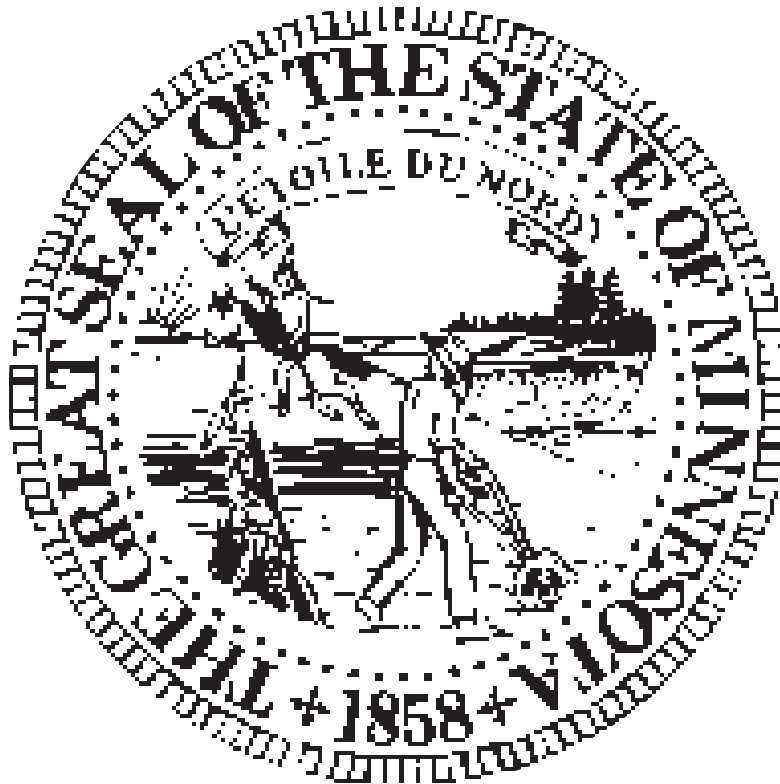


The Minnesota

# 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.

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Professional, Technical and Consulting contract awards are  
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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 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*.

## Housing Finance Agency

### Proposed Permanent Rules Relating to Home Improvement Grants and Rehabilitation Loans; Income and Loan Ceilings

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

**Proposed Amendment to Rules Governing Home Improvement Grants and Rehabilitation Loans, *Minnesota Rules*, 4900.0010, Subp 23. D. (2); 4900.0630, Subp 3; and 4900.0640, Subp. 2.**

**Introduction.** The Minnesota Housing Finance Agency intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure 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. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

**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: Sue Ude, Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, MN 55101, (612) 296-8844. TTY users may call the Minnesota Housing Finance Agency at (612) 297-2361.

**Subject of Rules and Statutory Authority.** The Agency is considering rule amendments that (1) establish a maximum loan of \$12,000 for the Rehabilitation Loan programs, (2) increase the income limit for Revolving Loans and Accessibility Loans from \$15,000 to \$18,000 for Greater Minnesota and (3) correct an internal reference in the rules. *Minnesota Statutes*, Section 462A.06, Subdivision 4, authorizes the Agency to adopt rules to carry out its programs. *Minnesota Statutes*, Section 462A.05, Subdivision 14a requires the Agency to establish a maximum loan amount for Rehabilitation Loans by rule, and *Minnesota Statutes*, Section 462A.03, Subdivision 10 requires the Agency to establish income limits for its programs by rule. 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 January 20, 1998, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the Agency contact person by the due date. Comment is encouraged. Your comments 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.

**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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**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the Agency contact person by 4:30 p.m. on January 20, 1998. 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 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 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.** 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 Agency 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 Agency, 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.

**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 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 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.

Dated: November 20, 1997

Katherine G. Hadley, Commissioner

### 4900.0010 DEFINITIONS.

[For text of subps 1 to 22, see M.R.]

Subp. 23. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means:

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

D. With respect to home improvement grants and rehabilitation loans pursuant to parts 4900.0610 to 4900.0700 and accessibility loans pursuant to parts 4900.0750 to 4900.0780 to be made by the agency, those persons and families whose assets do not exceed \$25,000, and

(1) with respect to home improvement grants and rehabilitation loans defined in part 4900.0610 as deferred loans, those persons and families whose adjusted income does not exceed \$10,000; or

(2) with respect to rehabilitation loans defined in part 4900.0610 as revolving loans and accessibility loans defined in part 4900.0770 as deferred loans, those persons and families whose adjusted income does not exceed \$18,000.

~~(a) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright whose adjusted income does not exceed \$18,000; and~~

~~(b) in all other counties whose adjusted income does not exceed \$15,000.~~

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

### 4900.0630 ELIGIBLE RECIPIENTS OF REHABILITATION GRANTS AND LOANS.

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

Subp. 3. **Person of low and moderate income.** Each recipient must be a person or family of low and moderate income as defined in part 4900.0010, subpart 23, item ~~C~~ D, subitem (2).

[For text of subps 4 to 7, see M.R.]



**4900.0640 AMOUNT OF GRANT OR LOAN.**

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

Subp. 2. **Amount of loan.** The amount of the rehabilitation loan shall not exceed the lesser of ~~the amount in Minnesota Statutes, section 462A.05, subdivision 14a~~ \$12,000, the actual cost of the work performed, or that portion of the cost of rehabilitation that the agency determines cannot otherwise be paid by the person or family without spending an unreasonable portion of the income of the person or family thereon.

## Minnesota Racing Commission

### Proposed Permanent Rules Governing Horse Racing

**Dual Notice:** Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing If 25 or More Requests for Hearing are Received

**Proposed Amendment to Rules Governing General Definitions, Minnesota Rules Chapter 7869.0100; Application for Racing Days, Minnesota Rules Chapter 7872.0100; General Requirements for Class "C" Licenses, Minnesota Rules Chapter 7877.0100, Subp. 1; Procedure for Obtaining Class "C" License, Minnesota Rules Chapter 7877.0110; Fees for Class "C" Licenses, Minnesota Rules Chapter 7877.0120, Subps. 1 and 2; Conditions Precedent to Licensing, Minnesota Rules Chapter 7877.0155; Duties and Responsibilities of Racing Officials, Minnesota Rules Chapter 7877.0175, Subp. 8; Horseracing Entries and Subscriptions, Minnesota Rules Chapter 7883.0100, Subp. 16; Paddock to Post, Minnesota Rules Chapter 7883.0150; Qualifying Races for Harness Racing, Minnesota Rules Chapter 7884.0190, Subps. 1 and 2; Horse Medication, Bleeders, Minnesota Rules Chapter 7890.0140, Subp. 5; and Prohibited Acts, Use of Drugs and Alcohol, Chapter 7897.0110, Subp. 1.**

**Introduction.** The Racing Commission intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure 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 p.m. on January 28, 1998, a public hearing will be held in the Board Room, Canterbury Park, 1100 Canterbury Road, Shakopee, Minnesota 55379, starting at 8:30 AM on Monday, February 9, 1998. 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 January 28, 1998 and before February 9, 1998.

