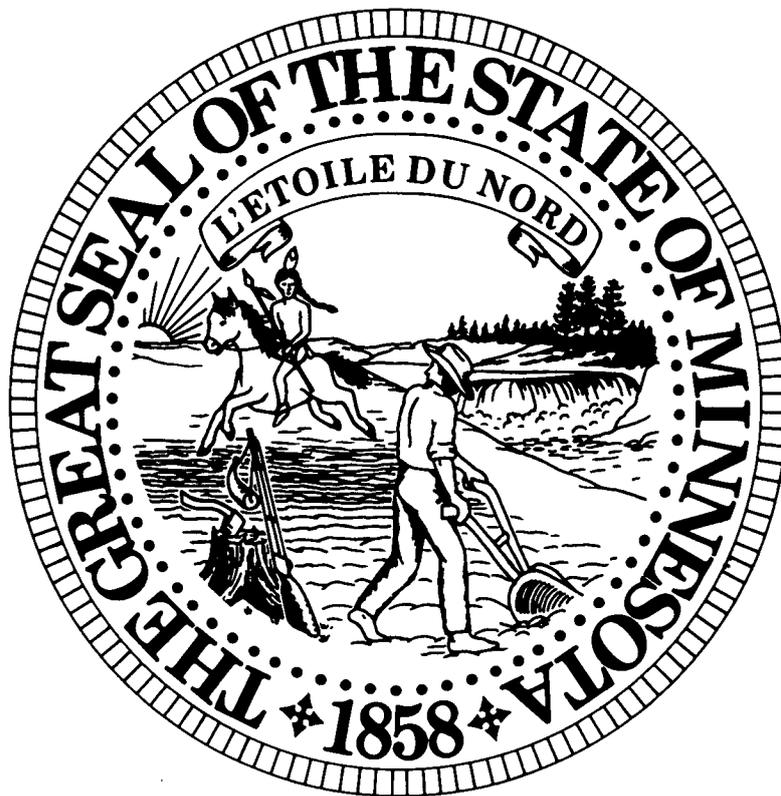


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The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division



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

**Monday 15 June 1992**  
**Volume 16, Number 51**  
**Pages 2713-2764**

# State Register

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

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

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

### Printing Schedule and Submission Deadlines

Vol. 16 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
51	Monday 1 June	Monday 8 June	Monday 15 June
52	Monday 8 June	Monday 15 June	Monday 22 June
53	Monday 15 June	Monday 22 June	Monday 29 June
Vol. 17 #1	Monday 22 June	Monday 29 June	Monday 6 July

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-0929.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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**Department of Administration**

**Kathi Lynch, Director**  
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## FOR LEGISLATIVE NEWS

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

### SENATE

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

**Perspectives**—Publication about the Senate.

**Session Review**—Summarizes actions of the Minnesota Senate.

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

### HOUSE

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

**This Week**—weekly interim bulletin of the House.

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

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

# Contents

## Minnesota Rules: Amendments & Additions

Issues 40-51 inclusive (issues #1-39 appeared in #39) ..... 2716

## Proposed Rules

### Commerce Department

Uniform Conveyancing Blanks ..... 2718  
Long-term Care ..... 2724

### Public Safety

Liquor: state permit fees ..... 2725

### Transportation Department

Loading and unloading of petroleum transports ..... 2727

## Adopted Rules

### Higher Education Coordinating Board

Postsecondary financial assistance ..... 2732

### Technical College Board

Technical college teacher licenses: nursing college and aquaculture ..... 2732

## Executive Orders

### Executive Department

Executive Order 92-6: Providing for the Governor's Commission on Canterbury Downs ..... 2732

## Commissioner's Orders

### Natural Resources Department

Order No. 2446: Regulations for the use of Wildlife Management areas: superseding commissioner's orders No. 1961 and 2516 ..... 2734  
No. 2448: Regulating the taking of deer; amending commissioner's order No. 2418 ..... 2736  
No. 2449: Regulations for taking of turkeys during the fall season ..... 2737

## Emergency Rules

### Human Services Health Care Division

Amended notice of continuation of emergency rule governing medical care surcharge and special payments ..... 2742  
Corrected notice of continuation of emergency amendments to permanent rules emergency rules relating to professional home-based mental health services ..... 2742  
Corrected notice of continuation of emergency rules relating to case management for children with severe emotional disturbance and their families ..... 2743

## Official Notices

### Minnesota State Agricultural Society

Board meeting ..... 2743

### Office of Attorney General

Meeting notice regarding proposed revisions to Landlords and Tenants brochure ..... 2743

### Commerce Department

Correction to adjustment of dollar amounts for the Minnesota property exemption and restrictions of deficiency judgments ..... 2743  
Correction to adjustment of dollar amounts for the Minnesota regulated loan act ..... 2745

### Ethical Practices Board

Advisory opinion re: campaign finance ..... 2746

## Health Department

Outside opinions sought regarding amendments to proposed rules governing water supplies for camps and mobile home parks ..... 2746

## Human Services Department

Outside opinions sought regarding proposed rules governing payment rates for intermediate care facilities ..... 2747  
Vacancy on Medicaid Drug Formulary Committee ..... 2747

## State Board of Investment

Private money management firms sought to manage either equity of fixed income assets ..... 2747

## Jobs and Training Department

Outside opinions sought regarding proposed rules governing reviews by the Commissioner of an initial appeal decision ..... 2748

## Public Safety Department

Emergency response commission meeting notice ..... 2748

## Sentencing Guidelines Commission

Public hearing to consider modification to the sentencing guidelines ..... 2749

## State Treasurer

Outside opinions sought regarding proposed rule governing credit card disclosure reports ..... 2751

## Transportation Department

State aid variance meeting ..... 2752

## State Grants

### Higher Education Coordinating Board

Child Care Innovation Grants ..... 2754

### Human Services Department

Refugee assistance grant funds ..... 2754  
Proposals for family-based crime prevention services for Asian youth programs ..... 2755

## Professional, Technical & Consulting Contracts

### Amateur Sports Commission

Proposals sought for redesign and publishing of *Minnesota Medalist* magazine ..... 2755

### State Designer Selection Board

Sewer separation project ..... 2756

### Minnesota Historical Society

Letters of interest for consulting relating to Federal Highway Act ..... 2757

## Non-State Public Contracts

### Minnesota Historical Society

Request for bids for construction of wall systems for theater space ..... 2758

### Minneapolis Community Development Agency

Historian Consultant sought ..... 2758

## State Contracts & Advertised Bids

### Administration Department

**Materials Management Division:** Commodities and requisitions open for bid ..... 2759  
**Print Communications Division:** Typesetting, keylining, photo prep and seps, printing, binding, labeling and mailing contracts open for bid ..... 2762

# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

Issues 40-51 inclusive (issues #1-39 appeared in #39)

### Agriculture Department

1509.0010; .0020; .0030; .0040; .0050 (proposed) .....	2366
1509.0010; .0015; .0020; .0025; .0030; .0035; .0040 (proposed) .....	2594
1500.0101; .0201; .0301; .0401; .0501; .0601; .0701; .0801; .0901; .1001; .1101; .1201; .1301; .1401; .1501 (adopted) .....	2441
1500.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200 (repealed) .....	2441
1505.2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800 (proposed) .....	2654
1505.2000; .2010; .2020; .2030; .2040; .2050; .2060; .2070; .2080 (proposed repealer) .....	2660
1555.6810; .6820; .6840 (proposed) .....	2660
1650.0500; .0510; .0520; .0540; .0550; .0560; .0570 (adopted) .....	2678

### Architecture, Engineering, Land Surveying and Landscape

<b>Architecture Board</b>	
1800.0500 (proposed) .....	2233

### Corrections Department

2945.0100; .0110; .0120; .0130; .0500; .0510; .0520; .0530; .1000; .1010; .1600; .1610; .2100; .2110; .2120; .2130; .2500; .2510; .2520; .2530; .2540; .2550; .3400; .3410; .3420; .3430; .3440; .3450; .4700; .4710; .4720; .4730; .4740; .4750; .4760; .5400; .5410; .5420; .5430; .5440; .5450; .5460; .5470; .5480; .5490 (proposed) .....	2662
--	------

### Commerce Department

2745.0010; .0020; .0030; .0040; .0050 (proposed) .....	2724
2820.4005; .4025; .9050; .2955 (proposed) .....	2718
2890.0010; .0090 (adopted) .....	2684

### Dentistry Board

3100.0100; .1100; .1200; .3600; .6200; .6300; .8500; .8700 (adopted) .....	2314
--	------

### Jobs and Training Department

3350.0010; .0020; .0030; .0040; .0050; .0060; .0070;	
--	--

.0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200 (adopted) .....	2319
---	------

### Technical Colleges Board

3515.1300; 3700.0298; .0420; .1410 (adopted) .....	2732
3700.0465; .0850 (adopted) .....	2207
3700.1420 (adopted) .....	2207

### Electricity Board

3800.3520; .3620 (proposed) .....	2236
-----------------------------------	------

### Employee Relations Department

3920.0100; .0200; .0300; .0400; .0500; .0600; .0800; .0900; .1100; .1300 (proposed) .....	2598
---	------

### Health Department

4685.0801; .1910; .1940; .1955; .2200; .3300 (adopted) .....	2478
4685.0800 (repealed) .....	2478
4690.4600 (adopted) .....	2207
4690.4600 s.7, 8, and 9 (repealed August 1, 1994) .....	2207
4725.7605 (adopted) .....	2479
4740.2040 (adopted) .....	2317

### Higher Education Coordinating Board

4810.3030 (adopted) .....	2162
4810.3030 s.2 (repealed) .....	2162
4830.0100 (proposed) .....	2732
4830.8510; .8535; .8540; .8550; .8570; .8575 (proposed) .....	2674

### Housing Finance Agency

4900.3400; .3401; .3402; .3403; .3404 (proposed) .....	2508
4900.3410; .3411; .3412; .3413; .3414 (proposed) .....	2509
4900.3420; .3421; .3422; .3423; .3424 (proposed) .....	2506

### Labor & Industry Department

5205.0010 (proposed) .....	2606
5205.0010 (adopted) .....	2617
5220.0100; .0105; .0110; .0120; .0130; .0410; .0510; .0710; .0750; .0850; .0950; .1010; .1100; .1200; .1250; .1400; .1500; .1600; .1700; .1800; .1801; .1802; .1803; .1805; .1806; .1900; .1910; .2650; .2780 (adopted) .....	2520
5220.0100 s.6,7,8,10a,11,14, and 15; .0210; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1300; .1801 s.3 and 4; .1802 s.6,7,8, and 9; .1803 s.3 and 4; .1900 s.3,4,5, and 6 (repealed 1 July 1992) .....	2524

# Minnesota Rules: Amendments & Additions

5230.5000; .5010; .5015; .5020; .5025; .5250; .5300; .5350; .5400; .5605; .5610; .5615; .5620; .5625; .5630; .5635; .5640; .5645; .5650; .5655; .5660; .5665; .5675; .5680; .5690; .5700; .5705; .5710; .5820; .5825; .5915; .5925; .5930; .5935; .5940; .5945; .5660; .5950; .6100; .6110; .6115; .6120; .6125; .6130; .6200 (proposed) .....	2273	.8610; .8615; .8620; .8625; .8630; .8635; .8640; .8645; .8650; .8655; .8660; .8665; .8670; .8675; .8680; .8685; .8690; .8700; .8705; .8710; .8715; .8720; .8725; .8730; .8735; .8740; .8745; .8750; .8755; .8760; .8800; .8805; .8810; .8815; .8900; .8905; .8910; .8915; .8920; .8925; .8930; .8935; .8940 (adopted) .....	2163
<b>Nursing Board</b>		<b>Revenue Department</b>	
6310.3600 (adopted) .....	2479	8017.6000 (proposed) .....	2438
<b>Pharmacy Board</b>		8125.0200; .0300; .0400; .0410; .0500; .0600; .0700; .1300; .1400 (proposed) .....	2512
6800.1150; .1250; .1300 (adopted) .....	2239	8125.0300 s.2,3,4, and 6; .0600 s.3; .0700 s.1,5,6, and 9; .0800; .1400 s.1,3, and 8 (proposed repealer) .....	2518
<b>Pollution Control Agency</b>		<b>Secretary of State</b>	
7001.0040; .3050; .3075; .3275; .3300; .3480; 7035.0300; .0400; .0600; .0605; .0700; .0800; .2525; .2535; .2545; .2555; .2575; .2585; .2625; .2635; .2645; .2655; .2665; .2910; .2915 (adopted) .....	2321	8210.0300; .0500; .0600; .0700; .3000; .3010; .9920; .9925; .9930; .9935; 8255.0020 (proposed) .....	2609
7035.2885 (correction) .....	2619	<b>Water and Soil Resources Board</b>	
7001.0140; .0180; 7002.0005; .0015; .0025; .0035; .0045; .0055; .0065; .0075; .0085; .0095; 7005.0100; .1875; .1876 (proposed) .....	2394	8410.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180 (proposed) .....	2193
7001.0520; .0650; 7045.0020; .0075; .0131; .0135; .0139; .0214; .0292; .0458; .0478; .0532; .0534; .0536; .0538; .0552; .0564; .0584; .0630; .0632; .0634; .0638; .0665; .1300; .1305; .1308; .1309; .1310; .1315; .1320; .1325; .1330; .1333; .1334; .1335; .1339; .1350; .1355; .1358; .1360; .1380 (adopted) .....	2239	<b>Minnesota Racing Commission</b>	
7001.0623; 7045.0020; .0292; .0528; .0546; .0628; .0644 (withdrawn) .....	2442	7890.0100; .0130; .0140; .0150; .0160; 7892.0120 (adopted) .....	2207
7002.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; and 7005.1870 s.4 (proposed repealer) .....	2402	7870.0050; .0220; .0480; 7873.0130; .0185; .0186; 7877.0110; .0120; .0130; .0135; .0170; .0175; .0180; 7878.0120; 7883.0100; .0120; .0130; .0140; .0160; 7891.0100; 7892.0150; 7895.0110; .0125; .0250; .0275; .0300; .0350; .0400; .0450; 7897.0100; 7899.0100 (adopted) .....	2684
7005.5030 (proposed) .....	2307	<b>Teaching Board</b>	
7105.0060; .0090 (adopted) .....	2207	8700.5505 (adopted) .....	2165
7151.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200; .0210; .0220; .0230; .0240 (withdrawn) .....	2166	<b>Transportation Department</b>	
7100.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090 (proposed repealer withdrawn) .....	2166	8840.5100; .5300; .5400; .5500; .5600; .5650; .5700; .5800; .5900; .5910; .5925; .5940; 5; .6000; .6100; .6200; .6300 (proposed) .....	2145
<b>Harmful Substance Compensation Board</b>		8840.5200; .5700 s.3 (proposed repealer) .....	2162
7190.1100; .1110; .1120; .1130; .1140; .1150; .1160; .1170; .1180; .1190; .2000; .2010 (adopted) .....	2162	8850.8050 (proposed) .....	2727
<b>Public Safety Department</b>		8850.8050 s.1 (proposed repealer) .....	2732
7450.0100; .0200; .0250; .0300; .0400; .0430; .0460; .0600; .0700; .0800 (adopted) .....	2246	8895.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100 (proposed) .....	2309
7450.0900 (repealed) .....	2246	<b>Human Services Department</b>	
7510.5500; .5510; .5520; .5530; .5540; .5550; .5560; .5570 (proposed) .....	2402	9505.0175 s.43; .0324 (emergency rule continued) .....	2620
7515.0210 (proposed) .....	2725	9505.0445; .1693; .1718; .1748 (adopted) .....	2518
7521.0200 (adopted) .....	2618	9505.0476; .0477; .0478; .0479; .0480; .0481; .0482; .0483; .0484; .0485; .0487; .0489; .0490; .0491 (emergency rules continued) .....	2620
<b>Public Service Department</b>		9510.2000; .2010; .2020; .2030; .2040; .2050; .2060; .2070 (emergency rules continued) .....	2621
7670.0100; .0325; .0610; .0660; .0710; .0800 (adopted) .....	2687	9520.0900; .0902; .0904; .0906; .0908; .0910; .0912; .0914; .0916; .0918; .0922; .0924; .0926 (emergency rules continued) .....	2621
<b>Public Utilities Commission</b>		9525.1800; .1810; .1820; .1830; .1840; .1850; .1860; .1870; .1880; .1890; .1900; .1910; .1920; .2010 (adopted) ..	2238
7810.8100; .8200; .8300; .8400; .8500; .8600; .8605;		9525.1800 s.4,16, and 19; .1860 s.2 and 5; .1930 s.2 (repealed) .....	2238

## Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Commerce

### Proposed Permanent Rules Relating to Uniform Conveyancing Blanks

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

**NOTICE IS HEREBY GIVEN** that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statute* Sections 45.023 and 507.09.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes* Section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted on or before July 22, 1992 to:

Scott P. Borchert  
Chief Enforcement Counsel  
Minnesota Department of Commerce  
133 East Seventh Street  
St. Paul, Minnesota 55101  
(612) 296-9431

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Scott P. Borchert, Chief Enforcement Counsel at the above referenced address.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Scott P. Borchert, Chief Enforcement Counsel at the above-referenced address.

