175  
FAX (612)617-2174

**Subject of Rule and Statutory Authority.** The proposed rules set the requirements for continuing education referred to in *Minnesota Statutes* section 148.626. Statutory authority to adopt the rules is found in *Minnesota Statutes* sections 148.623 (1), 214.06, subdivisions 1, 2, and 214.12, subdivision 1. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m., on Friday, May 23, 1997, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the board contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules, other than those pertaining to fees. Your request for a public hearing must be in writing and must be received by the board contact person by 4:30 p.m. on May 23, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the board for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** 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 enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the board will follow the procedures set forth in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the board contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the board, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rule-making process.

**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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**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the board contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

**Adoption and Review of Rules.** If no hearing is required, the board may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, or want to register with the agency to receive notice of future rules proceedings, submit your request to the board contact person listed above.

Date: 21 April 1997

Laurie Mickelson  
Executive Director

### **3250.0100 PURPOSE.**

The primary purpose of continuing education is to ensure the public of an optimum quality of dietetic and nutrition care by requiring dietitians and nutritionists to take part in educational programs designed to advance their professional skills and knowledge.

### **3250.0110 DEFINITIONS.**

Subpart 1. Scope. For the purposes of parts 3250.0110 to 3250.0150, the terms in this part have the meanings given them.

Subp. 2. Program. "Program" means an educational activity related to the practice of dietetics and nutrition that offers a specified number of continuing education units.

Subp. 3. Unit. "Unit" means the equivalent of one clock hour of credit for participation in a program. Units per program shall be determined by the board or board-approved reviewer. Refreshment breaks and lunches do not count for unit credit.

### **3250.0120 REQUIRED CONTINUING EDUCATION.**

Each person licensed to practice dietetics and nutrition in this state shall, as a prerequisite for the continued renewal of the person's license, obtain a minimum of 45 continuing education units every three years by participating in board-approved continuing education programs.

### **3250.0125 QUALIFYING UNITS.**

In order to meet the requirements of part 3250.0120, units must be approved by the board. The board shall approve units that it determines have satisfactorily met the criteria specified in part 3250.0130. Alternatively, the board shall approve units approved by board-recognized reviewers of units. Board approval of units may be sought by the licensed individual or the sponsor of a program. Board approval of the units may be sought either in advance of or after participation in the program. Units may be obtained through a variety of formats, including, but not limited to, classes, conferences, correspondence study courses, lectures, seminars, study groups, exhibits, poster presentations, and publications.

### **3250.0130 CONTINUING EDUCATION APPROVAL CRITERIA.**

The board shall use the following criteria to determine whether to approve continuing education programs or units and to determine how many units to assign to each program:

A. the extent to which the material to be presented is likely to enhance knowledge and skill in the practice of dietetics and nutrition, as defined in *Minnesota Statutes*, section 148.621;

B. the extent to which instructors or speakers presenting the program are qualified in the field of instruction, either by practical or academic experience or both;

C. the program sponsor has furnished or agrees to furnish satisfactory evidence of program participation by Minnesota licensees; and

D. the complexity of material and participation time involved.

### **3250.0135 RECORD OF APPROVED PROGRAMS.**

The board shall maintain a record of approved programs and recognized reviewers of continuing education units.

### **3250.0140 SCHEDULE OF REQUIRED CONTINUING EDUCATION UNITS.**

A. Continuing education cycles shall run every three years, beginning December 1, 1997.

B. Each dietitian or nutritionist licensed on or before December 1, 1997, shall obtain 45 continuing education units by November 30, 2000, in order to annually renew a license for the period December 1, 2000, through November 30, 2003. Thereafter, each dietitian or nutritionist shall obtain 45 units every three years as a condition of annual license renewal.

C. Each dietitian or nutritionist licensed after December 1, 1997, shall be responsible for obtaining a proportion of the requisite continuing education units for the continuing education cycle in which that person enters as follows:

(1) if licensed during the first year of the cycle, for example, between December 1, 1997, and November 30, 1998, the individual shall obtain 30 units by the end of the cycle;

(2) if licensed during the second year of the cycle, for example, between December 1, 1998, and November 30, 1999, the individual shall obtain 15 units by the end of the cycle; and

(3) if licensed during the third year of the cycle, for example, between December 1, 1999, and November 30, 2000, the individual is exempt from obtaining any units by the end of the cycle.

Thereafter, the individual shall obtain 45 credits during each three-year cycle.

**3250.0145 REPORTING CONTINUING EDUCATION.**

A. Every three years beginning November 30, 2000, each individual licensed by the board shall report to the board approved continuing education units obtained during the preceding three years. The number of reported units shall be at least 45 or the appropriate portion of units as specified in part 3250.0140. In addition to reporting continuing education units on the form provided by the board, each licensee shall be prepared to provide to the board, upon request, satisfactory evidence of completion of all reported units.

B. Failure to comply with item A shall result in the licensee's license not being renewed.

**3250.0150 REINSTATEMENT.**

A licensee whose license has not been renewed shall, in order to have the licensee's license reinstated:

A. submit to the board a completed reinstatement application on a form provided by the board;

B. submit satisfactory evidence to the board of having obtained the required continuing education units for the continuing education cycle in effect at the time that the licensee's license was not renewed;

C. submit satisfactory evidence to the board of having met the continuing education requirements that would have applied to the licensee during the period of time between the nonrenewal of the license and the application for reinstatement had the licensee held a license during that time; and

D. submit to the board the appropriate reinstatement fee as follows:

(1) if the period of time between nonrenewal of the license and the application for reinstatement is less than one year, the reinstatement fee shall be the current annual renewal and late penalty fees plus an administrative charge of \$25;

(2) if the period of time between nonrenewal of the license and the application for reinstatement is between one and two years, the reinstatement fee shall be two times the current annual renewal and late penalty fees plus an administrative charge of \$25; and

(3) if the period of time between nonrenewal of the license and the application for reinstatement is more than two years, the reinstatement fee shall be three times the current annual renewal and late penalty fees plus an administrative charge of \$25.

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## Proposed Rules

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# Gambling Control Board

## Proposed Permanent Rules Governing Lawful Gambling

**DUAL NOTICE:** Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing; Notice of Hearing if 25 or More Persons Request a Hearing; and Notice of Cancellation of Hearing if 25 or More Persons Do Not Request a Hearing

In the matter of the proposed adoption of the rule of the Minnesota Gambling Control Board governing: *Minnesota Rules 7861.0020 - LICENSED ORGANIZATION*; *Minnesota Rules 7861.0030 - GAMBLING MANAGER*; *Minnesota Rules 7861.0040 - PREMISES PERMITS*; *Minnesota Rules 7861.0050 - ILLEGAL GAMBLING*; *Minnesota Rules 7861.0120 - ORGANIZATION OPERATIONS, ACCOUNTS, AND REPORTS*.

**Introduction.** The Minnesota Gambling Control Board intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 PM on Wednesday, May 21, 1997, a public hearing will be held at the Kelly Inn, I-94 & Marion Streets, St. Paul, Minnesota 55101 starting at 9:00 AM on June 2, 1997. 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 4:30 PM on May 21, 1997 and before June 2, 1997.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is:

Sharon A. Beighley, Rules Coordinator  
Minnesota Gambling Control Board  
1711 W County Rd B, #300S  
Roseville MN 55113  
Telephone: 612-639-4035  
FAX: 612-639-4032

TTY users may call the Minnesota Relay Service at 1-800-627-3529 and ask to place a call to 612-639-4035.

**Subject of Rules and Statutory Authority.** The proposed rules clarify the conditions under which expense calculation forms must be filed with the board and incorporate statutory requirements regarding the submission of complete license applications. The rule amendments will also decrease the period of time that an organization and/or gambling manager license and premises permit is lapsed for failure to file a complete application within the prescribed time period. The rules ease the disciplinary sanctions against organizations for illegal gambling occurrences at the permitted premises where organizations are not involved in the illegal activity. The proposed rules also delete the requirement that a sketch of leased premises be submitted with renewal applications unless a change in the premises has occurred. The proposed rule amendments eliminate existing language regarding fund loss requests, and include clarified language which is clearer and more easily understood. These revisions also establish criteria for the Board to use when approving or denying fund loss requests.