**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: Richard Krueger at the Minnesota Racing Commission, P.O. Box 630, Shakopee, Minnesota 55379, telephone 612/496-7950, fax 612/496-7954. TTY users may call the Racing Commission at TTY phone 800/627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules contain provisions that clarify race meets which contain the racing of one breed of horse or more than one breed of horse, set specific conditions regarding a revision to the assignment of race days, set various conditions for issuing Class "C" licenses and reduces fees for some occupational licenses, makes various house-keeping changes regarding Commission membership in national organizations, stipulate specific conditions for workouts of horses to be removed from the Commission veterinarian's list or to be eligible to race, requiring a farrier in the paddock prior to each race, set additional conditions for qualifying races for harness racing, set further conditions for racing eligibility for horses that have a history of bleeding, and that clarify the obtaining of human blood and/or urine samples for chemical analysis. The statutory authority to adopt the rules is set out in *Minnesota Statutes*, section 240.23, general rulemaking authority; 240.08, Subd. 1h, occupational licensing; and 240.24, medication. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Wednesday, January 28, 1998, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your 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 this comment period.

**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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**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on January 28, 1998. 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 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 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 or 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 February 9, 1998, 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 612/496-7950 after January 28, 1998 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 at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge George Beck is assigned to conduct the hearing. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7601, 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 at the Office of Administrative Hearings no later than 4:30 p.m. 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.** 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 rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Other Notices.** The Commission published a Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules in the *State Register* on September 29, 1997. The Commission will publish the proposed rules and a dual notice of adoption in the *State Register* on December 29, 1997. Three business days prior to publication, the Commission will mail a copy of the proposed rules and the notice to all persons who have registered their names with the Commission for the purpose of receiving rule-making notices; there are 106 individuals on that mailing list. Three business days prior to publication, the Commission will mail a copy of the proposed rules and the notice to the heads of various horseperson's organizations in Minnesota. These include the Minnesota Thoroughbred Association, Horsemen's Benevolent and Protective Association, Minnesota Quarter Horse Racing Association, Minnesota Arabian Racing Association, Minnesota Harness Racing, Inc., and the Traverse County Fair Board. A

notice of the adoption of these rule amendments will be printed in the December-January issues of the Minnesota Thoroughbred Association, Horsemen's Benevolent and Protective Association, Minnesota Quarter Horse Racing Association and Minnesota Harness Racing, Inc. newsletters. The notice will also be distributed to all members attending the annual meeting of the Minnesota Quarter Horse Racing Association. In addition the Commission's Rules Committee Chairman will provide announcements as to the status of the rules during each monthly meeting of the full Commission and the Commission's rulemaking docket will be updated and posted as necessary to reflect the status of the proposed rules.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure 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.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 11 December 1997

Richard G. Krueger, Executive Director  
Minnesota Racing Commission

#### **7869.0100 DEFINITIONS.**

[For text of subps 1 to 35, see M.R.]

Subp. 35a. **Mixed meet.** "Mixed meet" means a racing day or series of racing days on which the racing of more than one breed of horse occurs.

[For text of subps 36 to 57, see M.R.]

Subp. 57a. **Single-breed meet.** "Single-breed meet" means a racing day or series of racing days on which the racing of one breed of horse occurs.

[For text of subps 58 to 69, see M.R.]

#### **7872.0100 APPLICATION FOR RACING DAYS.**

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

Subp. 3. **Revision of racing days.** A holder of a Class B or D license may apply for, or the commission on its own motion may make, a revision of an assignment of racing days as provided in *Minnesota Statutes*, section 240.14, subdivision 2, paragraph (b), except that the commission shall perform the duties imposed on an applicant as provided in this part. For the purpose of this subpart, a revision to the assignment of racing days includes:

- (1) racing on a day not previously assigned by the commission;
- (2) not racing on a day previously assigned by the commission; or
- (3) adding or eliminating a breed of horse not previously assigned to race during a meet by the commission.

Change requests concerning post times or the number of races must instead be submitted to the executive director with letters of concurrence by the horsepersons' organizations affected at least five days before the proposed change.

[For text of subps 4 to 7, see M.R.]

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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### 7877.0100 GENERAL REQUIREMENTS.

Subpart 1. **Scope.** Except as otherwise provided by rule, an individual who serves on the association board of directors, an association officer, and any person whose work, in whole or in part, is conducted at a licensed racetrack shall first obtain a Class C license from the commission.

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

### 7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

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

Subp. 2. **Application content.** An application for a Class C license shall include the following information with respect to the applicant:

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

G. if the applicant is 18 through ~~80~~ 70 years of age, a completed FBI fingerprint card.

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

### 7877.0120 FEES.

Subpart 1. **License fees.** Each application for a Class C license, or its renewal, shall be accompanied by the payment of an annual fee according to the following schedule:

- A. bloodstock agent, \$100;
- B. concessionaire/vendor, \$100;
- C. concession/vendor employee, \$15;
- D. driver (harness), \$35;
- E. ~~equine dentist~~, \$30;
- ~~F.~~ exercise rider, \$20;
- ~~G.~~ E. farrier, \$35;
- ~~H.~~ G. farrier's assistant, \$15;
- ~~I.~~ H. gate crew, \$15;
- ~~J.~~ I. groom/hot-walker, \$10;
- ~~K.~~ J. horsepersons' bookkeeper, \$25;
- ~~L.~~ K. jockey, \$35;
- ~~M.~~ L. jockey agent, \$35;
- ~~N.~~ M. jockey, apprentice, \$35;
- ~~O.~~ N. owner, individual, \$35;
- ~~P.~~ O. owner, multiple, corporate, partnership, or stable, \$35;
- ~~Q.~~ P. pari-mutuel clerk, \$15;
- ~~R.~~ Q. pony rider, \$15;
- ~~S.~~ R. racing official, \$35;
- ~~T.~~ S. stable supervisor, \$10;
- ~~U.~~ T. trainer, \$35;
- ~~V.~~ U. trainer, assistant, \$20;
- ~~W.~~ V. valet, \$10;
- ~~X.~~ W. veterinarian, \$100;
- ~~Y.~~ X. veterinary assistant, \$35;
- ~~Z.~~ Y. association employees, seasonal, \$15;
- ~~AA.~~ Z. association staff, permanent, \$35;
- ~~BB.~~ AA. owner/trainer/driver, \$25; and

~~CC. BB.~~ with the exception of owner/trainer/driver, all applicants to participate at a Class B or D licensed facility where the meet to be conducted is seven or fewer days, \$10.

Subp. 2. **Fingerprinting and licensing reciprocity.** The commission shall license persons holding valid permanent licenses issued by ~~Association of Racing Commissioners International (RCI) member~~ other racing jurisdictions in North America if the persons meet the criteria specified in this subpart. The licensee must be in good standing, have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous 36 months, file an application and/or affidavit as may be required by the commission, and pay the required applicable fees before participating in racing.

A. The commission shall recognize racing licenses from ~~RCI member~~ other racing jurisdictions in North America for purposes of issuing Minnesota licenses, provided the applicant meets the licensing qualifications in *Minnesota Statutes*, chapter 240, and rules of the commission.

B. Only permanent licenses in good standing shall be considered. Temporary or probationary licenses shall not be considered.

C. Applicants must be in good standing in each jurisdiction where they hold or have held a racing license.

D. The applicant must have submitted fingerprints within the past 36 months, for the purpose of a criminal records check by the FBI or RCMP. The applicant shall provide the commission with proof of licensure from another ~~RCI member~~ racing jurisdiction to which fingerprints were submitted.

E. The applicant shall submit the license application form and license fee required by the commission.

F. Provided the requirements in items A to E have been met, the commission shall issue either a license and/or a validation sticker. The validation sticker shall be affixed to either a license issued by the commission or a valid license issued by another ~~RCI member~~ racing jurisdiction. The validation sticker shall contain Minnesota's two-letter postal service abbreviation, the year of the validation, and may contain the audit trail code or serial number, if applicable. The validation sticker shall be constructed of an approved tamper-resistant material. The affixing of the validation sticker shall constitute licensing. The commission shall determine the period of time that the license is valid in Minnesota.

G. In the event the licensee is absent from Minnesota, and upon payment of the applicable fees, a receipt shall be mailed to the licensee's permanent address. The receipt may then be presented at the commission office by the licensee so that a commission representative may affix the proper validation sticker to the racing license badge. Any horse owner who does not make application in person must meet all requirements of this subpart, except that the owner may file a completed fingerprint card taken by a law enforcement agency.

All reference to fingerprinting in this subpart does not apply to applications submitted by persons under the age of 18 or over the age of ~~80~~ 70.

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

## **7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.**

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

Subp. 8. **Commission veterinarian.** The commission veterinarian shall maintain a list of the following:

A. horses that are scratched because of illness or injury;

B. horses that are pulled up because of lameness or other injury during a race;

C. horses that are bleeders, pursuant to part 7890.0140, subpart 1; and

D. horses otherwise considered unfit to race in the professional judgment of the commission veterinarian or the association veterinarian.

The veterinarian's list shall be posted in the racing secretary's office, and any horse whose name is on the list shall be ineligible to start in a race for five calendar days, or until the commission veterinarian or association veterinarian removes it from the list, whichever is later. All workouts required by the commission veterinarian for the purpose of potentially removing a horse from the veterinarian's list must be conducted under the same medication requirements as those for race days. For purposes of this subpart, the five-day period during which a horse is ineligible to start begins to run on the first day the horse is placed on the list. The veterinarian's list is binding on all racetracks under the jurisdiction of the commission.

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## Proposed Rules

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The commission veterinarian shall conduct racing soundness examinations pursuant to part 7891.0100. If the veterinarian finds that any horse is unfit to race he or she shall notify the stewards immediately.

The commission veterinarian shall supervise the operation of a barn for the detention and testing of horses after each race pursuant to chapter 7890.

The commission veterinarian shall have the authority to draw blood from any horse or pony on the grounds of an association for the purpose of conducting an Agar-Gel immunodiffusion (Coggins) test, and shall supervise the removal from the racetrack of any horse or pony having positive Coggins test results.

In the event of a veterinary emergency where the owner's veterinarian is not on racetrack grounds, the commission veterinarian or association veterinarian may administer emergency treatment on the request of the owner or the owner's agent. In such cases the owner is responsible for any costs incurred.

[For text of subps 8a to 15, see M.R.]

### 7883.0100 ENTRIES AND SUBSCRIPTIONS.

[For text of subps 1 to 15a, see M.R.]

Subp. 16. **Workout requirements.** In order to be eligible:

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

E. For all county fairs in which the average daily handle for the preceding year was less than \$150,000 all workout requirements shall be waived except that in the case of a horse that has not started for a period of one year, the owner or trainer must contact the commission veterinarian prior to entry for an examination and workout as determined by the commission veterinarian.

For the purposes of items D and E, all workouts must be conducted under the same medication requirements as those for race days.

[For text of subps 17 and 18, see M.R.]

### 7883.0150 PADDOCK TO POST.

[For text of subps 1 to 12, see M.R.]

Subp. 13. **Farrier in Paddock.** The association must provide a farrier in the paddock during the time of live horse racing.

### 7884.0190 QUALIFYING RACES.

Subpart 1. **Scheduling of qualifying races.** Weather conditions permitting, qualifying races shall be scheduled at least once a week; ~~weather conditions permitting, if the meet extends longer than two weeks~~ and shall be conducted under the supervision of the stewards.