Dated: 29 May 1992

Bert J. McKasy  
Commissioner of Commerce

Rules as Proposed (all new material)

2820.4005 FORM 51 1/2-M: SATISFACTION OF MORTGAGE BY CORPORATION WITH CHANGE OF NAME OR IDENTITY.

Subpart 1. Recommended form. The recommended form for a satisfaction of a mortgage by a corporation with a change of its name or identity pursuant to Minnesota Statutes, section 507.411 is contained in subpart 2.

Subp. 2. Contents.

SATISFACTION OF MORTGAGE Form No. 51 1/2-M Minnesota Uniform Conveyancing Blanks 1991
By Corporation with Change of Name or Identity Pursuant to Minn. Stat. § 507.411

Satisfaction Of Mortgage

Date: \_\_\_\_\_, 19\_\_\_\_ (reserved for recording data)

THAT CERTAIN MORTGAGE owned by the undersigned, a \_\_\_\_\_ under the laws of \_\_\_\_\_, dated \_\_\_\_\_, 19\_\_\_\_, executed by \_\_\_\_\_, as Mortgagor, to \_\_\_\_\_, as Mortgagee,

and filed for record \_\_\_\_\_, 19\_\_\_\_, as Document Number \_\_\_\_\_, for in Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_, in the Office of the (County Recorder) (Registrar of Titles) of \_\_\_\_\_ County, Minnesota, is, with the indebtedness thereby secured, fully paid and satisfied.

The undersigned has changed its name or identity from \_\_\_\_\_ to \_\_\_\_\_ as a result of (check appropriate box (es))  merger  consolidation  amendment to charter or articles of incorporation  conversion of articles of incorporation or charter from federal to state, state to federal, or from one form of entity to another.

By \_\_\_\_\_ Its \_\_\_\_\_
By \_\_\_\_\_ Its \_\_\_\_\_

STATE OF \_\_\_\_\_ }
COUNTY OF \_\_\_\_\_ } ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_ the \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ under the laws of \_\_\_\_\_, on behalf of the \_\_\_\_\_ which has changed its name or identity as a result of (check appropriate box (es))  merger  consolidation  amendment to charter or articles of incorporation  conversion of articles of incorporation or charter from federal to state, state to federal, or from one form of entity to another.

THIS INSTRUMENT WAS DRAFTED BY: NAME & ADDRESS: \_\_\_\_\_
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT: \_\_\_\_\_
NOTARIAL STAMP OR SEAL OR OTHER TITLE OR RANK: \_\_\_\_\_

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**

**2820.4025 FORM 53 1/2-M: PARTIAL RELEASE OF MORTGAGE BY CORPORATION WITH CHANGE OF NAME OR IDENTITY.**

Subpart 1. **Recommended form.** The recommended form for a partial release of a mortgage by a corporation with a change of its name or identity pursuant to *Minnesota Statutes*, section 507.411 is contained in subpart 2.

**Subp. 2. Contents.**

PARTIAL RELEASE OF MORTGAGE Form No. 53 1/2-M Minnesota Uniform Conveyancing Blanks 1991  
By Corporation with Change of Name or Identity Pursuant to Minn. Stat. § 507.411

**Partial Release  
of Mortgage**

Date: \_\_\_\_\_, 19\_\_\_\_ (reserved for recording data)

FOR VALUABLE CONSIDERATION, the real property in \_\_\_\_\_ County, Minnesota, legally described as follows:

(If more space is needed continue on back)  
is hereby released from the lien of the Mortgage, owned by the undersigned, dated \_\_\_\_\_, 19\_\_\_\_, executed by \_\_\_\_\_, as Mortgagor, to \_\_\_\_\_, as Mortgagee, and filed for record \_\_\_\_\_, 19\_\_\_\_, as Document Number \_\_\_\_\_ (or in Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_), in the Office of the (County Recorder) (Registrar of Titles) of \_\_\_\_\_ County, Minnesota.

The undersigned has changed its name or identity from \_\_\_\_\_ to \_\_\_\_\_ as a result of (check appropriate box (es))  merger  consolidation  amendment to charter or articles of incorporation  conversion of articles of incorporation or charter from federal to state, state to federal, or from one form of entity to another.

By \_\_\_\_\_  
Its \_\_\_\_\_  
By \_\_\_\_\_  
Its \_\_\_\_\_

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_ the \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ under the laws of \_\_\_\_\_, on behalf of the \_\_\_\_\_ which has changed its name or identity as a result of (check appropriate box (es))  merger  consolidation  amendment to charter or articles of incorporation  conversion of articles of incorporation or charter from federal to state, state to federal, or from one form of entity to another.

THIS INSTRUMENT WAS DRAFTED BY (NAME & ADDRESS): \_\_\_\_\_ SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT: \_\_\_\_\_  
NOTARIAL STAMP OR SEAL OR OTHER TITLE OR RANK

2820.9050 FORM 125-M: SEVERANCE OF JOINT TENANCY.

Subpart 1. Recommended form. The recommended form for a severance of a joint tenancy is contained in subpart 2.

Subp. 2. Contents.

Severance of Joint Tenancy **Form No. 125-M** Minnesota Uniform Conveyancing Blanks 1990

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No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required  
 Certificate of Real Estate Value No. \_\_\_\_\_  
 \_\_\_\_\_, 19 \_\_\_\_\_

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County Auditor

by \_\_\_\_\_ Deputy

DEED TAX DUE HEREON: \$ \_\_\_\_\_

Date: \_\_\_\_\_, 19 \_\_\_\_\_

(reserved for recording data)

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I, \_\_\_\_\_, am one of the owners in joint tenancy of real property in \_\_\_\_\_ County, Minnesota described as follows:

(If more space needed, continue on back.)

In accordance with Minnesota Statutes Section 500.19, subd. 5 (1), I hereby sever and terminate the joint tenancy with the intention that I hold my interest in the real property as a tenant in common.

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }  
COUNTY OF \_\_\_\_\_ } ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ by \_\_\_\_\_

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR BAND)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME & ADDRESS):

THIS INSTRUMENT WILL BE LEGALLY EFFECTIVE ONLY IF RECORDED IN THE OFFICE OF THE COUNTY RECORDER OR THE REGISTRAR OF TITLES IN THE COUNTY WHERE THE REAL ESTATE IS SITUATED

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# Proposed Rules

## 2820.2955 FORM 126-M: SUMMARY REAL ESTATE DISPOSITION JUDGMENT.

Subpart 1. **Recommended form.** The recommended form for a summary real estate disposition judgment pursuant to *Minnesota Statutes*, section 518.191 is contained in subpart 2.

Subp. 2. Contents.

Summary Real Estate Disposition Judgment  
Pursuant to Minn. Stat. §518.191

Form No. 126-M

Minnesota Uniform Conveyancing Blanks (1991)

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT  
Family Court Division

In Re the Marriage of:

Court File No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner,  
and  
\_\_\_\_\_  
Respondent

### SUMMARY REAL ESTATE DISPOSITION JUDGMENT

Check here if part or all of the land herein is Torrens

Date of Parties' marriage: \_\_\_\_\_

Date of entry of Judgment and Decree of Dissolution: \_\_\_\_\_

Name(s) of Petitioner's Attorney(s): \_\_\_\_\_

Name(s) of Respondent's Attorney(s): \_\_\_\_\_

OR Check here if parties appeared pro se:  Petitioner  Respondent

Name of Judge who signed Order for Judgment and Decree: \_\_\_\_\_

Name of Referee, if any, who signed Order for Judgment and Decree: \_\_\_\_\_

The Judgment and Decree resulted from (check one):

Stipulation  Default With No Appearance  Trial

Appearances at the Default or Trial: \_\_\_\_\_

Name change (if any) of parties in Judgment and Decree: (if none check here  )

Petitioner from \_\_\_\_\_ (former name) to \_\_\_\_\_ (present name)

Respondent from \_\_\_\_\_ (former name) to \_\_\_\_\_ (present name)

**THE FOLLOWING ARE THE REAL ESTATE DISPOSITIONS IN THE JUDGMENT AND DECREE:**

Legal Description. \_\_\_\_\_  
\_\_\_\_\_ County, Minnesota

Certificate of Title No. \_\_\_\_\_  
if land is Torrens

Names of persons awarded an interest in the above real estate: \_\_\_\_\_ Interest awarded: \_\_\_\_\_

Liens, mortgages, encumbrances or other interests in the above real estate created by the Judgment and Decree (include name of person to whom awarded and interest awarded): \_\_\_\_\_

Triggering or contingent events set forth in the Judgment and Decree affecting the disposition of the above real estate: \_\_\_\_\_

(File a certified copy of this Summary Real Estate Disposition Judgment with the Registrar of Titles and/or County Recorder in the county where each Parcel is located.)

Approval of Summary Real Estate Disposition Judgment:

(space for Approval Stamp of Referee, if any)

By the Court:

\_\_\_\_\_  
Judge

Date: \_\_\_\_\_

COURT ADMINISTRATOR

Date: \_\_\_\_\_, 19 \_\_\_\_\_

By \_\_\_\_\_  
Deputy

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# Proposed Rules

## Department of Commerce

### Proposed Permanent Rules Relating to Long-Term Care

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

**NOTICE IS HEREBY GIVEN** that the Department of Commerce intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statute* Section § 45.023, and Section § 62A.56.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes* Section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted on or before July 22, 1992 to:

Donna M. Watz  
Staff Attorney  
Minnesota Department of Commerce  
133 East Seventh Street  
St. Paul, Minnesota 55101  
(612) 297-1118

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

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Donna M. Watz, Staff Attorney, at the above-referenced address.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Donna M. Watz, Staff Attorney at the above-referenced address.

Dated: 8 May 1992

Bert J. McKasy  
Commissioner of Commerce

#### Rules as Proposed (all new material)

##### 2745.0010 PURPOSE.

Parts 2745.0010 to 2745.0050 are authorized and adopted pursuant to *Minnesota Statutes*, section 62A.56, subdivision 2. Their purpose is to establish general standards to ensure that assessments used in prescribing long-term care are reliable, valid, and clinically appropriate. Parts 2745.0010 to 2745.0050 apply exclusively to insurance and subscriber contracts that determine benefit entitlement based on an assessment of the insured's ability to perform the activities of daily living and to perform basic cognitive functions. Assessments satisfying the general standards in parts 2745.0010 to 2745.0050 are considered reliable, valid, and clinically appropriate.

##### 2745.0020 ACTIVITIES OF DAILY LIVING.

General standards for determining coverage of long-term care based on an assessment of the insured's inability to perform activities of daily living include the following activities with definitions of performance not more restrictive than those shown in items A to E.

A. "Bathing" means washing oneself in either a tub or shower, including getting into and out of the tub or shower, or by sponge bath without the aid of another person.

B. "Dressing" means getting clothes from the closet or drawers, putting on clothes, and attaching any necessary braces or prosthesis without the aid of another person.

C. "Toileting" means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene without the aid of another person.

D. "Transferring" means moving in and out of a bed, chair, or wheelchair without the aid of another person.

E. "Eating" means feeding oneself by any means without the aid of another person.

In addition to the activities in items A to E, other reasonable activities of daily living such as continence, walking, and wheeling may be taken into account if specified in the insurance contract.

#### **2745.0030 COGNITIVE IMPAIRMENT.**

General standards for determining coverage of long-term care based on cognitive impairment shall be based on an assessment of the insured's ability to perform basic cognitive functions. The definition of cognitive impairment shall not be more restrictive than the definition in this part. "Cognitive impairment" means deficiency in the ability to think, perceive, reason, and/or remember that results in the inability to take care of oneself without the ongoing assistance of or supervision by another person.

#### **2745.0040 USE OF ASSESSMENTS.**

A long-term care insurance policy may use activities of daily living and cognitive impairment assessments as a basis for defining when a service, type of care, or procedure could not be omitted without adversely affecting the patient's illness or condition.

Determining impairment under the insurance contract shall not be more restrictive than requiring either a deficiency in three of the above activities of daily living or the presence of cognitive impairment. An insurer may, by contract, require less restrictive criteria than the above determining benefit eligibility.

The determination of physical or cognitive impairment shall be based on generally accepted tests that use objective measures and produce verifiable results such as, but not limited to, the most recently adopted Minnesota Department of Human Services Preadmission Screening Assessment Form.

#### **2745.0050 ALTERNATIVE STANDARDS AND CERTIFICATION.**

If an insurer proposes standards other than those described in parts 2745.0020, 2745.0030, and 2745.0040, upon request the insurer shall provide to the department a detailed description of the proposed assessment methodology explaining how the assessment would reasonably be expected to produce reliable, valid, and clinically appropriate results. The insurer is responsible for demonstrating that the assessment is reliable, valid, and clinically appropriate and not less beneficial to the policyholder than the standards described in parts 2745.0020, 2745.0030, and 2745.0040. An officer of the insurance company shall provide a certification that, to the best of the officer's knowledge, the assessment methodology is reliable, valid, and clinically appropriate.

## **Department of Public Safety**

### **Proposed Permanent Rules Relating to Liquor; State Permit Fees**

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

**NOTICE IS HEREBY GIVEN** that the State Department of Public Safety intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the proposed rules is *Minnesota Statutes*, sections 299A.02, subdivision 3.

All persons have 30 days, until 4:30 p.m., July 15, 1992, in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. Any requests or comments must be received by the Department of Public Safety no later than 4:30 p.m. on July 15, 1992. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient

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## Proposed Rules

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number withdraw their request in writing. Any person requesting a public hearing must include his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Lance Boelter, Liquor Control Division, 333 Sibley Street, Room 440, St. Paul, Minnesota 55101, 612-296-6258.

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

A free copy of the rules is available upon request from Lance Boelter at the address and telephone number listed above.

The rules increase the fees for a liquor permit and the fees for a liquor identification card from \$12 to \$20.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Lance Boelter at the address and telephone number listed above.

The rules have some impact on small businesses in Minnesota, and the Department has considered the methods for reducing the impact as required by *Minnesota Statutes*, section 14.115. Most of the methods listed in section 14.115 are not applicable to a fee rule since you cannot make a fee more or less stringent, or simplify it, or establish performance standards for the fee. The only method that might apply is the exemption of small businesses from any or all requirements of the rule. The size or magnitude of the business operation was taken directly into consideration in proposing the licensing fees set by statute. The permit and identification card fees collected will be indirectly related to the size of the business in that larger businesses will likely have more employees who need identification cards than smaller businesses. Beyond this, the Department feels it would be inappropriate to have a further differentiation in fees based on the size of the business.

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

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

In accordance with *Minnesota Statutes*, section 16A.128, subdivision 1a, pertaining to fees, the Department has notified the Commissioner of Finance of the Department's intent to adopt rules in the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's reply are attached to the State Of Need and Reasonableness.

In accordance with *Minnesota Statutes*, section 16A.128, subdivision 2a, the Department has sent a copy of this notice and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting this notice to the *State Register*.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Lance Boelter at the address and telephone number listed above.

Dated: 29 May 1992

Thomas H. Frost, Commissioner  
Department of Public Safety

### Rules as Proposed

#### 7515.0210 REGULATORY PERMITS AND FEES.

Subpart 1. **General.** Any person engaged in the purchase, sale, or use for any purpose other than personal consumption of intoxicating alcoholic beverages or ethyl alcohol, shall obtain the appropriate regulatory permit and identification card from the commissioner as provided in this part. The fee for each permit, other than one issued to a state or federal agency, is ~~\$12~~ \$20 and shall be submitted together with the appropriate application form provided by the commissioner. Identification cards and permits shall be issued for a period coinciding with that of the appropriate state or municipal license and are not transferable. In instances where there is no annual license period, cards and permits shall expire one year after the date of issuance. The authority to engage in the purchase, sale, or use granted by the card or permit may be revoked by the commissioner upon evidence of a violation by the holder of such a card or permit of any of the provisions of *Minnesota Statutes*, chapter 340A, or any rule of the commissioner made pursuant to law.

[For text of subps 1a to 5, see M.R.]

## Department of Transportation

### Proposed Permanent Rules Relating to Loading and Unloading of Petroleum Transports

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

**NOTICE IS HEREBY GIVEN** that the State Department of Transportation intends to adopt the above-entitled rule without a public hearing following the procedures for adopting rules without a public hearing set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28.

**Statutory authority.** The statutory authority to adopt the rule is *Minnesota Statutes*, section 221.031, subdivision 1.

**Nature and effect of proposed rule.** *Minnesota Rules*, part 8850.8050 governs loading and unloading of petroleum transports. The proposed rule repeals *Minnesota Rules*, part 8850.8050, subpart 1 and amends subpart 2. The department is proposing to repeal subpart 1 because Minnesota has adopted *Code of Federal Regulations*, title 49, section 177.834, paragraph (i), clause (1). That federal regulation governs loading of cargo tanks and the current rule is no longer necessary. The repeal of subpart 1 will make the federal and state regulations uniform, ease restrictions on petroleum transporters and drivers, and will promote compliance. The department is proposing to amend subpart 2 to address industry concerns about the application of the current requirements to the residential delivery of petroleum products and to change current fire extinguisher requirements. The amendment of subpart 2 makes unloading requirements more practical without compromising safety. The department has prepared a Statement of Need and Reasonableness that addresses the need for and reasonableness of the proposed rule in detail.

**Comment period.** All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The 30-day comment period will expire at 4:30 p.m. on July 15, 1992.

