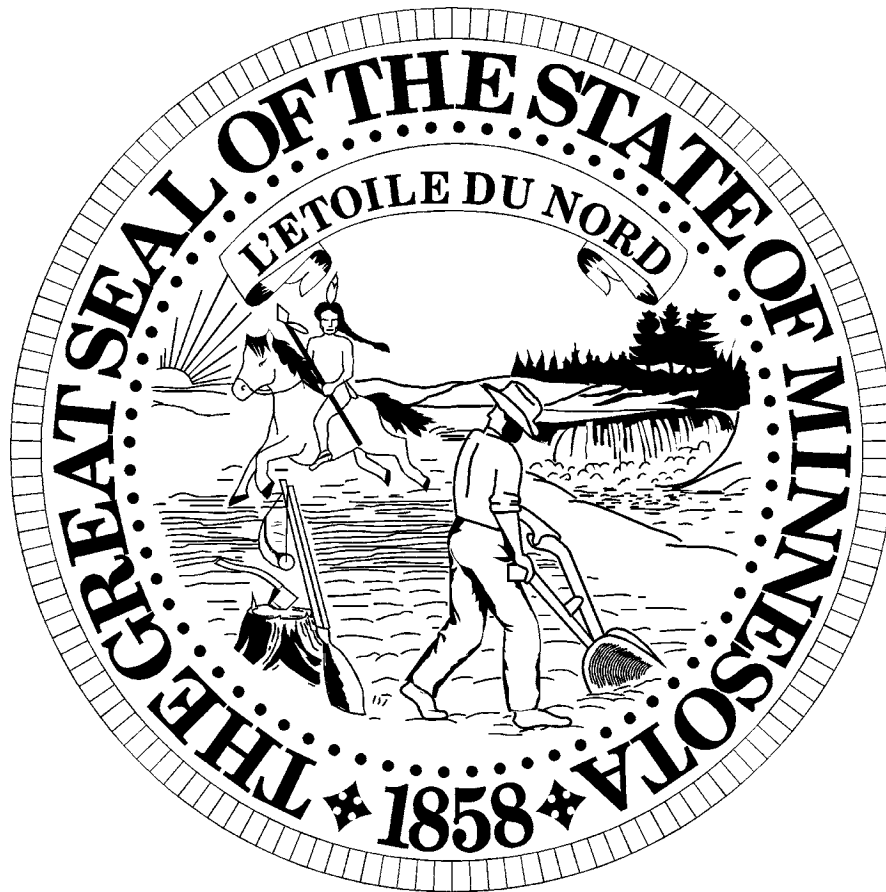


Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts and Grants**

**Monday 26 February 2018
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Minnesota State Register

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

The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 42 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 36	Monday 5 March	Noon Tuesday 27 February	Noon Thursday 22 February
# 37	Monday 12 March	Noon Tuesday 6 March	Noon Thursday 1 March
# 38	Monday 19 March	Noon Tuesday 13 March	Noon Thursday 8 March
# 39	Monday 26 March	Noon Tuesday 20 March	Noon Thursday 15 March

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Minnesota Rules: Amendments and Additions.....980

Proposed Rules

Minnesota Racing Commission

Proposed Permanent Rules Relating to Horse Racing: Licensure, Racing Days, Pari-Mutuel, Facilities and Equipment, Security Officers, Stewards, Races, Prohibited Acts; Notice of Intent to Adopt Rules Without a Public Hearing 981

Adopted Rules

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Federal Occupational Safety and Health Standards..... 1015

Exempt Rules

Department of Natural Resources

Adopted Exempt Permanent Fisheries Rule: Designated Experimental and Special Management Waters..... 1015

Official Notices

Minnesota Pollution Control Agency (MPCA)

Notice of Availability and request for comment on the Draft Watershed Restoration and Protection Strategies (WRAPS) Report and Total Maximum Daily Load (TMDL) Report for the Lake Superior South Watershed 1022

Minnesota Professional Educator Licensing and Standards Board

REQUEST FOR COMMENTS for Possible Amendment to Rules Governing Issuance, Renewal, and Validity of Teacher Licenses; Tiered Licensure; Licensure via Portfolio; and Technical Changes 1024

State Grants & Loans

Department of Administration

Notice of Cosponsorship Funds for Leadership Training Conferences 1025

Department of Employment and Economic Development (DEED)

Notice of Grant Opportunity 1026

State Contracts

Department of Administration and Department of Military Affairs

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Renovation of the St. Cloud, MN National Guard Armory (SDSB Project # 18-02) (DMA PROJECT NO. 15101) 1027

Minnesota State Colleges and Universities (Minnesota State)

Itasca Community College

Request for Proposal (RFP) for Roof Design for Media Center Roof, Masonry and Interior Repairs Project..... 1027

Minneapolis Community and Technical College

Notice of Availability of Request for Proposal (RFP) for Media Buying Services 1028

St. Cloud Technical & Community College

Formal Request for Proposal for Landscape Update and Maintenance 1028

Minnesota Historical Society (MNHS)

Request for Proposals: Archaeological Survey and Excavation at Historic Fort Snelling @ Bdote 1029

MNsure

Request for Proposals: MNsure Solution to Verify Loss of Insurance Coverage 1029

Minnesota Department of Transportation (MnDOT)

Notices Regarding Professional/Technical (P/T) Contracting 1029

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2018 Pavement Joint Sealing..... 1030

Notice of Call for Bids for 2018 Storm Sewer Rehabilitation..... 1031

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Minnesota Rules: Amendments and Additions

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

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

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

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but 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.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the State Register, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

Volume 42 - Minnesota Rules
(Rules Appearing in Vol. 42 Issues #1-26 are
in Vol 42, #26 - Tuesday 26 December 2017)
Volume 42, #35

Minnesota Racing Commission
7876.0100; .0110; .0120; 7877.0175; 7890.0110; .0120; .0140;
7891.0100; 7892.0120 (proposed) 929
7869; 7870; 7871; 7872; 7873; 7875; 7877; 7878; 7879; 7883; 7884;
7897 (proposed)..... 981

Tuesday 2 January - Monday 26 February

Board of Accountancy
1105.0250; .1400; .1500; .2900; .3100; .4900; .5100 (adopted) 736

Environmental Quality Board
4410.2550 (proposed) 786

Department of Health
4654.0800 (adopted expedited)..... 865
4717. 7500; .7860 (proposed)..... 823

Board of High Pressure Piping Systems
5230 (proposed) 897

Department of Labor and Industry (DLI)
2202.0800; .1000 (proposed) 840
5205.0040; .0050; .0060; .0065; .0080; 5207.0300; .0301; .0302; .0303;
.0304 (adopted)727, 1015

Department of Natural Resources (DNR)
6230; 6236; 6240 (expedited emergency) 728
6232.0400; .1980 (expedited emergency) 733
6232.1990 (expedited emergency) 905
6236.1075; 6240.0600 (expedited emergency) 905
6264. 0300; .0400 (exempt) 1015

Professional Educator Licensing and Standards Board
8710.0310; .0311; .0312; .0313; .0314; .0320; .0321; .0325; .0326;
.0330; .4725; .4925; .7000; .7100; .7200 (proposed) 763

Proposed Rules

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

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

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Racing Commission

Proposed Permanent Rules Relating to Horse Racing: Licensure, Racing Days, Pari-Mutuel, Facilities and Equipment, Security Officers, Stewards, Races, Prohibited Acts; Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Repeal of Rules Governing Horse Racing:

Minnesota Rules Chapter 7869 Definitions, part 7869.0100 subparts 21 and 33a; Chapter 7873 Pari-Mutuel Rules, parts 7873.0189 subpart 13 and 7873.0300 subpart 3; Chapter 7878 Security Officers, parts 7878.0120 subpart 1 and 7878.0150 subpart 1; Chapter 7883 Horse Races, parts 7883.0120 subpart 7 and 7883.0140 subpart 32; Chapter 7897 Prohibited Acts, parts 7897.0150 subparts 3, 5, 6 and 8, 7897.0160 subparts 1 and 2 and 7897.0200 subpart 1.

Proposed Amendments to Rules Governing Horse Racing:

Minnesota Rules, Chapter 7869 Definitions, part 7869.0100 subparts 3a and 40a; Chapter 7870 Licensure, parts 7870.0460, 7870.0490, 7870.0500 subpart 3 and 7870.0850; Chapter 7871 Televised Horse Racing Days, part 7871.0060; Chapter 7872 Assignment of Horse Racing Days, part 7872.0100 subparts 1, 3, 6 and 7; Chapter 7873 Pari-Mutuel Rules, parts 7873.0100 subpart 1, 7873.0130, 7873.0150, 7873.0180 subparts 1, 2 and 4, 7873.0196 subparts 6 and 7a, and 7873.0550 subpart 6; Chapter 7875 Facilities and Equipment, parts 7875.0100 subparts 1, 2 and 6, and 7875.0200 subparts 2 and 9; Chapter 7876 Stabling, part 7876.0100 subpart 9; Chapter 7877

Proposed Rules

Class C Licenses, parts 7877.0110 subpart 4, 7877.0155, 7877.0165 subpart 2, 7877.0170 subparts 2 and 3, and 7877.0175, subparts 1 and 9; Chapter 7878 Security Officers, parts 7878.0130 subpart 1, 7878.0150 subpart 1a and 7878.0180 subparts 1 and 2; Chapter 7879 Stewards, parts 7879.0100 subpart 2 and 7879.0200 subpart 1; Chapter 7883 Horse Races, parts 7883.0100 subparts 2, 2a, 4, 6 and 19, 7883.0120 subpart 1, 7883.0130 subpart 1, 7883.0140 subparts 1, 8 and 9, 7883.0150 subpart 1 and 7883.0160, subpart 7; Chapter 7884 Harness Races, parts 7884.0120 subparts 16 and 17, 7884.0140 subparts 1 and 4, 7884.0170 subparts 1, 3, 4 and 5, 7884.0190 subpart 2, 7884.0120, 7884.0250 subpart 4, 7884.0260 subparts 2, 4 and 7, and 7884.0270 subpart 2; Chapter 7897 Prohibited Acts, parts 7897.0100 subparts 6a, 22 and 23, 7897.0110 subpart 1, 7897.0120 subparts 1 and 4, 7897.0130 subpart 4, 7897.0150 subparts 2, 4, 7, 9 and 10, 7897.0155 subparts 1, 2, 3, 4, 5, 6, 7, 8 and 9, 7897.0170 subpart 10, and 7897.0190 subparts 1, 2, 3, 4 and 5.

Introduction. The Minnesota Racing Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules **until 4:30 p.m. March 28, 2018**.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is:

Patricia M. Sifferle
Minnesota Racing Commission
15201 Zurich Street, Suite 212
Columbus, MN 55025

Phone 651-925-3956
FAX 651-925-3953
E-mail patricia.m.sifferle@state.mn.us

TTY users may call the Racing Commission at 800-627-3529.

You may also review the rules and the Statement of Need and Reasonableness, and submit written comments, on the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>.

Subject of Rules.

The Minnesota Racing Commission is seeking to repeal several obsolete, unnecessary and duplicative rules cited above. In addition, proposed amendments will update, simplify and clarify existing rules. Amendments will also make the commission's rules more consistent with those in other racing jurisdictions and national model rules. New rules are proposed to define and prohibit the use of non-recognized racing equipment on race day. A new rule would now allow unlicensed visitors into the secured areas of a racetrack under specified conditions. Requirements concerning joint injections would be expanded to apply to harness race horses.

An amendment would permit jockeys to have additional advertising on their clothing. New rules would give the commission the same access to examine and test horses that are stabled off the grounds as it has for horses stabled on the grounds -- once they are entered to race at a licensed racetrack. There are additions to the list of prohibited acts in Chapter 7897. Amendments would permit the commission to place conditions on a license and would specify the future implications of certain licensing sanctions. Finally, due process rights and procedures are updated and clarified.

A copy of the proposed rules is published in the State Register and is attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

Proposed Rules

Following is a detailed summary of the proposed rules:

7869.0100 DEFINITIONS.

Subd. 3a. Administer or administration. The commission is proposing a new definition relating to medications and prohibited substances in racehorses.

Subp. 21. Declaration. The commission is proposing to repeal a definition that is now obsolete.

Subp. 33a. Licensed racetrack. The commission seeks to repeal a definition that conflicts with the definition in Chapter 240 of Minnesota Statutes.

Subp. 40a. Non-recognized racing equipment. This new definition is being proposed along with a new rule part limiting the use of certain racing equipment.

7870.0460 SECURITY.

The language is updated to make the rule more clear consistent with the commission's statutory authority.

7870.0490 CARE OF HORSES.

Language and syntax are updated.

7870.0500 CONTRACT APPROVAL.

Subpart 3. Information required. The proposed change updates and simplifies the commission's review of contracts.

7870.0850 SECURITY

Language is updated to make the rule clearer and more consistent with the commission's statutory authority.

7871.0060 ALTERED OR MUTILATED TICKETS.

The proposed update would allow an association to cash an altered or mutilated ticket if the wager can be reliably verified by other means.

7872.0100 APPLICATION FOR RACING DAYS.

The commission is proposing to simplify the process for approval of live and simulcast racing days.

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. Submission of live racing days requests. The update would allow racetracks to submit one copy of their application electronically instead of providing 15 paper copies.

Subp. 3. Revision of racing days. The commission proposes to allow the racetracks to submit some change requests three days in advance instead of five days in advance.

Subp. Submission of televised racing days request. The proposed change would simplify the process for the racetracks to request approval of televised racing days.

Subp. 7. Variations to televised racing days within dates previously approved by commission. The update would simplify the process for requesting changes to approved televised racing days and allow the commissions director or deputy director approve changes.

Proposed Rules

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. Submission of pari-mutuel requests. The update would allow racetracks to submit one copy of their application electronically instead of providing 15 paper copies.

7873.0130 PREVENTION TO START.

The proposal would allow wagers, which would otherwise be cancelled because a horse did not get a fair start, to still be paid if the horse wins the race.

7873.0150 SCRATCHES.

The language is updated for consistency with other rules.

7873.0180 PERFECTA OR EXACTA.

Subpart 1. Scope. The proposed changes delete the obsolete term “perfecta.”

Subp. 2. No winning combination sold. The proposed changes delete the obsolete term “perfecta.”

Subp. 4. Refund of pool. The proposed changes delete the obsolete term “perfecta.”

7873.0189 PENTAFECTA.

Subp. 13. Displaying pentafecta rules. This subpart is being repealed because it is unnecessary and duplicative.

7873.0196 PICK (N) WAGERS.

Subp. 6. Pick (n) pool payout methods. One of the pick (n) payout options is revised to make it consistent with changes to the model rule.

Subp. 7a. Unique winning tickets. This new subpart is added to clarify the new payout option in conformity with changes to the model rule.

7873.0300 SUMULCAST WAGERING.

Subp. 3. Pari-mutuel pools. This subpart is repealed because it is duplicative and unnecessary.

7873.0550 DISTRIBUTION OF PURSE MONEY

Subp. 6. Escrow Accounts. The change would update the requirement for keeping entry fees in segregated accounts.

7875.0100 FACILITIES.

Subpart 1. Facilities. The obsolete term “complaint desk” is being replaced with “information window.”

Subp. 2. Maintenance. The language is updated for clarity and to more closely conform to the commission’s statutory mandate.

Subp. 6. Jockey’s and driver’s rooms.