Subp. 2. **Horses required to compete in qualifying races for race meets longer than two weeks.** If the meet extends longer than two weeks, the following horses shall not be eligible to enter any race until they have competed in qualifying races:

A. A horse that does not have a charted race at the gait chosen.

B. A horse that does not show a charted line within the last six starts. For that purpose an uncharted race contested in heats or more than one dash and consolidated shall be considered to be a start.

C. A horse that has not started for a period of 45 days or more.

D. A horse which has raced at a meeting at which races were not charted.

Subp. 2a. **Horses required to compete in qualifying races regardless of duration of meet.** The following horses shall not be eligible to enter any race until they have competed in qualifying races:

~~E.~~ A. A horse that is on the qualifying list.

~~F.~~ B. A horse that chokes, bleeds, or falls during a warmup or a race.

~~G.~~ C. A horse that has made breaks in two consecutive races or which breaks in its first start following a qualifying race.

~~H.~~ D. A horse that has been distanced.

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

**7890.0140 BLEEDERS.**

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

Subp. 5. **Restrictions on confirmed bleeders.** Confirmed bleeders shall be subject to the following restrictions:

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

F. Following a bleeding episode in another jurisdiction, a horse shall not be eligible to race in Minnesota for at least 12 days or for a longer period if deemed medically necessary in the professional opinion of the commission veterinarian after considering the horse's past bleeding history.

[For text of subps 6 to 10, see M.R.]

**7897.0110 USE OF DRUGS AND ALCOHOL.**

Subpart 1. **Drugs.** The commission, the commission's director of security, or the stewards may, at any time, require any licensee having direct physical contact with horses or direct responsibility for some portion of the day's racing program, or whose racing duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide ~~blood or urine samples~~ either one or both of the following for chemical analysis: blood samples; or urine samples. The type or types of sample to be provided shall be determined by the board of stewards after consideration of the circumstances involved and the alleged substance involved. If such a licensee fails to comply with this requirement, the licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should any licensee other than a racing official, jockey, apprentice jockey, assistant starter, or driver, be found to have levels of any nonprescription, prohibited, or illegal drug, or prescription medication at a concentration greater than which has been prescribed, or an alcohol concentration greater than 0.04 percent, the licensee shall be subject to disciplinary action by the stewards and the commission. For purposes of this part, "alcohol concentration" means:

- A. the number of grams of alcohol per 100 milliliters of blood; or
- B. the number of grams of alcohol per 210 liters of breath; or
- C. the number of grams of alcohol per 67 milliliters of urine.

Should a licensee who is a racing official, jockey, apprentice jockey, assistant starter, or driver be found to have any level of any nonprescription, prohibited, or illegal drug, or alcohol, or prescription medication at a concentration greater than which has been described, shall be subject to disciplinary action by the stewards and the commission

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

# 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 rulemaking 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 mat-

## Department of Children, Families, and Learning

### Request for Comments on Planned Amendments to Rules Governing the Child Care Fund, *Minnesota Rules*, parts 3400.0010 to 3400.0230

**Subject of Rule.** The Department of Children, Families, and Learning requests comments on its planned amendments to the rules governing the Child Care Fund, *Minnesota Rules*, parts 3400.0010 to 3400.0230, govern administration of the child care fund and reduce according to a sliding fee schedule, the costs of child care services for eligible families to enable family members to seek or retain employment or to participate in education or training programs to obtain employment. The rules were formerly administered by the Department of Human Services as *Minnesota Rules*, parts 9565.5000 to 9565.5200, informally known as DHS Rule 72.

The department is considering rule amendments to incorporate changes in the state welfare program, to simplify administration of the child care assistance program, and to improve and streamline state-funded child care. Major subject areas that the department will review include: family copayment schedules, payment policies, notices to providers and parents, and types of activities for which parents may receive child care (employment, education/training, and job search).

**Persons Affected.** Amendments to the rules would likely affect county workers, parents, child care providers, advocates for parents needing child care, low-income groups, employers, employment services representatives, resource and referral workers, and others. The department contemplates appointing an advisory committee to comment on the planned amendments.

**Statutory Authority.** *Minnesota Statutes*, section 119B.02 authorizes the department to develop standards for the child care assistance program.

**Public Comment.** Interested persons or groups may submit comments or information on these planned amendments in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the amendments. The department has not yet prepared a draft of the planned amendments. Written or oral comments, questions and requests for more information on the planned amendments should be addressed to: Asha Sharma, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816. Phone: (612) 282-9850.

Dated: 19 December 1997

Robert Wedl  
Commissioner  
Department of Children, Families, and Learning



## Gambling Control Board

**Request for Comments on Planned Amendment to Rules Governing:** *Minnesota Rules 7861.0060 - Conduct of Lawful Gambling; Minnesota Rules 7861.0070 - Bingo; Minnesota Rules 7861.0090 - Tipboards; Minnesota Rules 7861.0100 - Paddlewheels; Minnesota Rules 7861.0120 - Organization Operations, Accounts, and Reports; Minnesota Rules 7863.0010 - Distributors; Minnesota Rules 7863.0020 - Distributor Operations, Accounts, and Reports; Minnesota Rules 7864.0010 - Licensed Manufacturers; and Minnesota Rules 7864.0030 - Manufacturer Operations, Accounts, and Records*

**Subject of Rules.** The Minnesota Gambling Control Board requests comments on its planned amendment to rules governing:

- Conduct of Lawful Gambling
- Bingo
- Tipboards
- Paddlewheels
- Organization Operations, Accounts, and Reports
- Distributors
- Distributor Operations, Accounts, and Reports
- Licensed Manufacturers
- Manufacturer Operations, Accounts, and Records

The Board is considering rule amendments that would:

- explore the possibility of restructuring the rent limits for bar bingo;
- amend the rules that requires organizations to submit amended bingo programs 24 hours in advance of the change;
- delete obsolete references to disposable registration stamps contained in *Minnesota Rules 7861.0090* (Tipboards); *Minnesota Rules 7861.0100* (Paddlewheels); *Minnesota Rules 7861.0120* (Organization Operations, Accounts, and Reports); *Minnesota Rules 7863.0020* (Distributor Operations, Accounts, and Reports); *Minnesota Rules 7864.0030* (Manufacturer Operations, Accounts, and Records);
- delete duplicative standards for the manufacture of paddlewheels and paddlewheel tables contained in *Minnesota Rules 7861.0100*;
- amend *Minnesota Rules 7863.0010* to allow distributors to offer free trials of pull-tab dispensing devices under certain conditions;
- delete obsolete subitem 3a(A)(4) obsolete unit 4(A)(5)(b), and subitem 4(A)(9) contained in *Minnesota Rules 7863.0020* (Distributor Operations, Accounts, and Reports), and the obsolete language contained in *Minnesota Rules 7863.0020*, subpart 4(B);
- amend *Minnesota Rules 7864.0010* to allow manufacturers to offer free trials of pull-tab dispensing devices under certain conditions;
- delete *Minnesota Rules 7864.0030*, subparts 7(B)(5)(b) and 7(B)(6)(b)(vi) which contain obsolete sunset dates.
- amend *Minnesota Rules 7864.0030*, subpart 1(I) to allow pull-tab dispensers containing more than one game to remain in operation if the tickets in one of the columns become jammed.