**Request for hearing.** Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Ward Briggs  
Office of Motor Carrier Safety and Compliance  
151 Livestock Exchange Building  
100 Stockyard Road  
South St. Paul, MN 55075  
(612) 297-7656

Comments or written requests for a public hearing must be received by the department by 4:30 p.m. on July 15, 1992.

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

**Proposed rule and Statement of Need and Reasonableness.** A copy of the proposed rule and a copy of a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule is attached to this notice. A free copy of the proposed rule and the Statement of Need and Reasonableness is available upon request by contacting Ward Briggs at the address given above.

**Expenditure of public money by local public bodies.** Adoption of the proposed rule will not require a total expenditure of public monies by local public bodies of more than \$100,00 in either of the two years immediately following adoption. Therefore, *Minnesota Statutes*, section 14.11, subdivision 1, is not applicable to this rulemaking proceeding.

**Impact on agricultural land.** Adoption of the proposed rule will not have a direct or substantial adverse impact on agricultural land. Therefore, *Minnesota Statutes*, section 14.11, subdivision 2, is not applicable to this rulemaking proceeding.

**Impact on small businesses.** Adoption of the proposed rule will not affect small business. Therefore, *Minnesota Statutes*, section

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## Proposed Rules

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14.115. is not applicable to this rulemaking proceeding. The subject of small business considerations is addressed in the department's Statement of Need and Reasonableness.

**Submission to Attorney General.** If no hearing is required, upon adoption of the rule, the rule and required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of the material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit a written request to Ward Briggs, Department of Transportation, Office of Motor Carrier Safety and Compliance at the address given above.

Dated: 1 June 1992

James N. Denn, Commissioner  
Department of Transportation

### STATEMENT OF NEED AND REASONABLENESS.

The Commissioner of Transportation presents facts showing the need for and reasonableness of the proposed rule governing the loading and unloading of petroleum transports.

### INTRODUCTION

The Commissioner of Transportation, under *Minnesota Statutes*, section 221.031, has adopted a rule governing the loading and unloading of petroleum transports. *Minnesota Rules*, part 8850.8050, states:

Subpart 1. **Loading.** During loading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but not in the vehicle cab or other enclosure.

Subp. 2. **Unloading.** During unloading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but must not be in an enclosure or in the cab of the vehicle. The fire extinguisher must be out of the vehicle's carrying device, must be ready for instant use, and must be 15 feet or more from the cargo tank.

The term "petroleum transport" is defined in *Minnesota Rules*, part 8850.6900, subpart 18, as:

"... a vehicle, trailer, or semitrailer with a tank (1) that is mounted on it or made an integral part of it, other than the fuel supply tank for the engine of that vehicle, (2) that is filled or emptied while on the vehicle, and (3) that is used to transport petroleum products in bulk."

The term "petroleum products" is defined in *Minnesota Statutes*, section 221.011, subdivision 18. That subdivision states:

"Petroleum products" means crude petroleum and natural gas and any and all derivatives arising out of the refinement thereof, including anhydrous ammonia and liquid fertilizer.

The Minnesota Department of Transportation (Mn/DOT) has received complaints from the Minnesota Propane Gas Association and from petroleum transporters about the current rule. Industry representatives express three main concerns.

First, the current rule requires that a driver not be in an enclosure during loading of a petroleum transport. The safety and control mechanisms used to start, stop, and control the flow of product from bulk tanks to the transport are usually in an enclosure at loading terminals. Consequently, this is usually the safest place for a transport driver to be during loading.

Second, the current rule requires a driver to be within 25 feet of the cargo tank during unloading. Residential delivery of petroleum products often requires that a driver be further than 25 feet from the truck.

Third, the current rule requires that a fire extinguisher must be removed from the vehicle's carrying device. Removal of the fire extinguisher is not necessary when another fire extinguisher is readily available to a driver during unloading.

After meeting with industry representatives, Mn/DOT agreed to propose amendments to *Minnesota Rules*, part 8850.8050. This rulemaking proceeding was initiated as a result. Mn/DOT believes the proposed amendments solve the problems expressed by the industry without compromising the safety of transport drivers, other persons, or property.

### SMALL BUSINESS CONSIDERATIONS

In proposing these amendments, the commissioner of transportation has considered the provisions of *Minnesota Statutes*, section 14.115, relating to the impact of the proposed rule on small businesses.

*Minnesota Statutes*, section 14.115, subdivision 1, defines small businesses as:

"a business entity, including farming and other agricultural operations and its affiliates, that, (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000. For purposes of a specific rule, an agency may define small business to include more employees if necessary to adapt the rule to the needs and problems of small businesses."

The commissioner of transportation has determined that the proposed rule will not have an impact, within the meaning of the statute, on small businesses. The proposed amendment of the rule does not establish reporting requirements. Neither does it establish schedules or deadlines for compliance. The amendments are offered in response to requests from the industry to eliminate or ease existing regulations.

#### **PART-BY-PART STATEMENT OF NEED AND REASONABLENESS**

#### **PART 8850.8050. LOADING AND UNLOADING OF PETROLEUM TRANSPORT.**

Subpart 1. **Loading.** The department is proposing to repeal the language currently in subpart 1.

*Code of Federal Regulations*, title 49, section 177.834, paragraph (i), clause (1), sets out the general requirements that must be followed during the loading of cargo tanks. That paragraph states:

(i) *Attendance requirements.* (1) *Loading.* A cargo tank must be attended by a qualified person at all times when it is being loaded. The person who is responsible for loading the cargo tank is also responsible for ensuring that it is so attended.

*Code of Federal Regulations*, title 49, section 177.834, paragraph (i), clauses (3) and (4) describe what is meant by "attends" and "qualified." They state:

(3) A person "attends" the loading or unloading of a cargo tank if, throughout the process, he is awake, has an unobstructed view of the cargo tank, and is within 7.62 meters (25 feet) of the cargo tank.

(4) A person is "qualified" if he has been made aware of the nature of the hazardous material which is to be loaded or unloaded, he has been instructed on the procedures to be followed in emergencies, he is authorized to move the cargo tank, and he has the means to do so.

Minnesota has adopted *Code of Federal Regulations*, title 49, section 177.834 in *Minnesota Statutes*, section 221.033, subdivision 1. Under subdivision 1, all transports of hazardous materials in Minnesota must comply with *Code of Federal Regulations*, title 49, sections 171 to 199.

Petroleum transporters are transporters of hazardous materials. Under *Minnesota Statutes*, section 221.011, subdivision 29, "hazardous materials" means:

... a substance or material determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and so designated by the United States secretary of transportation.

*Code of Federal Regulations*, title 49, part 172, contains tables of materials that have been determined by the United States secretary of transportation to be "hazardous materials." Petroleum products, as defined by *Minnesota Statutes*, section 221.011, subdivision 18, are listed as hazardous materials.

The department believes it is imperative that a petroleum transport cargo tank be attended by a qualified person while it is being loaded. This was the department's original purpose in adopting subpart 1. However, subpart 1 includes two additional requirements not found in the federal regulation. First, it makes the driver an attendant by requiring the driver to be within 25 feet of the cargo tank. Second, it prohibits the driver from being in the vehicle cab or an enclosure.

The department is committed to achieving uniformity with federal regulations. Motor carriers, including operators of petroleum transports, must comply with federal and state regulations. Sometimes, local industry and enforcement concerns require the adoption of state regulations that differ slightly from those adopted by the federal government. Whenever possible, Mn/DOT seeks consistency between applicable state and federal regulations. The department believes that uniformity promotes compliance. A single standard is more easily learned and followed by members of the industry and enforcement officers.

In light of the above, Mn/DOT believes it is necessary and reasonable to repeal subpart 1. As stated earlier, at loading terminals, the safety shut-off and control mechanisms are usually in an enclosure. Some terminal facilities have policies that require the driver to be in the enclosure during loading. Others simply direct the driver to leave the loading area once a qualified terminal employee has assumed control of the vehicle. Still others require the driver to comply with part 8850.8050 through the driver's attendance is not necessary to ensure safe loading. Regardless of whether the driver is present, loading terminals provide qualified persons to attend the transport during the loading process because of the federal regulation.

A small percentage of petroleum products transported in petroleum transports is lubrication oil and some lubrication oil is not classed as a hazardous material. The current rule governs the loading of lubrication oil since it is a "petroleum product." However,

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## Proposed Rules

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because the federal rule only applies to hazardous materials, it does not govern the loading of non-hazardous lubrication oil. The department has considered the proposed repeal of subpart 1 in light of this fact and has opted for uniformity with the federal regulation. It is not necessary to retain the current requirements concerning loading non-hazardous lubrication oil since the secretary of transportation has determined that non-hazardous lubrication oil does not pose an unreasonable risk to health, safety, and property.

*Code of Federal Regulations*, title 49, section 177.834, contains reasonable requirements designed to ensure driver and vehicle safety during the loading of hazardous materials. All petroleum transports are subject to section 177.834 while loading hazardous materials. Only a very small percentage of the product loaded by petroleum transports is not classed as a hazardous material. Therefore, the repeal of subpart 1 is reasonable.

Subpart. 2. **Unloading.** Most petroleum transports are unloaded at bulk plants (facilities where product is stored in bulk tanks) or at service stations. A small percentage unload fuel oil at farms and homes. The department is proposing to amend subpart 2 in ways that affect both types of unloading operations. However, it is important to note that the department is not proposing to eliminate the requirement that the driver be in attendance by being within 25 feet of the cargo tank and not in the cab or an enclosure during unloading. Bulk plants and service stations do not have enclosures designed to provide control of the unloading process. Therefore, it is necessary that the driver remain present during unloading so that the valves can be closed quickly if a hose breaks or there is an overflow.

To accommodate residential deliveries of fuel oil, the department is proposing to amend this subpart by making a delivery hose part of the cargo tank. This amendment is necessary because residential delivery often requires the driver to bring the delivery hose to the side or rear of a building. This is usually more than 25 feet from the vehicle. It is practical for a driver to be in attendance at the point where the fuel oil is transferred to the residential tank. Most spills occur at this point rather than at the vehicle. Therefore, the department is proposing to amend the rule to allow the driver to remain with the hose instead of being near the vehicle.

The amendment is reasonable because it conforms to *Code of Federal Regulations*, title 49, section 177.834, paragraph (i), clause (5). That clause states that "a delivery hose, when attached to the cargo tank, is considered a part of the vehicle."

The proposed amendment will promote safety during residential unloading without compromising safety during other unloading operations. The driver will rarely be further than 25 feet from the vehicle at bulk plants and service stations since it is not necessary to use great lengths of hose during unloading at those locations.

The department is also proposing two substantive amendments with regard to fire extinguishers.

First, the current rule requires that the vehicle's fire extinguisher must be removed from its carrying device. Petroleum transports are subject to the commissioner's rules on equipment, parts, and accessories, under *Minnesota Statutes*, section 221.031 and *Minnesota Rules*, part 8850.8200. Part 8850.8200 incorporates *Code of Federal Regulations*, title 49, section 393.95 by reference. Paragraph (a) of that section sets out the requirements for fire extinguishers. Essentially, the federal regulation requires every power unit to be equipped with a fire extinguisher that has at least a 10 B:C rating. This fire extinguisher is the one that the current rule says must be removed from its carrying device.

Amending this subpart is both necessary and reasonable since fire extinguishers, other than those carried in the vehicle, are often available at unloading sites. As long as a fire extinguisher that meets the federal requirements is accessible and ready for instant use, it makes no difference if it is removed from the vehicle or a holder at the facility. The amendment allows a driver to leave the vehicle's fire extinguisher in place if another of equal or greater capacity is available. If another fire extinguisher is not available, the one carried in the vehicle must be removed from its carrying device. In either case, it is important that the fire extinguisher be "ready for instant use." If the vehicle's fire extinguisher is not removed, the driver must make sure the substitute fire extinguisher is close at hand and is removed from its place of storage so that it can be used instantly, if necessary.

This subpart is also being amended to specifically establish the requirements for fire extinguishers. The amendment is necessary because the department is proposing that fire extinguishers, other than those carried in the vehicle, may be used by a driver. Previously, it was not necessary to specify the fire extinguisher requirements since all petroleum transports are required to carry a fire extinguisher that meets that requirements of *Code of Federal Regulations*, title 49, section 393.95, (a)(2)(i)—one that has an Underwriter's Laboratories rating of 10 B:C or more. However, if a driver intends to rely on a fire extinguisher other than the vehicle's, it is necessary to state that the substitute fire extinguisher must meet the same requirements.

The proposed amendment is reasonable because specifying that the fire extinguisher must have a 10 B:C rating does not impose any new or additional requirements on a petroleum carrier or petroleum transport driver. It allows a driver to decide whether it is necessary to remove the vehicle's fire extinguisher from its carrying device. If a driver is satisfied that an equally capable fire extinguisher is available, it is not necessary to require removal of the one from the vehicle.

The department considered repealing the current rule on unloading of petroleum transports. *Code of Federal Regulations*, title 49, section 177.834, paragraph (i), clause (2), is the federal rule on unloading of cargo tanks. However, the federal rule does not include a requirement that the driver not be in the vehicle cab or an enclosure during unloading and contains no reference to the availability of a fire extinguisher. The department believes this is an instance where deviation from the federal regulation is warranted.

The federal regulation requires that a person "attends" a cargo tank during unloading. Under the federal regulation, a driver could attend the cargo tank while remaining in the cab or being in a service station facility as long as the driver is awake, has an unobstructed view of the tank, and is within 25 feet. The department believes it is necessary to retain the requirements of the current rule.

If there is an overflow during unloading, it is important that the driver react quickly to shut off the flow of product. A driver in a cab may not be able to detect an overflow as quickly as if he were outside of the vehicle. This is especially true if the driver is concentrating on completing paperwork related to the delivery. Even if an overflow is detected immediately, a driver in a cab will necessarily take more time to reach the hose or the shut-off valves since the shut-off valves are usually located on the right side of a petroleum transport.

As stated before, most petroleum transports are unloaded at bulk plants or service stations. Many service stations offer to sell food, beverages, and merchandise to its customers. Some have arcade games or other amusement devices. Drivers in these facilities might have their attention distracted, even momentarily, from the unloading process. It is reasonable to require that a driver not be in such a facility, and subject to such distractions, during the time a transport is unloading.

Unloading of petroleum products in residential areas and at service stations presents a foreseeable danger of fire. Persons not subject to a driver's control, like service station customers, might light matches or smoke. While a driver should use care to keep fire away from the cargo tank and to prevent persons in the vicinity from smoking, lighting matches, or carrying lighted smoking material, that might not always be possible. A driver generally does not have the authority to give directions to service station customers. Further, since a driver must be within 25 feet of the cargo tank during unloading, the driver cannot leave the immediate vicinity of the cargo tank to request the assistance of a service station manager or employee when necessary. The department, therefore, believes it is necessary and reasonable to retain the requirement that a fire extinguisher be ready for instant use.

Other amendments to this subpart are needed to correct errors of form or grammar.

#### **WITNESSES AND SUMMARY OF TESTIMONY**

**A. Expert witnesses.** If a hearing is required, the department does not intend to use expert witnesses to provide evidence establishing the need for and reasonableness of the proposed rules. The department may, if necessary to adequately address evidence and argument presented by the public, arrange for the testimony of expert witnesses.

**B. Mn/DOT witnesses.** If a hearing is required, the department will introduce its Statement of Need and Reasonableness as an exhibit into the record in accordance with *Minnesota Rules*, part 1400.0500, subpart 3. The following department personnel will be available at the hearing, if one is required, for questioning by the Administrative Law Judge and other interested persons or to briefly summarize all or a portion of the Statement of Need and Reasonableness if requested by the Administrative Law Judge.

**1. Elizabeth M. Parker.** Elizabeth M. Parker is the Director of the Office of Motor Carrier Safety and Compliance. She was involved in meetings with industry representatives and in the development of the proposed rule. She may be called to testify about the need for and reasonableness of any of the proposed provisions.

**2. Ward Briggs.** Ward Briggs is an attorney with the Office of Motor Carrier Safety and Compliance. He has been involved in the development and drafting of the proposed rules and may be called to testify about the need for and reasonableness of any of the proposed provisions.

**3. Pete Marcotte.** Pete Marcotte is a hazardous materials specialist with the Office of Motor Carrier Safety and Compliance. He has been involved in meetings with industry representatives and is highly trained in state and federal regulations that pertain to the transportation of hazardous materials. He may be called to testify about the need for and reasonableness of any of the proposed provisions.

Dated: 1 June 1992

James N. Denn  
Commissioner of Transportation

#### **Rules as Proposed**

#### **8850.8050 ~~LOADING AND UNLOADING OF~~ PETROLEUM TRANSPORT.**

Subpart 1. [See repealer.]

Subp. 2. **Unloading.** During unloading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but must not

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## Proposed Rules

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be in an enclosure or in the cab of the vehicle. The A delivery hose, when attached to the cargo tank, is considered part of the cargo tank. A fire extinguisher must be out of the vehicle's carrying device, with at least a 10 B:C rating must be ready for instant use, and must be at least 15 feet or more from the cargo tank.

**REPEALER.** Minnesota Rules, part 8850.8050, subpart 1, is repealed.

## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

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

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

## Higher Education Coordinating Board

### Adopted Permanent Rules Relating to Postsecondary Financial Assistance

The rules proposed and published at *State Register*, Volume 16, Number 26, pages 1529-1531, December 23, 1991 (16 SR 1529), are adopted as proposed.