The proposed change would eliminate the prohibition of cell phones in the jockey’s and driver’s rooms. It would

also update the security requirements to conform to the model rule.

7875.0200 EQUIPMENT.

Subp. 2. Pari-mutuel central processing unit. Language is updated to account for improved totalizator technology.

Subp. 9. External Communications. Obsolete and unnecessary language is being deleted.

7876.0100 ON-TRACK STABLING.

Subp. 9. Secure area. An amendment is proposed for clarity and to permit certain unlicensed visitors in the on-track stabling area.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE

Subp. 4. Racing officials. This change would allow for certain racing officials to have “at least” 20-20 corrected vision instead of exactly 20-20 corrected vision.

7877.0155 CONDITIONS PRECEDENT TO LICENSING.

The proposal would allow the commission to collect saliva samples from licensees in addition to blood, breath or urine.

7877.0165 CREDENTIALS.

Subpart 2. Temporary pass. The proposed change would allow a temporary pass for the stabling area to be valid for up to three days instead of “until such time as the licensing office reopens.” It would also require the association to verify the identity of the recipient and their need for the pass, and provide the commission with a list of persons who are issued passes.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 2. Trainers. A non-substantive update to item C will clarify a trainer’s responsibilities with respect to the administration of prohibited substances to racehorses. Item F is amended to further define the requirement for trainers to provide the association and the commission with updated lists of their employees. Item O is amended to give a trainer until 9:00 a.m. on race day to file Coggins paperwork, rather than prior to entry. Item P is updated to add a reference to the rule on outbreaks of infectious or contagious equine diseases. New items U and V are added to prevent over-medication of horses that move from one trainer to another after a claiming race.

Subp. 3. Jockeys and apprentice jockeys. Item D is updated to allow jockeys to communicate with persons outside the jockey’s room as long as it is not concerning the day’s races. Item L is updated to allow jockeys to have certain advertising on their clothing. Items U and X are clarified to conform the rule to the model rule and existing practice.

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. Racing Secretary. Duplicative and obsolete language is being deleted.

Subp. 9. Patrol judge. The proposal would eliminate the requirement that an association have a patrol judge and make it permissive instead.

Proposed Rules

7878.0120 LICENSING OF SECURITY OFFICERS

Subpart 1. Notice of intent. The commission is proposing to repeal this subpart requiring a racetrack to notify it when it employs a security officer. It is overly burdensome and unnecessary.

7878.0130 BASIC COURSE

Subpart 1. Applicant shall successfully complete basic course. The proposed update would allow new security officers to be licensed and begin working under supervision until they complete required training.

7878.0150 STANDARDS OF CONDUCT FOR SECURITY OFFICERS

Subpart 1. Certain licensees must be POST Board licensed or POST Board eligible. The commission seeks to repeal the obsolete and unnecessary requirement that racetrack security officers be POST board eligible.

Subp. 1a. Carrying of firearms. The proposed amendment would require an association to provide the commission a copy of the conceal carry permit for each employee who may carry a firearm on the grounds of a licensed racetrack, rather than notifying the local chief of police.

7878.0180 SECURED AREAS OF LICENSED RACETRACK GROUNDS

In keeping with the industry model rule, this proposed new rule part would require racetracks maintain security in the stable area and would allow an association to permit unlicensed visitors in secured areas of a licensed racetrack under certain conditions.

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS

Subp. 2. Appointment and approval of stewards. The proposed change would allow the commission's director to designate a temporary or emergency steward when necessary.

7879.0200 AUTHORITY AND DUTIES OF STEWARDS

Subpart 1. General authority of stewards. The proposed amendment would add a reference to rules and replace the vague and outdated term "customs of the turf."

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subp. 2. Horse must be registered and eligible. Item B is being updated to include microchip numbers as a means of identifying a horse and to eliminate the requirement to file a certificate of bleeding with the racing secretary. Syntax changes are proposed and extraneous language is being deleted on items D and E. New items F and G are proposed to align with the model rules.

Subp. 2a. Prohibited Starters. This new subpart is proposed to add additional reasons a horse may not be permitted to start. Item A is moved from Subpart 6 so that a horse may now be entered by an unlicensed person but may not start until the individual is licensed. Item B is patterned after the model rule and other commission rules.

Subp. 4. Entering procedure. The proposal would eliminate the outdated term "telegraph" from item B and add the new term "electronic means." It would also require an entry to be confirmed in writing only if requested by the stewards or racing secretary.

Subp. 6. Prohibited entries. An update to item D would now allow an unlicensed person to enter a horse unless their license has been denied or revoked. New items F-I provide additional reasons a horse may not be entered, taken from the industry model rule.

Proposed Rules

Subp. 19. Commission's access to entered horses. This new subpart would give the commission access to examine and test any horse entered to race.

7883.0120 DECLARATIONS AND SCRATCHES

Subpart. 1. Procedure for scratching horses. The commission is proposing to delete the outdated term "declarations" and to delete item D which is obsolete.

Subp. 7. Declarations are irrevocable. The commission is proposing to repeal this subpart because it is obsolete and no longer needed.

7883.0130 PENALTIES AND ALLOWANCES

Subpart 1. Determining penalties and allowances. An update to item G would clarify that the first and second place finisher are liable for penalties attached to the winner until any dispute is resolved.

7883.0140 CLAIMING RACES.

Subpart 1. Who may claim. The proposal would simplify the claiming process and open it up to any licensed owner or any applicant for an owner's license as long as they complete the licensing process in a timely manner.

Subp. 8. Voided claims. The proposed update would provide that a claim is automatically voided if a horse dies or is euthanized within an hour of racing. It would also permit the claim to be voided if the horse is placed on the vet's list for a musculoskeletal injury within one hour of racing, unless the claimant had waived that right upon entry.

Subp. 9. Prohibition on claims. A drafting update is made to make the language consistent with changes to subpart 1.

Subp. 32. Report of corticosteroid joint injections. This subpart is repealed because the language is being moved to part 7877.0170, subpart 2.

7883.0150 PADDOCK TO POST.

Subpart 1. Horses must have identifying equipment. The language is clarified and obsolete language is deleted.

7883.0160 POST TO FINISH.

Subp. 7. Determination of disqualifications. A new Item C is proposed so it is clear in light of Item B that the stewards may disqualify any commonly-owned horse, whether or not racing as a coupled entry, if it is in the interest of racing integrity to do so.

7884.0120 ELIGIBILITY AND ENTERING.

Subp. 16. Entered horse to be on grounds. A new subpart 16 is proposed to require entered horses to be on the grounds at a prescribed time prior to racing.

Subp. 17. Commission's access to entered horses. A new subpart 17 would give the stewards authority to require an entered horse to be on the grounds at any time prior to racing and remain there until after the race is completed.

7884.0140 COUPLED ENTRIES.

Subpart 1. Horses to be coupled as an entry. The proposal would simplify the coupling rule for harness racing.

Subpart 4. Program notes. This new subpart would require program notes when any two or more horses in a

Proposed Rules

race have a common owner or trainer.

7884.0170 SCRATCHES.

Subpart 1. Judges to approve scratches. The more correct term “stewards” is substituted for “judges.”

Subp. 3. On advice of veterinarian. The more correct term “stewards” is substituted for “judges” and references to “association veterinarian” are removed. The time on the veterinarian’s list is changed from five to seven days for a horse scratched for medical reasons.

Subp. 4. Scratched as unsound. Proposed new language would clarify that horses re-qualifying after being scratched as unsound may be drug tested following qualifying races.

Subp. 5. Horse off grounds scratched. This proposed new subpart would provide a potentially longer time on the veterinarian’s list for a horse scratched for medical reasons without documentation timely presented to the commission veterinarian.

7884.0190 QUALIFYING RACES

Subp. 2. Horses required to compete in qualifying races for race meets longer than two weeks. Subpart F is amended to allow previously-qualified horses, who are attempting to add or remove hobbles, to remain qualified even if they fail to qualify under the new condition.

7884.0210 CLAIMING RACES.

Proposed edits to the harness racing claiming rule are proposed to make it consistent with the Thoroughbred and Quarter horse claiming rule. In addition, there is a provision added to require horses scratched from a claiming race to run back at the same price or less if they start again in the next 30 days.

7884.0250 RECALLS.

Subp. 4. Inquiry into failure to sound recall. Language is proposed to clarify that a horse interfered with prior to the start of a harness race will be declared racing for purse money only.

7884.0260 DRIVING RULES.

Subp. 2. Conduct after word “go” is given. Whipping rules for harness racing are modified to align with best practices and rules from leading harness racing states.

Subp. 4. Lapped on break. A sentence is added to clarify that placing a horse is always at the discretion of the stewards.

Subp. 7. Use of stirrups. The rule is modified to allow a driver to remove a horse’s earplugs with his or her feet.

7884.0270 EXPANDED HOMESTRETCH RACING.

Subp. 2. Rules. The pylon rule is slightly adjusted to allow for a sulky to go over a pylon as long as they do not go inside one or more pylons.

7897.0100 PROHIBITED ACTS.

This rule part will now be called “Prohibited Acts, Sanctions and Appeals,” and will include license holders’ rights to appeal any sanction to the commission or in some cases a contested case hearing.

Subp. 6a. Hostile acts. The commission is proposing a new prohibited act – engaging in conduct or using

Proposed Rules

language that is threatening, harassing or abusive toward a person or animal on the grounds of a licensed racetrack.

Subp. 22. Use of non-recognized racing equipment. A new prohibit act is proposed to limit the use of non-recognized racing equipment on race day without approval of the stewards in consultation with the commission veterinarian.

Subpart 23. Chain shank. A new prohibited act is proposed to require the oral portion of a chain shank to be covered with a soft non-abrasive material. This has been implemented by the racetracks as a “house rule” up until now.

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. Drugs. The proposal would add saliva testing to the commission’s drug testing authority for certain occupational licensees. It would remove the requirement for a licensee who refuses a drug test to appear before the commission and instead make refusal to test a “serious violation.”

7897.0120 DISCIPLINARY SANCTIONS.

Subpart 1. Licensees. The commission is proposing to clarify that a sanction may be taken on a license for any violation of law or the commission’s rules. Language is added to clarify that the commission or stewards may place conditions on a license and that sanctions may be imposed after a license expires for conduct that occurred when the license was in effect. This subpart would now be titled, “Sanctions.”

Subpart 4. Effect of sanctions. This new subpart is proposed to provide certain restrictions on future licensing of individuals who have been sanctioned; it also provides that individuals who have been sanctioned may not benefit financially from racing until their licenses are restored to good standing.

7897.0130 SCHEDULE OF FINES.

Subp. 4. Serious violations. The change would make refusal to take a drug test a per se serious violation.

7897.0150 DISCIPLINARY AND APPEAL PROCEDURES

This part will now be titled simply “disciplinary procedures” as appeal procedures will be addressed in a separate rule part.

Subp. 2. Penalties imposed by stewards. Items B and C are moved under a new subpart 10 which will now include penalties for medication violations issued by either the stewards or the commission. The language is broken into four separate items for readability.

Subp. 3. Appeal to commission. This subpart is repealed and the language is moved to the new rule part 7897.0155 which addresses appeals.

Subp. 4. Review or appeal by commission, director, or deputy director. This subpart is re-numbered and moved under the new part 7897.0155 which addresses appeals.

Subp. 5. Stays of stewards’ decisions. This subpart is repealed and the language is moved under the new rule part 7897.0155 which addresses appeals.

Subp. 6. Procedure for appeal of decision of stewards. This subpart is repealed and the language is moved under the new rule part 7897.0155 which addresses appeals.

Subp. 7. Deposit shall be required. This subpart is re-numbered and moved under the new part 7897.0155 which addresses appeals.

Proposed Rules

Subp. 8. Commission shall set date for hearing. This subpart is repealed and the language is moved under the new rule part 7897.0155 which addresses appeals.

Subp. 9. Appeal by commission. This subpart is re-numbered and moved under the new part 7897.0155 which addresses appeals.

Subp. 10. Penalties imposed by stewards or commission for medication violations. This language is moved from subpart 2 and edited to make it applicable to penalties issued by either the stewards or the commission.

7897.0155 APPEAL TO COMMISSION

This new rule part is created to consolidate all requirements for appealing any sanction or stewards' ruling to the commission. Timelines are slightly adjusted. An amendment is made to require a showing of good cause for the director to issue a stay.

7897.0160 COMPOSITION OF HEARING PANEL

Subpart 1. Designation of panel. This subpart is repealed and the language is moved under the new rule part 7897.0155 which addresses appeals.

Subp. 2. Hearing panel's decision. This subpart is repealed and the language is moved under the new rule part 7897.0155 which addresses appeals.

7897.0170 CONDUCT OF APPEAL HEARING.

Subp. 10. Summary disposition. This new subpart is proposed to require the commission to summarily decide an appeal without a hearing if there are no genuine issues of material fact.

7897.0190 DISCIPLINARY ACTION BY COMMISSION

This rule part would now be titled, "CONTESTED CASE HEARINGS."

Subpart 1. Contested case hearings. This subpart would be titled, "Right to a contested case hearing." The proposal would allow a licensee the right to elect a contested case hearing or an appeal to the commission, rather than requiring a contested case hearing be held before certain sanctions are ordered. A class C licensee would now have the right to a contested case hearing if the license is suspended more than 180 days instead of 90 days. All licensees would have the right to a contested case hearing for a fine of more than \$5,000, which is consistent with statute.

Subpart 2. Procedure. New language specifies the manner for requesting a contested case hearing and provides that a sanction will be stayed pending the hearing unless the license was previously summarily suspended.

Subp. 3. Exceptions. This new subpart is moved from the current part 7897.0200, subpart 1, which is being repealed. A slight amendment would permit any party to file exceptions.

Subp. 4. Consideration of arguments. This new subpart is moved and renumbered from the current part 7897.0200, subpart 2.

Subp. 5. Decision and order. This new subpart is moved and renumbered from the current part 7897.0200, subpart 2.

7897.0200 COMMISSION DECISION.

Subpart 1. Exceptions. This subpart is repealed and the language is moved under the new part 7897.0190, subpart 3.

Proposed Rules

Subp 2. Consideration of arguments. This subpart is renumbered as part 7897.0190, subpart 4.

Subp. 3. Decision or order. This subpart is renumbered as part 7897.0190, subpart 5.

Statutory Authority. The statutory authority to adopt these rules is found in *Minnesota Statutes*, sections 240.23 and 240.24.

Comments. You have **until 4:30 p.m. on March 28, 2018**, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comments must be in writing and the agency contact person must receive them by the due date. The Minnesota Racing Commission encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you have about the legality of the proposed rules must also be made during this comment period. You may also submit written comments on the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>.

Request for a Hearing. In addition to submitting comments, you may also request that the Minnesota Racing Commission hold a public hearing on the rules. Your request must be in writing and the agency contact person must receive it by **4:30 p.m. on March 28, 2018**. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Minnesota Racing Commission may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person. You may also review the Statement of Need and Reasonableness on the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The agency will then submit the rules and supporting documents to the Office of Administrative Hearings

Proposed Rules

for review for legality. You may ask to be notified of the date the Department submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date: February 13, 2018

Thomas DiPasquale
Executive Director

7869.0100 DEFINITIONS.

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

Subp. 3a. **Administer or administration.** “Administer” or “administration” means the introduction of any substance or medication into the body of a horse by any means.