The Board may consider additional rule amendments within the above-referenced chapters if issues are discovered during the course of rule development.

**Persons Affected.** The rule amendments would affect licensed organizations, licensed distributors, and licensed manufacturers. If, after discussion during rule development, the Board decided to restructure the rent limits for bar bingo, owners of bars where bingo is conducted would be affected.

**Statutory Authority.** *Minnesota Statutes*, chapter 349.151, Subd. 4(a)(2) authorizes the Board to issue licenses to organizations, distributors, bingo halls, manufacturers, and gambling managers. *Minnesota Statutes*, chapter 349.151, Subd. 4(a)(5) authorizes the Board to make rules authorized by chapter 349. *Minnesota Statutes* 349.18, Subd. 1(a) authorizes the Board to limit the amount of rent an organization may pay to a lessor for premises leased for lawful gambling. *Minnesota Statutes* 349.151, Subd. 4b authorizes

## Official Notices

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the Board to promulgate rules governing the use of pull-tab dispensing devices. *Minnesota Statutes* 349.151, Subd. 4(a)(17) authorizes the Board to take all necessary steps to ensure the integrity of and public confidence in lawful gambling.

**Public Comment:** Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Board intends to adopt or withdraw the rules. The Board plans to appoint an Advisory Committee to comment on the planned rules.

**Rule Drafts:** The Board has not yet prepared a draft of the planned rule amendments.

**Agency Contact Person:** Written or oral comments, questions, requests to receive rule drafts, and requests for more information on these planned rules should be addressed to:

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

TTY users may call the Board at 1-800-627-3529.

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

**NOTE:** Comments received in response to this Notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 15 December 1997

Harry W. Baltzer, Executive Director  
Minnesota Gambling Control Board

## Department of Human Services

### Notice of Inpatient Rates under the Medical Assistance Program

The purpose of this notice is to inform interested parties that proposed and final inpatient rates effective January 1, 1998 under the Medical Assistance Program have been established by the Department of Human Services. The rates are final because they are based on current state law. The only change to the rates was an inflation increase of 2.4 percent, which is based on the consumer price index - urban, that was applied to the 1997 inpatient rates. Copies of inpatient rates, relative values, and payment formulas are available upon request.

Inquiries may be directed to:

Richard Tester  
Payment Policy Division  
Department of Human Services  
444 Lafayette Road North  
St. Paul, Minnesota 55155-3853  
(612) 296-5596

## Department of Human Services

### Minnesota Family Investment Program

#### Notice of Transitional Standard for an Assistance Unit Size One to Ten

Effective October 1, 1997, the Transitional Standard for the field trials for an assistance unit size one to ten increased to the following amounts:

<b>Number of Eligible Children</b>	<b>Child Only</b>	<b>Plus One Adult</b>	<b>Plus Two Adults</b>	<b>Special Child</b>	<b>Adult Only (No Child)</b>
1	\$372	\$645	\$793	\$459	One Adult: \$309
2	\$569	\$809	\$947	\$645	
3	\$740	\$958	\$1,086	\$809	
4	\$880	\$1,088	\$1,236	\$958	Two Adults: \$484
5	\$1,010	\$1,238	\$1,350	\$1,088	
6	\$1,161	\$1,353	\$1,496	\$1,238	
7	\$1,269	\$1,491	\$1,635	\$1,353	
8	\$1,405	\$1,628	\$1,771	\$1,491	
9	\$1,536	\$1,759	\$1,902	\$1,628	
10	\$1,666	\$1,889	\$2,032	\$1,759	

Effective January 1, 1998, the Transitional Standard for Statewide MFIP for an assistance unit size one to ten are the following amounts:

<b><u>Number of Eligible Members</u></b>	<b><u>Transitional Standard</u></b>
1	\$ 351
2	\$ 609
3	\$ 763
4	\$ 903
5	\$1,025
6	\$1,165
7	\$1,273
8	\$1,403
9	\$1,530
10	\$1,653

## Official Notices

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### Department of Labor and Industry

#### Labor Standards Division

#### Notice of Correction to Prevailing Wage Rates

Highway and Heavy Prevailing Wage Rates certified 10/13/97 have been adjusted for a specific class of labor due to errors in calculation for the following Region:

**Region 7: (Truck Drivers Group 2, Code 304)**

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or by calling (612) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and 50 cents for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich  
Commissioner

### Metropolitan Council

#### Public Hearing on Revisions to Finance Section of Recreation Open Space Development Guide Policy Plan

The Metropolitan Council's Community Development Committee will hold a public hearing on revisions to the Finance section of the Council's *Recreation Open Space Development Guide/Policy Plan* (December, 1997 Publication No. 78-97-066).

The public hearing will be held on Monday, February 2, 1998 at 12 Noon as part of the Metropolitan Council's Community Development Committee meeting, Metropolitan Council Chambers, Mears Park Centre, 230 E. Fifth St., St. Paul, Minnesota.

Interested persons are encouraged to attend the hearing and offer comments. People may register in advance of the hearing by calling Ellie Porter at 602-1312 or 291-0904 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities.

Comments may also be submitted as follows: (all comments must be received by 4:30 p.m., February 17, 1998).

- Send written comments to: Arne Stefferud, Metropolitan Council, 230 E. Fifth St., St. Paul, Minnesota 55101.
- Fax comments to Arne Stefferud at 602-1442.
- Record comments on the Council's Public Comment Telephone Line: 612-602-1500.
- Send comments electronically to [data.center@metc.state.mn.us](mailto:data.center@metc.state.mn.us).