## Technical Colleges Board

### Adopted Permanent Rules Relating to Education; Technical College Teacher Licenses; Practical Nursing College and Aquaculture

The rules proposed and published at *State Register*, Volume 16, Number 34, pages 1910-1912, February 18, 1992 (16 SR 1910), are adopted as proposed.

## Executive Orders

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### Executive Department

#### Executive Order 92-6: Providing for the Governor's Commission on Canterbury Downs

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

**WHEREAS**, the parimutuel horse racing industry makes important contributions to the Minnesota economy; and

**WHEREAS**, Canterbury Downs Race Track is a facility vital to the horse race industry in Minnesota; and

**WHEREAS**, the track and horse race industry is responsible for several thousand jobs in Minnesota; and

**WHEREAS**, Canterbury Downs is currently confronted with serious financial problems and is searching for alternatives to improve its economic viability;

**NOW, THEREFORE**, I hereby order that:

1. The Governor's Commission on Canterbury Downs be established. The Commission shall review and make recommendations to the Governor relating to the current economic condition of horse racing in Minnesota, its future viability as a stand-alone business and the economic and social impact on the State, and various communities of the State, in the event of the economic failure of Canterbury Downs Race Track.

2. The Commission shall review and make recommendations relating to the social and economic impact on the State and various communities of the State of a business relationship between Canterbury Downs Race Track and a Minnesota Indian tribe including but not limited to the purchase and operation of the track by a Minnesota Indian tribe.

3. The Commission shall consist of the following individuals:

- Chairman: Richard L. Pemberton, Chairman of the Minnesota Racing Commission
- Harry W. Baltzer, Executive Director of the Minnesota Gambling Control Board
- Cynthia S. Piper, member at large of the Minnesota Racing Commission
- Henry M. Buffalo Jr., a representative of the Minnesota Indian Gaming Association
- David A. Leckey, Deputy Commissioner of Trade and Economic Development
- Representative Wayne Simoneau, a member of the Minnesota House
- Senator Partick D. McGowan, a member of the Minnesota Senate
- Richard "Pinky" McNamara, a member of the business community
- David L. Mona, a member of the business community
- Randy Sampson, a member of the business community
- Mary Magnuson, Office of the Attorney General, Reporter

4. The order and proceedings of the Commission shall at all times be under the direction of the Commission's Chairman who shall report the Commission findings and recommendations to the Governor by September 15, 1992.

Pursuant to *Minnesota Statutes* 1990, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1990, Section 4.035, subd. 3.

**IN TESTIMONY WHEREOF**, I have set my hand this third day of June, 1992.



Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

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# Commissioners' Orders

## Department of Natural Resources

### Commissioner's Order No. 2446: Regulations for the Use of Wildlife Management Areas; Superseding Commissioner's Orders Nos. 1961 and 2276

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 86A.02, 86A.05, 86A.06, 97A.135, 97A.145, and other applicable law, I, Rodney W. Sando, Commissioner of Natural Resources, prescribe the following regulations for the use of wildlife management areas, including lakes and streams therein.

#### Section 1. ENTRY AND USE.

(a) Use. A person may use waters or state administered lands within wildlife management areas only in accordance with these regulations.

(b) No trespass areas. No part of any wildlife management area posted closed to trespassing may be entered except as specifically authorized.

(c) Hours of use. No part of any wildlife management area may be entered or used during closed hours as posted at the major access points except by permit issued by the wildlife manager.

#### Sec. 2. HUNTING AND TRAPPING.

(a) Protected species. Protected wild animals may be taken on wildlife management areas by hunting or trapping during the established seasons unless the wildlife management area is specifically closed by rule or as otherwise posted. Crows may be taken during the established season, except from March 1 to August 31. Trapping permits are required on some wildlife management areas, and are available from the wildlife manager. Upon request by an agent of the commissioner, all persons shall report animals taken on wildlife management areas and submit them for inspection.

(b) Unprotected species. Unprotected wild animals may be taken on wildlife management areas from September 1 through the last day in February or by any person legally hunting a protected species, unless the wildlife management area is specifically closed by rule or posting. Nuisance animals may be controlled under permit issued by a wildlife manager.

#### Sec. 3. COMMERCIAL FISHING.

The taking of minnows, leeches, and other live baits for commercial purposes is allowed only under permit issued by the area wildlife manager.

#### Sec. 4. WATERCRAFT.

Use of motorized watercraft is prohibited on wildlife management areas except where posted otherwise by agents of the commissioner or as follows. The term "motorized" includes electric motors and the term "watercraft" includes duck boats.

(a) Gores Wildlife Management Area (Mississippi River Pool 3, Dakota and Goodhue Counties): motorized watercraft may be used with no limit on size.

(b) Lac qui Parle Wildlife Management Area (Big Stone, Chippewa, Lac qui Parle, and Swift Counties): motorized watercraft may be used with no limit on size.

(c) Mud-Goose Wildlife Management Area (Cass County): watercraft powered by motors of 10 horsepower or less may be used, except during the waterfowl season.

(d) Orwell Wildlife Management Area (Otter Tail County): watercraft powered by motors of 10 horsepower or less may be used.

(e) Roseau River Wildlife Management Area (Roseau County): motorized watercraft may be used in the main channel of the Roseau River. Watercraft powered by motors of 10 horsepower or less may be used elsewhere on the area during the waterfowl season only.

(f) Talcot Lake Wildlife Management Area (Cottonwood and Murray Counties): motorized watercraft may be used on Talcot Lake except watercraft are not permitted on the north one-half of Talcot Lake during the waterfowl season. Only non-motorized watercraft are allowed on the river and marshes in the areas open to public hunting.

(g) Thief Lake Wildlife Management Area (Marshall County): watercraft powered by motors of 10 horsepower or less may be used.

(h) Walnut Lake Wildlife Management Area (Faribault County): watercraft powered by motors of 10 horsepower or less may be used in that portion of the area known as South Walnut Lake.

**Sec. 5. MOTOR VEHICLES.**

(a) Roads. Regulations in this section do not pertain to vehicles on federal, state, county, or township roads.

(b) All-terrain vehicles, snowmobiles, etc. A person may not operate an all-terrain vehicle, all-terrain motorcycle, hang glider, air boat, hover craft, or personal watercraft (as defined in *Minnesota Statutes* § 86B.005) in a wildlife management area, except by permit for disabled hunters to use an all-terrain vehicle approved by the regional wildlife manager. A person may not operate a snowmobile in any wildlife management area without the written permission of the wildlife manager in that part of the state lying south and west of a line described as follows: U.S. Highway 2 from East Grand Forks east to Bemidji; thence south along U.S. Highway 71 to Wadena; thence east along U.S. Highway 10 to Staples and U.S. Highway 210 to Carlton; thence east in a straight line to the east boundary of the state.

(c) Vehicles-major units. Motor vehicles licensed for use on a public highway may be operated on the following wildlife management areas, but not in excess of 20 mph unless posted otherwise. Vehicles may be operated only on established roads and may not be driven beyond a sign prohibiting vehicular use, beyond any man-made vehicle barrier, or in a reckless or careless manner.

- (1) Carlos Avery Wildlife Management Area (Anoka and Chisago Counties).
- (2) Talcot Lake Wildlife Management Area (Cottonwood and Murray Counties).
- (3) Mille Lacs Wildlife Management Area (Kanabec and Mille Lacs Counties).
- (4) Red Lake Wildlife Management Area (Beltrami and Lake of the Woods Counties).
- (5) Roseau River Wildlife Management Area (Roseau County).
- (6) Thief Lake Wildlife Management Area (Marshall County).
- (7) Lac qui Parle Wildlife Management Area (Big Stone, Chippewa, Lac qui Parle, and Swift Counties).
- (8) Whitewater Wildlife Management Area (Olmsted, Wabasha, and Winona Counties).

(d) Vehicles-other areas. Motor vehicles licensed for use on a public highway are prohibited on all other wildlife management areas except they may be operated, not in excess of 20 mph, on those routes designated by signs as being for travel purposes.

(e) Parking. No vehicle shall be parked in front of any gate or where it obstructs travel.

**Sec. 6. AIRCRAFT.**

Aircraft activities that chase, herd, scare, or otherwise disturb wildlife are prohibited over wildlife management areas, except in emergencies or by authorization of the wildlife manager.

**Sec. 7. FIREARMS AND TARGET SHOOTING.**

Target, trap, skeet, or indiscriminate shooting is prohibited. A person may not possess an uncased or loaded firearm or an uncased and strung bow, except when lawfully hunting a protected or unprotected species or by permit issued by the wildlife manager.

**Sec. 8. DISORDERLY CONDUCT.**

Disorderly conduct as defined in *Minnesota Statutes* § 609.72 is prohibited.

**Sec. 9. DISPOSAL OF WASTE AND ABANDONMENT OF PROPERTY.**

Disposal or abandonment of live animals, carcasses, garbage, trash, spoil, sludge, rocks, vehicles, or other debris or personal property on any wildlife management area is prohibited. Boats, decoys, and other equipment must not be left unattended overnight except traps on those wildlife management areas open to trapping.

**Sec. 10. DESTRUCTION OR REMOVAL OF PROPERTY.**

A person may not destroy, disturb, or remove signs, posts, fences, gates, trees, shrubs, vines, plants, animals, or other property except that wetland vegetation may be used to build blinds on the area, and edible fruits or seeds, decorative portions of plants, and wild animals lawfully taken may be removed for personal use. A person may not destroy or remove threatened or endangered plants and animals, harvest wild rice unless the area is specifically opened by rule, or harvest ginseng without a permit issued by the wildlife manager.

**Sec. 11. STRUCTURES AND ELEVATED STANDS.**

(a) Structures. A person may not construct or maintain any building, dock, fence, billboard, sign, or other structure on any wildlife management area, except that temporary waterfowl blinds may be erected but shall not become private property or be used to preempt hunting rights. Any materials brought into the area for the construction of blinds must be removed each day at the close of hunting hours. Fish houses may be used on the ice of lakes in wildlife management areas under all regulations pertaining to their use.

(b) Elevated stands. It is unlawful to construct, occupy, or use any elevated scaffold or other elevated device for the purpose of hunting, watching for, or killing wild animals, except that portable stands may be used for this purpose provided they are removed

## Commissioners' Orders

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from the area each day at the close of hunting hours and do no permanent damage. Spikes or nails driven into trees are prohibited, but screwing or clamping devices are allowed if removed each day at the close of shooting hours.

### Sec. 12. PRIVATE OPERATIONS.

Soliciting business, agricultural cropping, beekeeping, or conducting other commercial enterprises on any wildlife management area is prohibited except as provided in Sec. 3 or by contract, lease, permit, or written agreement.

### Sec. 13. INTRODUCTION OF PLANTS OR ANIMALS.

Plants and animals taken or raised elsewhere may not be released, placed, or transplanted on any wildlife management area except as approved by the wildlife manager.

### Sec. 14. ANIMAL TRESPASS.

Dogs are allowed on wildlife management areas while accompanied by or under the control of the owner, except that from April 16 through July 14 dogs must be on a leash. Livestock, horses, and other domestic animals are not permitted on wildlife management areas except under cooperative agreement or permit approved by the wildlife manager. Field trials are prohibited except by permit issued by the commissioner.

### Sec. 15. OVERNIGHT USE.

A person may not leave any vehicle, trailer, or tent overnight on any wildlife management area except: (a) by permit issued by the wildlife manager; or (b) in areas and at times designated by sign for overnight use. Any such vehicle, trailer, or tent left overnight must be occupied or attended.

### Sec. 16. ALCOHOLIC BEVERAGES.

A person may not consume alcoholic beverages on a wildlife management area except when legally occupying an overnight use area.

### Sec. 17. OTHER COMPATIBLE USES.

Wildlife management areas may be used for wildlife observation, sport fishing, hiking, snowshoeing, or other resource-related uses provided such uses are not inconsistent with these regulations.

### Sec. 18. EXCEPTIONS.

These regulations do not apply to any persons lawfully engaged in the performance of their duties in the management and administration of these areas, including agents of the commissioner, persons operating under permit or contract with the Department of Natural Resources, and law enforcement officers. Sections 1(b) and 16 do not apply to resident managers or their guests while at their residences. Exceptions to these regulations for specific wildlife management areas are found in Commissioner's Order No. 2417 or superseding orders.

Sec. 19. Commissioner's Orders Nos. 1961 and 2276 are hereby superseded.

Dated at St. Paul, Minnesota, this 28th day of May, 1992.

Rodney W. Sando, Commissioner  
Department of Natural Resources

## Department of Natural Resources

### Commissioner's Order No. 2448: Regulating the Taking of Deer; Amending Commissioner's Order No. 2418

**PURSUANT TO AUTHORITY** vested in me by *Minnesota Statutes* §§ 97A.401, 97B.301-97B.325, and other applicable law, I, Rodney W. Sando, Commissioner of Natural Resources, hereby amend Commissioner's Order No. 2418, regulating the taking of deer.

Section 1. Sec. 6(d) of Commissioner's Order No. 2418 is amended as follows:

(d) Applications for all firearms special permit area hunts shall be made as follows:

(1) Each person must apply on the official permit application form issued with the applicant's license.

(2) All applications must be completed in accordance with the instructions or they will be rejected.

(3) Two to four persons desiring to hunt as a group may apply together by submitting their applications in one envelope. Properly completed applications which are submitted in one envelope will either all be selected or none selected.

(4) The preference rating of applicants who apply as a group will be based on the individual in the group with the lowest individual rating.

(5) Applications must be mailed or delivered to:

Department of Natural Resources  
License Bureau  
Box 26 DNR Building  
500 Lafayette Road  
St. Paul, MN 55155-4026

Applications that are mailed must be postmarked no later than the first Thursday following Labor Day. Applications that are delivered must be delivered no later than 4:30 p.m. the first Thursday following Labor Day. Applications postmarked or delivered after these specified times will not be accepted.

(6) If the number of applications for permits in any area exceeds the quota set forth in Sec. 5, computerized drawings will be held consistent with Sec. 4(c) to determine who will be issued permits.

Sec. 2. Commissioner's Order No. 2418 is amended by adding the following section:

Sec. 17. MULTI-ZONE BUCK LICENSE.

(a) A multi-zone buck license allows a hunter to hunt and tag a legal buck during any open firearms zone and time period except the late Zone 3B and the muzzleloader seasons.

(b) A hunter may not purchase both a regular firearms license and a multi-zone buck license.

(c) Multi-zone buck license holders may hunt as a party with other multi-zone buck hunters or with regular firearms license holders consistent with Sec. 7.

(d) Licenses will be distributed on a first come, first served basis. Application for licenses shall be made as follows:

(1) Application must be made on an official application form available from license vendors and mailed or delivered to:

Department of Natural Resources  
License Bureau  
Box 26 DNR Building  
500 Lafayette Road  
St. Paul, MN 55155-4026

(2) Applications that are hand delivered or postmarked from July 13 to July 31 will be accepted. Applications delivered or postmarked before or after these dates will be rejected.

(3) Applications must include a check or money order for the license and issuing fee. Checks or money orders from those applicants unsuccessful in the drawing will be returned to the applicant.

(4) Individuals may apply in groups of up to four by submitting their applications together in an envelope. Properly completed applications which are submitted in one envelope will either all be selected or none selected.

(5) All applications postmarked or hand delivered on the same date will be treated equally as one batch. Licenses will be issued to applicants starting with the batch dated July 13 and proceeding until the date when the batch results in the cumulative total exceeding 20,000. Applications in batches dated after that date will not be issued licenses. In no case will more than 22,000 licenses be issued. If the number of applications in the batch on the final date causes the total to exceed 22,000 a random drawing will be held among applications in that batch.

(e) No individual may submit more than one application for a multi-zone buck license. Multi-zone buck license holders may not apply for antlerless or special area permits.

(f) Multi-zone buck license holders must comply with all applicable provisions of this order.

Sec. 3. Except as provided by this order and Commissioner's Orders Nos. 2428, 2434, and 2437, all provisions of Commissioner's Order No. 2418 shall remain in full force and effect.

Dated at St. Paul, Minnesota, this 3rd day of June, 1992.

Rodney W. Sando, Commissioner  
Department of Natural Resources

## Department of Natural Resources

### Commissioner's Order No. 2449: Regulations for the Taking of Turkeys During the Fall Season

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 97A.045, 97A.435, 97B.711, 97B.723, 97B.725, and

# Commissioners' Orders

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other applicable law, I, Rodney W. Sando, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of turkeys during the fall season.

## Section 1. DEFINITIONS.

(a) Legal firearms: Only shotguns 20 gauge or larger, or muzzleloading shotguns 12 gauge or larger, using fine shot size No. 4, 5, or 6 shall be used.

(b) Legal bow and arrow: Bows must have a pull of no less than 40 pounds at or before full draw. It shall be unlawful to hunt turkeys with any poisoned arrow or arrow with explosive tip. The bow may not be drawn, held, or released by mechanical means, except for permits issued under *Minnesota Statutes* § 97B.106, or except that a person may use a mechanical device attached to the bowstring if the person's own strength draws, holds, and releases the bowstring. Arrowheads must:

(1) be sharp, have a minimum of two metal cutting edges, be of a barbless broadhead design, and have a diameter of at least seven-eighths inch; or

(2) be of a blunthead design.

(c) Legal turkey: A turkey of any sex and any age.