The Board's statutory authority to adopt these rules is set out in *Minnesota Statutes*, section 349.151m subdivision 4(a) (1994), which lists the powers and duties of the Board. Section 349.151, subdivision 4(a), clause (1) authorizes the Board to regulate lawful gambling to ensure that it is conducted in the public interest; clause (5) authorizes the Board to make rules authorized by this chapter; and clause (17) authorizes the Board to take all necessary steps to ensure the integrity of and public confidence in lawful gambling. *Minnesota Statutes 349.151*, subd. 13 (1994) authorizes the Board to adopt rules with necessary or proper in discharging the Board's powers and duties.

*Minnesota Statutes 349.16*, subdivision 9, mandates that the Board must not deny or delay the renewal of a license because of the incompleteness of the application until it has given the applicant an additional five business days to file a complete application. This legislative mandate is reflected in the proposed rule amendments.

A copy of the proposed rule is published in the *State Register* and attached to this Notice as mailed. A copy is also available free of charge by contacting the agency contact person.

**Comments.** You have until 4:30 PM on Wednesday, May 21, 1997 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during the comment period.

**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 PM on Wednesday, May 21, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you opposed the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address and telephone number listed above.

**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 be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for June 2, 1997 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 612-639-4035 after May 21, 1997 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 14.131 to 14.20. The hearing will be held on the date and the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7604, and fax 612-349-2665.

**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 before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit 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. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received by the Office of Administrative Hearings no later than 4:30 PM on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** Statement of Need and Reasonableness is now available from the agency contact person. This statement contains a summary of justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. The statement may also be reviewed and copies may be obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

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**Lobbyist Registration.** *Minnesota Statutes*, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: 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, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person 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 ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order for Hearing.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 2 April 1997

Harry W. Baltzer, Executive Director  
Minnesota Gambling Control Board

### 7861.0020 LICENSED ORGANIZATION.

[For text of subps 1 to 7, see M.R.]

Subp. 8. **Renewals.** The following items apply to license renewals:

A. To renew a license at the end of a term, an organization must submit to the board a complete renewal application on a form prescribed by the board at least 60 days before the expiration of the organization's existing license. A renewal application is not complete until it contains the information required by subparts 3 and 4 ~~and a completed expense calculation on a form prescribed by the board.~~

Complete applications received by the board less than 60 days before the expiration of the applicant's existing license will be considered pursuant to this part but, if the applicant is entitled to a renewed license, the license will not be renewed by the director until the first day of the month following the expiration of ~~60~~ 30 days after the board has received the complete application. An organization shall not continue gambling after the expiration of its license unless and until it receives a renewed license.

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

D. The board may not delay the renewal of an organization license under *Minnesota Statutes*, section 349.16, because of the licensee's failure to submit a complete application by a specified date before the expiration of the license, unless the board has first:

(1) sent the applicant by registered mail a written notice of the incomplete application; and

(2) given the applicant at least five business days from the date of receipt of the notice to submit a complete application or the information necessary to complete the application.

E. An organization that the director determines has failed to submit a complete renewal application at least 60 days before the expiration of its existing license may appeal that determination by filing a written request for a contested case hearing with the board before the expiration of the organization's existing license. The director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under *Minnesota Statutes*, section 14.61. The sole issue at the hearing is whether the applicant submitted a complete application at least 60 days before the expiration of the applicant's existing license.

An organization whose renewal application has been denied may appeal that denial by requesting a contested case hearing pursuant to *Minnesota Statutes*, chapter 14. The request must be made in writing and received by the board no later than ten days after the organization receives the denial of its renewal application. Upon receipt of the request, the director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. The hearing must be held less than 30 days after the service of Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under *Minnesota Statutes*, section 14.61.

[For text of subp 9, see M.R.]



7861.0030 GAMBLING MANAGER.

[For text of subps 1 to 10, see M.R.]

Subp. 11. **Renewals.** Items A to E apply to renewals of a gambling manager's license.

A. To renew a license at the end of a term, a licensed gambling manager must submit a complete renewal application on a form prescribed by the board to the board at least 60 days before the expiration of the gambling manager's existing license. A renewal application is not complete until it contains the information required by subpart 5, and the fee required by subpart 8; and *Minnesota Statutes*, section 349.167, subdivision 2.

Complete applications received by the board less than 60 days before the expiration of the applicant's existing gambling manager's license will be considered pursuant to this part but, if the applicant is entitled to a renewed license, the license will not be renewed by the director until the first day of the month following the expiration of ~~60~~ 30 days after the board has received the complete application. A person shall not continue acting as a gambling manager after the expiration of the person's license unless and until the person has received a renewed license.

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

[For text of subps 12 and 13, see M.R.]

7861.0040 PREMISES PERMITS.

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

Subp. 4. **Attachments to application.** The following must be attached to the premises permit application:

A. A copy of the lease must be submitted. A lease must be on a form prescribed by the board and must contain at a minimum the following information:

[For text of subitems (1) to (11), see M.R.]

(12) an irrevocable consent from the lessor that:

[For text of units (a) to (c), see M.R.]

(d) the lessor, the lessor's immediate family, and any agents or gambling employees of the lessor will not participate as players in the conduct of lawful gambling on the premises; and

(e) the lessor, the lessor's immediate family, and any agents or employees of the lessor will not require the organization to perform any action that would violate statute or rule;

(f) if there is a dispute as to whether a violation of unit (e) has occurred, the lease will remain in effect pending a final determination by the compliance review group;

(g) the lessor agrees to arbitration when a violation of unit (e) is alleged. For purposes of this subpart, the arbitrator shall be the compliance review group of the board; and

(h) in addition to the requirements of subitem (9), the lessor shall maintain a record of all money received from the organization, and make the record available to the board and its agents, the commissioners of revenue and public safety and their agents upon demand. The record shall be maintained for a period of 3-1/2 years;

(13) a clause that provides for the termination of the lease if the premises is the site where illegal gambling has occurred; notwithstanding part 7861.0050, subpart 3, a clause that requires an organization to continue making rent payments, pursuant to the terms of the lease, if the organization or its agents are found to be solely responsible for any illegal gambling conducted at the site that is prohibited by part 7861.0050, subpart 1, or Minnesota Statutes, section 609.75, unless the organization's agents responsible for the illegal gambling activity are also agents or employees of the lessor;

(14) a clause stating that the lessor shall not modify; or terminate; or refuse to renew the lease in whole or in part because the organization reported to a state or local law enforcement authority or the board the occurrence at the site of illegal gambling activity in which the organization did not participate; and

(15) a clause stating that the lessor shall not modify or terminate the lease in whole or in part because of a violation of subitem (12), unit (e);

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(16) a clause stating that the lessor is aware of the prohibition against illegal gambling in Minnesota Statutes, section 609.75, and the penalties for illegal gambling violations in part 7861.0050, subpart 3;

(17) a clause stating that, to the best of the lessor's knowledge, the lessor affirms that any and all games or devices located on the premises are not being used, and are not capable of being used, in a manner that violates the prohibitions against illegal gambling in Minnesota Statutes, section 609.75, and the penalties for illegal gambling violations in part 7861.0050, subpart 3; and

(18) any other agreements between the organization and the lessor.

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

[For text of subs 5 to 8, see M.R.]

Subp. 9. **Issuance and denial.** The following items apply to the issuance or denial of premises permits:

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

B. Notwithstanding the provisions of item A, the director shall deny a premises permit application when:

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

(4) another organization's premises permit for the proposed site is under suspension or revocation pursuant to part 7861.0050; or

(5) a prior premises permit for the proposed site would have been subject to suspension or revocation under part 7861.0050 and the suspension period or revocation that could have been imposed for that site has not elapsed; or

(6) a violation of subpart 4, item A, subitem (12), unit (e), has occurred. If a premises permit application is denied for a violation of subpart 4, item A, subitem (12), unit (e), no premises permit applications, other than a renewal application from an organization at the site when a violation of subpart 4, item A, subitem (12), unit (e), occurred, shall be considered for that site for a period of up to one year from the date of the board's final decision on the matter for a first violation of subpart 4, item A, subitem (12), unit (e), and up to two years from the date of the board's final decision on the matter for a second violation of subpart 4, item A, subitem (12), unit (e), unless a complete change of ownership of the site occurs. For purposes of this part, the term "complete change of ownership" means that no person or member of the immediate family of the person who, at the time the violation occurred, was the owner or lessor of the site or otherwise held a direct or indirect financial interest in the site. An appropriately recorded contract for deed does not constitute a prohibited direct or indirect financial interest for purposes of this part. The existence of a complete change of ownership is an affirmative defense of an organization that has, or is applying for, a premises permit for the site.