Questions should be referred to Arne Stefferud, 602-1360 or Ellie Porter, 602-1312 or 291-0904 (TTY).

A free copy of the hearing document is available from the Council's Regional Data Center at 602-1140 or 291-0904 (TTY). The hearing document is also available at public libraries in the seven-county Twin Cities Metropolitan Area.

### Pollution Control Agency

#### Air Quality Division

#### Request for Comments on Planned New Air Quality Rules Governing Concrete Manufacturing Facilities

**Subject of Rule:** The Minnesota Pollution Control Agency (MPCA) requests comments on its planned development of new rules governing concrete manufacturing facilities. The MPCA is considering developing rules that will allow eligible concrete manufacturing facilities that would otherwise need a permit, to be exempt from obtaining an air emissions operating permit under chapter 7007. This is a source category that is generally subject to permitting requirements because potential emissions of particulate matter less than ten microns in diameter are greater than 25 tons per year. The MPCA is exploring whether these facilities could be more efficiently and effectively regulated directly by a rule that would limit their air emissions, than by an air emissions permit.

In this rulemaking, the MPCA is considering two approaches that would result in certain facilities no longer requiring an air emissions permit:

- 1) establish throughput thresholds below which a concrete producer would not be required to obtain a permit;
- 2) establish a performance standard requiring pollution abatement equipment on certain emission units.

The concrete manufacturing industry includes ready mixed concrete facilities (Standard Industrial Classification (SIC) Code 3273), concrete block and brick plants (SIC Code 3271), and pre-cast concrete manufacturers and other concrete product manufacturers not elsewhere included (SIC Code 3272). The rule may establish qualification criteria, record keeping and monitoring requirements, and operational practices for facilities that will be regulated under these rules. Through this rulemaking process, the MPCA will look for ways to promote pollution prevention practices in this industry.

**Persons Affected:** Those affected would depend on the approach used to limit emissions of a facility to less than permitting thresholds. If approach number one is used, the rulemaking would affect those concrete facility operators that elect to be regulated under this rule (provided they meet the eligibility criteria and sufficiently limit their throughput), rather than to obtain an air emissions permit. If approach number two is used, then all concrete manufacturing facilities for which pollution abatement standards were developed would be affected.

**Advisory Committee:** The MPCA has formed an advisory work group for this rulemaking. Persons interested in a list of work group members or in volunteering to participate on the advisory work group should contact Mary Jean Fenske by 4:30 p.m., January 28, 1998, at the address and telephone number listed below.

**Statutory Authority:** *Minnesota Statutes* § 116.07, subd. 4, authorizes the MPCA to adopt rules and standards for the prevention, abatement and control of air pollution.

**Public Comment:** Interested persons or groups may submit comments, suggestions for additional changes that meet the criteria above, or information on this planned rule in writing or orally until 4:30 p.m. on January 28, 1998. The MPCA has not yet prepared a draft of the planned rule amendments. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on this planned rule should be addressed to:

Mary Jean Fenske  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
(612) 297-5472

**NOTE:** Comments submitted in response to this notice will be considered in drafting the rule, but comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Peder Larson  
Commissioner

## Teachers Retirement Association

### Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, January 15, 1998 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.

# State Grants & Loans

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about 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 Human Services

### Notice of Request for Proposals to Establish a Resource Center for Deaf and Hard of Hearing Persons

The Chemical Dependency Division of the Department of Human Services is requesting proposals to establish a Resource Center for provision of services to improve accessibility to treatment programs and aftercare services for people who are deaf or hard of hearing. The target population shall be persons who are deaf, hard of hearing, deafblind, late deafened, or senior citizens who are experiencing a hearing loss. For the purposes of this RFP, these targeted groups will be referred to as deaf and hard of hearing persons.

Proposals are requested from agencies, both profit or nonprofit, knowledgeable in the area of alcohol and other drug treatment issues, barriers and strategies specific to serving deaf and hard of hearing with chemical abuse or dependency problems. The priority area to be addressed by the potential grantee funded through the Minnesota Department of Human Services is the establishment of a Resource Center, including a lending library for those agencies interested in working with the deaf and hard of hearing and for the provision of interpreting and realtime captioning services to allow deaf and hard of hearing people throughout Minnesota access to treatment and aftercare services.

#### FUNDING AVAILABLE

A total of **\$40,000 from Federal appropriations is available for a 1-year period** to potentially fund one project to establish a Resource Center for provision of services to improve treatment and aftercare services to deaf and hard of hearing persons experiencing chemical abuse or dependency problems. A wide range of strategies should be considered, including information, training and technical assistance, and follow-up to treatment providers, establishing a lending library, providing interpreting and realtime captioning services, and captioning existing videos owned by the State of Minnesota, Chemical Dependency Division to include in the lending library. These services will be provided either directly or through agreements with other public or nonprofit entities.

Applications are to be submitted as a two-year project with separate budgets for each year and one workstatement for the two-year period. The funded agency would begin on or about **July 1, 1998**, or upon such date as the grant is executed as to encumbrance by the Commissioner of Finance, whichever occurs later, and may continue for a minimum of two years until June 30, 2000, based on satisfactory performance and the availability of funds.

Proposals in response to this RFP must be submitted on the Chemical Dependency Division (CDD) grant application form. Copies of the RFP and grant application form can be obtained by contacting the Chemical Dependency Division, Minnesota Department of Human Services at 612/296-3991. Upon request, this information will be made available in an alternative format, such as Braille, large print or audiotape.

An original and seven copies of each proposal must be in the CDD office, 444 Lafayette Road, St. Paul, MN 55155, no later than 3:30 PM on **January 26, 1998 (NO EXCEPTIONS)**. *Late proposals and fax copies will not be accepted.*

All requests for information regarding this RFP should be directed to Ruthie M. Dallas at 612/296-3504 or at the above address.

## **Department of Human Services**

### **Grant Announcement and Request for Proposals for Alcohol, Tobacco and Other Drug Prevention Projects Due February 9, 1998**

The Chemical Dependency Program Division of the Department of Human Services is requesting proposals for alcohol, tobacco and other drug (ATOD) prevention projects which address the following areas: 1) culturally specific resource centers and 2) community prevention projects.