(d) Drawings: Computerized random drawings will be conducted by the Department of Natural Resources to determine those who will be eligible to apply for a fall turkey license. Beginning with the 1990 fall hunt drawing, preference in the fall drawings will be given to each applicant based upon the number of times he or she has correctly applied for a permit but has been unsuccessful in the fall hunt drawing.

(e) Agricultural or grazing land: Agricultural or grazing land means land: (1) that is plowed or tilled; (2) that has standing crops or crop residues; or (3) is within a maintained fence for the purpose of enclosing domestic livestock.

(f) Party hunting: Party hunting (shooting a turkey for another member of your hunting party or tagging a turkey shot by someone else) is not allowed for turkey hunting.

## Sec. 2. LICENSE ELIGIBILITY.

A person is not eligible for a turkey license unless the person:

(a) is a resident or nonresident who is at least 16 years of age or possesses a valid firearms safety certificate prior to October 14, 1992;

(b) has not had any small game hunting privileges revoked within one year prior to purchasing a fall turkey license.

## Sec. 3. TURKEY HUNT DRAWING.

(a) License application drawings: Persons desiring to hunt turkeys must take part in one of the computerized license application drawings conducted by the Department of Natural Resources. The drawings shall be subject to the quotas set forth in Sec. 6. All persons selected by the drawings may apply for a license to hunt turkeys, as set forth in Sec. 4.

(b) Participation in drawings: All persons desiring to take part in one of the turkey license application computer drawings must complete an official application form for either the general turkey hunt or, if appropriate pursuant to paragraph (c) of this section, for the resident landowner-tenant turkey hunt. All information requested on the forms must be supplied.

(1) Resident applicants 18 years or older must provide their individual Minnesota driver's license number of 13 characters, a 13-character firearms safety number, or an official State of Minnesota identification number of 13 characters issued by the Department of Public Safety.

(2) Nonresidents 18 years or older must provide a driver's license number or other identification number.

(3) Applicants aged 12 to 15 by the Wednesday nearest October 15 are encouraged to provide one of the above numbers or may participate in the drawing without a number if they provide their full first, middle, and last name and date of birth. Youth applicants who do not provide a number will be placed into the drawing using a number generated by the Department of Natural Resources.

(4) All applicants must choose one of the four (4) zones and one of the two (2) time periods.

(5) Applications for a group must all be for the same zone and time period. No more than four persons desiring to hunt together may apply together by submitting their drawing applications in one envelope. The individual within a group with the lowest preference rating will determine the preference rating of the group. Properly completed applications which are submitted in one envelope will either all be selected or none selected. Mixing landowner-tenant applications with general applications will not be permitted for purposes of applying as a party.

(6) Any person who makes a faulty application or who applies as a landowner or tenant but does not live on at least 40

acres of agricultural or grazing land or does not live within the zone applied for, will be ineligible for both the landowner-tenant drawing and general drawing.

(7) Applications must be returned to the DNR License Bureau, 500 Lafayette Road, St. Paul, MN 55155-4026. If mailed, applications must be postmarked no later than the Friday nearest June 29. If hand delivered, applications must be delivered no later than 4:30 p.m. on that day.

(c) Special landowner or tenant drawing. A special landowner-tenant license application drawing will be held subject to the following restrictions:

(1) Applicants must be able to meet all eligibility requirements in Sec. 2 of this order and must provide a complete and accurate description of the qualifying land.

(2) Applicants must be a landowner or tenant, or a member of their immediate family, living on 40 acres or more of agricultural or grazing land, defined by Section 1 of this order, which is located within the zone for which the application is made.

(3) For each zone and time period, not more than twenty percent of the successful participants shall be drawn from the special landowner-tenant applications.

(4) Individual participants in the landowner-tenant drawing may submit only one drawing application and only for the turkey zone in which they reside.

(5) Valid applications of participants unsuccessful in the landowner-tenant drawing will be included in the general drawing.

(6) Applicants for the landowner-tenant drawing that are determined to be ineligible for the landowner-tenant drawing will be disqualified from the entire fall turkey computer drawing.

(7) All applicants who are successful in the special landowner-tenant drawing must allow turkey hunting on their lands. The commissioner will provide descriptions of these lands to licensed turkey hunters.

(d) Application fee. Each applicant must submit along with his/her application a cashiers check, money order, or personal check in the amount of \$3.00 payable to the Minnesota Department of Natural Resources. Any checks that are returned to the Department of Natural Resources for non-payment shall invalidate the application and the check will be destroyed. Refunds of application fees shall not be made for any reason.

(e) Penalties. No person shall submit more than one application for participation in the drawings. Any person who submits more than one application for the fall season shall be ineligible to receive a turkey license in that season and shall be guilty of a misdemeanor.

(f) Undersubscribed zones. A second computer drawing will be held for zones which are undersubscribed. All unsuccessful applicants for an undersubscribed zone will be eligible for this second drawing, regardless of time period selected. Preference in the drawing is given to each applicant based upon the number of times he/she has correctly applied for a permit but has been unsuccessful in the fall hunt drawing.

#### Sec. 4. LICENSING.

(a) Only applicants successful in a computerized drawing will be notified.

(b) Applicants successful in the drawing will receive a license application with instructions for obtaining their licenses. Successful applicants who do not return the license application and the fee according to the provisions specified on the license application or who do not provide all of the requested information will be disqualified. All accumulated preference is lost upon issuance of a turkey hunting license.

(c) Before hunting turkeys, participants successful in a drawing must:

(1) Apply for and receive a valid turkey hunting license.

(2) Possess a valid firearms safety certificate if not aged 16 or older prior to the Wednesday nearest October 15.

#### Sec. 5. SEASON DATES, ZONES, HOURS AND WEAPONS.

(a) Dates: The 1992 fall turkey season is open in four zones during the following dates:

October 14-18, 1992 or October 21-25, 1992.

Each hunter may hunt only during the five day period designated on his or her license. All dates are inclusive.

(b) Zones: Each hunter may hunt only within the zone designated on his or her license.

(1) Turkey Zone 1.

That portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 16 and the east boundary of the state; thence along STH

## Commissioners' Orders

16 to STH 44; thence along STH 44 to County State Aid Highway (CSAH) 4, Houston County; thence along CSAH 4 to the south boundary of the state; thence along the south boundary of the state to the east boundary of the state; thence along the east boundary of the state to the point of beginning.

(2) Turkey Zone 2.

That portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 16 and the east boundary of the state; thence along STH 16 to STH 44; thence along STH 44 to County State Aid Highway (CSAH) 4, Houston County; thence along CSAH 4 to the south boundary of the state; thence along the south boundary of the state to CSAH 28, Fillmore County; thence along CSAH 28 to STH 43; thence along STH 43 to Interstate 90; thence along Interstate 90 to CSAH 33, Winona County; thence along CSAH 33 to STH 248; thence along STH 248 to CSAH 31, Winona County; thence along CSAH 31 to CSAH 28, Winona County; thence along CSAH 28 to CSAH 25, Winona County; thence along CSAH 25 to the intersection of CSAH 25 and U.S. Highway 61; thence due east to the east boundary of the state; thence along the east boundary of the state to the point of beginning.

(3) Turkey Zone 3.

That portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 52 and U.S. Highway 14; thence along U.S. Highway 14 to County State Aid Highway (CSAH) 7, Olmsted County; thence along CSAH 7 to Interstate 90; thence along Interstate 90 to State Trunk Highway (STH) 43; thence along STH 43 to CSAH 28, Fillmore County; thence along CSAH 28 to the south boundary of the state; thence along the south boundary of the state to U.S. Highway 63; thence along U.S. Highway 63 to U.S. Highway 52; thence along U.S. Highway 52 to the point of beginning.

(4) Turkey Zone 4.

That portion of the state lying within the following described boundary:

Beginning at the intersection of Interstate 90 at County State Aid Highway (CSAH) 7, Olmsted County; thence along CSAH 7 to State Trunk Highway (STH) 42; thence along STH 42 to the intersection of STH 42 and U.S. Highway 61; thence along U.S. Highway 61 to the Zumbro River; thence along the Zumbro River to the Mississippi River; thence due east to the east boundary of the state; thence along the east boundary of the state to a point lying directly east of the intersection of U.S. Highway 61 and CSAH 25, Winona County; thence due west to the intersection of CSAH 25 and U.S. Highway 61; thence along CSAH 25 to CSAH 28, Winona County; thence along CSAH 28 to CSAH 31, Winona County; thence along CSAH 31 to STH 248; thence along STH 248 to CSAH 33, Winona County; thence along CSAH 33 to Interstate 90; thence along Interstate 90 to the point of beginning.

(c) Hours and weapons: Legal turkeys may be taken by licensed hunters using legal shotgun or legal bow and arrow, as defined in Section 1, from one-half hour before sunrise to sunset daily during the dates and within the zones described in this section.

### Sec. 6. QUOTAS.

The following quotas on hunter numbers are established for each zone and time period. These quotas may be subject to modification in order to accommodate party members if the last applicant to be drawn for a zone is a member of a party.

Time Period	Zones and Quotas			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Oct. 14-18	200	400	400	100
Oct. 21-25	200	400	400	100

GRAND TOTAL: 2,200

### Sec. 7. SPECIAL PROVISIONS.

(a) Bag limit: No hunter shall: take more than one legal turkey; tag a turkey that he or she did not take; or tag a turkey with the tag of another hunter. All turkeys taken must be killed before being removed from the site where taken.

(b) Assisting: Only a turkey hunter licensed for the same zone and time period may assist any other licensed turkey hunter in hunting turkeys.

(c) 12-15 year olds: A licensed turkey hunter who is not aged 16 or older prior to the Wednesday nearest October 15 must have a valid firearms safety certificate in possession. Licensed turkey hunters age 12 or 13 must be accompanied by a parent or guardian while turkey hunting. "Guardian" is a legal guardian or any person age 18 or older authorized by the parent or legal guardian to supervise the person age 12 or 13. Licensed turkey hunters age 14 or 15 may hunt turkeys unaccompanied by a parent or guardian.

(d) Tagging: Immediately after taking a turkey, hunters must punch date of kill, sign, and attach the tag to the turkey. This tag must remain attached to the turkey during transit.

(e) Registration: Every person taking a turkey must register the turkey at a designated registration station no later than 24 hours

after the time when taken. The feathers, head, and feet must remain on the turkey until it is registered. No unregistered turkey shall be possessed outside the zone where taken unless it is being transported in a direct route to a registration station. Registration stations will include the following. If necessary, additions, deletions, or changes to this list may be made.

- |     |               |   |
|-----|---------------|---|
| 1.  | Caledonia     | B&M Service Center (Mobil Gas Station)<br>128 N. Kingston |
| 2.  | LaCrescent    | Tri-State Bait and Tackle<br>103 Hillview Blvd.           |
| 3.  | Rushford      | Larry's Mobil<br>Jct. Hwys. U.S. 16 and STH 43            |
| 4.  | Chatfield     | Chatfield Motor Mart<br>302 S. Main                       |
| 5.  | Lanesboro     | Root River Oil Co.<br>U.S. Hwy. 16                        |
| 6.  | Rochester     | Wild Goose Sports<br>1117 N. Broadway                     |
| 7.  | Houston       | Halverson Standard Oil<br>Hwy. 16 E.                      |
| 8.  | Spring Valley | Fowler Standard Oil<br>221 N. Section                     |
| 9.  | Harmony       | Harmony Amoco<br>Hwy. 52                                  |
| 10. | Winona        | West End Bait Co.<br>950 W. 5th St.                       |
| 11. | Elba          | Mauer Bros. Liquor<br>Hwy. 74                             |
| 12. | Kellogg       | Prairie Bait Shop<br>Co. Rd. 30 (old Hwy. 61)             |

Registration stations normally open at 8 a.m.

(f) Turkeys may not be taken with the aid of dogs. No person shall be accompanied by a dog or dogs while hunting or assisting in hunting turkeys.

(g) Turkeys may not be taken with the aid of any electronic device.

(h) Use of live decoys is prohibited.

(i) While afield hunting turkeys, no person shall have in his or her possession or control any firearm or bow and arrow except those defined by Section 1 of this order as legal for taking turkeys.

(j) No turkeys shall be taken in any manner in any area of the state except as herein expressly provided or as otherwise provided by statute or commissioner's order.

(k) Except as specifically provided herein, none of the provisions of this order shall be construed as modifying or superseding any order establishing legal refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

(l) The Lost Lake Refuge in Fillmore County and the Whitewater State Game Refuge in Winona County are open for the taking of turkeys during the fall turkey hunt.

Dated at St. Paul, Minnesota, this 2nd day of June, 1992.

Rodney W. Sando, Commissioner  
Department of Natural Resources

# Emergency Rules

## Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

## Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

## Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

## Department of Human Services

### Health Care Division

#### Amended Notice of Continuation of Emergency Rule Governing Medical Care Surcharge and Special Payments, *Minnesota Rules*, Parts 9510.2000 to 9510.2070

**Change of Official Notice:** The following notice is changed from the official notice printed in the June 1, 1992, *State Register* on page 2621. Overstrikes indicate deletions and underlining indicates new language.

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is continuing the above-entitled emergency rules in effect for an additional ~~43~~ 180 days in accordance with *Minnesota Statutes*, section 14.35.

The notice adopting the emergency rules was published at *State Register*, Volume 16, Number 26, page 1557, December 23, 1991, (16 S.R. 1557). The rules became effective December 13, 1991, and are scheduled to expire June 9, 1992. This notice of continuation will extend the effective life of the above-entitled rules through ~~September 30~~ December 6, 1992.

Dated: 3 June 1992

Natalie Haas Steffen  
Commissioner of Human Services

## Department of Human Services

#### Corrected Notice of Continuation of Emergency Amendments to Permanent Rules and Emergency Rules Relating to Professional Home-Based Mental Health Services, *Minnesota Rules*, Part 9505.0175, subpart 43 and Part 9505.0324

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is continuing the above-entitled emergency rules in effect for an additional 180 days in accordance with *Minnesota Statutes*, section 14.35.

The notice adopting the emergency rule was published at *State Register*, Volume 16, Number 28, pages 1652 to 1653, January 6, 1992 (16 S.R. 1652). The rules became effective December 27, 1991 and are scheduled to expire on June 23, 1992. This notice of continuation will extend the effective life of the above-entitled rules through December 20, 1992.

Dated: 20 May 1992

Natalie Haas Steffen  
Commissioner

## Department of Human Services

### Mental Health Division

#### Corrected Notice of Continuation of Emergency Rules Relating to Case Management for Children with Severe Emotional Disturbance and Their Families, *Minnesota Rules*, Parts 9520.0900 to 9520.0926

NOTICE IS HEREBY GIVEN that the State Department of Human Services is continuing the above-entitled emergency rules in effect for an additional 180 days in accordance with *Minnesota Statutes*, section 14.35.

The notice adopting the emergency rules was published at *State Register*, Volume 16, Number 28, pages 1650 to 1651, January 6, 1992 (16 S.R. 1650). The rules became effective December 27, 1991 and are scheduled to expire on June 23, 1992. This notice of continuation will extend the effective life of the above-entitled rules through December 20, 1992.

Dated: 20 May 1992

Natalie Haas Steffen  
Commissioner

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## Official Notices

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

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

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## Minnesota State Agricultural Society

### Minnesota State Fair

#### Meeting Notice

The board of managers of the Minnesota State Agricultural Society, governing body of the State Fair, will conduct a business meeting at 10 a.m. Wednesday June 17 at the Administration Building on the fairgrounds. Preceding the general business meeting will be a meeting of the board's space rental committee at 9 a.m.

## Office of Attorney General

#### Meeting Notice

Pursuant to *Minnesota Statute* 504.22 subdivision 4a, the Attorney General's Office will hold a public meeting regarding proposed revisions to the brochure entitled, *Landlords and Tenants: Rights and Responsibilities*. The meeting will be held on Thursday, June 25, 1992 from 9-10 a.m., at Suite 1400, NCL Tower, 445 Minnesota Street, St. Paul, MN 55101.

## Department of Commerce

### Correction to Adjustment of Dollar Amounts for the Minnesota Property Exemption and Restrictions of Deficiency Judgments

**Change of Official Notice:** The following notice is changed from the official notice printed in the April 27, 1992 *State Register* on pages 2369 and 2370. Underlining indicates the changes from the original notice.

**ADJUSTMENT OF DOLLAR AMOUNTS**  
**RESTRICTIONS ON DEFICIENCY JUDGMENTS AND MINNESOTA PROPERTY EXEMPTION**

Commissioner of Commerce Bert J. McKasy announced today dollar increases in both the deficiency judgment *Minnesota Statutes*, Section 325G.22, and the property exemption from creditor collection action provided in *Minnesota Statutes*, Section 550.37. These

## Official Notices

statutes provide that the dollar amounts will be adjusted in even numbered years based on a percentage change in the Implicit Price Deflator for the Gross National Product.

Information obtained from the U.S. Department of Commerce, Bureau of Economic Analysis, indicates the percentage change from the revised reference base to be 58% calculated to the nearest whole percentage point as required. The index was revised nationally to 1987 = 100 with the statutory reference base index for dollar adjustments being December 1980. The rebased index for December 1980 is 74.4 increasing to 117.9 in December 1991, for a percent change of 58.47%. The statute requires that the percentage of change in the reference base index to be 10% or more in order to adjust the dollar amounts. The portion of the percentage change in the index in excess of a multiple of ten percent shall be disregarded as dollar amounts shall change only in multiples of ten percent. This means indexed dollar amounts will increase an additional 10% effective in July 1, 1992, after factoring out prior year's adjustments.