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

Subp. 10. **Renewals.** The following items apply to renewals of premises permits:

A. To renew a permit at the end of a term, an organization must submit to the board a complete renewal application on a form prescribed by the board at least 60 days before the expiration of the organization's existing permit. A renewal application is not complete until it contains the information required by subparts 3 and 4, the fee required by subpart 7, and local approval in the manner required by subpart 8. A renewal application need not include the information required by subpart 4, item B, unless a change has occurred in the dimensions or location of the leased area.

Complete applications received by the board less than 60 days before the expiration of the applicant's existing permit will be considered pursuant to this part but the permit will not be renewed by the director until the first day of the month following the expiration of ~~60~~ 30 days after the board has received the complete application. An organization shall not conduct gambling at a site where an existing permit has expired unless and until it receives a renewed permit.

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

D. The board may not delay the renewal of a premises permit under Minnesota Statutes, section 349.165, because of the licensee's failure to submit a complete application by a specified date before the expiration of the premises permit, unless the board has first:

(1) sent the applicant by registered mail a written notice of the incomplete application; and

(2) given the applicant at least five business days from the date of receipt of the notice to submit a complete application or the information necessary to complete the application.

E. Appeals:

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

7861.0050 ILLEGAL GAMBLING.

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

Subp. 3. **Discipline against premises permit.** The suspension or revocation of a premises permit is a contested case under *Minnesota Statutes*, chapter 14. For violations of subpart 1 which occur after July 25, 1994, the board shall suspend or revoke an organization's premises permit as follows:

A. for the first violation of subpart 1 at a site, the board shall suspend each premises permit for the site for a period of up to 90 days from the date of the board's final resolution or determination on the violation; No organization shall pay rent for the site, or pay any other costs contained in the lease agreement, during the term of the suspension. When suspending an organization's premises permit pursuant to this item, the board shall consider, at a minimum, the following factors:

(1) whether or not the organization notified the lessor, in writing, that illegal gambling was being conducted on the premises, including providing specific information regarding the conduct of the illegal gambling, and requesting that the lessor take appropriate action;

(2) whether or not the organization knew, or had reason to know, that the game or device that violated subpart 1 was used, or was designed to be capable of being used, in a manner that violates subpart 1 or Minnesota Statutes, section 609.75; and

(3) the degree to which the organization cooperated with law enforcement authorities, the Department of Public Safety gambling enforcement division, or the board.

B. for the second violation of subpart 1 at a site, the board shall suspend each premises permit for the site for a period of two years from the date of the board's final resolution or determination on the violation. No organization shall pay rent for the site, or pay any other costs contained in the lease agreement, during the term of the suspension. If a complete change of ownership of the site occurred between the first and second violations, the second violation is considered a first violation for purposes of this subpart and the board shall suspend each premises permit for the site for a period of up to 90 days in accordance with item A, subitem (3), and prohibit any organization from paying rent, or paying any other costs contained in the lease agreement, during the term of the suspension; and

C. for the third violation of subpart 1 at a site, the board shall revoke each premises permit for the site for a minimum period of five years from the date of the board's final resolution or determination on the violation, which permanent revocation shall continue unless and until a complete change of ownership occurs after the third violation. No organization shall pay rent for the site, or pay any other costs contained in the lease agreement, during the term of the revocation. If a complete change of ownership occurred between the second and third violations, the third violation is considered a first violation for purposes of this subpart and the board shall suspend each premises permit for the site for a period of up to 90 days from the date of the board's final resolution or determination on the violation in accordance with item A, subitem (3), and prohibit any organization from paying rent for the site, or paying any other costs contained in the lease agreement, during the term of the suspension.

[For text of subp 4, see M.R.]

7861.0120 ORGANIZATION OPERATIONS, ACCOUNTS, AND REPORTS.

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

Subp. 3. **Records and reports required.** The following items apply to records and reports:

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

E. When an organization has a fund loss by questionable means of its inventory or cash, the organization may apply to the board, on a form prescribed by the board, for an adjustment of its profit carryover. The organization shall file a fund loss report with the Department of Revenue, which will make a recommendation to the board. The fund loss report must include the following: shall comply with subitems (1) to (7).

(1) a local law enforcement report which was filed within ten days of the discovery of the loss, except when using a pull-tab dispensing device, the local law enforcement report must have been filed within 24 hours of the discovery of the loss. If a report was not filed with the local law enforcement agency within ten days, or in the case of pull-tab dispensing devices within 24 hours of the discovery of the loss, the request for adjustment will not be considered;

(2) a completed fund loss report which includes the following information:

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- (a) the name and address of the organization;
- (b) the license number, premises permit numbers, and effective date of the premises permit;
- (c) a description of the loss, including amount, date, location, and a summary of how the loss occurred, including if a safe was broken into or stolen;
- (d) whether the current status of the law enforcement investigation is closed, inactive, or active;
- (e) whether reimbursement for the loss has been or will be paid by insurance or criminal restitution;
- (f) a description of how the loss was verified using schedule B or B-2 if necessary;
- (g) internal controls and personnel changes that have been made to prevent future losses;
- (h) when the organization received the funds; and
- (i) signatures of the chief executive officer and the gambling manager; and

(3) all fund losses by questionable means must be reimbursed to the gambling bank account from nongambling funds, unless an adjustment to the organization's profit carryover is approved by the board.

(1) Within five days of discovery of the loss, the organization shall file a report with local law enforcement authorities. If the loss occurred from a pull-tab dispensing device, the local law enforcement report must be filed within 24 hours of the discovery of the loss.

(2) Within 60 days of discovery of the loss, the organization shall either:

(a) provide documentation to the board demonstrating that its gambling account was reimbursed for the amount of the fund loss with nongambling funds pursuant to subpart 4, item A, subitem (4); or

(b) file a fund loss request with the board requesting an adjustment to its profit carryover.

(3) The fund loss request shall be submitted within 60 days of discovery of the loss, or the request will not be considered by the board. The request shall be filed on a form prescribed by the board and contain, at a minimum, the following information:

(a) the name and address of the organization;

(b) the organization's license number, premises permit number, and effective date of the premises permit;

(c) the monetary value of the loss;

(d) a complete description of how and when the loss occurred;

(e) a statement describing how the assets were secured;

(f) whether the current status of the law enforcement investigation is active, inactive, or closed;

(g) whether any portion of the loss has been, or will be, paid by insurance or restitution and, if so, the anticipated amount to be paid and the anticipated dates of payment;

(h) a description of the internal controls in place at the time of the loss and any changes made to the organization's internal controls and personnel to prevent future losses;

(i) the date the loss was reported to the membership; and

(j) signatures of the chief executive officer and the gambling manager.

(4) The following units shall be included as attachments to the fund loss request:

(a) a copy of the local law enforcement report required by subitem (1);

(b) a copy of the organization's completed Schedule B or Schedule B-2 that describes how the amount of the loss was verified by the organization;

(c) a copy of the organization's completed Schedule F that describes how the loss was reported to the Department of Revenue; and

(d) a copy of the minutes from the meeting at which the fund loss was reported to the membership.

(5) The board shall consider, at a minimum, the following items when approving or denying fund loss requests:

(a) the security procedures in effect at the time the loss occurred;

(b) how the assets were secured when the loss occurred;

(c) the internal controls in effect at the time the loss occurred;

(d) whether or not the internal controls were followed by the organization's employees;

(e) the timely filing of the local law enforcement report;

(f) the completeness of the information submitted on and with the fund loss request;

(g) if the fund loss consisted of cash:

i. whether or not an organization employee was in control of the cash at the time the loss occurred;

ii. how the cash was protected;

iii. whether or not the cash was accessible to nonorganization employees; and

iv. if the loss occurred after business hours, how the cash was protected and controlled by the organization;

(h) if the fund loss consisted of inventory:

i. whether or not an organization employee was in control of the inventory at the time the loss occurred;

ii. whether the inventory was in play or locked in a secured area;

iii. whether or not the inventory was accessible to nonorganization employees; and

iv. if the loss occurred after business hours, whether the inventory was protected in a secured area controlled by the organization.