A total of \$440,102 is available to be distributed in the following manner: culturally specific resource centers - approximately \$254,707 divided as follows; African-American resource center \$110,000, Chicano/Latino resource center(s) \$84,707 and Asian-American resource center \$60,000; community prevention projects - \$185,395. The funded projects will begin on or about July 1, 1998.

There are two priority goals to be provided by resource centers funded through the Department of Human Services. The first goal is to provide alcohol, tobacco and other drug use and abuse prevention information and materials through resource centers for Minnesota residents from the cultural groups African-American, Chicano/Latino and Asian American populations. The second goal is to provide technical assistance to communities or organizations which would increase capacity for providing prevention services.

The goal of community-based prevention projects is to reduce the incidence and prevalence of alcohol, tobacco and other drug use/abuse in the community. Research states that community-based projects are the most effective when they address the entire community in a systems approach.

Telephone requests for information concerning this RFP should be directed to Al Fredrickson at (612) 282-5877 for resource centers and Sharon Johnson at (612) 296-4711 for community-based projects.

## **Department of Transportation**

### **Transportation Research and Investment Management Division Office of Railroads and Waterways**

#### **Applications Accepted for Assistance Through the Port Development Assistance Program**

The Minnesota Department of Transportation, Office of Railroads and Waterways is accepting applications for assistance through the Port Development Assistance Program from January 1, 1998 until February 15, 1998. Program information may be obtained from, and applications will be accepted for the Commissioner of Transportation by:

Dick Lambert  
Minnesota Department of Transportation  
Office of Railroads and Waterways  
Suite 925, Kelly Annex  
Transportation Building  
St. Paul, MN 55155  
Telephone: (612) 296-1609

# Professional, Technical & Consulting Contracts

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

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## Department of Health

### Request for Proposals (RFP) to Evaluate Current and Future Demand for Health Care Professionals

The Minnesota Department of Health, Office of Rural Health and Primary Care (ORHPC) is soliciting proposals from qualified vendors to develop a means of collecting and reporting information regarding the current and future need for health care professionals in Minnesota and to establish a system for visiting medical residency programs and nurse practitioner, physician assistant and certified nurse midwife training programs to promote health care practices in rural and urban underserved areas of Minnesota. A complete statement of the State's requirements and other terms and conditions governing this RFP may be obtained by contacting:

Lawrence Colaizy  
Minnesota Department of Health  
Office of Rural Health and Primary Care  
P.O. Box 64975  
St. Paul, MN 55164  
Phone: (612) 282-3851  
Fax: (612) 297-5808  
e-mail: lawrence.colaizy@health.state.mn.us

All proposals must be received by ORHPC by 4:30 P.M. January 21, 1998. Five copies of the proposal must be submitted in a sealed mailing envelope or package with the vendor's name and address written on the outside.

## Department of Transportation

### Notice of Availability of Contract for Computer Systems Upgrade

**In compliance with *Minnesota Statutes* Section 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Qualification and Interest Response.**

The Minnesota Department of Transportation is requesting qualification and interest responses for *computer systems upgrade of the current "Paradox" based Mn/DOT Consultant Services Professional Technical contract tracking system. The work will consist of: a series of system enhancements; links to word perfect based documents; system operation improvements; and a user manual.*

It is anticipated that the contract period will begin **February 1998** and continue through **October 1998**.

Targeted Group Business and/or Economically Disadvantaged Business participation in this contract has been determined to be at 0%

**Note: No more than 90% of the full amount due under the contract may be paid until the final deliverables of the contract have been reviewed by the agency and the agency has determined that the contractor has satisfactorily fulfilled the terms of the contract.**

Prospective responders who have any questions regarding this request for qualification and interest response may call or write:

**Note: Other Mn/DOT personnel are not allowed to discuss the project with responders before the submittal of proposed deadline.**

Name: Gabriel Bodoczy, P.E.  
Title: Consultant Agreements Engineer  
Address: M.S. 680 Transportation Building  
395 John Ireland Blvd.  
St. Paul, MN 55155  
Phone: (612) 296-3051

Qualification and Interest Responses must be received by **2:30 p.m.** January 28, 1998 (LATE Qualification and Interest Responses WILL NOT BE ACCEPTED)



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## Professional, Technical & Consulting Contracts

Submit five (5) copies of the qualification and interest response. Qualification and interest responses are to be sealed in a mailing envelope or package with the responder's name and address clearly written on the outside. Each copy of the qualification and interest response must be signed, in ink, by an authorized representative of the company.

Qualification and interest responses shall not exceed 10 standard pages including the transmittal letter with the following considered minimum contents of the qualification and interest response;

1. Outline the responder's background and experience with particular emphasis on the most current work. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the prior approval of Mn/DOT's Contract Administrator.
2. Provide up to three references Mn/DOT may contact about your work.
3. Indicate if your firm is Targeted Group Business and/or Economically Disadvantage Business.

All qualification and interest responses received by the deadline will be evaluated by representatives of Mn/DOT. The short listed firms will be asked to submit detailed technical and cost proposal based on a "technical request for proposal" provided by Mn/DOT after this first stage selection is completed.

Factors upon which qualification and interest responses will be judged:

1. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the company.
2. Reference reviews.
3. Work on paradox systems.

**Workers' Compensation:** The successful responder will be required to submit acceptable evidence of compliance with workers' compensation insurance coverage requirements prior to execution of the contract.

Qualification and interest responses are public information. Mn/DOT will not return opened qualification and interest responses. If solicitation is canceled prior to qualification and interest response opening unopened qualification and interest responses will be returned.

**This request for qualification and interest responses does not obligate Mn/DOT to complete the project, and Mn/DOT reserves the right to cancel the solicitation if it is considered to be in its best interest.**

## Department of Transportation

### Engineering Services Division

#### Notice of Request for Expressions of Interest and Statement of Qualifications for Water Resource Engineering Services

The Minnesota Department of Transportation is Soliciting an Expression of Interest and Statement of Qualifications (EISQ) from contractors interested in performing Water Resource Engineering (WRE) Services for the Phase II segments along Trunk Highway 100 from 29th Avenue to 39th Avenue.

These services will include, but are not limited to, permitting, flood plains, ground water, water quality, and wetland mitigation issues.