### DOLLAR ADJUSTMENT FOR RESTRICTIONS ON DEFICIENCY JUDGMENTS

*Minnesota Statutes*, Section 325G.22 was amended in 1990 to provide indexing of the \$3,000 amount found in subdivision 1 relating to financing a purchase money security interest in a consumer credit transaction. Subdivision 1a states the periodic adjustments are to follow the indexing provisions of section 550.37, subdivision 4a. The amendment was effective April 24, 1990 requiring a cumulative 40% increase to be used for July 1, 1990 as the reference base index for this dollar adjustment is December 1980.

	<u>Original</u>	<u>7-1-90 40% increase</u>	<u>7-1-92 10% increase</u>
Credit Extended	\$3,000	\$4,200	\$4,500

### DOLLAR ADJUSTMENTS FOR EXEMPT PROPERTY

*Minnesota Statutes*, Section 550.37 subdivision 4(a) required indexing the \$4,500 personal property exemption in Subdivision 4 since 1984. Subdivision 4(a) was amended in 1985, effective July 1, 1986, to include dollar amount adjustments for other exempt property within this section of statute, which received a cumulative 30% adjustment in 1988 as the reference base index for dollar adjustments is December 1980. A further amendment to subdivision 4(a) in 1989 fixed \$13,000 as the maximum amount for subdivisions 5 and 7 and established \$30,000 as the amount for employee benefits in subdivision 24(2). The \$30,000 was adjusted a cumulative 40% in 1990 when the percent change from the December 1980 reference base index was applied.

The historic and 1992 dollar adjustments for *Minnesota Statutes*, Section 550.37 by subdivision are as follows, with the percentage increase noted under the various dates:

<u>Exemption</u>	<u>Original</u>	<u>7-1-84 No Change</u>	<u>7-1-86 20%</u>	<u>7-1-88 10%/30%*</u>	<u>7-1-90 10%/40%**</u>	<u>7-1-92 10%</u>
Personal goods subdivision 4	\$ 4,500	\$4,500	\$5,400	\$ 5,850	\$ 6,300	\$ 6,750
Farm subdivision 5	\$10,000	NA	NA	\$13,000*	No increase	No increase
Business subdivision 6	\$ 5,000	NA	NA	\$ 6,500*	\$ 7,000	\$ 7,500
Combined subdivision 5 and 6 and subdivision 7	\$10,000	NA	NA	\$13,000*	No increase	No increase
Insurance benefits	\$20,000	NA	NA	\$26,000*	\$28,000	\$30,000
Additional benefits insurance benefits subdivision 10	\$ 5,000	NA	NA	\$ 6,500*	\$ 7,000	\$ 7,500
Motor vehicle subdivision 12a	\$ 2,000	NA	NA	\$ 2,600*	\$ 2,800	\$ 3,000
Accrued interest subdivision 23	\$ 4,000	NA	NA	\$ 5,200*	\$ 5,600	\$ 6,000
Employee benefits subdivision 24(2)	\$30,000	NA	NA	NA	\$42,000**	\$45,000

The next published adjustment is scheduled on or before April 30, 1994, for July 1, 1994, based on the December 1993 index.

Department of Commerce

Correction to Adjustment of Dollar Amounts for the Minnesota Regulated Loan Act

Change of Official Notice: The following notice is changed from the official notice printed in the April 27, 1992 State Register on pages 2368 and 2369. Underlining indicates the changes from the original notice.

MINNESOTA REGULATED LOAN ACT—ADJUSTMENT OF DOLLAR AMOUNTS

Commissioner of Commerce Bert J. McKasy announced today that an additional 10% change will occur in certain dollar amounts indexed in the Regulated Loan Act (The Act), *Minnesota Statutes*, Chapter 56. The Act provides for periodic adjustment in dollar amounts that would be effective on July 1, in even-numbered years based on a percentage change in the Implicit Price Deflator for the Gross National Product.

Information obtained from the U.S. Department of Commerce, Bureau of Economic Analysis indicates a percentage change from the revised reference base to be 58% calculated to the nearest whole percentage point as required. The index was revised nationally to 1987 = 100, with the statutory reference base index for dollar adjustments being December 1980. The rebased index for December 1980 is 74.4, increasing to 117.9 in 1991, for a percent change of 58.47%. The statute requires that the percentage change in the reference base index be 10% or more in order to adjust the dollar amounts. The portion of the percentage change in the index in excess of a multiple of ten percent shall be disregarded as dollar amounts change only in multiples of ten percent. The law was effective August 1, 1981, and there was no change in dollar amounts in 1982.

According to Commissioner McKasy, this means indexed dollar limits will increase an additional 10% effective July 1, 1992 after factoring out prior year's adjustments. The results of indexing are as follows, with the percentage increase noted under the various dates:

	<u>Original</u>	<u>7-1-84</u> <u>10%</u>	<u>7-1-86</u> <u>10%</u>	<u>7-1-88</u> <u>10%</u>	<u>7-1-90</u> <u>10%</u>	<u>7-1-92</u> <u>10%</u>
Loan maximum <i>Minnesota Statutes</i> § 56.131, subd. 1(a)	\$35,000	\$38,500	\$42,000	\$45,500	\$49,000	\$52,500
Principal subject to 33% interest <i>Minnesota Statutes</i> § 56.131, subd. 1(a)(1)	\$ 350	\$ 385	\$ 420	\$ 455	\$ 750	\$ <u>750*</u>
Maximum closing costs on real estate secured loans <i>Minnesota Statutes</i> § 56.131, subd. 2(b)	\$ 250	\$ 275	\$ 300	\$ 325	\$ 350	\$ 375
Minimum real estate secured loan for discount points <i>Minnesota Statutes</i> § 56.131, subd. 6 effective June 2, 1983 <u><i>Minnesota Statutes</i> § 53.04, subd. 3a</u>	\$ 7,500	\$ 8,250	\$ 9,000	\$ 9,750	\$10,500	\$11,250
Minimum real estate secured loan exceeding <i>Minnesota Statutes</i> §§ 56.12 and <u>56.125</u>	\$ 2,700	\$ 2,970	\$ 3,240	\$ 3,510	\$ 3,780	\$ 4,050
Assumption fee <i>Minnesota Statutes</i> §§ 56.12	\$ 150	\$ 165	\$ 180	\$ 195	\$ 210	\$ 225
Minimum new funds advance for discount points and appraisal fees <i>Minnesota Statutes</i> §§ 56.131, subd. 2(d)	\$ 1,000	NA	NA	NA	\$ 1,000**	\$ <u>1,000*</u>

Section 56.131, subdivision 1(a)(1) was amended in 1990, effective April 24, 1990, increasing the principal loan amount subject to the 33% per year interest rate. This dollar amount was not subject to indexing on July 1, 1990 as indicated in the 1990 revisors' technical corrections bill.

**\*Important.** These amounts may change prior to the July 1, 1992 effective date based on the passage of S.F. No. 2213 as it amends Section 56.131 subdivision 4. The legislature passed the bill which has not yet been signed by the Governor. The bill provides publication before June 30 to confirm the amendment that establishes December 30, 1990 as the reference base index for dollar adjustments to the \$750 in subdivision 1(a)(1) and the \$1,000 in subdivision 2(d). These dollar amounts will remain unchanged from 1990. S.F. No. 2213 became Chapter 587 1992 Session Laws, effective April 28, 1992, amending the reference base index date for subdivision 1(a)(1) and subd. 2(d) to December 30, 1990. The rebased index for December 1990 is 114.5, increasing to 117.9 in 1991 for a percent change of 2.97%. The statute requires that the percentage change in the reference base index be 10% or more in order to adjust dollar amounts. This will confirm no dollar change in these subdivisions for 1992. The April 27, 1992 publication had indexed the \$750 to \$1,125 and \$1,000 to \$1,500 for July 1, 1992 which was prior to the effective date of the 1992 law.

\*\*Section 56.131, subdivision 2(d), setting a minimum advance required to charge discount points and appraisal fees, was added

## Official Notices

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by a 1990 amendment. This statutory amount was to have been adjusted in 1990 to \$1,400; however, its publication was inadvertently overlooked. The \$1,000 will remain the correct level for compliance purposes. The dollar adjustment is subject to amendment, and no change, based on S.F. No. 2213 as previously discussed.

The minimum default charge permitted in Section 56.131, subdivision 1(f)(4) increased to \$4.00 by amendment effective June 25, 1985. Section 56.131, subdivision 4 was also amended to use December 1984 as the reference base index date for dollar adjustments on default charges. The rebased index for December 1984 is 92.3, increasing to 117.9 in December 1991, for a percent change of 27.74%. The portion of the percent change in the index in excess of a multiple of ten percent shall be disregarded as dollar amounts shall change only multiples of ten percent of amounts appearing in law. This results in an additional 10% increase effective July 1, 1992 with historic and current indexing of the default charge as follows, with the percentage increase noted under the indexed dates:

	<u>Original</u>	<u>7-1-86</u> <u>No change</u>	<u>7-1-88</u> <u>No change</u>	<u>7-1-90</u> <u>10%</u>	<u>7-1-92</u> <u>10%</u>
Default charge	\$4.00	\$4.00	\$4.00	\$4.40	\$4.80

The next published adjustment is scheduled on or before April 30, 1994, for July 1, 1994, based on the December 1993 index.

## Ethical Practices Board

### Advisory Opinion #124 re: Campaign Finance: Fundraising during Legislative Session

Issued 6-3-92 to the Honorable Rich O'Connor—SUMMARY—124. An invitation to an individual to attend a function for which a specified charge is made is a solicitation within the meaning of *Minnesota Statutes* § 10A.065 regardless of whether the ticket is marked complimentary. The full text of the opinion is available upon request from the Ethical Practices Board, 1st Floor South, Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1603; (612) 296-5148.

## Department of Health

### Notice of Solicitation of Outside Information or Opinions is Requested in the Matter of Amendments to Proposed Rules of the Minnesota Department of Health Governing Water Supplies for Camps and Mobile Home Parks, Part 4630.0600

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health is seeking information or opinions from sources outside the Department in preparing to amend rules governing water supplies serving recreational camping areas and mobile home parks, part 4630.0600. Authority to adopt and amend rules is contained in *Minnesota Statutes* sections 1031.101, 144.483 and 327.20, subdivision 2 which give the commissioner authority to regulate design and construction and isolation distance standards for wells and public water supplies.

The Minnesota Department of Health requests information and opinions about the subject matter of the rule. Interested or affected persons or groups may submit data or views on the subject matter in writing or orally. Written statements should be addressed to:

Jane Nelson, Rules Coordinator  
Minnesota Department of Health  
Division of Environmental Health  
925 Southeast Delaware Street  
Minneapolis, Minnesota 55459

Oral statements will be received during regular business hours over the telephone at (612) 627-5038 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the Minnesota Department of Health becomes part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Jane A. Nelson  
Rules Coordinator

## **Department of Human Services**

### **Long-Term Care Management Division**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Payment Rates for Intermediate Care Facilities for Persons With Mental Retardation or Related Conditions**

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rule governing Payment Rates for Intermediate Care Facilities for Persons With Mental Retardation or Related Conditions. The adoption of the rule is authorized by *Minnesota Statutes*, section 256B.501, which permits the agency to establish procedures and rules for determining rates for care of residents of intermediate care facilities for persons with mental retardation or related conditions.

The proposed rule will amend *Minnesota Rules*, chapter 9553. Rule parts that may be revised include: scope, definitions, cost classification and allocation procedures, determination of allowable costs, nonallowable costs, reporting by cost category, general reporting requirements, determination of total operating cost payment rate, determination of the special operating cost payment rate, determination of property related payment rate, life safety code adjustment, determination of total payment rate, rate setting procedures for newly constructed or newly established facilities or approved class A to class B conversions, and appeal procedures.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Sue Banken, Long-Term Care Management Division, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3844. Oral statements will be received during regular business hours over the telephone at (612) 296-5724 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 8 June 1992

Jim Schmidt, Rulemaker  
Department of Human Services

## **Department of Human Services**

### **Health Care Management Division**

#### **Announcement of Vacancy on Medicaid Drug Formulary Committee**

The Minnesota Department of Human Services is seeking applications from Minnesotans interested in serving on the Minnesota Medicaid Drug Formulary Committee. The purpose of the Committee is to advise the Department on drug coverage for the Medical Assistance Program. The current opening on the nine-member committee is for a nursing home representative. The member should represent nursing homes' and Minnesota Medical Assistance eligible nursing home residents' interests in recommending drug coverage to the Department.

Members serve two-year terms and volunteer their time and services to the committee. The Department will reimburse members for expenses for mileage to and from committee meetings. Members will be awarded continuing education credits for attending committee meetings. For more information, please contact Eric Anderson, Health Care Management Division, at (612) 296-1723, or send a letter of interest and vitae to Eric Anderson, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3853. Applications will be accepted until July 15, 1992.

## **State Board of Investment**

### **Official Notice**

The Minnesota Board of Investment (SBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing either equity or fixed income assets for the SBI are asked to contact the following address for additional information:

## Official Notices

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Michael J. Menssen, Manager  
External Equity Program

and

James H. Lukens  
Manager, External Fixed Income Program

Minnesota State Board of Investment  
Suite 105—MEA Building  
55 Sherburne Avenue  
St. Paul, Minnesota 55155

## Department of Jobs and Training

### Office of the Commissioner's Representatives

#### Notice of Solicitation of Outside Opinion Regarding Proposed Rules Governing Reviews by the Commissioner of an Initial Appeal Decision

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Jobs and Training is seeking information or opinions from sources outside the agency in preparing to propose rules governing reviews by the Commissioner or authorized representative of appeal decisions as authorized by *Minnesota Statute* Section 268.10 Subdivision 5.

The adoption of these rules is authorized by *Minnesota Statutes* Sections 268.0122, Subdivision 5 and 268.021 which authorizes the Commissioner to adopt rules with respect to the programs the department administers.

Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Gloria Johnson  
Office of the Commissioner's Representative  
Minnesota Department of Jobs and Training  
390 North Robert St.  
St. Paul, MN 55101

Oral statements will be received during regular business hours in person at the above address or over the telephone at 612/296-3335.

All comments received will be made part of the official rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 8 June 1992

## Department of Public Safety

### Emergency Response Commission

#### Meeting Notice and Preliminary Agenda

1. Approval of minutes of previous meeting
2. Old Business
3. Introduction of new agenda items
4. Committee Reports
  - a. Reporting and Public Requests
  - b. Emergency Planning
  - c. Legislative
  - d. Education and Training
5. Open-New Business

Meeting dates at a site to be determined are:

July 9, 1992  
August 13, 1992  
September 10, 1992  
October 8, 1992  
November 12, 1992  
December 10, 1992

All meetings will be held at 9:30 a.m. Contact the Commission for additional information (612) 643-3000.

## Minnesota Sentencing Guidelines Commission

### Notice of Public Hearing to Consider Modifications to the Sentencing Guidelines

The Minnesota Sentencing Guidelines Commission will hold a public hearing on Thursday, July 16, 1992, at 5:30 p.m. in Hearing Room 15, Ground Floor, State Capitol Building, St. Paul, Minnesota. The public hearing is to consider proposed modifications to the sentencing guidelines and commentary regarding the ranking for new and amended crimes and other action to address legislation passed during the 1992 legislative session.

Additional copies of the proposed modifications are available, free of charge, by contacting the Minnesota Sentencing Guideline Commission at Meridian National Bank Building, 205 Aurora Ave., Suite 205, St. Paul, MN 55103, or by calling (612) 296-0144.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission staff at the above address/telephone number.

The Commission will hold the record open for five days after the public hearing to accept additional written comment on the proposed modifications. On July 21, 1992, the Commission will meet at 4:30 p.m. at the Commodore Hotel, 79 North Western, St. Paul, Minnesota to formally adopt or reject the proposed modifications. **If adopted, the modifications will become effective August 1, 1992 unless otherwise noted.**

1) The 1992 Legislature directed the Commission to modify section II.B.3 of the sentencing guidelines to provide that the criminal history score of any person convicted of violating section 609.21 shall include one-half point for each previous violation of section 169.121, 169.1211 or 169.129.

The Commission proposes to modify section II.B.3 of the sentencing guidelines to remove the cap of "1" on total possible points for prior DWI convictions when the current offense is Criminal Vehicular Homicide or Injury. Prior DWI convictions already count as two units (or one half point) when the current offense is Criminal Vehicular Homicide or Injury.

2) The Commission proposes the following modification to section C. **Presumptive Sentence:** to clarify that the guidelines presume a prison sentence for offenders currently convicted of a severity level VI drug crime and have any prior felony drug conviction:

... Similarly, when the current conviction offense is a severity level VI drug crime or sale of cocaine and there was a previous adjudication of guilt for a ~~severity level VI or above~~ felony violation of Chapter 152 or a felony-level attempt or conspiracy to violate Chapter 152, or was convicted elsewhere for conduct that would have been a felony under Chapter 152 if committed in Minnesota (See Minnesota Statutes § 152.01, subd. 16a) before the current offense occurred, the presumptive disposition is Commitment to the Commissioner of Corrections. The presumptive duration of sentence is the fixed duration indicated in the appropriate cell of the Sentencing Guidelines Grid, or the mandatory minimum, whichever is longer.