[For text of subps 4 to 20, see M.R.]

Subp. 21. [See repealer.]

[For text of subps 22 to 33, see M.R.]

Subp. 33a. [See repealer.]

[For text of subps 33b to 40, see M.R.]

Subp. 40a. **Nonrecognized racing equipment.** “Nonrecognized racing equipment” means any article, appliance, or device that the commission veterinarian determines may cause or mask pain in a horse including but not limited to kinesiology tape, rubber bands, nose rings, iron halters, and copper tail or ankle wires.

[For text of subps 41 to 69, see M.R.]

7870.0460 SECURITY.

Class A and B licensees must maintain security which ~~that~~ is adequate to ensure the health, safety, and ~~comfort~~ welfare of all humans and horses at the racetrack facility and protection of all property.

7870.0490 CARE OF HORSES.

A racetrack facility must provide the following facilities, equipment, and personnel for horses:

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

E. a horse ambulance available for the safe and expedient removal of ~~crippled~~ injured or disabled animals. The ambulance must be equipped with a four-wheel drive vehicle to tow or pull the horse ambulance trailer, a screen for use when an animal must be euthanized in view of the public, a winch to lift dead or injured animals onto the ambulance, and a removable floor or any other ~~devices which enable~~ device that enables a dead or injured horse to be loaded. Whenever the racetrack facility is open for racing or exercising horses, the ambulance must be tended by a driver who is capable of assisting in the safe and expedient removal of injured animals from the racetrack surface.

7870.0500 CONTRACT APPROVAL.

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

Subp. 3. **Information required.** If the commission notifies a licensee of its intention to review and approve or disapprove a contract or subcontract, and the contract or subcontract is in an amount more than ~~\$50,000~~ \$100,000 or of a duration longer than 30 days, a Class A, B, or D licensee also must submit to the commission:

A. The name, address, and telephone number of the contractor or subcontractor.

Proposed Rules

B. The name, and address, ~~date of birth, in the case of individuals, and social security number, if provided,~~ of every director, officer, general partner, or other policymaker and holder of a direct or indirect record or beneficial ownership or other voting interest or control, whether absolute or contingent, of five percent or more in the contractor or subcontractor and the nature and extent of such interest or control. If a nonindividual holds more than a 25 percent interest or control of a contractor or subcontractor, the disclosure required by this item must be made of policymakers and holders of interests or control of ten percent or more in that entity.

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

[For text of subps 4 to 10, see M.R.]

7870.0850 SECURITY.

Class D licensees must maintain security ~~which~~ that is adequate to ensure the health, safety, and ~~comfort~~ welfare of all humans and horses at the racetrack facility and protection of all property.

7871.0060 ALTERED OR MUTILATED TICKETS.

A mutilated or altered pari-mutuel ticket that is not easily identifiable as being a valid ticket shall not be accepted for payment, unless the wager can be reliably verified by other means.

7872.0100 APPLICATION FOR RACING DAYS.

Subpart 1. **Submission of live racing days requests.** On or before November 15 of any year, a Class B or Class D licensee may apply for an assignment of live racing days for up to the next three calendar years by submitting an original and ~~15 copies~~ an electronic copy of the following:

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

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

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

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

C. adding or eliminating a breed of horse not previously assigned to race during a meet by the commission.

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

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Submission of televised racing dates request.** A Class B licensee may apply for an assignment of televised racing dates no later than 30 days before the requested commencement of televised racing days. Each request for televised racing dates must include an original and ~~15 copies~~ an electronic copy of the following:

A. a signed request for assignment of racing days;

B. a statement that includes dates requested, breeds of horses, types of races, number of races per program, and a tentative list of potential host racetracks and their days and post times of racing; and

~~C. a detailed statement of how the request meets each of the criteria in part 7872.0110; and~~

~~D.C.~~ any other documentation the licensee or commission reasonably deems necessary to ensure a complete understanding of the request.

Proposed Rules

Subp. 7. **Variations to televised racing days within dates previously approved by commission.** The commission's director, deputy director, or director of pari-mutuel racing may approve variations and changes in racing programs and host racetracks if requested by the licensee, provided that ~~the changes meet the criteria in part 7872.0110, subpart 2, and that the association representative requesting the variations submit submits~~ documentation of the variations to the director, deputy director, or director of pari-mutuel racing within 24 hours following the request.

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. **Submission of pari-mutuel requests.** A Class B or D licensee may apply for approval of pari-mutuel pools by submitting an original and ~~15 copies~~ an electronic copy of the following:

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

[For text of subps 2 and 3, see M.R.]

7873.0130 PREVENTION TO START.

In a thoroughbred, quarter horse, Arabian, or other breed race, if the doors in front of a stall in a mechanically or electronically operated starting gate should fail to open simultaneously with the other stall doors, thereby preventing a horse from obtaining a fair start when the starter dispatches the field, the following shall apply:

A. ~~If any horse is so prevented from starting, the entire amount in the win, place, and show pools wagered on that horse shall be promptly refunded unless the horse finishes first, second, or third, in which case the horse shall be considered a starter for all straight pools in which the horse earned a placing and a nonstarter in all other straight pools. However, there shall be no refund if the horse is part of a coupled entry or field, and does not finish first, all amounts wagered on that horse in all pools shall be refunded. Any horse so prevented from starting shall be entitled to any purse money earned for its actual place in the order of finish.~~

B. ~~If any horse is so prevented from starting, the entire amount in the exacta pool wagered on that horse shall be refunded unless the horse finishes first or second, in which case the horse shall be considered a starter for the exacta pool in which the horse earned a placing. In the case of a coupled entry or field, it shall be left to the judgment of the stewards as to whether or not to provide a refund.~~

~~C. B.~~ If any horse or horses are so prevented from starting so that it would reduce the total number of starters below six, the following shall apply:

(1) if five starters of different betting interests leave the stalls, the association may refund the entire amount wagered in the show pool;

(2) if four or fewer horses of different betting interests leave the stalls, the association may refund the entire amount wagered in the show pool, the place pool, or both; and

(3) if fewer than two horses of different betting interests leave the stalls, the race must be canceled and the entire amount wagered in the win, place, and show pools must be promptly refunded.

7873.0150 SCRATCHES.

For all single-race wagers ~~other than the daily double, pick six, or pick three~~, a refund at face value shall be made to all holders of pari-mutuel tickets on horses that have been withdrawn, dismissed, or have participated in a race in which no horse finished. In the case of a coupled entry ~~or field~~, it shall be left to the judgment of the stewards as to whether or not to provide a refund.

7873.0180 ~~PERFECTA OR~~ EXACTA.

Subpart 1. **Scope.** ~~A perfecta or~~ An exacta wager combines two horses of separate betting interests in a single race,

Proposed Rules

selecting the horse ~~which that~~ will finish first and the horse ~~which that~~ will finish second in that race in the official order of finish. All ~~perfecta or~~ exacta wagers must be calculated in a separate pool.

Subp. 2. **No winning combination sold.** If no ticket is sold on the winning ~~perfecta or~~ exacta combination, the net pool shall be distributed equally among holders of tickets selecting the winning horse to finish first and holders of tickets selecting the second place horse to finish second.

[For text of subp 3, see M.R.]

Subp. 4. **Refund of pool.** A refund of the ~~perfecta or~~ exacta pool shall occur when:

A. No ticket is sold that would require distribution of a ~~perfecta or~~ an exacta pool to winners as defined in this part.

B. Only one horse finishes in a ~~perfecta or~~ an exacta race.

7873.0196 PICK (N) WAGERS.

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

Subp. 6. **Pick (n) pool payout methods.** Pick (n) pools shall be paid under one of the following methods.

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

G. Method 7, Pick (n) with major and minor pool, jackpot pool, and jackpot carryover: Predetermined percentages of the net Pick (n) pool shall be set aside for a major pool, minor pool, and jackpot pool. The major share of the Pick (n) pool shall be distributed to those who selected the first place finisher in each of the Pick (n) contests, based on the official order of finish. If there are no tickets selecting the first place finisher in each of the Pick (n) contests, the major net pool shall be added to the jackpot carryover. If there is only one single ticket selecting the first place finisher of each of the Pick (n) contests, based on the official order of finish, the jackpot share of the net Pick (n) pool and the jackpot carryover, if any, shall be distributed to the holder of that single ticket, along with the major net pool. If more than one ticket selects the first place finisher of each of the Pick (n) contests, the jackpot net pool shall be added to the jackpot carryover. The minor share of the net Pick (n) pool shall be distributed to those who selected the first place finisher of the second greatest number of Pick (n) contests, based on the official order of finish. If there are no wagers selecting the first place finisher of all Pick (n) contests, the minor net pool of the Pick (n) pool shall be distributed as a single-price pool to those who selected the first place finisher of the greatest number of Pick (n) contests. Method 7, Pick (n) with carryover and "unique winning ticket" provision: The net Pick (n) pool and carryover, if any, shall be distributed to the holder of a unique winning ticket that selected the first place finisher in each of the Pick (n) contests, based upon the official order of finish. If there is no unique ticket selecting the first place finisher in each of the Pick (n) contests, or if there are no wagers selecting the first place finisher of all Pick (n) contests, the major share of the net Pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of Pick (n) contests, and the remainder shall be added to the carryover. Associations may suspend previously approved unique winning ticket wagering with the prior approval of the commission. Any carryover shall be held until the suspended unique winning ticket wagering is reinstated. Where there is no correct selection of the first place finisher in at least one of the Pick (n) contests, based upon the official order of finish, the day's net pool shall be refunded and the previous carryover pool amount, if any, shall be carried over to the next scheduled corresponding pool. In obtaining authorization for operating the Pick (n) pool under this subpart, associations must clearly identify which definition under subpart 7a, item B, will be relied upon for determining the existence of a unique winning ticket.

[For text of subp 7, see M.R.]

Subp. 7a. **Unique winning tickets.** As it relates to any distribution under Method 7 which contains a unique winning ticket provision:

A. a written request for permission to distribute the Pick (n) unique winning ticket carryover on a specific race day must be submitted to the commission's director, deputy director, or director of pari-mutuels at least three days prior to the race day. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended race day for the distribution. Should the Pick (n) unique winning ticket net pool and any applicable

Proposed Rules

carryover be designated for distribution on a specified race day in which there is no unique winning ticket, the entire pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of Pick (n) contests; and

B. associations must clearly identify for the public which selection under subitems (1) and (2) will be relied upon for determining the existence of a unique winning ticket:

(1) there is one and only one winning ticket that correctly selected the first place finisher in each of the Pick (n) contests, based upon the official order of finish, to be verified by the unique serial number assigned by the tote company that issued the winning ticket; or

(2) the total amount wagered on one and only one winning combination selecting the first place finisher in each of the Pick (n) contests, based upon the official order of finish, is equal to the minimum allowable wager.

[For text of subps 8 to 16, see M.R.]

7873.0550 DISTRIBUTION OF PURSE MONEY.

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

Subp. 6. **Escrow Segregated accounts.** All money received by an association for races that charge nominating, sustaining, entry, or starting fees must be placed in segregated interest bearing escrow accounts, and with all accrued interest must be added to such races if:

A. the total fees received for such a race exceed ~~\$15,000~~ \$100,000; or

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

7875.0100 FACILITIES.

Subpart 1. **Facilities.** Each association must include a receiving barn, detention facility, paddock, room for jockeys and drivers, lighting, stabling, restrooms, medical facilities, racing officials' space, viewing room, commission office and parking space, space for the Alcohol and Gambling Enforcement Division, and ~~complaint desk~~ information window. The facilities must meet the needs of patrons, officials, horsepersons, other persons on the premises, and horses. The facilities must be in compliance with the requirements of the ADA.

Subp. 2. **Maintenance.** Each association must maintain its facility so that it is neat and clean, painted, and in good repair with consideration for the safety, health, and ~~comfort~~ welfare of persons and horses on the premises, ~~and safety and health of horses~~.

[For text of subps 3 to 5, see M.R.]

Subp. 6. **Jockey's and driver's rooms.**

~~A. The use of public, portable, or cellular telephones, or transmitters, or other electronic communications devices is prohibited in the jockey's and driver's room for one-half hour prior to the first post and until the last race is official unless authorized limited use has been approved by the stewards.~~

~~B. The association will establish and post the hours that the jockey's or driver's room will be open. The association will be responsible to secure the jockey's or driver's room when open. The association shall keep unauthorized persons out of the jockey's and driver's rooms and shall report any unusual activity to the stewards.~~

[For text of subp 7, see M.R.]

7875.0200 EQUIPMENT.

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

Subp. 2. **Pari-mutuel central processing unit.** The pari-mutuel central processing unit must be designed to calculate, at intervals of not more than 60 seconds between each complete change, the total amounts wagered on each betting

Proposed Rules

interest as wagering progresses. Approximate odds on each betting interest in the win pool shall be updated on the totalizer board at intervals of not more than 60 seconds. Approximate odds or approximate payoffs on all multiple pari-mutuel pools, ~~except the pick six,~~ shall be displayed on television monitors at regular intervals. The pari-mutuel central processing unit shall provide a record of total amount wagered and amount wagered on each betting interest.

[For text of subps 3 to 8, see M.R.]

Subp. 9. External communications.

A. An association may have telephone systems on the premises during a race meeting for the benefit of the public, the press, or for transacting ordinary business.

~~No information regarding the results of any race shall be transmitted out of the racetrack until the results are official except for races that are broadcast or televised live. Under no circumstances shall any message be sent over said systems transmitting money, or other things of value, or directing the placing of any wager on the result of a race.~~

~~The use of public or portable telephones, transmitters, electronic communications devices, or any other instrument that can be used for transmitting or receiving messages off the grounds to transmit wagering information of any kind is strictly prohibited. Anyone deemed to have used such an instrument to transmit or receive wagering information is subject to ejection and the equipment is subject to confiscation.~~

~~No telephone calls or messages of any kind for any person attending or participating in the conduct of a race meeting shall be accepted, nor shall any notice be given pertaining to such message or telephone call during the hours indicated unless permission is first given by the stewards or the authorized representative of the commission.~~

B. A telephone on a private line shall be provided in the offices of the commission. All costs of the telephone service shall be borne by the association, and the service shall not be interrupted at any time. At the request of the commission, TDD devices shall be installed on all commission telephones at the track, and costs associated with the devices shall be borne by the association.

C. At least one of the public telephones allowed at an association shall be equipped with a TDD device.

7876.0100 ON-TRACK STABLING.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Secure area.** The on-track stabling site is considered a secure area and the association shall ensure that only designated licensees the following persons are permitted within the confines of this area.

A. licensed trainers, assistant trainers, veterinarians, grooms, exercise riders, owners, jockeys, jockey agents, racing officials, commission members or staff, and other licensees with a specific need to be present;

B. persons who have been issued a temporary pass pursuant to part 7877.0165; and

C. persons who have been issued a visitor's pass pursuant to part 7878.0180.

[For text of subps 10 to 11, see M.R.]

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

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

Subp. 4. **Racing officials.** Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

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

V. any other official as designated by the commission. The list of racing officials' names shall be submitted to the

Proposed Rules

commission in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of the examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent the applicant from performing the duties of a racing official.

The commission shall act on the association's list of officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

Under no circumstances shall an identifier, placing judge, or patrol judge be approved by the commission unless the person has satisfactorily passed an optical examination within 90 days prior to approval evidencing at least 20-20 vision (corrected) and the ability to distinguish colors.