(6) The board shall approve or deny the organization's request for an adjustment to its profit carryover. If the board makes a determination that the request should be denied, the organization must reimburse its gambling account for the amount of the fund loss. Proof of reimbursement shall be submitted within 90 days of the board's final determination or resolution on the matter, pursuant to subpart 4, item A, subitem (4).

(7) The board shall reconsider fund loss requests when an organization presents new information or facts that the organization could not, by due diligence, have discovered prior to the board's initial consideration of the fund loss request.

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

Subp. 4. **Bank accounts.** The following items apply to bank accounts:

A. Each organization must maintain a separate gambling bank account at banks, savings and loans, or credit unions located within Minnesota.

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

(4) Nongambling funds shall not be deposited in the gambling bank account unless the organization is required by the board to deposit nongambling funds in the account to reimburse the account for unlawful expenditures or expenses, to otherwise bring the organization into compliance with *Minnesota Statutes*, section 349.15, ~~or~~ to reimburse the account for gambling receipts that the organization failed to deposit in the account, or to reimburse the account for a fund loss pursuant to subpart 3, item E, subitem (1).

[For text of subitems (5) to (7), see M.R.]

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

Subp. 5. **Expenditures.** The following items apply to expenditures of gambling funds:

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

B. Allowable expenses:

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

(2) Percentage of profit to be used for allowable expenses:

(a) Not more than 60 percent of the gross profit, less the tax imposed by *Minnesota Statutes*, section 349.212, subdivision 1, from bingo, and not more than 50 percent of the gross profit may be expended for allowable expenses related to lawful gambling.

**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.

## Emergency Rules

(b) A licensed organization must maintain an allowable expense calculation report, on a form prescribed by the board. Compliance is determined for the organization as a whole based on the organization's cumulative past expenditures for allowable expenses. Compliance with the maximum percentage of profits expended for allowable expenses must shall be determined annually, as provided in this item and part 7861.0020, subpart 8, for the organization as a whole based on the organization's cumulative past expenditures for allowable expenses. Compliance is not determined by each premises by the board using the information reported to the commissioner of revenue according to subpart 3, item D, subitem (1), for the 12th month of the organization's current license.

(e) A licensed organization must file with the board an allowable expense calculation report, on a form prescribed by the board, covering the period ending with the 12th month after the effective date of the organization's current license. The report must be filed on or before the 20th day following the last day of the period. If the report shows that the organization is not in compliance with the maximum percentage of profits that may be expended for allowable expenses, then beginning on the day the report is required to be filed with the commissioner of revenue, the organization must notify the board and cease its conduct of lawful gambling until it has deposited sufficient nongambling funds in its gambling bank account to bring the organization into compliance with the percentage limits on allowable expenses and until the organization has provided the board with proof of reimbursement to its gambling bank account by providing a copy of the check and a copy of the bank generated deposit receipt showing proof of the deposit.

(d) (c) The allowable expense calculation report filed with an organization's license renewal application under part 7861.0020, subpart 8, must cover In order to renew its license, the organization's compliance with the maximum percentage of profits expended for allowable expenses must be determined using the information reported to the commissioner of revenue according to subpart 3, item D, subitem (1), covering the period ending with the 21st month after the effective date of the organization's current license. Compliance is determined for the organization as a whole based on the organization's cumulative past expenditures for allowable expenses. If the organization's expense calculation is negative, it must submit the allowable expense calculation report completed through the 21st month of its current license by the end of the 22nd month of its current license. The organization must provide proof of compliance prior to its renewal license being issued.

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

## Emergency Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules; Designated Infested Waters; Designated Limited Infestations of Eurasian Water Milfoil

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, section 84D.12, subdivision 3.

Dated: 10 April 1997

Rodney W. Sando  
Commissioner of Natural Resources

By

Gail Lewellan, Assistant Commissioner of  
Human Resources and Legal Affairs

## 6216.0350 DESIGNATED INFESTED WATERS.

Subpart 1. Listing of waters infested with Eurasian water milfoil. The following water bodies are designated by the commissioner of natural resources as infested with Eurasian water milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to this chapter, *Minnesota Statutes*, section 84D.13, and other applicable laws.

	<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
<u>A. Anoka County</u>		
	(1) <u>Cenaiko Lake</u>	<u>02-0654</u>
	(2) <u>Crooked Lake</u>	<u>02-0084</u>
	(3) <u>Otter Lake</u>	<u>02-0003</u>
	(4) <u>Unnamed lake in Springbrook Nature Center</u>	<u>02-0688</u>
<u>B. Carver County</u>		
	(1) <u>Ann Lake</u>	<u>10-0012</u>
	(2) <u>Auburn Lake</u>	<u>10-0044</u>
	(3) <u>Bavaria Lake</u>	<u>10-0019</u>
	(4) <u>Lotus Lake</u>	<u>10-0006</u>
	(5) <u>Lake Minnewashta</u>	<u>10-0009</u>
	(6) <u>Pierson Lake</u>	<u>10-0053</u>
	(7) <u>Riley Lake</u>	<u>10-0002</u>
	(8) <u>Schutz Lake</u>	<u>10-0018</u>
	(9) <u>Stone Lake</u>	<u>10-0056</u>
	(10) <u>Lake Virginia</u>	<u>10-0015</u>
	(11) <u>Lake Waconia</u>	<u>10-0059</u>
	(12) <u>Lake Zumbra</u>	<u>10-0041</u>
<u>C. Chisago County</u>		
	(1) <u>Green Lake</u>	<u>13-0041</u>
	(2) <u>Rush Lake</u>	<u>13-0069</u>
<u>D. Crow Wing County</u>		
	(1) <u>Bay Lake</u>	<u>18-0034</u>
<u>E. Dakota County</u>		
	(1) <u>Crystal Lake</u>	<u>19-0027</u>
	(2) <u>Lac Lavon</u>	<u>19-0347</u>
	(3) <u>Twin Lakes</u>	<u>19-0028</u>
<u>F. Douglas County</u>		
	(1) <u>Oscar Lake</u>	<u>21-0257</u>
<u>G. Hennepin County</u>		
	(1) <u>Arrowhead Lake</u>	<u>27-0045</u>
	(2) <u>Brownie Lake</u>	<u>27-0038</u>
	(3) <u>Bryant Lake</u>	<u>27-0067</u>
	(4) <u>Bush Lake</u>	<u>27-0047</u>
	(5) <u>Lake Calhoun</u>	<u>27-0031</u>
	(6) <u>Cedar Lake</u>	<u>27-0039</u>
	(7) <u>Christmas Lake</u>	<u>27-0137</u>
	(8) <u>Dutch Lake</u>	<u>27-0181</u>
	(9) <u>Eagle Lake</u>	<u>27-0111</u>
	(10) <u>Fish Lake</u>	<u>27-0118</u>
	(11) <u>Forest Lake</u>	<u>27-0139</u>
	(12) <u>Lake Harriet</u>	<u>27-0016</u>
	(13) <u>Hiawatha Lake</u>	<u>27-0018</u>
	(14) <u>Lake Independence</u>	<u>27-0176</u>