3) The Commission proposes to modify section E. **Mandatory Sentences** to reflect changes made to law for certain repeat sex offenders:

When an offender has been convicted of an offense with a mandatory minimum sentence of five years, the presumptive duration of the prison sentence should be 60 months or the duration provided in the appropriate cell of the Sentencing Guidelines Grid, whichever is longer, First degree murder and certain sex offenders convicted under Minnesota Statutes § 609.346, subd. 2a, which has have a mandatory life imprisonment sentence, is are excluded from offenses covered by the sentencing guidelines.

When an offender has been sentenced according to *Minnesota Statutes* § 609.196, Mandatory Penalty for Certain Murderers, or has been sentenced according to *Minnesota Statutes* § 609.346, subd. 2a~~b~~, which provides for a mandatory sentence of 370 years for certain sex offenders; the statutory provision determines the presumptive sentence.

4) The Commission proposes to modify section E. **Mandatory Sentences** to further clarify the policy of the guidelines regarding mandatory minimum sentences for crimes involving dangerous weapons:

## Official Notices

When an offender has been convicted of an offense with a mandatory minimum sentence under Minnesota Statutes § 609.11, which would otherwise be a presumptive stayed sentence under the sentencing guidelines, the court on its own motion or on the motion of the prosecutor may sentence without regard to the mandatory minimum sentence. The presumptive disposition, however, is commitment to the commissioner. A stay of imposition or execution of sentence, while provided for under Minnesota Statutes § 609.11, subd. 8, constitutes a departure from the presumptive sentence and the judge must provide written reasons which specify the substantial and compelling nature of the circumstances.

5) The 1992 Legislature directed the Commission to modify the consecutive policy to provide that an inmate of a state correctional facility who is convicted of committing a felony in prison receives a presumptive consecutive sentence to the sentence currently being served by the inmate and provide that the judge be able to depart from the presumptive consecutive sentence based on evidence that the defendant has provided substantial and material assistance in the detection or prosecution of crime. The Commission proposes the following modifications to section **F. Concurrent/Consecutive Sentences** and corresponding commentary.

Consecutive sentences may be given only in the following cases: . . .

3. When the conviction is for escape from lawful custody, as defined in *Minnesota Statutes* § 609.485, unless the offender escaped from an executed prison sentence. The presumptive disposition for escapes from executed sentences shall be execution of the escape sentence. If the executed escape sentence is to be served concurrently with other sentences, the presumptive duration shall be that indicated by the appropriate cell of the Sentencing Guidelines Grid. If the executed escape sentence is to be served consecutively to other sentences, the presumptive duration shall be that indicated by the aggregation process set forth below.

When the conviction is for escape from lawful custody, as defined in Minnesota Statutes § 609.485, and the offender escaped from an executed prison sentence, consecutive sentences are presumptive. The presumptive disposition for escapes from executed sentences shall be execution of the escape sentence.

Consecutive sentences are also presumptive for a felony conviction resulting from a crime committed by an inmate serving an executed prison sentence at a state correctional facility and a concurrent sentence constitutes a departure from the presumptive sentence. A special, nonexclusive, departure factor may be used by the judge to depart from the consecutive presumption and impose a concurrent sentence: there is evidence that the defendant has provided substantial and material assistance in the detection or prosecution of crime.

*II.F.01. Consecutive sentences are a more severe sanction because the intent of using them is to confine the offender for a longer period than under concurrent sentences. If the severity of the sanction is to be proportional to the severity of the offense, consecutive sentences should be limited to more severe offenses. Generally, the Commission has established criteria which permits, but does not require, the use of consecutive sentences in the instances listed in the guidelines. For felony convictions committed while an offender is serving an executed prison sentence, the use of consecutive sentences is presumptive. The guidelines create a presumption against the use of consecutive sentence in all other cases not meeting the guideline criteria. If consecutive sentences are used in such cases, their use constitutes a departure from the guidelines and written reasons are required.*

*II.F.02. . . It is permissive for a sentence for an escape conviction from a nonexecuted prison sentence to be consecutive to any other current sentence and any prior sentence regardless of whether the other sentences are for crimes against the person. It is presumptive for a sentence for an escape conviction from an executed prison sentence to be consecutive to any current executed prison sentence. If the sentencing judge determines that the sentence for an escape conviction is to be consecutive with sentences for other current felony convictions, the escape conviction should be sentenced last with the presumptive duration found at the zero criminal history column and the appropriate severity level.*

### 6) Proposals Regarding Crimes Created or Amended by the 1992 Legislature

The Commission proposes the following severity level rankings for crimes amended or created by the 1992 Legislature:

Severity Level IX Murder 2 without Intent (new provision) - 609.19 (3)

Severity Level VI All Controlled Substance Crime in the Third Degree - 152.023

The Commission proposes the following new crimes be added to the *Theft Related Offense List*:

Workers Compensation Fraud - 176.178

Theft by False Representation (new provisions) - 609.52, subd. 2 (d) & (e)

Assistance Transaction Card Fraud - 256.986, subd. 3

The Commission proposes to add the following amended crime to the *Misdemeanor and Gross Misdemeanor Offense List*:

Assault in the Fourth Degree - 609.2231, subd. 2, 4, 5, & 6

The Commission proposes that the following amended crimes remain ranked at their current severity level rankings:

Controlled Substance Crimes in the 1st Degree - 152.021

Controlled Substance Crimes in the 2nd Degree - 152.022  
Controlled Substance Crimes in the 4th Degree - 152.024  
Controlled Substance Crimes in the 5th Degree - 152.025  
Importing Controlled Substances Across State Borders - 152.261  
Assault 2nd Degree - 609.222 (including new provision)  
All Solicitation of Prostitution - 609.322  
All Receiving Profit Derived from Prostitution - 609.323

The 1992 Legislature requested the Commission consider modifying the severity level ranking for Criminal Vehicular Homicide, 609.21, subd. 1, clauses (3) & (4), and subd. 3, clauses (3) & (4). The Commission proposes that these provisions continue to be ranked at their current severity level ranking. The Commission proposes no changes at this time to the severity level rankings for amended criminal sexual conduct laws. The Commission will reexamine the severity levels rankings for criminal sexual conduct offenses and report to the Legislature in February, 1993 (as requested by the 1992 Legislature).

7) The Commission proposes the following changes to the Offense Severity Reference Table to correct the appropriate statutory cites:

Severity Level IV Theft of Motor Vehicle - 609.52, subd. 2 (1) 3(3) (d) (vi)

Severity Level I Assault 4 - 609.2231, subd. 1 & 23

8) The Commission proposes to modify the Sentencing Guidelines Grid by adding language to clarify that certain offenses above the dispositional line carry a presumptive commitment to a state prison, including: Criminal Vehicular Homicide, Assault 2nd Degree and other applicable crimes involving a dangerous weapon, Controlled Substance Crimes in the Third Degree when the offender has a prior felony drug conviction, and second or subsequent Criminal Sexual Conduct offenses.

9) The Commission proposes several changes to commentary to clarify sentencing guidelines policy: Comment II.A.07—clarify the appropriate statutory cites for Theft of Motor Vehicle convictions. Comment II.B.101.—clarify the method for determining the weight of prior drug crimes for purpose of criminal history; clarify the weight of prior attempted crimes for the purpose of criminal history.

10) Several felony offenses have been recently discovered that have not been considered for ranking by the Commission. These crimes are technically unranked at this time. The Commission proposes the following severity level rankings for these crimes which will have an **effective date of August 1, 1993**, after the 1993 Legislature has reviewed the adopted rankings:

Severity Level III

Tax Evasion Laws - 289A.63

Damages; Illegal Molestation of Human Remains; Burials; Cemeteries - 307.08, subd. 2

Severity Level II

Gambling Regulations - 349.2127, subd. 1-6

Wildfire Arson - 609.5641, subd. 1

Bribery of Participant or Official in Contest - 609.825, subd. 2

Severity Level I

Motor Vehicle Taxes - 296.25, subd. 1(b)

Excise Tax on Alcoholic Beverages - 297C.13, subd. 1

Certification for Title on Watercraft - 86B.865, subd. 1

Criminal Penalties Regarding the Activities of Corporations - 300.60

Add to Unranked Offense List

Unlawful Transfer of Sounds; Sales - 325E.20

## Office of the State Treasurer

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Credit Card Disclosure Reports

NOTICE IS HEREBY GIVEN that the Office of the State Treasurer, State of Minnesota, is seeking information or opinions from

## Official Notices

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sources outside the agency in preparing to propose the adoption of the rule governing Credit Card Disclosure Reports. The adoption of the rule is authorized by *Minnesota Statutes*, section 325G.415, which requires the State Treasurer to adopt rules governing: (1) the form and content of reports to be filed under subdivision 1 of section 325G.415; and (2) public access to the information filed; and which permits the State Treasurer to adopt other rules as necessary to administer subdivision 1 of section 325G.415. The effective date of *Minnesota Statutes*, section 325G.415, is July 31, 1992.

The Office of the State Treasurer, State of Minnesota, requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: **Jerry Engebretson, 303 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155**. Oral statements will be received during regular business hours over the telephone at **(612) 296-7091** and in person at the above address.

All statements of information and opinions shall be accepted until **July 15, 1992**. Any written material received by the Office of the State Treasurer, State of Minnesota, shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the rule is adopted.

Dated: 15 June 1992

## Department of Transportation

### Notice of State Aid Variance Committee Meeting

**NOTICE IS HEREBY GIVEN** that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Thursday, July 9, 1992, at 10:00 a.m. in Room 300N of the State Office Building, 100 Constitution Avenue, St. Paul, MN 55155.

**THIS NOTICE IS GIVEN** pursuant to *Minnesota Statute 47k.705*.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3400 adopted pursuant to *Minnesota Statutes* 161 and 162.

The agenda will be limited to these questions:

1. Petition of the City of Winona for a variance from minimum standards as they apply to a proposed resurfacing project on MSAS 104 (Broadway Street) between Orrin Street and Ewing Street so as to permit a street width of 40 feet, two traffic lanes and parking on both sides; instead of the required minimum of 42 feet.

2. Petition of the City of Moorhead for a variance from minimum standards as they apply to a proposed reconstruction project on MSAS 124 (7th Street North) at the Burlington Northern Railroad crossing so as to permit a design speed of 18 miles per hour for one vertical curve; instead of the required minimum of 30 miles per hour.

3. Petition of the County of Martin for a variance from minimum standards as they apply to a proposed reconstruction project on CSAH 26 between CSAH 53 and the east county line so as to permit bridge #5171 over South Creek to remain in place at a width of 27.2 feet; instead of the required minimum of 30 feet.

4. Petition of the County of Cook for a variance from minimum standards as they apply to a proposed reconstruction project on CSAH 2 between County Road 33 and Forest Road 165 so as to permit aggregate surfacing instead of the required pavement; and to permit a recovery area of 12 feet instead of the required minimum of 15 feet between Forest Road 166 and Forest Road 165.

The cities and counties previously listed are requested to follow the following time schedule when appearing before the Variance Committee:

- 10:00 a.m. City of Winona
- 10:30 a.m. City of Moorhead
- 11:00 a.m. County of Martin
- 11:30 a.m. County of Cook

Dated: 5 June 1992

### Petition of the City of Moorhead for a Variance from Minimum State Aid Standards for DESIGN SPEED

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Moorhead made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed reconstruction project on MSAS 124 (7th Street North) at the Burlington Northern Railroad crossing.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9935 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of 18 miles per hour for one vertical curve; instead of the required minimum of 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 5 June 1992

### **Petition of the County of Martin for a Variance from Minimum State Aid Standards for BRIDGE WIDTH**

**NOTICE IS HEREBY GIVEN** that the County Board of the County of Martin made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed reconstruction project on CSAH 26 between CSAH 53 and the east county line.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9910 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit bridge #5171 over South Creek to remain in place at a width of 27.2 feet; instead of the required minimum of 30 feet.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 5 June 1992

### **Petition of the City of Winona for a Variance from Minimum State Aid Standards for STREET WIDTH**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Winona made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed resurfacing project on MSAS 104 (Broadway Street) between Orrin Street and Ewing Street.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9945 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 40 feet, two traffic lanes and parking on both sides; instead of the required minimum of 42 feet.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 5 June 1992

### **Petition of the County of Cook for a Variance from Minimum State Aid Standards for RECOVERY AREA and SURFACING**

**NOTICE IS HEREBY GIVEN** that the County Board of the County of Cook made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed reconstruction project on CSAH 2 between County Road 33 and Forest Road 165.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9965 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit aggregate surfacing instead of the required pavement; and to permit a recovery area of 12 feet instead of the required minimum of 15 feet between Forest Road 166 and Forest Road 165.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 5 June 1992

# State Grants

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

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

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## Minnesota Higher Education Coordinating Board

### Notice of Availability of Funds for Child Care Innovation Grants

The Minnesota Higher Education Coordinating Board (MHECB) is requesting applications for Child Care Innovation Grants. The purpose of the grants is to encourage innovative approaches to providing or financing child care services to post-secondary students. Grants can be awarded to the governing board of a post-secondary system, to a specific college campus or organization, or to a private non-profit organization.

#### Grant Term

This grant is for fiscal year 1993, which is from July 1, 1992 through June 30, 1993.

#### Grant Amounts

Grants may range up to \$25,000 and must demonstrate that the value of the services to be generated will substantially exceed the amount of the grant. Those interested in receiving requests for proposal should contact:

Division of Financial Aid  
Child Care Innovation Grants  
Suite 400, Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-3974, Ext. 3012

Grant applications will be accepted until 4:00 p.m., Thursday, July 2, 1992.

## Department of Human Services

### Family Self-Sufficiency Administration

### Refugee and Immigrant Assistance Division

### Request for Proposals for the Planned Secondary Resettlement (PSR) Project for Refugees in Greater Minnesota

**NOTICE IS HEREBY GIVEN** that the Refugee and Immigrant Assistance Division, Family Self-Sufficiency Administration, Minnesota Department of Human Services, is seeking proposals to assist refugee families on public cash assistance achieve durable self-sufficiency through employment and a PSR.

Funding is from the federal Refugee Assistance Grant to the State. The amount of funds available under this notice is \$300,000.00.

To be considered for funding, proposals must be post-marked or hand-delivered to the Refugee and Immigrant Assistance Division by 4:20 p.m., CDT, July 17, 1992. We reserve the right not to act on this RFP.

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

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

## Department of Human Services

### Family Self-Sufficiency Administration

### Refugee and Immigrant Assistance Division

#### Request for Proposals for Family-Based Crime Prevention Services for Asian Youth

**NOTICE IS HEREBY GIVEN** that the Refugee and Immigrant Assistance Division, Family Self-Sufficiency Administration, Minnesota Department of Human Services, is seeking proposals for family-based services to Asian youth.

Funding is from the State 1992 appropriations for crime prevention services to Asian youth. The amount of funds available under this notice is \$400,000.00.

To be considered for funding, proposals must be post-marked or hand-delivered to the Refugee and Immigrant Assistance Division by 4:20 p.m., CDT, July 9, 1992. We reserve the right not to act on this RFP.

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

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

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## Professional, Technical & Consulting Contracts

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

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## Minnesota Amateur Sports Commission

### Notice for Request for Proposals for Contract Services

The Minnesota Amateur Sports Commission (MASC) and its Star of the North Games wish to retain a contractor to provide consulting for the redesign (graphics and distribution) and publishing of the *Minnesota Medalist*, a semi-annual magazine that reports the results from the Star of the North State Games and news of amateur sports in Minnesota. The goal is to improve the quality and increase the distribution of the current magazine and investigate future funding sources (advertising).

#### Scope of Project

The MASC shall retain editorial control of the publication and would provide some design assistance (Macintosh). The contractor shall consult on the new design and funding sources for the publication, and shall be responsible for the printing and distribution. The current format of the *Minnesota Medalist* is as follows: 32-page (8½ x 11) magazine, 28 pages at 60# offset, 4 pages at 70# enamel, 2 color ink/2 sides, bleed cover 20 - 30 photos per issue. Currently, all pre-press is done in-house on Macintosh (Quark XPress), except for stripping of photos. Current print run is 25,000, with mail distribution to 24,000 households. The current mailing list includes all state and national sport leaders, all State Games participants (bulk of list) and other miscellaneous leaders and organizations related to government and amateur sports. We would like to increase our distribution to include more amateur sport families.

#### Project Dates

First issue with this contract to be printed and distributed by March 22, 1993. Second issue to be printed and distributed by September 21, 1993.

#### Costs

The MASC's cost for the contract (total of two issues—including printing, postage and distribution) shall not exceed \$26,000. We use a non-profit bulk mailing permit. At this time, the MASC is not allowed by law to sell advertising, but is researching the possibility for 1993. \*\*This RFP is contingent upon the MASC getting approval to allow advertising. This RFP does not obligate the MASC to award a contract.

# Professional, Technical & Consulting Contracts

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## Contact

For details on this Request For Proposal (RFP) and copies of the *Minnesota Medalist*, please contact:

Jenni Lilledahl  
Minnesota Amateur Sports Commission  
1700 - 105th Avenue N.E.  
Blaine, Minnesota 55434  
(612) 785-5630

All proposals must be submitted to the MASC no later than 4:30 p.m. on Monday, August 31, 1992.