7877.0155 CONDITIONS PRECEDENT TO LICENSING.

Acceptance of a Class C license, including a provisional license, shall mean that the licensee consents and agrees to the following conditions:

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

F. The licensee will, upon request of the commission, the commission's director of security, or the stewards, provide a blood, breath, saliva, or urine sample for analysis if the duties of the licensee place him or her in a position of danger or he or she commits an act that endangers a horse or human.

[For text of items G and H, see M.R.]

7877.0165 CREDENTIALS.

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

Subp. 2. **Temporary pass.** ~~In the event the commission's licensing office is closed;~~ The association may issue a temporary pass for ~~individuals~~ an individual whose work is located in the stable area. The temporary pass ~~will be valid until such is valid for a limited time as the licensing office reopens but not to exceed three consecutive days in duration.~~ Before issuing a temporary pass, the association must verify the identity of the recipient and the need for the pass. Within 72 hours, the association must provide the commission with the name of an individual issued a temporary pass.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

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

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

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

C. A trainer is responsible for horses the trainer enters as to eligibility; weight or other allowances claimed; physical fitness of the horse to perform credibly at the distance entered; absence of prohibited medication; proper shoeing, bandaging, and equipment; and timely arrival in the paddock.

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

(3) The commission shall consider any positive test or overage under chapter 7890 to be prima facie evidence that the trainer is responsible for such positive test or overage unless the trainer can prove by substantial evidence that neither the trainer nor any employee or agent of the trainer was responsible for the administration of the medication or prohibited substance.

[For text of subitem (4), see M.R.]

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

Proposed Rules

F. Each trainer must provide a current list of all persons in the trainer's employ to the association's security office and the commission's licensing office. The list must include each employee's name, occupation, license number, and local address or dorm room number. A trainer must provide an updated list to the stewards within 24 hours of any changes. The trainer must ensure that those persons all employees are licensed by the commission no later than the next racing day after those employees they arrive on the grounds of an association. Upon discharge of an employee, the trainer shall report that fact to the association's security office by no later than the end of that racing day.

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

O. A trainer is responsible for having each horse in the trainer's charge that is racing in Minnesota or stabled on the grounds of an association tested for equine infectious anemia (EIA) once every 12 months. The tests shall be performed by a laboratory approved by the United States Department of Agriculture. A copy of each horse's negative EIA test results must be attached to the horse's foal registration certificate on or before the time of entry into a race or the entry must not be accepted by 9:00 a.m. on the day in which the horse is scheduled to race. The EIA test certificates must be dated within a 12-month period prior to the date of entry, and must be renewed or replaced on the foal registration certificate no later than 48 hours following the date of expiration.

P. Except as provided in part 7876.0130, a trainer must ensure that at the time of arrival at a licensed racetrack, each horse in the trainer's care is accompanied by an original health certificate issued not more than ten days prior to the arrival. The health certificate must be completed by an accredited veterinarian and must contain complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test. The health certificate must also contain rectal temperature and date of most recent vaccination with a Food and Drug Administration-approved modified live or killed vaccine specific for EHV-1. The health certificates must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian.

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

U. A trainer shall ensure that complete written records are kept of all corticosteroid and intra-articular joint injections for each horse in the trainer's control. These records must be kept for a minimum of 30 days and must include:

- (1) name of the horse;
- (2) date of the injection;
- (3) specific product name;
- (4) dose injected;
- (5) location of the injection; and
- (6) name of the person performing the injection.

V. The trainer of a claimed horse shall, within 72 hours after the race is made official, provide to the commission veterinarian a complete written record, as specified in item U, of all corticosteroid and intra-articular joint injections that were administered to the horse within the 30 days preceding the race. The trainer of the claimed horse shall authorize the commission veterinarian to provide the record to the new trainer.

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

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

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

D. Each jockey reporting to the jockeys' room must remain there until he or she has fulfilled all of that day's riding engagements. While in the performance of his or her duties, the jockey may have no contact or communication concerning the day's races with any person outside the jockeys' room, without the permission of the stewards, other than with an owner or trainer for whom he or she is riding that day, or with the stewards or other commission officials.

Proposed Rules

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

K. A jockey unable to fulfill riding engagements because of ~~illness~~ or injury must pass a physical examination conducted by a licensed physician or paramedic before resuming race riding.

L. A jockey must wear the racing colors provided by the owner of the horse the jockey is to ride, plus solid white riding pants, top boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth and in the daily program. With the approval of the stewards, the jockeys will be permitted to wear black mud pants during bad weather conditions or during muddy or sloppy track conditions. ~~No symbols, words, or emblems shall be worn which, in the opinion of the commission, are not in keeping with the customs of the turf or are employed for advertising or promotional purposes. Notwithstanding this provision, the Jockey's Guild patch or the jockey's name may be displayed on the solid white pants. The size of the display of the jockey's name on the solid white pants is limited to a maximum of 32 square inches on each thigh of the pants on the outer sides between the hip and the knee, and ten square inches on the rear at the base of the spine.~~

(1) A jockey shall not wear advertising or promotional material of any kind on clothing during a race unless the material:

(a) advertises or promotes the Jockey's Guild;

(b) advertises or promotes a racing-related 501(c)(3) nonprofit organization;

(c) contains the jockey's name; or

(d) constitutes other advertising or promotional material that does not compete with, conflict with, or infringe upon sponsorship agreements applicable to the racing association, race, or race meet in progress.

(2) All advertising or promotional material must comply with the following limits on size and location:

(a) there may be up to 32 square inches of advertising or promotional material on each thigh of the pants, which must be located on the outer side between the hip and knee;

(b) there may be up to ten square inches of advertising or promotional material on the rear of the pants, which shall be located near the rear waistline at the base of the spine;

(c) there may be up to 24 square inches of advertising or promotional material on boots and leggings, on the outside of each, nearest the top of the boots; and

(d) there may be up to six square inches of advertising or promotional material on the front center of the neck area, on a turtleneck, or other undergarment.

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

U. A jockey mount fee shall be considered earned by a jockey when the jockey is weighed out by the clerk of scales, except in the following cases:

(1) (a) When the jockey does not weigh out and ride in a race for which engaged because an owner or trainer engaged more than one jockey for the same race. In such a case, the owner or trainer shall pay a jockey mount fee that is equal to that earned by the jockey who rode the horse to each jockey engaged for the race.

(b) In the event an owner or trainer elects to remove a jockey from a mount after naming ~~a rider~~ the jockey at the time of the draw, the stewards shall require a ~~double~~ jockey fee to be paid to the removed jockey if ~~the named rider~~ that jockey is available to ride in ~~that~~ the race. The fee to be paid to the jockey who was removed from the mount is must be equal to that earned by the jockey who rode the horse.

[For text of subitems (2) to (4), see M.R.]

Proposed Rules

[For text of items V and W, see M.R.]

X. A jockey who is suspended for less than ten days for a riding infraction may be allowed to ride in a stakes or trial race that was designated by the stewards prior to the start of the race season. Permission to race will be granted at the stewards' discretion, based on the circumstances of the suspension. For each racing day that a jockey is permitted to ride in a stakes or trial race under this item, the stewards shall designate an additional day of suspension to be served.

[For text of subps 4 to 11, see M.R.]

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. **Racing secretary.** The racing secretary shall have the responsibilities in items A to ~~F~~H.

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

B. The racing secretary shall ~~make stall assignments pursuant to chapter 7876 and~~ shall maintain a record of the arrival and departure of all horses stabled on the grounds of an association.

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

~~F.~~ The racing secretary shall maintain a list of horses that were entered but denied an opportunity to race because they were eliminated from a race programmed in printed condition books issued by the association.

~~G~~E. The racing secretary's office shall keep up-to-date performance records on all horses registered to race at a race meeting. Such files shall be kept current and furnished intact to the racing secretary of the succeeding race meeting.

~~H~~G. The racing secretary shall establish a preference system for horses ~~which that~~ have been excluded from races due to overfilling and shall maintain the system for the duration of a meeting. The racing secretary shall be allowed broad discretion with regard to the preference system but shall act in the best interest of racing and the meeting.

~~I~~H. In the event that a race is declared off due to an insufficient number of entries, the racing secretary must post in a conspicuous place the names of all trainers that entered horses in each race that was declared off.

[For text of subps 2 to 8a, see M.R.]

Subp. 9. **Patrol judge.** Patrol judges ~~shall be stationed at elevated locations specified by the stewards, and shall~~ may observe the running of each race. In the case of harness racing, a patrol judge may serve as a roving patrol judge by riding in the starting gate and observing activity on the race course at all times during a race program.

Patrol judges shall be in communication with the stewards during every race, and shall immediately notify the stewards of:

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

[For text of subps 10 to 15, see M.R.]

7878.0130 BASIC COURSE.

Subpart 1. **Applicant shall successfully complete basic course.** No security officer may ~~be licensed unless work in that capacity, except under the continuous direct supervision of an experienced security officer, until the officer or his or her appointing authority~~ association furnishes proof to the commission that the ~~prospective licensee~~ security officer has successfully completed a basic course ~~which that~~ includes at least 16 hours of instruction in the following subject areas:

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

[For text of subps 2 and 3, see M.R.]

7878.0150 STANDARDS OF CONDUCT FOR SECURITY OFFICERS.

Subpart 1. [See repealer.]

Subp. 1a. **Carrying of firearms.** ~~The chief of police of the jurisdiction where the Class A or D facility is located must~~

Proposed Rules

be notified in writing of and receive a copy of the request for a security officer to carry a firearm. For each association employee who may carry a firearm on the grounds of a licensed racetrack, the association shall provide the commission's director of security with a current copy of the employee's permit to carry a firearm.

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

7878.0180 SECURED AREAS OF LICENSED RACETRACK GROUNDS.

Subpart 1. **Association to provide security.** Unless otherwise authorized by the commission, an association shall provide continuous security in the stable area of a licensed racetrack during all times that horses are stabled on the grounds. Security officers shall require any person entering the stable area to display a commission license, temporary pass issued under part 7877.0165, or visitor's pass issued by the association.

Subp. 2. **Visitor's pass.** A security officer may issue a visitor's pass to give unlicensed persons temporary access to secured areas of a licensed racetrack. The following requirements shall apply.

A. A visitor's pass may only be issued at the request of:

- (1) an authorized association employee or official;
- (2) a racing commissioner or commission employee; or
- (3) a licensed trainer or assistant trainer.

B. The person requesting the visitor's pass is responsible for the proper conduct of the visitor and shall ensure compliance by the visitor with all commission rules.

C. A visitor's pass shall be valid for a limited time not to exceed 24 hours.

D. Security officers shall keep a copy of each visitor's pass issued.

E. A visitor's pass must contain the following:

- (1) the name of the visitor;
- (2) the name of the person requesting the visitor's pass;
- (3) the date and time the pass was issued; and
- (4) the date and time the pass will expire.

F. A visitor's pass does not entitle the visitor to participate in racing in any way other than as a patron.

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

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

Subp. 2. **Appointment and approval of stewards.** The following procedures must be observed in the appointment of stewards:

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

B. In the event a steward becomes ill, resigns, or is unable to serve for any reason, the ~~remaining stewards com-~~mission's director shall nominate a temporary steward to the commission for approval. In emergencies, the ~~commission's~~ director of pari-mutuel racing may ~~approve appointment of~~ designate a temporary steward to serve until such time as the commission approves the appointment of a steward to fill the vacancy.

Proposed Rules

7879.0200 AUTHORITY AND DUTIES OF STEWARDS.

Subpart 1. **General authority of stewards.** The stewards shall exercise immediate supervision, control, and regulation of racing at each licensed race meeting on behalf of the commission and shall be responsible only to the commission. The powers of the stewards shall include:

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

E. the authority to interpret and enforce commission rules and determine all questions pertaining to racing matters in conformity with applicable law and rule and the “customs of the turf” criteria in subpart 3;

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

[For text of subps 2 and 3, see M.R.]

7883.0100 ENTRIES AND SUBSCRIPTIONS.

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

Subp. 2. **Horse must be registered and eligible.** No horse shall be permitted to start unless:

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

B. its registration certificate and Arabian ID Supplement or any supplement relative to other breeds as required showing the lip tattoo number, microchip number, or freeze branded registration number of the horse is filed with the racing secretary by scratch time for that race. In stakes races only, a horse shall be allowed to start without the registration certificate on file, if a photocopy or telefacsimile copy of both sides of the foal certificate is on file with the racing secretary. This copy must have been forwarded to the secretary along with a photocopy or a telefacsimile copy of the horse's equine infectious anemia certificate and, if applicable, a certificate of bleeding from the race office of a licensed race track which has the original registration certificate on file;

C. it is owned by a licensed owner and is in the care of a licensed trainer;

D. at the time of entry, the horse is was eligible for the conditions of the race as specified by the racing secretary and it remains eligible until the race; and

E. if a horse's name is changed, its new name ~~shall be~~ is registered with The Jockey Club (~~New York~~), the American Quarter Horse Association, the Arabian Horse Registry of America, Inc., or the nationally recognized registration organization relative to other breeds and its old, as well as its new name, shall be given in every entry list until it has run three races, and both names must be printed in the official program for those three races;

F. the stakes or entrance money for the horse has been paid; and

G. it is in sound racing condition as determined by the commission veterinarian.

Subp. 2a. **Prohibited starters.** No horse shall be permitted to start if:

A. it is wholly or partially owned by, or under the care, custody, or control of, a person who for any reason is unlicensed by the commission; or

B. it is on the starter's list, steward's list, or veterinarian's list.

[For text of subp 3, see M.R.]

Subp. 4. **Entering procedure.** Nominations and entries shall be made in writing and signed by the owner or trainer of the horse, or the owner's authorized agent. Each association shall provide forms on which entries, scratches, and declarations are to be made for all races.

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

B. Entries may be made by telephone or ~~telegraph~~ electronic means, but shall be confirmed promptly in writing.

Proposed Rules

signed by the owner or the owner's authorized agent, if requested by the stewards or racing secretary.

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

[For text of subp 5, see M.R.]

Subp. 6. **Prohibited entries.** No person shall:

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

D. enter in a race a horse if it is wholly or partly owned by, trained by, or under the management of an unlicensed person, a person whose license is under suspension, a person whose license has been revoked or denied and has not been reinstated at the time of entry, or a person who acts in concert with or under the control of such a person. If an entry from any such person is received, the entry shall be void and any money paid to make the horse eligible for the race shall be paid to the winner. An entry may not be taken from a person whose license is under suspension in any racing jurisdiction if unless the term of the suspension has ended ends prior to the day of the race for which the entry was made and any other requirements associated with the suspension have been satisfied prior to the entry;

E. enter a horse that is 14 years of age or older;

F. enter a horse that is subject to a lien that has not been approved by the stewards and filed with the horseperson's bookkeeper;

G. enter a horse that is subject to a lease that has not been approved by the stewards;

H. enter a horse that is barred or suspended in any racing jurisdiction; or

I. enter a horse that has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, or altered means of identification.

[For text of subps 7 to 18, see M.R.]

Subp. 19. **Commission's access to entered horses.** The stewards may require an entered horse to be on the grounds of a licensed racetrack anytime prior to the race and remain there until after the race is completed.