## Emergency Rules

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	<u>(15) Lake of the Isles</u>	<u>27-0040</u>
	<u>(16) Libbs Lake</u>	<u>27-0085</u>
	<u>(17) Little Long Lake</u>	<u>27-0179</u>
	<u>(18) Long Lake</u>	<u>27-0160</u>
	<u>(19) Medicine Lake</u>	<u>27-0104</u>
	<u>(20) Minnehaha Creek</u>	<u>27-0000</u>
	<u>(21) Lake Minnetonka</u>	<u>27-0133</u>
	<u>(22) Niccum's Pond</u>	<u>private</u>
	<u>(23) Lake Nokomis</u>	<u>27-0019</u>
	<u>(24) Parker's Lake</u>	<u>27-0107</u>
	<u>(25) Lake Rebecca</u>	<u>27-0192</u>
	<u>(26) Rice Lake</u>	<u>27-0116</u>
	<u>(27) Round Lake</u>	<u>27-0071</u>
	<u>(28) Lake Sarah</u>	<u>27-0191</u>
	<u>(29) Schmidt Lake</u>	<u>27-0102</u>
	<u>(30) Swan Lake</u>	<u>27-0000</u>
	<u>(31) Whaletail Lake</u>	<u>27-0184</u>
	<u>(32) Wirth Lake</u>	<u>27-0037</u>
<u>H. Kanabec County</u>		
	<u>(1) Knife Lake</u>	<u>33-0028</u>
<u>I. Olmsted County</u>		
	<u>(1) George Lake</u>	<u>55-0008</u>
<u>J. Pope County</u>		
	<u>(1) Gilchrist Lake</u>	<u>61-0072</u>
<u>K. Ramsey County</u>		
	<u>(1) Bald Eagle Lake</u>	<u>62-0002</u>
	<u>(2) Lake Gervais</u>	<u>62-0007</u>
	<u>(3) Island Lake</u>	<u>62-0075</u>
	<u>(4) Keller Lake</u>	<u>62-0010</u>
	<u>(5) Silver Lake</u>	<u>62-0001</u>
	<u>(6) Sucker Lake</u>	<u>62-0028</u>
	<u>(7) Lake Vadnais</u>	<u>62-0038</u>
	<u>(8) Lake Wabasso</u>	<u>62-0082</u>
<u>L. Scott County</u>		
	<u>(1) Lower Prior Lake</u>	<u>70-0026</u>
<u>M. Todd County</u>		
	<u>(1) Sauk Lake</u>	<u>77-0150</u>
<u>N. Washington County</u>		
	<u>(1) White Bear Lake</u>	<u>82-0167</u>
	<u>(2) St. Croix River</u>	<u>82-0001</u>
<u>O. Wright County</u>		
	<u>(1) Augusta Lake</u>	<u>86-0284</u>
	<u>(2) Beebe Lake</u>	<u>86-0023</u>
	<u>(3) Clearwater Lake</u>	<u>86-0252</u>
	<u>(4) Little Waverly Lake</u>	<u>86-0106</u>
	<u>(5) Lake Pulaski</u>	<u>86-0053</u>
	<u>(6) Rock Lake</u>	<u>86-0182</u>
	<u>(7) Sugar Lake</u>	<u>86-0233</u>
	<u>(8) Waverly Lake</u>	<u>86-0114</u>



P. Multiple Counties

- (1) Mississippi River,  
downstream of St. Anthony Falls

Subp. 2. Listing of waters infested with round goby. The following water bodies are designated by the commissioner of natural resources as infested with round goby (*Neogobius melanostromus*). Activities at these waters are subject to this chapter, Minnesota Statutes, section 84D.13, and other applicable laws.

<u>Multiple Counties</u>	<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
	(1) <u>Lake Superior</u>	<u>16-0001</u>
	(2) <u>St. Louis River,</u> <u>downstream of the</u> <u>Fond du Lac dam</u>	

Subp. 3. Listing of waters infested with ruffe. The following water bodies are designated by the commissioner of natural resources as infested with ruffe (*Gymnocephalus cernuus*). Activities at these waters are subject to this chapter, Minnesota Statutes, section 84D.13, and other applicable laws.

<u>Multiple Counties</u>	<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
	(1) <u>Lake Superior</u>	<u>16-0001</u>
	(2) <u>St. Louis River,</u> <u>downstream of the</u> <u>Fond du Lac dam</u>	

Subp. 4. Listing of waters infested with spiny water flea. The following water bodies are designated by the commissioner of natural resources as infested with spiny water flea (*Bythotrephes cederstroemi*). Activities at these waters are subject to this chapter, Minnesota Statutes, section 84D.13, and other applicable laws.

<u>A. St. Louis County</u>	<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
	(1) <u>Fish Lake</u>	<u>69-0491</u>
	(2) <u>Island Lake</u>	<u>69-0372</u>
<u>B. Multiple Counties</u>		
	(1) <u>Lake Superior</u>	<u>16-0001</u>
	(2) <u>Cloquet River from</u> <u>Island Lake to the</u> <u>St. Louis River</u>	
	(3) <u>St. Louis River, downstream</u> <u>of the Cloquet River</u>	

Subp. 5. Listing of waters infested with white perch. The following water bodies are designated by the commissioner of natural resources as infested with white perch (*Morone americana*). Activities at these waters are subject to this chapter, Minnesota Statutes, section 84D.13, and other applicable laws.

<u>Multiple Counties</u>	<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
	(1) <u>Lake Superior</u>	<u>16-0001</u>
	(2) <u>St. Louis River,</u> <u>downstream of the</u> <u>Fond du Lac dam</u>	

## Emergency Rules

Subp. 6. Listing of waters infested with zebra mussels. The following water bodies are designated by the commissioner of natural resources as infested with zebra mussels (*Dreissena sp.*). Activities at these waters are subject to this chapter, *Minnesota Statutes*, section 84D.13, and other applicable laws.

	<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
<u>Multiple Counties</u>		
	(1) <u>Lake Superior</u>	<u>16-0001</u>
	(2) <u>Mississippi River, downstream of St. Anthony Falls</u>	
	(3) <u>St. Louis River, downstream of the Fond du Lac dam</u>	

### 6216.0370 DESIGNATED LIMITED INFESTATIONS OF EURASIAN WATER MILFOIL.

The commissioner of natural resources has identified and designated the following water bodies as limited infestations of Eurasian water milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to parts 6216.0300, subpart 3, and 6216.0400, subpart 4, *Minnesota Statutes*, section 84D.13, and other applicable laws.

	<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
<u>A. Carver County</u>		
	(1) <u>Lake Ann</u>	<u>10-0012</u>
	(2) <u>Lake Zumbra</u>	<u>10-0041</u>
<u>B. Hennepin County</u>		
	(1) <u>Christmas Lake</u>	<u>27-0137</u>
	(2) <u>Eagle Lake</u>	<u>27-0111</u>
	(3) <u>Little Long Lake</u>	<u>27-0179</u>
	(4) <u>Round Lake</u>	<u>27-0071</u>
	(5) <u>Whaletail Lake</u>	<u>27-0184</u>
<u>C. Pope County</u>		
	(1) <u>Gilchrist Lake</u>	<u>61-0072</u>
<u>D. Todd County</u>		
	(1) <u>Sauk Lake</u>	<u>77-0150</u>
<u>E. Wright County</u>		
	(1) <u>Sugar Lake</u>	<u>86-0233</u>

**Office of the Governor****Emergency Executive Order #97-10: Providing for Assistance to State and Local Units of Government**

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

WHEREAS, widespread spring snowmelt flooding is occurring and is approaching historical record river crest levels in numerous locations throughout the state; and

WHEREAS, local, county, and state government agencies are struggling to protect life and property from the rapidly rising waters; and

WHEREAS, the unprecedented nature of the flooding has exhausted local and county resources and seriously threatens many communities with catastrophic flooding; and

WHEREAS, a state of emergency has been declared and the Minnesota Emergency Operations Plan has been implemented;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or after April 3, 1997, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to assist and support civil authorities with snow removal, emergency response, and other operations in accordance with the Minnesota Emergency Operations Plan.
2. The cost of subsistence, transportation, fuel, pay, and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1996, sections 192.49, subd. 1; 192.51, and 192.52.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this seventh day of April, 1997.

Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

**Office of the Governor****Emergency Executive Order #97-11: Declaring a of Emergency in the State of Minnesota**

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

WHEREAS, since March 21, 1997, severe spring flooding has affected the western and southwestern regions of Minnesota; and

WHEREAS, during the April 5-7, 1997, time period, large areas in western and northwestern Minnesota were paralyzed by heavy snow and rain, freezing rain and blizzard conditions; and

WHEREAS, these events have inflicted widespread and substantial damage to the public infrastructure, as well as to individual homes, farms, and businesses; and

WHEREAS, dangerous and prolonged flooding conditions have been forecast for numerous counties in the western, northwestern, southwestern, and southeastern portions of the state; and

WHEREAS, the resources of local government and private relief agencies are being utilized to the maximum extent to respond to the crisis; and

WHEREAS, it is anticipated that those resources will be exhausted as the recovery process continues;

## Official Notices

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NOW, THEREFORE, I hereby order that:

A peacetime emergency exists in the State of Minnesota and do direct the Division of Emergency Management, in conjunction with the Federal Emergency Management Agency and other state and federal agencies, to determine the need for supplementary disaster aid and to coordinate the provision of any such assistance as necessary under existing state and federal authority.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1996, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this eighth day of April, 1997.

Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

## Official Notices

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Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

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## Department Of Health

### Health Policy and Systems Compliance Division

#### Notification of Committee Activity Regarding *Minnesota Statutes*, Sections 62J.52, Concerning Standardization of the Format for Hospital Billing Procedures

**Introduction.** Notice is hereby given that the Minnesota Department of Health (MDH) and the Minnesota Uniform Billing Committee are continuing to develop uniform billing formats for use in paper billing procedures for hospital services. The persons or groups likely to be affected by this are health care providers of inpatient services, and payers.

**Summary Of Issues.** *Minnesota Statute* sections 62J.52, part of the Health Care Administrative Simplification Act, requires development of greater uniformity in billing and other administrative activities in health care. The statute addresses use of standard paper formats, use of standard electronic data interchange formats, use of universal identifiers for health care system participants, and use of a standard identification card for health care plan enrollees. This solicitation concerns only use of the paper UB-92 claim form and a manual for its completion.

**UB-92 Manual.** As of January 1, 1996, all providers and payers in Minnesota have been required to use standard paper billing forms. The Minnesota Uniform Billing Committee has developed a manual to provide standard methods of completing the UB-92 paper form. The manual is copyrighted and published by the Minnesota Hospital and Healthcare Partnership (MHHP). This UB-92 manual is under continuous review and will be updated approximately quarterly in 1997. Reviews include topics from the federal Health Care Financing Administration, and inpatient-related billing issues discovered by providers and payers in Minnesota.

Persons interested in examining the current manual may contact Jane Fromm or David Lee of the MHHP at 612-641-1121 to arrange a time to review the manual at the MHHP location, 2550 University Avenue West, Suite 325, Minneapolis, Minnesota 55414. Persons interested in attending Minnesota Uniform Billing Committee meetings may contact the current Chairperson, Kim Conner of Blue Cross Blue Shield of Minnesota - Medicare A, at 612-456-1133 for the dates and times. The meetings are held approximately monthly at the offices of the MHHP.

Dated: 21 April 1997

## **Department of Labor and Industry**

### **Labor Standards Division**

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

Effective April 21, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Anoka County Highway Department Facility-St. Francis; MN/DOT Building Remodeling-Anoka; Washington and Lincoln Schools - Office Remodeling-Anoka.

**Beltrami:** Sattgast Hall HVAC Project BSU-Bemidji; 1997 Asbestos Abatement & Reinsulation Project NW Technical College-Bemidji.

**Chisago:** Reroof Portions of North Branch Schools-North Branch.

**Dakota:** McGuire Junior High School Temporary Classrooms-Lakeville.

**Freeborn:** 1997 Reroofing Albert Lea Schools-Albert Lea.

**Hennepin:** 1997 Reroofing Minnetonka Schools-Minnetonka; MN/DOT Building Remodeling-Plymouth/Eden Prairie; U of M Centennial Hall Communications Cable Installation-Minneapolis; U of M Middlebrook Hall Communication Cable Installation-Minneapolis; Deferred Maintenance Minneapolis Public Schools Education Service-Minneapolis; Minnesota Center for Arts Education Instructional Resources Facility-Golden Valley; Center for Magnetic Resonance Research U of M-Minneapolis.

**Houston:** La Crescent Community Ice Arena-La Crescent.

**Koochiching:** Rainy River Community College Gym Floor Replacement-Int'l Falls; Asbestos Abatement Littlefork/Big Falls School District-Littlefork.

**Nobles:** 1997 Partial Reroofing of Administration Classroom Building-Worthington.

**Ramsey:** Elevator Addition District Service Facility St. Paul Public Schools-St. Paul; Elevator & Ramp Addition Hayden Heights Elementary-St. Paul; Supreme Court Chamber Renovation Minnesota State Capitol-Saint Paul.

**Sherburne:** Wastewater Treatment Plant Modifications-Clear Lake; Sherburne County Government Center-Elk River.

**Stearns:** St. Cloud Municipal Athletic Complex Expansion-Saint Cloud.

**St. Louis:** Miscellaneous Duct Cleaning-Duluth; Mesabi Community College Gym Floor & Bleacher Replacement-Virginia; Reroofing MN/DOT Nopeming Truck Station-Duluth.

**Washington:** Forest Lake Public Schools Technology Infrastructure/Theater/Surveillance Equipment-Forest Lake.

Copies of the certified wage rate 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.

Gary W. Bastian,  
Commissioner

## **Metropolitan Airports Commission**

### **Notice of Public Hearing Regarding Ground Rental Rate Ordinance**

NOTICE IS HEREBY GIVEN that on the 7th day of May, 1997, at 1:00 p.m., in the Lindbergh Terminal Building at the Minneapolis-St. Paul International Airport, Mezzanine level, Room 3040 (this is the "new" Commission meeting room located above the NWA World Club), the Metropolitan Airports Commission will hold a public Hearing to receive testimony relative to the adoption of the:

#### **GROUND RENTAL RATE ORDINANCE**

An ordinance to promote and conserve public safety, health, peace, convenience and welfare; to provide for the amendment of ground rental rates, as provided by *Minnesota Statute* §473.651; for property located at the Minneapolis-St. Paul International Airport, all of which is property owned by or under the supervision and control of the Metropolitan Airports Commission; prescribing the penalty for violation thereof and repealing Ordinance No. 75.

## **Official Notices**

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Copies of the Ordinance may be obtained by contacting the Commercial Management & Airline Affairs Department at the Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota (726-8164).

Dated: 14 April 1997

Mr. Jeffrey W. Hamiel  
Executive Director  
Metropolitan Airports Commission

## **Department of Public Safety**

### **Minnesota Auto Theft Prevention Program**

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

The Department of Public Safety, Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meetings on the scheduled following dates: April 24, 1997 and May 1, 1997. Meetings will begin at 9:00 a.m. at the MATPP office located at 1110 Centre Pointe Curve Suite 405, Mendota Hts, MN (Hwy 110 and Lexington Ave. - GNB Bldg.) Meeting are open to the public. You can call (612/405-6155) for more information.

## **Teachers Retirement Association**

#### **Notice of Regular Meeting**

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, May 9, 1997, at 9:30 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

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# State Grants and Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan 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 and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Children, Families and Learning

### Notice of Grant Availability for Instructional Transformation Through Technology—CD-ROM Component

The Department of Children, Families and Learning announces the availability of grants for Instructional Transformation Through Technology—CD-ROM Component as described in *Laws of Minnesota 1995*, Chapter 3, Article 12, Section 8. The goal of this program is to develop, demonstrate, and disseminate effective practices using primarily CD-ROM as an instructional tool and/or learning resource. Eligible organizations are individual school districts or groups of school districts. Each school district may be a part of only one application for the Instructional Transformation Through Technology Grant—CD-ROM Component.

The Request for Proposal and application information will be available on April 21, 1997. This information can be requested from Jonette Gruhlke at (612) 296-2752. Applications are due on May 19, 1997, by 4:00 p.m. Questions regarding this program should be directed to Theresa Mish at (612) 296-6312 or Mike Damyanovich at (612) 282-5453.

## Department of Children, Families and Learning

### Notice of Grant Availability for Instructional Transformation Through Technology—ITV/Satellite Component

The Department of Children, Families and Learning announces the availability of grants for Instructional Transformation Through Technology—ITV/Satellite Component as described in *Laws of Minnesota 1995*, Chapter 3, Article 12, Section 8. The goal of this program is to develop, demonstrate, and disseminate effective practices using primarily interactive television and/or satellite as an instructional tool and/or learning resource. Eligible organizations are individual school districts or groups of school districts. Each school district may be a part of only one application for the Instructional Transformation Through Technology Grant—ITV/Satellite Component.

The Request for Proposal and application information will be available on April 21, 1997. This information can be requested from Jonette Gruhlke at (612) 296-2752. Applications are due on May 19, 1997, by 4:00 p.m. Questions regarding this program should be directed to Theresa Mish at (612) 296-6312 or Mike Damyanovich at (612) 282-5453.

## Department of Public Safety

### Minnesota Auto Theft Prevention Program

#### Notice of Grant Availability for Auto Theft Prevention

The Minnesota Auto Theft Prevention Program Board announces the availability of \$830,000.00 in grant money. Applications will be accepted from State, County, Local Police or Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. The moneys granted must be dedicated to the area of auto theft prevention. Grant proposal forms and information may be obtained by contacting Dennis Roske at the Auto Theft Prevention office at (612)405-6153 or 612/405-6155.)