## State Designer Selection Board

### Request for Proposal for a Sewer Separation Project

#### To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a sewer separation project. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., July 7, 1992, to:

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

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

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

#### 4) Mandatory Proposal contents in sequence:

- a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
- b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand. **NOTE NEW REQUIREMENT:** The proposal must contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.
- c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.
- d) A list of State and University of Minnesota current and past projects and studies under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call for a copy of the acceptable format for providing this information.
- e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

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

#### 5) Statutory Proposal Requirements:

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

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## Professional, Technical & Consulting Contracts

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

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

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

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

### 7) PROJECT - 13-92

Storm/Sanitary Sewer Separation  
State Capitol Complex  
Total Project Budget: \$2,993,000.00  
Designer Fee: 7%

#### PROJECT DESCRIPTION:

The State Capitol Complex consists of 9 major buildings, with various minor buildings, parking ramps and parking lots. The complex boundaries roughly are Rice Street on the West, Robert Street on the East, Interstate Highway 94 on the South, and Sherburne Avenue on the North.

The Minnesota Pollution Control Agency and the City of St. Paul have mandated that the storm and sanitary sewers be separated by December 31, 1995.

The Designer selected shall provide professional services for the internal and external separation of the storm/sanitation piping within the State Capitol Complex. This includes both the buildings and parking areas.

The work will include interfacing with the City of St. Paul Public Works, Capitol Area Architectural and Planning Board, and the various building tenants. Overall direction will be received from the Division of State Building Construction.

The project is to include both the design and construction observation of this project.

Contact: Questions concerning this project or requests for a more complete statement of needs may be referred to Larry Whitcomb at (612) 297-1546.

James Tillitt, Chairman  
State Designer Selection Board

## Minnesota Historical Society

### Notice of Request for Letters of Interest for Consulting Relating to Federal Highway Act

The Minnesota Historical Society is seeking letters of interest from qualified firms and individuals to provide consulting services to assist the Society in the evaluation and implementation of certain projects that may relate to the new Federal Highway Act. Such projects could relate to transportation enhancements, Great River Road, and scenic byways.

Interested consultants should send a Letter of Interest along with a statement of credentials to Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Letters must be received not later than 2:00 p.m., June 30, 1992.

# Non-State Public Contracts

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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

### Notice of Request for Bids for Construction of Wall Systems for Theater Space in the Minnesota History Center—Re-Bid—New Specifications

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide materials and labor for the construction of wall systems for theater space at the Minnesota History Center.

This is a re-bidding of a previously bid project for which all bids were rejected. New specifications and plans will be provided to interested parties.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received not later than 2:00 p.m. June 30, 1992.

Details concerning submission requirements are included in the Request for Bids.

## Minneapolis Community Development Agency

### Historian Consultant Being Sought to Assist With Determining National Register Eligibility of the Historic Healy Block

The Minneapolis Community Development Agency (MCDA) is seeking proposals for a professional historian consultant to assist with the preparation of Minnesota Historical Society required documentation to clearly establish the eligibility of the historic Healy Block, or portions thereof, for nomination on the National Register of Historic Places. The consultant will be required to work closely with the MCDA, the Minnesota Historical Society (MHS), the local Heritage Preservation Commission (HPC), and residents of the historic Healy Block to prepare a written response providing additional information as specified by the MHS. Initial "forms" have been substantially completed; this contract is to merely provide additional information as specified by the MHS. Funding for this project is set at not to exceed \$3,500.

Interested consultants may pick up or call for an information packet to be mailed, which describes the project, consultant qualifications, submission requirements, copies of documentation which has already been completed by others, and other pertinent data at:

MCDA  
Contract Services Department  
Crown Roller Mill  
Attn: Roger Anderson  
105 - 5th Avenue South, Suite 200  
Minneapolis, MN 55401  
(612) 673-5119

MCDA will accept proposals until 4:00 p.m., Tuesday, June 30, 1992, at the above address. Mailed proposals must be postmarked no later than 12:00 midnight, June 29, 1992. **No late proposals will be accepted.**

MCDA reserves the right to reject any or all offers.

**EQUAL OPPORTUNITY EMPLOYER**

# State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.

## Materials Management Division—Department of Administration:

### Contracts and Requisitions Open for Bid

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

#### COMMODITY CODE KEY

<b>A = Sealed Bid</b>	<b>G = \$5,000-\$15,000 Estimated Dollar Value</b>	<b>J = Targeted Vendors Only</b>
<b>B = Write for Price</b>	<b>H = \$15,000-\$50,000 Sealed Bid</b>	<b>K = Local Service Needed</b>
<b>C = Request for Proposal</b>	<b>I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required</b>	<b>L = No Substitute</b>
<b>D = Request for Information</b>		<b>M = Installation Needed</b>
<b>E = \$0-\$1,500 Estimated Dollar Value</b>		<b>N = Pre-Bid Conference</b>
<b>F = \$1,500-\$5,000 Estimated Dollar Value</b>		<b>O = Insurance or Bonding Required</b>

**Commodity:** Rebid: Zones 2-7 telecommunications: AT&T 1A2 key equipment—installation & supply  
**Contact:** Patricia Anderson 612-296-3770

**Bid due date at 2pm:** June 24  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Film processing: color infrared  
**Contact:** Ann Wefald 612-296-2546  
**Bid due date at 2pm:** June 24  
**Agency:** Natural Resources  
**Deliver to:** Grand Rapids  
**Requisition #:** Price contract

**Commodity:** Printing: 9x9 aerial photos  
**Contact:** Ann Wefald 612-296-2546  
**Bid due date at 2pm:** June 24  
**Agency:** Natural Resources  
**Deliver to:** Grand Rapids  
**Requisition #:** Price contract

**Commodity:** B G—Capital light poles  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** B 78830-11248

**Commodity:** Unleaded gasoline #1 & #2 regular diesel fuel—retail  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** June 24  
**Agency:** Transportation  
**Deliver to:** Bemidji area  
**Requisition #:** Price contract

**Commodity:** Bar soap  
**Contact:** Cherie Ackerman 612-296-3776  
**Bid due date at 2pm:** June 25  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** B F—Telecommunications parts  
**Contact:** Teresa Manzella 612-296-7556  
**Bid due date at 4:30pm:** June 17  
**Agency:** Building Construction Division  
**Deliver to:** Rochester  
**Requisition #:** B 02310-33497

**Commodity:** A H—All purpose mixer  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** June 25  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-20822

**Commodity:** B G—Expansion of purity gas supply system  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 17  
**Agency:** Minnesota Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** B 04661-22239

**Commodity:** B F—Incubator  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 17  
**Agency:** Minnesota Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** B 04661-22243

**Commodity:** B G—Centrifugal mill, etc.  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 17  
**Agency:** Minnesota Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** B 04661-22248

## State Contracts and Advertised Bids

**Commodity:** B F—Power inverter  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 17  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Maplewood  
**Requisition #:** B 79000-23679

**Commodity:** B G—Meat for July  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** June 18  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Stillwater  
**Requisition #:** B 78620-00448

**Commodity:** A H K M—Copier rental  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 22  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Winona  
**Requisition #:** B 21200-51614

**Commodity:** B G—Centramax telephone maintenance  
**Contact:** Teresa Manzella 612-296-7556  
**Bid due date at 4:30pm:** June 22  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32600-32017

**Commodity:** B G—Willey mill  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 17  
**Agency:** Minnesota Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** B 04661-22241

**Commodity:** B F—Sample splitter  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 17  
**Agency:** Minnesota Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** B 04661-22247

**Commodity:** B E—Photo supplies  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 17  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23811

**Commodity:** C I—Appraisal automation software package  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** July 1  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Various places  
**Requisition #:** B 79382-02417

**Commodity:** B F—Poultry for July, August & September  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** June 18  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Stillwater  
**Requisition #:** B 78620-00449

**Commodity:** B F M—Lamps rebid  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 22  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14366-1

**Commodity:** A H—Lab casework & fume hoods  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 2pm:** June 19  
**Agency:** Minnesota Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** B 04661-22245

**Commodity:** A I M—Laserlux mobile reflectometer  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** June 26  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79382-02418-1

**Commodity:** B F—Concrete ready mix  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23830

**Commodity:** B E—Quickbasic for the mac  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23859

**Commodity:** B F—Ingredient bins  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-20813

**Commodity:** B F—Reach in refrigerator  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-20817

**Commodity:** B F M—Rosemount panels  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 25  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14415

**Commodity:** A H—Agricultural test equipment  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** June 25  
**Agency:** Minnesota Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** B 04661-22242

**Commodity:** B G—Data system software  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 25  
**Agency:** Minnesota Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** B 04661-22280

**Commodity:** B E—Microsoft quickbasic  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23858

**Commodity:** B F L—Micro focus software  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** Department of Human Services  
**Deliver to:** St. Paul  
**Requisition #:** B 55000-25152

## State Contracts and Advertised Bids

**Commodity:** B G—Proofing cabinets  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 25  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-20815

**Commodity:** B F—Numbering machine  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 25  
**Agency:** Department of Public Safety/Finance  
**Deliver to:** Various places  
**Requisition #:** B 07700-27249

**Commodity:** B F K M—Mail machine  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 25  
**Agency:** Southwest State University  
**Deliver to:** Marshall  
**Requisition #:** B 26175-02325

**Commodity:** A I K M—Copiers  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 2pm:** June 17  
**Agency:** Willmar Community College  
**Deliver to:** Willmar  
**Requisition #:** B 27145-07783

**Commodity:** A I M—Movable shelving  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 2pm:** June 25  
**Agency:** I R R & R B  
**Deliver to:** Chisholm  
**Requisition #:** B 43000-60560

**Commodity:** A G M—Cone wheel attachment  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 2pm:** June 25  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Oakdale  
**Requisition #:** B 79382-02444

**Commodity:** B F—Electric cart  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** June 22  
**Agency:** Willmar Regional Treatment Center  
**Deliver to:** Willmar  
**Requisition #:** B 55106-02197

**Commodity:** B F—Furnish & install lift crane  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** June 22  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Virginia  
**Requisition #:** B 79382-02442

**Commodity:** B F K M—Copier  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 25  
**Agency:** Department of Natural Resources—Waterville Fisheries Headquarters  
**Deliver to:** Waterville  
**Requisition #:** B 29004-17043

**Commodity:** B G L—Sign holder  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** June 25  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Duluth  
**Requisition #:** B 79100-09285

**Commodity:** B F—Meter kit for HVAC vent system  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** June 22  
**Agency:** Department of Administration  
**Deliver to:** St. Paul  
**Requisition #:** B 02307-24365

**Commodity:** B G—Cold planer  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** June 22  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Windom  
**Requisition #:** B 79382-02440

**Commodity:** B F—Novell network software  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23939

**Commodity:** B E—Stage supplies  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** Rochester Community College  
**Deliver to:** Rochester  
**Requisition #:** B 27148-60939

**Commodity:** B G—Call processing system  
**Contact:** Teresa Manzella 612-296-7556  
**Bid due date at 4:30pm:** June 23  
**Agency:** Department of Public Safety/Finance  
**Deliver to:** St. Paul  
**Requisition #:** B 07100-27251

**Commodity:** A I—486 DX—33 computers  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 2pm:** June 25  
**Agency:** Bemidji State University  
**Deliver to:** Bemidji  
**Requisition #:** B 26070-14723

**Commodity:** B F—Rough sawn oak planks  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 23  
**Agency:** Department of Natural Resources—Fisheries  
**Deliver to:** Various places  
**Requisition #:** B 29005-16087

**Commodity:** A H—CCTV system for pipeline and drain  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** June 25  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79382-02445

**Commodity:** B F—Lights for theatre  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** B 26071-55188

**Commodity:** B F—Genstar software  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 25  
**Agency:** Willow River Camp  
**Deliver to:** Willow River  
**Requisition #:** B 78890-42045

**Commodity:** B G—Used forklift  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** June 25  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Windom  
**Requisition #:** B 79382-02443

## State Contracts and Advertised Bids

**Commodity:** B E—Microlab card—second request  
**Contact:** Bernadette Vogel 612-296-3778

**Bid due date at 4:30pm:** June 23  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23692-1

**Commodity:** B E—Commercial refrigerator  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** New Brighton  
**Requisition #:** B 79000-23714

**Commodity:** A I—Articulated steel rollers  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** June 26  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Various places  
**Requisition #:** B 79382-02446

**Commodity:** B F—Medical Training Equipment and Supplies  
**Contact:** Teresa Manzella 612-296-7556  
**Bid due date at 4:30pm:** June 23  
**Agency:** Department of Public Safety/Finance  
**Deliver to:** St. Paul  
**Requisition #:** B 07600-27248

**Commodity:** B F—Hot food table  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-20816

**Commodity:** B F—Time base correction device  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** June 23  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Maplewood  
**Requisition #:** B 79000-23677

**Commodity:** B G—Corrugated boxes  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 25  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** St. Paul  
**Requisition #:** B 02520-30013

**Commodity:** B F—Electronic supplies  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23776

**Commodity:** B E—Omnipage for windows software  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23

**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23840

**Commodity:** B F—Geological supplies  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** North Hennepin Community College  
**Deliver to:** Brooklyn Park  
**Requisition #:** B 27153-21429

**Commodity:** B F—Electric generator set  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** Department of Natural Resources—Fisheries  
**Deliver to:** Lake City  
**Requisition #:** B 29005-16126

**Commodity:** A H—Electric convection oven  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** June 25  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-20821

**Commodity:** B G—Donut fryer  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** June 23  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-20823

## Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

**Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.**

**Commodity:** 1992 Open Enrollment Material, eight brochures, various quantities, one continuous form, tractor feed, 42M, one window envelope, 42M, one poster, 5 different colors of paper, 1,600 of each  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 6  
**Agency:** Employee Relations  
**Deliver to:** St. Paul  
**Requisition #:** 23534

**Commodity:** Exotic species brochure, camera ready, 80# text white velvet, 3 folds 4 color process, no overruns  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 22  
**Agency:** Natural Resources  
**Deliver to:** St. Paul  
**Requisition #:** 23539

**Commodity:** Class schedules, 8½ x 11, saddle-stitch, 4 issues, dylux, 48 and 56 pp plus cover 20M-32M quantities  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 22  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** 22891

# Minnesota's Bookstore

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## Publications, Services, Subscriptions

### Order Form on Back—For Information, Call 297-3000

**1991 Minnesota Rules.** Eleven volume set includes 1992 Supplement as a subscription service. Stock #18-100, \$200 + tax (Minnesota residents only). Individual volumes can be purchased at \$20.00 + tax.

**1991 Minnesota Session Laws.** Two volume set includes laws passed during the 1991 session. Stock #18-1. \$32.00 + tax.

**101 Ways to Promote Academic Excellence.** A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting the public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

**1989 Pollution Control Laws.** Laws dealing with water pollution, disposal facilities, solid waste management, the Minnesota Environmental Rights Act, recycling, and more. Code #2-21, \$24.95.

**1991 Hazardous Waste Rules.** Governs the production, storage, transportation and disposal of hazardous waste. *Minnesota Rules* Chapter 7045 and 7046. Code #3-71, \$17.95.

**Real Estate Rules 1991.** Chapters 2800, 2805 and 2810 from the *Minnesota Rules*. Essential for both students and established brokers and salespersons. It contains all education and licensing requirements. Code #3-99, \$6.00.

**Police Report Writing Style Manual 1989.** A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms and introduces the Data Practices Law. Code #14-13, \$15.00.

### OTHER PUBLICATIONS

**Voices of the Loon.** Includes introduction, loon call identification, distant chorus, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during thunderstorm and coyotes calling with loons. Cassette tape. Code #19-73, \$12.00.

**Secrets of the Congdon Mansion.** A complex, intriguing murder case set in one of Minnesota's most spectacular mansions. Now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball. Code #19-56, \$5.95.

**A Paddler's Guide to the Boundary Waters Canoe Area.** Advice on what to bring along on canoe trips, regulations, canoe tips and detailed information for self-guided tours. Includes detailed maps and descriptions of 31 wilderness canoe routes in the Superior National Forest of Northern Minnesota. Stock #19-17, \$4.95.

**Minnesota Geographic Names.** Names of places by the thousand plus interesting historical tidbits included in this 800+ page book. Minnesota history buffs—this is for you! Stock #17-13, \$12.95.

**Room at the Inn Minnesota.** The only guide to more than 60 historic Bed & Breakfast homes, hotels and country inns. Stock #19-72, \$9.95.

**Minnesota Manufacturer's Directory, 1992.** More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchase managers, and four manufactured products. Stock #40-2. \$90.00.

### SUBSCRIPTIONS:

**State Register.** Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription: Monday edition only \$140; Monday and Thursday's State Contract Supplement \$195; 13-week trial (includes both Monday and Thursday editions) \$60.00.

**Workers Compensation Decisions.** Volume 45. Selected landmark decisions of the Worker's Compensation Court of Appeals during the period July '91 through Dec. '91. The subscription rate for this volume is \$160.00.

### SERVICES:

**Mailing Lists.** Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

**American Flag.** Perfect for home or office. 3' x 5' with embroidered stars. Heavy nylon bunting. Code No. 6-1. \$21.00 + tax.

**1991 Lake Map Index.** Listing over 4,000 lake maps. Free.

**State Register Binder.** Durable 3½ inches, forest green binders imprinted with the *State Register* logo. \$6.50 + tax.