7883.0120 ~~DECLARATIONS AND SCRATCHES.~~

Subpart 1. **Procedure for scratching horses.** ~~Scratches and declarations shall be made in writing and signed by the owner or trainer of the horse, the owner's authorized agent, or a commission veterinarian. Each association shall provide forms on which scratches and declarations are to be made, and for all races:~~

A. ~~no horse shall be scratched without permission of stewards;~~

B. ~~all scratches shall be made by scratch time, designated by the association, except as provided by subparts 2 to 5; and~~

C. ~~should scratches reduce the body of a race, the horses left in the race shall move into the lower numbered post positions before any horses are drawn from the "also eligibles"; and~~

D. ~~should scratches reduce the number of horses in a race below the number designated by the association, then such designated number of horses will be maintained by the drawing of lots from the "also eligibles" list after scratches have occurred and the horses so drawn will be required to race.~~

[For text of subps 2 to 6, see M.R.]

Subp. 7. [See repealer.]

Proposed Rules

7883.0130 PENALTIES AND ALLOWANCES.

Subpart 1. **Determining penalties and allowances.** Penalties and allowances shall be determined as follows.

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

G. When a race is in dispute, both the horse that finished first_ and any horse claiming the race shall be second-place finishers are liable to all penalties attached to the winner of that race until the matter is decided.

[For text of subps 2 to 4, see M.R.]

7883.0140 CLAIMING RACES.

Subpart 1. **Who may claim.** In claiming races, any horse is subject to claim for its entered price by any person who is eligible to claim or by his or her an authorized agent. The following persons shall be are eligible to claim:

A. A Any owner licensed owner who has a horse registered to race at the current meeting by the commission.

B. A licensed owner who lost his or her last horse through fire, misfortune, or claim, may claim a horse, provided:

(1) the horse is claimed during the same race meeting that the horse was lost; or

(2) the horse is claimed at another racetrack licensed by the Minnesota Racing Commission during a race meet operating concurrently with the race meet during which the horse was lost.

A person claiming under this item is required to establish eligibility to claim with the stewards and to receive his or her confirmation in writing prior to making a claim.

€B. An applicant for an owner's license who is approved by the stewards may be granted a claiming authorization. Each application for a claiming authorization must be signed by the prospective trainer who must be licensed by the commission. Under no circumstances shall the claiming authorization be issued until the commission completes a preliminary background investigation, not to exceed ten days after filing the application, has been completed. An owner's license will not be granted until after the claiming authorization has been executed, and the applicant completes the licensing process. The applicant must complete the licensing process within ten days of executing the claiming authorization. Once the applicant has been granted a claiming authorization, he or she may open an account with the horsepersons' bookkeeper.

Đ. An applicant for an owner's license who has not previously had a horse registered to race at the current meeting and who purchases a horse registered to race by private sale, provided that the applicant is eligible to be licensed pursuant to part 7877.0130, subparts 1 and 2.

[For text of subps 2 to 7, see M.R.]

Subp. 8. **Voided claims.** If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all claim money to the unsuccessful claimant.

A claim made on a horse that suffers a fatality during the running of the race or is euthanized for a disarticulated joint, compound comminuted fracture, or fracture of the skull, spine, or pelvis, any of which occurred during or directly after the race, is automatically voided. The stewards shall void a claim if:

A. the horse dies or is euthanized within one hour of racing; or

B. the horse is placed on the veterinarian's list for a musculoskeletal injury within one hour of racing. However, the claim shall not be voided for this reason if the claimant elected to claim the horse regardless of whether the horse is placed on the veterinarian's list. An election made under this provision shall be made on the claim form.

Subp. 9. **Prohibition on claims.** No person or racing interest shall:

Proposed Rules

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

K. claim a horse if he or she only leases a horse for racing purposes, unless the claim is executed pursuant to subpart 1, item E.B.

[For text of subps 10 to 31, see M.R.]

Subp. 32. [See repealer.]

7883.0150 PADDOCK TO POST.

Subpart 1. **Horses must have identifying equipment.** In a race, each horse must carry a conspicuous saddlecloth number ~~and a head number~~ corresponding to its number on the official program. In the case of any coupled entry, each horse making up the coupled entry shall carry the same number (~~head and saddlecloth~~) as the first part of the entry, along with a distinguishing letter; for example: 1, 1a, or 1b. ~~In the case of a field, the horses comprising the field shall carry an individual number, for example: 10, 11, 12; or a particular number followed by a distinguishing letter 10, 10A, 10B, or 10C.~~

[For text of subps 2 to 14, see M.R.]

7883.0160 POST TO FINISH.

[For text of subps 1 to 6a, see M.R.]

Subp. 7. **Determination of disqualifications.** The stewards are vested with sole and complete power and authority to determine when a disqualification is proper, its extent, and whether it applies to any other part of an entry. Their decision shall be is final.

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

C. When two horses with a common ownership interest or common trainer are racing uncoupled and one is disqualified, the stewards shall also disqualify any other commonly owned or trained horse if they determine it is in the interest of racing integrity to do so.

~~E.~~ D. In the event of a disqualification, the stewards, at the request of the owner of the disqualified horse, shall review the race with that owner within 72 hours of the race.

[For text of subps 8 to 14, see M.R.]

7884.0120 ELIGIBILITY AND ENTERING.

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

Subp. 16. **Entered horse to be on grounds.** All entered horses must be present on the grounds of the licensed race-track before the race, at a time prescribed by the stewards, that is at least five hours before the first race of the day.

Subp. 17. **Commission's access to entered horses.** The stewards may require an entered horse to be on the grounds of a licensed racetrack at any time prior to the race and remain there until after the race is completed.

7884.0140 COUPLED ENTRIES.

Subpart 1. **Horses to be coupled as an entry.** Horses shall be coupled as an entry if:

A. one person, stable, or partnership is the owner ~~or trainer~~ of two or more horses in a race; ~~provided, however, that when a trainer enters two or more horses in a stakes race, early closing, or other special events under bona fide separate ownerships the said horses must, at the request of the association and with the approval of the stewards, be permitted to race as separate betting entries. The fact that such horses are trained by the same person shall be indicated prominently by the association in the program. If the race is split in two or more divisions, horses in an entry shall be seeded insofar as possible, first by owners, then by trainers, then by stables, but the divisions in which they compete and their post positions shall be drawn by lot. The provisions in this item also apply to elimination heats;~~

Proposed Rules

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

D. the trainer of one of the horses in a race is the owner, ~~trainer~~, or driver of another horse in that race. When a driver participates in a purse race in which the driver has an ownership interest in one or more horses, the driver must drive one of the horses in which the driver has an ownership interest.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Program notes.** The fact that any two or more horses in a race are owned or trained by the same person shall be indicated prominently by the association in the program, whether or not those horses are racing as a coupled entry.

7884.0170 SCRATCHES.

Subpart 1. **Judges Stewards to approve scratches.** A horse entered to race shall not be scratched from a race without permission of the judges stewards.

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

Subp. 3. **On advice of veterinarian.** A horse scratched by the judges stewards on the advice of the commission veterinarian ~~or the association veterinarian~~ shall not be allowed to race for a minimum of five seven days as determined by part 7877.0175, subpart 8, or until approved for entry by the commission veterinarian ~~or the association veterinarian~~.

Subp. 4. **Scratched as unsound.** Any horse that is scratched by the judges stewards as unsound must compete in a qualifying race prior to reentry. Horses competing in qualifying races may be selected for random postrace drug testing under chapter 7892, and if so selected, negative test results must be returned prior to reentry.

Subp. 5. **Horse off grounds scratched.** If a horse is not on the grounds of an association and is scratched from the entries due to illness or injury, the trainer must present written documentation of the necessity of the scratch from a private veterinarian. If such documentation is not presented at the time the horse is scratched, the horse shall be placed on the veterinarian's list for a minimum of seven days from the day the documentation is provided to the commission veterinarian.

7884.0190 QUALIFYING RACES.

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

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

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

F. A horse adding or removing hobbles regardless of gait. However, if a horse that previously qualified with hobbles fails to qualify without hobbles, the horse shall remain qualified to race with hobbles. If a horse previously qualified without hobbles and fails to qualify with hobbles, the horse shall remain qualified to race without hobbles.

[For text of subps 2a to 8, see M.R.]

7884.0210 CLAIMING RACES.

A. Claiming shall be conducted according to Rule 11 from the current United States Trotting Association (USTA) Charter, Bylaws, Rules and Regulations, but any conflict between the USTA Rule 11 and a Minnesota rule this chapter will be controlled by ~~the Minnesota rule this chapter~~.

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

D. ~~Voided claims.~~ The stewards shall void a claim if:

(1) A claim made on a horse that suffers a fatality during the running of the race or is euthanized for a disarticulated joint, compound fracture, or fracture of the skull, spine, or pelvis, any of which occurred during or directly after

Proposed Rules

the race, is automatically voided unless, prior to the race in which the horse is claimed, the claimant had elected to claim the horse regardless of the disposition of the horse: the horse dies or is euthanized within one hour of racing; or

(2) An election made in subitem (1) shall be entered on the claim form in accordance with claiming rules: the horse is placed on the veterinarian's list for a musculoskeletal injury within one hour of racing. However, the claim shall not be voided for this reason if the claimant elected to claim the horse regardless of whether the horse is placed on the veterinarian's list. An election made under this part shall be made on the claim form.

E. If a horse is scratched from a claiming race or declared a nonstarter, any claim on the horse is void. In that case, the horse's next start in the following 30 days must be in a race in which it can be claimed for the same price or less.

E. F. Postrace testing on all claimed horses shall be performed using blood (serum, plasma, or heart blood) and urine (if available), as set forth in chapter 7892. Upon receipt of notification from the commission veterinarian that the initial forensic analysis demonstrates a medication violation under chapter 7890, the stewards shall immediately notify the successful claimant, who shall then have 72 hours to decide whether to keep the horse or request that the claim be voided. In that case, the following provisions shall apply.

(1) When a claim is voided after the claimant has taken possession of the horse, the claimant is responsible for all expenses incurred for the care of the horse from the time the horse was transferred to the claimant until the time the horse is returned to the prior owner following voidance of the claim by the stewards.

(2) Voidance of a claim is not permitted if, after coming under the care, custody, and control of the claimant, the horse has already run for the claimant or has died.

7884.0250 RECALLS.

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

Subp. 4. **Inquiry into failure to sound recall.** If the starter fails to sound a recall when required, the stewards shall immediately cause the "Inquiry" sign to be displayed. If the stewards determine a horse was interfered with before the word "go" was given, wagers on that horse shall be refunded and the horse shall be declared racing for purse money only.

7884.0260 DRIVING RULES.

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

Subp. 2. **Conduct after word "go" is given.** After the word "go" is given no driver shall:

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

T. use a whip exceeding four feet in length or a snapper longer than six inches in length, or use unreasonable or unnecessary force in the whipping of a horse, nor whip any horse causing visible injury, nor whip any horse about the head including but not limited to trailing horses, nor whip any horse after the finish line has been crossed except when it has been deemed by the board of judges necessary to control the horse. The board of judges will notify the commission veterinarian to conduct any postrace examination on any horse deemed to have been subject to unreasonable or unnecessary force. The following actions shall be considered indiscriminate, unreasonable, or unnecessary uses of the whip:

(1) any blatant or exaggerated movements of the whipping arm which will result from raising the elbow above the driver's shoulder height or allowing the hand holding the whip to reach behind the driver during the use of the whip, one-handed whipping;

[For text of subitem (2), see M.R.]

(3) whipping under the arch or shafts of the sulky, use of the whip as a goading or poking device, or placing the whip between the legs of the horse; or

Proposed Rules

(4) using the whip when it does not appear that the horse is advancing its position in the race and appears exhausted or not in contention; or

(5) any whipping other than by wrist action only;

[For text of items U and V, see M.R.]

W. keep one line, rein, or handhold in each hand at all times during the race except when the horse and driver reach the 7/8 pole marker during the race fail to keep a line in each hand, with both hands in front of the driver, until the finish of the race; and

X. a driver may not lay back at an angle greater than 45 degrees.

[For text of subp 3, see M.R.]

Subp. 4. **Lapped on break.** If there has been no violation of subpart 3, the stewards shall not set back place the horse unless a competing horse on its gait is lapped on the hind quarter of the breaking horse at the finish. Placing a horse is at the discretion of the stewards and not necessarily required, even when there is an extended break.

[For text of subps 5 and 6, see M.R.]

Subp. 7. **Use of stirrups.** After the word “go” is given, barring mishap, both of the driver’s feet must be kept in or in contact with the stirrups, posts, or pegs until the race has been completed. Notwithstanding this provision, a driver may use his or her feet as necessary to remove a horse’s earplugs.

[For text of subps 8 to 11, see M.R.]

7884.0270 EXPANDED HOMESTRETCH RACING.

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

Subp. 2. **Rules.** In the event the homestretch is expanded pursuant to subpart 1, the following apply.

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

C. Horses using the expanded inside lane, during the homestretch drive for the finish of the race must first have complete clearance of the pylons marking the inside boundary of the race course. A horse or sulky running over one or more of the pylons or going inside the one or more pylons, while attempting to use the expanded inside lane, may be disqualified and placed at the discretion of the stewards, whose decision shall be final.

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

7897.0100 PROHIBITED ACTS.

[For text of subps 1 to 6, see M.R.]

Subp. 6a. **Hostile acts.** No person shall engage in conduct or use language that is threatening, harassing, or abusive toward a person or animal while on the grounds of an association.

[For text of subps 7 to 21, see M.R.]

Subp. 22. **Use of nonrecognized racing equipment.** Nonrecognized racing equipment must not be used on a horse on a day the horse is scheduled to race, unless the use is approved in advance by the stewards in consultation with the commission veterinarian.

Subp. 23. **Chain shank.** No person may lead a horse with a chain shank unless the oral portion is covered with a soft, nonabrasive material.

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission’s director of security, or the stewards may, at any time, require any licensee having direct physical contact with horses or direct responsibility for some portion of the day’s racing program, or whose racing duties place him or her in a position of danger, or who commits an act that endangers a horse or

Proposed Rules

human, to provide one of the following for analysis: blood, breath, saliva, or urine samples. The type or types of sample to be provided shall be determined by the board of stewards after consideration of the circumstances involved and the alleged substance involved. If such a licensee fails Failure to comply with this requirement, the licensee shall be suspended and referred to the commission to show cause for refusing to do so shall be a serious violation under part 7897.0130.

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

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

Subp. 2. [Repealed, 15 SR 2307]

7897.0120 DISCIPLINARY SANCTIONS.

Subpart 1. **Licenses Sanctions.** Any licensee engaging in any prohibited act as provided in parts 7897.0100 to 7897.0115, or any other violation of Minnesota Statutes, chapter 240, or the commission’s rules, is subject to license suspension or revocation, and/or the levying of a fine as provided in part 7897.0130-, and having such conditions placed on the license as reasonably necessary to ensure the integrity of racing and the health, safety, and welfare of its participants. The commission or stewards may also impose such sanctions on a person whose license has expired for conduct that occurred when the license was in effect. When determining what sanction or sanctions to issue, the commission or stewards must consider the nature, chronicity and severity of the violations, and their effects on the integrity of racing, and the safety and welfare of racing participants.

[For text of subps 2 and 3, see M.R.]

Subp. 4. Effect of sanctions.