# Professional, Technical & Consulting Contracts

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

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

## Department of Human Services

### Aging Initiative: Project 2030

#### Request for Proposals for Market Research, Preliminary Concept Development and Graphic Identity

The Minnesota Department of Human Services is soliciting proposals from qualified parties to conduct market research, preliminary concept development, and a graphic identity for Project 2030. This contract will provide the basis for a future public awareness campaign designed to encourage a more complete and shared understanding of healthy aging and long term care issues for those individuals approaching retirement age. The outcome of this contract will be a report which identifies target audiences, effective messages, marketing strategies, and a graphic identity for Project 2030. The report should offer basic information, analysis, and recommended alternatives. All substantive work on the contract must be performed by June 30, 1997. Final reports due August 1, 1997.

The 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 to be in its best interest.

The Department has estimated that the cost of this contract will not exceed \$50,000.00. All proposals must be submitted no later than May 12, 1997 at 4:00 p.m.

For a copy of a more detailed explanation of this request for proposal, please contact:

Ted Gredvig, Aging and Adult Services Division  
Department of Human Services  
444 Lafayette Road, St. Paul, MN 55155-3843  
612-296-2137

## Department of Human Services

### St. Peter Regional Treatment Center

#### Notice of Request for Proposals for Various Medical and Interpreter Services: Spanish Interpreters, a Physical Therapist, an Audiologist, Vietnamese Interpreter, Psychologists, a Radiologist and an Anesthetist

NOTICE IS HEREBY GIVEN that the St. Peter Regional Treatment Center, Residential Facilities Administration, Department of Human Services, is seeking services which are to be performed as requested by the Administration of the St. Peter Regional Treatment Center. The following contracts will be written for the period July 1, 1997 through June 30, 1999.

1. Services of two Spanish Interpreters to serve the needs of the mentally ill and dangerous.
2. Services of one physical therapist and one audiologist to serve the needs of the mentally ill and dangerous.
3. Services of one Vietnamese Interpreter to serve the needs of the mentally ill and dangerous.
4. Services of one Ph.D. level psychologist to serve as resource person to staff psychologist.
5. Services of one psychologist to serve the needs of the hearing impaired.
6. Services of one radiologist and one anesthetist.

Responses must be received by May 9th, 1997. Direct inquiries to:

Cindy Zahratka, Contract Coordinator  
St. Peter Regional Treatment Center  
100 Freeman Drive  
St. Peter, MN 56082  
Phone: (507) 931-7715



## Pollution Control Agency

### Air Quality Division

#### Notice of Request for Proposal (RFP) for Consultant Services to Develop Air Quality Permits Under the Expedited Permit Program

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency, Air Quality Division, is seeking the professional and technical services of a consultant to provide permit writing services for stationary sources and indirect sources requesting Air Quality permits under the Expedited Permit Program. Services include review of permit applications including calculations and compliance determination methods, evaluation of traffic impacts and air quality analysis, and development of draft permits and technical support documents. The selected contractor(s) will work as part of a team with Air Quality staff, under the direction and supervision of Air Quality staff.

The RFP is available on the Internet at <http://www.pca.state.mn.us/air/index.html>. Prospective contractors may also request an RFP, by writing or calling:

Ms. Toni Volkmeier  
Minnesota Pollution Control Agency  
Air Quality Division  
520 Lafayette Road  
St. Paul, Minnesota 55155  
Telephone: (612)297-7708  
e-mail: [toni.volkmeier@pca.state.mn.us](mailto:toni.volkmeier@pca.state.mn.us)

Prospective contractors may submit proposals for stationary sources, indirect sources, or both. Proposals are due no later than 3:00 p.m. on May 19, 1997. No late proposals will be accepted.

## Department of Transportation

#### Notice to Registered Civil and Structural Engineers Regarding Inclusion on the Bridge Design Consultant List

The Minnesota Department of Transportation (Mn/DOT) is soliciting expressions of interest from qualified design firms for inclusion on its Bridge Design Consultant List for the fiscal year 98/99 biennium, July 1, 1997 through June 30, 1999.

Mn/DOT anticipates retaining Bridge Design Consultants to design and prepare construction plans for individual bridge projects during the biennium. Mn/DOT will also issue T-Contracts (Work Order type contracts) for bridge design services during this period.

Consultant selection for individual contracts and T-Contracts will be from the approved Bridge Design Consultant List.

Firms desiring consideration must meet the following minimum qualifications:

1. Firm requirements
  - Must have an office in Minnesota staffed to handle the work, including at least two registered engineers licensed in a discipline appropriate for bridge design.
  - Staff must have recent experience in the satisfactory completion of bridge plans of average complexity for the State Highway System, the County State Aid Highway System, or equivalent.
  - Staff of the Minnesota office must be capable of completing the work to meet Mn/DOT schedules.
  - Staff must be capable of completing all plans on a Computer Aided Drafting and Design (CADD) system.

Applicants shall identify personnel who will conduct the work and detail their training and experience; summarize Computer Aided Drafting and Design experience and qualifications; and list the bridge analysis and design programs used by the firm.

New applicants shall submit copies of Federal Forms 254 and 255 (forms available upon request). Firms reapplying from the previous Consultant List shall submit updates of these forms.

## Professional, Technical & Consulting Contracts

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### 2. State/Federal Requirements

#### A. Affirmative Action

Applicants shall indicate if your firm is certified by the Department of Human Rights for Affirmative Action as stated in *Minnesota Statute 363.073* as follows:

Relative to *Minnesota Statute 363.073* for all contracts in excess of \$50,000.00: all responders having more than 20 full-time employees at any time during the previous 12 months must have 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:

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

If you have questions, call Department of Human Rights Contract Compliance Supervisor at (612) 296-5683.

- B. Indicate if your firm is certified by Mn/DOT as a Disadvantaged Business Enterprise (DBE). If you have questions, call the Equal Employment Opportunities Management Office at (612) 297-1376.
- C. Indicate if your firm is qualified as a Small Business, *Minnesota Statute 645.445*.
- D. Indicate if your firm is certified by the Department of Administration as a Targeted Group Business (TGB), *Minnesota Statute 16B.19*.

All eligible design firms desiring consideration are asked to submit their applications to:

Robert J. Miller  
Bridge Agreements Engineer  
200 Waters Edge Building  
1500 W. County Road B2  
Roseville, Minnesota 55113

Applications will be received until 3:00 P.M., May 16, 1997. Include your Affirmative Action qualifications with these submittals.

Applicants may be requested to interview at the Waters Edge Building in Roseville, Minnesota.

Names of selected firms will be retained on file with Mn/DOT for consideration during the fiscal year 98/99 biennium.

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# Non-State Public Bids, Contracts & Grants

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

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

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## Minnesota Historical Society

### Request for Proposals for Trail Sign Construction

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide construction of painted aluminum signs for nature trails. Estimated quantities are sixty (60) 36"x22" and fifty-five (55) 11"x17" signs.

The Request for Proposals is available by calling or writing Richard Rummel, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 296-5129. All vendors must also make arrangements to view the mock-ups of each sign.

Proposals must be received not later than 2:00 p.m., May 1, 1997. Details concerning submission requirements are included in the Request for Proposals.

## Minnesota Historical Society

### Request for Proposals for Trail Sign Graphic Production

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide the Graphic production of 3M Scotchprint® graphic images second surface mounted to clear plastic sheets. Estimated quantities are sixty (60) 36"x22" and fifty-five (55) 11"x17" signs.

The Request for Proposals is available by calling or writing Richard Rummel, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 296-5129. All vendors must also make arrangements to view the mock-ups of each sign.

Proposals must be received not later than 2:00 p.m., May 1, 1997. Details concerning submission requirements are included in the Request for Proposals.

## **Metropolitan Council Environmental Services (MCES)**

### **Notice of Request for Meter Prequalification Submittals for Metropolitan Wastewater Treatment Plant (MWWTP)/Minneapolis Meter Improvements (MCES Project Number 920700/920720)**

**NOTICE IS GIVEN** that the Metropolitan Council will receive Prequalification Submittals (PQS) from meter manufacturers (Meter Vendors), or their authorized representatives, for the purpose of prequalifying and procuring magnetic flow meters (Goods) and special services (Services) for the Metropolitan Wastewater Treatment Plant (MWWTP) and interceptor system. PQS's will be received until 3:00 P.M. Tuesday, May 13, 1997.