The WRE contractor will be working closely with the Final Design Roadway Contractors assigned to adjacent stages of the project and will need to time design activities appropriately. The WRE contractor is expected to prepare water resource designs and recommendations that will coordinate with the drainage designs being completed, using electronic design files in Geopak format compatible with Mn/DOT CADD systems, using XP-SWMM TM Storm Water Modeling program (Window based), using P-8 Water Quality Modeling program, and performing these services consistent with Mn/DOT Metro WRE Standard and Specifications.

Anticipated terms of the contract will run from April 15, 1998 thru April 15, 2003.

Responses to this advertisement become public information under the Freedom of Information Act.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this

## Professional, Technical & Consulting Contracts

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notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

All submitted EISQ remains the property of the State of Minnesota Department of Transportation.

**Note: Your proposal will not be considered if you have not met the affirmative action requirement at the time of this submittal.**

A goal of 10% has been established for the Target Group Business (TGB) participation.

Eight copies of the Expressions of Interest and Statement of Qualifications shall be delivered to the address indicated below and should be limited to 15 pages. The EISQ must be received no later than two o'clock in the afternoon (2:00 PM) on January 20, 1997. Late submittals will not be accepted. Send responses to:

Joseph D. Pignato, P.E.  
Mn/DOT Agreements Administrator  
Transportation Building  
Seventh Floor, Mail Stop 680  
395 John Ireland Boulevard  
St. Paul, MN 55155  
Tel: (612) 297-1172

The Expression of Interest and Statement of Qualifications shall contain the following:

1. Cover letter with an Expression of Interest
2. Copies of Human Rights Certificate or the letter of compliance with affirmative action requirements.
3. The description of the company's most recent completion of WRE project similar in nature and a list of other successfully completed WRE projects with references to those projects.
4. A list of the design team including Project Manager, Key Personnel, Subconsultants, and TGB participation. Each leading design team professional member should have a brief resume highlighting the most recent experiences in WRE designs projects of similar nature.
5. A description of the company's most recent experiences with GEOPAK, XP-SWMM TM Storm Water Modeling (Window based), and P-8 Water Quality Modeling computer programs.
6. A sample of a plan sheet showing storm system layout. (Minimum sheet size of 11" x 17")
7. A sample of a drainage/tabulation combination profile sheet. (Minimum sheet size of 11" x 17")
8. Firms experiences with developing a WRE information package using a GIS systems in "Arch View/Arch Info" data base format. (Minimum sheet size of 11" x 17")

Firms will be short listed from this solicitation and a more detailed Request For Technical Proposal will be issued.

All EISQ Statements received by the deadline will be evaluated by representatives of the Department of Transportation.

## Veterans Homes Board

### Notice of Request for Proposals for Professional Services of: Physical, Occupational and Speech Therapy Provider and Attending Physician

The Minnesota Veterans Home in Fergus Falls, Minnesota is now soliciting proposals for the following consultant contracts:

- **Physician Services** - approximately 5 - 7 hours per week;
- **Physical, Occupational and Speech Therapy Services** - approximately 5 - 10 hours per week.

These contracts will be let for 12 months, beginning February 1, 1998. For details and a copy of the Request for Proposals, contact Jeffrey Melby at (218) 736-0400, or write to Minnesota Veterans Home - Fergus Falls, 1821 N. Park, Fergus Falls, Minnesota, 56537. All proposals must be received no later than 4:30 p.m. on Monday, January 19, 1998.

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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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### Metropolitan Council

#### Invitation for Bid on Compaq Proliant Equipment

Sealed bids for various Compaq Proliant Equipment and associated items, will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on January 12, 1998, at 2:00 P.M., at which time and place they will be publicly read.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 612-602-1499 or via Fax request at 612-602-1083. All bids to be considered must be submitted on Metropolitan Council approved forms.

The award will be based upon, but not necessarily limited to, factors of price, agreement to the Metropolitan Council's terms and conditions, product availability and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

### Metropolitan Council

#### Invitation for Bid Proposal to Build Incinerator Ash Grinders

Bid proposals will be received in the office of the Metropolitan Council Environmental Services (MCES), Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, Monday, January 12, 1998, at 2:00 P.M., at which time and place they will be publicly opened and read aloud.

Copies of the specifications may be obtained from the office of the MCES at the above address or by calling (612) 602-1499 or via Fax request at (612) 602-1083. All bids to be considered must be submitted on Council approved bid forms.

The award will be based upon, but not necessarily limited to, factors of price, agreement to the Metropolitan Council's terms and condition, and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

### Metropolitan Council

#### Request for Proposal for Annual Maintenance Service for IBM Computer Systems

Request for Proposals will be accepted at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, until 4:00 P.M., on Thursday January 15, 1998, for annual maintenance service for IBM computer systems.

Information packets are available and can be obtained by calling 612-602-1499 or via Fax request at 612-602-1083.

The award will be based upon, but not necessarily limited to, factors of price, agreement to the Metropolitan Council's terms and conditions, ability to meet the specifications as outlined, and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to reject any and all proposals, or any part of any proposal, to waive minor defects or technicalities or to advertise for new offers as it deems in its best interest.

## **Non-State Public Bids, Contracts & Grants**

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### **Minnesota Historical Society**

#### **Request for Bids for Personal Computer Training**

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide personal computer training to its' employees.

The work will generally consist of off-site training for the Society's approximately 300 employees on various combinations of the following software:

- Microsoft Windows 95 or Macintosh OS 7.61 or higher

- Microsoft Schedule Plus (Version 7) (Mac Version 5)

- Microsoft Exchange (Version 4) (Mac Version 7.5)

- Microsoft Word (Version 7) (Mac Version 6.0.1)

- Microsoft Power Point (Version 7) (Mac Version)

- Microsoft Excel (Version 7) (Mac Version 5)

- Microsoft Access (Version 7)

- Claris Filemaker Pro (Version 3)

The Request for Bids is available by calling or writing Deborah Mayne, Finance Manager, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-7365 ([deborah.mayne@mnhs.org](mailto:deborah.mayne@mnhs.org)).

Bids must be received no later than 2:00 p.m. Central Time, Tuesday, January 20, 1998.

Complete specifications and details concerning submission requirements are included in the Request for Bids.