A. An individual whose license has been denied is ineligible to apply for a license from the commission for two years.

B. An individual whose license has been revoked is ineligible to apply for a license from the commission for five years.

C. An individual whose license has been revoked or suspended, and has not been restored to good standing, is excluded from the grounds of all licensed racetracks under the jurisdiction of the commission.

D. An individual who has not paid a fine levied by the commission, and has not timely appealed the fine, is ineligible to reapply for a license until the fine is paid in full.

E. An individual whose license has been denied, revoked, or suspended, and has not been restored to good standing, may not benefit financially from racing, training, or caring for horses at a licensed racetrack. This includes but is not limited to prohibiting the transfer of ownership, training, or care of horses to any of the following without the express permission of the stewards:

(1) a licensee related to the individual by blood, marriage, or domestic partnership;

(2) a licensee related to the individual’s spouse by blood; or

(3) a licensee who has had a business or employment relationship with the individual in the past year.

7897.0130 SCHEDULE OF FINES.

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

Subp. 4. **Serious violations.** Violations of Minnesota Statutes, section 240.25, misrepresentation of the identity of a

Proposed Rules

horse, possession of a firearm in violation of state law, setting or attempting to set a fire on the racetrack premises, a violation of part 7897.0110, and any violation involving a substance defined by the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances as a Class 1 foreign substance shall be deemed per se serious violations.

[For text of subps 5 and 6, see M.R.]

7897.0150 DISCIPLINARY ~~AND APPEAL~~ PROCEDURES.

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

Subp. 2. Penalties imposed by stewards.

A. The stewards may suspend a license up to 90 days or impose a fine of up to \$5,000 in accordance with the schedule of fines in part 7897.0130 or both; in addition, they may order any other appropriate disciplinary or corrective action. The stewards may also make recommendations to the commission for penalties in excess of their authority.

B. ~~Upon a finding of a violation of chapter 7890, the stewards shall consider the classification and penalty category of the substance at the time of the violation as referenced in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances and Recommended Penalties, as well as any existing mitigating or aggravating factors, and shall impose penalties and disciplinary measures consistent with the recommendations contained therein except as limited by part 7897.0130, subpart 5.~~

C. ~~Mitigating or aggravating factors must be shown by a preponderance of evidence that the circumstances were actually present in the instant case. Mere speculation that the circumstances might have been present is not sufficient proof.~~

~~For purposes of this subpart, mitigating factors are conditions or circumstances that do not excuse or justify wrongful conduct, but are considered out of fairness in deciding to reduce a penalty.~~

~~For purposes of this subpart, aggravating factors are conditions or circumstances that permit a harsher penalty to be imposed but do not permit a penalty to be imposed greater than that allowed under the law or rule.~~

Subp. 3. [See repealer.]

Subp. 4. [Renumbered 7897.0155, subp 2.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [Renumbered 7897.0155, subp 5.]

Subp. 8. [See repealer.]

Subp. 9. [Renumbered 7897.0155, subp 7.]

Subp. 10. Penalties imposed by stewards or commission for medication violations.

A. Upon a finding of a violation of chapter 7890, the stewards or commission shall consider the classification and penalty category of the substance at the time of the violation as referenced in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances and Recommended Penalties, as well as any existing mitigating or aggravating factors, and shall impose penalties and disciplinary measures consistent with the recommendations contained therein except as limited by part 7897.0130, subpart 5.

B. Mitigating or aggravating factors must be shown by a preponderance of evidence that the circumstances were

Proposed Rules

actually present in the instant case. Mere speculation that the circumstances might have been present is not sufficient proof.

C. For purposes of this subpart, mitigating factors are conditions or circumstances that do not excuse or justify wrongful conduct, but are considered out of fairness in deciding to reduce a penalty.

D. For purposes of this subpart, aggravating factors are conditions or circumstances that permit a harsher penalty to be imposed but do not permit a penalty to be imposed greater than that allowed under the law or rule.

7897.0155 APPEAL TO COMMISSION.

Subpart 1. Appeals.

A. A license denial, a sanction under part 7897.0120, or a stewards' decision regarding a Class C licensee may be appealed to the commission.

B. The licensee may ask the commission to reverse the decision in whole or in part or to lessen the sanction ordered.

C. Appeals to the commission are not subject to the contested case procedures.

Subp. 2. **Review or appeal by commission, director, or deputy director.** Nothing in this chapter precludes the commission, director, or deputy director from instituting proceedings to appeal a steward's decision; or the commission from instituting proceedings to review a steward's decision on its own motion. [Renumbered from part 7897.0150, subpart 4.]

Subp. 3. **Stays of decisions.** An appeal of a sanction or stewards' decision shall not automatically stay the decision. A party may request the director to stay the decision. The director shall order a stay for good cause shown.

Subp. 4. **Procedure for appeal to commission.** A licensee may appeal a license denial, sanction, or decision of the stewards by filing with the director a written request for an appeal within five days after being orally advised of the decision or receiving a written order, whichever is earlier. The appeal request shall contain the following information:

A. the name, address, and telephone number, if any, of the appellant;

B. a description of the objections to the license denial, sanction, or decision of the stewards;

C. a statement of the relief sought; and

D. whether the appellant desires to be present in person at the hearing of the appeal.

Subp. 5. **Deposit shall be required.** The appellant shall deposit with the commission at the time of filing his or her written request for an appeal an amount equal to ten times the appellant's occupational license fee in part 7877.0120, subpart 1, but not to exceed \$250. The deposit will be refunded by the commission upon the conclusion of the appeal unless the commission finds that the appeal was frivolous, in which case the deposit will be forfeited. In addition, if the commission determines that the appeal was commenced in bad faith for purposes of delay or was unreasonable and without substance or merit, the commission may impose a fine of not more than \$450. [Renumbered from part 7897.0150, subpart 7.]

Subp. 6. **Commission shall set date for hearing.** Within five days of receipt of a written request for an appeal and the deposit, the commission chair, director, or the deputy director shall set a date, time, and place for the hearing. The hearing must be held within 15 days of the receipt of the request for the appeal and the deposit. Notice shall be given to the appellant in writing and shall set out the date, time, and place of the hearing, and shall be served personally or sent by mail to the last known address of the appellant. If the appellant objects to the date of the hearing, the appellant may obtain a continuance, but the continuance shall not automatically stay imposition of the sanction or prolong a stay issued

Proposed Rules

by the director.

Subp. 7. Appeal by commission. When the commission institutes an appeal on its own motion or at the request of the stewards or director, a notice of appeal shall be served personally or sent by mail to the licensee, addressed to his or her last known place of residence, at least ten days prior to the hearing of the appeal. This notice of appeal shall contain the following:

- A. the decision being appealed from;
- B. the date on which the decision was made;
- C. the grounds of the appeal; and

D. the date, time, and place on which the commission proposes to hear the appeal. [Renumbered from part 7897.0150, subpart 9.]

Subp. 8. Designation of panel. All appeals shall be heard by a panel of three or more commission members. The commission chair shall appoint the panel members and shall also designate one of them as the chair of the panel.

Subp. 9. Hearing panel's decision. All decisions of the hearing panel must be made by majority vote. In the event the hearing panel is unable to arrive at a decision by a majority vote, the commission shall consider the appeal based on the record before the hearing panel. The hearing panel shall issue its written decision within ten days, excluding Saturday, Sunday, and holidays, based on the record and must include the hearing panel's findings of fact and conclusions on all material issues. A copy of the panel's decision shall be served upon all parties by first class mail or personal service. The decision of the hearing panel shall be the final agency decision.

7897.0170 CONDUCT OF APPEAL HEARING.

[For text of subs 1 to 9, see M.R.]

Subp. 10. Summary disposition. If the hearing panel finds there are no genuine issues of material fact and the matter can be decided as a matter of law, the hearing panel shall, within ten days of receiving the written request for appeal, issue a written decision without holding a hearing. The decision shall be a final agency decision.

7897.0190 ~~DISCIPLINARY ACTION BY COMMISSION~~ CONTESTED CASE HEARINGS.

Subpart 1. **Right to a contested case hearings hearing.** ~~The~~ In lieu of an appeal under part 7877.0155, if the commission ~~may take orders any of the following disciplinary action only after sanctions,~~ the licensee may elect to appeal by requesting a contested case hearing, to be held in accordance with the contested case procedures in Minnesota Statutes, chapter 14 and rules adopted pursuant thereto:

- A. ~~revoke revocation of~~ a Class A, B, C, or D license;
- B. ~~suspend or fine suspension of~~ a Class A, B, or D license; and
- C. ~~suspend suspension of~~ a Class C license for more than 90 180 days, ~~and/or fine a Class C license in an amount exceeding \$2,000.; or~~
- D. a fine of more than \$5,000.

Subp. 2. **Contested case procedure.** The commission shall notify a licensee in writing of the ~~charges and intended disciplinary action sanction,~~ and of the licensee's right to appeal by requesting a contested case hearing. A request for a contested case hearing must be made in writing and delivered to the commission's director by certified mail or personal service. If delivered by certified mail, the request must be postmarked within ten calendar days after the licensee received the commission's sanction order. If a request is delivered by personal service, it must be received by the commission's

Proposed Rules

director within ten calendar days after the licensee received the commission's sanction order. If a licensee submits a timely request for a contested case hearing under this subpart, the disciplinary sanction shall be stayed until the commissioner issues a final order following the contested case hearing. However, the imposition of the sanction shall not be stayed if the commission had summarily suspended the license in the 90 days preceding the issuance of the sanction order and the licensee either did not appeal the summary suspension or the commission affirmed the summary suspension after appeal. Any contested case hearing shall be commenced and held in the manner provided for in Minnesota Statutes, chapter 14, and rules adopted pursuant thereto.

Subp. 3. **Exceptions.** Parties affected by the report of the administrative law judge shall have 20 days from the date of service of the report to file exceptions with the commission and request an opportunity to present written arguments to the commission.

Subp. 4. **Consideration of arguments.** If there has been a request for an opportunity to present written arguments, the commission shall, as soon as practicable, set dates for the filing of such arguments and give reasonable notice thereof to all parties to the contested case. [Renumbered from part 7897.0200, subpart 2.]

Subp. 5. **Decision or order.** The decision or order shall be in writing or stated in the record and shall be accompanied by a statement of the reasons therefor. The statement of reasons shall consist of a concise statement of the conclusions upon each contested issue of fact necessary to the decision. Parties to the proceeding shall be served personally or by first-class mail with a copy of the decision or order and accompanying statement of reasons. [Renumbered from part 7897.0200, subpart 3.]

7897.0200 COMMISSION DECISION.

Subpart 1. [See repealer.]

Subp. 2. [Renumbered 7897.0190, subp 4.]

Subp. 3. [Renumbered 7897.0190, subp 5.]

REPEALER. Minnesota Rules, parts 7869.0100, subparts 21 and 33a; 7873.0189, subpart 13; 7873.0300, subpart 3; 7878.0120, subpart 1; 7878.0150, subpart 1; 7883.0120, subpart 7; 7883.0140, subpart 32; 7897.0150, subparts 3, 5, 6, and 8; 7897.0160; and 7897.0200, subpart 1, are repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *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.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Federal Occupational Safety and Health Standards

The rules proposed and published at State Register, Volume 42, Number 27, page 727, January 02, 2018 (42 SR 727), are adopted as proposed.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the State Register. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Natural Resources

Adopted Exempt Permanent Fisheries Rule: Designated Experimental and Special Management Waters

Notice is hereby given that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, sections 97C.001 and 97C.005.

Dated: January 1, 2018

Tom Landwehr
Commissioner of Natural Resources

Exempt Rules

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subps 1 to 58, see M.R.]

Subp. 59. [See repealer.]

[For text of subps 60 to 72, see M.R.]

Subp. 73. [See repealer.]

[For text of subps 74 to 79, see M.R.]

Subp. 80. [See repealer.]

[For text of subps 81 to 84, see M.R.]

Subp. 85. **Little Boy Lake walleye restrictions.** While a person is on or angling in the following waters, all walleye in possession must be less than 18 inches in length or greater than 26 inches in length. All walleye that are 18 to 26 inches in length, inclusive, must be immediately returned to the water. A person's daily and possession limit for walleye is four fish, of which not more than one walleye may be over 26 inches in length.

Name	Location	County	End Date
Little Boy Lake	T.140, R.28, S. Various	Cass	3/1/2029

Subp. 86. **Wabedo Lake walleye restrictions.** While a person is on or angling in the following waters, all walleye in possession must be less than 18 inches in length or greater than 26 inches in length. All walleye that are 18 to 26 inches in length, inclusive, must be immediately returned to the water. A person's daily and possession limit for walleye is four fish, of which not more than one walleye may be over 26 inches in length.

Name	Location	County	End Date
Wabedo Lake	T.140, R.28, S. Various	Cass	3/1/2029

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

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

[For text of subp 4, see 41 SR 1287]

[For text of subps 5 to 12, see M.R.]

Subp. 13. **Largemouth bass and smallmouth bass catch and release regulations.** While a person is on or fishing in these waters, angling for largemouth bass and smallmouth bass is limited to catch and release only, whereby any largemouth bass or smallmouth bass caught must be immediately returned to the water. Catch and release angling for largemouth bass or smallmouth bass is legal during the open season for largemouth bass and smallmouth bass in inland waters. It is unlawful for anyone to have in possession, regardless of where taken, any largemouth bass or smallmouth bass while on or fishing in these waters.

	Name	Location	County
A.	Clear Lake	T.107, R.22, S.4,5,8,9,16,17	Waseca
B.	Portage Lake	T.141, R.31, S.23-26	Cass
C.	Big Bass	T.147, R.32,33, S.19,20,24,30	Beltrami
D.	Deer	T.148, R.34, S.5,8	Beltrami
E.B.	Jane	T.29, R.21, S.9,10	Washington
F.C.	Minnewashta	T.116, R.23, S.4,5,8,9	Carver
G.	South Twin	T.147,148, R.31, S.2,3,34,35	Beltrami
H.D.	Turtle Lake	T.30, R.23, S.11,14	Ramsey

Exempt Rules

[For text of subps 14 and 15, see M.R.]

Subp. 16. [See repealer.]

Subp. 17. **Restricted harvest lake Cedar Lake walleye, crappie, and northern pike regulations.** While on or fishing in the following waters, the daily and possession limit for walleye is two, for crappie is five, and for northern pike is ~~one~~ three. ~~While on or fishing in these waters, all northern pike in possession while on or fishing in these waters must be 40~~ 26 inches or ~~greater~~ less in length. All northern pike ~~less than 40~~ greater than 26 inches in length must be immediately returned to the water.

Name	Location	County
Cedar Lake	T.127N, R.31W, S.7, 18; T.127N, R.32W, S.13	Morrison, Todd

[For text of subp 18, see M.R.]

Subp. 19. **Northern pike 24-inch to 36-inch protected slot limit.** While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's daily and possession limit may not include more than one northern pike over 36 inches in length.