The Meter Vendors are expected to participate in a procurement process for evaluation and testing of magnetic flow meters for flow measurement of raw wastewater. The process is expected to result in the procurement of four 72-inch meters, two 42-inch meters, two 30-inch meters, and two 20-inch meters. The process will include, but not be limited to:

- A. Submittal of data for Prequalification;
- B. Submittal of bids from prequalified Meter Vendors;
- C. Submittal of test meters from prequalified Meter Vendors;
- D. Performance testing and evaluation of submitted meters;
- E. Procurement of ten magnetic flow meters under two separate contracts.

Goods will be installed by others under separate construction contracts with the MCES for the MWWTP/Minneapolis Meter Improvements Project.

The estimated range of cost for the work of the MWWTP/Minneapolis Meter Improvements procurement project is \$350,000 to \$400,000.

Copies of the Prequalification Documents may be obtained from Metropolitan Council Environmental Services, Mears Park Centre, 230 East 5th Street, St. Paul, MN 55101, Attn: Jan Bevins; Telephone (612) 602-1132.

Direct inquiries to the MCES's Project Manager, Harold P. Voth at (612) 602-8728.

*Minnesota Statutes*, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Prequalification Requirements and Documents, or any modifications to them. If a contract for this Project is awarded in excess of \$50,000, the requirements of *Minnesota Rules*, Part 5000.3530 "Notice of Requirements for Affirmative Action to Ensure Equal Employment Opportunity" will be applicable. Copies of the above statutes and rules are available upon request from the MCES. Additional information is contained in the Prequalification Requirements and Documents.

The geographical area for this notice and contract is the Cities of Minneapolis and St. Paul, State of Minnesota.

# Nature & Wildlife

## Minnesota's Landscape

### Beginner's Guide to Minnesota Trees

Introductory book for youngsters for use when leaves are on the trees. Identifies 35 tree species native to Minnesota using symbols, illustrations and short captions to introduce the basics of tree identification. Softcover, 16pp. (UM Extension Svc., 1995) Stock No. 9-27 \$1.50

### Minnesota Trees

Detailed descriptions and black & white illustrations for identifying tree species year round. Step-by-step identification keys and shortcut guides. Information on each species and projects to help users enjoy learning. Softcover, 94pp. (UM Extension Svc., 1995) Stock No. 9-26 \$9.50

### Minnesota's Natural Heritage

Lavishly illustrated with 130 color photos by award-winning nature photographers. Our state's geologic history, vegetation, climate and soil. General principles of ecology and examination of major eco-systems and extensive information about area's plants & animals. Hardbound, 332pp. (UM Press, 1995) Stock No. 19-25 \$29.95

### Streams & Rivers of Minnesota

Describes the geologic origins of rivers. Discusses fish, wildlife, the plants dependent on the rivers, human history and environmental issues. Illustrated. 373pp. (UM Press, 1977) Stock No. 19-8 \$14.95

### Orchids of Minnesota

Both a field guide and an illustrated flora of each of the state's 43 species of orchids. Includes comprehensive descriptions, a detailed line drawing of each species, 54 color plates, a North American range map and a Minnesota county distribution map. Authored by the well-respected DNR botanist, Welby R. Smith, with illustrations by award-winning artist Vera Ming Wong. 160pp. (DNR, 1993) Stock No. 9-9 \$24.95

**New!**

### Geology on Display

#### *Geology and Scenery of Minnesota's North Shore State Parks*

The geology of each of the North Shore's nine State Parks is described with diagrams, geological maps and color photos to guide those visiting the area. Explore the fascinating geological events that produced the rocky, rugged and dramatic landscape. Learn about continent-scale rifting and volcanism 1.1 billion years ago and the more recent Great Ice Age. Spiral-bound, 70pp. (DNR, 1996) Stock No. 9-34 \$19.95

### Trees of Minnesota

This field guide is so popular, we've sold out! DNR Forestry is currently working on a revised edition, with anticipated delivery of late 1997. Call 297-3000 or 1-800/657-3757 to request we notify you when the new edition is available.

### Northland Wildflowers

An excellent guide for identification and enjoyment of wildflowers. Contains 308 color photographs and descriptions of 300 species. 236pp. (UM Press, 1977) Stock No. 19-9 \$18.95

### Wildflowers of the Northern Great Plains

Discover the 400 species of wildflowers found in the Northern Great Plains. Line drawings and 654 color photos accompany the plant descriptions. Softcover, 336pp. (UM Press, 1984) Stock No. 19-26 \$15.95

### Guide to Spring Wildflower Areas

#### *Twin Cities Region*

Find the best spots to appreciate our state's many wildflowers; right in the Twin Cities metro area. Soft-cover, 80pp. (Native Plant Society, 1996) Stock No. 19-26 \$15.95

### Boundary Waters Journal

Quarterly magazine highlighting the wonders of the BWCA. Call for information regarding current issue. Stock No. 19-85 \$3.95

### Minnesota Geology

Explore Minnesota's rich geological heritage. Widespread mountains, explosive volcanoes, relentless glaciers and long extinct life forms of both land and sea have all played a part in our history. Soft-cover, 225pp. (UM Press, 1982) Stock No. 19-80 \$26.95

### A Guide to Minnesota's Scientific and Natural Areas

The Guide describes the environmental heritage of an area, then introduces specific SNAs (scientific & natural areas) that preserve representative examples. Covers 4 major sections of the Minnesota landscape: Aspen Parkland, Prairie Grasslands, Deciduous Woods, and Coniferous Forests. Each site's location is shown on a map with acreage and access information. Spiral-bound, 200pp. (DNR, 1995) Stock No. 9-8 \$12.95

### St. Croix River Valley and Anoka

#### *Sandplain — A Guide to Native Habitats*

A photo-packed, 3-part guide to native habitat of the area. The book provides detailed accounts of the 39 varieties of native habitat that still exist in the region. Features descriptive text, photographs, line drawings, distribution maps, and lists of associated plants and animals for each habitat. Soft-cover, 234pp. (UM Press, 1995) Stock No. 19-17 \$19.95

### The Boundary Waters Wilderness EcoSystem

With 58 color plates, extensive charts, detailed text and maps, this fascinating book provides an accurate and detailed source of information about the history, landscape, climate, forests and wildlife of this region. This comprehensive guide to the geology, biology and ecology of this unspoiled area, includes reliable information on locating and understanding natural features and historic sites. Hardbound, 334pp. (UM Press, 1996) Stock No. 9-5 \$24.95

**New!**

**New!**

## Gardening

### Gardening in the Upper Midwest

Advice on vegetable, fruit and flower gardening in the climate and conditions found in the Midwest. Includes information regarding proper care of lawns, trees, and shrubs. Soft-cover, 301pp. (UM Press, 1985) Stock No. 19-10 \$17.95

### Diseases of Trees & Shrubs

Know how to diagnose problems affecting your trees. A color diagnostic guide to 90 different diseases common to the Midwest. Soft-cover, 12pp. (UM Extension Svc., 1995) Stock No. 19-11 \$4.00

### Butterfly Gardening

Learn how to attract butterflies to your garden. Soft-cover, 21pp. (UM Extension Svc., 1995) Stock No. 9-22 \$5.00

### Ornamental Grasses for Cold Climates

Beautiful full-color layout includes photos, drawings and easy-to-reference tables. Includes grasses recommended for USDA Zone 4a, reviews different landscape needs and more. Soft-cover, 28pp. (UM Extension Svc., 1995) Stock No. 19-4 \$6.00

### Flowers for Northern Gardens

Features 800 species of herbaceous plants known to be hardy in northern climates. Packed with color plates plus information about care/cultivation of plants. Soft-cover, 388pp. (UM Press, 1993) Stock No. 9-6 \$19.95

**New!**

### Roses for the North

Report on the performance of shrubs and old garden roses at the Minnesota Landscape Arboretum. Discusses floral traits, bloom pattern, cold hardiness, plant size and habit, diseases, insects and cultivation tips. Easy to read tables and many color photos. Softcover, 92pp. (UM Extension Svc., 1995) Stock No. 9-28 \$14.95

### Growing Fruit in the Upper Midwest

Provides a practical "how-to" guide to growing fruit and reviews the historical and economic aspects of fruit production in the Upper Midwest. Everything from apples to strawberries, apricots to plums. Hardbound, 286pp. (UM Press, 1991) Stock No. 9-68 \$24.95