	Name	Location	County
A.	Ada	T.139, R.29, S.Various	Cass
B.	Alexander	T.131,132, R.30, 31, S.Various	Morrison
C.	Ash	T.66, R.20, S.7-9,17,18	St. Louis
D.	Basswood	T.64,65, R.10,11, S.Various	Lake
E.	Beltrami	T.148, R.32,33, S.25,26,30,31,35,36	Beltrami
F.	Big Carnelian	T.31, R.20, S.26, 34,35	Washington
G.	Big Mantrap	T.141,142, R.33,34, S.Various	Hubbard
H.	Big Turtle	T.148, R.33, S.Various	Beltrami
I.	Birch Lake Reservoir	T.61, R.11, 12, S.Various	St. Louis
J.	Blueberry	T.138, R.35, S.2,3,10,11	Wadena
K.	Center, North	T.34, R.20, S.15, 21,22,27,28,34	Chisago
L.	Center, South	T.33,34, R.20, S.2,3,4,9,10,34,35	Chisago
M.	Child	T.140, R.29, S.9,10,15,16	Cass
N.	Deer	T.148, R.34, S.5,8	Beltrami
O.N.	Farm	T.62,63, R.11, S.3,4,26-29,32-35	Lake
P.O.	Fish Trap	T.132, R.31, S.28-33	Morrison
Q.P.	Fox	T.148, R.33, S.22,23,26,27	Beltrami
R.Q.	Floyd, Little	T.139, R.41, S.2,3,10,11	Becker
S.R.	Garden	T.63, R.11, S.20-22,27-30	Lake
T.S.	George	T.143, R.34, S.15,16,21,22,27	Hubbard
U.T.	Girl	T.140,141, R.28, S.3,4,32,33,34	Cass
V.U.	Island	T.150, R.28, S.3-5,8-10,15,16,19-21	Itasca
W.V.	Knife	T.40,41, R.23,24, S.Various	Kanabec
X.W.	Little Boy	T.140, R.28, S. Various	Cass
Y.X.	Little Cascade	T.62, R.2,3, S.12,14	Cook
Z.Y.	Little Turtle	T.148, R.33, S.8,16,17,20,21	Beltrami

Exempt Rules

	Name	Location	County
AA-Z.	Little Woman	T.140, R.29, S.15	Cass
BB.	Long	T.46, R.25, S.3,4,9,10	Aitkin
CC-AA.	Long	T.128, R.30,32, S.16,17,20,21,28	Todd
DD-BB.	Minnie Belle	T.118, R.31, S.11,14	Meeker
EE-CC.	Mission, Lower	T.135,136, R.27, S.4,5,8,9,33	Crow Wing
FF-DD.	Mission, Upper	T.135,136, R.27, S.3,4,27,28,33,34	Crow Wing
GG-EE.	Movil	T.147,148, R.33, S.3,4,27,33,34,35	Beltrami
HH-FF.	Shamineau	T.123, R.31, S.8-10,15-18	Morrison
H-GG.	South Farm	T.62,63, R.11, S.1,2,3,35,36	Lake
J-HH.	Turtle River Lake	T.147,148, R.32, S.Various	Beltrami
KK-IL.	Three Island	T.148, R.32,33, S.18,19,23-26	Beltrami
LL-JJ.	West Battle	T.133, R.39,40, S.Various	Otter Tail
MM-KK.	White Iron	T.62,63, R.11,12, S.Various	St. Louis
NN-LL.	Big Fish	T.124, R.30, S.20,21,28,29	Stearns
OO-MM.	Balsam	T.58,59, R.24, S.4-9	Itasca
PP-NN.	Medicine	T.149, R.32, S.Various	Beltrami
QQ-OO.	North Twin	T.148, R.31, S.Various	Beltrami
RR-PP.	Coon-Sandwick	T.60,61, R.25, S.Various	Itasca
SS-QQ.	Rachel, Little Rachel	T.127, R.39, S.Various	Douglas
TT-RR.	Sturgeon Lake	T.45, R.19, S.Various	Pine
UU-SS.	Ten Mile Lake	T.140,141, R.30,31, S.Various	Cass

[For text of subps 20 to 23, see M.R.]

Subp. 24. **Largemouth bass, northern pike, and walleye regulations.** While on or fishing in the following waters, the daily and possession limit for largemouth bass is one, for northern pike is ~~one~~ three, and for walleye is two. While on or fishing in these waters, all northern pike in possession while on or fishing in these waters must be 40 inches or greater, 26 inches or less in length. All northern pike less than 40 greater than 26 inches in length must be immediately returned to the water.

Name	Location	County
Bass Lake	T.128, R.32, S.9	Todd

[For text of subps 25 to 30, see M.R.]

Subp. 31. **Smallmouth bass ~~maximum size limit and one over regulation.~~** Except as provided in this subpart, all smallmouth bass in possession while on or fishing in the following waters must be less than 12 inches in length. Except as provided in this subpart, all smallmouth bass 12 inches or greater must be immediately returned to the water. The possession limit may include one smallmouth bass 20 inches or greater in length. While a person is on or fishing in the following waters, all smallmouth bass in possession must be less than 14 inches in length or greater than 20 inches in length. All smallmouth bass that are 14 to 20 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one smallmouth bass over 20 inches in length.

	Name	Location	County
A.	Flour	T.64, R.1W, S.1,2,11,12 T.64, R.1E, S.5,6	Cook
B.	Hungry Jack	T.64,65, R.1W, S.2-4,35	Cook

Exempt Rules

	Name	Location	County
C.	Two Island	T.62, R.1W, S.3-5,8,9	Cook

[For text of subps 32 to 41, see M.R.]

Subp. 42. **Largemouth and smallmouth bass 12-inch maximum size limit and one over 20 inches.** While a person is on or angling in the following waters, all largemouth and smallmouth bass in possession must be less than 12 inches in length or greater than 20 inches in length. All largemouth and smallmouth bass that are 12 to 20 inches in length, inclusive, must be immediately returned to the water. A person's daily and possession limit may include not more than one largemouth bass or smallmouth bass in the aggregate over 20 inches in length.

	Name	Location	County
A.	Agnes	T.128, R.37, S.18	Douglas
B.	Balm	T.150, R.35, S.22,23,26-28	Beltrami
C.B.	Henry	T.128, R.37, S.7,18	Douglas

[For text of subps 43 to 46, see M.R.]

Subp. 47. **Northeast trophy trout waters.** Angling for trout is legal during the open season for trout in inland lakes. While on or angling in the following waters, angling for trout is limited to catch and release only, whereby any trout must be immediately returned to the water. Only artificial lures and flies with a single hook are allowed for taking fish. No bait may be used or possessed while fishing on the following waters. The following waters are closed to winter fishing.

	Name	Location	County
A.	Kraut Lake	T.64, R.1, S.14	Cook
B.	Peanut Lake	T.64, R.1, S.24	Cook
C.	North Shady Lake	T.64, R.2, S.21,22	Cook
D.	Squash Lake	T.64, R.1,2, S.19,24	Cook
E.	Tomato Lake	T.64, R.2, S.16	Cook
F.A.	Thompson Lake	T.62, R.1, S.19,20,29,30	Cook
G.B.	Thrush Lake	T.63, R.1, S.31	Cook
H.C.	Turnip Lake	T.64, R.1, S.24	Cook

[For text of subps 48 to 57, see M.R.]

Subp. 58. **Ozawindib bass and black crappie restrictions.** While a person is on or angling in the following waters, all largemouth and smallmouth bass in possession must be less than ~~±2~~ 14 inches or greater than 20 inches in length. All largemouth and smallmouth bass that are ~~±2~~ 14 to 20 inches in length, inclusive, must be immediately returned to the water. A person's possession and daily limit may include not more than one bass over 20 inches in length. While a person is on or angling in the following waters, ~~all crappie in possession must be ten inches or greater in length. All crappie less than ten inches must be immediately returned to the water~~ the possession limit for black crappie is five.

Name	Location	County
Ozawindib	T.143, R.36, S.5,6,7,8	Clearwater

[For text of subp 59, see 41 SR 1290]

Subp. 60. *[See repealer.]*

[For text of subps 61 and 62, see M.R.]

Exempt Rules

Subp. 63. **Itasca Lake crappie and sunfish possession limits.** While a person is on or angling in the following waters, the daily and possession limit for sunfish is ~~ten~~ five and for crappie is five.

Name	Location	County
Itasca	T.143,144, R.36, S.2,11,12,15,35	Clearwater

Subp. 64. **Mary Lake sunfish and black crappie possession limits and ~~catch and release angling for largemouth bass regulations.~~** While a person is on or angling in the following waters, the daily and possession limit for sunfish is five and for black crappie is five ~~and angling for largemouth bass is limited to catch and release only, whereby any largemouth bass caught must be immediately returned to the water. Catch and release angling for largemouth bass is legal during the open season for largemouth bass in inland waters. It is unlawful for anyone to have in possession, regardless of where taken, any largemouth bass while on or angling in the following waters.~~ While a person is on or fishing in the following waters, all largemouth bass and smallmouth bass in possession must be less than 14 inches in length or greater than 20 inches in length. All largemouth bass and smallmouth bass that are 14 to 20 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one largemouth bass or smallmouth bass over 20 inches in length.

Name	Location	County
Mary	T.143, R.35,36, S.19,24	Hubbard

[For text of subps 65 to 137, see M.R.]

Subp. 138. **Balm Lake bass regulations.** While a person is on or fishing in the following waters, all largemouth bass and smallmouth bass in possession must be less than 14 inches in length or greater than 20 inches in length. All largemouth bass and smallmouth bass that are 14 to 20 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one largemouth bass or smallmouth bass over 20 inches in length.

Name	Location	County
Balm Lake	T.150, R.35, S.22,23,26,28	Beltrami

Subp. 139. **Big Bass Lake bass regulations.** While a person is on or fishing in the following waters, all largemouth bass and smallmouth bass in possession must be less than 14 inches in length or greater than 20 inches in length. All largemouth bass and smallmouth bass that are 14 to 20 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one largemouth bass or smallmouth bass over 20 inches in length.

Name	Location	County
Big Bass Lake	T.147, R.32,33, S.19,20,24,30	Beltrami

Subp. 140. **Big Swan Lake northern pike regulations.** While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's possession limit for northern pike is six and may not include more than one northern pike over 36 inches in length.

Name	Location	County
Big Swan Lake	T.128, R.32, S. Various	Todd

Subp. 141. **Deer Lake bass and northern pike regulations.** While a person is on or fishing in the following waters, all largemouth bass and smallmouth bass in possession must be less than 14 inches in length or greater than 20 inches in length. All largemouth bass and smallmouth bass that are 14 to 20 inches in length, inclusive, must be immediately

Exempt Rules

returned to the water. A person's possession limit may not include more than one largemouth bass or smallmouth bass over 20 inches in length. While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's possession limit for northern pike is three and may not include more than one northern pike over 36 inches in length.

Name	Location	County
Deer Lake	T.148, R.34, S.5,8	Beltrami

Subp. 142. **Moody Lake catch and release regulations.** While a person is on or angling in the following waters, angling is limited for all species to catch and release only. Any species that is caught must be immediately returned to the water.

Name	Location	County
Moody Lake	T.135, R.28, S.29,32	Crow Wing

Subp. 143. **Pelican Lake bass regulations.** While a person is on or fishing in the following waters, all largemouth bass and smallmouth bass in possession must be less than 14 inches in length or greater than 20 inches in length. All largemouth bass and smallmouth bass that are 14 to 20 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one largemouth bass or smallmouth bass over 20 inches in length.

Name	Location	County
Pelican Lake	T.64,65, R.19,20,21, S. Various	St. Louis

Subp. 144. **Portage Lake bass regulations.** While a person is on or fishing in the following waters, all largemouth bass and smallmouth bass in possession must be less than 14 inches in length or greater than 20 inches in length. All largemouth bass and smallmouth bass that are 14 to 20 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one largemouth bass or smallmouth bass over 20 inches in length.

Name	Location	County
Portage Lake	T.141, R.31, S.23,26	Cass

Subp. 145. **South Twin Lake bass regulations.** While a person is on or fishing in the following waters, all largemouth bass and smallmouth bass in possession must be less than 14 inches in length or greater than 20 inches in length. All largemouth bass and smallmouth bass that are 14 to 20 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one largemouth bass or smallmouth bass over 20 inches in length.

Name	Location	County
South Twin Lake	T.147,148, R.31, S.2,3,34,35	Beltrami

REPEALER. Minnesota Rules, parts 6264.0300, subparts 59, 73, and 80; and 6264.0400, subparts 16 and 60, are repealed.

EFFECTIVE PERIOD. The amendments to Minnesota Rules, parts 6262.0200, 6264.0300, and 6264.0400, and the repealer are effective March 1, 2018.

Official Notices

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

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

Minnesota Pollution Control Agency (MPCA)

Watershed Division

Notice of Availability and request for comment on the Draft Watershed Restoration and Protection Strategies (WRAPS) Report and Total Maximum Daily Load (TMDL) Report for the Lake Superior South Watershed

Public Comment Period Begins: February 26, 2018

Public Comment Period Ends: 4:30 p.m. on March 28, 2018

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the WRAPS and TMDL reports for the Lake Superior South Watershed. The draft reports are available for review at:

<https://www.pca.state.mn.us/water/total-maximum-daily-load-tmdl-projects>.

Written comments on the draft reports must be sent to the MPCA contact person listed below by March 28, 2018, at 4:30 p.m. The comments should indicate as to whether they are about the WRAPS report or the TMDL report. The MPCA will prepare responses to comments received and make any necessary revisions to the documents. Subsequent to the revision(s), the draft TMDL will be submitted to the U.S. Environmental Protection Agency (EPA) for approval; the WRAPS report will be forwarded to the MPCA Commissioner for approval.

Required by the state Clean Water Legacy Act, a WRAPS report is a document summarizing scientific studies of a major watershed no larger than a Hydrologic Unit Code (HUC) 8 in size. The WRAPS report includes the physical, chemical, and biological assessment of the water quality in the watershed, identification of impairments and water bodies needing protection, and identification of biotic stressors and sources of point and nonpoint pollution. The TMDL report focuses on pollution caused by excess

E. coli bacteria and total suspended solids (TSS) in streams. The TMDL report is a scientific study that calculates the maximum amount of a pollutant that a water body can receive (known as the "loading capacity") without exceeding water quality standards, and allocates pollutant loads to the various pollutant sources. The WRAPS report incorporates the findings of the TMDL report, and also includes strategies for protecting waterbodies with good water quality in the watershed.

These reports address a portion of the Lake Superior South Watershed (U.S. Geological Survey HUC 8 #04010102) located north and east of the Lester River Watershed. The remaining area within the Lake Superior South Watershed is addressed in the Duluth Urban Area Streams WRAPS and TMDL reports. The project area is approximately 548 square miles in size, and is referred to as the "Lake Superior South Watershed". There are no tribal lands within the project area. However, the entire region is part of the La Pointe Treaty of 1854, which reserves hunting and fishing rights for Ojibwa tribes of the Lake Superior region. Forest and wetland are dominant land covers in all of the impaired watersheds with the exception of Skunk Creek. Skunk Creek, the only stream impaired for *E. coli*, passes through Two Harbors and has a large amount of developed lands (39%) in its watershed. Streams in the watershed transition from the headwaters with low slope to high slope, bedrock-controlled areas near Lake Superior.

Eroding banks and bluff, roads and road crossings, wastewater, and watershed runoff are all sources of sediment in the watershed. Geomorphic analysis and other field data have identified priority locations where erosion is likely contributing to impairment. Many of these areas correspond to soils with high clay content and higher stream power. Potential

sources of *E. coli* in the Skunk Creek Watershed include watershed runoff, failing septic systems and other sources of untreated wastewater, wildlife, and pets.

Agency Contact Person: Written comments and requests for more information should be directed to:

Brian Fredrickson
Minnesota Pollution Control Agency
Watershed Project Manager, Watershed Division
525 South Lake Avenue, Suite 400
Duluth, Minnesota 55802
Phone: 218-302-6604 or 800-657-3864
Fax: 218-723-4727
Email: brian.fredrickson@state.mn.us
Website: <http://www.pca.state.mn.us/water/tmdl>

TTY users may call the MPCA teletypewriter at 651-282-5332 or 800-657-3864.

Preliminary Determination on the Draft WRAPS and TMDL Reports: The MPCA Commissioner has made a preliminary determination to approve this WRAPS report and submit this TMDL report to the EPA for final approval. A draft Report is available for review at the MPCA office at the address listed above and at the MPCA Website: <https://www.pca.state.mn.us/water/total-maximum-daily-load-tmdl-projects>. Suggested changes will be considered before the documents are finalized and the TMDL report is sent to the EPA for approval.

Written Comments: You may submit written comments on the conditions of the draft WRAPS and TMDL reports or on the Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the draft WRAPS or TMDL report;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft documents that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting: You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that may be held to solicit public comment and statements on matters before the MPCA, and help clarify parts of the document and resolve issues. A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons for holding a public informational meeting; and
4. The issues that you would like addressed at the public informational meeting.

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal hearing before an administrative law judge that provides evidence on issues requested to be changed. In accordance with Minn. R. 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the draft WRAPS and TMDL reports; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft WRAPS and TMDL report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision. A petition for a contested case hearing must include the following information:

Official Notices

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition, and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on these reports. If the MPCA does not receive written comments, requests, or petitions during the public comment period, the MPCA staff as authorized by the Commissioner, will make the final decision on the draft reports.

Minnesota Professional Educator Licensing and Standards Board REQUEST FOR COMMENTS for Possible Amendment to Rules Governing Issuance, Renewal, and Validity of Teacher Licenses; Tiered Licensure; Licensure via Portfolio; and Technical Changes

Possible Amendment to Rules Governing Issuance, Renewal, and Validity of Teacher Licenses; Tiered Licensure; Licensure via Portfolio; and Technical Changes, *Minnesota Rules*, 8710.0310, 8710.0311, 8710.0312, 8710.0313, 8710.0314, 8710.0320, 8710.0321, 8710.0325, 8710.0326, 8710.0330, 8710.4725, 8710.4925, 8710.7000, 8710.7100, 8710.7200; Repeal of Rules 8710.7620, 8710.0300, Subp. 1, 1a, 2, 2a, 2b, 3, 5, 6, 7, 8, 9, 10, and 11, 8710.0600, 8710.1000, 8710.1050, 8710.1250, 8710.1400, 8710.1410, and 8710.7100, Subp. 2; Revisor's ID Number R-04534

Subject of Rules. The Minnesota Professional Educator Licensing and Standards Board requests comments on its possible amendment to rules governing Issuance, Renewal, and Validity of Teacher Licenses; Tiered Licensure; Licensure via Portfolio; and Technical Changes. The Department is considering rules that repeal the current teacher licensure structure and align it with tiered licensure statute, revise the renewal licensure rule to align with changes in statute, and define the licensure via portfolio process.

Persons Affected. The amendment to the rules would likely affect current teachers, aspiring teachers, district administrators and staff, Minnesota birth-age 21 students and their families, education stakeholder organizations, related service teachers, individuals holding a current board permission, teacher preparation provider staff, leadership and students, aspiring alternative teacher preparation providers, and teachers licensed and/or prepared outside of Minnesota.

Statutory Authority. *Minnesota Statutes*, section 122A.09, Subd. 9(a) and (b), which provides:

Professional Educator Licensing and Standards Board must adopt rules.

(a) The Professional Educator Licensing and Standards Board must adopt rules subject to the provisions of chapter 14 to implement sections 122B.363, 122A.05 to 122A.09, 122A.092, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.182, 122A.183, 122A.184, 122A.185, 122A.186, 122A.187, 122A.188, 122A.20, 122A.21, 122A.23, 122A.26, 122A.28, and 122A.29.

(b) The board must adopt rules relating to fields of licensure, including a process for granting permission to a licensed teacher to teach in a field that is different from the teacher's field of licensure without change to the teacher's license tier level.

Official Notices

The Professional Educator Licensing and Standards Board's statutory authority to adopt the rules as currently proposed is stated in Minn. Stat. section 122A.09, Subd. 9(a) and (b), First Special Session, 2017.

Under these statutes PELSB has the necessary statutory authority to adopt the proposed rules.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until **4:30 p.m. on March 26, 2018**. The Department does plan to appoint an advisory committee to comment on the possible rules. Information about a meeting about this advisory committee can be received by requesting notices sent regarding rulemaking through signing up on the Department's website and selecting "Rulemaking" under topics.

Rules Drafts. The Department has drafted possible rules amendments which can be found at the Departments website under Board: Rulemaking navigation: <https://mn.gov/pelsb/board/rulemaking/>

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Alex Liuzzi at 1500 Highway 36 West, Roseville, MN 55113 or submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: February 20, 2018

Alex Liuzzi
Interim Executive Director
Professional Educator Licensing and Standards Board

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the State Register, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Department of Administration

Governor's Council on Developmental Disabilities

Notice of Cosponsorship Funds for Leadership Training Conferences

The Governor's Council on Developmental Disabilities (GCDD) is pleased to announce the availability of a total of \$ 4,500 in cosponsorship funds for training conferences held in Minnesota and supporting the participation of Minnesota residents. Conferences should focus on providing best practices information in the field of developmental disabilities

State Grants & Loans

and leadership skills training. The primary audience for these conferences must be people with developmental disabilities and their families.

Conferences must be held no later than September 15, 2018. **Eligible applicants** are Minnesota associations/organizations that provide services to individuals with developmental disabilities and their families, advocates, providers, or professionals; Minnesota chapters of national organizations; or national organizations that are holding a conference in Minnesota. **Application deadline is Monday, March 19, 2018 at 3:00 p.m.** Please note: The GCDD reserves the right to award less than the maximum of \$2,000 to an applicant, refuse to cosponsor a conference, or withdraw the availability of funds with or without notice.

For additional information or to request an application form, please contact:

Mary Jo Nichols
Governor's Council on Developmental Disabilities
Minnesota Department of Administration
370 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Phone: (651) 282-2899 Toll free: (877) 348-0505
Minnesota Relay Service: (800) 627-3529 **OR** 711
Email: admin.dd@state.mn.us

The application is also available at <http://mn.gov/mnddc/council/rfp-grants.html>

Go to "The Council" and then "RFPs and Grants."

Department of Employment and Economic Development (DEED) Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at <https://mn.gov/deed/about/contracts/>

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600 \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Department of Administration and Department of Military Affairs Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Renovation of the St. Cloud, MN National Guard Armory (SDSB Project # 18-02) (DMA PROJECT NO. 15101)

The State of Minnesota, acting through The Department of Military Affairs, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Administration's website at <https://mn.gov/admin/government/construction-projects/sdsb/projects/> (click 18-02).

A **non-mandatory** informational meeting is scheduled for **Wednesday, February 28, 2018 at 10:00 a.m. CT at the St. Cloud National Guard Armory, 1710 Veterans Drive, St. Cloud, MN 56303.**

Any questions should be directed to Garth Ristau at garth.t.ristau.nfg@mail.mil. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Tuesday, March 6, 2018, no later than 4:30 p.m. Central Time.**

Proposals must be delivered to Jennifer Barber, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2389) not later than **12:00 noon on Wednesday, March 12, 2018.** Late responses will not be considered.

The Department of Military Affairs is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (Minnesota State)

Itasca Community College

Request for Proposal (RFP) for Roof Design for Media Center Roof, Masonry and Interior Repairs Project

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities (Minnesota State), on behalf of Itasca Community College, Grand Rapids, Minnesota, is soliciting proposals from interested, qualified building envelope design consultants for the above referenced project.

A full Request for Proposals (RFP) is available on the Minnesota State website:

State Contracts

<http://www.minnstate.edu/vendors/index.html>. Under FACILITIES CONSULTANT & CONTRACTOR OPPORTUNITIES.

A mandatory informational meeting is scheduled for **10:30 a.m., Wednesday, March 7, 2018, in Room A114 Administration Building**, at Itasca Community College, 1851 East Hwy 169, Grand Rapids, MN.

Proposals are due no later than **2:00 p.m., Tuesday, March 13, 2018**. Late responses will not be considered. Submittal details can be found in the RFP.

Itasca Community College is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (Minnesota State) Minneapolis Community and Technical College Notice of Availability of Request for Proposal (RFP) for Media Buying Services

The College is seeking proposals from qualified firms to provide media buying services. The full Request For Proposal can be found on <http://www.minnstate.edu/vendors/index.html>

Mailed or delivered sealed proposals (faxes and emails will not be accepted) must be received at the following address not later than **12:00 p.m. CST on Monday, March 5, 2018**:

Minneapolis Community and Technical College
Attn: Geoffrey Jones, Director of Marketing and Communications
1501 Hennepin Avenue, Minneapolis, MN 55403
612-659-6222
geoffrey.jones@minneapolis.edu

Minnesota State Colleges and Universities (Minnesota State) St. Cloud Technical & Community College Formal Request for Proposal for Landscape Update and Maintenance

Response Due Date and Time: **Monday, March 19, 2018 at 2:00 p.m. Central Time**

The complete Request for Proposal will be available on Monday, February 26, 2018 on the website <http://www.sctcc.edu/rfp>.

Title of Project: Landscape Update and Maintenance

Geographic Location Requirements: St. Cloud Technical & Community College, 1540 Northway Drive, St. Cloud, MN 56303

Responses must be received at the location listed below:

St. Cloud Technical & Community College
1540 Northway Drive
St. Cloud, MN 56303
Susan Meyer, Purchasing Agent, Room 1-401
Phone: (320) 308-5973
Fax: (320) 308-5027
E-mail: smeyer@sctcc.edu

Contact for questions: Susan Meyer, Phone: (320) 308-5973 e-mail: smeyer@sctcc.edu

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above. Late responses cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of the RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person above. This is a request for responses to an RFP and is NOT a purchase order.**

Minnesota Historical Society (MNHS) Request for Proposals: Archaeological Survey and Excavation at Historic Fort Snelling @ Bdote

The Minnesota Historical Society (Society) seeks a qualified consultant to conduct archaeological survey and excavation at Historic Fort Snelling @ Bdote, in connection with the Fort Snelling Revitalization Project. The work is part of historic property identification efforts in connection with the Section 106 review of the project being conducted by the National Park Service (NPS).

The Request for Proposal is available by contacting Mary Green Toussaint, Contract Manager, Minnesota Historical Society, by e-mail only: mary.green-toussaint@mnhs.org

Proposals must be received by Mary Green Toussaint, MNHS Contract/Purchasing Manager, or her agent by **2:00 p.m. CST, Thursday, March 20, 2018**. Late proposals will not be accepted. Authorized agents for receipt of proposals are staff located at the Information Desk on the 1st floor of the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102.

MNsure

Request for Proposals: MNsure Solution to Verify Loss of Insurance Coverage

MNsure is seeking a solution for verifying loss of employer and non-employer insurance coverage of consumers who apply for health coverage on the individual market. Specifically, MNsure seeks to automate the process of verifying a consumer's claim of loss of insurance coverage. A complete copy of the Request for Proposals will be available by 4:00 p.m. on Monday, February 26, 2018, on MNsure's website at: <https://www.mnsure.org/about-us/rfp-contract/rfp.jsp>. Proposals are due **March 19, 2018 by 4:00 p.m, Central Time. Late proposals will not be considered.** Faxed or e-mailed proposals will not be considered. Please see MNsure's website for more information.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting

P/T Contracting Opportunities: MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

State Contracts

Taxpayers' Transportation Accountability Act (TTAA) Notices: MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

MnDOT's Prequalification Program: MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

MnDOT Consultant Services website: www.dot.state.mn.us/consult

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

Non-State Public Bids, Contracts & Grants

The State Register also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2018 Pavement Joint Sealing

Project Location: Minneapolis-St. Paul International Airport
Project Name: 2018 Pavement Joint Sealing
MAC Contract No. 106-1-288
Bids Close At: 2:00 PM on March 13, 2018

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for concrete surface repairs and re-sealing of pavement joints and cracks in concrete pavements and bituminous shoulders at Minneapolis-St. Paul International Airport.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 14%.

Bid Security: Each bid shall be accompanied by a "Bid-Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

— Non-State Public Bids, Contracts & Grants

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of TKDA, the Minnesota Builders Exchange, Dodge Data and Analytics, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN, 55101; PH: (651) 292-4400; FX: (651) 292-0083. Make checks payable to: TKDA. Deposit per set (refundable): \$50.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on February 26, 2018, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2018 Storm Sewer Rehabilitation

Project Location: Minneapolis-St. Paul International Airport
Project Name: 2018 Storm Sewer Rehabilitation
MAC Contract No. 106-1-287
Bids Close At: 2:00 PM on March 13, 2018

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for cleaning, inspection, and rehabilitation of storm sewers and glycol sewers at various locations where aircraft deicing occurs at Minneapolis-St. Paul International Airport.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 6%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of TKDA, the Minnesota Builders Exchange, Dodge Data and Analytics, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN 55101; PH: (651) 292-4400; FX: (651) 292-0083. Make checks payable to: TKDA. Deposit per set (refundable): \$100.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on February 26, 2018, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Minnesota's Bookstore

Several convenient ways to order:

- **Retail store** Open 8 a.m. - 3 p.m. Monday - Friday, 660 Olive Street, St. Paul
- **Phone** (credit cards): 8 a.m. - 4 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)

- **On-line orders:** www.mnbookstore.com
- **Minnesota Relay Service:** 711
- **Fax** (credit cards): 651.215.5733 (fax line available 24 hours)
- **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

Minnesota's Bookstore accepts VISA, MasterCard, American Express & Discover for all purchases.

PREPAYMENT REQUIRED. Prices and availability subject to change. **Fax and phone orders** require credit card.

Please allow 1-2 weeks for delivery. For **mail orders**, complete order blank and send to address above.

Enclose payment - for security reasons, we do not recommend mailing credit card information.

Please allow 2-3 weeks for delivery.

Please make checks payable to "Minnesota's Bookstore."

A \$20.00 fee will be charged for returned checks.

Stock No.	Title	Quantity	Unit Price	Total

Send my order to:

Company:		
Name:		
Street Address: <small>(Not deliverable to P.O. boxes)</small>		
City:	State:	Zip:
Daytime phone: () <small>(In case we have a question about your order - please include area code)</small>		

Shipping Charges	
<i>If Product</i>	<i>Please Add:</i>
Subtotal is:	
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$500.00	\$ 17.00
\$500.01-\$1,000	\$ 22.00*
<small>*\$22 to an address in MN, WI, SD, ND, IA.</small>	
<small>If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.</small>	
More than \$1,000 Call	

Product Subtotal _____

Shipping _____
(see chart at left)

Subtotal _____

Sales tax _____
(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address, 7.125% MN transit tax or other local sales tax if applicable)

TOTAL _____

For security reasons, we recommend that you call to place a credit card order.

Credit card number:	
Expiration date:	3- or 4- digit security code: <small>(found on back of card)</small>
Signature:	

If tax exempt, please provide ES number or completed exemption form.

ES# _____

Email me about new publications, special offers or related products: _____